

WSR 15-10-002
PERMANENT RULES
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed April 22, 2015, 1:34 p.m., effective May 23, 2015]

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

Purpose: Amendments to these rules were necessary to reduce the risk of conflict with federal law.

Citation of Existing Rules Affected by this Order: Repealing WAC 182-503-0530; and amending WAC 182-503-0535.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-07-084 on March 17, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 1.

Date Adopted: April 22, 2015.

Jason R. P. Crabbe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-16-052, filed 7/29/14, effective 8/29/14)

WAC 182-503-0535 Washington apple health—Citizenship and ((alien)) immigration status. ~~((1) To receive Washington apple health (WAH) coverage, you must meet all other eligibility requirements and be one of the following as defined in WAC 182-503-0530:~~

- ~~(a) A United States (U.S.) citizen;~~
- ~~(b) A U.S. national;~~
- ~~(c) A qualified alien; or~~
- ~~(d) A nonqualified alien and you are a:~~
 - ~~(i) Pregnant woman;~~
 - ~~(ii) Person who is otherwise eligible for medical care services (see WAC 182-508-0005);~~
 - ~~(iii) Child under age nineteen; or~~
 - ~~(iv) Child under age twenty-one who resides in an institution.~~

~~(2) If you are a nonqualified alien approved under deferred action childhood arrivals (DACA), then you are not eligible for WAH under subsection (1)(d) of this section. However, you may qualify under subsection (6) of this section.~~

~~(3) If you are a qualified alien as defined in WAC 182-503-0530, who physically entered the U.S. before August 22, 1996, you may receive WAH for nonpregnant adults if you:~~

- ~~(a) Became a qualified alien before August 22, 1996; or~~
- ~~(b) Became a qualified alien on or after August 22, 1996, and have continuously resided in the U.S. between your date of entry into the U.S. and the date on which you became a qualified alien.~~

~~(4) If you are a qualified alien who physically entered the U.S. on or after August 22, 1996, and you are a nonpregnant adult, you are not eligible to receive WAH for five years beginning on the day you most recently became a qualified alien, unless you meet one of the exemptions in subsection (5) of this section. This is called the five-year bar. The five-year bar starts on the day you obtain qualified alien status.~~

~~(5) You are exempt from the five-year bar if you are one of the following qualified aliens as defined in WAC 182-503-0530:~~

- ~~(a) Amerasian lawful permanent residents;~~
- ~~(b) Asylees;~~
- ~~(c) Cuban/Haitian entrants;~~
- ~~(d) Persons granted withholding of deportation or removal;~~
- ~~(e) Refugees;~~
- ~~(f) Special immigrants from Iraq and Afghanistan;~~
- ~~(g) Victims of trafficking who have been certified or had their eligibility approved by the Office of Refugee Resettlement (ORR); and~~
- ~~(h) American Indians born outside the U.S. without regard to immigration status or date of entry if:~~
 - ~~(i) They were born in Canada and are fifty percent American Indian blood (but need not belong to a federally recognized tribe); or~~
 - ~~(ii) They are members of a federally recognized Indian tribe or Alaskan Native village or corporation; and~~

~~(i) Lawful permanent residents, parolees, or battered aliens, who are also an armed services member or veteran, or a family member of an armed services member or veteran, as described below:~~

- ~~(i) On active duty in the U.S. military, other than active duty for training;~~
- ~~(ii) An honorably discharged U.S. veteran;~~
- ~~(iii) A veteran of the military forces of the Philippines who served prior to July 1st, 1946, as described in Title 38, Section 107 of the U.S. Code; or~~
- ~~(iv) The spouse, unremarried widow or widower, or unmarried dependent child of a veteran or active duty service member.~~

~~(6) If you are ineligible for WAH because of the five-year bar or because of your immigration status, including if you are approved under DACA, you may be eligible for:~~

- ~~(a) The WAH alien emergency medical program as described in WAC 182-507-0110 through 182-507-0125;~~
- ~~(b) WAH pregnancy medical for noncitizen women as described in WAC 182-505-0115;~~
- ~~(c) WAH for kids for pregnant minors as described in WAC 182-505-0117;~~
- ~~(d) State-funded WAH for kids as described in WAC 182-505-0210; or~~

~~(e) The medical care services (MCS) program as described in chapter 182-508 WAC.)~~ (1) **Definitions.**

(a) **Nonqualified alien** means someone who is lawfully present in the United States (U.S.) but who is not a qualified alien, a U.S. citizen, a U.S. national, or a qualifying American Indian born abroad.

(b) **Qualified alien** means someone who is lawfully present in the United States and who is one or more of the following:

(i) A person lawfully admitted for permanent residence (LPR).

(ii) An abused spouse or child, a parent of an abused child, or a child of an abused spouse who no longer resides with the person who committed the abuse, and who has one of the following:

(A) A pending or approved I-130 petition or application to immigrate as an immediate relative of a U.S. citizen or as the spouse of an unmarried LPR younger than twenty-one years of age.

(B) Proof of a pending application for suspension of deportation or cancellation of removal under the Violence Against Women Act (VAWA).

(C) A notice of prima facie approval of a pending self-petition under VAWA. An abused spouse's petition covers his or her child if the child is younger than twenty-one years of age. In that case, the child retains qualified alien status even after he or she turns twenty-one years of age.

(iii) A person who has been granted parole into the U.S. for one year or more, under the Immigration and Nationality Act (INA) Section 212 (d)(5), including public interest parolees.

(iv) A member of a Hmong or Highland Laotian tribe that rendered military assistance to the U.S. between August 5, 1964, and May 7, 1975, including the spouse, unremarried widow or widower, and unmarried dependent child of the tribal member.

(v) A person who was admitted into the U.S. as a conditional entrant under INA Section 203 (a)(7) before April 1, 1980.

(vi) A person admitted to the U.S. as a refugee under INA Section 207.

(vii) A person who has been granted asylum under INA Section 208.

(viii) A person granted withholding of deportation or removal under INA Section 243(h) or 241 (b)(3).

(ix) A Cuban or Haitian national who was paroled into the U.S. or given other special status.

(x) An Amerasian child of a U.S. citizen under 8 C.F.R. Section 204.4(a).

(xi) A person from Iraq or Afghanistan who has been granted special immigrant status under INA Section 101 (a)(27).

(xii) A person who has been certified or approved as a victim of trafficking by the federal office of refugee resettlement, or who is:

(A) The spouse or child of a trafficking victim of any age; or

(B) The parent or minor sibling of a trafficking victim who is younger than twenty-one years of age.

(c) **U.S. citizen** means someone who is a United States citizen under federal law.

(d) **U.S. national** means someone who is a United States national under federal law.

(e) **Undocumented person** means someone who is not lawfully present in the U.S.

(f) **Qualifying American Indian born abroad** means someone who:

(i) Was born in Canada and has at least fifty percent American Indian blood, regardless of tribal membership; or

(ii) Was born outside of the United States and is a member of a federally recognized tribe or an Alaska Native enrolled by the Secretary of the Interior under the Alaska Native Claims Settlement Act.

(2) Eligibility.

(a) A U.S. citizen, U.S. national or qualifying American Indian born abroad may be eligible for:

(i) Apple health for adults;

(ii) Apple health for kids;

(iii) Apple health for pregnant women; or

(iv) Classic medicaid.

(b) A qualified alien who meets or is exempt from the five-year bar may be eligible for:

(i) Apple health for adults;

(ii) Apple health for kids;

(iii) Apple health for pregnant women; or

(iv) Classic medicaid.

(c) A qualified alien who neither meets nor is exempt from the five-year bar may be eligible for:

(i) Alien medical programs;

(ii) Apple health for kids;

(iii) Apple health for pregnant women; or

(iv) Medical care services.

(d) A nonqualified alien may be eligible for:

(i) Alien medical programs;

(ii) Apple health for kids;

(iii) Apple health for pregnant women; or

(iv) Medical care services.

(e) An undocumented person may be eligible for:

(i) Alien medical programs;

(ii) State-only funded apple health for kids; or

(iii) State-only funded apple health for pregnant women.

(3) The five-year bar.

(a) A qualified alien meets the five-year bar if he or she:

(i) Continuously resided in the U.S. for five years or more from the date he or she became a qualified alien; or

(ii) Entered the U.S. before August 22, 1996, and:

(A) Became a qualified alien before August 22, 1996; or

(B) Became a qualified alien on or after August 22,

1996, and has continuously resided in the U.S. between the date of entry into the U.S. and the date he or she became a qualified alien.

(b) A qualified alien is exempt from the five-year bar if he or she is:

(i) A qualified alien as defined in subsections (1)(b)(vi) through (xii) of this section;

(ii) An LPR, parolee, or abused person, who is also an armed services member or veteran, or a family member of an armed services member or veteran, as described below:

(A) An active-duty member of the U.S. military, other than active-duty for training;

(B) An honorably discharged U.S. veteran;

(C) A veteran of the military forces of the Philippines who served before July 1, 1946, as described in Title 38 U.S.C. Section 107; or

(D) The spouse, unremarried widow or widower, or unmarried dependent child of an honorably discharged U.S. veteran or active-duty member of the U.S. military.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 182-503-0530 Citizenship and alien status—Definitions.

WSR 15-10-003

PERMANENT RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed April 22, 2015, 1:40 p.m., effective May 23, 2015]

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

Purpose: The agency aligned site visit requirements with federal regulations under 42 C.F.R. 455.432. The Federal Tort Claims Act (FTCA) protects certain individuals acting within the scope of their official duties from liability. The agency added the reference to the FTCA to reflect these protections.

Citation of Existing Rules Affected by this Order: Amending WAC 182-502-0006, 182-502-0010, 182-502-0012, and 182-502-0016.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: 42 C.F.R. 455.432.

Adopted under notice filed as WSR 15-07-085 on March 17, 2015.

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

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

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

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

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

Date Adopted: April 22, 2015.

Jason R. P. Crabbe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-19-037, filed 9/11/13, effective 10/12/13)

WAC 182-502-0006 Enrollment for nonbilling individual providers. (1) The agency pays for health care services, drugs, supplies or equipment prescribed, ordered, or referred by a health care professional only when the health care professional has one of the following approved agreements with the agency and all other conditions of payment have been met (see WAC 182-501-0050):

(a) Core provider agreement, in accordance with WAC 182-502-0005; or

(b) Nonbilling provider agreement, in accordance with subsection (4) of this section.

(2) Only a licensed health care professional whose scope of practice under their licensure includes ordering, prescribing, or referring may enroll as a nonbilling provider.

(3) Nothing in this chapter obligates the agency to enroll any health care professional who requests enrollment as a nonbilling provider.

(4) Enrollment.

(a) To enroll as a nonbilling provider with the medicaid agency, a health care professional must, on the date of application:

(i) Not already be enrolled with the medicaid agency as a billing or servicing provider;

(ii) Be currently licensed, certified, accredited, or registered according to Washington state laws and rules;

(iii) Be enrolled with medicare, when required in specific program rules;

(iv) Have current professional liability coverage, individually or as a member of a group, to the extent the health care professional is not covered by the Federal Tort Claims Act, including related rules and regulations;

(v) Have a current federal drug enforcement agency (DEA) certificate, if applicable to the profession's scope of practice;

(vi) Pass the agency's screening process, including license verifications, data base checks, site visits, and criminal background checks, including fingerprint-based criminal background checks as required by 42 C.F.R. 455.434 if considered high-risk under 42 C.F.R. 455.450. The agency uses the same screening level risk categories that apply under medicare. For those provider types that are not recognized under medicare, the agency assesses the risk of fraud, waste, and abuse using similar criteria to those used in medicare;

(vii) Meet the conditions in this chapter and other chapters regulating the specific type of health care practitioner; and

(viii) Sign, without modification, a Medicaid Enrollment Application and Agreement for Nonbilling Individual Providers form (HCA 13-002). The medicaid agency and each provider signing a Medicaid Enrollment Application and Agreement for Nonbilling Individual Providers form (HCA 13-002) will hold each other harmless from a legal action based on the negligent actions or omissions of either party under the terms of this agreement.

(b) The medicaid agency does not enroll a nonbilling provider for reasons which include, but are not limited to, the following:

(i) The agency determines that:

(A) There is a quality of care issue with significant risk factors that may endanger client health and/or safety (see WAC 182-502-0030 (1)(a)); or

(B) There are risk factors that affect the credibility, honesty, or veracity of the health care practitioner (see WAC 182-502-0030 (1)(b)).

(ii) The health care professional:

(A) Is excluded from participation in medicare, medicaid or any other federally funded health care program;

(B) Has a current formal or informal pending disciplinary action, statement of charges, or the equivalent from any state or federal professional disciplinary body at the time of initial application;

(C) Has a suspended, terminated, revoked, or surrendered professional license as defined under chapter 18.130 RCW;

(D) Has a restricted, suspended, terminated, revoked, or surrendered professional license in any state;

(E) Is noncompliant with the department of health's or other state health care agency's stipulation of informal disposition, agreed order, final order, or similar licensure restriction;

(F) Is suspended or terminated by any agency within the state of Washington that arranges for the provision of health care;

(G) Fails a background check, including a fingerprint-based criminal background check, performed by the agency. See WAC 182-502-0014, except that subsection (2) of this section does not apply to nonbilling providers;

(H) Does not have sufficient liability insurance according to (a)((+)) (iv) of this subsection for the scope of practice, to the extent the health care professional is not covered by the Federal Tort Claims Act, including related rules and regulations; or

(I) Fails to meet the requirements of a site visit, as required by 42 C.F.R. 455.432.

(5) **Effective date of enrollment of nonbilling provider.** Enrollment of a nonbilling provider applicant is effective on the date the agency approves the nonbilling provider application.

(a) A nonbilling provider applicant may ask for an effective date earlier than the agency's approval of the nonbilling provider application by submitting a written request to the agency's chief medical officer. The request must specify the requested effective date and include an explanation justifying the earlier effective date. The chief medical officer will not authorize an effective date that is:

(i) Earlier than the effective date of any required license or certification; or

(ii) More than three hundred sixty-five days prior to the agency's approval of the nonbilling provider application.

(b) The chief medical officer or designee may approve exceptions as follows:

(i) Emergency services;

(ii) Agency-approved out-of-state services;

(iii) Medicaid provider entities that are subject to survey and certification by CMS or the state survey agency;

(iv) Retroactive client eligibility; or

(v) Other critical agency need as determined by the agency's chief medical officer or designee.

(6) **Continuing requirements.** To continue eligibility, a nonbilling provider must:

(a) Only order, refer, or prescribe for clients consistent with the scope of their department of health (DOH) licensure and agency program rules;

(b) Provide all services without discriminating on the grounds of race, creed, color, age, sex, sexual orientation, religion, national origin, marital status, the presence of any sensory, mental or physical handicap, or the use of a trained dog guide or service animal by a person with a disability;

(c) Document that the client was informed that the provider:

(i) May bill the client for any billable item or service. The rules in WAC 182-502-0160 do not apply; and

(ii) Is enrolled with the agency for the sole purpose of ordering, prescribing, or referring items or services for clients.

(d) Inform the agency of any changes to the provider's Medicaid Enrollment Application and Agreement for Non-billing Individual Providers form (HCA 13-002) including, but not limited to, changes in:

(i) Address or telephone number;

(ii) Business name.

(e) Retain a current professional state license, registration, certification and applicable business license for the service being provided, and update the agency of all changes;

(f) Inform the agency in writing within seven business days of receiving any informal or formal disciplinary order, decision, disciplinary action or other action(s) including, but not limited to, restrictions, limitations, conditions and suspensions resulting from the practitioner's acts, omissions, or conduct against the provider's license, registration, or certification in any state;

(g) Maintain professional liability coverage requirements, to the extent the nonbilling provider is not covered by the Federal Tort Claims Act, including related rules and regulations;

(h) Not surrender, voluntarily or involuntarily, his or her professional state license, registration, or certification in any state while under investigation by that state or due to findings by that state resulting from the practitioner's acts, omissions, or conduct;

(i) Furnish documentation or other assurances as determined by the agency in cases where a provider has an alcohol or chemical dependency problem, to adequately safeguard the health and safety of medical assistance clients that the provider:

(i) Is complying with all conditions, limitations, or restrictions to the provider's practice both public and private; and

(ii) Is receiving treatment adequate to ensure that the dependency problem will not affect the quality of the provider's practice.

(j) Submit to a revalidation process at least every five years. This process includes, but is not limited to:

(i) Updating provider information;

(ii) Submitting forms as required by the agency including, but not limited to, a new Medicaid Enrollment Applica-

tion and Agreement for Nonbilling Individual Providers form (HCA 13-002); and

(iii) Passing the agency's screening process as specified in subsection (4)(a)(vi) of this section.

(k) Follow the laws and rules that govern the agency's programs. A nonbilling provider may contact the agency with questions regarding the agency's programs. However, the agency's response is based solely on the information provided to the agency's representative at the time of inquiry, and in no way exempts a nonbilling provider from this requirement.

(7) Audit or investigation.

(a) Audits or investigations may be conducted to determine compliance with the rule and regulations of the program.

(b) If an audit or investigation is initiated, the provider must retain all original records and supportive materials until the audit is completed and all issues are resolved even if the period of retention extends beyond the required six year period.

(8) Inspection; maintenance of records. For six years from the date of services, or longer if required specifically by law, the nonbilling provider must:

(a) Keep complete and accurate medical records that fully justify and disclose the extent of the services or items ordered, referred or prescribed.

(b) Make available upon request appropriate documentation, including client records, supporting material for review by the professional staff within the agency or the U.S. Department of Health and Human Services. The nonbilling provider understands that failure to submit or failure to retain adequate documentation may result in the termination of the nonbilling provider's enrollment.

(9) Terminations.

(a) The agency may immediately terminate a nonbilling provider's agreement, and refer the nonbilling provider to the appropriate state health professions quality assurance commission for:

(i) Any of the reasons in WAC 182-502-0030 termination for cause (except that subsection (1)(a)(ix) and (b)(i) do not apply); and

(ii) Failure to comply with the requirements of subsections (4), (6), and (8) of this section.

(b) Either the agency or the provider may terminate this agreement for convenience at any time with thirty calendar days' written notification to the other.

(c) If this agreement is terminated for any reason, the agency will pay for services ordered, referred, or prescribed by the provider only through the date of termination.

(10) Termination disputes.

(a) To dispute terminations of a nonbilling provider agreement under subsection (9)(a) of this section, the dispute process in WAC 182-502-0050 applies.

(b) Nonbilling providers cannot dispute terminations under subsection (9)(b) of this section.

AMENDATORY SECTION (Amending WSR 13-03-068, filed 1/14/13, effective 2/14/13)

WAC 182-502-0010 When the medicaid agency enrolls. (1) Nothing in this chapter obligates the medicaid

agency to enroll any eligible health care professional, health care entity, supplier or contractor of service who requests enrollment.

(2) To enroll as a provider with the agency, a health care professional, health care entity, supplier or contractor of service must, on the date of application:

(a) Be currently licensed, certified, accredited, or registered according to Washington state laws and rules, or, if exempt under federal law, according to the laws and rules of any other state. Persons or entities outside of Washington state, see WAC 182-502-0120;

(b) Be enrolled with medicare, when required in specific program rules;

(c) Have current professional liability coverage, individually or as a member of a group, to the extent the health care professional, health care entity, supplier or contractor is not covered by the Federal Tort Claims Act, including related rules and regulations;

(d) Have a current federal drug enforcement agency (DEA) certificate, if applicable to the profession's scope of practice;

(e) Meet the conditions in this chapter and other chapters regulating the specific type of health care practitioner;

(f) Sign, without modification, a core provider agreement (CPA) (HCA 09-015), disclosure of ownership form, and debarment form (HCA 09-016) or a contract with the agency;

(g) Agree to accept the payment from the agency as payment in full (in accordance with 42 C.F.R. § 447.15 acceptance of state payment as payment in full and WAC 182-502-0160 billing a client);

(h) Fully disclose ownership, employees who manage, and other control interests (e.g., member of a board of directors or office), as requested by the agency. Indian health services clinics are exempt from this requirement. If payment for services is to be made to a group practice, partnership, or corporation, the group, partnership, or corporation must enroll and provide its national provider identifier (NPI) (if eligible for an NPI) to be used for submitting claims as the billing provider;

(i) Have screened employees and contractors with whom they do business prior to hiring or contracting to assure that employees and contractors are not excluded from receiving federal funds as required by 42 U.S.C. 1320a-7 and 42 U.S.C. 1320c-5;

(j) Pass the agency's screening process, including license verifications, data base checks, site visits, and criminal background checks, including fingerprint-based criminal background checks as required by 42 C.F.R. 455.434 if considered high-risk under 42 C.F.R. 455.450. The agency uses the same screening level risk categories that apply under medicare. For those provider types that are not recognized under medicare, the agency assesses the risk of fraud, waste, and abuse using similar criteria to those used in medicare; and

(k) Agree to pay an application fee, if required by CMS under 42 C.F.R. 455.460.

AMENDATORY SECTION (Amending WSR 13-17-047, filed 8/13/13, effective 10/1/13)

WAC 182-502-0012 When the medicaid agency does not enroll. (1) The medicaid agency does not enroll a health care professional, health care entity, supplier, or contractor of service for reasons which include, but are not limited to, the following:

- (a) The agency determines that:
 - (i) There is a quality of care issue with significant risk factors that may endanger client health (~~and/or~~), or safety, or both (see WAC 182-502-0030 (1)(a)); or
 - (ii) There are risk factors that affect the credibility, honesty, or veracity of the health care practitioner (see WAC 182-502-0030 (1)(b)).
- (b) The health care professional, health care entity, supplier or contractor of service:
 - (i) Is excluded from participation in medicare, medicaid or any other federally funded health care program;
 - (ii) Has a current formal or informal pending disciplinary action, statement of charges, or the equivalent from any state or federal professional disciplinary body at the time of initial application;
 - (iii) Has a suspended, terminated, revoked, or surrendered professional license as defined under chapter 18.130 RCW;
 - (iv) Has a restricted, suspended, terminated, revoked, or surrendered professional license in any state;
 - (v) Is noncompliant with the department of (~~health's~~) health or other state health care agency's stipulation of informal disposition, agreed order, final order, or similar licensure restriction;
 - (vi) Is suspended or terminated by any agency within the state of Washington that arranges for the provision of health care;
 - (vii) Fails a background check, including a fingerprint-based criminal background check, performed by the agency. See WAC 182-502-0014 and 182-502-0016; or
 - (viii) Does not have sufficient liability insurance according to WAC 182-502-0016 for the scope of practice(~~or~~); or
 - (ix) Fails to meet the requirements of a site visit, as required by 42 C.F.R. 455.432), to the extent the health care professional, health care entity, supplier or contractor of service is not covered by the Federal Tort Claims Act, including related rules and regulations.

(c) A site visit under 42 C.F.R. 455.432 reveals that the provider has failed to comply with a state or federal requirement.

(2) The agency may not pay for any health care service, drug, supply or equipment prescribed or ordered by a health care professional, health care entity, supplier or contractor of service whose application for a core provider agreement (CPA) has been denied or terminated.

(3) The agency may not pay for any health care service, drug, supply, or equipment prescribed or ordered by a health care professional, health care entity, supplier or contractor of service who does not have a current CPA with the agency when the agency determines there is a potential danger to a client's health and/or safety.

(4) Nothing in this chapter precludes the agency from entering into other forms of written agreements with a health

care professional, health care entity, supplier or contractor of service.

(5) If the agency denies an enrollment application, the applicant does not have any dispute rights within the agency.

(6) Under 42 C.F.R. 455.470, the agency:

(a) Will impose a temporary moratorium on enrollment when directed by CMS; or

(b) May initiate and impose a temporary moratorium on enrollment when approved by CMS.

AMENDATORY SECTION (Amending WSR 13-03-068, filed 1/14/13, effective 2/14/13)

WAC 182-502-0016 Continuing requirements. (1) To continue to provide services for eligible clients and be paid for those services, a provider must:

(a) Provide all services without discriminating on the grounds of race, creed, color, age, sex, sexual orientation, religion, national origin, marital status, the presence of any sensory, mental or physical handicap, or the use of a trained dog guide or service animal by a person with a disability;

(b) Provide all services according to federal and state laws and rules, medicaid agency billing instructions, numbered memoranda issued by the agency, and other written directives from the agency;

(c) Inform the agency of any changes to the provider's application or contract, including but not limited to, changes in:

(i) Ownership (see WAC 182-502-0018);

(ii) Address or telephone number;

(iii) Professional practicing under the billing provider number; or

(iv) Business name.

(d) Retain a current professional state license, registration, certification and applicable business license for the service being provided, and update the agency of all changes;

(e) Inform the agency in writing within seven calendar days of changes applicable to the provider's clinical privileges;

(f) Inform the agency in writing within seven business days of receiving any informal or formal disciplinary order, decision, disciplinary action or other action(s), including, but not limited to, restrictions, limitations, conditions and suspensions resulting from the practitioner's acts, omissions, or conduct against the provider's license, registration, or certification in any state;

(g) Screen employees and contractors with whom they do business prior to hiring or contracting, and on a monthly ongoing basis thereafter, to assure that employees and contractors are not excluded from receiving federal funds as required by 42 U.S.C. 1320a-7 and 42 U.S.C. 1320c-5;

(h) Report immediately to the agency any information discovered regarding an employee's or contractor's exclusion from receiving federal funds in accordance with 42 U.S.C. 1320a-7 and 42 U.S.C. 1320c-5. See WAC 182-502-0010 (2)(j);

(i) Pass any portion of the agency's screening process as specified in WAC 182-502-0010 (2)(j) when the agency requires such information to reassess a provider;

(j) Maintain professional and general liability coverage ~~((requirements, if not covered))~~ to the extent the provider is not covered;

~~(i) Under agency, center, or facility ~~((in the amounts identified by the medicaid agency))~~ professional and general liability coverage; or~~

(ii) By the Federal Tort Claims Act, including related rules and regulations;

(k) Not surrender, voluntarily or involuntarily, his or her professional state license, registration, or certification in any state while under investigation by that state or due to findings by that state resulting from the practitioner's acts, omissions, or conduct;

(l) Furnish documentation or other assurances as determined by the agency in cases where a provider has an alcohol or chemical dependency problem, to adequately safeguard the health and safety of medical assistance clients that the provider:

(i) Is complying with all conditions, limitations, or restrictions to the provider's practice both public and private; and

(ii) Is receiving treatment adequate to ensure that the dependency problem will not affect the quality of the provider's practice; and

(m) Submit to a revalidation process at least every five years. This process includes, but is not limited to:

(i) Updating provider information including, but not limited to, disclosures;

(ii) Submitting forms as required by the agency including, but not limited to, a new core provider agreement; and

(iii) Passing the agency's screening process as specified in WAC 182-502-0010 (2)(j).

(2) A provider may contact the agency with questions regarding its programs. However, the agency's response is based solely on the information provided to the agency's representative at the time of inquiry, and in no way exempts a provider from following the laws and rules that govern the agency's programs.

(3) The agency may refer the provider to the appropriate state health professions quality assurance commission.

WSR 15-10-005

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 22, 2015, 2:19 p.m., effective May 23, 2015]

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

Purpose: To align sections of chapter 308-96A WAC with new license plate replacement requirements in RCW 46.16A.200, 46.16A.020, 46.16A.110, 46.17.200, 46.18.130, and 46.18.140 as modified by chapter 80, Laws of 2014 (2ESSB 5785).

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-021, 308-96A-026, 308-96A-056, 308-96A-057, 308-96A-064, 308-96A-065, 308-96A-070, 308-96A-071, 308-96A-072, 308-96A-073, 308-96A-074, 308-96A-076, 308-96A-077, 308-96A-078, 308-96A-079, 308-96A-175, 308-96A-176, 308-96A-202, 308-96A-203,

308-96A-210, 308-96A-260, 308-96A-300, 308-96A-530, 308-96A-545, and 308-96A-550.

Statutory Authority for Adoption: RCW 46.01.110, 46.16A.220.

Adopted under notice filed as WSR 15-06-059 on March 3, 2015.

Changes Other than Editing from Proposed to Adopted Version: Language was added to WAC 308-96A-065 stating that the department does not issue personalized plates with a number or letter combination that was previously reported as stolen. This is a technical correction; this is current policy and similar language exists in other WAC sections.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 25, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 25, Repealed 0.

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

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

Date Adopted: April 22, 2015.

Damon Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 04-08-079, filed 4/6/04, effective 5/7/04)

WAC 308-96A-021 Replacement plates—Requirements. (1) How do I obtain replacement plate(s) for my current Washington plate(s)?

You obtain replacement plate(s) by applying(~~:~~

~~(a) Either in person; or~~

~~(b) By mail, to a Washington vehicle licensing office; or~~

~~(c) Online through the department of licensing web page in conjunction with your registration renewal and seven-year replacement requirement)) to a Washington vehicle licensing office in person or by mail.~~

(2) When do I need to replace my plate(s)?

You need to replace your plate(s) if:

(a) Your plate(s) are lost, destroyed, or mutilated. For an additional fee, you may replace them with the same (~~number/letter~~) number and letter combination as long as the plate meets a current approved license plate configuration and background; or

(b) Your plate(s) are stolen. You may not request the same (~~number/letter~~) number and letter combination (see the note at the end of this section); or

(c) The primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle. Example: A passenger car used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as a commercial use truck; or

(d) ~~((Your vehicle license plates have reached the replacement cycle date established by this section by authority in RCW 46.16.233. For an additional fee, you may request the same number/letter combination as long as the plate meets a current approved license plate configuration and background.))~~ You took ownership of a vehicle, unless you met one of the exemptions in RCW 46.16A.200, or the vehicle is registered as a title purpose only or has one of the following nonstandard plates on it at the time of transfer:

- (i) Horseless carriage plates;
- (ii) Collector vehicle plates; or
- (iii) Restored plates.

(3) Who can apply for replacement plate(s)?

One of the registered owners ~~((must))~~ or the owner's authorized representative may apply for replacement plate(s).

(4) What documentation do I need to apply for replacement plate(s)?

(a) If your plate(s) are lost, stolen (see note at end of this section), destroyed, or mutilated, you need to submit an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. The registered owner's signature must be either notarized by a notary public or certified by an authorized employee of a Washington vehicle licensing office. A replacement plate fee will be charged. For an additional fee, the same ~~((number/letter))~~ number and letter combination may be requested as long as the plate meets a current approved license plate configuration and background.

(b) If the primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle, the department will replace the plate(s) without the affidavit of loss or letter of request. A new plate fee will be charged.

(5) What if the department issued incorrect plate(s) for my vehicle?

When incorrect plate(s) have been issued due to departmental error, the department will replace the plate(s) without the affidavit of loss or letter of request. No replacement plate fee will be charged in this case.

~~(6) **What is the replacement cycle date for my license plate?** The replacement cycle date for your license plate is seven years from the date the license plate(s) were issued. Notification will be included on the renewal notice when it is necessary to replace the license plates for a vehicle.~~

~~(7) **When I am required to)) If I** replace special license plate(s) on a currently registered vehicle, will I receive the same license plate ~~((number/letter))~~ number and letter combination? Yes, for an additional fee, if you are replacing license plates on a currently registered vehicle, your license plates will be replaced with the same ~~((number/letter))~~ number and letter combination as shown on the vehicle computer record as long as the plate meets a current approved license plate configuration and background.~~

~~((8) **What license plates are required to be replaced?** Vehicles that have license plates seven years or older that include:~~

- (a) Standard issue;
- (b) Collegiate;
- (c) HAM/MARS;
- (d) Personalized;

- (e) Ride share;
- (f) Disabled person;
- (g) Disabled veterans;
- (h) Pearl Harbor survivors;
- (i) Purple heart;
- (j) Stadium;
- (k) Square dancer;
- (l) Honorary Consular;
- (m) Former prisoner of war;
- (n) Commercial plates issued to vehicles with a declared gross weight 26,000 pounds or under;
- (o) Special plate series created after January 1, 2003.

~~**(9) What license plates are exempt from the replacement requirements?**~~

- (a) ~~Prorated vehicles over 16,000 pounds licensed under chapter 46.87 RCW;~~
- (b) ~~Commercial vehicles with declared gross weight over 26,000 pounds under RCW 46.16.233;~~
- (c) ~~Collector vehicle, horseless carriage vehicle and restored plates;~~
- (d) ~~Plates issued to government agencies with exempt use class; and~~
- (e) ~~Medal of Honor license plates.))~~

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same ~~((number/letter))~~ number and letter combination will not be issued.

AMENDATORY SECTION (Amending WSR 05-13-118, filed 6/20/05, effective 7/21/05)

WAC 308-96A-026 Vehicle transit permit. (1) What is a vehicle transit permit?

A vehicle transit permit is a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete an application for a Washington certificate of ~~((ownership))~~ title or registration. Use of the vehicle is restricted to the reason(s) indicated on the permit.

(2) How may a vehicle transit permit be used?

A vehicle transit permit may be used to obtain:

- (a) A Washington state patrol inspection;
- (b) A scale weight slip;
- (c) An emission test; or
- (d) Any other purpose that the department deems necessary.

(3) Where do I obtain a vehicle transit permit?

You may obtain a vehicle transit permit from Washington vehicle licensing offices.

(4) How long is the vehicle transit permit valid?

The permit is valid only for the days shown on the permit and may not exceed two days. The two days do not need to be consecutive.

(5) What information is required to issue the vehicle transit permit?

- (a) Description of the vehicle for which the permit is issued, which may include make, model, model year, and vehicle identification number;
- (b) Name and address of person obtaining the permit;
- (c) Specific purpose for which the permit is issued;

(d) The date or dates on which the permit is valid, for a maximum of two days;

(e) Applicant's signature; and

(f) Signature of vehicle licensing agent or issuing authority.

(6) How much does a vehicle transit permit cost?

There is ~~((no fee for the vehicle transit permit, however vehicle licensing subagents charge))~~ a five dollar service fee to issue a vehicle transit permit.

AMENDATORY SECTION (Amending WSR 02-16-071, filed 8/6/02, effective 9/6/02)

WAC 308-96A-056 Pearl Harbor survivor license plates. (1) **Who is eligible to receive Pearl Harbor survivor license plates?** Pearl Harbor survivor license plates may be issued to qualified applicants as authorized in RCW ~~((46.16.305(4)))~~ 46.18.270.

(2) **What documentation does a Pearl Harbor survivor or surviving spouse need to submit to obtain Pearl Harbor survivor license plates?**

(a) The Pearl Harbor survivor association certification required by RCW ~~((46.16.305(4)(e)))~~ 46.18.270(1)(e).

(b) Surviving spouses must also submit a copy of the death certificate and an affidavit that the spouse is not remarried.

(3) **May the spouse of a deceased Pearl Harbor survivor keep the Pearl Harbor survivor license plates?** Yes. To keep the Pearl Harbor survivor license plates, the surviving spouse must provide a copy of the Pearl Harbor survivor's death certificate and an affidavit that the spouse is not remarried in addition to the requirements of RCW ~~((46.16.305))~~ 46.18.270(4).

(4) ~~((When I am required to))~~ **If I replace my Pearl Harbor survivor license plate, will I receive the same license plate ((number/letter)) number and letter combination?** Yes. Upon request, you will receive replacement Pearl Harbor survivor license plates with the same ~~((number/letter))~~ number and letter combination as shown on the vehicle computer record.

AMENDATORY SECTION (Amending WSR 07-21-119, filed 10/23/07, effective 11/23/07)

WAC 308-96A-057 Purple Heart license plates. (1) **Under what authority does the department issue Purple Heart license plates?** ~~((The department issues Purple Heart license plates, under the authority of RCW 46.16.305 as written prior to 1990. Washington state law allowed the department to issue special license plate series denoting the age or type of vehicle or denoting special activities or interest, status, or contribution or sacrifice for the United States, the state of Washington, or citizens of the state of Washington, of a registered owner of that vehicle. The Washington legislature amended the law in 1990 allowing the department to continue issuing special license plates authorized under the law as it was before it was amended.))~~ RCW 46.18.280 authorizes the department to issue Purple Heart license plates.

(2) **Who may receive Purple Heart license plates?** Any Washington resident who:

(a) Has been awarded a Purple Heart medal by any branch of the United States Armed Forces, including the Merchant Marines and the Women's Air Forces Service Pilots or spouse if the recipient is deceased;

(b) Was wounded or is the spouse of a person who was wounded during one of this nation's wars or conflicts identified in RCW 41.04.005; and

(c) Is an owner, co-owner, lessee, or co-lessee of a vehicle requiring two license plates; or

(d) The spouse of a deceased recipient of a Purple Heart medal.

(3) **What documentation does a Purple Heart recipient or spouse of a deceased recipient need to submit to obtain Purple Heart license plates?** Purple Heart recipients or spouse of a deceased recipient applying for these license plates must submit:

(a) An application for Purple Heart license plates; and

(b) A copy of the armed forces document showing the recipient was awarded the Purple Heart medal.

(c) The surviving spouse of a deceased Purple Heart medal recipient may be issued a special Purple Heart license plate. In addition to confirm eligibility, the surviving spouse must submit the following:

(i) A copy of the death certificate of the deceased Purple Heart medal recipient; and

(ii) An affidavit that the applicant is not currently married.

(4) **May the spouse of a deceased Purple Heart recipient keep the Purple Heart license plates?** Yes. To keep the Purple Heart license plates the surviving spouse must provide:

(a) A copy of the Purple Heart recipient's death certificate; and

(b) An affidavit that the spouse has not remarried; and

(c) If the surviving spouse remarries, the Purple Heart special license plate is invalid and must be removed from the vehicle.

(5) ~~((When I am required to))~~ **If I replace my Purple Heart license plate, will I receive the same license plate number and letter combination?** Yes. If the vehicle owner requests and pays the fees in RCW ~~((46.16.233))~~ 46.16A.200, the Purple Heart license plates will be replaced with the same ~~((number/letter))~~ number and letter combination as shown on the vehicle computer record.

AMENDATORY SECTION (Amending WSR 02-17-024, filed 8/12/02, effective 9/12/02)

WAC 308-96A-064 Transfer or loss/destruction of foreign organization special license plates. (1) **Are foreign organization special license plates transferable?** Yes, they are transferable to another motor vehicle owned or leased by the representative of the foreign organization; however, the special license plates may not be transferred to anyone else.

(2) **How are foreign organization special license plates transferred to another vehicle?** Submit a request to the department to transfer the plates to another vehicle and

pay a transfer fee as provided in RCW ~~((46.16.316))~~ 46.17.200 in addition to all other applicable fees and taxes.

(3) **How are foreign organization special license plates replaced if they become lost, destroyed, mutilated, or stolen?** The representative of the foreign organization must submit a request to the department for replacement license plates and pay a replacement plate fee as provided in ~~((chapter 46.16))~~ RCW 46.17.200 in addition to all other applicable fees and taxes.

(4) ~~((When I am required to))~~ **If I replace my foreign organization special license plates, will I receive the same license plate ((number/letter)) number and letter combination?** Yes. Upon request, you will receive replacement foreign organization special license plates with the same ~~((number/letter))~~ number and letter combination as shown on the vehicle computer record.

(5) **What do I do with the foreign organization special license plates if I sell or otherwise dispose of the vehicle?** The plates must be removed and either ~~((=~~

~~((a)))~~ transferred to another vehicle owned or leased by the plate holder of the foreign organization ~~((and/or))~~ or immediately forwarded to the department ~~((=or~~

~~((b)))~~ Transferred to another vehicle as provided in subsection (1) of this section).

(6) **How are foreign organization special license plates disposed of?** The plates must be removed by the representative of the foreign organization and immediately forwarded to the department.

AMENDATORY SECTION (Amending WSR 07-20-110, filed 10/3/07, effective 11/3/07)

WAC 308-96A-065 Personalized license plates. (1)

What is a personalized license plate? Personalized license plates are plates reflecting the registered owner's chosen format or designation and are limited to those described in RCW ~~((46.16.560, 46.16.570 and 46.16.580))~~ 46.04.385 and 46.18.275.

(2) **Are there any restrictions on the use of letters and numbers on personalized license plates?** Personalized license plates may be issued with one to seven characters. Motorcycles and motorcycle trailers can have up to six characters. The letters "I" and "O" and the numbers "1" (one) and "0" (zero) may not be issued as single-digit plates.

(3) **When may the department deny an application for or cancel personalized plates?**

(a) The department may deny an application for personalized license plates or cancel personalized license plates previously issued if it determines the plate configuration to be:

- (i) Offensive to good taste and decency;
- (ii) Potentially misleading;
- (iii) Vulgar, profane, or sexually suggestive in nature;
- (iv) A racial, ethnic, lifestyle, or gender slur;
- (v) Related to alcohol or to illegal activities or substances;
- (vi) Blasphemous;
- (vii) Derogatory;
- (viii) Slanderous;
- (ix) A duplication of license plate or decal numbers provided in chapter 46.09, 46.10 or 46.16A RCW; or

(x) The personalized message appears to replicate the standard configuration for a special license plate; or

(xi) Contrary to the department's mission to promote highway safety.

(b) If the personalized license plates are canceled due to one or more reasons specified in subsection (3) of this section, the vehicle owner may:

(i) Apply for a refund for the fee paid under RCW ~~((46.16.585 and 46.16.606))~~ 46.17.210 and 46.68.435 for such license plates; or

(ii) Instead of a refund, apply for and upon approval be issued personalized license plates with a different configuration without payment of additional personalized license plate fees.

(c) The department may cancel personalized license plates if they are:

(i) Not renewed by the owner within forty-five days of the vehicle expiration; or

(ii) Removed from a vehicle and not transferred to a replacement vehicle within thirty days; or

(iii) Transferred to a new owner who does not make proper application for the plates within twenty-five days.

(4) **What special plates cannot be personalized?**

- (a) Medal of honor;
- (b) Horseless carriage;
- (c) Restored;
- (d) Collector vehicle;
- (e) Ham and Mars license plates;
- (f) Former prisoner of war;
- (g) Pearl Harbor survivor;
- (h) Disabled veteran;
- (i) Exempt license plates.

(5) **If my registration for personalized license plates has elapsed, how do I get them reinstated or reissued?**

(a) If you are an owner of a personalized license plate and do not renew it within forty-five days, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(b) If you purchase a vehicle with a personalized plate and do not transfer the ownership of the personalized plate within twenty-five days, you forfeit ownership of the plate. The department will make that personalized plate available to the first applicant for that plate configuration.

(c) If you are the owner of a personalized license plate who does not transfer the plate as described in (b) of this subsection, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(6) **Can I transfer my personalized license plate?** Yes, if you are the owner(s) of a vehicle with personalized license plates and sell, trade, or otherwise transfer ownership of the vehicle, you may transfer the plates to another vehicle within thirty days; (the personalized license plates may be transferred at any vehicle licensing office or through a vehicle dealer if the owner wishes to transfer a plate to a dealer-purchased vehicle) or transfer the plates to a new owner. If the plates are transferred to a new owner, the current owner must provide the new owner with a ~~((notarized/certified))~~ notarized or certified release of interest for the plates. The new owner must make application to the department within

twenty-five days, including payment of the original personalized license plate fee.

(7) How do I dispose of my personalized vehicle license plates?

(a) You may turn the plates in to the department with a notarized release of interest from the owner(s) relinquishing the right to that personalized license plate configuration; or

(b) If your vehicle has personalized license plates and is sold to a wrecker or you accept a total loss claim from your insurance company and you choose not to retain the salvage, you must either transfer the plates to another vehicle within thirty days or turn the plates in to the department with a notarized release of interest from all registered owner(s) relinquishing the right to that personalized license plate.

~~((8) Will I ever have to replace my personalized vehicle license plate? Yes, the personalized license plates are subject to the seven-year vehicle license plate replacement schedule.))~~

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same number and letter combination will not be issued.

AMENDATORY SECTION (Amending WSR 07-20-112, filed 10/3/07, effective 11/3/07)

WAC 308-96A-070 Amateur radio operator special license plates. (1) Who may apply for amateur radio operator vehicle special license plate(s)? Any person having a valid amateur radio operator's license may apply to the department for license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission (FCC). These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters.

(2) What documents are required to receive an amateur radio operator vehicle special license plate? In addition to all other license fees required by law, the amateur radio operator must attach a copy of the current FCC license to the application. The operator must notify the department when the FCC license is canceled or expires and whether or not the operator has renewed the license. If the license has been renewed, the operator must send a copy of the new FCC license to the department.

(3) How will the amateur radio operator license plates be displayed? The amateur radio operator license plates must be displayed on a motor vehicle owned by the amateur radio operator unless the plates were issued and assigned to a vehicle prior to January 1, 1991. Prior to the January 1, 1991, date, the amateur radio operator license plates are allowed to be installed on any motor vehicle qualified under RCW ((46.16.305)) 46.18.205.

(4) Are there any special fees required to obtain the amateur radio operator license plates? In addition to all other license fees required by law, each applicant for amateur radio operator license plates must pay an additional license plate fee of five dollars for the plate and applicable fees as stated in RCW ((46.16.316)) 46.17.200 any time the plates are transferred to another vehicle.

(5) When are the amateur radio operator special license plates canceled? The effective date of the plate can-

cellation is the date the FCC license becomes invalid. Reinstatement of the plates requires the amateur radio operator to reapply for the plates, providing a copy of the valid FCC license and paying the five-dollar fee for a new plate and applicable fees as stated in RCW ((46.16.316)) 46.17.200.

(6) Are there any FCC operator special license plates that will not be issued? Yes, if the call sign has WSP as part of the number letter combination.

~~((7) Will I ever have to exchange my amateur radio operator special license plates? Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your amateur radio operator special license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.))~~

AMENDATORY SECTION (Amending WSR 04-18-023, filed 8/24/04, effective 9/24/04)

WAC 308-96A-071 Military affiliate radio system special license plates. (1) Who may apply for the military affiliate radio system station special license plates? Any person having a valid military affiliate radio system (MARS) station license may apply to the department for license plates bearing the official MARS call letters assigned by the Department of Defense. These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters and can only be displayed on a motor vehicle registered to the MARS station license holder.

(2) Can a MARS special license plate be issued for my motorcycle? No. Motorcycle license plates accommodate a maximum of six characters. MARS call letters consist of seven characters.

(3) What documents are required to receive MARS special license plates? In addition to all other license fees required by law, an applicant for MARS license plates must attach a copy of the current official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. The recipient of these plates must notify the department when the MARS station license has been canceled.

(4) Are there any special fees required to obtain the MARS license plates? In addition to all other license fees required by law, each applicant for MARS license plates must pay an additional license plate fee of five dollars for the plate and applicable fees as stated in RCW ((46.16.316)) 46.17.200 any time the plates are transferred to another vehicle.

(5) When are the MARS license plates canceled? The effective date of a plate cancellation is the date the MARS station license becomes invalid. Reinstatement of the plates requires the MARS station license holder to reapply for the plates, providing a copy of the valid MARS license and paying the five-dollar fee for a new plate and applicable fees as stated in RCW ((46.16.316))

~~((6) Will I ever have to exchange my MARS license plates? Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your MARS license plates will be issued~~

with your official call letters and numbers assigned to you by the F.C.C.) 46.17.200.

AMENDATORY SECTION (Amending WSR 04-08-079, filed 4/6/04, effective 5/7/04)

WAC 308-96A-072 Square dancer license plates. (1) **Who may apply for square dancer license plates?** A registered owner of a vehicle may apply to the department and receive, in lieu of regular vehicle license plates, special square dancer license plates bearing a symbol of square dancers.

(2) **What vehicles may display square dancer license plates?** Square dancer license plates may be issued for vehicles required to display two license plates, except those vehicles licensed under the provisions of chapter 46.87 RCW.

(3) **Are special license fees required for square dancer license plates?** A special license plate fee of forty dollars, in addition to all other appropriate fees and taxes, is collected for each set of square dancer license plates issued.

(4) **How does the department define "current license plate registration"?** For the purposes of this section, a current license plate registration is defined as: A registration that has not expired or a registration where it is less than one year past the expiration date.

~~((5)) **Will I ever have to replace my square dancer license plates?** Yes, the department has determined that all license plates be replaced on a seven year replacement schedule. In addition to the license plate replacement fee, you may pay an additional plate retention fee to retain the same number/letter combination as shown on the current vehicle computer record as long as the plate meets a current approved license plate configuration and background.))~~

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same ((number/letter)) number and letter combination will not be issued.

AMENDATORY SECTION (Amending WSR 09-06-030, filed 2/24/09, effective 3/27/09)

WAC 308-96A-073 Antique vehicle—Horseless carriage license plate. (1) **What is a horseless carriage license plate?** A horseless carriage license plate is a single license plate issued to a qualified motor vehicle owned by a collector as defined in RCW 46.04.125. It must be displayed on the rear of the vehicle for which it was issued.

(2) **What vehicles qualify for a horseless carriage license plate?** Any motor vehicle which is:

- (a) At least forty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle under RCW ((46.16.307)) 46.18.220.

(3) **May I transfer my horseless carriage license plate to another antique vehicle?** No. Horseless carriage license plates are not ((transferable)) transferable to any other motor vehicle.

(4) **What additional fees are required to obtain a horseless carriage license plate?** In addition to all other

license fees required by law, the applicant must pay a fee of thirty-five dollars for a horseless carriage license plate.

~~((5)) **Are horseless carriage license plates subject to periodic replacement?** No, the horseless carriage license plates are exempt from the vehicle license plate replacement schedule and are valid for the life of the vehicle.))~~

AMENDATORY SECTION (Amending WSR 04-08-079, filed 4/6/04, effective 5/7/04)

WAC 308-96A-074 Collector vehicle and restored license plates. (1) **What is a collector vehicle license plate?** For the purposes of this section, a collector vehicle license plate is a special license plate indicating "Collector Vehicle." The smaller size collector vehicle license plate is available for motorcycles. Collector vehicle owners must conform to the rules under RCW ((46.16.307)) 46.18.220.

(2) **What vehicles qualify for a collector vehicle license plate?** Any motor vehicle which is:

- (a) ~~((More than))~~ At least thirty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle.

(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) **What additional fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

~~((5)) **Are collector vehicle license plate(s) required to be replaced under RCW 46.16.233?** No, the collector vehicle license plates are exempt from the periodic vehicle license plate replacement schedule.~~

~~((6))~~ **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for general use in the year of the vehicle's manufacture. The restored license plate may not be a specialized license plate. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue. Reproductions of the original are not acceptable for use as a restored license plate.

~~((7))~~ **(6) How is a restored license plate to be displayed?** The owner must display a single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle or on another vehicle.

~~((8))~~ **(7) If I sell my vehicle may I keep my restored license plate?** Yes. The restored plate(s) may be reassigned to another qualifying vehicle.

~~((9))~~ **(8) May I replace my restored license plate with another restored license plate?** Yes, however, your vehicle record must be updated to reflect the new plate number before it is displayed on the vehicle.

~~((10))~~ **(9) What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other title and license fees required by law, you must pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department will require the certificate of ownership be submitted if that vehicle does not already have a "title purpose only" number.

~~((11))~~ **(10) Will I be able to apply for a refund of fees I have paid if I decide to change my restored use plate to a regular issue plate?** No. There is no provision in the law to issue a refund should you decide to change to a regular issue plate.

~~((12))~~ **(11) May I apply the fees I paid for my restored plate towards the purchase of regular issued plates?** No. Full fees must be paid for the new plates.

AMENDATORY SECTION (Amending WSR 05-01-003, filed 12/1/04, effective 1/3/05)

WAC 308-96A-076 Law enforcement memorial special vehicle license plate series. (1) When ownership of a vehicle issued a law enforcement memorial license plate(s) changes, what happens to the plate(s)? The special license plate owner may relinquish the plate(s) to the new vehicle owner or remove the plate(s) from the vehicle for transfer to a replacement vehicle. License plate transfer fees apply.

(2) Will any new fees be charged when the law enforcement memorial license plate(s) are transferred? If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle, an additional fee for the law enforcement memorial license plate will be charged at the rate of one-twelfth of the annual law enforcement memorial license plate(s) fee for each additional month and partial month beyond the registration expiration date of the previous vehicle. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(3) May law enforcement memorial license number plates be replaced with the same number if they become lost, defaced, or destroyed? Yes. Upon the loss, defacement, or destruction of one or both plate(s), the owner must make application for new law enforcement memorial or other license plate(s) and pay the fees described in RCW ~~((46.16-270))~~ 46.17.200. See subsection ~~((5))~~ **(4)** of this section.

~~((4))~~ **(Are law enforcement memorial license plate(s) subject to the vehicle license plate replacement schedule?** Yes, the law enforcement memorial license plate(s) are subject to the mandatory vehicle license plate replacement schedule in WAC 308-96A-021(8).

~~((5))~~ **(5) When replacing law enforcement memorial license plate(s), is same license plate ((number/letter)) number and letter combination issued?** Yes. If the vehicle owner requests and pays the fees in RCW ~~((46.16.233))~~ 46.16A.200, the law enforcement memorial license plate(s) will be replaced with the same ~~((number/letter))~~ number and letter combination as shown on the vehicle computer record.

~~((6))~~ **(5) Will my license plates that have been reported stolen be replaced with new license plates with**

the same ((number/letter)) number and letter combination? If the license plate(s) have been reported as stolen or if the department record indicates the plate has been stolen, the same ~~((number/letter))~~ number and letter combination will not be issued. This is a law enforcement issue for the protection of the public.

AMENDATORY SECTION (Amending WSR 11-24-088, filed 12/7/11, effective 1/7/12)

WAC 308-96A-077 Volunteer firefighter special vehicle license plate series. (1) Who may apply for the volunteer firefighters license plate(s)? Any person that:

- Meets the requirements and has proven eligibility as per RCW 46.18.210;
- Is not requesting issue for a vehicle registered under chapter 46.87 RCW;
- Has paid all applicable fees and taxes.

The volunteer firefighters special license plate(s) will be issued upon proof of eligibility and receipt of all applicable fees.

(2) What must be provided as proof that the applicant qualifies? The applicant must provide documentation of service from the fire district(s) where they serve or have served.

(3) When is proof required? Upon initial application.

(4) Can the volunteer firefighters special license plate(s) be retained if the applicant is no longer a volunteer firefighter? Yes, if the license plate owner has at least ten years of service, the license plate can be retained and renewed.

(5) If I have less than ten years of service, can I retain the plates if I am no longer a volunteer firefighter? No. They must be surrendered at the next registration renewal date.

(6) Is there a limit to the number of sets of license plates that a volunteer firefighter can have? Yes, there is a maximum of two sets per applicant.

(7) Are there any other circumstances when the volunteer firefighter plates must be surrendered? Yes, if the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony. It is the responsibility of the license plate owner to notify the department and surrender the plates. However, if the department is notified of the conviction, the department has authority to cancel the plates under RCW ~~((46.12.160))~~ 46.12.550.

(8) When ownership of a vehicle issued volunteer firefighters license plate(s) is transferred, what happens to the plate(s)? The special license plate owner must remove the plate(s) from the vehicle. The plate owner may transfer the special plate(s) to a replacement vehicle by visiting a vehicle licensing office. License plate transfer and other applicable fees apply.

(9) What fees are charged when the volunteer firefighters license plate(s) are transferred to a replacement vehicle? If the registration expiration date for the replacement vehicle is later than the registration expiration date of the current vehicle, an abated fee for the volunteer firefighters license plate will be charged. It is charged at the rate of one-twelfth of the annual volunteer firefighters license

plate(s) fee for each month and partial month. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

~~(10) ((Will volunteer firefighters license plate(s) ever need replacing? Yes, the volunteer firefighters license plate(s) are subject to the mandatory vehicle license plate replacement schedule.~~

~~(11)) When replacing volunteer firefighters license plate(s), is the same license plate ((number/letter)) number and letter combination issued? No, unless the owner chooses to pay an additional fee to keep the same number. If the vehicle owner requests and pays the fees described in RCW ((46.16.233)) 46.16A.200, the volunteer firefighters license plate(s) may be replaced with the same ((number/letter)) number and letter combination as shown on the vehicle computer record.~~

~~((12)) (11) Will my license plates that have been reported stolen be replaced with new license plates with the same ((number/letter)) number and letter combination? If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same ((number/letter)) number and letter combination will not be issued. This is a law enforcement issue for the protection of the public.~~

AMENDATORY SECTION (Amending WSR 05-01-002, filed 12/1/04, effective 1/3/05)

WAC 308-96A-078 Professional firefighters and paramedics special vehicle license plate series. (1) **Who may apply for the professional firefighters and paramedics (PFFP) license plate(s)?** Only members of the Washington state council of firefighters who are indicated on the vehicle record as a registered or coregistered owner of a vehicle may apply. The professional firefighters and paramedics license plate(s) will be issued upon proof of eligibility and receipt of all applicable fees.

(2) **What must be provided as proof that the applicant is a current member to the Washington state council of firefighters (WSCFF)?** A member of the Washington state council of firefighters must provide a current letter from the WSCFF and either a valid Washington state drivers license or identification card, or International Federation of Firefighters identification showing current membership.

(3) **When is proof of WSCFF membership required?** Upon initial application or vehicle registration renewal.

(4) **When ownership of a vehicle issued professional firefighters and paramedics license plate(s) is transferred, what happens to the plate(s)?** The special license plate owner must remove the plate(s) from the vehicle. The plate owner may transfer the special plate(s) to a replacement vehicle. License plate transfer fees apply.

(5) **Will any new fees be charged when the professional firefighters and paramedics license plate(s) are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle, an abated fee for the professional firefighters and paramedics license plate will be charged at the rate of one-twelfth of the annual professional

firefighters and paramedics license plate(s) fee for each succeeding month and partial month. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

~~(6) ((Will professional firefighters and paramedics license plate(s) ever need replacing? Yes, the professional firefighters and paramedics license plate(s) are subject to the mandatory vehicle license plate replacement schedule.~~

~~(7)) When replacing professional firefighters and paramedics license plate(s), is same license plate ((number/letter)) number and letter combination issued? Yes. If the vehicle owner requests and pays the fees described in RCW ((46.16.233)) 46.16A.200, the professional firefighters and paramedics license plate(s) may be replaced with the same ((number/letter)) number and letter combination as shown on the vehicle computer record.~~

~~((8)) (7) Will my license plates that have been reported stolen be replaced with new license plates with the same ((number/letter)) number and letter combination? If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same ((number/letter)) number and letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.~~

AMENDATORY SECTION (Amending WSR 05-01-210, filed 12/21/04, effective 1/21/05)

WAC 308-96A-079 Helping Kids Speak special vehicle license plate series. (1) **When ownership of a vehicle issued "Helping Kids Speak license plate(s)" is sold, traded, or otherwise transferred, what happens to the plate(s)?** The special license plate owner may relinquish the plate(s) to the new vehicle owner or remove the plate(s) from the vehicle for transfer to a replacement vehicle. License plate transfer fees apply.

(2) **Will any new fees be charged when the Helping Kids Speak license plate(s) are transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle the fee for the Helping Kids Speak plate will be charged at the rate of one-twelfth of the annual Helping Kids Speak plate(s) fee for each exceeding month and partial month. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(3) **May Helping Kids Speak license number plates be replaced with the same number if they become lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both Helping Kids Speak license plate(s), the owner must make application for new Helping Kids Speak or other license plate(s) and pay the fees described in RCW ((46.16.270)) 46.16A.200. See note following subsection ((5)) (4) of this section.

~~(4) ((Will Helping Kids Speak license plate(s) ever need replacing? Yes, the Helping Kids Speak license plate(s) are subject to the mandatory vehicle license plate replacement schedule.~~

~~(5))~~ **When replacing Helping Kids Speak license plate(s), is the same license plate ((number/letter)) number and letter combination issued?** Yes. If the vehicle owner requests and pays the fees described in RCW ~~((46.16.233))~~ 46.16A.200, the Helping Kids Speak license plate(s) may be replaced with the same ((number/letter)) number and letter combination as shown on the vehicle computer record.

Note: If the license plate(s) have been reported as stolen or if the department record indicates the plate has been stolen, the same ((number/letter)) number and letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

AMENDATORY SECTION (Amending WSR 08-20-035, filed 9/23/08, effective 10/24/08)

WAC 308-96A-175 Ride-sharing vehicles. (1) When may the department issue a ride share special license plate? Ride share special license plates may be issued when:

The passenger motor vehicle is primarily used as a commute ride-sharing motor vehicle defined in RCW 46.74.-010(1). The vehicle owner may be issued special ride-share license plates by satisfying the provisions of RCW ~~((46.16.023))~~ 46.18.285. Any person desiring the special ride-share license plates must make application on a form approved by the department and pay all fees required by chapter 46.12 RCW and the special ride-share license plate fee required by RCW ~~((46.16.023))~~ 46.18.285. The owner must then provide:

(a) For privately owned vehicles, a statement that the vehicle is being used as a ride-sharing vehicle; or

(b) For motor vehicles operated by public transportation agencies or by major employers defined in RCW 70.94.524 in commute trip reduction programs, a written statement that the motor vehicle is used as a commuter ride-sharing motor vehicle.

(c) A written statement that the motor vehicle is used for commuter ride-sharing if the passenger motor vehicle is owned, rented or leased by a government agency.

(2) Can the ride-share license plate be transferred to another motor vehicle? To transfer license plates to another motor vehicle, the owner must:

(a) Make application to and receive approval by the department for the replacement passenger motor vehicle; and

(b) Pay applicable fees stated in RCW ~~((46.16.316))~~ 46.17.200.

(3) What happens when I remove or transfer special ride-share plates from my vehicle? When you remove or transfer special ride-share license plates from one motor vehicle to another, you must:

(a) Purchase replacement license plates if the motor vehicle will be operated on public highways; and

(b) Pay applicable tax for the remaining license registration period for the vehicle.

(c) If use/sales tax was exempted but the vehicle was used less than thirty-six consecutive months as a ride-share motor vehicle, use tax is due and payable to the department of revenue.

(4) What happens when the ride-share motor vehicle is sold or transferred to another person?

(a) When a ride-share motor vehicle is sold or transferred to another person who will continue to use the passenger

motor vehicle as a commuter ride-share vehicle, the new owner must:

(i) Apply for a certificate of ((ownership)) title under chapter 46.12 RCW;

(ii) Apply for commuter ride-share exemption; and

(iii) Pay all required fees and taxes including the special license plate fee.

(b) Upon application for registration renewal, the owners of nongovernment ride-share plated vehicles must:

(i) Provide a statement that the motor vehicle is used as a commuter ride-share motor vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and

(ii) Submit a completed statement approved by the department that the motor vehicle qualifies as a commuter ride-sharing motor vehicle. If the registered owner fails to file a completed recertification form, the department will cancel the special ride-share license plates and the registered owner will need to purchase replacement plates and pay applicable fees and taxes to complete registration renewal.

~~((5) Will I ever have to replace my ride-share vehicle license plate? Yes, the ride-share vehicle license plates are subject to the seven-year vehicle license plate replacement schedule.))~~

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-176 Special transportation needs for ride-share vehicles. (1) Who may request application for special transportation needs for ride-share vehicles? Private, nonprofit transportation providers furnishing ride share for persons with special transportation needs under chapter 81.66 RCW may be issued special ride-share license plates under RCW ~~((46.16.023))~~ 46.18.285 for passenger motor vehicles. The transportation provider must make application for special ride-share license plates on a form approved by the department. The application must include:

(a) A copy of the utilities and transportation commission's operating certificate authorizing the organization to operate in this state;

(b) Payment of all fees required under chapter 46.12 RCW; and

(c) Payment for the special ride-share license plate fee as provided in RCW ~~((46.16.023))~~ 46.18.285.

(2) What is a passenger motor vehicle? For purposes of this section, a passenger motor vehicle is defined as:

(a) A motor vehicle titled with a use class of PAS, but does not include a motor home;

(b) A bus with a seating capacity of fifteen or less including the driver;

(c) A cutaway, defined as a van or light truck cut off behind the cab, a bus-type body permanently affixed to the frame behind the cab, and a seating capacity of fifteen or less including the driver. A cutaway does not include a motor home; and

(d) A modified van, not more than twenty-eight feet in overall length, and a seating capacity of fifteen or less including the driver. A modified van does not include a motor home.

(3) What happens when a transportation provider removes the special ride-share license plate or transfers the plate to another vehicle?

(a) When the transportation provider removes the special ride-share license plates or transfers the plates to another vehicle owned by the transportation provider, replacement license plate fee, vehicle registration fee and abated RTA vehicle excise tax if necessary must be collected if the vehicle will continue to be operated on public highways. If the exemption is being removed within thirty-six consecutive months from obtaining the exemption, the full use or sales tax amount originally exempted will be due and payable to the department of revenue.

(b) If the special license plates are to be transferred to another vehicle, a new application for exemption must be filed as required under subsection (1) of this section with payment of the license plate transfer fee provided in RCW ((46.16.023(2))) 46.16A.200.

(4) What is required to retain my ride-share exemption when I renew my registration? When applying for registration renewal, the transportation provider must recertify that the vehicle is being used to provide transportation for persons with special transportation needs to be exempt from chapters 82.08 and 82.44 RCW. The department will provide recertification forms to registered owners of ride-share vehicles for filing with registration renewal applications.

AMENDATORY SECTION (Amending WSR 01-12-099, filed 6/6/01, effective 7/7/01)

WAC 308-96A-202 Power units towing trailers with permanent registrations. (1) What determines if I pay the higher gross weight fees?

If the declared gross weight of the power unit exceeds forty thousand pounds AND the power unit will be towing a trailer, the power unit must be licensed with a combination (CMB) or farm combination (FCB) use class. This results in higher gross weight fees.

(2) How do I change to a CMB or FCB use class during the registration year?

If you choose to change the use class of your power unit during the registration year, you will need to:

(a) Pay the additional gross weight fees for the remaining months of the gross weight license period currently in effect; and

(b) Immediately attach the combination decals between the lower ~~((both holes))~~ bolt holes on the front and rear license plates.

If the license plates were issued prior to January 1, 1987, new plates are required.

(3) What if I change to a CMB or FCB use class at renewal time?

If you change use class at renewal time, you will pay the gross weight fees for the new registration year. Fees are not due for the remainder of the current registration year. If the plates were issued prior to January 1, 1987, new plates are required. The combination decals assigned may not be attached to the license plates until the first day of the new registration year, when the new use class is effective.

(4) What if I change from CMB or FCB to COM or FAR?

If you change from CMB or FCB to COM or FAR, you will need to purchase new plates. Excess gross weight fees may be used to purchase additional months of gross weight to the end of the current registration year.

(5) If I sell the power unit with a CMB or FCB use class, will the new owner need to purchase new plates?

If the new owner retains the CMB or FCB use class, new plates are not required. If the use class is changed to commercial (COM) or farm (FAR), new plates are required.

(6) If new plates are required because of the change of use class or because they were issued prior to January 1, 1987, am I required to pay replacement plate fees?

~~((No, you would only pay the reflectorization fee in RCW 46.16.237 and plate fee in RCW 46.16.650))~~ Yes, under RCW 46.17.200.

AMENDATORY SECTION (Amending WSR 01-12-099, filed 6/6/01, effective 7/7/01)

WAC 308-96A-203 Permanent trailer registrations. (1) Do I have an option of purchasing a permanent registration for my trailer to offset the higher fees on my power unit?

Yes, if the power unit towing the trailer is properly licensed to tow a trailer with a permanent registration.

(2) How does the power unit need to be licensed to tow a trailer with a permanent registration?

The power unit must have a combination (CMB) or farm combination (FCB) use class.

(3) How does the power unit qualify for the CMB or FCB use class?

The declared gross weight of the power unit must exceed forty thousand pounds. The CMB and FCB use classes require a higher gross weight fees to offset the annual revenue loss of the permanently licensed trailer(s) the power unit is towing.

(4) If I am not required to renew the permanent trailer registration each year, how is my registration kept updated?

Your registration will show an expiration date of "PERM." Your vehicle record will show a current expiration date, which is updated annually((-)), and your trailer plate will have a permanent trailer validation tab assigned to it.

(5) Are there any restrictions on the use of the trailer with permanent plates?

Yes, there is a restriction printed on the registration stating that the vehicle must be towed by a power unit with a CMB or FCB use class and gross weight in excess of forty thousand pounds.

(6) How long is the permanent registration valid?

The permanent registration is valid until ownership in the trailer changes. For purposes of this section, the following are not considered changes of ownership:

- (a) Addition or deletion of spouse or co-owner; or
- (b) Change of lessee with the same lessor.

(7) What do I do if I want to cancel the permanent registration and register the trailer as commercial?

You may change from CMB to COM use class at any time. You will need to pay all fees and taxes from the date of application to the expiration date shown on the vehicle record. A partial month requires a full month's fees. The license plates must be replaced when ownership changes on a trailer with CMB use class.

(8) What type of plates do I display on a trailer with a permanent registration?

A regular trailer plate, including a permanent trailer tab and combination decal, must be displayed on the trailer. The trailer may not display personalized or other special plates in this case.

(9) How is the expiration date established for a permanent trailer registration?

If the vehicle is unlicensed at the time of application, an expiration date is established based on the date of application as defined in WAC 308-96A-260. The permanent trailer plate fee is charged. If the vehicle is currently registered, either as COM or CMB, the permanent trailer plate fee is charged and the expiration date remains the same.

(10) Do I need to get a new plate when I get a permanent trailer registration?

If the vehicle is new, is currently registered to another owner with CMB use class, or the plate was issued prior to January 1, 1987, a new plate must be issued. If the vehicle is currently registered with a COM use class, and the plate has been issued since January 1, 1987, the permanent trailer tab and combination decal may be attached to the existing plate.

(11) If the trailer has a permanent registration and I no longer wish to use the trailer, or I sell the trailer and the new owner does not wish to license the trailer, may a title purpose only title be issued?

Yes, however, a title purpose only title will not eliminate the requirement for license fees to be paid. As soon as the vehicle is no longer used as a CMB trailer, license fees are due. The owner has the choice of:

(a) Paying to change the use class to COM, in which case the registration would not need to be renewed the following year if it is not being used; or

(b) Paying the permanent trailer registration fee one time and having the vehicle be licensed.

(12) If I need to purchase new plates because of changing the use class or because the plates were issued prior to January 1, 1987, do I need to pay replacement plate fees?

~~((No. You would only pay the reflectorization fee in RCW 46.16.237 and the plate fee in RCW 46.16.650))~~ Yes, under RCW 46.17.200.

AMENDATORY SECTION (Amending WSR 06-21-027, filed 10/9/06, effective 11/9/06)

WAC 308-96A-210 Gross weight—Transfer of gross weight license to new owner. (1) Is a gross weight license transferable to a new owner at the time of transfer of ownership?

~~((Yes. A gross weight license of twelve thousand pounds or less is transferred to a new owner at the time of transfer of~~

~~ownership of the vehicle.))~~ Only for a gross weight license of fourteen thousand pounds or more. If the seller has signed off the gross weight license, the gross weight license of fourteen thousand pounds or more may be transferred to the new owner at the time of transfer of ownership of the vehicle. The seller also has the option of retaining the gross weight license to transfer to a replacement vehicle as provided in WAC 308-96A-220.

(2) What happens if the gross weight license is neither transferred to the new owner or a replacement vehicle?

Any gross weight credit not transferred to the new owner or to a replacement vehicle is forfeit and is not refunded.

(3) What will be the start date of the gross weight license when transferred to the new owner?

~~((a) The new gross weight license start date for twelve thousand pounds or less is the first day of current registration year; or~~

~~((b))~~ The new gross weight license start date for fourteen thousand pounds or more is the first day of the registration month in which application for transfer of ownership is made. A gross weight license cannot be purchased for a partial registration month. For example: If the current gross weight license start date was the 24th, the expiration is on the 23rd, and an application for transfer of ownership is made on the 17th, then the effective date of the new gross weight license is the 24th of the current registration month.

(4) What would the new gross weight expiration date be?

~~((a) If the current declared gross weight is twelve thousand pounds or less, the new gross weight expiration date is the same as the vehicle registration expiration date; or~~

~~((b))~~ If the current declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

(5) How many months' gross weight fees will I be charged when I apply for transfer of ownership?

You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of the declared gross weight amount. Credit will be given as provided in subsection (6) of this section. You will also be charged for the permit fees as defined in RCW ~~((46.16.135))~~ 46.16A.455, when applicable, in addition to all other fees required to license the vehicle.

(6) Will I receive credit for gross weight fees that have already been paid?

If the previous owner has provided you with the signed off gross weight license, and the gross weight credit is fifteen dollars or more, you will receive dollar value credit for the number of months from the start date of the new gross weight license to the expiration of the current gross weight license and at the rate of the declared gross weight of the current gross weight license. However, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen, or destroyed, you must provide an affidavit of loss and a statement from the seller that the gross weight license has not been, or will not be, transferred to another vehicle. You will not receive credit for

the monthly gross weight permit fees as defined in RCW ((46.16.135)) 46.16A.455.

AMENDATORY SECTION (Amending WSR 01-17-017, filed 8/3/01, effective 9/3/01)

WAC 308-96A-260 Assignment of original registration year. How are registration years assigned?

Vehicles licensed for the first time in this state will have expiration dates assigned under RCW ((46.16.006)) 46.16A.020 except as follows:

(1) Fleet vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.

(2) City, state, and county exempt vehicles using propane, butane, or natural gas will have a June 30th expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles, which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.

(3) Vehicles delivered on dealer temporary permits must be assigned expiration dates based on date of delivery as documented by the dealer.

(4) A February 29th expiration date will be reassigned to March 1st.

AMENDATORY SECTION (Amending WSR 09-20-078, filed 10/6/09, effective 11/6/09)

WAC 308-96A-300 Changing assigned registration year. When will the assigned registration year of a vehicle be changed?

(1) The department will change the registration year of a vehicle if the vehicle remains unlicensed for more than the entire assigned registration year.

(2) The registered owner may request a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and license tab availability.

(3) When the vehicle is being added to a fleet.

(4) When ~~((a vehicle has been sold and the registration is no longer valid. (Example: When a vehicle has been sold with expired tabs, a new expiration date will be assigned at the time of registration renewal.)))~~ you took ownership of a vehicle that is being transferred, unless it met one of the exemptions in RCW 46.16A.200, or the vehicle is registered as a title purpose only or has one of the following nonstandard plates on it at the time of transfer:

(a) Horseless carriage plates;

(b) Collector vehicle plates; or

(c) Restored plates.

(5) When the registered owner is a member of the armed forces returning to Washington state after being stationed outside of Washington in accordance with RCW ((46.16.006)) 46.16A.020.

AMENDATORY SECTION (Amending WSR 13-04-007, filed 1/24/13, effective 2/24/13)

WAC 308-96A-530 Veterans remembrance and military service award license plate emblems. (1) **What license plate emblems are available?** The following license plate emblems are available:

(a) Veteran's remembrance emblems with the words "U.S. veteran";

(b) Military service award emblems in RCW 46.18.295;

(c) Distinguished Flying Cross.

(2) **Who may purchase license plate emblems?** Only persons qualified under RCW 46.18.295 may purchase license plate emblems.

(3) **What will I receive when I purchase license plate emblems?** In addition to a receipt, you will receive an emblem package including: One U.S. veteran emblem, military service award emblem, or Distinguished Flying Cross emblem; and any two of the following:

(a) Campaign ribbon remembrance emblem.

(b) U.S. flag emblem.

(4) **What campaign ribbon remembrance emblems or military service award emblems are available?** In addition to those in RCW 46.18.295, the following emblems are available:

(a) Afghanistan Campaign Medal.

(b) Armed Forces Services Medal.

(c) Iraq Campaign Medal.

(d) Korean Defense Medal.

(e) Kosovo Campaign Medal.

(f) Merchant Marines Atlantic War Zone Medal.

(g) Merchant Marines Middle East War Zone Medal.

(h) Merchant Marines Pacific War Zone Medal.

(i) National Defense Medal.

(j) War on Terrorism Expeditionary Medal.

(k) War on Terrorism Service Medal.

(5) **How much do license plate emblem packages cost?** License plate emblem packages cost ten dollars per package, in addition to fees authorized in RCW 46.17.040(2).

(6) **How do I display my license plate emblems?** In addition to the requirements and limitations in RCW 46.16A.210:

(a) When the veteran emblem, military service award emblem, or Distinguished Flying Cross emblem is displayed on a license plate, it must be displayed between the bottom license plate bolt holes;

(b) U.S. flags and emblems described in subsection (4) of this section must be displayed on the outside of each bottom license plate bolt hole. No more than two flags or small emblems may be affixed to any one license plate;

(c) For two-plated vehicles, you may display the emblems on either the front or rear license plate. You may buy a second package if you want to display emblems on both license plates.

Note: When a license plate displaying veteran's remembrance emblems is transferred to a new owner, the emblems must be removed.

(7) **Do the license plate emblems on my front license plate have to match the emblems on the rear license plate?** No, emblems displayed on the front license plate do

not need to match emblems displayed on the rear license plate.

(8) May I obtain a replacement or additional license plate emblem package? Yes:

(a) If you choose to purchase an additional set, you will be charged the fee in subsection (5) of this section; or

(b) When the original emblems become faded or unrecognizable, you may obtain a replacement set at no fee ~~(or~~

~~(c) When the license plates are replaced as required by the mandatory plate replacement law, you may obtain a replacement set at no fee).~~

AMENDATORY SECTION (Amending WSR 13-23-056, filed 11/15/13, effective 12/16/13)

WAC 308-96A-545 Gold Star license plate. (1) What is a Gold Star license plate? The Gold Star license plate recognizes the eligible family members of United States armed forces members who have died while in service to their country or as a result of such service.

(2) Who qualifies as an eligible family member of a member of the United States armed forces? Eligible family members are listed in RCW 46.18.245. For purposes of this section, a widow or widower includes the surviving member of a registered domestic partnership.

(3) What is required to purchase a Gold Star plate? A copy of the certification letter to a qualifying widow, widower, parent, or child provided by the Washington state department of veterans affairs (WDVA) is required. The letter will be used in addition to a special plate application to purchase the plate. No other documentation is required.

(4) Can a Gold Star plate be transferred to a new owner? No. The plate may only be transferred to a vehicle owned by the same registered owner who was certified as a qualifying widow, widower, parent, or child by WDVA. The plate cannot be transferred to a different registered owner. If the widow, widower, parent, or child transfers the plate to a new car registered to them, they are required to pay the plate transfer fee.

(5) What fees are required to purchase the plate? There is no special plate fee or special plate renewal fee for the Gold Star plate. The registered owner must pay all licensing and filing fees.

~~**(6) (Is the plate subject to the mandatory plate replacement?** Yes, the plate must be replaced every seven years due to mandatory plate replacement requirements. Customers will not be charged the plate replacement fees, or the fee to keep their same number.~~

~~**(7)) Can a Gold Star plate background be personalized?** Yes. A Gold Star plate background can be personalized; however, the customer is required to pay all fees associated with a personalized plate original purchase or renewal.~~

~~**((8)) (7) Is a commercial vehicle eligible for a Gold Star plate as long as it is in the name of the qualifying widow, widower, parent, or child and not a business name?** Yes.~~

~~**((9)) (8) Can a prorated vehicle display a Gold Star plate if the vehicle is under the name of the widow, wid-**~~

ower, parent, or child that is eligible for this plate? No per chapter 46.87 RCW.

AMENDATORY SECTION (Amending WSR 11-01-118, filed 12/20/10, effective 1/20/11)

WAC 308-96A-550 Vehicle special collegiate license plates. (1) What are the criteria for establishing collegiate license plates? Application for license plate series from an institution of higher education under RCW ~~((46.16.324))~~ 46.18.225 may be submitted to the department through the process established in RCW ~~((46.16.735 and 46.16.745))~~ 46.18.100 and 46.18.110. In addition the following criteria must be satisfied:

(a) The plates will consist of numbers, letters, colors, and a symbol or artwork approved by the department.

(b) The numbers and letters combination may not exceed seven positions.

(c) The plate series will not conflict with existing license plates.

(d) The plate design must provide at least four positions to accommodate serial numbering.

(e) The plate must not carry connotations which are offensive to good taste or decency, which may be misleading or vulgar in nature, a racial, ethnic, lifestyle, or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16A RCW.

(f) The plate must be designed so that it is legible and clearly identifiable by law enforcement personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration including special, personalized, or exempt license plate(s). A collegiate license plate design may be issued in combination with a personalized plate as described in RCW ~~((46.16.601))~~ 46.18.277.

(2) How is the design for a collegiate plate determined? The institution of higher education must provide a design, including color and dimension specifications of the logo requested on the special collegiate license plate series, with their application. Design services may be purchased through the department. The design must be legible and clearly identifiable as a Washington state plate to be approved by the department, Washington state patrol, and the legislature.

(3) Who may apply for the special collegiate license plate? Upon receipt of all applicable fees, the special collegiate license plate will be issued to a registered owner of the vehicle.

(4) When ownership of a vehicle issued collegiate license plates is sold, traded, or otherwise transferred, what happens to the plates? The owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle, a transfer fee to another vehicle shall be charged as provided in RCW ~~((46.16.316))~~ 46.17.-200(1).

(5) **Will any new fees be charged when the collegiate license plates are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate will be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund will not be made for the remaining registration period.

(6) **Will I be able to retain my current collegiate license plate ((number/letter)) number and letter combination if my plate is lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both collegiate license plates, the owner will make application for new collegiate plates or other license plates and pay the fees described in RCW ((46.16.270 and 46.16.233)) 46.17.200 as applicable. See note following subsection ((9)) (8) of this section.

(7) ~~((Will I ever have to replace my collegiate license plate? Yes, the collegiate license plates are subject to the seven-year vehicle license plate replacement schedule.~~

(8)) **How does the department define "current license plate registration"?** For the purposes of this section, a current license plate registration is defined as: A registration that has not expired or a registration where it is less than one year past the expiration date.

((9)) (8) **When I am required to replace my collegiate license plate, will I receive the same license plate ((number/letter)) number and letter combination?** Yes. In addition to the license plate replacement fee, you may pay an additional plate retention fee to retain the same ((number/letter)) number and letter combination as shown on the current vehicle computer record as long as the plate meets a current approved license plate configuration and background.

WSR 15-10-011
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)

[Filed April 23, 2015, 11:48 a.m., effective May 24, 2015]

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

Purpose: The Washington Franchise Investment Protection Act requires delivery of a franchise disclosure document at least fourteen calendar days prior to the execution by the prospective franchisee of any binding franchise or other agreement, or at least fourteen calendar days before the prospective franchisee signs a binding agreement with, or makes any payment to, the franchisor or an affiliate in connection with the proposed franchise sale. To better coordinate the securities division's rules with other federal and state laws that regulate the offer and sale of franchises, the securities division is now adopting the Statement of Policy Regarding Electronic Delivery of Franchise Disclosure Documents promulgated by the North American Securities Administrators Association on September 14, 2003, in order to explicitly allow electronic delivery of Franchise Disclosure Docu-

ments. The proposed amended rule also reflects franchisors' practices in delivering electronic disclosure in reliance on the federal E-SIGN Act.

Citation of Existing Rules Affected by this Order: Amending WAC 460-80-300.

Statutory Authority for Adoption: RCW 19.100.080, 19.100.250.

Adopted under notice filed as WSR 15-05-002 on February 4, 2015.

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

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

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

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

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

Date Adopted: April 23, 2015.

Scott Jarvis
 Director

AMENDATORY SECTION (Amending WSR 09-22-050, filed 10/29/09, effective 11/29/09)

WAC 460-80-300 Delivery and receipt of offering circular. (1) Each person that sells a franchise that is registered or required to be registered pursuant to RCW 19.100.-020 shall ensure that the Franchise Disclosure Document and other required documents are delivered to each offeree in accordance with RCW 19.100.080 and shall obtain a signed receipt therefore in the form prescribed by the director.

(2) A franchisor may deliver a Franchise Disclosure Document over the internet or by other electronic means, or in machine-readable media, provided:

(a) The Franchise Disclosure Document:

(i) Is delivered as a single, integrated document or file;

(ii) Has no extraneous content beyond what is required or permitted by law and by the 2008 Franchise Registration and Disclosure Guidelines promulgated by NASAA, but which may include customary devices for manipulating electronic documents in machine readable form and tools, or access to tools, that may be necessary or convenient to enable the recipient to receive and view the Franchise Disclosure Document;

(iii) Has no links to or from external documents or content;

(iv) Is delivered in a form that intrinsically enables the recipient to store, retrieve, and print the Franchise Disclosure Document; and

(v) Conforms as to its content and format to the requirements of law.

(b) The franchisor:

(i) Can prove that it delivered the Franchise Disclosure Document electronically in compliance with this section, and that it did so at or before the time required by law; and

(ii) Keeps records of its electronic delivery of Franchise Disclosure Documents and makes those records available on demand by the administrator.

(3) "Delivery" requires that the Franchise Disclosure Document be conveyed to and received by the prospective franchisee, or that the storage media in which the Franchise Disclosure Document is stored be physically delivered to the prospective franchisee in accordance with subsection (2)(a) of this section.

(4) This section does not change or waive any other requirement of law concerning registration or presale disclosure of franchise offerings.

WSR 15-10-013
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed April 23, 2015, 2:08 p.m., effective May 24, 2015]

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

Purpose: Pursuant to WAC 352-37-190 Wind/sand sailers are prohibited on the ocean beaches within the seashore conservation area (SCA). This proposal would revise existing language to allow wind/sand sailers on the ocean beaches subject to certain conditions and restrictions. This revision to chapter 352-37 WAC will permit the use of wind/sand sailers including blo-karts, kite buggies and kite boards at Long Beach, South Beach and North Beach in Pacific County and Grays Harbor County.

Citation of Existing Rules Affected by this Order: WAC 352-37-130, 352-37-190, and 352-37-325.

Statutory Authority for Adoption: RCW 79A.05.610.

Adopted under notice filed as WSR 15-05-089 on February 18, 2014 [2015].

Changes Other than Editing from Proposed to Adopted Version: In new WAC 352-37-085 [(1)](e), changed to allow wind/sand sailer use three hours before and three hours after the published low tide.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 3, Repealed 0.

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

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

Date Adopted: March 26, 2015.

Valeria Evans
Management Analyst

NEW SECTION

WAC 352-37-085 Wind/sand sailer traffic. (1) Operations of wind/sand sailers is allowed on the ocean beaches within the seashore conservation area only as authorized in this section.

(a) Wind/sand sailers may only be operated in areas specifically designated by the director;

(b) Wind/sand sailers may only be operated on the driveable portion of the ocean beaches;

(c) Operation of wind/sand sailers is subject to safety measures or other restrictions determined by the director;

(d) Wind/sand sailers may only be operated from sunrise to sunset unless, otherwise restricted by the director;

(e) Wind/sand sailers may not be operated on a beach open for razor clam digging per Washington department of fish and wildlife rule for the period beginning three hours before the published low tide and ending three hours after the published low tide;

(f) Wind/sand sailers shall yield the right of way to all pedestrian, equestrian or vehicular traffic and observe all regulations that restrict the operation of wind/sand sailers;

(g) A person shall not operate a wind/sand sailer in a reckless manner including, but not limited to, recklessly weaving through congested pedestrian, equestrian or vehicular traffic, operating unnecessarily close to other users of the beach, or recklessly swerving at the last possible moment to avoid collision;

(h) Notwithstanding the speed limitation set forth in WAC 352-37-130, the director may authorize higher speeds for specific events.

(2) Except as provided in WAC 352-37-330, any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 352-37-086 Requirements to operate wind/sand sailers. (1) No person shall operate wind/sand sailers unless the person:

(a) Is sixteen years of age or older; or

(b) Is accompanied by and is under the supervision of a person sixteen years of age or older.

(2) Subject to WAC 352-37-330, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-37-130 Speed limits. (1) No person shall operate any motor vehicle or wind/sand sailer on or along any ocean beach at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, animal, vehicle or other conveyance on or entering

the driveable beach in compliance with legal requirements in the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the maximum speed limit for operation of motor vehicles or wind/sand sailers on the ocean beaches shall be twenty-five miles per hour.

(3) The driver of every motor vehicle or wind/sand sailer operating on the ocean beaches shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing a beach access road, when approaching one or more parked vehicles, when approaching or traveling past or in the vicinity of a pedestrian or group of pedestrians, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or beach conditions.

(4) Except as provided in WAC 352-37-330, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-37-190 Excluded/limited recreation activities. The following forms of public outdoor recreation activities or devices are prohibited on the ocean beaches unless specifically designated therefore or authorized by the director or designee as a special recreation event.

(1) Vehicles not licensed and certificated pursuant to chapters 46.12 and 46.16 RCW.

(2) ~~((Wind/sand sailers.~~

~~((3))) Parasails.~~

~~((4))) (3) Hovercraft.~~

~~((5))) (4) Powered parasail.~~

~~((6))) (5) Ultra-light aircraft.~~

~~((7))) (6) Powered hang gliders.~~

~~((8))) Any violation of this section is an infraction under chapter 7.84 RCW.~~

AMENDATORY SECTION (Amending WSR 13-17-037, filed 8/13/13, effective 9/13/13)

WAC 352-37-325 Seashore conservation area closures. (1) The director or designee may, for a specified period or periods of time, close any portion of the seashore conservation area to public access if the director or designee concludes that such a closure is necessary for the protection of the health, safety and welfare of the public, park visitors or staff, or park resources.

(2) Subject to WAC 352-37-330, any violation of this section is an infraction under chapter 7.84 RCW.

WSR 15-10-014

PERMANENT RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed April 23, 2015, 3:25 p.m., effective May 24, 2015]

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

Purpose: The agency is amending this rule to clarify how in-state hospitals qualify for rate enhancement.

Citation of Existing Rules Affected by this Order: Amending WAC 182-550-3830.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-06-064 on March 4, 2015.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

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

Date Adopted: April 23, 2015.

Jason R. P. Crabbe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-22-003, filed 10/22/14, effective 11/22/14)

WAC 182-550-3830 Adjustments to inpatient rates.

(1) The medicaid agency updates all the following components of a hospital's specific diagnosis-related group (DRG) factor and per diem rates between rebasing periods:

(a) Effective July 1st of each year, the agency updates all of the following:

(i) Wage index adjustment;

(ii) Direct graduate medical education (DGME); and

(iii) Indirect medical education (IME).

(b) Effective January 1, 2015, the agency updates the sole community hospital adjustment.

(2) The agency does not update the statewide average DRG factor between rebasing periods, except:

(a) To satisfy the budget neutrality conditions in WAC 182-550-3850; and

(b) When directed by the legislature.

(3) The agency updates the wage index to reflect current labor costs in the core-based statistical area (CBSA) where a hospital is located. The agency:

(a) Determines the labor portion by multiplying the base factor or rate by the labor factor established by medicare; then

(b) Multiplies the amount in (a) of this subsection by the most recent wage index information published by the Centers for Medicare and Medicaid Services (CMS) when the rates are set; then

(c) Adds the nonlabor portion of the base rate to the amount in (b) of this subsection to produce a hospital-specific wage adjusted factor.

(4) DGME. The agency obtains DGME information from the hospital's most recently filed medicare cost report that is available in the CMS health care cost report information system (HCRIS) dataset.

(a) The hospital's medicare cost report must cover a period of twelve consecutive months in its medicare cost report year.

(b) If a hospital's medicare cost report is not available on HCRIS, the agency may use the CMS Form 2552-10 to calculate DGME.

(c) ~~((In the case where))~~ If a hospital has not submitted a CMS medicare cost report in more than eighteen months from the end of the hospital's cost reporting period, the agency considers the current DGME costs to be zero.

(d) The agency calculates the hospital-specific DGME by dividing the DGME cost reported on worksheet B, part 1 of the CMS cost report by the adjusted total costs from the CMS cost report.

(5) IME. The agency sets the IME adjustment equal to the "IME adjustment factor for Operating PPS" available in the most recent CMS final rule impact file (~~((available))~~) on CMS's web site as of May 1st of the rate-setting year.

(6)(a) Effective January 1, 2015, the agency multiplies the hospital's specific conversion factor and per diem rates by 1.25 if the hospital meets the ~~((agency's sole community hospital))~~ criteria in this subsection.

(b) The agency considers an in-state hospital to ~~((be a sole community hospital))~~ qualify for the rate enhancement if all of the following conditions apply. The hospital must:

(i) Be certified by CMS as a sole community hospital as of January 1, 2013~~((-))~~;

(ii) Have a level III adult trauma service designation from the department of health as of January 1, 2014~~((-))~~;

(iii) Have less than one hundred fifty acute care licensed beds in fiscal year 2011~~((-))~~; and

(iv) Be owned and operated by the state or a political subdivision.

(v) Not ~~((qualify for))~~ participate in the certified public expenditures (CPE) payment program defined in WAC 182-550-4650.

WSR 15-10-015

PERMANENT RULES

PUGET SOUND

CLEAN AIR AGENCY

[Filed April 23, 2015, 4:52 p.m., effective June 1, 2015]

Effective Date of Rule: June 1, 2015.

Purpose: The Article 2 amendment to the agency's National Emission Standards for Hazardous Air Pollutants provisions would delete language regarding perchloroethylene dry cleaners to be consistent with a December 2014 amendment to Regulation I, Section 6.03.

Citation of Existing Rules Affected by this Order: Amending Regulation III, Section 2.02.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 15-07-100 on March 17, 2015.

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

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

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

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

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

Date Adopted: April 23, 2015.

Craig Kenworthy
Executive Director

AMENDATORY SECTION

REGULATION III, SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61 or Part 63, Title 40, of the Code of Federal Regulations (excluding Part 61, Subparts B, H, I, K, Q, R, T, and W; and Part 63, Subpart LL, ~~((the provisions of Subpart M pertaining to area source perchloroethylene dry cleaners,))~~ the provisions of Subparts S and MM pertaining to kraft and sulfite pulp mills, and Subparts WWWW, CCCCC, HHHHH, WWWW, XXXXX, YYYYY, and ZZZZZ) in effect as of the federal regulation reference date listed in Section 3.25 of Regulation I herein incorporated by reference.

WSR 15-10-018

PERMANENT RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed April 24, 2015, 11:33 a.m., effective May 25, 2015]

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

Purpose: These are housekeeping changes to correct agency names, program names, rule numbers, and to improve clarity for the reader.

Citation of Existing Rules Affected by this Order: Amending WAC 182-556-0100, 182-556-0200, 182-556-0300, 182-556-0400, and 182-556-0600.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-07-082 on March 17, 2015.

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

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: April 24, 2015.

Jason R. P. Crabbe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-556-0100 Chemical dependency treatment services. The ~~((department))~~ medicaid agency covers chemical dependency treatment services ~~(, as defined in)~~ under chapter ((388-805)) 388-877B WAC((;)) for ((medicaid and children's)) Washington apple health clients. ((Coverage)) The agency's payment is limited to services performed by providers ((defined in)) under WAC ((388-502-0002)) 182-502-0002.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-556-0200 Chiropractic services for children. (1) The ~~((department will))~~ medicaid agency pays only for chiropractic services:

(a) For clients who are:

(i) Under age twenty-one ~~((years of age))~~; and

(ii) Referred by a screening provider under the healthy kids/early and periodic screening, diagnosis, and treatment (EPSDT) program.

(b) That are:

(i) Medically necessary under WAC 182-500-0070, safe, effective, and not experimental;

(ii) Provided by a chiropractor licensed in the state where services are provided; and

(iii) Within the scope of the chiropractor's license.

(c) Limited to:

(i) Chiropractic manipulative treatments of the spine; and

(ii) X rays of the spine.

(2) Chiropractic services are paid according to fees established by the ~~((department))~~ agency using methodology set ~~((forth))~~ out in WAC ((388-531-1850)) 182-531-1850.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-556-0300 Personal care services. The ~~((department))~~ medicaid agency pays for personal care services for a Title XIX categorically needy ~~((medicaid client as~~

~~provided))~~ Washington apple health client under chapter 388-71 WAC, Home and community services and programs.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-556-0400 Limitations on services available to ~~((recipients of))~~ categorically needy ~~((medical assistance))~~ Washington apple health clients. (1) Organ transplants are limited to the cornea, heart, heart-lung, kidney, kidney-pancreas, liver, pancreas, single lung, and bone marrow.

(2) The ~~((department shall provide))~~ medicaid agency pays for treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys ~~((when the client is in the))~~ for a client in a home, hospital, or kidney center as described under WAC ((388-540-005)) 182-540-005.

(3) The agency pays for detoxification and medical stabilization ~~((are provided))~~ to ~~((chemically-using))~~ chemical-using pregnant women in a hospital.

(4) The ~~((department shall provide))~~ agency pays for detoxification of acute alcohol or other drug intoxication only in a certified detoxification center or in a general hospital ~~((having))~~ that has a detoxification provider agreement with the ((department)) agency.

(5) The ~~((department shall provide))~~ agency pays for outpatient chemical dependency treatment in programs qualified under chapter 275-25 WAC and certified under chapter 275-19 WAC or its successor.

(6) The ~~((department))~~ agency may require a second opinion ~~((and/or)), or consultation, or both before ((the approval of))~~ approving any elective surgical procedure.

(7) The ~~((department))~~ agency designates diagnoses that may require surgical intervention:

(a) Performed in other than a hospital in-patient setting; and

(b) Requiring prior agency approval ~~((by the department))~~ for a hospital admission.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-556-0600 Mental health services. Mental health-related services are available to an eligible client ~~((s))~~ under chapter 388-865 WAC and WAC ~~((388-531-1400))~~ 182-531-1400.

WSR 15-10-021

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 14-95—Filed April 27, 2015, 9:15 a.m., effective May 28, 2015]

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

Purpose: To remove Steller sea lions from the list of threatened species in WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. This removal is based on department review of all relevant data that show that the Washington Steller sea lion population has strongly increased

in number, indicating the species no longer needs to be listed as threatened. As a mammal of the order Pinnipedia, the Steller sea lion will continue to be protected under WAC 232-12-011 under other protected wildlife.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-011.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047.

Adopted under notice filed as WSR 15-01-139 on December 19, 2014.

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

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

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

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

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

Date Adopted: April 10, 2015.

Brad Smith, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 08-03-068, filed 1/14/08, effective 2/14/08)

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
((Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>
Mazama pocket gopher	<i>Thomomys mazama</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Common Loon	<i>Gavia immer</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
Peregrine Falcon	<i>Falco peregrinus</i>
Larch Mountain salamander	<i>Plethodon larselli</i>
Pygmy whitefish	<i>Prosopium coulteri</i>
Margined sculpin	<i>Cottus marginatus</i>
Olympic mudminnow	<i>Novumbra hubbsi</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata;</i>

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damag-

ing commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

WSR 15-10-022
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-95—Filed April 27, 2015, 9:16 a.m., effective May 28, 2015]

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

Purpose: This rule making adds tufted puffin to the list of wildlife classified as endangered species in WAC 232-12-014 Wildlife classified as endangered species. After department review of relevant data related to tufted puffin populations, population data show that the tufted puffin population has strongly declined in recent decades, indicating a need for the tufted puffin to be listed as an endangered species in Washington state.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-011 [232-12-014].

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047.

Adopted under notice filed as WSR 15-01-140 on December 19, 2014.

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

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

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

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

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

Date Adopted: April 10, 2015.

Brad Smith, Chair
 Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 06-04-066, filed 1/30/06, effective 3/2/06)

WAC 232-12-014 Wildlife classified as endangered species. Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Martes pennanti</i>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>

Common Name	Scientific Name
sea otter	<i>Enhydra lutris</i>
killer whale	<i>Orcinus orca</i>
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
black right whale	<i>Balaena glacialis</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>
brown pelican	<i>Pelecanus occidentalis</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>charadrius alexandrinus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermodochelys coriacea</i>
mardon skipper	<i>Polites mardon</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>
northern leopard frog	<i>Rana pipiens</i>
Taylor's checkerspot	<i>Euphydryas editha taylori</i>
Streaked horned lark	<i>Eremophila alpestris strigata</i>
<u>Tufted puffin</u>	<u><i>Fratercula cirrhata</i></u>

WSR 15-10-025
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed April 27, 2015, 12:11 p.m., effective May 28, 2015]

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

Purpose: To establish official pay dates for state officers and employees for calendar year 2016.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 15-04-022 on January 26, 2015.

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

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: April 27, 2015.

Roselyn Marcus
Assistant Director for Legal
and Legislative Affairs
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-12-007, filed 5/22/14, effective 6/22/14)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years (~~2014 and~~) 2015 and 2016:

((CALENDAR YEAR 2014	CALENDAR YEAR 2015
Friday, January 10, 2014	Friday, January 9, 2015
Friday, January 24, 2014	Monday, January 26, 2015
Monday, February 10, 2014	Tuesday, February 10, 2015
Tuesday, February 25, 2014	Wednesday, February 25, 2015
Monday, March 10, 2014	Tuesday, March 10, 2015
Tuesday, March 25, 2014	Wednesday, March 25, 2015
Thursday, April 10, 2014	Friday, April 10, 2015
Friday, April 25, 2014	Friday, April 24, 2015
Friday, May 9, 2014	Monday, May 11, 2015
Friday, May 23, 2014	Friday, May 22, 2015
Tuesday, June 10, 2014	Wednesday, June 10, 2015
Wednesday, June 25, 2014	Thursday, June 25, 2015
Thursday, July 10, 2014	Friday, July 10, 2015
Friday, July 25, 2014	Friday, July 24, 2015
Monday, August 11, 2014	Monday, August 10, 2015
Monday, August 25, 2014	Tuesday, August 25, 2015
Wednesday, September 10, 2014	Thursday, September 10, 2015
Thursday, September 25, 2014	Friday, September 25, 2015
Friday, October 10, 2014	Friday, October 9, 2015
Friday, October 24, 2014	Monday, October 26, 2015
Monday, November 10, 2014	Tuesday, November 10, 2015
Tuesday, November 25, 2014	Wednesday, November 25, 2015
Wednesday, December 10, 2014	Thursday, December 10, 2015
Wednesday, December 24, 2014	Thursday, December 24, 2015

CALENDAR YEAR 2015	CALENDAR YEAR 2016
Friday, January 9, 2015	Monday, January 11, 2016
Monday, January 26, 2015	Monday, January 25, 2016
Tuesday, February 10, 2015	Wednesday, February 10, 2016
Wednesday, February 25, 2015	Thursday, February 25, 2016
Tuesday, March 10, 2015	Thursday, March 10, 2016
Wednesday, March 25, 2015	Friday, March 25, 2016
Friday, April 10, 2015	Monday, April 11, 2016
Friday, April 24, 2015	Monday, April 25, 2016
Monday, May 11, 2015	Tuesday, May 10, 2016
Friday, May 22, 2015	Wednesday, May 25, 2016
Wednesday, June 10, 2015	Friday, June 10, 2016
Thursday, June 25, 2015	Friday, June 24, 2016
Friday, July 10, 2015	Monday, July 11, 2016
Friday, July 24, 2015	Monday, July 25, 2016
Monday - August 10, 2015	Wednesday - August 10, 2016
Tuesday - August 25, 2015	Thursday - August 25, 2016
Thursday - September 10, 2015	Friday - September 9, 2016
Friday - September 25, 2015	Monday - September 26, 2016
Friday - October 9, 2015	Friday - October 7, 2016
Monday - October 26, 2015	Tuesday - October 25, 2016
Tuesday - November 10, 2015	Thursday - November 10, 2016
Wednesday, November 25, 2015	Wednesday, November 23, 2016
Thursday, December 10, 2015	Friday, December 9, 2016
Thursday, December 24, 2015	Friday, December 23, 2016

WSR 15-10-028
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Naturopathy)

[Filed April 27, 2015, 1:29 p.m., effective May 28, 2015]

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

Purpose: WAC 246-836-020 through 246-836-040, 246-836-110, and 246-836-120 each amended; and repeals WAC 246-836-050. The board of naturopathy (board) has amended its licensing examination rules to be consistent with national standards. The rules specify the naturopathic physician licensing examination (NPLEX) as the recognized national exam, identifies which pre-NPLEX exams the board accepts, and clarifies jurisprudence examination requirements.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-836-050; and amending WAC 246-836-020, 246-836-030, 246-836-040, 246-836-110, and 246-836-120.

Statutory Authority for Adoption: RCW 18.36A.110, 18.36A.150, and 18.36A.160.

Adopted under notice filed as WSR 15-03-012 on January 8, 2015.

A final cost-benefit analysis is available by contacting Susan Gragg, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2901, e-mail susan.gragg@doh.wa.gov.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 1.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 1.

Date Adopted: February 27, 2015.

Chad Aschtgen, ND
Chair

AMENDATORY SECTION (Amending WSR 12-13-104, filed 6/20/12, effective 7/21/12)

WAC 246-836-020 ((Eligibility)) Requirements for licensure ((examination)). ~~((1))~~ Graduates holding a degree/diploma from a college of naturopathic medicine approved by the board shall be eligible to take the examination, provided all other requirements of RCW 18.36A.090 are met.

~~(2) All applicants shall file with the board a completed application, with the required fee, at least sixty days prior to the exam.~~

~~(3) Applicants shall request that the college of naturopathic medicine send official transcripts directly to the board.~~

~~(4) Applicants who have filed the required applications, whose official transcript has been received by the board, and who meet all qualifications shall be notified of their eligibility, and only such applicants will be admitted to the exam.)~~ Individuals seeking a license to practice as a naturopathic physician must provide the following:

(1) A completed application, with all required fees;

(2) Official transcripts sent directly from a college of naturopathic medicine approved by the board, demonstrating that the applicant has graduated as a naturopathic physician;

(3) Verification of successful passage of the national examination approved by the board under WAC 246-836-030 sent directly from the examination entity;

(4) Successful passage of the jurisprudence examination provided by the board;

(5) A federal background check application, if required, including fingerprint cards and fee per RCW 18.130.064 (2)(b); and

(6) Any other documentation, materials, or information as determined by the board or its designee.

AMENDATORY SECTION (Amending WSR 12-13-104, filed 6/20/12, effective 7/21/12)

WAC 246-836-030 Licensure examinations accepted by the board. (1) ~~((The))~~ Applicants for licensure as a naturopathic physician must pass the Naturopathic Physicians

Licensing Examination (NPLEX) administered by the North American Board of Naturopathic Examiners (NABNE). The NPLEX licensure examination ((shall)) consists of the following components and tests:

~~(a) ((Basic science component which may include but not be limited to tests in the following subjects: Pathology, anatomy, physiology, microbiology and biochemistry.~~

~~(b) Clinical science component which may include but not be limited to tests in the following subjects: Physical diagnosis; nutrition; physical medicine; botanical medicines and toxicology; psychological and lifestyle counseling; emergency medicine, basic skills and public health; lab and X-ray diagnosis.~~

~~(c) Law of the state and administrative regulations as they relate to the practice of naturopathic medicine.~~

~~(d) The board, at its discretion, may require tests in other subjects. Candidates will receive information concerning additional tests prior to the examination.~~

~~(2) Candidates may take the basic science component of the exam after two years of training. A candidate who has achieved a passing score on the basic science component after two years of training must achieve a passing score on the clinical science component and the state law test within twenty-seven months after graduation; otherwise, the candidate's basic science component exam results will be null and void and the candidate must again take the basic science component of the exam. All exam candidates are required to obtain a passing score on all tests before a license is issued. A candidate who takes the basic science component of the exam after two years of training must submit an application for reexamination, along with reexamination fees, to take the clinical science component and the state law test at a later exam administration.~~

~~(3) Examinations shall be conducted twice a year.~~

~~(4))~~ The integrated NPLEX Part I biomedical science examination, first administered in August 2009;

(b) The integrated NPLEX Part II clinical science examination, first administered in August 2007; and

(c) The NPLEX Part II clinical elective add-on minor surgery examination.

(2) The acceptable scores for the integrated examinations identified in subsection (1) of this section are those passing scores reported by NABNE.

(3) For NPLEX examinations administered prior to the integrated examinations identified in subsection (1) of this section, the board accepts a minimum passing score of seventy-five for each component and test in:

(a) NPLEX Part I;

(b) NPLEX Part II;

(c) NPLEX clinical elective add-on minor surgery examination; and

(d) NPLEX clinical elective add-on homeopathy examination.

(4) The board will consider passing scores under the compensatory model as reported by NABNE on a case-by-case basis. The minimum passing score for each component and test in the examination is seventy-five.

(5) Appeals of NPLEX failing scores must be made directly to NABNE.

AMENDATORY SECTION (Amending WSR 91-02-049, filed 12/27/90, effective 1/31/91)

WAC 246-836-040 (~~(Release of)~~) Jurisprudence examinations (~~(results)~~). ~~((1) Candidates shall be notified of examination results by mail only.~~

~~(2) Candidates who successfully complete all components and tests of the examination shall receive a license to practice as a naturopathic physician provided all other requirements are met.~~

~~(3) Candidates who fail any test in the examination shall be so notified and shall be sent an application to retake the examination.~~

~~(4) A candidate's examination scores shall be released only to the candidate unless the candidate has requested, in writing, that the examination scores also be released to a specific school, individual, or entity.)~~ (1) Individuals taking the jurisprudence examination provided by the board must pay the appropriate fee when submitting it for scoring.

(2) The minimum passing score for the jurisprudence examination is seventy-five.

(3) Individuals who fail the jurisprudence examination may retake the examination provided they submit an additional fee.

(4) An individual's jurisprudence examination score is released only to the individual unless a written request is submitted that authorizes release to a specific third party.

AMENDATORY SECTION (Amending WSR 12-13-104, filed 6/20/12, effective 7/21/12)

WAC 246-836-110 Licensing by endorsement. A license to practice as a naturopathic physician in the state of Washington may be issued without examination at the discretion of the board provided the applicant meets all of the (~~following~~) requirements in WAC 246-836-020 except for the national examination requirement in subsection (3) of that section. The individual must:

~~(1) ((The candidate has)) Have graduated from ((and holds a degree/diploma from)) a college of naturopathic medicine approved by the ((state or jurisdiction where the school is located and which prepares candidates for licensure as a naturopathic physician: Provided, That such program at the time of the candidate's graduation is equivalent to or exceeds the minimum naturopathic medical educational standards required for Washington state approved schools)) board;~~

~~(2) ((The candidate holds)) Hold a current valid license in good standing to practice as a naturopathic physician in another state or jurisdiction. Official written verification of such licensure status must be received ((by the board)) directly from the other state or jurisdiction;~~

~~(3) ((The candidate has completed and filed with the board a notarized application for licensure by endorsement, a true and correct copy of the current valid license, and the required application fee;~~

~~(4) The candidate has)) Have successfully passed a naturopathic ((physician)) licensure examination in another state or jurisdiction prior to 1990 when the Naturopathic Physician Licensing Examination (NPLEX) became fully available. Written official verification of successful completion of the licensure examination ((and of licensure in good standing~~

~~must be requested of the state or jurisdiction by the candidate and)) must be received ((by the board)) directly from the state or jurisdiction; ~~((5) The candidate must)) and~~~~

~~(4) Meet all other requirements of chapter 18.36A RCW and this chapter, including the requirement that the applicant be of good moral character; has not ((have)) engaged in unprofessional conduct; and ((not be unable)) is able to practice with reasonable skill and safety ((as a result of a physical or mental impairment; and~~

~~(6) The state or jurisdiction in which the candidate is currently licensed grants similar privilege of licensure without examination to candidates who are licensed in Washington as naturopathic physicians)).~~

AMENDATORY SECTION (Amending WSR 92-02-018, filed 12/23/91, effective 1/23/92)

WAC 246-836-120 Reciprocity or waiver of examination requirements. Reciprocity or waiver of examination requirements may be granted for certain examinations administered by ((other states or jurisdictions)) the Oregon Board of Naturopathic Medicine in accordance with the reciprocal agreement with that state that was in effect at the time the individual took the examinations. These examinations must ((include)) have included the clinical and the basic science sections. The minimum passing score ((will depend upon the quality of the examination, but)) must ((be)) have been equivalent to or better than the score of seventy-five ((which is)) as required in WAC 246-836-030. ~~((Reciprocity or waiver shall be in accordance with the reciprocal agreement in place with that state or jurisdiction.))~~ The examinations acceptable in accordance with the Oregon reciprocal agreement are:

(1) Individual basic and clinical examinations from 1927 through 1987 with scores as originally reported;

(2) Individual basic and clinical science examinations given in January 1988 with scores as originally reported;

(3) The basic science examination given in January 1989 with raw scores; and

(4) The Naturopathic Physician Licensure Examinations (NPLEX) for all years prior to 1990 with raw scores as reported by the North American Board of Naturopathic Examiners (NABNE).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-836-050 Reexaminations.

WSR 15-10-031 PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 15-94—Filed April 28, 2015, 11:42 a.m., effective May 29, 2015]

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

Purpose: This rule making modifies hunt dates and permit levels on properties enrolled in Washington department

of fish and wildlife's (WDFW) landowner hunting permit (LHP) program for the 2015-17 hunting seasons. These sites offer special hunting opportunities to the public through permits issued by WDFW, raffles, or selection by the landowner.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-296.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240.

Adopted under notice filed as WSR 15-04-114 on February 3, 2015.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-28-296:

- Under Pine Mountain Ranch:
 - The number of landowner any buck permits is increased from 2 to 3.
 - The number of youth only, any buck special hunting permits is increased from 2 to 3.
- The following sentence is added under the description of Bennett Lumber landowner hunting permits: "Holders of the ten (10) antlerless elk permits are eligible to purchase second elk tags that may only be used on lands included in the Bennett Lumber LHP."
- The following sentence is added under the description of Columbia Plateau Wildlife Management Association landowner hunting permits: "Holders of landowner permits selected through raffle, including 13 antlerless elk and 2 any elk permits, are eligible to purchase second elk tags that may only be used on lands included in the CPWMA LHP."

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

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

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

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

(ii) Deer Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any White-tailed Deer	Buckrun
Buckrun	30	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	10	Oct. 25 - Dec. 31	Any deer	Buckrun

(c) Buckrun special hunting permits

(i) Hunters must apply to the Washington department of fish and wildlife for Buckrun's special hunting permits. Only hunters possessing a modern firearm deer tag are eligible for these special permits. All hunters must check in and out with the landowner or their designee. Hunts (~~(should)~~) must be scheduled in advance by calling 509-345-2577.

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

Date Adopted: April 10, 2015.

Brad Smith, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-296 Landowner hunting permits. (1) A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

(2) It is unlawful for hunters to participate in landowner-permit hunts unless the hunters possess both an access permit from the landowner and a hunting permit from the department for the species covered under the landowner's contract. A violation of this section is punishable under RCW 77.15.410.

(3)(a) Buckrun

(i) Buckrun is located in Grant County, near the town of Wilson Creek.

(ii) Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one-day hunts during the permit seasons with written authorization from the Buckrun manager. All hunters must check in and out with the landowner or their designee on hunt day. Hunts (~~(will be)~~) are scheduled on a first-come basis by calling 509-345-2577 in advance.

(b) Buckrun landowner hunting permits

(i) Buckrun's manager will distribute Buckrun's landowner hunting permits. Buckrun may charge an access fee for these permits, but not for winning raffle permits. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun's properties. Contact the manager at 509-345-2577 for additional information.

(ii) Deer Seasons:

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless	Buckrun

(4)(a) Silver Dollar Association

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation. A legal description of the property is in the contract between the Silver Dollar Association and the department.

(b) Silver Dollar Association landowner hunting permits

(i) The Silver Dollar Association's manager will distribute the association's landowner hunting permits. The association may charge an access fee for these permits.

(ii) Elk Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Silver Dollar	24	Aug. 1 - March 31	Any Elk	Silver Dollar
Silver Dollar	8	Aug. 1 - March 31	Antlerless	Silver Dollar

(c) Silver Dollar Association special hunting permits

(i) Hunters must apply to the ((Washington)) department ((of fish and wildlife)) for the Silver Dollar Association's special hunting permits.

(ii) Elk Seasons:

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Silver Dollar	8	EF	Aug. 1 - March 31	Youth Only, Any Elk	Silver Dollar
Silver Dollar Antlerless Elk	6	EF	Aug. 1 - March 31	Youth Only, Antlerless Elk Only	Silver Dollar
Silver Dollar Antlerless Elk	2	EF	Aug. 1 - March 31	Persons of Disability Only, Antlerless Elk Only	Silver Dollar

(5)(a) Blackrock Ranches

Blackrock Ranches is located in Yakima County west of the Hanford Reservation. A legal description of the property is in the contract between Blackrock Ranches and the department.

(b) Blackrock Ranches landowner hunting permits

(i) Blackrock Ranches' manager will distribute the ranches' landowner hunting permits. Blackrock Ranches may charge an access fee for these permits.

(ii) Elk Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	6	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	2	Aug. 1 - March 31	Antlerless	Blackrock Ranches

(c) Blackrock Ranches special hunting permits

(i) Hunters must apply to the ((Washington)) department ((of fish and wildlife)) for Blackrock Ranches' special hunting permits. To apply, hunters must have an eastside elk tag.

(ii) Elk Seasons:

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	1	EF	Aug. 1 - March 31	Any Elk	Blackrock Ranches

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	1	EF	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

(6)(a) Pine Mountain Ranch

The Pine Mountain Ranch is located in Yakima County 14 miles west of Yakima. A legal description of the property is in the contract between the Pine Mountain Ranch and the department.

(b) Pine Mountain Ranch landowner hunting permits

(i) Pine Mountain Ranch's manager will distribute the ranch's landowner hunting permits. Pine Mountain Ranch may charge an access fee for these permits.

(ii) Deer Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	((2)) 3	Nov. ((3)) 10 - Dec. 31	Any Buck	Pine Mountain Ranch

(iii) Elk Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Aug. 1 - Dec. 31	Any Bull	Pine Mountain Ranch
Pine Mountain Ranch	2	Aug. 1 - Nov. ((2)) 2	Antlerless	Pine Mountain Ranch

(c) Pine Mountain Ranch special hunting permits

(i) Hunters must apply to the ((Washington)) department ((of fish and wildlife)) for Pine Mountain Ranch's special hunting permits.

(ii) Deer Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	((2)) 3	Nov. ((3)) 10 - Dec. 31	Youth Only, Any Buck	Pine Mountain Ranch

(iii) Elk Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Aug. 1 - Dec. 31	Youth Only, Any Bull	Pine Mountain Ranch
Pine Mountain Ranch	2	Aug. 1 - Nov. ((2)) 2	Antlerless	Pine Mountain Ranch

(7)(a) ((4-0 Ranch

The 4-0 Ranch is located in Asotin County (GMU 172), south of Asotin. A legal description of the property is in the contract between the 4-0 Ranch and the department.

(b) 4-0 Ranch landowner hunting permits

The 4-0 Ranch's manager will distribute the ranch's landowner hunting permits. The 4-0 Ranch may charge an access fee for these permits.

Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-0 Ranch A	4	Oct. 4-7	Mule Deer, 3-pt. min	4-0 Ranch

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-0 Ranch C	1	Nov. 8-12	White-tailed, 3 pt. min	4-0 Ranch

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-0 Ranch A	1	Sept. 6-9	Any Bull	4-0 Ranch
4-0 Ranch B	1	Sept. 25-28	Any Bull	4-0 Ranch
4-0 Ranch C	3	Oct. 18-21	Spike Only	4-0 Ranch
4-0 Ranch D	8	Nov. 3-7	Antlerless Only	4-0 Ranch

(e) 4-0 Ranch special hunting permits

Hunters must apply to the Washington department of fish and wildlife for the ranch's special hunting permits. Hunters must have an Eastside Elk tag to apply for 4-0 Ranch's elk permits.

Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-0 Ranch A	1	Oct. 8-12	Mule Deer, 3 pt. min	4-0 Ranch
4-0 Ranch B	3	Oct. 8-12	Antlerless Mule Deer, Youth Only	4-0 Ranch
4-0 Ranch C	1	Nov. 15-19	Whitetail, 3 pt. min	4-0 Ranch

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-0 Ranch A	1	Sept. 10-14	Any Bull	4-0 Ranch
4-0 Ranch B	1	Sept. 17-21	Any Bull	4-0 Ranch
4-0 Ranch C	4	Oct. 22-26	Spike Only	4-0 Ranch
4-0 Ranch D	4	Oct. 29 - Nov. 2	Antlerless Only	4-0 Ranch
4-0 Ranch E	4	Nov. 22-26	Antlerless Only	4-0 Ranch))

Bennett Lumber LHP

(i) The Bennett Lumber property is located in Asotin, Columbia, Garfield, and Walla Walla counties (GMUs 154, 162, 166, 172, and 178). A legal description of the property is in the contract between Bennett Lumber and the department.

(ii) Special hunting permits are not issued by the department for the Bennett Lumber LHP. Instead, Bennett Lumber will be enrolling in the hunt by reservation program to provide regulated public access to all of their property. The landowner and the department will develop a framework for scheduling reservation hunts on the property which will result in hunting opportunity exceeding that which otherwise would be available using the standard allocation guidelines for LHPs.

(b) Bennett Lumber landowner hunting permits

(i) Bennett Lumber's manager will distribute the ranch's landowner hunting permits. Bennett Lumber may charge an access fee for these permits. Holders of the 10 antlerless elk permits are eligible to purchase second elk tags that may only be used on lands included in the Bennett Lumber LHP.

(ii) Deer Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Bennett Lumber A	2	Nov. 7 - 19	Mule Deer, 3 pt. min	Bennett Lumber
Bennett Lumber B	4	Nov. 7-19	White-tailed, 3 pt. min	Bennett Lumber

(iii) Elk Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Bennett Lumber A	2	Sept. 15-30	Any Bull	Bennett Lumber
Bennett Lumber B	5	Sept. 15-30	Antlerless	Bennett Lumber
Bennett Lumber C	5	Oct. 31 - Nov. 8	Antlerless	Bennett Lumber

(8)(a) ZMI Ranch

ZMI Ranch is located in northern Walla Walla County near Lyons Ferry (GMU 149).

(b) ZMI Ranch landowner hunting permits

(i) ZMI Ranch's manager will distribute the ranch's landowner hunting permits. ZMI Ranch may charge an access fee for these permits.

(ii) Deer Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
ZMI A	3	Oct. ((20)) <u>28</u> - Nov. ((4)) <u>1</u>	3 pt. min	ZMI
ZMI B	3	Nov. ((15-30)) <u>14-30</u>	3 pt. min	ZMI

(c) ZMI Ranch special hunting permits

(i) Hunters must apply to the ~~((Washington))~~ department ~~((of fish and wildlife))~~ for ZMI Ranch's special hunting permits. Only hunters possessing a modern firearm deer tag are eligible for ZMI special permits. Hunters must ~~((call))~~ contact ZMI Ranch's manager to schedule a hunt time. All hunters must check in and out with the landowner or their designee on the day they hunt.

(ii) Deer Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
ZMI A	2	((Dec. 1-7)) <u>Nov. 4-8</u>	3 pt. min	ZMI
<u>ZMI B</u>	6	<u>Dec. 5-13</u>	<u>Antlerless</u>	<u>ZMI</u>

(9)(a) Columbia Plateau Wildlife Management Association

(i) The Columbia Plateau Wildlife Management Association (CPWMA) landowner hunting permit area is located in Spokane County (GMU 130) near Turnbull National Wildlife Refuge. ~~((Landowner permit hunts are primarily damage hunts but are managed for a quality experience by keeping the number of hunters in the field low.))~~ A legal description of the property is in the contract between the CPWMA and the department.

(ii) Landowner permit hunts are primarily damage hunts but are managed for a quality experience by keeping the number of hunters in the field low.

(b) Columbia Plateau Wildlife Management Association landowner hunting permits

(i) CPWMA's manager will distribute the association's landowner hunting permits. CPWMA will not charge an

access fee for raffle permit winners. Only hunters possessing an elk tag are eligible for permits on CPWMA's properties. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of information with forms to ~~((fill out))~~ complete and a map showing the hunt area. These applicants must ~~((fill out))~~ complete the forms and return them before ~~((Sept.))~~ September 30. Applicants should see CPWMA's web site at www.cpwma.org or contact the hunt manager at 509-263-4616. HOLDERS OF LANDOWNER PERMITS SELECTED THROUGH RAFFLE, INCLUDING 13 ANTLERLESS ELK AND 2 ANY ELK PERMITS, ARE ELIGIBLE TO PURCHASE SECOND ELK TAGS THAT MAY ONLY BE USED ON LANDS INCLUDED IN THE CPWMA LHP.

(ii) Elk Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA	2	Jan. 1 - Mar. 31	Antlerless	CPWMA
((CPWMA Raffle 1	2	Jan. 1-15	Antlerless	CPWMA
CPWMA Raffle 2	2	Jan. 16-31	Antlerless	CPWMA
CPWMA Raffle 3	3	Feb. 1-14	Antlerless	CPWMA
CPWMA Raffle 4	2	Feb. 15-28	Antlerless	CPWMA
CPWMA Raffle 5	2	Mar. 1-15	Antlerless	CPWMA
CPWMA Raffle 6	2	Mar. 16-31	Antlerless	CPWMA
CPWMA Raffle 7	2	Jan. 1-31	Any bull	CPWMA))
<u>CPWMA Raffle 1</u>	4	<u>Jan. 1-31</u>	<u>Antlerless</u>	<u>CPWMA</u>
<u>CPWMA Raffle 2</u>	4	<u>Feb. 1-29</u>	<u>Antlerless</u>	<u>CPWMA</u>
<u>CPWMA Raffle 3</u>	5	<u>Mar. 1-31</u>	<u>Antlerless</u>	<u>CPWMA</u>
<u>CPWMA Raffle 4</u>	2	<u>Jan. 1-31</u>	<u>Any elk</u>	<u>CPWMA</u>

(c) Columbia Plateau Wildlife Management Association special hunting permits

(i) Hunters must apply to the (~~Washington~~) department (~~of fish and wildlife~~) for CPWMA's special hunting permits. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning

and ending of the scheduled hunting dates. Successful applicants will receive a packet of required information with forms to (~~fill out~~) complete and a map showing the hunt area. These applicants must (~~fill out~~) complete the forms and return them before (~~Sept.~~) September 30. Applicants should see CPWMA's web site at www.cpwma.org or contact the hunt manager at 509-263-4616.

(ii) Elk Seasons:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA 1	3	Jan. 1-15	Antlerless	CPWMA
CPWMA 2	2	Jan. 16-31	Antlerless	CPWMA
CPWMA 3	2	Feb. 1-14	Antlerless	CPWMA
CPWMA 4	3	Feb. 15-28	Antlerless	CPWMA
CPWMA 5	3	Mar. 1-15	Antlerless	CPWMA
CPWMA 6	2	Mar. 16-31	Antlerless	CPWMA
CPWMA 7	1	Jan. 1-31	Any bull	CPWMA))
<u>CPWMA 1</u>	<u>5</u>	<u>Jan. 1-31</u>	<u>Antlerless</u>	<u>CPWMA</u>
<u>CPWMA 2</u>	<u>5</u>	<u>Feb. 1-29</u>	<u>Antlerless</u>	<u>CPWMA</u>
<u>CPWMA 3</u>	<u>5</u>	<u>Mar. 1-31</u>	<u>Antlerless</u>	<u>CPWMA</u>
<u>CPWMA 4</u>	<u>1</u>	<u>Jan. 1-31</u>	<u>Any elk</u>	<u>CPWMA</u>

**WSR 15-10-033
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 15-95—Filed April 28, 2015, 1:30 p.m., effective May 29, 2015]

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

Purpose: WAC 232-12-005 Predatory birds, 232-12-064 Live wildlife—Taking from the wild, importation, possession, transfer, and holding in captivity and 232-12-271 Criteria for planting aquatic plants and releasing wildlife; this rule making adds Eurasian collared doves to the list of species that can be used for falconry and dog training.

WAC 232-12-024 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat; this rule making allows the department to issue permits to individuals other than department employees to seal pelts.

WAC 232-12-141 Wild animal trapping; this rule making simplifies and clarifies the rules for fur trapping.

- The provisions regarding the use of body gripping traps are removed from this section as they restate trapping rules in RCW 77.15.194.
- A clarification is made that the meat of animals classified as furbearers may be used as bait.

WAC 232-12-242 Hunting Restrictions; this rule making expands hunting opportunity by limiting the restriction to only deer and elk general seasons.

WAC 232-12-288 Official hunting hours for big game animals, rabbits, hares, fox, and forest grouse; this rule making removes the exemption of bobcat and raccoon from hunt-

ing hours and the rule title is changed to specify the game animals that the hunting hours apply to.

WAC 232-28-342 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and rules; this rule making establishes dates, bag limits and other rules for small game and other wildlife hunting seasons for the next three years. These changes will maintain recreational hunting opportunities for the public.

WAC 232-28-516 Trapping seasons and regulations; this rule making will continue the current trapping seasons for all furbearers with no changes except that the existing closure and bag limits in eastern Washington are removed. The change will allow expanded opportunity for harvest of river otter during the trapping season.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-005, 232-12-024, 232-12-064, 232-12-141, 232-12-242, 232-12-271, 232-12-288, 232-28-342, and 232-28-516.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240.

Adopted under notice filed as WSR 15-04-090 on February 2, 2015.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-28-342 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and rules, the ring-necked pheasant start dates for 2015 and 2016 are changed to Oct. 24 and Oct. 22 respectively.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 9, Repealed 0.

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

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

Date Adopted: April 10, 2015.

Brad Smith, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 04-11-036, filed 5/12/04, effective 6/12/04)

WAC 232-12-005 Predatory birds. (1) HUNTING PREDATORY BIRDS:

(a) It is unlawful to hunt for or take predatory birds without a hunting license except as allowed under RCW 77.36.030.

(b) Crows and magpies: It is ~~((lawful))~~ permissible to take crows during established hunting seasons and crows or magpies when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance provided that none of the birds, or their plumage, be offered for sale.

(c) All other predatory birds may be hunted throughout the year.

(2) SALE OF PREDATORY BIRDS: It is ~~((lawful))~~ permissible to sell starlings, house sparrows, Eurasian collared doves, and rock doves for the purposes of falconry and lawful to sell rock doves and Eurasian collared doves for the purposes of bird dog training.

(3) POSSESSION OF PREDATORY BIRDS: It is ~~((lawful))~~ permissible to take from the wild and possess live starlings, house sparrows Eurasian collared doves, and rock doves for purposes of falconry and Eurasian collared doves and rock doves for purposes of bird dog training.

(4) RELEASE OF LIVE PREDATORY BIRDS: It is ~~((lawful, without a permit))~~ permissible to release Eurasian collared doves and rock doves for the purposes of bird dog training or falconry without a permit.

AMENDATORY SECTION (Amending WSR 13-02-043, filed 12/21/12, effective 1/21/13)

WAC 232-12-064 Live wildlife—Taking from the wild, importation, possession, transfer, and holding in captivity. (1) It is unlawful to take live wildlife, wild birds, or game fish from the wild without a permit issued by the director except as otherwise provided by department rule. This subsection does not apply to starlings, house sparrows, Eurasian collared doves, and rock doves taken by falconers, or rock doves and Eurasian collared doves taken by bird dog trainers.

(2) Notwithstanding the provisions of WAC 232-12-027(1), 232-12-067, and subsections (3) and (4) of this section, and except as provided under subsection (7), (8), (9), or (10) of this section, it is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of or the gametes and/or embryos of the following species in the family *Cervidae*(=).

(3) It is unlawful to import into the state or to hold live wildlife taken, held, possessed, or transported contrary to federal or state law, local ordinance, or department rule. It is unlawful to import live wild animals, wild birds, or game fish without first presenting to the department the health certificate required by the Washington department of agriculture under WAC 16-54-180. However, raptors used for falconry or propagation may be imported if the importer has health certificates for the raptors. Importers must produce proof of lawful importation for inspection if asked to do so by a department employee.

(4) It is unlawful to possess or hold in captivity live wild animals, wild birds, or game fish unless lawfully acquired. Any person possessing or holding wild animals, wild birds, or game fish in captivity must provide proof of lawful acquisition and possession for inspection if asked to do so by a department employee. The proof must identify the wild animals', wild birds', or game fish's:

- (a) Species;
- (b) Age and sex;
- (c) Origin;
- (d) Receiving party's name;
- (e) Source's name and address;
- (f) Invoice/statement date; and
- (g) Documentation of prior transfers.

(5) Live wild animals, wild birds, or game fish held in captivity, or their progeny or parts thereof, may not be sold or otherwise used commercially except as provided by department rule.

(6) It is unlawful to release wildlife from captivity except as provided in WAC 232-12-271. It is unlawful to release fish into any state waters, including private, natural, or man-made ponds, without first obtaining a fish planting permit. However, if a person catches game fish and keeps the fish alive on stringers, in live wells, or in other containers while fishing, he or she may release the fish back into the same waters that he or she caught the game fish in.

(7) **Scientific research or display:** The director may issue written authorization for a person to import into the state, hold, possess and propagate live specimens of wildlife listed in subsection (2) of this section, for scientific research or for display by zoos or aquariums who are accredited institutional members of the Association of Zoos and Aquariums (AZA), provided that the person:

- (a) Confines the specimens to a secure facility;
- (b) Does not transfer specimens to any other location within the state without the director's written authorization, and the specimens are transferred to other AZA-accredited facilities and transported by AZA-accredited institutional members or their authorized agents;

(c) Does not sell or otherwise dispose of specimens within the state, unless the director gives written approval to sell or dispose of the specimens;

(d) Keeps records on the specimens and make reports as the director requires; and

(e) Complies with the requirements in this section.

(8) Retention or disposal of existing specimens lawfully in captivity prior to June 20, 1992: A person who holds live Roosevelt and Rocky Mountain elk, mule deer and black-tailed deer, white-tailed deer, and moose may retain the specimens of the wildlife the person lawfully possessed prior to June 20, 1992, and the lawful progeny of that wildlife, provided the person complies with the requirements of this section, and:

(a) Reports to the director, in writing, the species, number, and location of the specimens as required;

(b) Confines the specimens to a secure facility at the location reported, and the facility meets the requirements listed in WAC 232-12-063;

(c) Does not propagate live specimens except at AZA-accredited facilities with the director's written permission or as otherwise authorized in writing by the director;

(d) Does not release live specimens, except with the director's written permission;

(e) Does not sell or transfer live specimens, except:

(i) Live specimens in lawful possession prior to June 20, 1992, and their lawful progeny may be permanently removed from Washington state or transported directly to slaughter in accordance with applicable law;

(ii) Federally listed endangered or threatened species may be transferred to AZA-accredited facilities in compliance with federal law;

(iii) Live specimens may be moved to the new primary residence of the possessor with the director's written approval, provided all other requirements of this section are satisfied and the total number of locations where animals are held is not increased; and

(iv) AZA-accredited facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(f) Live specimens must be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AZA-accredited facilities with the director's written permission.

(9) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding live specimens of wildlife newly listed in subsection (2) of this section by operation of this rule (Caribou (*Rangifer tarandus caribou*)), may retain the specimens of such wildlife the person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens; and

(b) The person complies with subsection (8)(b) through (f) of this section and the other requirements of this section.

(10) The provisions of this section do not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes or embryos, where in compliance with federal law.

(11) Escaped wildlife:

(a) Escaped wildlife is considered a public nuisance. The department or any peace officer may seize, capture, or destroy wildlife that have escaped the possessor's control. The former possessor is responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Possessors must report escaped wildlife to the department immediately.

(c) Possessors must report the recapture or death of escaped wildlife to the department immediately.

(12) Testing specimens:

(a) If the director issues a permit to allow any member of the Genus *Cervus*, identified in subsection (2) of this section, then prior to the animal's entry into Washington state, the person must submit records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence. Red deer genetic influence is genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington. Upon examination by department biologists, animals deemed to exhibit behavioral (vocalization), morphological (size, rump patch, color), or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) A person currently holding any member of the genus *Cervus elaphus* identified in subsection (2) of this section must immediately submit to the director records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence, as defined in (a) of this subsection, for each individual cervid. Genetic testing will be at the possessor's expense. Any animals identified as red deer or having nonindigenous genetic influence must be destroyed, removed from the state, or neutered immediately.

(c) The director may require wildlife listed in subsection (2) of this section that are lawfully held in captivity to be tested for brucellosis (*Brucella abortus*), tuberculosis (*Mycobacterium bovis* and *Mycobacterium tuberculosis*), meningeal worm (*Paralophostrongylus tenuis*), and muscle worm (*Elaphostrongylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-180. The director may also require testing for other diseases or parasites determined to pose a risk to wildlife. Results of those tests must be filed with the director as required.

(13) Reporting:

(a) A person holding wildlife listed in subsection (2) of this section in captivity must submit a completed report no later than March 30, 1993, and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing wildlife listed in subsection (2) of this section must notify the director within 10 days of any change of such persons' address and/or location of the holding facility.

(14) Inspection: All holding facilities for captive wildlife located in the state are subject to inspection, conducted at a reasonable time, for compliance with the provisions of this section.

(15) Notification and disposition of diseased animals:

(a) Any person who has reason to believe that wildlife being held pursuant to this rule have contracted or been exposed to a dangerous or communicable disease or parasite must notify the department immediately.

(b) Upon reason to believe that wildlife held pursuant to this rule have contracted or been exposed to a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian, certified fish pathologist, or inspection agent. Inspection will be at the possessor's expense.

(c) The director will determine when destruction of wildlife or quarantine, disinfection, or sterilization of facilities is required at any facility holding wildlife pursuant to this rule. If the director determines that destruction of wildlife or quarantine, disinfection, or sterilization of facilities is required, he or she will issue a written order to the possessor describing the procedure to be followed and the time period for carrying out such actions. The destruction of wildlife or quarantine, disinfection, or sterilization of facilities will be at the possessor's expense.

(16) Quarantine area:

(a) Facilities holding wildlife listed in subsection (2) of this section must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington department of agriculture in chapter 16-54 WAC.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) If quarantine becomes necessary, the possessor of any wildlife requiring quarantine must provide an on-site quarantine facility or make arrangements at the possessor's expense to transport his or her wildlife to an approved quarantine facility.

(17) Seizure:

(a) The department may seize any unlawfully possessed wildlife.

(b) The cost of any seizure or holding of wildlife may be charged to the possessor of the wildlife.

(18) Violation of this section is a misdemeanor punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

AMENDATORY SECTION (Amending WSR 04-11-036, filed 5/12/04, effective 6/12/04)

WAC 232-12-271 Criteria for planting aquatic plants and releasing wildlife. (1) Release by persons other than the director. It is unlawful for persons other than the director to plant aquatic plants or release any species, subspecies, or hybrids of animals which do not already exist in the wild in Washington. If such species, subspecies, or hybrid does already exist in the wild in Washington, it may be released within its established range by persons other than the director, but only after obtaining a permit from the director.

(a) Application for a permit must be made on a form provided by the department. It must be submitted at least thirty days prior to acquisition of the wildlife or aquatic plants intended for release or planting, and must provide all information indicated.

(b) Permits will only be issued if the director determines there will be no adverse impact on the wildlife or wildlife habitat of the state.

(c) Each permit shall require that at least thirty days prior to planting or release of wildlife or aquatic plants they must be made available for inspection by the director. It shall be the responsibility of the applicant to show that the wildlife will not pose a disease threat. If the director is not satisfied that the wildlife or aquatic plants do not pose a disease threat, they shall not be released or planted in the state. Director approval for release or planting may be withdrawn for cause.

(d) Each permit shall require that an applicant intending to release wildlife in the state shall report immediately to the director the outbreak of any disease among the wildlife intended to be released. If the director determines that such outbreak presents a threat to the wildlife of the state, the director may immediately order such action as necessary including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities, and disposal of wildlife in a manner satisfactory to the director.

(e) Each permit shall require that wildlife to be released shall not be branded, tattooed, tagged, fin clipped or otherwise marked for identification without approval of the director or as required in WAC 232-12-044.

(f) Legally acquired pheasant of the genus *Phasianus*; gray partridge of the genus *Perdix*; chukar of the genus *Alectoris*; quail of the genus *Callipepla* and *Colinus*; and mallards (*Anas platyrhynchos*) may be released without a permit for purposes of dog training, and hunting pursuant to WAC 232-12-044. Game birds of these species released for these purposes must be purchased from facilities that have been inspected by a certified veterinarian within the past twelve months. Rock doves and Eurasian collared doves may be released without a permit for purposes of bird dog training.

(2) Release by the director. The director may plant aquatic plants or release animal species, subspecies, or hybrids which have been planted or released previously in Washington if they do not pose a disease threat and if planting or release will not cause adverse impact on the wildlife or wildlife habitat of the state. Before releasing any species, subspecies, or hybrid of animal not already existing in the wild in Washington, the director shall report to the commission on the planned release, stating the basis for determining that the planned release fulfills the criteria set forth herein. The director may release nonnative species, subspecies, or hybrids not previously released in Washington only if the director in his or her sole discretion has determined that:

(a) There is no reasonable expectation of adverse impact on the wildlife or wildlife habitat of the state and there is an adequate plan for evaluating such impact following the release;

(b) The commission has classified the species, subspecies, or hybrids to be released pursuant to RCW 77.12.020;

(c) Suitable habitat is available;

(d) The nonnative species, subspecies, or hybrids to be released are free of exotic pathogens;

(e) The release serves the public interest.

(3) This section does not apply to release of classified or unclassified fish or shellfish by persons who have caught or taken the fish or shellfish, provided the fish or shellfish are released into the water or on the tidelands at the approximate location where taken, except that fishing contest participants may release fish at a contest-designated location in the same body of water from which the fish were taken.

AMENDATORY SECTION (Amending WSR 06-11-032, filed 5/8/06, effective 6/8/06)

WAC 232-12-024 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat. (1) It is unlawful to possess river otter, cougar, lynx, or bobcat taken in Washington without a department identification seal which has been attached to the raw pelt, on or off the carcass, prior to the pelt sealing deadline.

~~(2) ((Any river otter, cougar, or bobcat raw pelt must be presented by the person harvesting the animal, in such a manner that teeth and biological samples can be extracted, to an authorized department employee for sealing.~~

~~(3))~~ (3) The raw pelt of a bobcat or river otter must be presented to an authorized department employee, or authorized individual under permit with the department, for sealing within 20 days after the close of the appropriate hunting or trapping season in which it was killed.

~~((4))~~ (3) Any person who takes a cougar without the use of dogs must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. Any person who takes a cougar with the use of dogs must notify the department within 24 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be presented to an authorized department employee for sealing within five days of the notification of kill.

Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

~~((5))~~ (4) It is unlawful to transport or cause the transport out of Washington a raw pelt of river otter, cougar, lynx, or bobcat taken in Washington without a department seal attached to the pelt.

~~((6))~~ (5) The raw pelt of a river otter, cougar, lynx, or bobcat taken outside Washington and imported into the state must be identified by a tag ~~((and/or))~~, seal ~~((from the))~~ or permit consistent with federal, state or country of origin laws and be accompanied by an invoice ~~((or))~~, declaration or permit specifying the number of pelts in the shipment.

~~((7))~~ (6) It is unlawful to possess an unlocked, broken, or otherwise open department seal for river otter, cougar, lynx, or bobcat unless the seal wire or band has been cut through and removed from a pelt that has been received and invoiced by a licensed taxidermist or fur dealer for process-

ing or removed from a pelt that has been processed, except that individuals authorized by the department to seal pelts may possess open, unbroken seals.

AMENDATORY SECTION (Amending WSR 01-10-048, filed 4/26/01, effective 5/27/01)

WAC 232-12-141 Wild animal trapping. (1) The trapping season authorizes the taking of furbearing animals for their hides and pelts only. Furbearers may not be taken from the wild and held alive for sale or personal use without a special permit ~~((pursuant to WAC 232-12-064))~~ from the director.

(2) Any wildlife trapped for which the season is not open shall be released unharmed. Any wildlife that cannot be released unharmed must be left in the trap, and the department of fish and wildlife must be notified immediately.

(3) Lawfully trapped wild animals must be lethally dispatched or immediately released. A firearm may be used to dispatch trapped animals.

(4) It is unlawful to trap for wild animals:

(a) With body-gripping traps ~~((, EXCEPT as provided for in subsection (b):~~

~~(b) Conibear-type traps in water, nonstrangling foot snares, and padded foot-hold traps may be used for the following purposes with a permit issued by the director:~~

~~(i) To protect public health and safety, in consultation with the department of social and health services or the United States Department of Health and Human Services.~~

~~(ii) To abate damages caused to private property, domestic animals, livestock or timber, that cannot be reasonably abated by nonlethal control tools. Any person requesting a damage control permit must apply in writing, stating the threat or damages, the nonlethal control methods attempted or why they cannot be applied, and agree to use the above traps for no more than thirty days under the permit granted.~~

~~(iii) To protect threatened or endangered species, if such traps are used by department employees or agents.~~

~~(iv) To conduct wildlife research, EXCEPT that Conibear-type traps are prohibited for this purpose.~~

~~(e))~~ without a special permit from the director.

~~(b)~~ Unless kill traps are checked and animals removed within seventy-two hours.

~~((d))~~ (c) Unless animals captured in restraining traps (any nonkilling set) are removed within twenty-four hours of capture.

~~((e))~~ (d) Using game birds, game fish or game animals for bait, except nonedible parts of game birds, game fish or game animals may be used as bait.

~~((f))~~ For purposes of this section, the meat of animals classified as furbearing animals in WAC 232-12-007 is not considered edible.

(e) Within thirty feet of any exposed meat bait or nonedible game parts which are visible to flying raptors.

(5) Game bird feathers may be used as an attractor.

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-12-242 Hunting restrictions. (1) It is unlawful to hunt wildlife during any modern firearm deer or

elk season with any firearm 240 caliber or larger, or containing slugs or buckshot, unless the hunter has a valid license, permits and tags for modern firearm deer or elk seasons are in his or her possession.

(a) This subsection does not apply to people hunting bear, cougar, mountain goat, mountain sheep, or turkey.

(b) A violation of this subsection is punishable under RCW 77.15.410 or 77.15.430, depending on the circumstances of the violation.

(2)(a) It is unlawful to hunt any wildlife at night or wild animals, except rabbits and hares, with dogs (hounds) during the month((s)) of ((September,)) October((-)) or November ((in any area open to a)) during the dates established for eastern and western Washington modern firearm deer or elk general seasons. During the modern firearm deer and elk general seasons the hunting hours are one-half hour before sunrise to one-half hour after sunset. A violation of this subsection is punishable under RCW 77.15.430, Unlawful hunting of wild animals—Penalty.

(b) It is unlawful to use hounds to hunt black bear, cougar (EXCEPT as pursuant to RCW 77.15.245), coyote, and bobcat year-round. A violation of this subsection is punish-

able under RCW 77.15.410, Unlawful hunting of big game—Penalty, or RCW 77.15.430, depending on the circumstances of the violation.

AMENDATORY SECTION (Amending WSR 13-02-043, filed 12/21/12, effective 1/21/13)

WAC 232-12-288 Official hunting hours for big game animals, rabbits, hares, fox, and forest grouse. (1) The following tables show the lawful hunting hours (1/2 hour before sunrise to 1/2 hour after sunset) for big game animals, rabbits, hares, fox, and forest grouse (ruffed, blue, spruce) during established seasons.

(2) Exception((-

~~(a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons. However, when the area is open to modern firearm hunting of deer or elk, hunting hours are one-half hour before sunrise to one-half hour after sunset.~~

~~(b))~~ Hunting hours for falconry seasons (except for migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(3) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)	Western Washington		Eastern Washington			
	from A.M. to P.M.		from A.M. to P.M.			
Daylight Savings Time						
Sun.	Sept. 1	-	Sun.	Sept. 8	6:00 8:15	5:45 8:00
Mon.	Sept. 9	-	Sun.	Sept. 15	6:10 8:00	6:00 7:45
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20 7:45	6:10 7:30
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30 7:30	6:20 7:15
Mon.	Sept. 30	-	Sun.	Oct. 6	6:40 7:15	6:30 7:05
Mon.	Oct. 7	-	Sun.	Oct. 13	6:50 7:00	6:40 6:50
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00 6:50	6:50 6:35
Mon.	Oct. 21	-	Sun.	Oct. 27	7:10 6:35	7:00 6:25
Mon.	Oct. 28	-	Sat.	Nov. 2	7:20 6:25	7:10 6:20
Pacific Standard Time						
			Sun.	Nov. 3	6:20 5:25	6:10 5:20
Mon.	Nov. 4	-	Sun.	Nov. 10	6:30 5:15	6:20 5:00
Mon.	Nov. 11	-	Sun.	Nov. 17	6:40 5:05	6:30 4:50
Mon.	Nov. 18	-	Sun.	Nov. 24	6:50 4:55	6:40 4:45
Mon.	Nov. 25	-	Sun.	Dec. 1	7:00 4:50	6:50 4:40
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10 4:50	7:00 4:40
Mon.	Dec. 9	-	Sun.	Dec. 15	7:15 4:50	7:05 4:40
Mon.	Dec. 16	-	Sun.	Dec. 22	7:20 4:50	7:10 4:40
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25 4:55	7:10 4:45
Mon.	Dec. 30	-	Sun.	Jan. 5	7:25 5:00	7:15 4:45
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25 5:05	7:15 4:55

				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.	
Dates (Inclusive)						
Mon.	Jan. 13	-	Sun.	Jan. 19	7:20 5:15	7:10 5:05
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15 5:25	7:05 5:15
Mon.	Jan. 27	-	Fri.	Jan. 31	7:10 5:35	7:00 5:25

(4) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.	
Dates (Inclusive)						
Daylight Savings Time						
Mon.	Sept. 1	-	Sun.	Sept. 7	6:00 8:15	5:50 8:00
Mon.	Sept. 8	-	Sun.	Sept. 14	6:10 8:00	6:00 7:50
Mon.	Sept. 15	-	Sun.	Sept. 21	6:20 7:45	6:10 7:35
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30 7:30	6:15 7:20
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40 7:15	6:30 7:05
Mon.	Oct. 6	-	Sun.	Oct. 12	6:50 7:00	6:40 6:55
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00 6:50	6:50 6:40
Mon.	Oct. 20	-	Sun.	Oct. 26	7:10 6:40	7:00 6:25
Mon.	Oct. 27	-	Sat.	Nov. 1	7:20 6:25	7:15 6:15
Pacific Standard Time						
			Sun.	Nov. 2	6:20 5:25	6:10 5:15
Mon.	Nov. 3	-	Sun.	Nov. 9	6:30 5:15	6:20 5:00
Mon.	Nov. 10	-	Sun.	Nov. 16	6:40 5:05	6:30 4:55
Mon.	Nov. 17	-	Sun.	Nov. 23	6:50 5:00	6:40 4:45
Mon.	Nov. 24	-	Sun.	Nov. 30	7:00 4:50	6:50 4:40
Mon.	Dec. 1	-	Sun.	Dec. 7	7:10 4:50	7:00 4:40
Mon.	Dec. 8	-	Sun.	Dec. 14	7:15 4:50	7:05 4:40
Mon.	Dec. 15	-	Sun.	Dec. 21	7:20 4:50	7:10 4:40
Mon.	Dec. 22	-	Sun.	Dec. 28	7:25 4:55	7:10 4:40
Mon.	Dec. 29	-	Sun.	Jan. 4	7:25 5:00	7:15 4:45
Mon.	Jan. 5	-	Sun.	Jan. 11	7:25 5:05	7:15 4:55
Mon.	Jan. 12	-	Sun.	Jan. 18	7:25 5:15	7:10 5:05
Mon.	Jan. 19	-	Sun.	Jan. 25	7:20 5:25	7:05 5:15
Mon.	Jan. 26	-	Fri.	Jan. 31	7:10 5:30	7:00 5:25

(5) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.	
Dates (Inclusive)						
Daylight Savings Time						
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00 8:15	5:50 8:05

				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Dates (Inclusive)					
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10 8:05 6:00 7:50
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20 7:50 6:05 7:35
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30 7:35 6:15 7:20
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40 7:20 6:25 7:05
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45 7:05 6:35 6:55
Mon.	Oct. 12	-	Sun.	Oct. 18	6:55 6:50 6:45 6:40
Mon.	Oct. 19	-	Sun.	Oct. 25	7:05 6:40 6:55 6:30
Mon.	Oct. 26	-	Sat.	Oct. 31	7:20 6:25 7:05 6:15
Pacific Standard Time					
			Sun.	Nov. 1	6:20 5:25 6:05 5:15
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30 5:15 6:15 5:05
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40 5:05 6:30 4:55
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50 5:00 6:40 4:45
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00 4:55 6:50 4:40
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10 4:50 6:55 4:40
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15 4:50 7:05 4:35
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20 4:50 7:10 4:40
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25 4:50 7:15 4:40
Mon.	Dec. 28	-	Sun.	Jan. 3	7:30 5:00 7:15 4:45
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25 5:05 7:15 4:55
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25 5:15 7:10 5:00
Mon.	Jan. 18	-	Sun.	Jan. 24	7:20 5:25 7:05 5:10
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10 5:30 7:00 5:20

(6) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Dates (Inclusive)					
Daylight Savings Time					
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00 8:15 5:50 8:05
Mon.	Sept. 6	-	Sun.	Sept. 12	6:10 8:05 5:55 7:50
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15 7:50 6:05 7:40
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25 7:35 6:15 7:25
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35 7:20 6:25 7:10
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45 7:10 6:35 6:55
Mon.	Oct. 11	-	Sun.	Oct. 17	6:55 6:55 6:45 6:40
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05 6:40 6:55 6:30
Mon.	Oct. 25	-	Sun.	Oct. 31	7:15 6:30 7:05 6:15
Mon.	Nov. 1	-	Sat.	Nov. 6	7:25 6:20 7:15 6:05
Pacific Standard Time					
			Sun.	Nov. 7	6:25 5:20 6:15 5:05
Mon.	Nov. 8	-	Sun.	Nov. 14	6:40 5:10 6:25 4:55

				Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
Dates (Inclusive)							
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50	5:00	6:35 4:50
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00	4:55	6:45 4:40
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05	4:50	6:55 4:40
Mon.	Dec. 6	-	Sun.	Dec. 12	7:15	4:50	7:05 4:35
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20	4:50	7:10 4:35
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25	4:50	7:15 4:40
Mon.	Dec. 27	-	Sun.	Jan. 2	7:25	4:55	7:15 4:45
Mon.	Jan. 3	-	Sun.	Jan. 9	7:25	5:05	7:15 4:50
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25	5:10	7:10 5:00
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20	5:20	7:10 5:10
Mon.	Jan. 24	-	Mon.	Jan. 31	7:10	5:30	7:00 5:20

(7) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

				Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
Dates (Inclusive)							
Daylight Savings Time							
Thurs.	Sept. 1	-	Sun.	Sept. 4	6:00	8:15	5:45 8:05
Mon.	Sept. 5	-	Sun.	Sept. 11	6:05	8:05	5:55 7:55
Mon.	Sept. 12	-	Sun.	Sept. 18	6:15	7:50	6:05 7:40
Mon.	Sept. 19	-	Sun.	Sept. 25	6:25	7:40	6:10 7:25
Mon.	Sept. 26	-	Sun.	Oct. 2	6:35	7:25	6:25 7:10
Mon.	Oct. 3	-	Sun.	Oct. 9	6:45	7:10	6:35 6:55
Mon.	Oct. 10	-	Sun.	Oct. 16	6:55	7:05	6:40 6:45
Mon.	Oct. 17	-	Sun.	Oct. 23	7:05	6:40	6:55 6:30
Mon.	Oct. 24	-	Sun.	Oct. 30	7:15	6:30	7:00 6:20
Mon.	Oct. 31	-	Sat.	Nov. 5	7:25	6:20	7:15 6:05
Pacific Standard Time							
			Sun.	Nov. 6	6:25	5:20	6:15 5:05
Mon.	Nov. 7	-	Sun.	Nov. 13	6:35	5:10	6:25 4:55
Mon.	Nov. 14	-	Sun.	Nov. 20	6:45	5:00	6:35 4:50
Mon.	Nov. 21	-	Sun.	Nov. 27	6:55	4:55	6:45 4:40
Mon.	Nov. 28	-	Sun.	Dec. 4	7:05	4:50	6:55 4:40
Mon.	Dec. 5	-	Sun.	Dec. 11	7:15	4:50	7:00 4:35
Mon.	Dec. 12	-	Sun.	Dec. 18	7:20	4:50	7:10 4:35
Mon.	Dec. 19	-	Sun.	Dec. 25	7:25	4:50	7:10 4:40
Mon.	Dec. 26	-	Sun.	Jan. 1	7:25	4:55	7:15 4:45
Mon.	Jan. 2	-	Sun.	Jan. 8	7:25	5:00	7:15 4:50
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25	5:10	7:10 5:00
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20	5:20	7:10 5:10
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15	5:30	7:00 5:20
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10	5:35	6:55 5:25

(8) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

				Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
Dates (Inclusive)							
Daylight Savings Time							
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00	8:20	5:45 8:05
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05	8:10	5:55 7:55
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15	7:55	6:05 7:40
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25	7:40	6:10 7:30
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35	7:25	6:20 7:15
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45	7:10	6:30 7:00
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55	6:55	6:40 6:45
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05	6:45	6:50 6:30
Mon.	Oct. 23	-	Sun.	Oct. 29	7:10	6:35	7:00 6:20
Mon.	Oct. 30	-	Sat.	Nov. 4	7:25	6:20	7:10 6:10
Pacific Standard Time							
			Sun.	Nov. 5	6:25	5:20	6:10 5:10
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35	5:10	6:25 5:00
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45	5:00	6:35 4:50
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55	4:55	6:45 4:45
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05	4:50	6:55 4:40
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15	4:50	7:00 4:35
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20	4:50	7:10 4:35
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25	4:50	7:10 4:40
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25	4:55	7:15 4:40
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30	5:00	7:15 4:50
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25	5:10	7:15 5:00
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20	5:20	7:10 5:10
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15	5:30	7:00 5:20
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10	5:35	6:55 5:20

(9) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

				Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
Dates (Inclusive)							
Daylight Savings Time							
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00	8:20	5:45 8:10
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05	8:10	5:50 8:00
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15	7:55	6:00 7:45
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20	7:40	6:10 7:30
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30	7:25	6:20 7:15
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40	7:15	6:30 7:00
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50	7:00	6:40 6:45
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00	6:45	6:50 6:35

Dates (Inclusive)				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Mon.	Oct. 22	-	Sun. Oct. 28	7:10 6:35	7:00 6:20
Mon.	Oct. 29	-	Sat. Nov. 3	7:20 6:20	7:10 6:10
Pacific Standard Time					
			Sun. Nov. 4	6:20 5:20	6:10 5:10
Mon.	Nov. 5	-	Sun. Nov. 11	6:35 5:10	6:20 5:00
Mon.	Nov. 12	-	Sun. Nov. 18	6:45 5:05	6:30 4:50
Mon.	Nov. 19	-	Sun. Nov. 25	6:55 4:55	6:40 4:45
Mon.	Nov. 26	-	Sun. Dec. 2	7:05 4:50	6:50 4:40
Mon.	Dec. 3	-	Sun. Dec. 9	7:10 4:50	7:00 4:35
Mon.	Dec. 10	-	Sun. Dec. 16	7:20 4:50	7:05 4:35
Mon.	Dec. 17	-	Sun. Dec. 23	7:25 4:50	7:10 4:35
Mon.	Dec. 24	-	Sun. Dec. 30	7:25 4:55	7:15 4:40
Mon.	Dec. 31	-	Sun. Jan. 6	7:25 5:00	7:15 4:50
Mon.	Jan. 7	-	Sun. Jan. 13	7:25 5:10	7:15 4:55
Mon.	Jan. 14	-	Sun. Jan. 20	7:20 5:15	7:10 5:05
Mon.	Jan. 21	-	Sun. Jan. 27	7:15 5:25	7:05 5:15
Mon.	Jan. 28	-	Thur. Jan. 31	7:10 5:35	7:00 5:25

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-342 ((2012-13, 2013-14, 2014-15)) 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations. Hunters must comply with the bag, possession, and season limits described in this section. Failure to do so constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

STATEWIDE SEASONS:

(1) FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

(a) DAILY BAG ((AND POSSESSION)) LIMIT((S)): 4 grouse per day, ~~((straight or mixed bag, with a total of 12 grouse in possession at any time.~~

~~((b))) to include not more than 3 Blue Grouse, 3 Spruce Grouse, and 3 Ruffed Grouse.~~

~~((b)) POSSESSION LIMIT: 12 grouse, to include not more than 9 Blue Grouse, 9 Spruce Grouse, and 9 Ruffed Grouse.~~

~~((c)) SEASON DATES:~~ Sept. 1 - Dec. 31~~((, 2012, 2013, 2014))~~ during the current license year.

(2) BOBCAT

(a) BAG AND POSSESSION LIMITS: No limit.

(b) SEASON DATES: Sept. 1 - Mar. 15~~((, 2012, 2013, 2014, 2015))~~ during the current license year.

(c) RESTRICTION: It is unlawful to hunt bobcat with dogs.

(3) RACCOON

(a) BAG AND POSSESSION LIMITS: No limit.

(b) OPEN AREA: Statewide, EXCEPT closed on Long Island within Willapa National Wildlife Refuge.

(c) SEASON DATES: Sept. 1 - Mar. 15~~((, 2012, 2013, 2014, 2015))~~ during the current license year.

(4) FOX

(a) BAG AND POSSESSION LIMITS: No limit.

(b) OPEN AREA: Statewide, EXCEPT closed within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests ~~((and GMUs 407 and 410)).~~

(c) SEASON DATES: ~~((+))~~ Sept. 1~~((, 2012))~~ - Mar. 15~~((, 2013);~~

~~((ii)) Sept. 1, 2013 - Mar. 15, 2014; and~~

~~((iii)) Sept. 1, 2014 - Mar. 15, 2015))~~ during the current license year.

(5) COYOTE

(a) BAG AND POSSESSION LIMITS: No limit.

(b) OPEN AREA: Statewide.

(c) SEASON DATES: Year-round.

(d) RESTRICTION: It is unlawful to hunt coyote with dogs.

(6) COTTONTAIL RABBIT AND SNOWSHOE HARE (OR WASHINGTON HARE)

(a) BAG AND POSSESSION LIMITS: 5 cottontails or snowshoe hares per day, with a total of 15 in possession at any time, straight or mixed bag.

(b) SEASON DATES: ~~((+))~~ Sept. 1~~((, 2012))~~ - Mar. 15~~((, 2013);~~

~~((ii)) Sept. 1, 2013 - Mar. 15, 2014; and~~

~~((iii)) Sept. 1, 2014 - Mar. 15, 2015))~~ during the current license year.

(7) CROWS

(a) BAG AND POSSESSION LIMITS: No limit.

(b) SEASON DATES: ~~((+))~~ Sept. 1~~((, 2012))~~ - Dec. 31~~((, 2012);~~

~~((ii)) Sept. 1, 2013 - Dec. 31, 2013; and~~

~~(iii) Sept. 1, 2014 – Dec. 31, 2014))~~ during the current license year.

(8) JACKRABBIT:

Closed statewide.

(9) PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE:

Closed statewide.

(10) WILD TURKEY:

(a) YOUTH SEASON: Open only to youth hunters accompanied by an adult 18 years of age or older.

(i) LEGAL BIRD: Male turkeys and turkeys with visible beards only.

(ii) SEASON DATES:

(A) April ~~((7-8, 2012))~~ 4-5, 2015;

(B) April ~~((6-7, 2013))~~ 2-3, 2016;

(C) April ~~((5-6, 2014))~~ 1-2, 2017; and

(D) April ~~((4-5, 2015))~~ 7-8, 2018.

(b) SPRING SEASON

(i) LEGAL BIRD: Male turkeys and turkeys with visible beards only.

(ii) SEASON DATES: ~~((A))~~ April 15 - May 31 ~~((, 2012;~~

~~(B) April 15 – May 31, 2013;~~

~~(C) April 15 – May 31, 2014; and~~

~~(D) April 15 – May 31, 2015))~~ during the current license year.

(iii) BAG LIMIT: The combined spring/youth season limit is 3 birds. Only 2 turkeys may be killed in Eastern Washington, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties. One (1) turkey may be killed per year in Western Washington outside of Klickitat County. Two (2) turkeys may be killed in Klickitat County.

~~(c) ((**FALL NORTHEAST BEARDLESS TURKEY SEASON**~~

~~(i) LEGAL BIRD: Beardless only.~~

~~(ii) LEGAL HUNTER: Open to all hunters with a valid turkey tag.~~

~~(iii) OPEN AREA: GMUs 105-142.~~

~~(iv) SEASON DATES:~~

~~(A) Sept. 22 – Oct. 12, 2012;~~

~~(B) Sept. 21 – Oct. 11, 2013; and~~

~~(C) Sept. 20 – Oct. 10, 2014.~~

~~(v) BAG LIMIT: Two (2) beardless turkeys (in addition to other fall turkey harvest).~~

~~(d))~~ **EARLY FALL GENERAL SEASON**

~~(i) ((LEGAL BIRD: Either sex.~~

~~(ii))~~ LEGAL HUNTER: Open to all hunters with a valid turkey tag.

~~((iii))~~ (ii) OPEN AREA: GMUs 101((, 124-142, 145))-154((;) and 162-186.

~~((iv))~~ (iii) SEASON DATES:

~~(A) Sept. ((22))~~ 19 - Oct. ((12, 2012)) 16, 2015;

~~(B) Sept. ((21))~~ 17 - Oct. ((11, 2013)) 14, 2016; and

~~(C) Sept. ((20))~~ 23 - Oct. ((10, 2014)) 13, 2017.

~~((v))~~ (iv) BAG LIMIT: ((One (1))) Three (3) turkeys ((in addition to other fall turkey harvest).

~~(e))~~ during the early fall general season with the following area restrictions:

<u>Game Management Units (GMUs)</u>	<u>Legal Bird and Limit</u>
<u>105-121</u>	<u>Two (2) beardless turkeys</u>
<u>101, 145-154, 162-186</u>	<u>One (1) either sex turkey</u>
<u>124-142</u>	<u>Two (2) beardless plus one (1) either sex turkey</u>

(d) FALL PERMIT SEASONS

(i) LEGAL BIRD: Either sex.

(ii) LEGAL HUNTER: All hunters who are selected in the fall turkey special permit drawing and who also possess a valid turkey tag.

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits	Bag Limit*
Klickitat	Sept. ((22)) <u>19 - Oct. ((12, 2012))</u> <u>16, 2015, Sept. ((21))</u> <u>17 - Oct. ((11, 2013))</u> <u>14, 2016, Sept. ((20))</u> <u>23 - Oct. ((10, 2014))</u> <u>13, 2017</u>	Either sex	GMUs 382, 388, 568-578	150	1
Methow	Nov. 15 - Dec. 15, ((2012, 2013, 2014)) <u>2015, 2016, 2017</u>	Either sex	GMUs 218-231 and 242	50	1
Teanaway	Nov. 15 - Dec. 15, ((2012, 2013, 2014)) <u>2015, 2016, 2017</u>	Either sex	GMU 335	50	1

*BAG LIMIT: During the fall permit hunting seasons.

~~((f))~~ (e) LATE FALL SEASON

(i) LEGAL BIRD: Either sex.

(ii) LEGAL HUNTER: Open to all hunters with a valid turkey tag.

(iii) OPEN AREA: GMUs 105-154, 162-186.

(iv) SEASON DATES: ~~((A)) Nov. 20 - Dec. 15, 2012;~~
~~(B) Nov. 20 - Dec. 15, 2013; and~~
~~(C) Nov. 20 - Dec. 15, 2014))~~ during the current license year.

(v) BAG LIMIT: One (1) turkey.

~~((g))~~ **(f) HUNTER EDUCATION INSTRUCTOR INCENTIVE PERMITS**

(i) LEGAL BIRD: Male turkeys and turkeys with visible beards only.

(ii) LEGAL HUNTER: Qualified hunter education instructors who are selected through a random drawing. Hunter education instructors qualify if the instructor is certified and has been in active status for a minimum of 3 consecutive years, inclusive of the year prior to the permit drawing. ~~(Instructors who are drawn, accept a permit, and are able to participate in the hunt will not be eligible for a hunter education instructor incentive permit for 10 years after they are drawn for the incentive permit.)~~

(iii) OPEN AREA: Statewide.

(iv) SEASON DATES: April 1 - May 31 ~~((, 2012, 2013, 2014, 2015))~~ during the current license year.

(v) PERMITS: 2 individuals will be drawn for this permit per year.

~~((h))~~ **(vi) BAG LIMIT: 1 male turkey or turkey with visible beard in addition to other spring season turkey harvest.**

(g) OFFICIAL HUNTING HOURS FOR WILD TURKEY:

1/2 hour before sunrise to sunset during spring and fall seasons.

~~((i))~~ **(h) SPECIAL RULES FOR WILD TURKEY:**

(i) ~~((Turkey season is open for shotgun shooting #4 shot or smaller, archery, and muzzleloader shotgun shooting #4 shot or smaller.~~

~~((ii))~~ It is unlawful to hunt turkey unless the hunter possesses a turkey tag.

~~((iii))~~ **(ii)** It is unlawful to hunt turkeys with dogs.

~~((iv))~~ **(iii)** It is unlawful to bait game birds.

EASTERN WASHINGTON SEASONS:

(11) RING-NECKED PHEASANT

(a) BAG AND POSSESSION LIMITS: Three (3) cock pheasants per day. Hunters may possess up to 15 cock pheasants at any one time.

(b) YOUTH SEASON DATES: Open only to youth hunters accompanied by an adult 18 years of age or older.

(i) Sept. ~~((22-23, 2012))~~ 19-20, 2015;

(ii) Sept. ~~((21-22, 2013))~~ 17-18, 2016; and

(iii) Sept. ~~((20-21, 2014))~~ 23-24, 2017.

(c) HUNTERS SIXTY-FIVE YEARS OF AGE OR OLDER SEASON DATES:

(i) Sept. ~~((24-28, 2012))~~ 21-25, 2015;

(ii) Sept. ~~((23-27, 2013))~~ 19-23, 2016; and

(iii) Sept. ~~((22-26, 2014))~~ 25-29, 2017.

(d) REGULAR SEASON DATES:

(i) Oct. ~~((20, 2012))~~ 24, 2015 - Jan. ~~((13, 2013))~~ 18, 2016;

(ii) Oct. ~~((49, 2013))~~ 22, 2016 - Jan. ~~((12, 2014))~~ 16, 2017; and

(iii) Oct. ~~((18, 2014))~~ 21, 2017 - Jan. ~~((11, 2015))~~ 15, 2018.

(12) CHUKAR

(a) BAG AND POSSESSION LIMITS: 6 chukar per day. Hunters may possess up to 18 chukar at any one time.

(b) YOUTH SEASON DATES: Open only to youth hunters accompanied by an adult 18 years of age or older.

(i) Sept. ~~((22-23, 2012))~~ 19-20, 2015;

(ii) Sept. ~~((21-22, 2013))~~ 17-18, 2016; and

(iii) Sept. ~~((20-21, 2014))~~ 23-24, 2017.

(c) REGULAR SEASON DATES:

(i) Oct. ~~((6, 2012))~~ 3, 2015 - Jan. ~~((21, 2013))~~ 18, 2016;

(ii) Oct. ~~((5, 2013))~~ 1, 2016 - Jan. ~~((20, 2014))~~ 16, 2017; and

(iii) Oct. ~~((4, 2014))~~ 7, 2017 - Jan. ~~((19, 2015))~~ 15, 2018.

(13) GRAY (HUNGARIAN) PARTRIDGE

(a) BAG AND POSSESSION LIMITS: 6 gray partridges per day. Hunters may possess up to 18 gray partridges at any one time.

(b) YOUTH SEASON DATES: Open only to youth hunters accompanied by an adult 18 years of age or older.

(i) Sept. ~~((22-23, 2012))~~ 19-20, 2015;

(ii) Sept. ~~((21-22, 2013))~~ 17-18, 2016; and

(iii) Sept. ~~((20-21, 2014))~~ 23-24, 2017.

(c) REGULAR SEASON DATES:

(i) Oct. ~~((6, 2012))~~ 3, 2015 - Jan. ~~((21, 2013))~~ 18, 2016;

(ii) Oct. ~~((5, 2013))~~ 1, 2016 - Jan. ~~((20, 2014))~~ 16, 2017; and

(iii) Oct. ~~((4, 2014))~~ 7, 2017 - Jan. ~~((19, 2015))~~ 15, 2018.

(14) MOUNTAIN QUAIL

Closed throughout Eastern Washington.

(15) CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

(a) BAG AND POSSESSION LIMITS: 10 quail per day. Hunters may possess up to 30 quail at any one time, straight or mixed bag.

(b) YOUTH SEASON DATES: Open only to youth hunters accompanied by an adult 18 years of age or older.

(i) Sept. ~~((22-23, 2012))~~ 19-20, 2015;

(ii) Sept. ~~((21-22, 2013))~~ 17-18, 2016; and

(iii) Sept. ~~((20-21, 2014))~~ 23-24, 2017.

(c) REGULAR SEASON DATES:

(i) Oct. ~~((6, 2012))~~ 3, 2015 - Jan. ~~((21, 2013))~~ 18, 2016;

(ii) Oct. ~~((5, 2013))~~ 1, 2016 - Jan. ~~((20, 2014))~~ 16, 2017; and

(iii) Oct. ~~((4, 2014))~~ 7, 2017 - Jan. ~~((19, 2015))~~ 15, 2018.

WESTERN WASHINGTON SEASONS:

(16) RING-NECKED PHEASANT

(a) BAG AND POSSESSION LIMITS: 2 pheasants of either sex per day. Hunters may possess up to 15 pheasants at any one time.

(b) YOUTH SEASON DATES: Open only to youth hunters accompanied by an adult 18 years of age or older.

(i) Sept. ~~((22-23, 2012))~~ 19-20, 2015;

(ii) Sept. ~~((21-22, 2013))~~ 17-18, 2016; and

(iii) Sept. ~~((20-21, 2014))~~ 23-24, 2017.

(c) HUNTERS SIXTY-FIVE YEARS OF AGE OR OLDER SEASON DATES:

(i) Sept. ~~((24-28, 2012))~~ 21-25, 2015;

(ii) Sept. ~~((23-27, 2013))~~ 19-23, 2016; and

(iii) Sept. ~~((22-26, 2014))~~ 25-29, 2017.

(d) REGULAR SEASON DATES: 8:00 a.m. to 4:00 p.m.

- (i) Sept. ~~((29)) 26~~ - Nov. 30, ~~((2012)) 2015~~;
 - (ii) Sept. ~~((28)) 24~~ - Nov. 30, ~~((2013)) 2016~~; and
 - (iii) Sept. ~~((27)) 30~~ - Nov. 30, ~~((2014)) 2017~~.
- (e) EXTENDED SEASON DATES:
 (i) Dec. 1-15, ~~((2012, 2013, 2014))~~ during the current license year.

(ii) 8 a.m. to 4 p.m. only at the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, Skookumchuck, and all Whidbey Island release sites EXCEPT Bayview.

(iii) The department will not release pheasants during the extended season.

(f) SPECIAL RESTRICTION: Western Washington pheasant hunters must choose to hunt only on odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, and all hunting sites on Whidbey Island. Hunters must indicate their choice of odd-numbered or even-numbered weekend days on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt in the morning on both odd-numbered and even-numbered weekend days. Youth hunters must be accompanied by an adult 18 years of age or older, and the adult must have an appropriately marked pheasant permit if hunting.

(17) MOUNTAIN QUAIL

(a) BAG AND POSSESSION LIMITS: 2 mountain quail per day. Hunters may possess up to 4 mountain quail at any one time.

(b) SEASON DATES:

- (i) Sept. ~~((29)) 26~~ - Nov. 30, ~~((2012)) 2015~~;
- (ii) Sept. ~~((28)) 24~~ - Nov. 30, ~~((2013)) 2016~~; and
- (iii) Sept. ~~((27)) 30~~ - Nov. 30, ~~((2014)) 2017~~.

(18) CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

(a) BAG AND POSSESSION LIMITS: 10 California (valley) quail or northern bobwhite per day. Hunters may possess up to 30 California (valley) quail or northern bobwhite at any one time, straight or mixed bag.

(b) SEASON DATES:

- (i) Sept. ~~((29)) 26~~ - Nov. 30, ~~((2012)) 2015~~;
- (ii) Sept. ~~((28)) 24~~ - Nov. 30, ~~((2013)) 2016~~; and
- (iii) Sept. ~~((27)) 30~~ - Nov. 30, ~~((2014)) 2017~~.

FALCONRY SEASONS:

(19) UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY

(a) BAG AND POSSESSION LIMITS:

- (i) 2 pheasants (either sex);
- (ii) 6 partridge;
- (iii) 5 California (valley) quail or northern bobwhite;
- (iv) 2 mountain quail (in Western Washington only);
- (v) 3 forest grouse (blue, ruffed, spruce) per day; and
- (vi) Possession limit is twice the daily bag limit.

(b) OPEN AREA: Statewide.

(c) SEASON DATES: ~~((+))~~ Aug. 1, ~~((2012))~~ - Mar. 15(~~(;~~ ~~2013~~;

~~(ii) Aug. 1, 2013 - Mar. 15, 2014; and~~

~~(iii) Aug. 1, 2014 - Mar. 15, 2015))~~ during the current license year.

(20) TURKEY - FALCONRY

(a) A turkey tag is required to hunt turkey during the turkey falconry season.

(b) BAG AND POSSESSION LIMITS: One (1) turkey (either sex) per turkey tag, with a maximum of 2 turkeys. Hunters may possess up to 2 turkeys at any one time.

(c) OPEN AREA: Eastern Washington.

(d) SEASON DATES: ~~((+))~~ Sept. 1, ~~((2012))~~ - Feb. 15(~~(;~~ ~~2013~~;

~~(ii) Sept. 1, 2013 - Feb. 15, 2014; and~~

~~(iii) Sept. 1, 2014 - Feb. 15, 2015))~~ during the current license year.

(21) MOURNING DOVE - FALCONRY

(a) BAG AND POSSESSION LIMITS: 3 mourning doves per day, straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons. The possession limit is three times the daily limit.

(b) OPEN AREA: Statewide.

(c) SEASON DATES: Sept. 1 - Dec. 16(~~(;~~ ~~2012, 2013, 2014))~~ during the current license year.

(22) COTTONTAIL RABBIT AND SNOWSHOE HARE - FALCONRY

(a) BAG AND POSSESSION LIMITS: 5 cottontails or snowshoe hares per day, straight or mixed bag. Hunters may possess up to 15 cottontails or snowshoe hares at any one time, straight or mixed bag.

(b) OPEN AREA: Statewide.

(c) SEASON DATES: ~~((+))~~ Aug. 1, ~~((2012))~~ - Mar. 15(~~(;~~ ~~2013~~;

~~(ii) Aug. 1, 2013 - Mar. 15, 2014; and~~

~~(iii) Aug. 1, 2014 - Mar. 15, 2015))~~ during the current license year.

OTHER SEASONS:

(23) CANADA GOOSE SEPTEMBER SEASON

(a) WESTERN WASHINGTON:

(i) BAG AND POSSESSION LIMITS:

(A) 5 Canada geese per day; hunters may possess up to 15 Canada geese at any time, EXCEPT(~~(;~~) as otherwise provided below.

(B) In Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: 3 Canada geese per day; hunters may possess up to 9 at any one time.

(C) In Pacific County: 15 Canada geese per day; hunters may possess up to 45 at any one time.

(ii) SEASON DATES: Sept. 10-15(~~(;~~ ~~2012, 2013, and 2014))~~ during the current license year, EXCEPT Pacific County: Sept. 1-15(~~(;~~ ~~2012, 2013, and 2014))~~ during the current license year.

(b) EASTERN WASHINGTON:

(i) BAG AND POSSESSION LIMITS: 3 Canada geese per day; hunters may possess up to 6 at any one time.

(ii) SEASON DATES: ~~((Sept. 14-15, 2012, 2013, and Sept. 13-14, 2014.))~~ Sept. 12-13, 2015; Sept. 10-11, 2016; Sept. 9-10, 2017.

(24) MOURNING DOVE

(a) BAG AND POSSESSION LIMITS: ~~((40))~~ 15 mourning doves per day. Hunters may possess up to ~~((30))~~ 45 mourning doves at any one time.

(b) OPEN AREA: Statewide.

(c) SEASON DATES: Sept. ~~((1-30, 2012, 2013, 2014))~~ 1 - Oct. 30 during the current license year.

(25) BAND-TAILED PIGEON

(a) BAG AND POSSESSION LIMITS: 2 band-tailed pigeons per day. Hunters may possess up to 6 band-tailed pigeons at any one time.

(b) OPEN AREA: Statewide.

(c) SEASON DATES: Sept. 15-23~~((, 2012, 2013, 2014.~~

~~(d) WRITTEN AUTHORIZATION IS REQUIRED TO HUNT BAND-TAILED PIGEONS:~~

~~(i) Hunters must possess a special migratory bird hunting authorization and harvest record card for band-tailed pigeons when hunting band-tailed pigeons. Immediately after taking a band-tailed pigeon into possession, hunters must record the required information in ink on the harvest record card. Hunters must report harvest information from band-tailed pigeon harvest record cards to the Washington department of fish and wildlife (WDFW) so that the department receives the information by September 30 following the current season. Every person issued a migratory bird hunting authorization and harvest record card must return the entire card to WDFW or report the card information at the designated internet site listed on the harvest record card. If a hunter fails to report his or her harvest by the reporting deadline, he or she is in violation of reporting requirements.~~

~~(ii) Beginning with the 2013 license year, hunters who do not report band-tailed pigeon hunting activity by the reporting deadline for any harvest record card are required to pay a ten dollar administrative fee before any new migratory bird authorization and harvest record card is issued. A hunter may only be penalized a maximum of ten dollars during a license)) during the current license year.~~

(26) BIRD DOG TRAINING SEASON

(a) Wild upland game birds may be pursued during the dog-training season but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if the hunter has proof of lawful acquisition (invoices) and the birds are appropriately marked (WAC 232-12-271 and 232-12-044).

(b) OPEN AREA: Statewide.

(c) SEASON DATES: Aug. 1~~((, 2012))~~ - Mar. 31~~((, 2013; Aug. 1, 2013 - Mar. 31, 2014; Aug. 1, 2014 - Mar. 31, 2015))~~ during the current license year.

(d) Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

(e) Bird dog training may be conducted year round on areas posted for bird dog training on portions of:

(i) Region One - Espanola (T24N, R40E, E 1/2 of section 16);

(ii) Region Three - South L. T. Murray Wildlife Area;

(iii) Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area;

(iv) Region Five - Shillapoo/Vancouver Lake Wildlife Area;

(v) Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

(27) YAKAMA INDIAN RESERVATION:

The ~~((2012-13, 2013-14, and 2014-15))~~ 2015-16, 2016-17, and 2017-18 upland bird seasons within the Yakama Indian Reservation are the same as the season established by the Yakama Indian Nation.

(28) COLVILLE INDIAN RESERVATION:

The ~~((2012-13, 2013-14, and 2014-15))~~ 2015-16, 2016-17, and 2017-18 upland bird seasons within the Colville Indian Reservation are the same as the season established by the Colville Indian Tribe.

HIP REQUIREMENTS:

(29) All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) age 16 and over are required to complete a Harvest Information Program (HIP) survey at a license dealer and possess a Washington Migratory Bird permit as evidence of compliance with this requirement when hunting migratory game birds.

(30) Youth hunters are required to complete a HIP survey and possess a free Washington Youth Migratory Bird permit as evidence of compliance with this requirement when hunting migratory game birds.

AMENDATORY SECTION (Amending WSR 09-09-083, filed 4/15/09, effective 5/16/09)

WAC 232-28-516 Trapping seasons and regulations.

(1) Statewide trapping seasons:

SPECIES	SEASON DATES
Badger, Beaver, Bobcat, Marten, Mink, Muskrat, Raccoon, Red Fox, River Otter(*), and Weasel	Nov. 1 - Mar. 31 during the current license year

(*) River otter trapping season is closed in all Eastern Washington counties, except in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens, and Yakima counties, as well as in the Snake and Walla-Walla River drainages. The season bag limit is 12 river otter in the portions of Eastern Washington that are open to trapping.)

(2) Participation requirements:

(a) To be issued your first Washington state trapping license an individual must pass the Washington state trapper education exam.

(b) Licensed trappers must comply with reporting requirements in WAC 232-12-134.

WSR 15-10-034

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 15-96—Filed April 28, 2015, 1:38 p.m., effective May 29, 2015]

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

Purpose: WAC 232-16-050 Byron Game Reserve, 232-16-070 Arthur S. Coffin Game Reserve, 232-16-140 Banks Lake Game Reserve, 232-16-200 Grimes Lake Game Reserve, 232-16-295 Rock Lake Game Reserve, 232-16-340 Skagit Delta Game Reserve, 232-16-380 Sprague Lake Game

Reserve, 232-16-420 Lake Terrell Game Reserve, 232-16-440 Toppenish Creek Game Reserve (Cort Meyer), 232-16-560 Badger Island Game Reserve, 232-16-570 Foundation Island Game Reserve, 232-16-590 Carnation Farms Game Reserve, 232-16-600 North Potholes Game Reserve, 232-16-610 Snipes Game Reserve, 232-16-620 Lake Tennant Game Reserve, 232-16-640 Winchester Wasteway Game Reserve, 232-16-660 Frenchmen Hills Wasteway Game Reserve, 232-16-700 Swinomish Spit Game Reserve, 232-16-720 Duck Lake (Cormana Lake) Game Reserve, 232-16-730 Coffeepot Lake Game Reserve, 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures, 232-16-750 Belfair, Hood Canal hunting area restriction, 232-16-770 Shotgun shell restriction areas, 232-16-790 Hayton Game Reserve, and 232-16-800 Johnson/Debay's Slough Game Reserve.

General purpose statement for all rule changes involved in this rule making: This rule making removes several game reserve and closure areas that are no longer functioning for the management purposes for which they were established. In addition, there are several other amendments to rules that reduce or realign reserve boundaries to improve the quality of hunting around reserves and Washington department of fish and wildlife (WDFW) wildlife areas.

Changes made in addition to the general purpose listed above:

WAC 232-12-068 Nontoxic shot requirements.

Purpose: This amendment adds new language referring to all WDFW designated pheasant release sites and removes reference to the list of specific sites, which can change annually.

WAC 232-28-299 Mandatory report of hunting activity.

Purpose: Changes to this rule consolidates mandatory reporting rules for all game species and allows removal of this language from annual and three year season rules.

WAC sections repealed: WAC 232-16-480 Whidbey Island Game Farm Reserve and 232-16-810 Port Susan Bay Canada goose closure.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-16-480 Whidbey Island Game Farm Reserve, and 232-16-810 Port Susan Bay Canada goose closure; and amending WAC 232-16-050 Byron Game Reserve, 232-16-070 Arthur S. Coffin Game Reserve, 232-16-140 Banks Lake Game Reserve, 232-16-200 Grimes Lake Game Reserve, 232-16-295 Rock Lake Game Reserve, 232-16-340 Skagit Delta Game Reserve, 232-16-380 Sprague Lake Game Reserve, 232-16-420 Lake Terrell Game Reserve, 232-16-440 Toppenish Creek Game Reserve (Cort Meyer), 232-16-560 Badger Island Game Reserve, 232-16-570 Foundation Island Game Reserve, 232-16-590 Carnation Farms Game Reserve, 232-16-600 North Potholes Game Reserve, 232-16-610 Snipes Game Reserve, 232-16-620 Lake Tennant Game Reserve, 232-16-640 Winchester Wasteway Game Reserve, 232-16-660 Frenchmen Hills Wasteway Game Reserve, 232-16-700 Swinomish Spit Game Reserve, 232-16-720 Duck Lake (Cormana Lake) Game Reserve, 232-16-730 Coffeepot Lake Game Reserve, 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures, 232-16-750 Belfair, Hood Canal hunting area restriction, 232-16-770 Shotgun shell restriction areas, 232-16-790 Hayton Game

Reserve, 232-16-800 Johnson/Debay's Slough Game Reserve, 232-12-068 Nontoxic shot requirements, and 232-28-299 Mandatory report of hunting activity.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240.

Adopted under notice filed as WSR 15-04-099 on February 2, 2015.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-16-770 Shotgun shell restriction areas, revised language for Clallam County shotgun shell restriction area to clarify the area and correct errors in the boundary description.

WAC 232-12-068 Nontoxic shot requirements, added new nontoxic shot type, copper-clad iron, to the list of approved types including composition of the new shot type. United States Fish and Wildlife Service recently approved this new shot type for use in waterfowl hunting. This rule change conforms state rules to federal regulations.

WAC 232-16-540 Yakima River Game Reserve, WAC 232-16-540 was removed from the repealer based on public input since the CR-102 filing.

WAC 232-16-750 Belfair, Hood Canal hunting area restriction, the boundary description for WAC 232-16-750 was revised to provide additional clarifying language.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 27, Repealed 2.

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

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

Date Adopted: April 10, 2015.

Brad Smith, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 10-18-012, filed 8/20/10, effective 9/20/10)

WAC 232-12-068 Nontoxic shot requirements. (1) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes the following approved types:

Approved Nontoxic Shot Type*	Percent Composition by Weight
bismuth-tin	97 bismuth, 3 tin
iron (steel)	iron and carbon
iron-tungsten	any proportion of tungsten, >=1 iron

Approved Nontoxic Shot Type*	Percent Composition by Weight
iron-tungsten-nickel	>=1 iron, any proportion of tungsten, up to 40 nickel
<u>copper-clad iron</u>	<u>84 to 56.59 iron core, with copper cladding up to 44.1 of the shot mass</u>
tungsten-bronze	51.1 tungsten, 44.4 copper, 3.9 tin, 0.6 iron; and 60 tungsten, 35.1 copper, 3.9 tin, 1 iron
tungsten-iron-copper-nickel	40-76 tungsten, 10-37 iron, 9-16 copper, 5-7 nickel
tungsten-matrix	95.9 tungsten, 4.1 polymer
tungsten-polymer	95.5 tungsten, 4.5 nylon 6 or 11
tungsten-tin-iron	any proportions of tungsten and tin, >=1 iron
tungsten-tin-bismuth	any proportions of tungsten, tin, and bismuth
tungsten-tin-iron-nickel	65 tungsten, 21.8 tin, 10.4 iron, 2.8 nickel
tungsten-iron-polymer	41.5-95.2 tungsten, 1.5-52.0 iron, and 3.5-8.0 fluoropolymer
*Coatings of copper, nickel, tin, zinc, zinc chloride, (and) zinc chrome, <u>and fluoropolymers</u> on approved nontoxic shot types also are approved.	

The director may adopt additional nontoxic shot types consistent with federal regulations.

(2) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

- (a) Well's Wildlife Area (Bridgeport Bar Unit);
- (b) Cowlitz Wildlife Area (all units);
- (c) Whatcom Wildlife Area (all units);
- (d) Shillapoo Wildlife Area (all units);
- (e) Skagit Wildlife Area (all units);
- (f) Snoqualmie Wildlife Area (all units);
- (g) Sunnyside-Snake River Wildlife Area (Headquarters, Byron and Windmill Ranch units);
- (h) Sinlahekin Wildlife Area (Driscoll Island, Hegdahl, and Kline Parcel units);
- (i) Olympic Wildlife Area (Chinook and Chehalis units);
- (j) South Puget Sound Wildlife Area (Davis Creek (Koopman) Unit).

(3) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasants, quail, chukar, or gray partridge), mourning doves, band-tailed pigeons, or game animals in the following areas:

- (a) Chehalis River pheasant release site;
- (b) Dungeness Recreation Area;
- (c) Hoehn Road pheasant release site;
- (d) Hunter Farms pheasant release site;
- (e) Raymond Airport pheasant release site;

(f) Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge;

(g) All Whidbey Island pheasant release sites.

(4) ~~((Beginning in 2011,))~~ It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasant, quail, chukar, and gray partridge), mourning doves, and band-tailed pigeons ~~((on areas where pheasants are released, to include:~~

Asotin Wildlife Area (Hartsock Unit)	Chelan Wildlife Area (Chelan Butte and Swakane units)	Columbia Basin Wildlife Area (Banks Lake, Gloyd Seeps, Lower Crab Creek, Quincy Lakes, Warden units)
Sinlahekin Wildlife Area (Chiliwist Unit)	Coloekum Wildlife Area (Headquarters Unit)	Wenas Wildlife Area (Wenas Unit)
Klickitat Wildlife Area (Hill Road Unit)	Seatter Creek Wildlife Area	Sherman Creek Wildlife Area
Skookumehuck Wildlife Area	Steamboat Rock, Fish-trap, John Henley, Willow Bar, Rice Bar, Hartsock, Mill Creek, Wallula, Peninsula, Hollebeke/Lost Island, Buckshot, Big Flat, and Ringold Pheasant Release sites	Fort Lewis-Belfair Woodland Creek and Lincoln Creek Pheasant Release sites))

on all WDFW designated pheasant release sites not listed in subsections (2) and (3) of this section.

AMENDATORY SECTION (Amending WSR 09-17-080, filed 8/14/09, effective 9/14/09)

WAC 232-16-050 Byron Game Reserve (Yakima County). That part of the Byron Ponds ~~((segment))~~ unit of the Sunnyside-Snake River Wildlife Area ~~((department of fish and wildlife lands))~~ east of the Mabton Pressure Pipeline, legally described as the W.1/2 of Section 12 that is north of Highway No. 22 except for the NE1/4 of the SE1/4 of the SW1/4; the NW1/4 of the NW1/4 of the SE1/4 of Section 12; that part of Section 11 east of the Mabton pressure pipeline and north of Highway No. 22; and that part of Section 2 that is east of said pipeline; all of the above sections being in Twp. 8N., R.23E. W.M.

AMENDATORY SECTION (Amending WSR 79-10-166, filed 10/3/79)

WAC 232-16-070 Arthur S. Coffin Game Reserve (Kittitas County). ~~((Arthur S. Coffin Game Reserve shall include those lands within the following described boundary))~~ Beginning at the point where the Brewton Road crosses the south line of Section 19, Twp. 20, N., R21E.W.M.; thence northwesterly along the Brewton Road to the Colockum Pass Road in Section 13, Twp. 20N., R.20E.; thence northerly on the Colockum Pass Road to its junction with the Naneum Lookout Road in Section 13, Twp. 20N., R.20E.; thence westerly along the Naneum Lookout Road to where it crosses

the Bonneville Power Line right of way in Section 16, Twp. 20N., R.20E.; thence southwesterly along the power line to the Colockum Wildlife Recreation Area boundary on the south line of Section 20, Twp. 20N., R.20E.; thence easterly along the south line of Sections 20, 21, 22, 23, 24, Twp. 20N., R.20E., and Section 19, Twp. 20N., R.21E.W.M. to the Brewton Road and the point of beginning.

AMENDATORY SECTION (Amending WSR 99-17-034, filed 8/11/99, effective 9/11/99)

WAC 232-16-140 Banks Lake Game Reserve (Grant County). In Township 25N, Range 28E, those parts of sections 9, 10, and 11 and the north 1/2 of sections 14, 15, and 16, lying between State Highway 155 and the west wall of Grand Coulee.

AMENDATORY SECTION (Amending Order, filed 7/29/64; Temporary Regulation 221, filed 9/3/63)

WAC 232-16-200 Grimes Lake Game Reserve (Douglas County). Grimes Lake and all lands within one-quarter mile of Grimes Lake.

AMENDATORY SECTION (Amending Temporary Regulation 240, filed 8/16/65)

WAC 232-16-295 Rock Lake Game Reserve. (~~Whitman County: It shall be unlawful to hunt, take or pursue migratory waterfowl, coot and jacksnipe~~) On or within 1/4 mile of Rock Lake, Whitman County, except on the lower one mile and the upper one-half mile (~~(, which shall be open to such hunting)~~).

AMENDATORY SECTION (Amending Order, filed 7/29/64; Temporary Regulation 212, filed 10/3/62)

WAC 232-16-340 Skagit Delta Game Reserve (Skagit County). (~~(. . . it shall be unlawful to hunt game animals or game birds or to trap fur-bearing animals within the following described boundary:)~~)

Beginning at a point on the west bank of Albert Slough at the confluence of said slough and Boom Slough; thence southwesterly along the west bank of Boom Slough to the confluence of said slough and Boom-Crooked Cutoff Slough; thence westerly along the north bank of Boom-Crooked Cutoff Slough to the confluence of said slough and Crooked Slough; thence southwesterly along the north bank of Crooked Slough to the confluence of said slough and Deepwater Slough and east Branch Freshwater-Deepwater Cutoff Slough; thence northwesterly along the north bank of east Branch Freshwater-Deepwater Cutoff Slough to the confluence of said slough and the east Branch Freshwater Slough; thence northerly along the east bank of east Branch Freshwater Slough to the confluence of said slough and Gilbert Hansen Slough; thence northeasterly along the south bank of Gilbert Hansen Slough to the confluence of said slough and Deepwater Slough; thence northeasterly along the south bank of Deepwater Slough to the confluence of said slough and Albert Slough; thence southeasterly along the west bank of Albert Slough to the point of beginning.

AMENDATORY SECTION (Amending WSR 95-18-066, filed 9/1/95, effective 10/2/95)

WAC 232-16-380 Sprague Lake Game Reserve (Adams and Lincoln counties). Beginning at the point where the easterly right of way line of Interstate Highway No. 90 crosses the Lincoln-Adams County line; (~~((thence then))~~) thence southwesterly along the easterly right of way line of the freeway to the (~~((Keystone Road; thence southerly along the))~~) Keystone Road; thence southerly along the easterly boundary of Section 11 (T20N, R37E); thence southerly along the section line to Cow Creek; thence southerly along Cow Creek to Danekas Road; thence easterly and northerly along (~~((Danekas Road))~~) Danekas Road to the point where it crosses the Adams-Lincoln County line; thence westerly along said county line across Sprague Lake to the easterly right of way line of the freeway and point of beginning.

AMENDATORY SECTION (Amending Temporary Regulation 274, filed 10/6/67)

WAC 232-16-420 Lake Terrell Game Reserve (Whatcom County). (~~(. . . it shall be unlawful to hunt game animals, game birds or to trap fur-bearing animals within said area:)~~)

All of Lake Terrell in Sections 15 and 16, Twp. 39 north, Range 1 east **except** that portion of the lake within 350 feet of the south line of said sections and, in addition, those uplands owned by the (~~(game)~~) department in the W1/2 of the SW1/4 of said Section 15, and in the SE1/4 of NE1/4; the NW1/4 of NE1/4; the E1/2 of E1/2 of NE1/4 NE1/4; and the E1/2 of the SW1/4 SW1/4 except the south 350 feet in Section 16, Twp. 39 north, Range 1 east.

AMENDATORY SECTION (Amending WSR 12-18-001, filed 8/22/12, effective 9/22/12)

WAC 232-16-440 Toppenish Creek Game Reserve (Cort Meyer) (Yakima County). Commencing at the NE corner of the SE1/4 of the NW1/4 of Section 26, Township 10, Range 20E.W.M.; thence west one and three-quarters mile to the NW corner of the SE1/4 of the NE1/4 of Section 28, Township 10, Range 20; thence south one-quarter mile; thence east one-quarter mile; thence south three-quarters mile to the SW corner of the NW1/4 of the NW1/4 of Section 34; thence east three-quarters mile; thence south one-quarter mile; thence east three-quarters mile to center of Section 35; thence north one and one-quarter miles to place of beginning. All in Township 10 north, Range 20E.W.M.

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

WAC 232-16-560 Badger Island Game Reserve (Walla Walla County). (~~(The following described area in Walla Walla County, state of Washington, is hereby established as a game reserve until further notice by the state game commission, which area shall be known as the BADGER ISLAND GAME RESERVE, and it shall be unlawful to hunt or trap within said area:)~~)

That portion of area on or within one-quarter mile of Badger Island lying in Sections 4 and 9, Township 7 north, Range 31E.W.M.

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

WAC 232-16-570 Foundation Island Game Reserve (Walla Walla County). ~~((The following described area in Walla Walla County, state of Washington, is hereby established as a game reserve until further notice by the state game commission, which area shall be known as the FOUNDATION ISLAND GAME RESERVE, and it shall be unlawful to hunt or trap within said area:))~~

That portion of area on or within one-quarter mile of Foundation Island lying in Section 24, Township 8 north, Range 30E.W.M.

AMENDATORY SECTION (Amending Order 59, filed 9/4/74)

WAC 232-16-590 Carnation Farms Game Reserve (King County). ~~((The following described area in King County, state of Washington, is hereby established as a game reserve by the state game commission which area shall be known as the Carnation Farms Game Reserve, and it shall be unlawful to hunt or trap within said area:))~~

Twp. 25N., Rge. 7E.W.M.; that part of Section 5 lying west of the Snoqualmie River; the northeast quarter and that portion of the southeast quarter of Section 6 that lies north and east of the Carnation Farm Road; the north half and the north half of the south half of Section 8 ~~((; and those portions of government lots 1, 2, and 4 of Section 9 that lie south and west))~~ S and W of the Snoqualmie River; and those areas south and west of the Snoqualmie River that lie north of the south boundary of the N 1/2 of Section 9.

Twp. 26N., Rge. 7E.W.M.; those lands lying south of the Snoqualmie River in the east half of Section 31 and the southeast quarter of Section 32.

AMENDATORY SECTION (Amending WSR 07-17-048, filed 8/9/07, effective 9/9/07)

WAC 232-16-600 North Potholes Game Reserve (Grant County). ~~((Those lands in Grant County within the following described boundary: In T19N, R27E WM; the N.E. 1/4 of Section 32, and the N.E. 1/4 S.E. 1/4 of Section 32, all of Section 33, except the S.W. 1/4 S.W. 1/4, and all of Section 34.))~~

In T18N, R27E WM ~~((;))~~: All of Section 4, except the northernmost 250 yards and the N.W. 1/4 and the N.W. 1/4 N.E. 1/4; all of Section 3, except the northernmost 250 yards; that part of Section 10 north of the Job Corps Dike Rd; that part of Section 9 in the E 1/2 east of the fenceline, beginning at the N.W. corner of Section 9, and then following said fenceline southeasterly to the fence on the northern section line of Section 16 near Job Corps Dike Road; those portions of sections 15 and 16 north of the above mentioned fence to the west end of the Job Corps Dike; and that part of Section 15 north of the Job Corps Dike Road.

All areas of North Potholes Game Reserve located in Sections 9, 10, and 15 are closed to all public access from March 15 through May 30 and from October 1 through February 1.

AMENDATORY SECTION (Amending WSR 04-17-061, filed 8/11/04, effective 9/11/04)

WAC 232-16-610 Snipes Game Reserve (Yakima County). WDFW lands within the following boundary of the Sunnyside Wildlife Area: That portion of T9N, R22E, Section 21 lying north and east of the Yakima River; the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of T9N, R22E, Section 22; and that portion of the SW 1/4 of the SW 1/4 of T9N, R22E, Section 22 lying north and east of the Yakima River.

AMENDATORY SECTION (Amending WSR 80-13-013, filed 9/8/80)

WAC 232-16-620 ((Lake)) Tennant Lake Game Reserve (Whatcom County). ~~((Tennant Lake Game Reserve shall include those lands in Whatcom County within the following described boundary:))~~ That portion of Tennant Lake in T 39N, R 2E, Section 29, and that portion north of an east to west line which lies 800 feet south of and parallel to the north line of Section 32 in the N1/2 NE1/4 in T 39N, R 2E.

AMENDATORY SECTION (Amending WSR 83-18-043, filed 9/1/83)

WAC 232-16-640 Winchester Wasteway Game Reserve (Grant County). ~~((It shall be unlawful to hunt wild animals and wild birds within the following described boundary:))~~ T18N, R25E, Section 12, and the SW 1/4 of T18N, R26E ((and south 1/2)), Section 7. ~~((960))~~ 800 acres.

AMENDATORY SECTION (Amending WSR 03-16-087, filed 8/5/03, effective 9/5/03)

WAC 232-16-660 Frenchmen Hills Wasteway Game Reserve (Grant County). ~~((It shall be unlawful to hunt wild animals and wild birds within the following described boundary:))~~ T17N, R27E, the north 1/2, and the north 1/2 of south 1/2 of Section 17. 480 acres.

AMENDATORY SECTION (Amending WSR 11-18-051, filed 8/31/11, effective 10/1/11)

WAC 232-16-700 Swinomish Spit ((Game Reserve)) waterfowl, coot, and snipe closure (Skagit County). It ~~((shall be))~~ is unlawful to hunt ~~((wild animals and wild birds))~~ migratory waterfowl, coot, and snipe within the following described boundary November 15 through March 31, and it ~~((shall be))~~ is unlawful to hunt brant at any time within the following described boundary: Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; thence in a northwesterly direction along the west side of the Swinomish Channel to the reserve boundary sign on the northernmost sand island (48.474801N,

122.530770W (all coordinates NAD83/WGS84)); thence 10,500 feet ENE (east-northeast) to the reserve boundary sign (48.480630N, 122.488388W); thence 1,800 feet SW (southwest) to the reserve boundary sign (48.476983N, 122.493716W); thence 7,000 feet SSW (south-southwest) to the reserve boundary sign on the dike at the south end of Padilla Bay (48.459498N, 122.504967W); thence continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; thence continue along said railroad tracks (across swing bridge) to the west shoreline of the Swinomish Channel and the point of beginning.

AMENDATORY SECTION (Amending WSR 90-19-096, filed 9/19/90, effective 10/20/90)

WAC 232-16-720 Duck Lake (Cormana Lake) Game Reserve (Lincoln County). ~~((It shall be unlawful to hunt wild animals and wild birds within the following described boundary: Section 19;))~~ T23N, R35E, Section 19.

AMENDATORY SECTION (Amending WSR 97-18-025, filed 8/25/97, effective 9/25/97)

WAC 232-16-730 Coffeepot Lake Game Reserve (Lincoln County). ~~((In Lincoln County;))~~ All portions of Coffeepot Lake and those public lands within one-quarter mile of ~~((Coffeepot))~~ Coffeepot Lake ~~((; within the following boundary:))~~

T. 23 N., R. 34 E., Section 8, S1/2; Section 18, north of the centerline of Coffeepot Lake and Lake Creek; and Section 9, NW1/4; except those portions described as follows:

Beginning at the northwest corner of Section 9; N 85°29' E a distance of 1,979.01 feet to the true point of beginning, being the northwest property corner; thence S 14°50' W a distance of 462.39 feet; thence S 05°45' E a distance of 240.35 feet; thence S 64°31' E a distance of 129.31 feet; thence N 72°39' E a distance of 234.96 feet; thence N 87°16' E a distance of 375.86 feet; thence N 32°03' E a distance of 83.27 feet; thence N 63°45' E a distance of 99.49 feet; thence N 33°31' E a distance of 131.75 feet; thence N 15°38' E a distance of 340.15 feet; thence N 83°41' W a distance of 925.64 feet, returning to the northwest property corner which is the true point of beginning. Also, that portion of Lincoln County described in instrument dated January 29, 1980, recorded February 1, 1980, under Auditor's file No. 354421).

AMENDATORY SECTION (Amending WSR 05-17-098, filed 8/15/05, effective 9/15/05)

WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures. It ~~((shall be))~~ is unlawful to hunt migratory waterfowl, coot, and ~~((jack snipe))~~ snipe on or within the following described areas:

~~((Section 1;))~~ (1) Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River ~~((in Clark County))~~. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia River, running north

along the eastern shore of Bachelor Island to the confluence with Lake River. (Clark County)

~~((Section 2. Klickitat County;))~~ (2) The Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the ~~((grain elevator at Roosevelt))~~ U.S. Highway 97 bridge at Maryhill (Klickitat County).

~~((Section 3;))~~ (3) The Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Paterson (river channel marker 67), except the hunting of waterfowl, coot, and snipe is permitted from the main shoreline of the Columbia River in this area. (Benton County)

~~((Section 4;))~~ (4) The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) ~~((powerline))~~ power line crossing in Section 24, T13N, R27E, to Vernita Bridge (Highway 24). (Benton, Franklin, and Grant counties)

~~((Section 5;))~~ (5) The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands. (Grant and Kittitas counties)

~~((Section 6;))~~ (6) The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to a line running between shoreline navigation marker 4 at Levey Park Recreation Area and the Corps of Engineers windmill at Charbonneau Habitat Management Unit. (Franklin and Walla Walla counties)

~~((Section 7;))~~ (7) The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles). (Yakima County)

~~((Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline;))~~

AMENDATORY SECTION (Amending WSR 96-18-006, filed 8/22/96, effective 9/22/96)

WAC 232-16-750 ((Belfair, Hood Canal)) Lynch Cove and Union River hunting area restriction (Mason County). Within the SW 1/4 of Section 29, Section 31 (excluding the SW 1/4), and the W 1/2 of Section 32 in T23N, R1W, W.M.; in areas south of State Route 300 and NE North Shore Road, and areas north of State Routes 3 and 106: It is unlawful to hunt waterfowl, coot, or snipe in Lynch Cove and the Union River except in ~~((designated))~~ blinds designated by the department. ~~((The western and southern boundaries of this closure are posted with red steel markers. (This includes all of the Washington Department of Fish and Wildlife and their Wetlands lands;))~~

AMENDATORY SECTION (Amending WSR 98-17-042, filed 8/13/98, effective 9/13/98)

WAC 232-16-770 Shotgun shell restriction areas. (1) It is unlawful to have in possession more than 15 shotgun

shells or to fire (shoot) more than 15 shells in one day on the following areas:

~~((Section 1. The farmed island segment))~~ (a) The Island Unit of the Skagit Wildlife Area (~~(-between the south fork of the Skagit River and Fresh Water Slough))~~) in Skagit County.

~~((Section 2-))~~ (b) The Spencer Island Unit of the Snoqualmie Wildlife Area in Snohomish County.

~~((Section 3. The Welts (West 90)))~~ (c) The Samish Unit of the Skagit Wildlife Area in Skagit County.

(d) The Johnson/DeBay's Slough Hunt Unit of the Skagit Wildlife Area in Skagit County: In Skagit County beginning at the intersection of Francis Road and DeBay Isle Road (N 48.467817 W -122.255143); then northeast approximately 125 feet to a white corner marker (N 48.46818 W -122.254977); then east approximately 250 feet along the parking area fence line to a white corner marker (N 48.468087 W -122.25392); then north along the fence line approximately 334 feet to corner of fence line (N 48.469067 W -122.253787); then east along the fence line approximately 250 feet to a white corner marker (N 48.469081 W -122.252834); then north approximately 2185 feet to orange corner marker (N 48.475024 W -122.252937); then west approximately 1421 feet to the white corner marker (N 48.475072 W -122.26007); then south approximately 1170 feet to the west shoreline of DeBay Slough white corner marker (N 48.471872 W -122.258097); then move easterly and southerly along the west shoreline of DeBay Slough approximately 1850 feet to white corner marker on the south side of DeBay Isle Road (N 48.468225 W -122.260139); then easterly along the south side of DeBay's Isle Road to the intersection of Francis Road and the point of beginning.

(e) All lands managed by the department north of East Anderson Road and west of the Dungeness River in Clallam County.

(2) It is unlawful to have in possession more than 25 shotgun shells or to fire (shoot) more than 25 shells in one day on the Nisqually Unit of the South Puget Sound Wildlife Area in Thurston County.

AMENDATORY SECTION (Amending WSR 97-18-025, filed 8/25/97, effective 9/25/97)

WAC 232-16-790 Hayton Game Reserve (Skagit County). Beginning at the intersection of the west bank of Dry Slough and the Dike District #22 Skagit Bay dike, then east approximately 1330 feet along the south side of the District #22 dike to the intersection of the District #22 dike and the west bank of McDonald's Slough, then north along the west bank of McDonald's Slough to the point where the adjacent farmed field boundary extends west, then ~~((west))~~ northwest along the north edge of the farmed field boundary to the point where the farmed field boundary intersects Dry Slough, then across Dry Slough to the west bank of Dry Slough, then south along the west bank of Dry Slough to the point of beginning.

AMENDATORY SECTION (Amending WSR 10-01-036, filed 12/7/09, effective 1/7/10)

WAC 232-16-800 Johnson/Debay's Slough Game Reserve. In Skagit County, beginning at the intersection of

Francis Road and Debay's Isle Road (N 48.467817 W -122.255143); then south and west along Francis Road (approximately 3090 feet) to white corner marker (N 48.46450 W -122.26830); then north (approximately 1265 feet) to the middle of Debay's Slough (white corner marker N 48.46748 W -122.26711); then westerly (approximately 2087 feet) along the channel of Debay's Slough to the western tip of the farmed portion of Debay's Island (N 48.47175 W -122.27486); then northerly (approximately 1485 feet) to the south bank of the Skagit River (white corner marker N 48.275 W -122.275); then easterly (approximately 3750 feet) along the south bank of the Skagit River to ~~((fence line €))~~ white corner marker (N 48.47752 W -122.26014); then south ~~((along fence line €))~~ approximately 855 feet to white corner post (N 48.47503 W -122.26007); then east along ~~((fence))~~ tree line ~~((435 feet) to fence intersection))~~ to white post (N 48.47507 W -122.25835); ~~((then south (300 feet) along fence line to existing tree line (white corner marker); then continue south (835 feet))~~ south through trees to south shoreline of Debay's Slough (white corner marker N 48.47187 W -122.25809); then easterly and southerly along the west shoreline of Debay's Slough (approximately 1770 feet) to the south side of Debay's Isle Road (white corner marker N 48.46822 W -122.25691); then east along the south side of Debay's Isle Road to the intersection of Francis Road and the point of beginning.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-16-480 Whidbey Island Game Farm Reserve.

WAC 232-16-810 Port Susan Bay Canada goose closure.

AMENDATORY SECTION (Amending WSR 10-16-005, filed 7/21/10, effective 8/21/10)

WAC 232-28-299 Mandatory report of hunting activity. (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

(a) Hunters must report hunting activity, for each tag and permit acquired, by January 31 or within 10 days after the close of an eligible hunt, whichever date is later.

(b) Reports must be made using the department's designated automated telephone hunter reporting system (toll free) or internet hunter reporting system.

(c) ~~((Any))~~ A hunter ~~((not reporting))~~ who fails to report hunting activity, for each tag and permit acquired, by the reporting deadline ~~((will be in noncompliance))~~ is in violation of reporting requirements.

(d) Compliance will be credited for each transport tag and permit acquired.

(2) As an incentive for prompt reporting, all hunters who report by midnight January 10 or within 10 days after the last day of their permit hunt will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters must report their hunting activity for each transport tag and permit acquired.

(3) A hunter(s) who (~~have not reported~~) fails to report hunting activity by the reporting deadline for deer, elk, bear, or turkey tags and permits acquired the previous year will be required to pay a \$10 (~~penalty before~~) administrative fee at the time a new license that includes deer, elk, bear, or turkey tags (~~will be~~) is issued. (~~A hunter may only be penalized a maximum of \$10 during a license year.~~)

(4) All hunters who purchase a migratory bird authorization must report their hunting activity for each harvest record card issued.

(a) Hunters must report harvest information from band-tailed pigeon harvest record cards by September 30 following the season for which the harvest card was issued. Hunters must report harvest information from brant, sea duck, and snow goose harvest record cards by February 15 following the season for which the harvest card was issued.

(b) Hunters must report migratory bird hunting activity by mailing all harvest record cards to the department at: 600 Capitol Way N, Olympia, WA 98501, or by reporting harvest information at the department's designated internet site listed on the harvest record card.

(c) Any hunter who fails to report, for each harvest record card acquired, by the reporting deadlines is in violation of reporting requirements.

(d) Compliance will be credited for each harvest record card acquired.

(5) A hunter who fails to report hunting activity by the reporting deadlines for band-tailed pigeon, brant, sea duck, or snow goose harvest record card acquired in the previous hunting season must pay a ten-dollar administrative fee at the time a new migratory bird authorization and harvest record card is issued.

(6) A hunter may only be required to pay a maximum of one ten-dollar administrative fee for all game species reporting violations during a license year.

WSR 15-10-035

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 15-97—Filed April 28, 2015, 2:48 p.m., effective May 29, 2015]

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

Purpose: Amendment to WAC 232-12-047 Unlawful methods for hunting and 232-12-054 Archery requirements; and new WAC 232-12-052 Crossbow requirements: The purposes of this rule change are five-fold. The changes remove language pertaining to archery and crossbow requirements that were in a modern firearm WAC and consolidate the archery requirements in the existing archery requirements WAC. The changes remove crossbow requirements from the archery and modern firearm WAC and consolidate those requirements in a new crossbow requirement WAC. The changes allow the hunting of big game and turkeys with a crossbow and remove the mechanical broadhead restriction from the archery requirement WAC.

Amendment to WAC 232-12-021 Importation and retention of dead nonresident wildlife. The purpose of this rule

making adds Iowa to the list of states and provinces requiring additional processing of deer, elk, and moose carcasses before they can be brought into Washington. The states and provinces listed in the WAC have confirmed chronic wasting disease (CWD) in their wild, free-ranging populations of cervids, so movement of carcasses of animals harvested in those areas into Washington must be restricted to reduce the risk of CWD in Washington.

Amendment to WAC 232-28-331 Game management unit boundary descriptions, Region one. This rule making changes the game management unit boundary descriptions [in] Region 1 to better clarify the boundary between two GMUs which has proved to be problematic in recent history for hunters and enforcement.

Amendment to WAC 232-28-335 Game management unit boundary descriptions, Region six [five]. This rule making changes the game management unit boundary descriptions in Region 5 related to the new Elk Area in GMU 522, which creates a new Quality elk opportunity. The boundary between GMU 522 and 524 needs to be adjusted to accommodate the addition of the new Elk Area.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-047, 232-12-054, 232-12-021, 232-28-331, and 232-28-335.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240.

Adopted under notice filed as WSR 15-04-086 on February 2, 2015.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-12-054 Archery requirements, deleted "It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed" from subsection (1)(f). This change clarifies that use of mechanical broadheads is permissible for big game archery hunting.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 5, Repealed 0.

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

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

Date Adopted: April 10, 2015.

Brad Smith, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 13-11-078, filed 5/16/13, effective 6/16/13)

WAC 232-12-021 Importation and retention of dead nonresident wildlife. (1) It is unlawful:

(a) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts.

(b) For a person who imports a dead bighorn sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored, and general information describing where and how the wildlife was obtained.

(c) To import or possess deer, elk, or moose, or parts thereof, harvested in Pennsylvania, Texas, Missouri, Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, Kansas, New York, West Virginia, Virginia, North Dakota, Alberta, Maryland, Minnesota, Iowa, and Saskatchewan, with the following exceptions:

(i) Meat that has been deboned in the state or province where it was harvested and is imported as boned-out meat;

(ii) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(iii) Hides or capes without heads attached;

(iv) Tissue imported for use by a diagnostic or research laboratory; and

(v) Finished taxidermy mounts.

(2) Violation of subsection (1) of this section is punishable under RCW 77.15.290, Unlawful transportation of fish or wildlife—Penalty.

(3) It is unlawful for an importer or receiver of deer or elk to fail to notify the department within twenty-four hours if a state or province alerts the importer or receiver that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160, Infractions.

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-12-047 Unlawful methods for hunting—Firearms. (1) It is unlawful to hunt any big game with:

(a) A fully automatic firearm.

(b) A centerfire cartridge less than 22 caliber for cougar.

(c) A centerfire cartridge less than 24 caliber for any other big game.

(d) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar.

(e) A shotgun for any other big game, except that a 12 gauge or 10 gauge shotgun using slugs may be used.

(f) A handgun during a modern firearm season that does not meet the following criteria: Have a minimum barrel length of four inches, per manufacturer's specification, and fire a centerfire cartridge.

(g) Any rimfire cartridge.

(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow

and arrow, a crossbow, or by falconry ~~((except in those designated areas where crossbows are allowed.~~

~~(4) Rules pertaining to crossbows:~~

~~(a) It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds and a trigger safety that does not work properly.~~

~~(b) It is unlawful to hunt big game animals with any arrow or bolt weighing less than 350 grains.~~

~~(c) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.~~

~~(d) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and forming a smooth line toward the feather end of the shaft, and such line does not angle toward the point.~~

~~(e) It is unlawful to hunt big game animals with a retractable broadhead).~~

~~((5)) (4) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.~~

~~((6)) (5) It is unlawful to hunt game birds with a rifle or handgun, with the exception of blue grouse, spruce grouse and ruffed grouse.~~

(6) It is unlawful to hunt turkey with a weapon other than shotgun shooting #4 or smaller shot, bow and arrow, crossbow, or muzzleloading shotgun shooting #4 or smaller shot.

(7) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

NEW SECTION

WAC 232-12-052 Crossbow requirements. (1) The following provisions apply to hunting with a crossbow:

(a) It is unlawful to hunt big game with a crossbow outside of a modern firearm season.

(b) It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds and a trigger safety that does not work properly.

(c) It is unlawful to hunt big game animals with any arrow or bolt weighing less than 350 grains.

(d) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.

(e) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed.

(f) It is unlawful to discharge a crossbow from a vehicle or from, across, or along the maintained portion of a public highway.

(g) It is unlawful to hunt wildlife with a crossbow during an archery season.

(2) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-12-054 Archery requirements. (1) The following ~~((rules))~~ provisions apply to all archery hunting seasons:

(a) It is unlawful for any person to carry or have in his possession any firearm while archery hunting in the field during an archery season specified for that area, except for modern handguns carried for personal protection. Modern handguns cannot be used to hunt big game or dispatch wounded big game during an archery big game hunting season.

(b) It is unlawful to have any electrical equipment or electric device(s), except for illuminated nocks, attached to the bow or arrow while hunting.

(c) It is unlawful to discharge a bow ~~((or crossbow))~~ from a vehicle or from, across, or along the maintained portion of a public highway.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position.

~~((e))~~ ~~((It is unlawful to hunt wildlife with a crossbow during an archery season.))~~

~~((f))~~ ((f)) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead, or with a broadhead blade or blades that are less than seven-eighths of an inch wide.

~~((g))~~ ~~((It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and forming a smooth line toward the feather end of the shaft. The smooth line must not angle toward the point.))~~

~~((h))~~ ~~((It is unlawful to hunt big game animals with a retractable broadhead.))~~

~~((i))~~ ((i)) It is unlawful to hunt wildlife with any bow equipped with a scope.

(2) The following ~~((rules))~~ provisions apply to long bow, recurve bow and compound bow archery equipment:

(a) It is unlawful for any person to hunt big game animals with a bow that does not produce a minimum of 40 pounds of pull measured at twenty-eight inches or at full draw.

(b) It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

(3) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

AMENDATORY SECTION (Amending WSR 11-11-013, filed 5/6/11, effective 6/6/11)

WAC 232-28-331 Game management units (GMUs) boundary descriptions—Region one.

GMU 101-SHERMAN (Ferry and Okanogan counties): Beginning at the Kettle River and the US-Canadian border near the Ferry Customs Office, north of the town of Toroda; E on the US-Canadian border to the Kettle River, east of the

town of Laurier; S down the Kettle River (Ferry-Stevens county line) to the mouth of the Kettle River on Lake Roosevelt; S down the western shore of Lake Roosevelt to the northeastern corner of the Colville Indian reservation; W on the northern Colville Indian reservation boundary to State Route (SR) 21; N on SR 21 to SR 20 at the town of Republic; NW on SR 20 to Toroda Creek Rd at the town of Wauconda; NE on the Toroda Creek Rd to Toroda Creek at the town of Toroda; E along Toroda Creek to its mouth on the Kettle River; N up the Kettle River to the US-Canadian border near the Ferry Customs Office north of the town of Toroda and point of beginning.

GMU 105-KELLYHILL (Stevens County):

Beginning at the Kettle River (Ferry-Stevens county line) and the US-Canadian border east of the town of Laurier; E on the US-Canadian border to Lake Roosevelt (Columbia River); SW along the eastern shore of Lake Roosevelt to the US Hwy (US) 395 bridge; W on US 395 over the bridge to the western shore of Lake Roosevelt; N on the western shore of Lake Roosevelt to the mouth of the Kettle River; N up the Kettle River (Ferry-Stevens county line) to the US-Canadian border east of the town of Laurier and the point of beginning.

GMU 108-DOUGLAS (Stevens County):

Beginning at the junction of US Hwy (US) 395 and State Route (SR) 20 in the town of Colville; NW on US 395 (SR 20) to the bridge over Lake Roosevelt; N up the southeastern shore of Lake Roosevelt and Columbia River to the SR 25 bridge over the Columbia River at the town of Northport; S on SR 25 to Colville-Aladdin-Northport Rd in the town of Northport; SW on the Colville-Aladdin-Northport Rd to SR 20, E of the town of Colville; W on SR 20 to US 395 at the town of Colville and point of beginning.

GMU 111-ALADDIN (Stevens and Pend Oreille counties):

Beginning at the junction of the Colville-Aladdin-Northport Rd and State Route (SR) 20 on the east side of Colville; N on Aladdin Rd to SR 25 at the town of Northport; N on SR 25 to the bridge over the Columbia River; NE along the southeastern shoreline of the Columbia River to the US-Canadian border; E along the US-Canadian border to the Pend Oreille River; S along the western shoreline of the Pend Oreille River to Tiger East Rd, which is due east of the town of Tiger; W on the Tiger East Rd to SR 20 at the town of Tiger; W and S on SR 20 to the junction with the Aladdin Rd, E of the town of Colville and point of beginning.

GMU 113-SELKIRK (Pend Oreille County):

Beginning on the western shore of the Pend Oreille River at the US-Canadian border; E on the US-Canadian border to the Washington-Idaho state line; S on the Washington-Idaho state line to the southwestern shore of the Pend Oreille River at the town of Newport; NW along the southwestern shore of the Pend Oreille River to the US-Canadian border and the point of beginning.

GMU 117-49 DEGREES NORTH (Stevens and Pend Oreille counties):

Beginning at junction of State Route (SR) 20 and US Hwy (US) 395 at the town of Colville; E on SR 20 to Tiger East Rd

at the town of Tiger; E on Tiger East Rd to western shore of the Pend Oreille River; S along the southwestern shore of the Pend Oreille River to the Washington-Idaho state line; S along the Washington-Idaho state line to US 2 in the town of Newport; SW and S on US 2 to the Deer Park-Milan Rd; W on the Deer Park-Milan Rd to US 395 at the town of Deer Park; NW on US 395 to its junction with SR 20 at the town of Colville and the point of the beginning.

GMU 121-HUCKLEBERRY (Stevens County):

Beginning at the US Hwy (US) 395 bridge over Lake Roosevelt (Columbia River) NW of the town of Kettle Falls; SE on US 395 through Colville and Chewelah to State Route (SR) 292 at Loon Lake; W on SR 292 to SR 231 at the town of Springdale; S on SR 231 to the first tributary of Chamokane Creek intersecting SR 231 south of the northeast corner of the Spokane Indian reservation; SW on the said tributary to Chamokane Creek, the northern boundary of the Spokane Indian reservation; W along the northern border of the Spokane Indian Reservation border to eastern boundary of the Colville Indian reservation on the Ferry-Stevens county line on Lake Roosevelt; N along the Colville Indian reservation boundary to its northern corner on Lake Roosevelt; W along Colville Indian reservation boundary to the western shore of Lake Roosevelt; N along western shore of Lake Roosevelt to the US 395 bridge over Lake Roosevelt northwest of the town of Kettle Falls and the point of beginning.

GMU 124-MOUNT SPOKANE (Spokane, Stevens and Pend Oreille counties):

Beginning at the junction of State Route (SR) 231 and SR 292 at the town of Springdale; E on SR 292 to US Hwy (US) 395 at Loon Lake; SE on US 395 to the Deer Park-Milan Rd; E on the Deer Park-Milan Rd to US 2; N and NE on US 2 to the Washington-Idaho state line at the town of Newport; S on the Washington-Idaho state line to the Spokane River; W and NW down the north shore of Spokane River to Chamokane Creek (Spokane Indian reservation boundary); N along the Chamokane Creek to the last Chamokane Creek tributary before the northeastern corner of the Spokane Indian reservation; NE up said tributary to SR 231; N on SR 231 to SR 292 at the town of Springdale and the point of beginning.

GMU 127-MICA PEAK (Spokane County):

Beginning at the mouth of Latah Creek (Hangman Creek) on the Spokane River; E up the south shore of the Spokane River to the Maple Street Bridge; N across the Maple Street Bridge to the north shore of the Spokane River; E on the north shore of the Spokane River to the Washington-Idaho state line; S on the Washington-Idaho state line to State Route (SR) 274 at the town of Willard; SW on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; W on Fairbanks Rd to Spring Valley Rd; NW on Spring Valley Rd to Dunn Rd; SW on Dunn Rd to Merritt Rd; W on Merritt Rd to US Hwy (US) 195; N on US 195 to Interstate Hwy (I)-90; E on I-90 to Latah Creek; N down Latah Creek to the Spokane River and the point of the beginning.

GMU 130-CHENEY (Spokane and Lincoln counties):

Beginning on the Spokane River and State Route (SR) 231; E up the north shore of the Spokane River to the Maple Street

Bridge; S on the Maple Street Bridge to the south shore of the Spokane River; W on the south shore of the Spokane River to Latah Creek (Hangman Creek) in Spokane; S up Latah Creek to Interstate Hwy (I)-90; W on I-90 to US Hwy (US) 195; S on US 195 to Rosalia exit and south to Gashous Rd in the town of Rosalia; W on Gashous Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegel Rd; W on Siegel Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuler Rd; S on Spuler Rd to Dewey Rd; W on Dewey Rd to SR 23; NW along SR 23 to SR 231; N on SR 231 to US 2; E on US 2 to SR 231 at the town of Reardan; N along SR 231 to the Spokane River and to the point of beginning.

GMU 133-ROOSEVELT (Lincoln County):

Beginning at the east end of the Grand Coulee Dam at Lake Roosevelt; E along the Grant-Okanogan, Lincoln-Okanogan, Lincoln-Ferry county lines on Lake Roosevelt to the Spokane River; E up the Spokane River, following the Lincoln-Stevens county line, to State Route (SR) 231; S on SR 231 to US Hwy (US) 2 at the town of Reardan; W on US 2 to SR 21 at the town of Wilbur; N on SR 21 to SR 174; NW on SR 174 to SR 155 at the town of Grand Coulee; NE on SR 155 to the access road to the Grand Coulee Dam causeway (access restricted); E on the causeway access road to the east end of the Grand Coulee Dam at Lake Roosevelt and the point of the beginning.

GMU 136-HARRINGTON (Lincoln and Grant counties):

Beginning at the town of Grand Coulee at State Route (SR) 174 and Rd W NE (Grand Coulee Hill Rd); SE on SR 174 to US Hwy (US) 2 at the town of Wilbur; E on US 2 to SR 231; S on SR 231 to SR 23; S on SR 23 to Interstate Hwy (I)-90; SW on I-90 to Danekas Rd (Interstate Hwy Exit 231); W on Danekas Rd to Tokio Rd; W on Tokio Rd to Marcellus Rd; N on Marcellus Rd to Davis Rd; W on Davis Rd to Rd 12 NE; W on Rd 12 NE to Rd W NE; N on Rd W NE to Rd X NE at the town of Marlin; N on Rd X NE to Kiner Rd; NE, E, N, E, and N on Kiner Rd to US 2, east of the town of Almira; SW on US 2 to Main Rd; W on Main St to N 3rd St; N on 3rd St to Old Coulee Rd; N on Old Coulee Rd to Douglas Rd; W on Douglas Rd to Peterson Rd; N on Peterson Rd to 51 NE Rd; E on 51 NE Rd to Rd W NE; N on Rd W NE to Grand Coulee Hill Rd; N on Grand Coulee Hill Rd to SR 174 in the town of Grand Coulee and the point of the beginning.

GMU 139-STEPTOE (Lincoln, Whitman, and Spokane counties):

Beginning at the Washington-Idaho state line and State Route (SR) 274 at the town of Willard; W on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; Fairbanks Rd to Spring Valley Rd; NW on Spring Valley Rd to Dunn Rd; SW on Dunn Rd to Merritt Rd; W on Merritt Rd to the town of Rosalia; from Rosalia, W on Gashous Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegel Rd; W on Siegel Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuler Rd; S on Spuler Rd to Dewey Rd; W on Dewey Rd to SR 23; N on SR 23 to Lamont Rd;

SW on Lamont Rd to Revere Rd; S on Revere Rd to Jordan-Knott Rd; S on Jordan-Knott Rd to Rock Creek; S down Rock Creek to the Palouse River; S down the Palouse River to SR 26; E along SR 26 to US Hwy (US) 195 at the town of Colfax; S on US 195 to SR 270; E on SR 270 to Washington-Idaho state line; N on the Washington-Idaho state line to SR 274 at the town of Willard and the point of the beginning.

GMU 142-ALMOTA (Whitman County):

Beginning at US Hwy (US) 195 and State Route (SR) 26 at the town of Colfax; SE on US 195 to SR 270; E on SR 270, through the town of Pullman to the Washington-Idaho state line near Moscow, Idaho; S along the Washington-Idaho state line to the Snake River (Asotin-Whitman county line), north of the town of Clarkston; W along the Snake River (Asotin-Whitman, Garfield-Whitman, and Columbia-Whitman county line) to the mouth of the Palouse River (Franklin-Whitman county line); N and E up the Palouse River (Franklin-Whitman and Whitman-Adams county lines) to SR 26, west of the town of Gordon; E on SR 26 (Washtucna-Lacrosse Hwy) to US 195 at the town of Colfax and the point of beginning.

GMU 145-MAYVIEW (Garfield and Asotin counties):

Beginning at the State Route (SR) 127 bridge crossing the Snake River (Whitman-Garfield county line) at Central Ferry; E along the Snake River (Whitman-Asotin and Whitman-Garfield county lines) to the mouth of Alpowa Creek; S up Alpowa Creek to the US Hwy (US) 12 bridge; W on US 12 to SR 127; N on SR 127 (Central Ferry Hwy) to the bridge crossing the Snake River (Garfield-Whitman county line) at Central Ferry and the point of beginning.

GMU 149-PRESCOTT (Walla Walla, Columbia, and Garfield counties):

Beginning on the Columbia River at the mouth of the Snake River (Benton-Franklin-Walla Walla county line); NE and E along the Snake River (Franklin-Walla Walla, Whitman-Columbia, and Whitman-Garfield county lines) to State Route (SR) 127 bridge at Central Ferry; S on SR 127 (Central Ferry Hwy) to US Hwy (US) 12 at Dodge Junction; SW on US 12, through the towns of Dayton and Waitsburg, to SR 125 at the town of Walla Walla; S on SR 125 to the Washington-Oregon state line; W on the Washington-Oregon state line to the Columbia River (Benton-Walla Walla county line); N along the Columbia River (Benton-Walla Walla county line) to the mouth of the Snake River and the point of beginning.

GMU 154-BLUE CREEK (Walla Walla and Columbia counties):

Beginning on US Hwy (US) 12 at the town of Waitsburg; NE on US 12 to Lower Hogege Rd at Long Station; E on Lower Hogege Rd to Bowman Hill Rd; SW on Bowman Hill Rd to the Payne Hollow Rd; S on the Payne Hollow Rd to Jasper Mountain Rd; S on Jasper Mountain Rd to Mt. Pleasant Rd; S on Mt. Pleasant Rd to Dent Rd; S on Dent Rd to the Lewis Peak Rd; S on the Lewis Peak Rd to Lewis Peak Trail; SE on Lewis Peak Trail to US Forest Service (USFS) Trail 3211 (Mill Creek Watershed Intake Trail); SW on USFS Trail 3211 to the Washington-Oregon state line; W on the Washington-Oregon state line to State Route (SR) 125; N on SR

125 to US 12; NE on US 12 to the town of Waitsburg and the point of beginning.

GMU 157-MILL CREEK WATERSHED (Walla Walla and Columbia counties):

Beginning at US Forest Service (USFS) Trail 3211 (Mill Creek Watershed Intake Trail) at the Washington-Oregon state line; NE and E on USFS Trail 3211 to USFS Rd 64; S on the USFS Rd 64 to the Washington-Oregon state line; W on the Washington-Oregon state line to USFS Trail 3211 and the point of beginning.

GMU 162-DAYTON (Walla Walla and Columbia counties):

Beginning at the junction of US Hwy (US) 12 and Patit Rd in the town of Dayton; E on the Patit Rd to the Hartsock Grade Rd-Maloney Mountain Rd intersection; S on Maloney Mountain Rd to US Forest Service (USFS) Rd 4625 (Maloney Mountain Rd); S and W on to USFS Rd 4625 to Skyline Drive Rd; SE on Skyline Drive Rd to USFS Rd 46 (Skyline Drive Rd); S on USFS Rd 46 to USFS Rd 64; S on USFS Rd 64 to USFS Trail 3211 (Mill Creek Watershed Intake Trail); W on USFS Trail 3211 to the Lewis Peak Trail; NW on the Lewis Peak Trail to Lewis Peak Rd; N on the Lewis Peak Rd to Dent Rd; N on Dent Rd to Mt. Pleasant Rd; N on the Mt. Pleasant Rd to the Jasper Mountain Rd; N on the Jasper Mountain Rd to Payne Hollow Rd; N on Payne Hollow Rd to Bowman Hill Rd; NE on Bowman Hill Rd to Lower Hogege Rd; W on Lower Hogege Rd to US 12 at Long Station; NE on US 12 to its junction with Patit Rd at the town of Dayton and the point of beginning.

GMU 163-MARENGO (Columbia and Garfield counties):

Beginning at the junction of US Hwy (US) 12 and Patit Rd in the town of Dayton; N and E on US 12 to the Tatman Mountain Rd at Zumwalt; SE on Tatman Mountain Rd to Linville Gulch Rd; S on the Linville Gulch Rd to the Blind Grade Rd; SW on the Blind Grade Rd to the Tucannon Rd; N on the Tucannon Rd to the Hartsock Grade Rd; S on the Hartsock Grade Rd to the Patit Rd; W on the Patit Rd to US 12 in the town of Dayton and the point of beginning.

GMU 166-TUCANNON (Columbia and Garfield counties):

Beginning at the intersection of the Hartsock Grade Rd and the Tucannon Rd; SE on the Tucannon Rd to the elk drift fence at the northern boundary of the W.T. Wooten Wildlife Area; E and S along the elk drift fence to the US Forest Service (USFS) Rd 40 (Mountain Rd) at the Umatilla National Forest's northern boundary; S on the USFS Rd 40 to USFS Rd 4030 (Diamond Peak Rd); W on USFS Rd 4030 to USFS Trail 3113 (Diamond Peak Trail-Bullfrog Springs Trail-Oregon Butte Trail) at Diamond Peak; W on USFS Trail 3113 to USFS Trail 3136 (Teepee Trail); W along USFS Trail 3136 to USFS Rd 4608 (Teepee Rd) at Teepee Camp; W on the USFS Rd 4608 to USFS Rd 46 (Skyline Drive Rd); N on the USFS Rd 46 to Skyline Drive Rd; N on Skyline Drive Rd to the Maloney Mountain Rd; W on Maloney Mountain Rd to USFS Rd 4625 (Maloney Mountain Rd); E and N on the USFS Rd 4625 (Maloney Mountain Rd) to the Hartsock

Grade Rd; N on the Hartsock Grade Rd to the Tucannon Rd and the point of the beginning.

GMU 169-WENAHA (Columbia, Garfield and Asotin counties):

Beginning on the Washington-Oregon state line at the US Forest Service (USFS) Rd 64; N on USFS Rd 64 to USFS Rd 46 (Skyline Dr); E on USFS Rd 46 to USFS Rd 4608 (Teepee Rd) at Godman Springs; E on USFS Rd 4608 to USFS Trail 3136 (Teepee Trail) at Teepee Camp; E on the USFS Trail 3136 to USFS Trail 3113 (Oregon Butte Trail-Bullfrog Springs Trail-Diamond Peak Trail); E on USFS Trail 3113 to USFS Rd 4030 (Diamond Peak Rd) at Diamond Peak; E on USFS Rd 4030 to USFS Rd 40 (Mountain Rd); S along USFS Rd 40 to USFS Rd 4039 (South Boundary Rd); SW along USFS Rd 4039 to USFS Trail 3133 (Three Forks Trail); NW on USFS Trail 3133 to USFS Trail 3100; S on USFS Trail 3100 to the Washington-Oregon state line; due W on the Washington-Oregon state line to USFS Rd 64 and the point of beginning.

GMU 172-MOUNTAIN VIEW (Garfield and Asotin counties):

Beginning on the Washington-Oregon state line at US Forest Service (USFS) Trail 3100; N on USFS Trail 3100 to USFS Trail 3133 (Three Forks Trail); SE on USFS Trail 3133 (Three Forks Trail) to USFS Rd 4039 (South Boundary Rd); NE on USFS Rd 4039 to USFS Rd 40 (Mountain Rd); N on USFS Rd 40 to USFS Rd 44 (Mount Misery-Big Butte Rd) at Misery junction; E on USFS Rd 44 to USFS Rd 43; E on USFS Rd 43 to USFS Rd 4304; E on USFS Rd 4304 to West Mountain Rd; NE on the West Mountain Rd to Bennett Ridge Rd; N on Bennett Ridge Rd to Mill Rd; E on Mill Rd to State Route (SR) 129 at the town of Anatone; SW on SR 129 to the Washington-Oregon state line; due W on the Washington-Oregon state line to USFS Trail 3100 and the point of beginning.

GMU 175-LICK CREEK (Garfield and Asotin counties):

Beginning at the intersection of US Forest Service (USFS) Rd 40 (Mountain Rd) and the elk drift fence on the Umatilla National Forest's northern boundary; E along the elk drift fence to its end at the eastern border section line of Section 2, T9N, R43E; due S from the end to the elk drift fence on section line of Section 2, T9N, R43E to Charley Creek; E down Charley Creek to Asotin Creek; S down Asotin Creek to the South Fork Asotin Creek Rd; S up the South Fork Asotin Creek Rd to Campbell Grade Rd; E on the Campbell Grade Rd to Back Rd; (~~N and E~~) S on Back Rd to the Cloverland Rd; S on Cloverland Rd to its junction with the Umatilla National Forest's eastern boundary fence; E and S on the USFS boundary fence past Big Butte to USFS Rd 4303 (Big Butte Rd-Mount Misery Rd); W on USFS Rd 4304 to USFS Rd 43; W on USFS Rd 43 to USFS Rd 44; W on USFS Rd 44 to USFS Rd 40 (Mountain Rd) at Misery junction; NW on USFS Rd 40 (Mountain Rd) to the intersection with the elk drift fence on the Umatilla National Forest's northern boundary and the point of beginning.

GMU 178-PEOLA (Garfield and Asotin counties):

Beginning at the intersection of US Hwy (US) 12 and Tatman Mountain Rd at Zumwalt; E on US 12 to bridge near the

mouth of Alpowa Creek; N down Alpowa Creek to the Snake River; E and S along the Snake River (Asotin-Whitman county line, Washington-Idaho state line) to the mouth of Asotin Creek; W along Asotin Creek to Charley Creek; W along Charley Creek to the unit boundary marker at the eastern border section line of Section 2, T9N, R43E; N on eastern border section line of Section 2, T9N, R43E to end of the elk drift fence; W along the elk drift fence to the boundary of the W.T. Wooten Wildlife Area; NW and W along the elk drift fence to the Tucannon Rd; N on the Tucannon Rd to Blind Grade Rd; NE up Blind Grade Rd to the Linville Gulch Rd; N on the Linville Gulch Rd to Tatman Mountain Rd; NW up Tatman Mountain Rd to US 12 at Zumwalt and the point of beginning.

GMU 181-COUSE (Asotin County):

Beginning at the mouth of Asotin Creek on the Snake River at the town of Asotin; S along the Snake River (Washington-Idaho state line) to the Grande Ronde River; W along the north shore of Grande Ronde River to State Route (SR) 129; NW on SR 129 to Mill Rd in the town of Anatone; W on Mill Rd to Bennett Ridge Rd; S and W on Bennett Ridge Rd to West Mountain Rd; SW on West Mountain Rd to Umatilla National Forest eastern boundary fence at Big Butte; N along the Umatilla National Forest boundary fence to Cloverland Rd; NE on Cloverland Rd to the first, southernmost intersection with Back Rd; (~~W and S~~) N on Back Rd to Campbell Grade Rd; W on the Campbell Grade Rd to South Fork Asotin Creek Rd; NE on South Fork Asotin Creek Rd to Asotin Creek; NE down Asotin Creek to the Snake River at the town of Asotin and the point of beginning.

GMU 186-GRANDE RONDE (Asotin County):

Beginning on the Washington-Oregon state line and State Route (SR) 129; N on SR 129 to the Grande Ronde River; E along the north shore of the Grande Ronde River to the Snake River (Washington-Idaho state line); S along the Snake River (Washington-Idaho state line) to the Washington-Oregon state line; W on the Washington-Oregon state line to SR 129 and the point of beginning.

AMENDATORY SECTION (Amending WSR 11-11-013, filed 5/6/11, effective 6/6/11)

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):

Beginning at the intersection of Interstate Hwy (I)-5 and State Route (SR) 6; W on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser (Weyco) 7000 line; W and N on Weyco 7000 line to Weyco 7400 line; N on Weyco 7400 line to Weyco 7050 line; NE on Weyco 7050 line to Weyco 7000 line; NW and N on Weyco 7000 line to the Weyco 7800 line; N on Weyco 7800 line to Weyco 7800 F line; NE on Weyco 7800 F line to Weyco 720 line; E on Weyco 720 line to Weyco 723 line; NW on Weyco 723 line to the Weyco C line; NE on Weyco C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy (US) 12 at the town

of Oakville; E on US 12 to I-5; S on I-5 to SR 6 and point of beginning.

GMU 503-RANDLE (Lewis County):

Beginning at the intersection of US Hwy (US) 12 and the Rayonier 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US 12 to State Route (SR) 131; S on SR 131 to US Forest Service (USFS) Rd 25; S on the USFS Rd 25 to the Cispus River; W on the Cispus River to Rayonier 271 line; S on the Rayonier 271 line to the Rayonier 300 line; W on the Rayonier 300 line to the Rayonier 100 line (Kosmos Haul Rd); N on the Rayonier 100 line to US 12 and the point of beginning.

GMU 504-STELLA (Cowlitz County):

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to State Route (SR) 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper (IP) 1000 line; N on IP 1000 line to IP 1050 line; E on IP 1050 line to IP 2200 line; E and S on IP 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser (Weyco) 9312 line; E on Weyco 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Hwy (PH) 10 Rd; E along the Public Hwy (PH) 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County):

Beginning on Interstate Hwy (I)-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy (US) 12 bridge; NE on US 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rayonier 100 Mainline (Kosmos Haul Rd); N on the Rayonier 100 Mainline to US 12; W on US 12 to Davis Lake Rd; N and W on Davis Lake Rd to Main St at town of Morton; W on Main St to SR 508; W on SR 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):

Beginning at State Route (SR) 6 and 3rd St S at the town of Pe Ell; S on 3rd St S to Muller Rd; S on Muller Rd to Weyerhaeuser (Weyco) 1000 line; S on Weyco 1000 line to Weyco 1800 line; S on Weyco 1800 line to Weyco 500 line; SE on Weyco 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N

along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyco 5000 line; N on Weyco 5000 line to Weyco 5800 line; NE on Weyco 5800 line to power transmission line (Section 21, T11N, R8W); E, NE, then N on the power transmission line to the Trap Creek A Line; E and N on the Trap Creek A Line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County):

Beginning on US Hwy (US) 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service (USFS) Rd 47; N on USFS Rd 47 to USFS Rd 85; W and N on USFS Rd 85 to USFS Rd 52; N on USFS Rd 52 to the Nisqually River; W down the Nisqually River to State Route (SR) 7; S on SR 7 to Main St at town of Morton; E on Main St to Davis Lake Rd; E on Davis Lake Rd to US 12; E on US 12 to the Silver Creek bridge and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County):

Beginning on US Hwy (US) 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service (USFS) Rd 47; N on USFS Rd 47 to USFS Rd 85; W and N on USFS Rd 85 to USFS Rd 52; W and N on USFS Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the USFS Trail 2000 (Pacific Crest National Scenic Trail); S along the USFS Trail 2000 to US 12; W on US 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties):

Beginning at US Hwy (US) 12 and US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail) at White Pass; S on USFS Trail 2000 to the Yakama Indian Reservation border; S on the Yakama Indian Reservation border to USFS Trail 2000; S on USFS Trail 2000 to USFS Trail 98 at Sheep Lake; W on USFS Trail 98 to USFS Rd 2160 at Walupt Lake; W on USFS Rd 2160 to USFS Rd 21; S and W on USFS Rd 21 to USFS Rd 23; S on USFS Rd 23 to USFS Trail 263; S and W on USFS 263 to USFS Trail 261; S on USFS Trail 261 to USFS Trail 1; W on USFS Trail 1 to USFS Rd 99; W on USFS Rd 99 to USFS Rd 26; N on USFS Rd 26 to USFS Rd 2612; W on USFS Rd 2612 to USFS Trail 217; N and W on USFS Trail 217 to Weyerhaeuser (Weyco) 2600 line; W on Weyco 2600 line to Weyco 2658 line; N on Weyco 2658 line to Rayonier (Campbell Group) 430 line; N on Rayonier 430 line to the Rayonier Mainline 400 line; N and E on Rayonier Mainline 400 line to Rayonier 300 line; E on Rayonier 300 line to Rayonier 271 line; N on Rayonier 271 line to the Cispus River; E on the Cispus River to USFS Rd 25; N on USFS Rd 25 to State Route (SR) 131; N on SR 131 to US 12; E on US 12 to the USFS Trail 2000 at White Pass and beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):

Beginning at the bridge at intersection of Interstate Hwy (I)-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser (Weyco) 4400 line; N along Weyco 4400 line to Weyco 2421 line; N along Weyco 2421 line to Weyco 2400 line; NW along Weyco 2400 line to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service (USFS) Rd 2612; E on USFS Rd 2612 to USFS Trail 217; N and W on USFS Trail 217 to Weyco 2600 line; W on Weyco 2600 line to Weyco 2658 line; N on Weyco 2658 line to Rayonier 430 line; N on Rayonier 430 line to Rayonier 400 Mainline; N and E on Rayonier 400 Mainline to Rayonier 100 Mainline; N on Rayonier 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy (US) 12; SW on US 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties):

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser (Weyco) 3020 line; NW along Weyco 3020 line to Weyco 3000 line; E along Weyco 3000 line to US Forest Service (USFS) Trail 216G; SE along USFS Trail 216G to USFS Trail 216; S on USFS Trail 216 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's southern edge; E along the Mt. St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to USFS Trail 225 (Smith Creek Trail); N and NW on USFS Trail 225 to USFS Rd 99; NE along USFS Rd 99 to USFS Rd 26; N on USFS Rd 26 to USFS ~~((Trail 1; W on USFS Trail 1 to USFS Trail 214; NW on USFS Trail 214 to USFS Trail 211; W on USFS Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to State Route (SR) 504 bridge at mile post 45))~~ Trail 1 (Boundary Trail); W on USFS Trail 1 to USFS Trail 214 (Whittier Trail); N on USFS Trail 214 to USFS Trail 211 (Lakes Trail); W on USFS Trail 211 to USFS Trail 211, USFS Trail 230 (Coldwater Trail) junction; NE to Minnie Peak; W to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; W and S on USFS property boundary to State Route 504 near the center of Section 35, T10N, R4E; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the State Route (SR) 504 bridge over Hoffstadt Creek; E on SR 504 to ~~((the bridge over the outlet to Coldwater Lake at mile post 45; NE up the outlet stream of Coldwater Lake to Coldwater Lake; NE along the northwest shoreline of Coldwater Lake to Coldwater Creek inlet; E up Coldwater Creek to US Forest Service (USFS) Trail 211; NE on USFS Trail 211 to USFS Trail 214; SE on USFS Trail 214 to USFS Trail 1; E on USFS Trail 1 to USFS Rd 26; N on the USFS Rd 26 (Ryan Lake Rd) to USFS Rd 2612; W on USFS Rd 2612))~~ US Forest Service (USFS) property boundary near the center of Section 35, T10N, R4E; E and N on USFS property boundary to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; E to Minnie Peak; SW to USFS Trail 211 (Lakes Trail) and USFS Trail 230 (Coldwater Trail) junction; E on USFS Trail 211 (Lakes Trail) to USFS Trail 214 (Whittier Trail); S on USFS Trail 214 to USFS Trail 1 (Boundary Trail); E on USFS Trail 1 to USFS Rd 26; N on USFS Rd 26 to USFS Rd 2612; W on USFS Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):

Beginning at Stevens Rd and State Route (SR) 6, south of the town of Doty; E on SR 6 to Interstate Hwy (I)-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser (Weyco) 9312 line; W on Weyco 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper (IP) 2200 line; N and W on IP 2200 line to IP 1050 line; W on IP 1050 line to IP 1000 line; S on IP 1000 line to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 to Weyco 500 line at Camp 2; NW on Weyco 500 line to Weyco 1800 line; N on Weyco 1800 line to Weyco 1000 line; N on Weyco 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning.

GMU 550-COWEEMAN (Cowlitz County):

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser (Weyco) 4100 line; E on Weyco 4100 line to Weyco 4950

line; S and E on Weyco 4950 line to Weyco 235 line; SE on Weyco 235 line to Weyco 200 line; W on Weyco 200 line to Weyco 240 line; SE on Weyco 240 line to Weyco 243 line; E on Weyco 243 line to Weyco 135A line; S on Weyco 135A line to Weyco 135 line; E on Weyco 135 line to Weyco 134 line; SW on Weyco 134 line to Weyco 133 line; SW on Weyco 133 line to Weyco 130 line; SW on Weyco 130 line to Weyco 1680 line; W on Weyco 1680 line to Weyco 1600 line; SE on Weyco 1600 line to Weyco 1400 line; W on Weyco 1400 line to Weyco 1420 line which is the Kalama/Coweeman Summit; SE on Weyco 1420 line to Weyco 1426 line; W on Weyco 1426 line to Weyco 1428 line; SW on Weyco 1428 line to Weyco 1429 line which turns into Weyco 6400 line; SW down Weyco 6400 line to Weyco 6000 line; E on Weyco 6000 line to Weyco 6450 line; SE for approximately one mile on Weyco 6450 line (crossing the Kalama River) to Weyco 6452 line; SE on Weyco 6452 line to Dubois Rd; SE on Dubois Rd to State Route (SR) 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz and Clark counties):

Beginning on State Route (SR) 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser (Weyco) 6600 line (Rock Creek Rd); NE on Weyco 6600 line to Weyco 6690 Rd; N and E on Weyco 6690 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to SR 503 bridge crossing; S and W along SR 503 to NE 221st Ave; N about 1/4 mile on NE 221st Ave to NE Cedar Creek Rd; W along NE Cedar Creek Rd to NE Pup Creek Rd; N on NE Pup Creek Rd to NE Buncombe Hollow Rd; N about 1/4 mile on NE Buncombe Hollow Rd to power transmission line; S and W on the power transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

GMU 556-TOUTLE (Cowlitz County):

Beginning on the intersection of State Route (SR) 503 (Lewis River Rd) and US Forest Service (USFS) Rd 81 (Merrill Lake Rd); N on USFS Rd 81 to Weyerhaeuser (Weyco) 7200 line; NW on Weyco 7200 line to Weyco 7400 line; N on Weyco 7400 line to Weyco 5500 line; E and N on Weyco 5500 line to Weyco 5670 line; N and E on Weyco 5670 line to Weyco 5660 line; N on Weyco 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to

USFS Trail 216; N on USFS Trail 216 to USFS Trail 216G; NW on USFS Trail 216G to Weyco 3000 line; W on Weyco 3000 line to Weyco 3020 line; SE on Weyco 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyco 2400 line; S on Weyco 2400 line to Weyco 2421 line; S on Weyco 2421 line to Weyco 4400 line; S and W along Weyco 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle River to Weyco 4100 line; E on Weyco 4100 line to the Weyco 4950 line; S and E on Weyco 4950 line to Weyco 235 line; SE on Weyco 235 line to Weyco 200 line; W on Weyco 200 line to Weyco 240 line; SE on Weyco 240 line to Weyco 243 line; E on Weyco 243 line to Weyco 135A line; S on Weyco 135A line to Weyco 135 line; E on Weyco 135 line to Weyco 134 line; SW on Weyco 134 line to Weyco 133 line; SW on Weyco 133 line to Weyco 130 line; SW on Weyco 130 line to Weyco 1680 line; W on Weyco 1680 line to Weyco 1600 line; SE on Weyco 1600 line to Weyco 1400 line; W on Weyco 1400 line to Weyco 1420 line which is the Kalama/Coweeman Summit; SE on Weyco 1420 line to Weyco 1426 line; W on Weyco 1426 line to Weyco 1428 line; SW on Weyco 1428 line to Weyco 1429 line; SW on Weyco 1429 line to Weyco 6400 line; SW on Weyco 6400 line to Weyco 6000 line; E on Weyco 6000 line to Weyco 6450 line; SE for approximately one mile on Weyco 6450 line (crossing the Kalama River) to Weyco 6452 line; SE on Weyco 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to Weyco 6600 line (Rock Creek Rd); NE on Weyco 6600 line to Weyco 6690 line; N and E on Weyco 6690 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to USFS Rd 81 and point of beginning.

GMU 560-LEWIS RIVER (Cowlitz, Skamania, Klickitat, Yakima, and Lewis counties):

Beginning on State Route (SR) 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service (USFS) Rd 82 (Mount Adams Recreational Area Rd); N on USFS Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to USFS Trail 2000 (Pacific Crest National Scenic Trail) in Section 3, T11N, R11E; S on USFS Trail 2000 to USFS Trail 98 at Sheep Lake; W on USFS Trail 98 to USFS Rd 2160 at Walupt Lake; W on USFS Rd 2160 to USFS Rd 21; S and W on USFS Rd 21 to USFS Rd 23; S on USFS Rd 23 to USFS Trail 263; S and W on USFS Trail 263 to USFS Trail 261; S on USFS Trail 261 to USFS Trail 1; W on USFS Trail 1 to USFS Rd 99; S and W on USFS Rd 99 to USFS Trail 225 (Smith Creek Trail); S on USFS Trail 225 to Ape Canyon Creek; S and W up Ape Canyon Creek to Mt. St. Helens crater's eastern edge; W along Mt. St. Helens crater's southern edge to headwaters of S Fork Toutle River; W along S Fork Toutle River to Weyerhaeuser (Weyco) 5660 line; S along Weyco 5660 line to Weyco 5670 line; S and W on Weyco 5670 line to Weyco 5500 line; S and W on Weyco 5500 line to Weyco 7400 line; S and E on Weyco 7400 line to Weyco 7200 line; S and E on Weyco 7200 line to USFS Rd 81; S on

USFS Rd 81 to SR 503; N and E on SR 503 to Dog Creek; S down Dog Creek to the N shore of Yale Reservoir; E along N shore of Yale Reservoir to N Fork Lewis River; E up the Lewis River to Swift Dam and Swift Reservoir; E along the N shore of Swift Reservoir to N Fork Lewis River; E up N Fork Lewis River to USFS Rd 90 Bridge (Eagle Cliff); E on USFS Rd 90 to USFS Rd 51 (Curly Creek Rd); SE on USFS Rd 51 to USFS Rd 30; NE on USFS Rd 30 to USFS Rd 24; SE on USFS Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to NE Buncombe Hollow Rd; S on NE Buncombe Hollow Rd to NE Pup Creek Rd; S on NE Pup Creek Rd to NE Cedar Creek Rd; E on NE Cedar Creek Rd to NE 221st Ave; S along NE 221st Ave to SR 503, to NE Amboy Rd; S on NE Amboy Rd to W Yacolt Rd; E on W Yacolt Rd to N Railroad Ave; SE on N Railroad Ave, which becomes S Railroad Ave; SE on S Railroad Ave which becomes NE Railroad Ave; SE on NE Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to NE 197th Ave; S on NE 197th Ave to NE 279th St; W on NE 279th St to NE 182nd Ave; S on NE 182nd Ave to NE 259th St; E on NE 259th St to NE 220th Ave; S on NE 220th Ave which turns into NE Cresap Rd; SE on NE Cresap Rd which turns into NE 222nd Ave; S on NE 222nd Ave to NE Allworth Rd; E on NE Allworth Rd to NE 232nd Ave; S on NE 232nd Ave to NE 237th St; E on NE 237th St which turns into NE 240th Ave; S on NE 240th Ave to NE Berry Rd; NE on NE Berry Rd to the DNR L-1410 Rd; SE on DNR L-1410 Rd to the DNR L-1400 Rd; W on DNR L-1400 Rd which turns into NE Rawson Rd; W on NE Rawson Rd to NE Powell Rd; SW on NE Powell Rd to NE 212th Ave; S on NE 212th Ave to NE 109th St; E on NE 109th St to NE 222nd Ave; S on NE 222nd Ave to NE 83rd St; W on NE 83rd St to NE 217th Ave; S on NE 217th Ave to NE 68th St; E on NE 68th St to NE 232nd Ave; S on NE 232nd Ave to NE 54th St; E on NE 54th St to NE 237th Ave; S on NE 237th Ave to NE 53rd St; E on NE 53rd St which turns into NE Bradford Rd then back into NE 53rd St to NE 292nd Ave; S on NE 292nd Ave to NE Ireland Rd; E on NE Ireland Rd to NE Stauffer Rd; E then SW on NE Stauffer Rd to NE 292nd Ave; S on NE 292nd Ave which turns into NE Reilly Rd; SW on NE Reilly Rd to NE Blair Rd; SE on NE Blair Rd to NE Zeek Rd; E on NE Zeek Rd which turns into NE 10th St; E on NE 10th St which turns into NE 312th Ave; S on NE 312th Ave to NE 9th St; E on NE 9th St to NE 322nd Ave; N on NE 322nd Ave which turns into NE Ammeter Rd; NE on NE Ammeter Rd approximately 1/8 mile to the power transmission lines; E along the northern

margin of the power transmission lines to NE Hughes Rd; N on NE Hughes Rd which turns into NE 392nd Ave; N on NE 392nd Ave to NE 28th St; E on NE 28th St to NE Miller Rd; NE on NE Miller Rd which turns into NE 39th St; E on NE 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to Canyon Creek Rd; SE on Canyon Creek Rd to Salmon Falls Rd; S on Salmon Falls Rd to State Route (SR) 14; E on SR 14 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at State Route (SR) 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE up Canyon Creek to NE Healy Rd; E on NE Healy Rd to US Forest Service (USFS) Rd 54; E on USFS Rd 54 to USFS Rd 53; S on USFS Rd 53 to USFS Rd 4205 (Gumboot Rd); S on USFS Rd 4205 to USFS Rd 42 (Green Fork Rd); SW on USFS Rd 42 to USFS Rd 41 at Sunset Falls; E on USFS Rd 41 to Hemlock Rd; E on Hemlock Rd to the Hemlock Rd bridge over the Wind River; SE down the Wind River to the Columbia River; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Wind River); N on Cape Horn Rd to SR 14; W on SR 14 to Salmon Falls Rd; N on Salmon Falls Rd to Canyon Creek Rd; NW on Canyon Creek Rd to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to NE 39th St; W on NE 39th St which turns into NE Miller Rd; SW on NE Miller Rd to NE 28th St; W on NE 28th St to NE 392nd Ave; S on NE 392nd Ave which turns into NE Hughes Rd; S on NE Hughes Rd approximately 1/8 mile to the power transmission lines; W along the northern margin of the power transmission lines to NE Ammeter Rd; SW on NE Ammeter Rd which turns into NE 322nd Ave; S on NE 322nd Ave to NE 9th St; W on NE 9th St to NE 312th Ave; N on NE 312th Ave which turns into NE 10th St; W on NE 10th St which turns into NE Zeek Rd; W on NE Zeek Rd to NE Blair Rd; NW on NE Blair Rd to NE Reilly Rd; NE on NE Reilly Rd ((with [which])) which turns into NE 292nd Ave; E on NE 292nd Ave to NE Stauffer Rd; NE then NW on NE Stauffer Rd to NE Ireland Rd; W on NE Ireland Rd to NE 292nd Ave; N on NE 292nd Ave to NE 53rd St; W on NE 53rd St which turns into NE Bradford Rd then turns into NE 53rd St again to NE 237th Ave; N on 237th Ave to NE 232nd Ave; N on NE 232nd Ave to NE 68th St; W on NE 68th St to NE 217th Ave; N on NE 217th Ave to NE 83rd St; E on NE 83rd St to NE 222nd Ave; N on NE 222nd Ave to NE 109th St; W on NE 109th St to NE 212th Ave; N on NE 212th Ave to NE Powell Rd; NE on NE Powell Rd to NE Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to NE Berry Rd; W then SW on NE Berry Rd to NE 240th Ave; N on NE 240th Ave which turns into NE 237th St; W on NE 237th St to NE 232nd Ave; N on NE 232nd Ave to NE Allworth Rd; W on NE Allworth Rd to NE 222nd Ave; N on NE 222nd Ave which turns into NE Cresap Rd which turns into NE

220th Ave to NE 259th St; W on NE 259th St to NE 182nd Ave; N on NE 182nd Ave to NE 279th St; E on NE 279th St to NE 197th Ave; N on NE 197th Ave to NE Basket Flats Rd; E on NE Basket Flats Rd to NE Hantwick Rd; N then NW on NE Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to NE Railroad Ave; NW on NE Railroad Ave, which turns into S Railroad Ave then N Railroad Ave in the town of Yacolt, to W Yacolt Rd; W on W Yacolt Rd to NE Amboy Rd; N on NE Amboy Rd to NE 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties):

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service (USFS) Rd 90 at the Eagle Cliff bridge; E on USFS Rd 90 to USFS Rd 51 (Curly Creek Rd); SE on USFS Rd 51 to USFS Rd 30 (Wind River Rd); N on USFS Rd 30 to USFS Rd 24 (Twin Butte Rd); S on USFS Rd 24 to USFS Rd 60 (Carson Guler Rd); SW on USFS Rd 60 to USFS Rd 65; SW on USFS Rd 65 to USFS Rd 6517 (Warren Gap Rd); W on USFS Rd 6517 to the Wind River Rd; S on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to USFS Rd 41 (Sunset-Hemlock Rd); W on the USFS Rd 41 to USFS Road 42 (Green Fork Rd) at Sunset Falls; NE on USFS Rd 42 to USFS Rd 4205 (Gumboot Rd); N on USFS Rd 4205 to USFS Rd 53; NW on USFS Rd 53 to USFS Rd 54 (NE Healy Rd); W on USFS Rd 54 to Canyon Creek; N down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania and Klickitat counties):

Beginning at the town of Trout Lake; S on State Route (SR) 141 to the SR 141 bridge over the White Salmon River Bridge at Husum; S on the White Salmon River to the Columbia River; W down the Columbia River to the mouth of Wind River (including all islands in the Columbia River that are both north of the Washington state line and between the White Salmon River and Wind River); NW up the Wind River to the Hemlock Rd bridge; E on Hemlock Rd to Wind River Rd; N on Wind River Rd to US Forest Service (USFS) Rd 6517 (Warren Gap Rd); E on USFS Rd 6517 to USFS Rd 65 (Panther Creek Rd); N on USFS Rd 65 to USFS Rd 60; NE on USFS Rd 60 to USFS Rd 24 (also called Carson-Gular Rd); E on USFS Rd 24 to SR 141; NE on SR 141 to the town of Trout Lake and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat and Yakima counties):

Beginning at the mouth of the White Salmon River on the Columbia River; N up the White Salmon River to the State Route (SR) 141 bridge over the White Salmon River at Husum; N on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service (USFS) Rd 82 (Mount Adams Recreational Area Rd); N on USFS Rd 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along

the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the White Salmon River).

WSR 15-10-043

PERMANENT RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed April 29, 2015, 1:39 p.m., effective May 30, 2015]

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

Purpose: The agency added and removed language to clarify policy, and correct a typographical error.

Citation of Existing Rules Affected by this Order: Amending WAC 182-535-1084, 182-535-1090, 182-535-1094, 182-535-1098, 182-535-1099, and 182-535-1100.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-06-067 on March 4, 2015.

Changes Other than Editing from Proposed to Adopted Version: The proposed draft contained a list of medical conditions for which general anesthesia is permitted. The adopted draft adds to the list: "Behavioral health conditions" and "other conditions for which general anesthesia is medically necessary, as defined in WAC 182-500-0070." The change was made because general anesthesia can be a prerequisite for providing dental care in more situations than originally listed in the proposed draft.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Date Adopted: April 29, 2015.

Jason R. P. Crabbe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

WAC 182-535-1084 Dental-related services—Covered—Restorative services. Clients described in WAC 182-535-1060 are eligible for the dental-related restorative services listed in this section, subject to coverage limitations, restrictions, and client age requirements identified for a specific service.

(1) **Amalgam and resin restorations for primary and permanent teeth.** The agency considers:

(a) Tooth preparation, acid etching, all adhesives (including bonding agents), liners and bases, polishing, and curing as part of the restoration.

(b) Occlusal adjustment of either the restored tooth or the opposing tooth or teeth as part of the amalgam restoration.

(c) Restorations placed within six months of a crown preparation by the same provider or clinic to be included in the payment for the crown.

(2) **Limitations for all restorations.** The agency:

(a) Considers multiple restoration involving the proximal and occlusal surfaces of the same tooth as a multisurface restoration, and limits reimbursement to a single multisurface restoration.

(b) Considers multiple ((preventive)) restorative resins, flowable composite resins, or resin-based composites for the occlusal, buccal, lingual, mesial, and distal fissures and grooves on the same tooth as a one-surface restoration.

(c) Considers multiple restorations of fissures and grooves of the occlusal surface of the same tooth as a one-surface restoration.

(d) Considers resin-based composite restorations of teeth where the decay does not penetrate the dentoenamel junction (DEJ) to be sealants. (See WAC 182-535-1082(4) for sealant coverage.)

(e) Reimburses proximal restorations that do not involve the incisal angle on anterior teeth as a two-surface restoration.

(f) Covers only one buccal and one lingual surface per tooth. The agency reimburses buccal or lingual restorations, regardless of size or extension, as a one-surface restoration.

(g) Does not cover preventive restorative resin or flowable composite resin on the interproximal surfaces (mesial or distal) when performed on posterior teeth or the incisal surface of anterior teeth.

(h) Does not pay for replacement restorations within a two-year period unless the restoration has an additional adjoining carious surface. The agency pays for the replacement restoration as one multisurface restoration per client, per provider or clinic. The client's record must include X rays and documentation supporting the medical necessity for the replacement restoration.

(3) **Additional limitations on restorations on primary teeth.** The agency covers:

(a) A maximum of two surfaces for a primary first molar. (See subsection (6) of this section for a primary first molar that requires a restoration with three or more surfaces.) The agency does not pay for additional restorations on the same tooth.

(b) A maximum of three surfaces for a primary second molar. (See subsection (6) of this section for a primary poste-

rior tooth that requires a restoration with four or more surfaces.) The agency does not pay for additional restorations on the same tooth.

(c) A maximum of three surfaces for a primary anterior tooth. (See subsection (6) of this section for a primary anterior tooth that requires a restoration with four or more surfaces.) The agency does not pay for additional restorations on the same tooth after three surfaces.

(d) Glass ionomer restorations for primary teeth, only for clients five years of age and younger. The agency pays for these restorations as a one-surface, resin-based composite restoration.

(4) **Additional limitations on restorations on permanent teeth.** The agency covers:

(a) Two occlusal restorations for the upper molars on teeth one, two, three, fourteen, fifteen, and sixteen if, the restorations are anatomically separated by sound tooth structure.

(b) A maximum of five surfaces per tooth for permanent posterior teeth, except for upper molars. The agency allows a maximum of six surfaces per tooth for teeth one, two, three, fourteen, fifteen, and sixteen.

(c) A maximum of six surfaces per tooth for resin-based composite restorations for permanent anterior teeth.

(5) **Crowns.** The agency:

(a) Covers the following indirect crowns once every five years, per tooth, for permanent anterior teeth for clients fifteen to twenty years of age when the crowns meet prior authorization criteria in WAC 182-535-1220 and the provider follows the prior authorization requirements in (c) of this subsection:

(i) Porcelain/ceramic crowns to include all porcelains, glasses, glass-ceramic, and porcelain fused to metal crowns; and

(ii) Resin crowns and resin metal crowns to include any resin-based composite, fiber, or ceramic reinforced polymer compound.

(b) Considers the following to be included in the payment for a crown:

(i) Tooth and soft tissue preparation;

(ii) Amalgam and resin-based composite restoration, or any other restorative material placed within six months of the crown preparation. Exception: The agency covers a one-surface restoration on an endodontically treated tooth, or a core buildup or cast post and core;

(iii) Temporaries, including but not limited to, temporary restoration, temporary crown, provisional crown, temporary prefabricated stainless steel crown, ion crown, or acrylic crown;

(iv) Packing cord placement and removal;

(v) Diagnostic or final impressions;

(vi) Crown seating (placement), including cementing and insulating bases;

(vii) Occlusal adjustment of crown or opposing tooth or teeth; and

(viii) Local anesthesia.

(c) Requires the provider to submit the following with each prior authorization request:

(i) Radiographs to assess all remaining teeth;

(ii) Documentation and identification of all missing teeth;

(iii) Caries diagnosis and treatment plan for all remaining teeth, including a caries control plan for clients with rampant caries;

(iv) Pre- and post-endodontic treatment radiographs for requests on endodontically treated teeth; and

(v) Documentation supporting a five-year prognosis that the client will retain the tooth or crown if the tooth is crowned.

(d) Requires a provider to bill for a crown only after delivery and seating of the crown, not at the impression date.

(6) **Other restorative services.** The agency covers the following restorative services:

(a) All recementations of permanent indirect crowns.

(b) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, resin-based composite crowns (direct), prefabricated esthetic coated stainless steel crowns, and prefabricated resin crowns for primary anterior teeth once every three years only for clients twenty years of age and younger as follows:

(i) For ages twelve and younger without prior authorization if the tooth requires a four or more surface restoration; and

(ii) For ages thirteen to twenty with prior authorization.

(c) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, resin-based composite crowns (direct), prefabricated esthetic coated stainless steel crowns, and prefabricated resin crowns, for primary posterior teeth once every three years without prior authorization if:

(i) Decay involves three or more surfaces for a primary first molar;

(ii) Decay involves four or more surfaces for a primary second molar; or

(iii) The tooth had a pulpotomy.

(d) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, and prefabricated resin crowns, for permanent posterior teeth excluding one, sixteen, seventeen, and thirty-two once every three years, for clients twenty years of age and younger, without prior authorization.

(e) Prefabricated stainless steel crowns for clients of the developmental disabilities administration of the department of social and health services (DSHS) without prior authorization according to WAC 182-535-1099.

(f) Core buildup, including pins, only on permanent teeth, only for clients twenty years of age and younger, and only allowed in conjunction with crowns and when prior authorized. For indirect crowns, prior authorization must be obtained from the agency at the same time as the crown. Providers must submit pre- and post-endodontic treatment radiographs to the agency with the authorization request for endodontically treated teeth.

(g) Cast post and core or prefabricated post and core, only on permanent teeth, only for clients twenty years of age and younger, and only when in conjunction with a crown and when prior authorized.

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

WAC 182-535-1090 Dental-related services—Covered—Prosthodontics (removable). Clients described in

WAC 182-535-1060 are eligible to receive the prosthodontics (removable) and related services, subject to the coverage limitations, restrictions, and client-age requirements identified for a specific service.

(1) **Prosthodontics.** The agency

~~(a))~~ requires prior authorization for all removable prosthodontic and prosthodontic-related procedures. Prior authorization requests must meet the criteria in WAC 182-535-1220. In addition, the agency requires the dental provider to submit:

~~((i))~~ (a) Appropriate and diagnostic radiographs of all remaining teeth.

~~((ii))~~ (b) A dental record which identifies:

~~((A))~~ (i) All missing teeth for both arches;

~~((B))~~ (ii) Teeth that are to be extracted; and

~~((C))~~ (iii) Dental and periodontal services completed on all remaining teeth.

~~((b))~~ (2) **Complete dentures.** The agency covers complete dentures, ~~(as follows:~~

~~(i) A complete denture,~~) including ~~((an))~~ overdentures, ~~((is covered))~~ when prior authorized.

~~((ii))~~ Three-month post-delivery care (e.g., adjustments, soft relines, and repairs) from the delivery (placement) date of the complete denture, is considered part of the complete denture procedure and is not paid separately.

~~((iii))~~ (a) Complete dentures are limited to:

~~((A))~~ (i) One initial maxillary complete denture and one initial mandibular complete denture per client, per the client's lifetime ~~(; and~~

~~((B))~~.

(A) Replacement of a partial denture with a complete denture is covered:

(I) At least three years after the seat date of the last resin partial denture; or

(II) At least five years after the seat date of the last cast-metal partial denture.

(ii) One replacement maxillary complete denture and one replacement mandibular complete denture per client, per client's lifetime.

~~((iv))~~ (b) Replacement of a complete denture or overdenture is covered only if prior authorized, and only ~~((if))~~ when the replacement occurs at least five years after the seat date of the initial complete denture or overdenture ~~((being replaced. The replacement denture must be prior authorized))~~.

~~((v))~~ (c) The provider must obtain a signed Denture Agreement of Acceptance (HCA 13-809) form from the client at the conclusion of the final denture try-in for an agency-authorized complete denture. If the client abandons the complete denture after signing the agreement of acceptance, the agency will deny subsequent requests for the same type of dental prosthesis if the request occurs prior to the dates specified in this section. A copy of the signed agreement must be kept in the provider's files and be available upon request by the agency.

~~((e))~~ (3) **Resin partial dentures.** The agency covers resin partial dentures, as follows:

~~((i))~~ (a) A resin partial denture is covered for anterior and posterior teeth only when the ~~((partial denture meets the following agency coverage criteria:~~

~~((A))~~ following criteria are met:

~~(i)~~ The remaining teeth in the arch must ~~((have a reasonable))~~ be free of periodontal ~~((diagnosis))~~ disease and have a reasonable prognosis~~((;~~

~~(D))~~.

~~(ii)~~ The client has established caries control~~((;~~

~~(C) Only if))~~.

~~(iii)~~ The client has one or more missing anterior teeth ~~((are missing))~~ or four or more missing posterior teeth ~~((are missing))~~ (excluding teeth one, two, fifteen, sixteen, seventeen, eighteen, thirty-one, and thirty-two). Pontics on an existing fixed bridge do not count as missing teeth~~((;~~

~~(D))~~.

~~(iv)~~ There is a minimum of four stable teeth remaining per arch~~((;~~ and

~~(E))~~.

~~(v)~~ There is a three-year prognosis for retention of the remaining teeth.

~~((ii))~~ ~~(b)~~ Prior authorization is required for resin partial dentures.

~~((iii))~~ ~~(c)~~ Three-month post-delivery care (e.g., adjustments, soft relines, and repairs) from the delivery (placement) date of the resin partial denture, is considered part of the resin partial denture procedure and is not paid separately.

~~((iv))~~ ~~(d)~~ Replacement of a resin-based partial denture with ~~((any prosthetic is covered only if prior authorized at least three years after the delivery (placement) date of the resin or flexible base partial denture being replaced))~~ a new resin partial denture or a complete denture is covered if it occurs at least three years since the seat date of the resin-based partial denture. The replacement denture must be prior authorized and meet agency coverage criteria in ~~((e))~~ ~~(a)~~ of this subsection.

~~((e))~~ ~~(e)~~ The agency does not cover replacement of a cast-metal framework partial denture, with any type of denture, within five years of the ~~((initial delivery (placement)))~~ seat date of the cast-metal partial denture.

~~((e))~~ **(4) Provider requirements.**

~~(a)~~ The agency requires a provider to bill for a removable partial or complete denture only after the delivery of the prosthesis, not at the impression date. Refer to subsection ~~((2))~~ ~~(5)~~ ~~(e)~~ ~~((and (f)))~~ of this section for what the agency may pay if the removable partial or complete denture is not delivered and inserted.

~~((f))~~ ~~(b)~~ The agency requires a provider to submit the following with a prior authorization request for a removable resin partial or complete denture for a client residing in an alternate living facility (ALF) as defined in WAC 182-513-1301 or in a nursing facility as defined in WAC 182-500-0075:

(i) The client's medical diagnosis or prognosis;

(ii) The attending physician's request for prosthetic services;

(iii) The attending dentist's or denturist's statement documenting medical necessity;

(iv) A written and signed consent for treatment from the client's legal guardian when a guardian has been appointed; and

(v) A completed copy of the Denture/Partial Appliance Request for Skilled Nursing Facility Client (HCA 13-788)

form available from the agency's published billing instructions which can be downloaded from the agency's web site.

~~((g))~~ ~~(c)~~ The agency limits removable partial dentures to resin-based partial dentures for all clients residing in one of the facilities listed in ~~((f))~~ ~~(b)~~ of this subsection.

~~((h))~~ ~~(d)~~ The agency requires a provider to deliver services and procedures that are of acceptable quality to the agency. The agency may recoup payment for services that are determined to be below the standard of care or of an unacceptable product quality.

~~((2))~~ ~~(5)~~ **Other services for removable prosthodontics.** The agency covers:

(a) Adjustments to complete and partial dentures three months after the date of delivery.

(b) Repairs:

(i) To complete dentures, once in a twelve-month period.

The cost of repairs cannot exceed the cost of the replacement denture. The agency covers additional repairs on a case-by-case basis and when prior authorized.

(ii) To partial dentures, once in a twelve-month period. The cost of the repairs cannot exceed the cost of the replacement partial denture. The agency covers additional repairs on a case-by-case basis and when prior authorized.

(c) A laboratory reline or rebase to a complete or partial denture, once in a three-year period when performed at least six months after the delivery (placement) date. An additional reline or rebase may be covered for complete or partial dentures on a case-by-case basis when prior authorized.

(d) Up to two tissue conditionings, only for clients twenty years of age and younger, and only when performed within three months after the delivery (placement) date.

(e) Laboratory fees, subject to the following:

(i) The agency does not pay separately for laboratory or professional fees for complete and partial dentures; and

(ii) The agency may pay part of billed laboratory fees when the provider obtains prior authorization, and the client:

(A) Is not eligible at the time of delivery of the partial or complete denture;

(B) Moves from the state;

(C) Cannot be located;

(D) Does not participate in completing the partial or complete denture; or

(E) Dies.

~~((f))~~ ~~(iii)~~ A provider must submit copies of laboratory prescriptions and receipts or invoices for each claim when billing for laboratory fees.

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

WAC 182-535-1094 Dental-related services—Covered—Oral and maxillofacial surgery services. Clients described in WAC 182-535-1060 are eligible to receive the oral and maxillofacial surgery services listed in this section, subject to the coverage limitations, restrictions, and client-age requirements identified for a specific service.

(1) **Oral and maxillofacial surgery services.** The agency:

(a) Requires enrolled providers who do not meet the conditions in WAC 182-535-1070(3) to bill claims for services

that are listed in this subsection using only the current dental terminology (CDT) codes.

(b) Requires enrolled providers (oral and maxillofacial surgeons) who meet the conditions in WAC 182-535-1070(3) to bill claims using current procedural terminology (CPT) codes unless the procedure is specifically listed in the agency's current published *Dental-Related Services Provider Guide* as a CDT covered code (e.g., extractions).

(c) Covers nonemergency oral surgery performed in a hospital or ambulatory surgery center only for:

- (i) Clients eight years of age and younger;
- (ii) Clients from nine through twenty years of age only on a case-by-case basis and when the site-of-service is prior authorized by the agency; and
- (iii) Clients any age of the developmental disabilities administration of the department of social and health services (DSHS).

(d) For site-of-service and oral surgery CPT codes that require prior authorization, the agency requires the dental provider to submit:

- (i) Documentation used to determine medical appropriateness;
- (ii) Cephalometric films;
- (iii) Radiographs (X rays);
- (iv) Photographs; and
- (v) Written narrative/letter of medical necessity.

(e) Requires the client's dental record to include supporting documentation for each type of extraction or any other surgical procedure billed to the agency. The documentation must include:

- (i) Appropriate consent form signed by the client or the client's legal representative;
 - (ii) Appropriate radiographs;
 - (iii) Medical justification with diagnosis;
 - (iv) Client's blood pressure, when appropriate;
 - (v) A surgical narrative and complete description of each service performed beyond surgical extraction or beyond code definition;
 - (vi) A copy of the post-operative instructions; and
 - (vii) A copy of all pre- and post-operative prescriptions.
- (f) Covers routine and surgical extractions. Prior authorization is required when the:

- (i) Extractions of four or more teeth per arch over a six-month period, (~~per provider, results~~) resulting in the client becoming edentulous in the maxillary arch or mandibular arch; or
- (ii) Tooth number is not able to be determined.

(g) Covers unusual, complicated surgical extractions with prior authorization.

(h) Covers tooth reimplantation/stabilization of accidentally evulsed or displaced teeth.

(i) Covers surgical extraction of unerupted teeth for clients twenty years of age and younger.

(j) Covers debridement of a granuloma or cyst that is five millimeters or greater in diameter. The agency includes debridement of a granuloma or cyst that is less than five millimeters as part of the global fee for the extraction.

(k) Covers the following without prior authorization:

- (i) Biopsy of soft oral tissue;
- (ii) Brush biopsy.

(l) Requires providers to keep all biopsy reports or findings in the client's dental record.

(m) Covers the following with prior authorization (photos or radiographs, as appropriate, must be submitted to the agency with the prior authorization request):

(i) Alveoloplasty on a case-by-case basis (only when not performed in conjunction with extractions).

(ii) Surgical excision of soft tissue lesions only on a case-by-case basis.

(iii) Only the following excisions of bone tissue in conjunction with placement of complete or partial dentures:

- (A) Removal of lateral exostosis;
- (B) Removal of torus palatinus or torus mandibularis; and

(C) Surgical reduction of osseous tuberosity.

(iv) Surgical access of unerupted teeth for clients twenty years of age and younger.

(2) **Surgical incisions.** The agency covers the following surgical incision-related services:

(a) Uncomplicated intraoral and extraoral soft tissue incision and drainage of abscess. The agency does not cover this service when combined with an extraction or root canal treatment. Documentation supporting medical necessity must be in the client's record.

(b) Removal of foreign body from mucosa, skin, or subcutaneous alveolar tissue when prior authorized. Documentation supporting the medical necessity for the service must be in the client's record.

(c) Frenuloplasty/frenulectomy for clients six years of age and younger without prior authorization.

(d) Frenuloplasty/frenulectomy for clients from seven to twelve years of age only on a case-by-case basis and when prior authorized. Photos must be submitted to the agency with the prior authorization request. Documentation supporting the medical necessity for the service must be in the client's record.

(3) **Occlusal orthotic devices.** (Refer to WAC 182-535-1098 (4)(c) for occlusal guard coverage and limitations on coverage.) The agency covers:

(a) Occlusal orthotic devices for clients from twelve through twenty years of age only on a case-by-case basis and when prior authorized.

(b) An occlusal orthotic device only as a laboratory processed full arch appliance.

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

WAC 182-535-1098 Dental-related services—Covered—Adjunctive general services. Clients described in WAC 182-535-1060 are eligible to receive the adjunctive general services listed in this section, subject to coverage limitations, restrictions, and client-age requirements identified for a specific service.

(1) **Adjunctive general services.** The agency:

(a) Covers palliative (emergency) treatment, not to include pupal debridement (see WAC 182-535-1086 (2)(b)), for treatment of dental pain, limited to once per day, per client, as follows:

(i) The treatment must occur during limited evaluation appointments;

(ii) A comprehensive description of the diagnosis and services provided must be documented in the client's record; and

(iii) Appropriate radiographs must be in the client's record supporting the medical necessity of the treatment.

(b) Covers local anesthesia and regional blocks as part of the global fee for any procedure being provided to clients.

(c) Covers office-based oral or parenteral conscious sedation, deep sedation, or general anesthesia, as follows:

(i) The provider's current anesthesia permit must be on file with the agency.

(ii) For clients eight years of age and younger, and for clients any age of the developmental disabilities administration of the department of social and health services (DSHS), documentation supporting the medical necessity of the anesthesia service must be in the client's record.

(iii) For clients nine years of age ~~((and older))~~ to twenty years of age, deep sedation or general anesthesia services are covered on a case-by-case basis and when prior authorized, except for oral surgery services. For oral surgery services listed in WAC 182-535-1094 (1)(b), deep sedation or general anesthesia services do not require prior authorization.

(iv) Prior authorization is not required for oral or parenteral conscious sedation for any dental service for clients twenty years of age and younger, and for clients any age of the developmental disabilities administration of DSHS. Documentation supporting the medical necessity of the service must be in the client's record.

(v) For clients from nine to twenty years of age who have a diagnosis of oral facial cleft, the agency does not require prior authorization for deep sedation or general anesthesia services when the dental procedure is directly related to the oral facial cleft treatment.

(vi) A provider must bill anesthesia services using the CDT codes listed in the agency's current published billing instructions.

(vii) For clients twenty-one years of age and older, prior authorization is required for general anesthesia and will be considered only for those clients with medical conditions such as tremors, seizures, behavioral health conditions, breathing difficulties, and other conditions for which general anesthesia is medically necessary, as defined in WAC 182-500-0070.

(d) Covers administration of nitrous oxide, once per day.

(e) Requires providers of oral or parenteral conscious sedation, deep sedation, or general anesthesia to meet:

(i) The prevailing standard of care;

(ii) The provider's professional organizational guidelines;

(iii) The requirements in chapter 246-817 WAC; and

(iv) Relevant department of health (DOH) medical, dental, or nursing anesthesia regulations.

(f) Pays for dental anesthesia services according to WAC 182-535-1350.

(g) Covers professional consultation/diagnostic services as follows:

(i) A dentist or a physician other than the practitioner providing treatment must provide the services; and

(ii) A client must be referred by the agency for the services to be covered.

(2) **Professional visits.** The agency covers:

(a) Up to two house/extended care facility calls (visits) per facility, per provider. The agency limits payment to two facilities per day, per provider.

(b) One hospital ~~((call-))~~visit~~(())~~, including emergency care, per day, per provider, per client, and not in combination with a surgical code unless the decision for surgery is a result of the visit.

(c) Emergency office visits after regularly scheduled hours. The agency limits payment to one emergency visit per day, per client, per provider.

(3) **Drugs ~~((and/or))~~ and medicaments (pharmaceuticals).** The agency covers drugs ~~((and/or))~~ and medicaments, such as antibiotics, steroids, anti-inflammatories, or other therapeutic medications for clients twenty years of age and younger. The agency's dental program does not pay for oral sedation medications.

(4) **Miscellaneous services.** The agency covers:

(a) Behavior management when ~~((the assistance of one additional dental staff other than the dentist is required for the following clients and documentation supporting the need for the behavior management must be in the client's record:))~~ documentation supporting the need for behavior management is in the client's record. Behavior management is for clients whose documented behavior requires the assistance of one additional professional dental staff to protect the client and the professional staff from injury while treatment is rendered.

(i) Clients eight years of age and younger;

(ii) Clients from nine through twenty years of age, only on a case-by-case basis and when prior authorized;

(iii) Clients any age of the developmental disabilities administration of DSHS;

(iv) Clients diagnosed with autism; and

(v) Clients who reside in an alternate living facility (ALF) as defined in WAC 182-513-1301, or in a nursing facility as defined in WAC 182-500-0075.

(b) Treatment of post-surgical complications (e.g., dry socket). Documentation supporting the medical necessity of the service must be in the client's record.

(c) Occlusal guards when medically necessary and prior authorized. (Refer to WAC 182-535-1094(3) for occlusal orthotic device coverage and coverage limitations.) The agency covers:

(i) An occlusal guard only for clients from twelve through twenty years of age when the client has permanent dentition; and

(ii) An occlusal guard only as a laboratory processed full arch appliance.

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

WAC 182-535-1099 Dental-related services for clients of the developmental disabilities administration of the department of social and health services. Subject to coverage limitations, restrictions, and client-age requirements identified for a specific service, the agency pays for the dental-related services listed under the categories of services

in this section that are provided to clients of the developmental disabilities administration of the department of social and health services (DSHS). This chapter also applies to clients any age of the developmental disabilities administration of DSHS, unless otherwise stated in this section.

(1) **Preventive services.**

(a) Periodic oral evaluations. The agency covers periodic oral evaluations up to three times in a twelve-month period per client, per provider.

(b) Dental prophylaxis. The agency covers dental prophylaxis or periodontal maintenance up to three times in a twelve-month period (see subsection (3) of this section for limitations on periodontal scaling and root planing).

(c) Topical fluoride treatment. The agency covers topical fluoride varnish, rinse, foam or gel, up to three times within a twelve-month period, per client, per provider or clinic.

(d) Sealants. The agency covers sealants:

(i) Only when used on the occlusal surfaces of:

(A) Primary teeth A, B, I, J, K, L, S, and T; or

(B) Permanent teeth two, three, four, five, twelve, thirteen, fourteen, fifteen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, and thirty-one.

(ii) Once per tooth in a two-year period.

(2) **Other restorative services.** The agency covers the following restorative services:

(a) All recementations of permanent indirect crowns.

(b) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, resin-based composite crowns (direct), prefabricated esthetic coated stainless steel crowns, and prefabricated resin crowns for primary anterior teeth once every two years only for clients twenty years of age and younger without prior authorization.

(c) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, resin-based composite crowns (direct), prefabricated esthetic coated stainless steel crowns, and prefabricated resin crowns for primary posterior teeth once every two years for clients twenty years of age and younger without prior authorization if:

(i) Decay involves three or more surfaces for a primary first molar;

(ii) Decay involves four or more surfaces for a primary second molar; or

(iii) The tooth had a pulpotomy.

(d) Prefabricated stainless steel crowns, including stainless steel crowns with resin window, and prefabricated resin crowns for permanent posterior teeth excluding one, sixteen, seventeen, and thirty-two once every two years without prior authorization for any age.

(3) **Periodontic services.**

(a) **Surgical periodontal services.** The agency covers:

(i) Gingivectomy/gingivoplasty once every three years. Documentation supporting the medical necessity of the service must be in the client's record (e.g., drug induced gingival hyperplasia).

(ii) Gingivectomy/gingivoplasty with periodontal scaling and root planing or periodontal maintenance when the services are performed:

(A) In a hospital or ambulatory surgical center; or

(B) For clients under conscious sedation, deep sedation, or general anesthesia.

(b) **Nonsurgical periodontal services.** The agency covers:

(i) Periodontal scaling and root planing, one time per quadrant in a twelve-month period.

(ii) Periodontal maintenance (four quadrants) substitutes for an eligible periodontal scaling or root planing, twice in a twelve-month period.

(iii) Periodontal maintenance allowed six months after scaling or root planing.

(iv) Full-mouth or quadrant debridement allowed once in a twelve-month period.

(4) **Adjunctive general services.** The agency covers:

(a) Oral parenteral conscious sedation, deep sedation, or general anesthesia for any dental services performed in a dental office or clinic. Documentation supporting the medical necessity must be in the client's record.

(b) Sedation((s)) services according to WAC 182-535-1098 (1)(c) and (e).

(5) **Nonemergency dental services.** The agency covers nonemergency dental services performed in a hospital or an ambulatory surgical center for services listed as covered in WAC 182-535-1082, 182-535-1084, 182-535-1086, 182-535-1088, and 182-535-1094. Documentation supporting the medical necessity of the service must be included in the client's record.

(6) **Miscellaneous services - Behavior management.**

The agency covers behavior management provided in dental offices or dental clinics. Documentation supporting the medical necessity of the service must be included in the client's record.

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

WAC 182-535-1100 Dental-related services—Not covered. (1) The agency does not cover the following:

(a) The dental-related services described in subsection (2) of this section unless the services are covered under the early periodic screening, diagnosis and treatment (EPSDT) program. When EPSDT applies, the agency evaluates a non-covered service, equipment, or supply according to the process in WAC 182-501-0165 to determine if it is medically necessary, safe, effective, and not experimental.

(b) Any service specifically excluded by statute.

(c) More costly services when less costly, equally effective services as determined by the agency are available.

(d) Services, procedures, treatment, devices, drugs, or application of associated services:

(i) That the agency or the Centers for Medicare and Medicaid Services (CMS) considers investigative or experimental on the date the services were provided.

(ii) That are not listed as covered in one or both of the following:

(A) Washington Administrative Code (WAC).

(B) The agency's current published documents.

(2) The agency does not cover dental-related services listed under the following categories of service (see subsection (1)(a) of this section for services provided under the EPSDT program):

(a) **Diagnostic services.** The agency does not cover:

(i) Detailed and extensive oral evaluations or reevaluations.

(ii) Posterior-anterior or lateral skull and facial bone survey films.

(iii) Any temporomandibular joint films.

(iv) Tomographic surveys/3-D imaging.

(v) Comprehensive periodontal evaluations.

(vi) Viral cultures, genetic testing, caries susceptibility tests, or adjunctive prediagnostic tests.

(b) **Preventive services.** The agency does not cover:

(i) Nutritional counseling for control of dental disease.

(ii) Removable space maintainers of any type.

(iii) Sealants placed on a tooth with the same-day occlusal restoration, preexisting occlusal restoration, or a tooth with occlusal decay.

(iv) Custom fluoride trays of any type.

(v) Bleach trays.

(c) **Restorative services.** The agency does not cover:

(i) Restorations for wear on any surface of any tooth without evidence of decay through the dentoenamel junction (DEJ) or on the root surface.

(ii) Preventative restorations.

(iii) Labial veneer resin or porcelain laminate restorations.

(iv) Sedative fillings.

(v) Crowns and crown related services.

(A) Gold foil restorations.

(B) Metallic, resin-based composite, or porcelain/ceramic inlay/onlay restorations.

(C) Crowns for cosmetic purposes (e.g., peg laterals and tetracycline staining).

(D) Permanent indirect crowns for posterior teeth.

(E) Permanent indirect crowns on permanent anterior teeth for clients fourteen years of age and younger.

(F) Temporary or provisional crowns (including ion crowns).

(G) Any type of coping.

(H) Crown repairs.

(I) Crowns on teeth one, sixteen, seventeen, and thirty-two.

(vi) Polishing or recontouring restorations or overhang removal for any type of restoration.

(vii) Any services other than extraction on supernumerary teeth.

(d) **Endodontic services.** The agency does not cover ((the following endodontic services)):

(i) Indirect or direct pulp caps.

(ii) Any endodontic therapy on primary teeth, except as described in WAC 182-535-1086 (3)(a).

(e) **Periodontic services.** The agency does not cover:

(i) Surgical periodontal services including, but not limited to:

(A) Gingival flap procedures.

(B) Clinical crown lengthening.

(C) Osseous surgery.

(D) Bone or soft tissue grafts.

(E) Biological material to aid in soft and osseous tissue regeneration.

(F) Guided tissue regeneration.

(G) Pedicle, free soft tissue, apical positioning, subepithelial connective tissue, soft tissue allograft, combined connective tissue and double pedicle, or any other soft tissue or osseous grafts.

(H) Distal or proximal wedge procedures.

(ii) Nonsurgical periodontal services including, but not limited to:

(A) Intracoronal or extracoronal provisional splinting.

(B) Full mouth or quadrant debridement (except for clients of the developmental disabilities administration).

(C) Localized delivery of chemotherapeutic agents.

(D) Any other type of ((nonsurgical)) surgical periodontal service.

(f) **Removable prosthodontics.** The agency does not cover:

(i) Removable unilateral partial dentures.

(ii) Any interim complete or partial dentures.

(iii) Flexible base partial dentures.

(iv) Any type of permanent soft relines (e.g., molloplast).

(v) Precision attachments.

(vi) Replacement of replaceable parts for semi-precision or precision attachments.

(vii) Replacement of second or third molars for any removable prosthesis.

(viii) Immediate dentures.

(ix) Cast-metal framework partial dentures.

(x) Replacement of upper and lower prosthodontic no sooner than every five years for complete dentures and every three years for resin partial dentures.

(xi) More than one replacement of complete denture upper and lower arch per lifetime.

(g) **Implant services.** The agency does not cover:

(i) Any type of implant procedures, including, but not limited to, any tooth implant abutment (e.g., periosteal implants, eposteal implants, and transosteal implants), abutments or implant supported crowns, abutment supported retainers, and implant supported retainers.

(ii) Any maintenance or repairs to procedures listed in (g)(i) of this subsection.

(iii) The removal of any implant as described in (g)(i) of this subsection.

(h) **Fixed prosthodontics.** The agency does not cover any type of:

(i) Fixed partial denture pontic.

(ii) Fixed partial denture retainer.

(iii) Precision attachment, stress breaker, connector bar, coping, cast post, or any other type of fixed attachment or prosthesis.

(iv) Occlusal orthotic splint or device, bruxing or grinding splint or device, temporomandibular joint splint or device, or sleep apnea splint or device.

(i) **Oral maxillofacial prosthetic services.** The agency does not cover any type of oral or facial prosthesis other than those listed in WAC 182-535-1092.

(j) **Oral and maxillofacial surgery.** The agency does not cover:

(i) Any oral surgery service not listed in WAC 182-535-1094.

(ii) Any oral surgery service that is not listed in the agency's list of covered current procedural terminology

(CPT) codes published in the agency's current rules or billing instructions.

(iii) Vestibuloplasty.

(k) **Adjunctive general services.** The agency does not cover:

(i) Anesthesia, including, but not limited to:

(A) Local anesthesia as a separate procedure.

(B) Regional block anesthesia as a separate procedure.

(C) Trigeminal division block anesthesia as a separate procedure.

(D) Medication for oral sedation, or therapeutic intramuscular (IM) drug injections, including antibiotic and injection of sedative.

(E) Application of any type of desensitizing medicament or resin.

(ii) Other general services including, but not limited to:

(A) Fabrication of an athletic mouthguard.

(B) Nightguards.

(C) Occlusion analysis.

(D) Occlusal adjustment, tooth or restoration adjustment or smoothing, or odontoplasties.

(E) Enamel microabrasion.

(F) Dental supplies such as toothbrushes, toothpaste, floss, and other take home items.

(G) Dentist's or dental hygienist's time writing or calling in prescriptions.

(H) Dentist's or dental hygienist's time consulting with clients on the phone.

(I) Educational supplies.

(J) Nonmedical equipment or supplies.

(K) Personal comfort items or services.

(L) Provider mileage or travel costs.

(M) Fees for no-show, canceled, or late arrival appointments.

(N) Service charges of any type, including fees to create or copy charts.

(O) Office supplies used in conjunction with an office visit.

(P) Teeth whitening services or bleaching, or materials used in whitening or bleaching.

(Q) Botox or derma-fillers.

(3) The agency does not cover the following dental-related services for clients twenty-one years of age and older:

(a) The following diagnostic services:

(i) Occlusal intraoral radiographs;

(ii) Diagnostic casts;

(iii) Sealants (for clients of the developmental disabilities administration, see WAC 182-535-1099);

(iv) Pulp vitality tests.

(b) The following restorative services:

(i) Prefabricated resin crowns;

(ii) Any type of core buildup, cast post and core, or prefabricated post and core.

(c) The following endodontic services:

(i) Endodontic treatment on permanent bicuspid or molar teeth;

(ii) Any apexification/recalcification procedures;

(iii) Any apicoectomy/periradicular surgical endodontic procedures including, but not limited to, retrograde fillings

(except for anterior teeth), root amputation, reimplantation, and hemisections.

(d) The following adjunctive general services:

(i) Occlusal guards; and

(ii) Analgesia or anxiolysis as a separate procedure except for administration of nitrous oxide.

(4) The agency evaluates a request for any dental-related services listed as noncovered in this chapter under the provisions of WAC 182-501-0160.

WSR 15-10-048

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 15-101—Filed April 29, 2015, 3:01 p.m., effective May 30, 2015]

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

Purpose: WAC 232-12-284 Bighorn sheep—Marking and ownership requirements, this rule making changes the requirements regarding possession of heads and horns of bighorn sheep dying naturally in the field. The change clarifies that horns of bighorn sheep found dead in Washington must be left in the field. It also clarifies that the department may authorize the possession, transfer, barter, or sale of horns of bighorn sheep so long as the use specifically benefits bighorn sheep conservation or management.

WAC 232-28-273 2015-2017 Moose seasons, permit quotas, and areas, this rule making sets the seasons and areas for moose hunts. Permit levels are increasing in a number of hunts because the moose population was found to be larger than prior data indicated, the bull:cow ratios continue to be high, and moose may be approaching densities at which they limit themselves. The changes also create more hunting opportunity by disaggregating some existing moose hunt choices.

WAC 232-28-283 Big game and wild turkey auction, raffle, and special incentive permits, changes to this rule allow the department to more precisely tailor the number of permits provided for California bighorn sheep and mountain goats.

WAC 232-28-622 2015-2017 Bighorn sheep seasons and permit quotas, this rule making set the seasons for bighorn ram and ewe. It also creates a new hunt category, "Bighorn sheep - disabled hunter." New hunts for the Chelan Butte herd are added that are "hunt coordinated" (HC), to allow for hunter opportunity targeting specific animals. The changes also clarify the legal descriptions of bighorn sheep units 4, 6, 7, and 13.

WAC 232-28-623 2015-2017 Mountain goat seasons and permit quotas, this rule making set the seasons for mountain goat. It also requires that successful mountain goat hunters bring the head with horns attached to a department office or designated location for inspection and data recording, as is currently done for bighorn sheep. In addition, the department added a new hunt category, "Mountain goat - conflict reduction," to increase opportunity for hunters to draw as well as help mitigate conflicts with goats.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-284, 232-28-273, 232-28-283, 232-28-622, and 232-28-623.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240.

Adopted under notice filed as WSR 15-04-089 on February 2, 2015.

Changes Other than Editing from Proposed to Adopted Version:

WAC 232-28-273 2015-2017 Moose seasons, permit quotas, and areas:

- The hunt named "Mica Peak A," an "any moose" permit for GMUs 127 and 130, is renamed "Hangman," the name previously used for this hunt. Retaining this name will reduce hunter confusion.
- The hunt named "Mica Peak B," an "antlerless only" moose permit for GMU 127, is renamed "Mica Peak" (the name of the GMU). There is no longer a need to distinguish Mica Peak A from B as the combined GMU hunt area is reverting to the name "Hangman."

WAC 232-28-283 Big game and wild turkey auction, raffle, and special incentive permits:

- Language referring to the area in which California bighorn herds are part of this raffle permit reads "For bighorn sheep, any bighorn herd located south of US Highway 2 and west of Interstate 82" is changed to read: "For bighorn sheep, any bighorn herd located south of US Highway 2 in Chelan County and west of the Columbia River in Kittitas and Yakima Counties." This is not a substantive change; rather, this latter boundary description is more precise and easier to interpret.

WAC 232-28-622 2015-2017 Bighorn sheep seasons and permit quotas:

- The rule is changed to create two new categories "Disabled bighorn sheep ram", and "Disabled bighorn sheep ewe" to ensure that regulations remain consistent with our existing lifetime restriction.

WAC 232-28-623 2015-2017 Mountain goat seasons and permit quotas:

- Text providing the legal description of the newly created Boulder River North 4-8a mountain goat was changed to read: "That area within the Boulder River Wilderness of the Mount Baker Snoqualmie National Forest, beginning at the Boulder River trailhead on US Forest Service (USFS) road 2010 (to Boulder Falls), the East along the USFS Boulder River Wilderness boundary to Squire Creek, then Southward along the Squire Creek to Squire Creek Pass, then Southwest up Squire Creek Pass to the Headwaters of Copper Creek, then Southeast down Copper Creek to the unnamed tributary to Copper Creek which heads East up to Windy Pass, then East up said tributary to its headwaters in Windy Pass, then East across Windy Pass to the Headwaters of Windy Creek, then East down Windy Creek to the USFS Boulder River Wilderness boundary, then North along the USFS Boul-

der River Wilderness boundary to Boulder River trailhead on USFS road 2010 and the point of the beginning."

- This revision reduces the size of the Boulder River North mountain goat hunt area, in response to USFS concerns.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

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

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

Date Adopted: April 10, 2015.

Brad Smith, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 10-10-061, filed 4/30/10, effective 5/31/10)

WAC 232-12-284 Bighorn sheep—Marking requirements. (1) For the purpose of this ~~((regulation))~~ section, horns ~~((shall be))~~ are defined as the ~~((permanent, paired,))~~ hollow sheath of bighorn sheep ram ~~((attached to the bony core and skull))~~. The horns do not have to be paired and may include one horn.

(2) It is unlawful for a person who kills ~~((or possesses))~~ a bighorn sheep ram taken in Washington to fail, within ten days after acquisition, to personally present the horns for inspection and permanent marking at a department ~~((regional))~~ office or location designated by a department representative. A department employee shall permanently mark one of the horns of each lawfully acquired bighorn sheep. A violation of this subsection is punishable under RCW 77.15.280 (1)(c).

(3) It is unlawful for any person to possess the horns of a bighorn sheep ram ~~((taken))~~ originating in Washington ~~((without one of the horns being permanently marked by the department))~~ except as described in subsections (2) and (4) of this section. Horns of bighorn sheep found dead in Washington must be left in the field. A violation of this subsection is punishable under RCW 77.15.410.

(4) ~~((A person may not transfer ownership or possession of bighorn sheep horns by offering them))~~ It is unlawful to offer for sale, ((selling them, purchasing them, or bartering them,)) sell, purchase, or barter, bighorn sheep horns without a written permit authorized by the director. Permits will only be granted where such sale, purchase, or barter will specifically benefit bighorn sheep conservation or management. It is unlawful for any person who transfers ownership or possession of the horns of a bighorn sheep ram ~~((that have been permanently marked))~~

fer to the department within ten days after the transfer. A violation of this subsection is punishable under RCW 77.15.750, provided it does not involve trafficking of bighorn sheep or the parts thereof. A violation of this subsection involving the trafficking of bighorn sheep or the parts thereof is punishable under RCW 77.15.260.

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-273 2012-2014 Moose seasons, permit quotas, and areas. (1) It is unlawful to fail to comply with the provisions of this section. A violation of this section is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

(2) Moose Permit Hunts

(a) **Who May Apply:** ((Anyone EXCEPT those who previously harvested a moose in Washington state may apply for a moose permit:))

(i) Any moose category: An individual may only harvest one moose under the "any moose" category during his or her lifetime. ((However, this restriction is waived for hunters who have previously harvested a moose under an antlerless-only, master-hunter, raffle, or auction permit, as well as for applications for antlerless-only, master-hunter, raffle, or auction permits:)) Applications will not be accepted from hunters having previously harvested a moose in the "any moose" category.

(ii) Antlerless only, youth antlerless, over-65 antlerless, disabled-antlerless, master-hunter any moose, hunter-education antlerless, auction moose, raffle moose:

Anyone may apply.

(b) **Bag Limit:** One moose.

(c) **Weapon Restrictions:** Permit holders may use any legal weapon.

((Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Kettle Range/East Okanogan	Oct. 1 – Nov. 30	GMUs 101, 105, 204	Any Moose	10
Selkirk Mtns. A	Oct. 1 – Nov. 30	GMU 113	Any Moose	15
Selkirk Mtns. B ^d	Oct. 1 – Nov. 30	GMU 113	Antlerless-Only	2
Mt. Spokane South A	Oct. 1 – Nov. 30	Moose Area 1	Any Moose	8
Mt. Spokane South B	Oct. 1 – Nov. 30	Moose Area 1	Antlerless-Only	8
Mt. Spokane North A	Oct. 1 – Nov. 30	Moose Area 2	Any Moose	8
Mt. Spokane North B	Oct. 1 – Nov. 30	Moose Area 2	Antlerless-Only	7
Mt. Spokane North C ^b	Oct. 1 – Nov. 30	Moose Area 2	Antlerless-Only	1
Spokane District ^{HC}	Aug. 1 – Mar. 31	GMUs 124-142	Any Moose as specifically directed by WDFW	10 ^{HC}
Mt. Spokane South – Youth-Only ^a	Oct. 1 – Nov. 30	Moose Area 1	Antlerless-Only	8
Mt. Spokane North – Youth-Only ^a	Oct. 1 – Nov. 30	Moose Area 2	Antlerless-Only	8
49-Degrees North A	Oct. 1 – Nov. 30	GMU 117	Any Moose	21
49-Degrees North B ^b	Oct. 1 – Nov. 30	GMU 117	Antlerless-Only	3
49-Degrees North C ^c	Oct. 1 – Nov. 30	GMU 117	Antlerless-Only	2
49-Degrees North Youth-Only ^a	Oct. 1 – Nov. 30	GMU 117	Antlerless-Only	2
Three Forks	Oct. 1 – Nov. 30	GMUs 108, 111	Any Moose	6
Hangman A	Oct. 1 – Nov. 30	GMUs 127, 130	Any Moose	7
Hangman B	Oct. 1 – Nov. 30	GMUs 127, 130	Antlerless-Only	7
Huckleberry Range A	Oct. 1 – Nov. 30	GMUs 121, 124 west of Hwy-395	Any Moose	7
Huckleberry Range B ^c	Oct. 1 – Nov. 30	GMUs 121, 124 west of Hwy-395	Antlerless-Only	2
Parker Lake A ^e	Sept. 1-26	Moose Area 3	Any Moose, Archery Only	2

((Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Parker Lake B*	Sept. 27 – Oct. 5	Moose Area 3	Any Moose; Muzzleloader Only	2))

Hunt Name	Notes	Permit Season	GMU or boundary	Permits
<u>Any moose</u>				
<u>Kettle Range-East Okanogan</u>		<u>Oct. 1 - Nov. 30</u>	<u>GMUs 101, 105, 204</u>	<u>10</u>
<u>Douglas A - Early</u>		<u>Oct. 1-31</u>	<u>GMU 108</u>	<u>3</u>
<u>Douglas A - Late</u>		<u>Nov. 1-30</u>	<u>GMU 108</u>	<u>3</u>
<u>Aladdin A - Early</u>		<u>Oct. 1-31</u>	<u>GMU 111</u>	<u>3</u>
<u>Aladdin A - Late</u>		<u>Nov. 1-30</u>	<u>GMU 111</u>	<u>3</u>
<u>Selkirk</u>		<u>Oct. 1 - Nov. 30</u>	<u>GMU 113</u>	<u>15</u>
<u>49 Degrees North A - Early</u>		<u>Oct. 1-31</u>	<u>GMU 117</u>	<u>15</u>
<u>49 Degrees North A - Late</u>		<u>Nov. 1-30</u>	<u>GMU 117</u>	<u>15</u>
<u>Parker Lake A - Archery</u>	<u>e,W</u>	<u>Sept. 1-26</u>	<u>Moose area 3</u>	<u>2</u>
<u>Parker Lake A - Muzzleloader</u>	<u>e,X</u>	<u>Sept. 27 - Oct. 5</u>	<u>Moose area 3</u>	<u>2</u>
<u>Huckleberry A - Early</u>	<u>*</u>	<u>Oct. 1-31</u>	<u>GMU 121</u>	<u>6</u>
<u>Huckleberry A - Late</u>	<u>*</u>	<u>Nov. 1-30</u>	<u>GMU 121</u>	<u>6</u>
<u>Spokane West A</u>	<u>*</u>	<u>Oct. 1 - Nov. 30</u>	<u>GMU 124 w of Hwy 395</u>	<u>1</u>
<u>Mt Spokane South A</u>		<u>Oct. 1 - Nov. 30</u>	<u>Moose Area 1 (within 124)</u>	<u>8</u>
<u>Mt Spokane North A</u>		<u>Oct. 1 - Nov. 30</u>	<u>Moose Area 2 (within 124)</u>	<u>8</u>
<u>Hangman</u>	<u>*</u>	<u>Oct. 1 - Nov. 30</u>	<u>GMU 127 & 130</u>	<u>7</u>
<u>Antlerless only</u>				
<u>Douglas B</u>		<u>Oct. 1 - Nov. 30</u>	<u>GMU 108</u>	<u>2</u>
<u>Aladdin B</u>		<u>Oct. 1 - Nov. 30</u>	<u>GMU 111</u>	<u>2</u>
<u>49 Degrees North B</u>		<u>Oct. 1 - Nov. 30</u>	<u>GMU 117</u>	<u>2</u>
<u>Huckleberry B</u>	<u>*</u>	<u>Oct. 1 - Nov. 30</u>	<u>GMU 121</u>	<u>3</u>
<u>Spokane West B</u>	<u>*</u>	<u>Oct. 1 - Nov. 30</u>	<u>GMU 124 w of Hwy 395</u>	<u>2</u>
<u>Mt Spokane South B</u>		<u>Oct. 1 - Nov. 30</u>	<u>Moose Area 1 (within 124)</u>	<u>8</u>
<u>Mt Spokane North B</u>		<u>Oct. 1 - Nov. 30</u>	<u>Moose Area 2 (within 124)</u>	<u>7</u>
<u>Mica Peak</u>	<u>*</u>	<u>Oct. 1 - Nov. 30</u>	<u>GMU 127</u>	<u>7</u>
<u>Cheney B</u>	<u>**</u>	<u>Oct. 1 - Nov. 30</u>	<u>GMU 130</u>	<u>2</u>
<u>Youth Only - antlerless</u>				
	<u>a</u>			
<u>49 Degrees North Y</u>		<u>Oct. 1 - Nov. 30</u>	<u>GMU 117</u>	<u>2</u>
<u>Mt Spokane South Y</u>		<u>Oct. 1 - Nov. 30</u>	<u>Moose Area 1 (within 124)</u>	<u>8</u>
<u>Mt Spokane North Y</u>		<u>Oct. 1 - Nov. 30</u>	<u>Moose Area 2 (within 124)</u>	<u>8</u>
<u>65 Year and over - antlerless</u>				
	<u>c</u>			

<u>Hunt Name</u>	<u>Notes</u>	<u>Permit Season</u>	<u>GMU or boundary</u>	<u>Permits</u>
<u>49 Degrees North V</u>		<u>Oct. 1 - Nov. 30</u>	<u>GMU 117</u>	<u>2</u>
<u>Huckleberry V</u>		<u>Oct. 1 - Nov. 30</u>	<u>GMU 121</u>	<u>2</u>
<u>Disabled hunter - antlerless</u>	<u>b</u>			
<u>49 Degrees North D</u>		<u>Oct. 1 - Nov. 30</u>	<u>GMU 117</u>	<u>3</u>
<u>Mt Spokane North D</u>		<u>Oct. 1 - Nov. 30</u>	<u>Moose Area 2 (within 124)</u>	<u>1</u>
<u>Hunter Education antlerless</u>	<u>d</u>			
<u>Selkirk HE</u>	<u>HEII</u>	<u>Oct. - Nov. 30</u>	<u>GMU 113</u>	<u>2</u>
<u>Master Hunter - Any moose</u>				
<u>Spokane District MH</u>	<u>HC</u>	<u>Aug. 1 - Mar. 31</u>	<u>GMUs 124-142</u>	<u>10</u>

^aApplicants must be eligible to purchase a youth moose permit application. An adult must accompany the youth hunter during the hunt.

^bApplicants must possess a Disabled Hunter Permit.

^cApplicants must be eligible to purchase a 65 years of age or older permit application.

^dApplicants must be a certified hunter education instructor who meets program-defined eligibility criteria.

^eThe following special hunt is offered by the USAF Survival School on a trial basis and will be evaluated based on student safety each year for continuation.

^{HC}This is a damage hunt administered by a WDFW designated hunt coordinator. Only master hunters may apply, and any weapon may be used. Successful applicants will be contacted on an as-needed basis to help with specific sites of nuisance moose activity in designated areas. Not all successful applicants will be contacted in any given year.

(3) Moose Areas:

(a) Moose Area 1: South Spokane Moose Area:

That portion of GMU 124 beginning at intersection of Blanchard Rd and Idaho-Washington state line: W on Blanchard Rd to Blanchard Creek Rd; SW on Blanchard Creek Rd to Tallman Rd; W on Tallman Rd to Elk Chattaroy Rd; SW on Elk Chattaroy Rd to Hwy 2; S on Hwy 2 to Hwy 395, S on Hwy 395 to Spokane River, E on Spokane River to Idaho-Washington state line, N on Idaho-Washington state line to Blanchard Rd and the point of beginning.

(b) Moose Area 2: North Spokane Moose Area:

That portion of GMU 124 beginning at intersection of Blanchard Rd and Idaho-Washington state line: W on Blanchard Rd to Blanchard Creek Rd; SW on Blanchard Creek Rd to Tallman Rd; W on Tallman Rd to Elk Chattaroy Rd; SW on Elk Chattaroy Rd to Hwy 2; S on Hwy 2 to Hwy 395, N on Hwy 395 to Deer Park-Milan Rd, E on Deer Park-Milan Rd to Hwy 2, N on Hwy 2 to Idaho-Washington state line, S on Idaho-Washington state line to Blanchard Rd and the point of beginning.

(c) Moose Area 3: Parker Lake (GMU 117, Pend Oreille County): All lands south of Ruby Creek Rd (USFS Road 2489), north of Tacoma Creek Rd (USFS Road 2389), and west of Bonneville Power Administration power lines.

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-283 Big game and wild turkey auction, raffle, and special incentive permits.

AUCTION PERMITS

(1) BLACK-TAILED DEER AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to black-tailed deer hunting by the fish and wildlife commission.

(c) Weapon type: Any legal weapon.

(d) Bag limit: One additional any buck black-tailed deer.

(e) Number of permit hunters selected: 1

(2) MULE DEER AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission.

(c) Weapon type: Any legal weapon.

(d) Bag limit: One additional any buck mule deer.

(e) Number of permit hunters selected: 1

(3) WHITE-TAILED DEER AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

(c) Weapon type: Any legal weapon.

(d) Bag limit: One additional any buck white-tailed deer.

(e) Number of permit hunters selected: 1

(4) WESTSIDE ELK AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Western Washington EXCEPT GMU 485, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

(c) Weapon type: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

(5) EASTSIDE ELK AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Eastern Washington EXCEPT GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

(c) Weapon type: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

(6) CALIFORNIA BIGHORN SHEEP AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: ~~((Any open sheep unit with two or more ram permits during the respective license year, EXCEPT sheep units in Walla Walla, Columbia, Garfield, Asotin, or Pend Oreille counties are not open.))~~ The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1.

(c) Weapon: Any legal weapon.

(d) Bag limit: One California bighorn ram.

(e) Number of permit hunters selected: 1

(7) MOOSE AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Any open moose unit.

(c) Weapon: Any legal weapon.

(d) Bag limit: One moose of either sex.

(e) Number of permit hunters selected: 1

(8) MOUNTAIN GOAT AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: ~~((Any open goat unit with two or more permits during the respective license year.))~~ The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1.

(c) Weapon: Any legal weapon.

(d) Bag limit: One mountain goat of either sex.

(e) Number of permit hunters selected: 1

RAFFLE PERMITS

(9) BLACK-TAILED DEER RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any buck black-tailed deer.

(e) Number of permit hunters selected: 1

(10) MULE DEER RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any buck mule deer.

(e) Number of permit hunters selected: 1

(11) WHITE-TAILED DEER RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any buck white-tailed deer.

(e) Number of permit hunters selected: 1

(12) WESTSIDE ELK RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Western Washington EXCEPT GMU 485, those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

(13) EASTSIDE ELK RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Eastern Washington EXCEPT GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

(14) CALIFORNIA BIGHORN SHEEP RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: ~~((Any open bighorn sheep unit with two or more ram permits during the respective license year, EXCEPT sheep units in Walla Walla, Columbia, Garfield, Asotin, or Pend Oreille counties are not open.))~~ The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1 except that sheep units in Walla Walla, Columbia, Garfield, Asotin, or Pend Oreille counties are not open.

(c) Weapon: Any legal weapon.

(d) Bag limit: One California bighorn ram.

(e) Number of permit hunters selected: 1

(15) MOOSE RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Any open moose unit.

(c) Weapon: Any legal weapon.

(d) Bag limit: One moose of either sex.

(e) Number of permit hunters selected: 2

(16) MOUNTAIN GOAT RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: ~~((Any open goat unit with two or more permits during the respective license year.))~~ The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1.

(c) Weapon: Any legal weapon.

(d) Bag limit: One mountain goat of either sex.

(e) Number of permit hunters selected: 1

(17) TURKEY RAFFLE PERMIT

(a) Season dates: April 1 - May 31 and September 1 - December 31

(b) Hunt Area: Statewide.

(c) Weapon: Archery or shotgun only.

(d) Bag limit: Three additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

(e) Number of permit hunters selected: 1

(18) ROCKY MOUNTAIN BIGHORN SHEEP RAFFLE PERMIT

(a) Bag limit: One Rocky Mountain bighorn ram.

(b) Hunt Area: GMUs 113, 172, 175.

(c) Season dates: September 1 - December 31

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

(19) THREE-DEER RAFFLE PERMIT

(a) Bag limit: One additional any buck black-tailed deer, one additional any buck mule deer, and one additional any buck white-tailed deer; total harvest not to exceed three animals.

(b) Hunt Area: For black-tailed deer, those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission. For mule deer, those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission. For white-tailed deer, those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

(c) Season dates: September 1 - December 31

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

(20) NORTHEAST WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: Permit hunter may harvest three of six possible species. Species that may be harvested under this permit include: One additional any buck white-tailed deer, one additional any bull elk, one any bull moose, one additional any legal cougar, one additional any legal black bear, and one additional any legal turkey (gobbler and turkey with visible beard ONLY); total harvest not to exceed three animals.

(b) Hunt Area: GMUs 101-124.

(c) Season dates:

(i) September 1 - December 31 for white-tailed deer, elk, and moose.

(ii) April 15 - May 31 and September 1 - December 31 for black bear.

(iii) September 1 - March 31 for cougar. April 15 - May 31 for turkey

(d) Weapon: Any legal weapon EXCEPT archery and shotgun only for turkey.

(e) Number of permit hunters selected: 1

(21) SOUTH-CENTRAL WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: One additional any bull elk, one additional any buck deer, and one California bighorn sheep ram; total harvest not to exceed three animals.

(b) Hunt Area: For elk, any 300 or 500 series GMU EXCEPT those GMUs closed to elk hunting and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission. For deer, any 300 or 500 series GMU EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission. For California bighorn sheep, ~~((those bighorn sheep hunt areas south of Interstate 90 and west of~~

~~Interstate 82 open to bighorn sheep hunting by the fish and wildlife commission with two or more permits during the respective license year)) the director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1. For bighorn sheep, any bighorn herd located south of U.S. Highway 2 in Chelan County and west of the Columbia River in Kittitas and Yakima counties.~~

(c) Season dates: September 1 - December 31

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

(22) SOUTHEAST WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: Permit hunter may harvest four of five possible species. Species that may be harvested under this permit include: One additional any buck white-tailed deer, one additional any buck mule deer, one additional any bull elk, one additional any legal cougar, and one additional any legal black bear; total harvest not to exceed four animals.

(b) Hunt Area: GMUs 139-154 and 162-186.

(c) Season dates: September 1 - December 31 for white-tailed deer, mule deer, and elk. April 15 - June 15 and September 1 - December 31 for black bear. September 1 - March 31 for cougar

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

(23) NORTH-CENTRAL WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: Permit hunter may harvest three of five possible species. Species that may be harvested under this permit include: One additional any buck white-tailed deer, one additional any buck mule deer, one any ram California bighorn sheep, one additional any legal cougar, and one additional any legal black bear; total harvest not to exceed three animals.

(b) Hunt Area: For white-tailed deer, mule deer, cougar, and black bear, any 200 series GMU EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission. For California bighorn sheep, ~~((those bighorn sheep hunt areas in Chelan or Okanogan counties open to bighorn sheep hunting by the fish and wildlife commission with two or more permits during the respective license year)) the director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1 in Okanogan or Chelan counties north of US Highway 2.~~

(c) Season dates:

(i) September 1 - December 31 for white-tailed deer, mule deer, and California bighorn sheep.

(ii) April 15 - May 15 and September 1 - December 31 for black bear.

(iii) September 1 - March 31 for cougar

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

SPECIAL INCENTIVE PERMITS

(24) WESTERN WASHINGTON ELK INCENTIVE PERMITS

(a) Hunt Area: Western Washington EXCEPT GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

(b) Season dates: September 1 - December 31

(c) Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

(d) Bag limit: One additional elk.

(e) Number of permit hunters selected: 2

(25) EASTERN WASHINGTON ELK INCENTIVE PERMITS

(a) Hunt Area: Eastern Washington EXCEPT GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

(b) Season dates: September 1 - December 31

(c) Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

(d) Bag limit: One additional elk.

(e) Number of permit hunters selected: 2

(26) DEER INCENTIVE PERMITS

(a) Hunt Area: Statewide, for use in any area open to general or permit hunting seasons EXCEPT GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

(b) Season dates: September 1 - December 31

(c) Weapon: Any legal weapon, EXCEPT hunters must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

(d) Bag limit: One additional any deer.

(e) Number of permit hunters selected: 5

PERMIT ISSUANCE PROCEDURE

(27) Auction permits: The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

(28) Raffle permits: Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

(29) Special incentive permits: Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(30) For permit hunts where the permittee may harvest multiple species, the permittee must select the species he/she wants to hunt within fourteen days of notification of being selected.

QUALIFICATIONS FOR PARTICIPATION AND REQUIREMENTS:

(31) Permittees shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(32) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(33) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(34) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(35) The permit is valid during the hunting season dates for the year issued.

(36) The permittee will present the head and carcass of the bighorn sheep killed to any department office within seventy-two hours of date of kill.

(37) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(38) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

(39) Permit hunters awarded a cougar permit may only use dogs in GMUs that have a cougar season open to dog use (WAC 232-28-285).

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-622 ((2012-2014)) 2015-2017 Bighorn sheep seasons and permit quotas. (1) It is unlawful to fail to comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

(2) Bighorn Sheep Permit Hunts

(a) **Who May Apply:** Anyone may apply, EXCEPT those who previously harvested a bighorn sheep in Washington state. An individual may only harvest one bighorn ((~~sheep~~) ram) during his or her lifetime. However, this restriction is waived for hunters who have previously harvested a bighorn sheep under a ewe-only, raffle, or auction permit, as well as for applications for a ewe-only, raffle, or auction permit.

(b) **Bag Limit:** One bighorn ram, except in designated adult ewe hunts the limit is one bighorn adult ewe.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Vulcan Mountain	Sept. 15 - Oct. 10	Sheep Unit 2	Any Legal Weapon	1
Selah Butte A	Nov. 3-30	Sheep Unit 4	Any Legal Weapon	3

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Selah Butte B	Nov. 3-30	Sheep Unit 4	Adult ewe only Any Legal Weapon	5
Umtanum	Sept. 15 - Oct. 10	Sheep Unit 5	Any Legal Weapon	((3)) 2
Cleman Mountain A	Sept. 15 - Oct. 10	Sheep Unit 7	Any Legal Weapon	((4)) 3
Cleman Mountain B	Nov. 5-30	Sheep Unit 7	Any Legal Weapon	((4)) 3
Mt. Hull A	Sept. 15 - Oct. 10	Sheep Unit 10	Any Legal Weapon	((2)) 1
Mt. Hull B	Oct. 1-10	Sheep Unit 10	Adult ewe only Any Legal Weapon	1
Mt. Hull C ^(b) a	Oct. 1-10	Sheep Unit 10	Adult ewe only Any Legal Weapon	1
Lincoln Cliffs	Sept. 15 - Oct. 10	Sheep Unit 12	Any Legal Weapon	2
Quilomene	Sept. 15 - Oct. 10	Sheep Unit 13	Any Legal Weapon	((3)) 2
Swakane	Sept. 15 - Oct. 10	Sheep Unit 14	Any Legal Weapon	1
Manson	Nov. 5-30	Sheep Unit 16	Any Legal Weapon	2
((Asotin	Sept. 15 - Oct. 10	Sheep Unit 17	Any Legal Weapon	4))
Chelan Butte	Sept. 15 - Oct. 10	Sheep Unit 18	Any Legal Weapon	1
<u>New hunt category - Disabled hunter bighorn sheep - Ram</u>				
<u>Chelan Butte B - Disabled hunter^b HC^c</u>	<u>Oct. 11-31</u>	<u>Sheep Unit 18</u>	<u>Any Legal Weapon</u>	<u>1</u>
<u>New hunt category - Disabled hunter bighorn sheep - Ewe</u>				
<u>Chelan Butte B - Disabled hunter^b HC^c</u>	<u>Oct. 11-31</u>	<u>Sheep Unit 18</u>	<u>Any Legal Weapon</u> <u>Adult ewe only</u>	<u>2</u>

^(b) a) Applicants must be eligible to purchase a youth bighorn sheep permit application. An adult 18 years of age or older must accompany the youth hunter during the hunt.

^b Applicants must possess a Disabled Hunter Permit.

^c HC - Hunt Coordinated. Only marked animals can legally be taken. WDFW staff will assist hunters in locating these animals.

(3) Bighorn Sheep Units:

(a) **Sheep Unit 2 Vulcan Mountain:** Permit Area: Ferry County north of the Kettle River near Curlew.

(b) **Sheep Unit 4 Selah Butte:** Permit Area: That part of ~~((Yakima and Kittitas counties between Ellensburg and Yakima))~~ GMU 340 east of the Yakima River ((and north of Selah Creek, west of Interstate 82 and south of Interstate 90)).

(c) **Sheep Unit 5 Umtanum:** Permit Area: Those portions of ~~((Yakima and Kittitas counties))~~ GMU 340 west of the Yakima River ((north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River)) and GMU 342 north of Wenas Creek.

(d) **Sheep Unit 7 Cleman Mountain:** Permit Area: ~~((That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.))~~ GMU 346 and that part of GMU 342 south of Wenas Creek.

(e) **Sheep Unit 10 Mt. Hull:** Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

(f) **Sheep Unit 12 Lincoln Cliffs:** Permit Area: That part of Lincoln County north of Highway 2.

(g) **Sheep Unit 13 Quilomene:** Permit Area: GMUs 329, 330, and ~~((251))~~ that part of 251 east of Squilchuck Creek and south of Colockum Creek.

(h) **Sheep Unit 14 Swakane:** Permit Area: GMU 250.

(i) **Sheep Unit 15 Tieton:** Permit Area: GMU 360.

(j) **Sheep Unit 16 Manson:** Permit Area: Beginning at the mouth of Granite Falls Creek on the south shore of Lake Chelan, E across Lake Chelan to Willow Point; NW along the shoreline of Lake Chelan to the mouth of Stink Creek; E along Stink Creek to the intersection with Green's Landing Road; along Green's Landing Road to Manson Boulevard; E on Manson Boulevard to Lower Joe Creek Road; NE on Lower Joe Creek Road to Grade Creek Road; NE on Grade Creek Road to US Forest Service Road 8210; NE on US Forest Service Road 8210 to intersection with US Forest Service Road 8020; W on US Forest Service Road 8020 to Fox Peak; NW along Sawtooth Ridge (Chelan-Okanogan County Line) to the Lake Chelan National Recreation Area boundary; S

along the Lake Chelan National Recreation Area boundary to shore line of Lake Chelan; W across Lake Chelan to the mouth of Riddle Creek on the South Shore; SE along South Shore of Lake Chelan to the point of beginning.

(k) **Sheep Unit 18 Chelan Butte:** Permit Area: Beginning at the intersection of State Hwy 971 and US Hwy 97A, S to the W shoreline of the Columbia River, N along the W shoreline of the Columbia River for 21 miles to the mouth of Antione Creek, W up Antione Creek to where it crosses Apple Acres Rd, W on Apple Acres Rd to the intersection with Washington Creek Rd (US Forest Service Rd 8135), N on Washington Creek Rd to its end and then follow Washington Creek, W on Washington Creek to where it crosses US Forest Service Rd 8010, S on US Forest Service Rd 8010 (transitions into Purtteman Creek Rd) to Purtteman Gulch, S into Purtteman Gulch to the N shoreline of Lake Chelan, S along the shoreline to the S shoreline of Lake Chelan to the mouth of First Creek, S up First Creek to the intersection of State Hwy 971 (Navarre Coulee Rd), S on State Hwy 971 to the point of beginning.

(l) **Sheep Unit 19 Sinlahekin:** Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd (Co. Rd 4568); SE on the Similkameen Rd (Co. Rd 4568) to the Loomis-Oroville Rd (Co. Rd 9425); E on the Loomis-Oroville Rd (Co. Rd 9425) to US Hwy 97 in Oroville; S on US Hwy 97 to 12th Ave; W on 12th Ave (it curves S and changes to Old Highway 97); S on Old Highway 97 to US Hwy 97; S on US Hwy 97 to the South Pine Creek Rd (Co. Rd 9410); W on the South Pine Creek Rd (Co. Rd 9410) to Fish Lake Rd (Co. Rd 4290); W on Fish Lake Rd (Co. Rd 4290) to South Fish Lake Rd (Co. Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (Co. Rd 4282), to the Sinlahekin Rd (Co. Rd 4015); SW on the Sinlahekin Rd (Co. Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (Co. Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, Co. Rd 2361) to US Forest Service Rd 3820; N on US Forest Service Rd 3820 over Lone Frank Pass, to US Forest Service Rd 39;

N on US Forest Service Rd 39 to the US Forest Service Rd 300 at Long Swamp trailhead; W on the US Forest Service Rd 300 to US Forest Service Trail 342; N on US Forest Service Trail 342 to US Forest Service Trail 343; E on US Forest Service Trail 343 to US Forest Service Trail 341; E on US Forest Service Trail 341 to US Forest Service Trail 375; E on US Forest Service Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-623 ((2012-2014)) 2015-2017 Mountain goat seasons and permit quotas. (1) Hunters must comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

(2) Mountain Goat Permit Hunts

(a) **Who May Apply:** Anyone may apply, except those who harvested a mountain goat in Washington state after 1998. Except for auction and raffle permitted hunts, an individual may only harvest one mountain goat during his or her lifetime(~~(, except for those who harvested a goat prior to 1999. This restriction is also waived for applications for a raffle and/or auction permit and for hunters who have previously harvested a goat under a raffle and/or auction permit)~~).

(b) **Bag Limit:** One (1) adult goat of either sex with horns 4 inches or longer.

(c) It is unlawful for a person who kills a mountain goat in Washington to fail, within ten days after acquisition, to personally present the horns attached to the head for inspection at a department office or location designated by a departmental representative. After inspection, the head/horns of a mountain goat lawfully killed in Washington may be kept for personal use. A violation of this subsection is punishable under RCW 77.15.280 (1)(b).

Goat Hunt Area Name (Number)	Permit Season ^b	Subhunt Units (may be opened or closed by the director) ^a	Special Restrictions	Permits ^a
Chowder Ridge (4-3)	Sept. 15 - ((Oct. 31)) <u>Nov. 30</u>		Any Legal Weapon	((2)) <u>1</u>
Lincoln Peak (4-4)	Sept. 15 - ((Oct. 31)) <u>Nov. 30</u>		Any Legal Weapon	((+)) <u>2</u>
Dillard Creek (4-6)	Sept. 15 - ((Oct. 31)) <u>Nov. 30</u>		Any Legal Weapon	0
Avalanche Gorge (4-7)	Sept. 15 - ((Oct. 31)) <u>Nov. 30</u>		Any Legal Weapon	((2)) <u>3</u>
North Lake Chelan (2-1)	Sept. 15 - ((Oct. 31)) <u>Nov. 30</u>	Skookum Pass Mtn., Big Goat Creek	Any Legal Weapon	2
<u>Boulder River North (4-8a)</u>	<u>Sept. 15 - Nov. 30</u>		<u>Any Legal Weapon</u>	<u>1</u>

Goat Hunt Area Name (Number)	Permit Season ^b	Subhunt Units (may be opened or closed by the director) ^a	Special Restrictions	Permits ^a
Naches Pass (3-6)	Sept. 15 - ((Oct. 31)) <u>Nov. 30</u>	Fife's East, Fife's Peak, Crystal Mountain, Basin Lake	Any Legal Weapon	((2)) <u>3</u>
Bumping River (3-7)	Sept. 15 - ((Oct. 31)) <u>Nov. 30</u>	Nelson Ridge, Cash Prairie, American Ridge, American Lake, Timber Wolf, Russell Ridge	Any Legal Weapon	((2)) <u>3</u>
Blazed Ridge (3-10)	Sept. 15 - ((Oct. 31)) <u>Nov. 30</u>	Blowout Mtn., Blazed Ridge, Blazed North, Milk Creek, Rock Creek	Any Legal Weapon	((+)) <u>0</u>
Goat Rocks-Tieton River (5-4/3-9)	Sept. 15 - ((Oct. 31)) <u>Nov. 30</u>	Chimney Rocks, Goat Lake, McCall Glacier, Gilbert Peak	Any Legal Weapon	((3)) <u>5</u>
South Lake Chelan (2-3)	Sept. 15 - ((Oct. 31)) <u>Nov. 30</u>	Railroad Creek, Pyramid Mountain, Box Canyon	Any Legal Weapon	1
((Mt. Washington — A (6-1))	Sept. 15-25	N/A	Any Legal Weapon	2
Mt. Washington — B (6-1)	Sept. 26 - Oct. 6	N/A	Any Legal Weapon	2
Brothers (6-2)	Sept. 15-25	N/A	Any Legal Weapon	2))
<u>Conflict reduction goat (new hunt type)</u>				
<u>East Olympic Mountains A¹</u>	<u>Sept. 15-25</u>	<u>N/A</u>	<u>Any Legal Weapon</u>	<u>3</u>
<u>East Olympic Mountains B¹</u>	<u>Sept. 26 - Oct. 6</u>	<u>N/A</u>	<u>Any Legal Weapon</u>	<u>3</u>

¹This is a new hunt type. Points accrued or spent on this hunt do not apply to other mountain goat hunts.

(3) **Mountain Goat Hunt Area Descriptions.** The following areas are defined as mountain goat hunt areas:

Chowder Ridge 4-3:

Hunt Area: Whatcom County within the following described boundary: Beginning at the confluence of Wells Creek with the North Fork Nooksack River; then up Wells Creek to the confluence with Bar Creek; then up Bar Creek to the Mazama Glacier; then SW on Mazama Glacier to the summit of Mount Baker; then NW between Roosevelt Glacier and Coleman Glacier to the headwaters of Kulshan Creek; then down Kulshan Creek to the confluence with Grouse Creek; then down Grouse Creek to the confluence with Glacier Creek; then down Glacier Creek to the confluence with the North Fork Nooksack River; then up the North Fork Nooksack River to Wells Creek and the point of beginning.

Lincoln Peak 4-4

Hunt Area: Whatcom County within the following described boundary: Beginning at the confluence of Glacier Creek and the North Fork Nooksack River; then up Glacier Creek to the confluence with Grouse Creek; then up Grouse Creek to the confluence with Kulshan Creek; then up Kulshan Creek to headwaters; then SE between Coleman and Roosevelt glaciers to the summit of Mount Baker; then SW on Easton Glacier to Baker Pass; then W on the Bell Pass Trail (USFS Trail 603.3) to the intersection with Ridley Creek Trail (Trail No. 696); then W on Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then

down the Middle Fork Nooksack River to the confluence with Clearwater Creek, then up Clearwater Creek to the confluence with Rocky Creek, then up Rocky Creek to the Washington DNR boundary; then along the National Forest-Washington DNR boundary to Hedrick Creek; then down Hedrick Creek to the North Fork Nooksack River; then up the North Fork Nooksack River to Glacier Creek and the point of beginning.

Dillard Creek 4-6

Hunt Area: Whatcom County within the following described boundary: Beginning on Baker Lake Road and Rocky Creek; then NW up Rocky Creek to its intersection with the Park Butte Trail (Trail No. 603); then NW on Park Butte Trail to its intersection with the Bell Pass Trail (Trail No. 603.3); then N on Bell Pass Trail to Baker Pass; then N onto Easton Glacier and NE to the summit of Mount Baker; then NE and SE on Park Glacier to headwaters of Park Creek; then down Park Creek to Baker Lake Road; then SW on Baker Lake Road to Rocky Creek and the point of beginning.

Avalanche Gorge 4-7

Hunt Area: Whatcom County within the following described boundary: Beginning on Baker Lake Road and Park Creek; then up Park Creek to headwaters and beginning of Park Glacier; then NW and SW on Park Glacier to Mount Baker summit; then N on the Mazama Glacier to Bar Creek, then down Bar Creek to the confluence with Wells Creek; then SE up Wells Creek to its headwaters; then E about 1 mile to an

unnamed peak (indicated elevation 5,831 ft, just W of Ptarmigan Ridge Trail (Trail No. 682.1) (See referenced 1:24k USGS quad map - Shuksan Arm)); then NE to the headwaters of the first tributary of Swift Creek encountered; then SE down said unnamed tributary to the confluence with Swift Creek; then down Swift Creek to the Baker Lake Road (USFS Road 394); then SW along the Baker Lake Road to Park Creek and point of beginning. (Refer to 1:24k USGS quad map - Shuksan Arm).

Chelan North 2-1

Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then southeast along the Sawtooth crest, which separates Chelan and Okanogan counties, to Horsethief Basin and the headwaters of Safety Harbor Creek; then south along Safety Harbor Creek to Lake Chelan, then northwest along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

Methow 2-2

Permit Area: Okanogan County within following described boundary: Begin at Twisp, W along Twisp River Rd (County Rd 4440) to Roads End; W up Twisp Pass Trail 432 to Twisp Pass and Okanogan County line; N on Okanogan County line through Washington Pass to Harts Pass; SE down Harts Pass (Rd 5400) to Lost River; along Lost River-Mazama Rd to Mazama; SW to State Hwy 20; SE on State Hwy 20 to Twisp and point of beginning.

South Lake Chelan 2-3

Permit Area: GMU 246

Naches Pass 3-6

Permit Area - Naches: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Bumping River 3-7

Permit Area: Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

Blazed Ridge 3-10

Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin

Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Rocks 5-4/Tieton River 3-9

Goat Rocks 5-4 Permit Area: Beginning at US Hwy 12 at the US Forest Service Trail 2000 (Pacific Crest National Scenic Trail); S on the Pacific Crest National Scenic Trail to Lewis County line at Cispus Pass; S and W on the Lewis County line to Johnson Creek Rd (US Forest Service Rd 21); N on Johnson Creek Rd to US Hwy 12; E on US Hwy 12 to the Pacific Crest National Scenic Trail and the point of the beginning.

Permit Area - Tieton River: GMU 364

~~((Permit Area - Mt. Washington Unit~~

~~Beginning at the intersection of Lake Cushman Rd and Jorsted Creek Rd (US Forest Service (USFS) Rd 24); W along Jorsted Creek Rd (USFS Rd 24) to Olympic National Park (ONP) boundary at the northern end of Lake Cushman; N and NE along the ONP-Olympic National Forest (ONF) boundary to the eastern boundary of the Mount Skokomish Wilderness; N and E along the ONP Mount Skokomish Wilderness boundary to the Mason-Jefferson County line; E along the Mason-Jefferson County line to USFS Trail 810 (Lena Creek Trail); S along the USFS Trail 810 to USFS Rd 25 (Hamma Hamma Rd); E on USFS Rd 25 (Hamma Hamma Rd) to USFS Rd 2480; SE on USFS Rd 2480 to Jorsted Creek Rd (USFS Rd 24); NW on Jorsted Creek Rd (USFS Rd 24) to Lake Cushman Rd and the point of beginning.~~

~~Permit Area - The Brothers Unit~~

~~Beginning at the intersection of the Dosewallips River and the Olympic National Forest (ONF) boundary in Section 30 of T26N R2W; S along the ONF boundary to the Mason-Jefferson County line; E along the Mason-Jefferson County line to intersection with the Olympic National Park (ONP) boundary in Section 44 of T25N R4W; NE along the ONF-ONP boundary to The Brothers Wilderness; NE and N along the ONP-Brothers Wilderness boundary to the Dosewallips River; E down the Dosewallips River to its intersection with ONF boundary in Section 30 of T26N R2W and the point of beginning.)~~ **Permit Area - East Olympic Mountains Unit**

Beginning at the intersection of Lake Cushman Rd and Jorsted Creek Rd (US Forest Service (USFS) Rd 24); W along Jorsted Creek Rd (USFS Rd 24) to Olympic National Park (ONP) boundary at the northern end of Lake Cushman; N and NE along the ONP-Olympic National Forest (ONF) boundary to the Jefferson-Clallam County line; E along the Jefferson-Clallam County line to its intersection with ONF boundary in Section 33 of T28N R2W; S along the ONF boundary to the intersection of Lake Cushman Rd and Jorsted Creek Rd (US Forest Service (USFS) Rd 24) and the point of beginning.

Permit Area - Boulder River North 4-8a

That area within the Boulder River Wilderness of the Mount Baker Snoqualmie National Forest, beginning at the Boulder River trailhead on U.S. Forest Service (USFS) Rd 2010 (to Boulder Falls), then E along the USFS Boulder River Wilderness boundary to Squire Creek, then southward along the Squire Creek to Squire Creek Pass, then SW up Squire Creek Pass to the headwaters of Copper Creek, then SE down Copper Creek to the unnamed tributary to Copper Creek which heads E up to Windy Pass, then E up said tributary to its headwaters in Windy Pass, then E across Windy Pass to the headwaters of Windy Creek, then E down Windy Creek to the USFS Boulder River Wilderness boundary, then N along the USFS Boulder River Wilderness boundary to the Boulder River trailhead on USFS Rd 2010 and the point of the beginning.

^aMountain goat populations are managed as a collection of subpopulations, and the ideal harvest is distributed through all the subpopulations. The director is authorized to open or close subhunt areas and reduce permit levels to protect from overharvesting specific areas.

The director is authorized by the commission to identify the subhunt unit as a condition of the hunt permit. Hunters receiving permits will be sent a text description or map of the subhunt unit from the director prior to the start of that hunting season.

^bPermit hunters may start hunting September 1 with archery equipment.

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 9, 2015.

Dr. Jill Wakefield
Chancellor

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132F-148-010 Policy statement.
- WAC 132F-148-020 Action plan.
- WAC 132F-148-030 Responsibility for program implementation.
- WAC 132F-148-040 Recruitment plan.
- WAC 132F-148-050 Goals and procedure for implementation.
- WAC 132F-148-060 Personnel policies relative to affirmative action.
- WAC 132F-148-070 Formal complaint procedure.

WSR 15-10-059
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 15-98—Filed April 30, 2015, 3:44 p.m., effective May 31, 2015]

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

Purpose: See Reviser's note below.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-248, 232-28-337, 232-28-357, 232-28-358, 232-28-359, 232-28-360, and 232-28-624.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240.

Adopted under notice filed as WSR 15-04-098 on February 2, 2015.

Changes Other than Editing from Proposed to Adopted Version: See Reviser's note below.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 7, Repealed 0.

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

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

Date Adopted: April 10, 2015.

WSR 15-10-050
PERMANENT RULES
SEATTLE COLLEGES

[Filed April 30, 2015, 9:48 a.m., effective May 31, 2015]

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

Purpose: Repeal affirmative action language from chapter 132F-148 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 132F-148 WAC.

Statutory Authority for Adoption: RCW 28B.50.140 (13).

Adopted under notice filed as WSR 15-02-068 on January 6, 2015.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 7.

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

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

Brad Smith, Chair
Fish and Wildlife Commission

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 15-11 issue of the Register.

WSR 15-10-061
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 15-100—Filed May 1, 2015, 9:30 a.m., effective June 1, 2015]

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

Purpose: WAC 232-12-055 Hunting—Hunter orange clothing requirements, this rule making clarifies the hunter orange requirement in regards to master hunters. The rule change will increase safety by ensuring all master hunters wear hunter orange during all hunts that allow the use of modern firearms.

WAC 220-55-174 Reduced rate combination elk general licenses, this rule making provides master hunters with an incentive to participate in hunts such as the early 3911 hunt to help in addressing elk damage. This rule was modified in 2014 to provide a discounted elk license to master hunters who purchase a second elk tag for special permit hunts, but did not allow this incentive for Area 3911. This rule change allows the incentive to apply to this area.

WAC 232-28-294 Multiple season big game permits, this rule making provides more opportunity for hunters who were not drawn for a multiple season big game permit to purchase a leftover permit earlier in the year. This change will allow more time for those who were not drawn to have the opportunity to utilize the permit and extend their season.

Citation of Existing Rules Affected by this Order: Amending WAC 220-55-174, 232-12-055, and 232-28-294.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240.

Adopted under notice filed as WSR 15-04-088 on February 2, 2015.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-55-174, under subsection (1)(a), the language is changed from "Master hunters must purchase a master hunter elk tag to participate in both special permit and general season master hunter hunts" to "Master hunters must purchase a master hunter second elk transport tag to participate in a master hunter special permit hunt. Master hunters must purchase a master hunter elk area 3911 second elk transport tag to participate in the early elk area 3911 master hunter general season hunt."

WAC 232-28-294, language in subsection (3)(d) was amended to read: "Permits not purchased by successful applicants prior to August 1st may be sold at the discretion of the department on a first-come, first-served basis."

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

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

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

Date Adopted: April 10, 2015.

Brad Smith, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 220-55-174 Reduced rate combination elk general licenses. (1) There is hereby created combination elk hunting licenses that allow the holder to hunt elk for the purposes described below. A person purchasing any big game license that includes elk may purchase a reduced rate combination as follows:

(a) ~~((If a hunter is drawn for a special permit in the master hunter elk category, they))~~ Master hunters must purchase a master hunter second elk transport tag ~~((as authorized and conditioned by the commission to harvest a second elk))~~ to participate in a master hunter special permit hunt. Master hunters must purchase a master hunter elk area 3911 second elk transport tag to participate in the early elk area 3911 master hunter general season hunt. A master hunter in good standing must also purchase a master hunter elk tag in order to utilize a damage prevention or kill permit authorized and conditioned by the department. The fee for this combined license is forty dollars less than the sum of the big game license containing elk and the master hunter second elk tag.

(b) If a hunter is issued a damage prevention or kill permit authorized and conditioned by the department, the hunter must purchase a damage elk tag. The fee for this combined license is forty dollars less than the sum of the big game license containing elk and the damage elk second tag.

(2)(a) It is unlawful to possess a second elk transport tag except as authorized by this section.

(b) Violation of this subsection is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

AMENDATORY SECTION (Amending WSR 09-09-083, filed 4/15/09, effective 5/16/09)

WAC 232-12-055 Hunting—Hunter orange clothing requirements. (1) Except as authorized in subsection ~~((5))~~ (6) of this section, it is unlawful to hunt upland birds or rabbits during any upland game bird season unless the hunter is wearing fluorescent hunter orange clothing.

(2) It is unlawful to hunt deer or elk during all modern firearm general seasons in any manner unless the hunter is wearing fluorescent hunter orange clothing.

(3) All modern firearm permit holders must wear fluorescent hunter orange clothing.

(4) All master hunters must wear fluorescent hunter orange clothing during all deer and elk hunting seasons that allow the use of modern firearms, except as authorized by department permit.

(5) It is unlawful to hunt bear, cougar, bobcat, raccoon, fox, coyote, rabbit, forest grouse or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

~~((5))~~ (6) Persons who are hunting upland game birds during an upland game bird season with a muzzleloading firearm, bow and arrow or falconry are not required to wear fluorescent hunter orange clothing.

~~((6))~~ (7) Wearing fluorescent hunter orange clothing means: A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

~~((7))~~ (8) A violation of this section is an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending WSR 12-06-008, filed 2/24/12, effective 3/26/12)

WAC 232-28-294 Multiple season big game permits.

The commission may, by rule, offer permits for hunters to hunt deer or elk during more than one general season.

An annual drawing will be conducted by the department for multiple season permits.

(1) Multiple season big game hunting permit applications:

(a) To apply for multiple season big game hunting season permits for deer or elk, applicants must purchase a permit application.

(b) No refunds or exchanges for applications will be made for persons applying for multiple season big game hunting season permits after the application has been submitted.

(c) An applicant may purchase only one application for a multiple season big game hunting season permit for each species.

(d) Permits will be randomly drawn by computer selection.

(e) Incomplete applications will not be accepted.

(f) The department will establish application and drawing dates.

(2) The bag limit for this permit is one deer or elk.

(3) Multiple season permits:

(a) Hunters who are drawn will be required to purchase their original deer or elk license, corresponding to their permit, and the multiple season big game permit.

(b) Successful applicants will be allowed to purchase their permit at any time prior to ~~((September))~~ August 1st.

(c) The permits are not transferable.

(d) Permits not purchased by successful applicants prior to August 1st may be sold at the discretion of the department on a first-come, first-served basis.

(4) Permit holders are required to follow all rules and restrictions for general season hunters within the game management unit or area hunted.

Number of Permits	Dates	Game Management Units (GMUs)	Legal Animal	Eligible Hunters
Multiple Season Deer Permits				
8500	Sept. 1 - December 31 within general seasons and regulations established by the commission for deer	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal deer consistent with the game management unit or area restrictions	Any licensed deer hunter
50	Sept. 1 - December 31 within general seasons and regulations established by the commission for deer	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal deer consistent with the game management unit or area restrictions	Hunter education instructors meeting qualifications and selection criteria established by the department
Multiple Season Elk Permits				
1000	Sept. 1 - December 31 within general seasons and regulations established by the commission for elk	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal elk consistent with the game management unit or area restrictions	Any licensed elk hunter
25	Sept. 1 - December 31 within general seasons and regulations established by the commission for elk	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal elk consistent with the game management unit or area restrictions	Hunter education instructors meeting qualifications and selection criteria established by the department

WSR 15-10-066
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 15-99—Filed May 1, 2015, 12:53 p.m., effective June 1, 2015]

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

Purpose: WAC 232-28-286 2016, 2017, and 2018 Spring black bear seasons and regulations, this rule making establishes the 2016, 2017, and 2018 Spring black bear seasons. The purpose is to: (1) Reduce tree damage by bears in western Washington; (2) disperse harvest geographically and reduce female harvest in southeastern Washington; and (3) reduce nuisance and damage activity in northeastern and southwestern Washington, while maintaining long-term sustainable populations in each Black Bear Management Unit (BBMU), except Puget Sound and Columbia Basin BBMUs. The anticipated effects of the rule are continued recreational harvest opportunities similar to 2013-2015 levels and long-term sustainable bear populations.

WAC 232-28-288 2015-2017 Fall black bear hunting seasons and regulations, this rule making establishes the 2015, 2016, and 2017 Fall black bear seasons. The purpose is to provide recreational harvest opportunities for black bear, while maintaining long-term sustainable populations in each BBMU, except Puget Sound and Columbia Basin BBMUs. The anticipated effects of the rule are to maintain recreational harvest trends similar to 2012-2014 levels. The anticipated effect to the bear population is a long-term sustainable bear population statewide.

WAC 232-28-297 2015-2016, 2016-2017, and 2017-2018 Cougar hunting seasons and regulations, this rule making establishes the 2015-2016, 2016-2017, and 2017-2018 Cougar hunting seasons. The proposal establishes hunt areas and associated harvest guidelines for the entire state (except Columbia Basin and Puget Sound Cougar Management Units). The harvest guideline represents a sustainable twelve to sixteen percent harvest rate for each hunt area. The anticipated effects to the cougar population are to maintain a stable population and to maintain an adequate age structure for cougar populations equally distributed across the state.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-286, 232-28-288, and 232-28-297.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240.

Adopted under notice filed as WSR 15-04-085 on February 2, 2015.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-28-286, addition of superscript "d" to Hunt Name "Long Beach" in table displaying Hunt Areas, Permit Levels, and Season Dates for Each License Year. This change clarifies that the Long Beach area is a firearm restriction area.

Change superscript "b" from "Private lands; access is extremely limited; firearm restriction area. If you cannot secure access to private lands, do not apply for these hunts." to "Mostly private lands; access is extremely limited. Please secure access prior to applying for these hunts." In the table displaying Hunt Areas, Permit Levels, and Season Dates for Each License Year. This change clarifies that most of the hunt area is private lands and that hunters need to gain per-

mission from landowners prior to hunting. Additionally, the change removes the firearm restriction area reference for the entire area because only GMU 684 (Long Beach) is a firearm restriction area.

Addition of superscript "d" to the bottom of table, reading "d Firearm restriction area." in the table displaying Hunt Areas, Permit Levels, and Season Dates for Each License Year. This change is needed because GMU 684 (Long Beach) is a firearm restriction area.

WAC 232-28-297, changed the harvest guideline in fourteen hunt areas as follows:

- For GMU 101 change the harvest guideline from 7-9 to 10-12.
- For GMU 105 change the harvest guideline from 2 to 2-3.
- For GMUs 108 and 111 change the harvest guideline from 5-6 to 7-8.
- For GMU 113 change the harvest guideline from 4-6 to 6-8.
- For GMU 117 change the harvest guideline from 6-8 to 8-10.
- For GMU 121 change the harvest guideline from 5-6 to 6-8.
- For GMUs 149, 154, 162, and 163 change the harvest guideline from 4-6 to 6-7.
- For GMUs 145, 166, 175, and 178 change the harvest guideline from 3-4 to 5-6.
- For GMUs 169, 172, 181, and 186 change the harvest guideline from 3-4 to 4-5.
- For GMU 204 change the harvest guideline from 6-8 to 9-11.
- For GMUs 218 and 231 change the harvest guideline from 4-6 to 6-7.
- For GMUs 242 and 243 change the harvest guideline from 4-6 to 6-7.
- For GMUs 249 and 251 change the harvest guideline from 5-6 to 7-8.
- For GMUs 328, 329, and 335 change the harvest guideline from 6-8 to 8-10.

The purpose of the change was to increase the harvest guideline from twelve to sixteen percent of the cougar population (excluding kittens) to seventeen to twenty-one percent in hunt areas that overlap known wolf packs.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

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

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

Date Adopted: April 10, 2015.

Brad Smith, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 13-11-078, filed 5/16/13, effective 6/16/13)

WAC 232-28-286 ((2013, 2014, and 2015)) 2016, 2017, and 2018 Spring black bear seasons and regula-

tions. It is unlawful to fail to comply with the provisions of this section. A violation of this section is punishable under RCW 77.15.410, 77.15.245, ~~((and))~~ or 77.15.280, depending on the circumstances of the violation.

Who May Apply: Anyone with a valid Washington big game license, which includes black bear as a species option.

Hunt Areas, Permit Levels, and Season Dates for Each License Year:

Hunt Name	Hunt Area	Permits ^a	Season Dates ^b
Sherman	GMU 101	((25)) 50	April 1 - June 15
Kelly Hill	GMU 105	((25)) 50	April 1 - June 15
Douglas	GMU 108	((20)) 40	April 1 - June 15
Aladdin	GMU 111	((25)) 50	April 1 - June 15
49 Degrees North	GMU 117	((50)) 100	April 1 - June 15
Huckleberry	GMU 121	((50)) 100	April 1 - June 15
Blue Creek	GMU 154	15	April 15 - May 31
Dayton	GMU 162	15	April 15 - May 31
Tucannon	GMU 166	5	April 15 - May 31
Wenaha	GMU 169	45	April 15 - June 15
Mt. View	GMU 172	15	April 15 - May 31
Lick Creek	GMU 175	15	April 15 - May 31
Couse	GMU 181	4	April 15 - May 31
Grande Ronde	GMU 186	5	April 15 - May 31
<u>Bear River^b</u>	<u>GMU 681</u>	<u>20</u>	<u>April 15 - May 31</u>
<u>Long Beach^{bd}</u>	<u>GMU 684</u>	<u>20</u>	<u>April 15 - May 31</u>
North Skagit ^c	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, Longview Timber Lands, and Grandy Lake Timber company.	30	April 15 - June 15
Monroe ^c	That portion of GMU 448 that is designated as the hunt area by DNR, Campbell Group, and Longview Timber Lands.	25	April 15 - June 15
Copalis((#))	That portion of GMU 642 that is designated as the hunt area by Rayonier Timber Company.	100	April 15 - June 15
Kapowsin((*)) ^c	That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management and International Forestry.	150	April 15 - June 15
((Lincoln^a	That portion of GMU 501 that is designated as the hunt area by participating commercial timber landowners.	75	April 15 - June 15))

^a((Spring black bear hunting seasons under this area constitute a pilot program to reduce black bear damage to trees.)) Permits are valid for the license year they are issued.

^b((Permits are valid for the license year they are issued.)) Mostly private lands; access is extremely limited. Please secure access prior to applying for these hunts.

^cSpring black bear hunting seasons to reduce black bear damage to trees.

^dFirearm restriction area.

Bag Limit: One black bear per black bear special permit season.

License Required: A valid big game hunting license, which includes black bear as a species option, is required to hunt

black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for

hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

AMENDATORY SECTION (Amending WSR 12-12-006, filed 5/23/12, effective 6/23/12)

WAC 232-28-288 ((2012-2014)) 2015-2017 Fall black bear hunting seasons and regulations. It is unlawful to fail to comply with the provisions below. ~~((Violators may be punished))~~ A violation of this section is punishable under RCW 77.15.410, 77.15.245, ~~((and))~~ or 77.15.280 (1)(c).

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15, ((2012)) <u>2015</u> Aug. 1 - Nov. 15, ((2013)) <u>2016</u> Aug. 1 - Nov. 15, ((2014)) <u>2017</u>	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15, ((2012)) <u>2015</u> Aug. 1 - Nov. 15, ((2013)) <u>2016</u> Aug. 1 - Nov. 15, ((2014)) <u>2017</u>	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15, ((2012)) <u>2015</u> Aug. 1 - Nov. 15, ((2013)) <u>2016</u> Aug. 1 - Nov. 15, ((2014)) <u>2017</u>	GMUs 418-450, 460
South Cascades	Aug. 15 - Nov. 15, ((2012)) <u>2015</u> Aug. 15 - Nov. 15, ((2013)) <u>2016</u> Aug. 15 - Nov. 15, ((2014)) <u>2017</u>	GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 15 - Nov. 15, ((2012)) <u>2015</u> Aug. 15 - Nov. 15, ((2013)) <u>2016</u> Aug. 15 - Nov. 15, ((2014)) <u>2017</u>	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15, ((2012)) <u>2015</u> Aug. 1 - Nov. 15, ((2013)) <u>2016</u> Aug. 1 - Nov. 15, ((2014)) <u>2017</u>	GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578

Black Bear Management Unit	Season	Hunt Area
Northeastern A	Sept. 1 - Nov. 15, ((2012)) <u>2015</u> Sept. 1 - Nov. 15, ((2013)) <u>2016</u> Sept. 1 - Nov. 15, ((2014)) <u>2017</u>	GMUs 101-121, 204
Northeastern B	Aug. 15 - Nov. 15, ((2012)) <u>2015</u> Aug. 15 - Nov. 15, ((2013)) <u>2016</u> Aug. 15 - Nov. 15, ((2014)) <u>2017</u>	GMUs 124-130
Blue Mountains	Sept. 1 - Nov. 15, ((2012)) <u>2015</u> Sept. 1 - Nov. 15, ((2013)) <u>2016</u> Sept. 1 - Nov. 15, ((2014)) <u>2017</u>	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15, ((2012)) <u>2015</u> Aug. 1 - Nov. 15, ((2013)) <u>2016</u> Aug. 1 - Nov. 15, ((2014)) <u>2017</u>	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
Long Island	Sept. 1 - Nov. 15, ((2012)) <u>2015</u> Sept. 1 - Nov. 15, ((2013)) <u>2016</u> Sept. 1 - Nov. 15, ((2014)) <u>2017</u>	GMU 699

Bag Limit: Two (2) black bear per annual hunting season, only one of which may be taken in Eastern Washington.

Area Restriction: Special deer permit required to hunt black bear in GMU 485.

License Required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

AMENDATORY SECTION (Amending WSR 13-16-056, filed 8/1/13, effective 9/1/13)

WAC 232-28-297 ((2012-2013, 2013-2014, and 2014-2015)) 2015-2016, 2016-2017, and 2017-2018 Cougar hunting seasons and regulations. (1) As used in this section and in the context of general cougar hunting seasons, "harvest guideline" means the estimated allowable harvest; the actual harvest may be less than or more than the harvest guideline.

(2) General cougar season is September 1 to April 30 of the following year. Season dates and harvest guidelines for each (license year) season:

Hunt Area	Harvest Guideline	Early Hunting Season	Late Hunting Season	Legal Weapon
GMU 101	((7-9)) <u>10-12</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU 105	((2)) <u>2-3</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 108, 111	((5-6)) <u>7-8</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU 113	((4-6)) <u>6-8</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU 117	((6-8)) <u>8-10</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU 121	((5-6)) <u>6-8</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 124, 127, 130	7-9	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 133, 136, 139, 142, 248, 254, 260, 262, 266, 269, 272, 278, 284, 290, 330, 334, 371, 372, 373, 379, 381	None	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 149, 154, 162, 163	((4-6)) <u>6-7</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 145, 166, 175, 178	((3-4)) <u>5-6</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 169, 172, 181, 186	((3-4)) <u>4-5</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU 203	4-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 204	((6-8)) <u>9-11</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 209, 215	4-5	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 218, 231	((4-6)) <u>6-7</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU 224	2-3	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 233, 239	3-4	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 242, 243	((4-6)) <u>6-7</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 244, 246, 247	5-6	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 245, 250	5-6	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon

Hunt Area	Harvest Guideline	Early Hunting Season	Late Hunting Season	Legal Weapon
GMUs 249, 251	((5-6)) <u>7-8</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 328, 329, 335	((6-8)) <u>8-10</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 336, 340, 342, 346	5-7	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 352, 356, 360, 364, 368	5-7	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 382, 388	3-4	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU 407	None	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 418, 426, 437	11-15	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 448, 450	9-13	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU 454	None	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU 460	5-7	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 466, 485, 490	2-3	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 501, 504, 506, 530	7-10	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 503, 505, 520, 550	6-8	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 510, 513	3-4	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU 516	3-5	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 524, 554, 556	3-4	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU 560	5-6	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMU((s)) 564((, 568))	((3-4)) <u>2-3</u>	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
<u>GMU 568</u>	<u>2-3</u>	<u>Sept. 1 - Dec. 31</u>	<u>Jan. 1 - Apr. 30</u>	<u>Any Legal Weapon</u>
GMU 572	3-4	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 574, 578	3-5	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 601, 602, 603, 612	5-7	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 607, 615	4-5	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon
GMUs 618, 636, 638	4-5	Sept. 1 - Dec. 31	Jan. 1 - ((Mar. 31)) <u>Apr. 30</u>	Any Legal Weapon

Hunt Area	Harvest Guideline	Early Hunting Season	Late Hunting Season	Legal Weapon
GMUs 621, 624, 627, 633	None	Sept. 1 - Dec. 31	Jan. 1 - (Mar. 31) <u>Apr. 30</u>	Any Legal Weapon
GMUs 642, 648, 651	6-8	Sept. 1 - Dec. 31	Jan. 1 - (Mar. 31) <u>Apr. 30</u>	Any Legal Weapon
GMUs 652, 666	None	Sept. 1 - Dec. 31	Jan. 1 - (Mar. 31) <u>Apr. 30</u>	Any Legal Weapon
GMUs 653, 654	4-6	Sept. 1 - Dec. 31	Jan. 1 - (Mar. 31) <u>Apr. 30</u>	Any Legal Weapon
GMUs 658, 660, 663, 672, 673, 681, 684, 699	9-12	Sept. 1 - Dec. 31	Jan. 1 - (Mar. 31) <u>Apr. 30</u>	Any Legal Weapon
GMU 667	3-4	Sept. 1 - Dec. 31	Jan. 1 - (Mar. 31) <u>Apr. 30</u>	Any Legal Weapon

(a) In hunt areas with a harvest guideline, (~~the director may close~~) the cougar late hunting season may close on or after January 1st in one or more GMUs if cougar harvest meets or exceeds the guideline.

(b) In hunt areas with a harvest guideline, starting January 1st, cougar hunters may hunt cougar from January 1st until the hunt area harvest guideline has been met (~~and the director has closed the cougar late hunting season~~), and the department has notified licensed cougar hunters by posting the hunt area closure on the departments web site and on the toll-free cougar hunting hotline, or ((March 31st)) April 30th, whichever occurs first.

(3) Harvest guideline system:

(a) All cougar killed by licensed hunters during the early and late hunting seasons, and seasons authorized under WAC 232-12-243 shall be counted toward the harvest guideline.

(b) Individual problem cougar will continue to be killed on an as-needed basis utilizing depredation permits, landowner kill permits, and WDFW depredation authority regardless of harvest guidelines.

(c) It is each cougar hunter's responsibility to verify if the cougar late hunting season is open or closed in hunt areas with a harvest guideline. Cougar hunters can verify if the season is open or closed by calling the toll-free cougar hunting hotline or visiting the department's web site.

(4) Cougar hunting season requirements and special restrictions.

(a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

(b) The statewide bag limit is one (1) cougar per license year; excluding removals authorized under WAC 232-12-243. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

(c) The use of dogs to hunt cougar is prohibited; except by a commission authorized permit (WAC 232-12-243).

(d) Any person who takes a cougar must comply with the notification and sealing requirements in WAC 232-12-024.

(e) A special cougar permit is required to hunt cougar in GMU 485.

WSR 15-10-069
PERMANENT RULES
CHARTER SCHOOL COMMISSION
[Filed May 1, 2015, 3:47 p.m., effective June 1, 2015]

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

Purpose: Reduces the number of hardcopy applications charter school applicants need [to] deliver to the commission during the commission's annual request for proposals from ten to five application hardcopies, and increases the number of days said hardcopies are to be delivered to the commission offices from five to ten business days.

Citation of Existing Rules Affected by this Order: Amending WAC 108-20-030 (4)(a).

Statutory Authority for Adoption: RCW 28A.710.070.

Adopted under notice filed as WSR 15-04-048 on January 29, 2015.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

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

Date Adopted: May 1, 2015.

Colin Pippin-Timco
Executive Assistant

AMENDATORY SECTION (Amending WSR 13-18-017, filed 8/23/13, effective 9/23/13)

WAC 108-20-030 Application submission. (1) All applications, whether for an original charter, a modification of a charter, or the renewal of a charter shall be made on

forms approved by the commission or through the online platform.

(2) An electronic version of the application through the online platform must be received by the commission by the application dead-line in order for the application to be considered.

(3) After receipt of the electronic application, the commission or its designee will review the application for completeness. If the review reveals that information is missing, the applicant will be contacted and granted twenty-four hours to provide the missing information.

(4)(a) Once an application is deemed complete, the applicant will be notified via e-mail and will be required to submit ~~((ten))~~ five hard copies of the application. The hard copies of the application shall be identical in all respects to the content found in the application submitted through the online platform.

(b) The hard copies of the application must be submitted in person or through the U.S. Postal Service within ~~((five))~~ ten business days of the application being deemed complete. In-person delivery will be due by 5:00 p.m. Pacific time on the fifth business day. Mailed applications must be post-marked by the fifth business day.

(5) In order for an application to be eligible for review, it must be received by the commission by the stated deadline and pass the completeness check or timely satisfy any completeness requests. Applications that are not received by the deadline or do not pass the completeness check or do not satisfy completeness requests will not be evaluated.

WSR 15-10-070

PERMANENT RULES

CHARTER SCHOOL COMMISSION

[Filed May 1, 2015, 3:48 p.m., effective June 1, 2015]

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

Purpose: Removes language from WAC 108-03-02 [108-03-020] (3)(a) regarding the charter school commission's (commission) performance framework's evaluation of student academic literacy in history/social studies/civic education, technical subjects, and advanced proficiency measurements in English language arts and literacy in history/social studies/civic education.

Removes language from WAC 108-03-03 [108-03-020] (3)(d) regarding the commission's performance framework's evaluation of student performance and participation on the American college testing (ACT) or scholastic assessment test (SAT).

Citation of Existing Rules Affected by this Order: Amending WAC 108-30-020 (3)(a) and (d).

Statutory Authority for Adoption: RCW 28A.710.070.

Adopted under notice filed as WSR 15-04-053 on January 29, 2015.

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

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

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

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

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

Date Adopted: May 1, 2015.

Colin Pippin-Timco
Executive Assistant

AMENDATORY SECTION (Amending WSR 13-18-017, filed 8/23/13, effective 9/23/13)

WAC 108-30-020 Performance framework. (1) "Performance framework" means the standards that will be used by the commission to evaluate the performance of each charter school. The performance framework will be a source of information used by the commission to make decisions involving corrective action, renewal, modification, revocation, and/or termination of a charter school.

(2) The performance framework evaluates charter school performance and compliance in the areas of academic, financial, organizational, legal and mission specific performance and compliance. The commission will develop and post performance framework guidance for charter schools on the commission web site.

(3) Academic performance and compliance. Academic performance and compliance measures whether the charter school meets or is making sufficient progress towards academic performance expectations. Academic performance and compliance includes, but is not limited to:

(a) Student achievement. Evaluation of student achievement includes evaluation of student academic proficiency in English language arts ~~((and literacy in history/social studies/civic education))~~, science, and ~~((technical subjects, and))~~ mathematics; ~~((advanced proficiency measurements in English language arts and literacy in history/social studies/civic education, science and technical subjects, and mathematics;))~~ evaluation of student achievement gaps in both proficiency and growth. In addition to overall data, this information must be disaggregated by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(b) Comparative performance. Comparative performance is evaluated by comparing charter school students' performance on required state and federal assessments to performance of students in traditional public schools and charter schools with similar demographics. This is a comparison of overall student performance in English language arts (reading and writing), math, and science, as well as any other subjects that will in the future be tested. To the extent data is available comparison schools may include, but are not limited to, district-of-residence schools and peer or comparable schools whether charter or noncharter. As additional data for compar-

isons become available, the comparative performance evaluation will be adjusted. In addition to aggregate data, when available, this information must be disaggregated by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(c) Student progress. Student progress is evaluated using the school's median student growth percentile in reading and mathematics. As additional growth-related data become available, this evaluation will be adjusted. In addition to aggregate data, when available, this information must be disaggregated by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(d) Post secondary readiness (high school evaluation). Evaluation of post secondary readiness includes ~~((evaluation of students' performance and participation on American College Testing (ACT) or Scholastic Assessment Test (SAT);))~~ overall graduation rates in accordance with the state of Washington reporting requirements; comparison of charter school to district-of-residence graduation rates; comparison of charter school to peer or similar school graduation rates; and enrollment in post secondary institutions. As additional comparison data such as dual credit accrual, industry certification, 11th grade assessments, or others, become available, this evaluation will be adjusted. In addition to aggregate data, this information must be disaggregated by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(e) State and federal accountability. Evaluation of the charter school's compliance with state and federal accountability rules, regulations, and laws and whether the school has met the targets set forth by the state accountability system including, but not limited to, provision of basic education, instruction in the essential academic learning requirements, statewide student assessments, performance improvement goals. In addition to overall data, this information must be disaggregated by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(f) Mission specific accountability. Evaluation of whether the charter school has met mission specific goals identified in its contract.

(4) Financial performance and compliance. Financial performance and compliance measures the financial health and viability of a charter school. Financial performance and compliance includes, but is not limited to:

(a) Near term indicators. Evaluation of financial performance and compliance includes evaluation of charter school's assets and liabilities, available cash; actual enrollment as compared to enrollment projection and associated budget; loan and grant status.

(b) Sustainability indicators. Evaluation of sustainability indicators includes evaluation of net income and revenue; debt to asset ratio; cash flow; debt service ratio.

(c) Audit and accounting indicators. Evaluation of audit and accounting indicators includes evaluation of the charter school's compliance with generally accepted accounting principles; audit results and findings, if any.

(5) Organizational performance and compliance. Organizational performance and compliance measures compliance with specific terms and provisions of the charter contract and state and federal legal requirements. Organizational performance and compliance includes, but is not limited to:

(a) Education program. Evaluation of the education program includes evaluation of the charter school's education program in terms of compliance with specific performance expectations set forth in the charter contract; compliance with requirements of local education agencies and public schools under those federal laws and regulations including, but not limited to, compliance with the Individuals With Disabilities Education Act, the Rehabilitation Act, the Federal Educational Rights Privacy Act, the Elementary And Secondary Education Act, McKinney-Vento Act, and any other applicable education laws or regulations.

(b) Charter school law compliance. Evaluation of charter school law compliance includes evaluation of the charter school's compliance with chapter 28A.710 RCW. This includes review of policies and practices related to admissions, waiting lists, recruitment, security and privacy.

(c) Safety and welfare compliance. Evaluation of student and employee compliance includes evaluation of the charter school's compliance with laws concerning employment of faculty and staff including, but not limited to, certification requirements and background checks; evaluation of student and employee disciplinary policies and procedures and application of associated legal and constitutional protections; evaluation of compliance with health and safety laws and regulations.

(d) Board performance and stewardship. Evaluation of board performance and stewardship will include evaluation of compliance with all applicable laws, rules, and terms of the charter contract as well as willingness and skill in identifying issues with management of the school and taking corrective action and in implementing any corrective actions imposed by the commission.

(e) Student involvement and retention. Evaluation of student involvement and retention will include evaluation of attendance and recurrent enrollment.

(f) Mission specific accountability. Evaluation of whether the charter school has met mission specific goals identified in its contract including, but not limited to, proactive public engagement in student recruitment and demonstrated execution of a mission appropriate enrollment plan.

(6) Other. The commission may also include additional rigorous, valid, and reliable indicators to augment evaluations of the charter school's performance.

WSR 15-10-090

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 6, 2015, 6:37 a.m., effective June 6, 2015]

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

Purpose: Chapter 16-461 WAC, Inspection requirements for fruit and vegetables, rules on this chapter are being amended and new sections are being added to promote clarity

regarding exemptions, shipping permits, certificates of compliance, compliance agreements, and penalties for violations.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-461-015; and amending WAC 16-461-006 and 16-461-010.

Statutory Authority for Adoption: RCW 15.17.030, [15.17.]050, [15.17.]060.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 15-07-099 on March 17, 2015.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 2, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 2, Repealed 1.

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

Date Adopted: May 6, 2015.

Kirk Robinson
Acting Deputy Director

AMENDATORY SECTION (Amending WSR 92-18-103, filed 9/2/92, effective 10/3/92)

WAC 16-461-006 Definitions. ~~((+))~~ "Certificate of compliance" means a shipping document issued by the fruit and vegetable industry attesting that the identified fruits or vegetables are known to be in full compliance with provisions of chapter 15.17 RCW. The member of the fruit and vegetable industry issuing the certificate of compliance has the sole responsibility of fairly and accurately representing the quality and quantity of fruits and vegetables listed on the certificate of compliance.

"Civil penalty" means a monetary penalty administratively issued by the director for noncompliance with chapter 15.17 RCW and the rules adopted under that chapter. The term does not include any criminal penalty, damage assessment, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

"Commercial lot" ~~((shall))~~ means any number ~~((of any))~~ and type of containers or any quantity in bulk of agricultural products listed in WAC 16-461-010, which are sold or bartered ~~((: Provided, That quantities))~~. Any quantity of less than five hundred pounds net weight, when grown and sold by ~~((any))~~ the producer ~~((where grown by the producer and sold))~~ directly to the ultimate consumer, ~~((shall))~~ is not ~~((be))~~ considered ~~((as))~~ a commercial lot.

~~((2))~~ Fruit/produce) "Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of the Washington state department of agriculture or the director's designated representative.

"First violation" means the alleged violator has committed no same or similar violation within three years of committing the current alleged act(s).

"Fruit or vegetable stand ~~((s, as used in this chapter, shall))~~" means any ~~((facilities))~~ facility from which ~~((the predominance of the edible commodity sales to the public are of))~~ seasonal fresh fruits ~~((and/or))~~ or vegetables produced within the state of Washington ~~((, and shall))~~ are sold to the public. Fruit or vegetable stand includes roadside stands, farmer's markets, trucks or other conveyances ~~((from which sales of commodities are made,))~~ and temporary open air parking lot stands other than those owned or operated by retail grocery stores. Such facilities may or may not be owned, leased, or otherwise operated by the producer of the fruits ~~((and/or))~~ or vegetables.

~~((3))~~ "Notice of correction" means a document issued by the department that describes a violation under chapter 15.17 RCW or the rules adopted under that chapter. A notice of correction identifies a violation but is not a formal enforcement action. It is not subject to appeal and is a public record. A violation identified in a notice of correction can be a "first violation" even though not subject to a civil penalty if the correction requirements are met.

"Second violation" means the alleged violator committed one same or similar violation within three years of committing the current violation.

"Shipping permit" means a shipping document issued by the director attesting that the fruits or vegetables are known to be in compliance with the provisions of chapter 15.17 RCW and this chapter.

"Third violation" means the alleged violator committed two same or similar violations within three years of committing the current violation.

"Violation" means commission of an act or acts prohibited by chapter 15.17 RCW, this chapter, or rules adopted under chapter 15.17 RCW. Failure to perform any act required by chapter 15.17 RCW, this chapter, or rules adopted under chapter 15.17 RCW is a violation.

"Zone of production" ~~((shall be defined as one of two geographical areas:))~~ means for Zone 1 ~~((:))~~ all counties west of the Cascade Mountain Range ~~((:))~~ and for Zone 2 ~~((:))~~ the following counties ~~((:))~~: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

AMENDATORY SECTION (Amending WSR 09-10-047, filed 5/1/09, effective 6/1/09)

WAC 16-461-010 ~~((Inspection certificate and/or permit required:))~~ Certificate of compliance and shipping permit requirements. ~~((+))~~ No person ~~((shall))~~ may ship, transport, accept for shipment, or accept delivery of ~~((:))~~ any commercial lot of ~~((the following agricultural products without an inspection and the issuance of a certificate and/or a permit by the commodity inspection division of the depart-~~

ment of agriculture allowing such shipment, movement or delivery:

(a) ~~Apricots in closed or open containers for fresh market.~~

(b) ~~Italian prunes in closed or open containers for fresh market.~~

(c) ~~Peaches in closed or open containers for fresh market.~~

(d) ~~Cherries in closed or open containers for fresh market. No permit will be issued on cherries infested with live cherry fruit fly larvae.~~

(e) ~~Apples in closed or open containers for fresh market.~~

(f) ~~Apples may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of apples having the approval of the director to issue the certificates of compliance.~~

(g) ~~Pears in closed or open containers for fresh market. Pears may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of pears having the approval of the director to issue the certificates of compliance.~~

(h) ~~Asparagus in closed or open containers for fresh market. Asparagus may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of the asparagus having the approval of the director to issue the certificates of compliance.~~

(i) ~~Apples in containers or bulk, for processing.~~

(i) ~~Apples for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance.~~

(ii) ~~Apples for processing entering in-state commerce do not require a permit.~~

(j) ~~Pears in containers or bulk, for processing.~~

(i) ~~Pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance.~~

(ii) ~~Pears for processing entering in-state commerce do not require a permit.~~

(2) ~~Fruits and vegetables listed in WAC 16-461-010 are exempted from requirements for inspection and issuance of a certificate or permit:~~

(a) ~~When the product is being transported from the premises where grown or produced to a horticultural facility other than wholesale or retail for the purpose of storing, grading, packing, packaging, labeling, or processing prior to entering commercial channels for resale.~~

(b) ~~When sold or transported to a fruit/produce stand within the zone of production, not to exceed daily quantities of two thousand pounds net weight of a single commodity nor six thousand pounds net weight of any combination of commodities other than cherries, listed in subsection (1) of this section, when on a single conveyance. Exempt sales by the producer within a farmer's market shall not be restricted to the zone of production.~~

(c) ~~When daily quantities do not exceed one hundred pounds net weight of dark or light sweet varieties of sweet cherries sold for home use and not for resale, and the containers are marked "not for resale" in letters at least one-half inch in height.~~

(3)(a) ~~Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. The director may issue certificate of compliance agreements, granting authority, on terms and conditions that the director deems appropriate. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.~~

(b) ~~The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so.~~

(i) ~~Apples, pears, cherries, and asparagus about to be shipped or transported must be in full compliance with the requirements of chapter 15.17 RCW, Standards of grades and packs, rules adopted under chapter 15.17 RCW, and administrative directives of the director.~~

(ii) ~~Apricots, cherries, peaches, prunes, or pears about to be shipped or transported must be in full compliance with an existing federal marketing order requiring quality and condition certification and Washington state lot identification or federal state lot identification.~~

(iii) ~~Cherries of the dark sweet varieties must be certified as to quality, condition, and size and shall meet all of the requirements of chapter 16-414 WAC, Washington standards for cherries. Cherries of the Rainier variety or other varieties of "light colored sweet cherries" must meet only the requirements of WAC 16-414-005 "mature" and WAC 16-414-011(3) size requirement.~~

(e) ~~The director's approval to issue certificates of compliance may be suspended, revoked, or denied for cause, subject to RCW 34.05.422(3). Cause shall be the shipper's or packer's failure to comply with the requirements of subsection (3)(b) of this section, or for the shipper's or packer's actions which impede the department's abilities to ascertain full compliance with requirements of chapter 15.17 RCW, Standards of grades and packs, or rules adopted under chapter 15.17 RCW, or for violation of the terms of the certificate of compliance agreement. The period of any suspension will be determined by the director and will be commensurate with the seriousness of the violation.~~

(d) ~~Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director will be subject to those provisions of chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.~~

(e) ~~Certificates of compliance must be on forms approved and issued by the director of agriculture.~~

(f) ~~Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture the regular base fee equivalent to that charged by the director for a shipping permit for each certificate of compliance issued by the authorized shipper or packer. The base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.) apples, apricots, asparagus, Italian prunes, peaches, pears, or sweet cherries for which a certificate of compliance or a shipping permit has not been issued, except that apples and pears for processing~~

entering in-state commerce are not required to have a certificate of compliance or shipping permit issued.

NEW SECTION

WAC 16-461-020 Exempt fruit and vegetables. Fruit and vegetables listed in WAC 16-461-010 are exempt from the requirements of this chapter when:

(1) The product is being transported from the premises where grown or produced to a facility other than wholesale or retail for the purpose of storing, grading, packing, packaging, labeling, or processing prior to entering commercial channels for resale.

(2) The product is sold or transported on a single conveyance to a fruit or vegetable stand within the zone of production, not exceeding daily quantities of two thousand pounds net weight of a single commodity or six thousand pounds net weight of any combination of commodities other than cherries. Sales by the producer from a fruit or vegetable stand are not restricted to the zone of production.

(3) Daily quantities do not exceed one hundred pounds net weight of sweet cherry varieties sold for home use and not for resale, and the containers are marked "not for resale" in letters at least one-half inch in height.

NEW SECTION

WAC 16-461-030 Cherries infested with Western cherry fruit fly. Cherries in any type of containers for fresh market may not be shipped if infested with live Western cherry fruit fly (*Rhagoletis indifferens*) larvae as prohibited under WAC 16-463-010. The exemptions in WAC 16-461-020 do not apply to this section.

NEW SECTION

WAC 16-461-040 Compliance with federal marketing order or state requirements. Prior to shipment, fruits and vegetables must meet the applicable federal marketing order requirements or Washington state requirements specific to each commodity. Containers must be marked at time of certification with a Washington state lot identification, a federal-state lot identification, or an identification method approved by the director.

NEW SECTION

WAC 16-461-050 Certificate of compliance agreements and issuance of certificates of compliance. (1) A shipper or packer of apples, apricots, asparagus, Italian prunes, peaches, pears, or sweet cherries may petition the director for authority to issue certificates of compliance for each season. Under RCW 15.17.143, the director may issue certificate of compliance agreements under terms and conditions provided in this section. The authority granted to the applicant is limited to the identified commodities handled under the applicant's direct control or handled at the shipper's or packer's facilities. A compliance agreement will include technical provisions appropriate for the certificate of compliance activities, provisions for the applicant's requests for service from the department, and the following conditions:

(a) The applicant must grant the director the right of entry to its facilities as provided under RCW 15.17.190;

(b) The applicant must grant the director the right to audit an applicant's certificate of compliance records for the purpose of determining compliance with chapter 15.17 RCW, chapter 16-390 WAC, and this chapter;

(c) The applicant must grant the director the right to request and obtain a yearly total hundredweight (CWT) report to verify the volume of commodities shipped for all certificates of compliance issued by the applicant;

(d) Shipper or packer reports may be verified by WSDA for accurate reporting on certificates of compliance. WSDA may determine that a report may be inaccurate if there is a five percent variance in the reported hundredweight, as verified against historical certificate of compliance data and current crop size data or estimates; and

(e) The applicant must indemnify and hold harmless the director and WSDA for claims related to the applicant's activities related to issuance of certificates of compliance.

(2) Certificates of compliance must be on forms approved and issued by the director.

(3) Any shipper or packer authorized to issue certificates of compliance must deposit with the director the fee required under chapter 16-390 WAC for each certificate.

(4) Apples, apricots, asparagus, Italian prunes, peaches, pears, or sweet cherries about to be shipped or transported must be in full compliance with the applicable requirements of chapter 15.17 RCW, chapter 16-390 WAC, and this chapter as a condition for issuance of a certificate of compliance.

(5) A certificate of compliance will be issued at the time of shipment.

NEW SECTION

WAC 16-461-060 Civil penalty for violations and suspension of compliance agreements for violations. (1) A person who violates the provisions of chapter 15.17 RCW, or the rules adopted under chapter 15.17 RCW including chapter 16-390 WAC and this chapter, may be subject to a civil penalty in an amount of not more than one thousand dollars for each violation. Each violation is a separate and distinct offense. Every person who, through an act of omission, procures, aids, or abets in the violation is in violation of this chapter or its rules and may be subject to the civil penalty provided in this section. A penalty amount will be determined by the director based upon the seriousness of any violation and in consideration of any aggravating or mitigating factors.

(2) A person granted a compliance agreement may be subject to suspension of the agreement for a period not to exceed twelve consecutive months for violation of the provisions of chapter 15.17 RCW, or the rules adopted under chapter 15.17 RCW including chapter 16-390 WAC and this chapter. A period of suspension will be determined by the director based on the seriousness of any violation and in consideration of any aggravating or mitigating factors.

(3) Penalty matrix:

Violation	Penalty/Suspension*
First	Up to \$250 civil penalty and up to 90 day suspension of compliance agreement
Second	Up to \$500 civil penalty and up to 180 day suspension of compliance agreement
Third	Up to \$1,000 civil penalty and up to one year suspension of compliance agreement

* Penalties and suspensions under this subsection are subject to aggravating or mitigating circumstances as noted in subsections (1) and (2) of this section.

(4) Nothing herein shall prevent the director from:

(a) Choosing not to pursue a civil penalty or suspension of a compliance agreement.

(b) Issuing a notice of correction in lieu of pursuing a civil penalty or suspension of a compliance agreement.

(c) Negotiating settlements of cases on such terms and for such reasons as deemed appropriate. Prior violations covered by a prior settlement agreement may be used by the director for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

(d) Referring violations or alleged violations to any federal, state or county authority with jurisdiction over the activities in question including, but not limited to, the United States Department of Agriculture (USDA) and federal, state or local law enforcement agencies.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-461-015 Effective date.

WSR 15-10-091

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 6, 2015, 6:38 a.m., effective June 6, 2015]

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

Purpose: Chapter 16-450 WAC is being amended and new sections are being added to promote clarity regarding controlled atmosphere storage and licensing requirements.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-450-016, 16-450-022, 16-450-024, 16-450-026, 16-450-032, 16-450-040, 16-450-046, 16-450-048, 16-450-050 and 16-450-070; and amending WAC 16-450-005, 16-450-010, 16-450-012, 16-450-014, 16-450-020, 16-450-028, 16-450-042, 16-450-044, and 16-450-060.

Statutory Authority for Adoption: RCW 15.30.050.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 15-07-098 on March 17, 2015.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 9, Repealed 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 9, Repealed 10.

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

Date Adopted: May 6, 2015.

Kirk Robinson
Acting Deputy Director

AMENDATORY SECTION (Amending WSR 04-05-117, filed 2/18/04, effective 3/20/04)

WAC 16-450-005 ((What)) Definitions ((are important to this chapter?)), "CA number" means the controlled atmosphere license number assigned to a facility by the director.

"Certification" means the complete service performed by the director, from inspection through the issuance of any applicable documentation of the results of the inspection.

"Controlled atmosphere storage" means any storage warehouse consisting of one or more rooms, or one or more rooms in any one facility in which atmospheric gases are controlled in their amount and in degrees of temperature for the purpose of controlling the condition and maturity of any fresh fruits or vegetables in order that, upon removal, they may be designated as having been exposed to controlled atmosphere.

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

"Director" means the director of the ((Washington state)) department of agriculture or the director's ((designee)) designated representative. As used in this chapter, WSDA refers to the director unless the context states otherwise.

"Operator" means a person who runs, monitors, and records information for a WSDA licensed controlled atmosphere facility.

"Person" means an individual, firm, partnership, corporation, or association.

(("CA number" means the license number assigned to a facility by the director.))

"Room" means any distinct separate storage area within a controlled atmosphere facility.

AMENDATORY SECTION (Amending WSR 04-05-117, filed 2/18/04, effective 3/20/04)

WAC 16-450-010 ((What are "Controlled atmosphere ((fruits and vegetables?)) designation. ((Con-

controlled atmosphere)) ~~Fruits and vegetables ("are fruits and vegetables that are:~~

(1) ~~Inspected by the director of the Washington state department of agriculture (WSDA) or the director's designee;~~

(2) ~~Stored in containers or subcontainers marked with a CA number and either a dated state lot number or a sequential state lot number; and~~

(3) ~~Identified by a certificate documenting:~~

(a) ~~Their quality and condition;~~

(b) ~~That they have been stored in a CA facility licensed according to the requirements of this chapter; and~~

(c) ~~That they comply with all of the requirements of this chapter)) may be designated controlled atmosphere when they have been stored in a licensed CA storage and have met all the provisions of this chapter. In conjunction with certification by the director that all requirements have been met, all containers or subcontainers will be marked with the letters CA or similar designation, as well as a state lot identification number.~~

AMENDATORY SECTION (Amending WSR 04-05-117, filed 2/18/04, effective 3/20/04)

WAC 16-450-012 (~~Where must the letters "CA" appear?)) Identification of controlled atmosphere fruits and vegetables. (1) The ~~(letters)~~ designation "CA" or (a similar designation must appear)) words "controlled atmosphere" can only be used on containers or subcontainers of fruits or vegetables that comply with the requirements of this chapter.~~

(2) All containers or subcontainers intended for controlled atmosphere storage must be marked with either "WSDA" and "year of production" or a department supplied stamp.

AMENDATORY SECTION (Amending WSR 04-05-117, filed 2/18/04, effective 3/20/04)

WAC 16-450-014 (~~When must)) Requirements for controlled atmosphere fruit ((enter commercial trade channels?)) and vegetables entering commercial trade. (1) Controlled atmosphere (CA) fruits or vegetables must enter commercial trade channels within two weeks following ((a)) CA ((inspection and)) certification.~~

(2) ~~((If the CA fruits and/or vegetables do not enter commercial channels within the two weeks following a CA inspection and certification, they must be reinspected to meet controlled atmosphere conditions and maturity requirements before they are shipped.)) If CA fruits and vegetables are not shipped within two weeks after initial certification, they must obtain a new CA certification to qualify for an additional two-week shipping period.~~

(3) If identification of a previously certified lot can be maintained, a new state lot identification number is not required.

AMENDATORY SECTION (Amending WSR 04-05-117, filed 2/18/04, effective 3/20/04)

WAC 16-450-020 (~~Is a license required to operate or lease a)) Controlled atmosphere ((storage facility in~~

~~Washington state?)) licensing requirements. (1) ~~((Before)) Any person ((can operate or lease)) operating a controlled atmosphere storage ((facility, they)) must obtain a license from the department. ((These are annual licenses that expire each year on August 31.))~~~~

(2) ~~((When the WSDA director issues a)) To apply for an annual controlled atmosphere ((storage facility license, the licensee receives a facility number preceded by the letters "WN CA" or "WA CA."~~

(a) ~~These letters and numbers are the "CA number" of the storage facility.~~

(b) ~~This CA number verifies that the fruits or vegetables meet the requirements for controlled atmosphere storage.~~

(c) ~~This CA number must appear on all containers, after they are certified, in which CA fruits or vegetables are packed.)) operator license. AGR form 6074 must be completed and submitted to the department.~~

(3) The application must be accompanied by a fee of five dollars per controlled atmosphere storage room, with a minimum fee of twenty-five dollars for five rooms or less.

(4) The initial license application must be completed before September 1st of any given year. Once issued, the license is valid for one year and must be renewed each year on or before August 31st.

(5) A license can be renewed after August 31st but such a renewal is considered "late." Late renewals are regulated by RCW 15.30.070, which requires payment for the original license fee plus a late renewal penalty of two dollars and fifty cents.

AMENDATORY SECTION (Amending WSR 04-05-117, filed 2/18/04, effective 3/20/04)

WAC 16-450-028 (~~What requirements affect all licensed)) Controlled atmosphere ((storage)) facility ((operators?)) operator requirements. (1) Every licensed operator ~~((or lessee)) must submit to ((the manager of their local)) WSDA ~~((fruit and vegetable inspection district)) a signed, completed ((copy of WSDA)) form ((6075A (Storage Closing and Inventory Operator) or a form approved by the director whenever they close a CA room in one of their facilities. The completed form must contain)) containing the following information:~~~~~~

(a) Location of the ((room)) storage facility;

(b) Storage room number;

(c) Date the room was closed and sealed; and

(d) Quantity of loose or packed fruit or vegetables in the room identified by variety((; and

(e) Quantity of packed fruit in the room identified by variety)).

(2) Every licensed operator ~~((or lessee)) must, at least once a day, record the following information on a form approved by the director:~~

(a) The percentage of carbon dioxide and oxygen inside the sealed storage ((area)) room;

(b) The temperature inside the sealed storage ((area)) room; and

(c) The time ~~((the percentages and temperature)) and date readings were ((measured)) recorded for both the air components and temperatures.~~

~~(3) ((WSDA fruit and vegetable inspectors have the right)) The director has the authority to audit ((the forms required in this section. Upon completing an audit, the inspector must report their audit results on WSDA form 6076 (Audit of Daily Log) or a form approved by the director)) and report the results of the controlled atmosphere records.~~

~~(4) ((All Standard and Red Delicious apple varieties must be stored in sealed controlled atmosphere storage on or before December 15 of each year to qualify and be identified as Washington controlled atmosphere storage apples.~~

~~(5)) For auditing purposes, all licensed operators must notify ((their local)) WSDA ((inspection office)) before they open ((any)) a controlled atmosphere storage room((s or)) and before ((they pack)) any controlled atmosphere storage fruit or vegetable is packed.~~

NEW SECTION

WAC 16-450-041 Controlled atmosphere requirements. (1) The oxygen content of each storage room must be reduced to five percent within twenty calendar days after the room is sealed.

(2) Stored fruits or vegetables must be kept in controlled atmosphere storage under required degrees of temperature and percentage of air components for the specified period listed below:

Apple Varieties	Minimum Storage Period
Gala and Jonagold	Forty-five continuous calendar days
Other	Sixty continuous calendar days
Pear Varieties	Minimum Storage Period
Bartlett	Forty-five continuous calendar days
Other summer	Sixty continuous calendar days
Bosc	Forty-five continuous calendar days
Other winter	Sixty continuous calendar days

AMENDATORY SECTION (Amending WSR 04-05-117, filed 2/18/04, effective 3/20/04)

WAC 16-450-042 ((What are the specific)) Controlled atmosphere ((storage)) requirements for Bartlett pears((?)). ~~((To qualify as controlled atmosphere storage pears;))~~ Bartlett pears must comply with the requirements in chapter 15.30 RCW, this chapter and the following additional condition and maturity requirements:

~~(1) ((Oxygen content of each room where the pears are stored must be reduced to five percent within twenty calendar days after the room is sealed.~~

~~(2) The pears must be kept in controlled atmosphere storage, under the required degrees of temperature and percentage of air components, for at least forty-five continuous calendar days.~~

~~(3) At the time of shipment, the pears marked with a CA number must:~~

~~(a)) Be no further advanced in maturity than "mostly hard—some firm."~~

~~((b)) (2) Not exceed an average of two percent decay ((and/or)) or breakdown.~~

~~((4) Pears that fail to meet any requirement in this section:~~

~~(a) Must not be sold as CA storage fruit; and~~

~~(b) Their containers must not be marked with a CA number.)~~

AMENDATORY SECTION (Amending WSR 04-05-117, filed 2/18/04, effective 3/20/04)

WAC 16-450-044 ((What are the specific)) Controlled atmosphere requirements for winter pears((?)). ~~((To qualify as controlled atmosphere storage pears;))~~ All winter pear((s)) varieties must comply with the requirements in chapter 15.30 RCW, this chapter and the following additional condition and maturity requirements:

~~(1) ((Oxygen content of each room where the pears are stored must be reduced to five percent within twenty calendar days after the room is sealed.~~

~~(2) The pears must be kept in controlled atmosphere storage, under the required degrees of temperature and percentage of air components, for:~~

~~(a) At least forty-five continuous calendar days for Bose pears; and~~

~~(b) At least sixty continuous calendar days for all other varieties of winter pears.~~

~~(3) All CA marked winter pears must meet the following standards when shipped:~~

~~(a) Condition standards:~~

-) No more than two percent decay;
- (•) (2) No more than two percent scald; and
- (•) (3) A five percent maximum aggregate for all condition factors including cork.

~~((b) Maturity standards:~~

-) (4) No more than five percent must be advanced in maturity beyond "firm."

AMENDATORY SECTION (Amending WSR 04-05-117, filed 2/18/04, effective 3/20/04)

WAC 16-450-060 (~~What are the shipping standards for~~) **Controlled atmosphere (storage fruits and vegetables?) requirements for apples.** ~~((1) When shipped, all controlled atmosphere fruits and vegetables must be certified and marked with a CA number and dated state lot stamp.~~

~~(2)) Apples must meet U.S. condition standards for export((-~~

~~(3) Pears must meet the maturity requirements of WAC 16-450-042 (3)(a) and (b) or 16-450-044 (3)(b)) as stated in the United States standards of grades for apples, 7 C.F.R. Sections 51.300 - 321 (January 1, 2014).~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|---|
| WAC 16-450-016 | What is controlled atmosphere storage? |
| WAC 16-450-022 | How can I obtain a license to operate or lease a controlled atmosphere storage facility in Washington state? |
| WAC 16-450-024 | When must I apply for a license to operate or lease a controlled atmosphere storage facility in Washington state? |
| WAC 16-450-026 | Can I renew my license after August 31? |
| WAC 16-450-032 | Violations of this chapter and/or chapter 15.30 RCW. |
| WAC 16-450-040 | What requirements apply to controlled atmosphere storage facilities? |
| WAC 16-450-046 | When must controlled atmosphere fruits and vegetables be identified for certification? |
| WAC 16-450-048 | What inspection, certification and marking requirements apply to controlled atmosphere fruits and vegetables? |
| WAC 16-450-050 | When is a reinspection of controlled atmosphere fruit and vegetables required? |
| WAC 16-450-070 | What if my fruit does not comply with the requirements of this chapter? |