

WSR 15-09-024
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)

[Filed April 7, 2015, 12:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-12-093.

Title of Rule and Other Identifying Information: Changes to specific sections within chapter 388-845 WAC, DDD home and community based services waivers.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on June 9, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 10, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., June 9, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by May 26, 2015, TTY (360) 664-6178 or (360) 664-6094 or e-mail Kildaja@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The 2014 operating supplemental budget directed the developmental disabilities administration (DDA) to move the state funded individual and family services (IFS) program into a 1915(C) Home and Community Based Services (HCBS) Waiver. The requirement is to mirror the current IFS program as much as possible in the new HCBS waiver.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

Statute Being Implemented: SSB 6387 of the 63rd legislature, 2014 regular session.

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

Name of Proponent: [DSHS], governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Bob Beckman, DDA, P.O. Box 45310, Olympia, WA 98504-5310, (360) 725-3445.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules do no [not] impact small businesses or nonprofits. They only impact DSHS clients.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are exempt under RCW 34.05.328 (5)(b)(vii) and relate only to client medical or financial eligibility.

April 7, 2015
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0001 Definitions. "Aggregate services" means a combination of services subject to the dollar limitations in the Basic Plus waivers.

"Allocation" means the amount of IFS waiver funding available to the client for a maximum of twelve months.

"CARE" means comprehensive assessment and reporting evaluation.

"CIIBS" means children's intensive in-home behavioral support waiver.

"Client or person" means a person who has a developmental disability as defined in RCW ((71A.10.020(3))) 71A.10.020(5) and has been determined eligible to receive services by the administration under chapter 71A.16 RCW.

"Community crisis stabilization services" or "CCSS" means a state operated program that provides short term supports to participants who meet specific criteria and who are in crisis and/or who are at risk of hospitalization or institutional placement.

"DDA" means the developmental disabilities administration, of the department of social and health services.

"DDA assessment" refers to the standardized assessment tool as defined in chapter 388-828 WAC, used by DDA to measure the support needs of persons with developmental disabilities.

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

"EPSDT" means early and periodic screening, diagnosis, and treatment, medicaid's child health component providing a mandatory and comprehensive set of benefits and services for children up to age twenty one as defined in WAC 182-534-0100.

"Enhanced respite services" means respite care for DDA enrolled children and youth, who meet specific criteria, in a DDA contracted and licensed staffed residential setting.

"Evidence based treatment" means the use of physical, mental and behavioral health interventions for which systematic, empirical research has provided evidence of statistically significant effectiveness as treatments for specific conditions. Alternate terms with the same meaning are evidence-based practice (EBP) and empirically supported treatment (EST).

"Family" means the following relatives: ((who live in the same home with the eligible client. Relatives include)) spouse or registered domestic partner; natural, adoptive or step parent; grandparent; child; stepchild; sibling; stepsibling; uncle; aunt; first cousin; niece; or nephew.

"Family home" means the residence where you and your relative(s) live.

"Gainful employment" means employment that reflects achievement of or progress towards a living wage.

"HCBS waivers" means home and community based services waivers.

"Home" means present or intended place of residence.

"ICF/ID" means an intermediate care facility for individuals with intellectual disabilities.

"IFS waiver" means the individual and family services waiver.

~~("Individual support plan (ISP)" is a document that authorizes and identifies the DDA paid services and unpaid supports to meet a client's assessed needs.)~~

"Integrated settings" mean typical community settings not designed specifically for individuals with disabilities in which the majority of persons employed and participating are individuals without disabilities.

"Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of limited guardianship, a person's attorney at law, a person's attorney in fact, or any other person who is authorized by law to act for another person.

"Living wage" means the amount of earned wages needed to enable an individual to meet or exceed his/her living expenses.

"Necessary supplemental accommodation representative" means an individual who receives copies of DDA planned action notices (PANs) and other department correspondence in order to help a client understand the documents and exercise the client's rights. A necessary supplemental accommodation representative is identified by a client of DDA when the client does not have a legal guardian and the client is requesting or receiving DDA services.

"Participant" means a client who is enrolled in a home and community based services waiver program.

"Person-centered service plan/individual support plan (ISP)" is a document that authorizes and identifies the DDA paid services and unpaid supports to meet a client's assessed needs.

"Primary caregiver" means the person who provides the majority of your care and supervision.

"Provider" means an individual or agency who meets the provider qualifications and is contracted with DSHS to provide services to you.

"Respite assessment" means an algorithm within the DDA assessment that determines the number of hours of respite care you may receive per year if you are enrolled in the Basic Plus, children's intensive in-home behavioral support, or Core waiver.

"SSI" means supplemental security income, an assistance program administered by the federal Social Security Administration for blind, disabled and aged individuals.

"SSP" means state supplementary payment program, a state-paid cash assistance program for certain clients of the developmental disabilities administration.

"State funded services" means services that are funded entirely with state dollars.

"You/your" means the client.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0015 What HCBS waivers are provided by the developmental disabilities administration (DDA)? DDA provides services through ~~((four))~~ five HCBS waivers:

- (1) Basic Plus waiver;
- (2) Core waiver;
- (3) Community protection (CP) waiver; ~~((and))~~

(4) Children's intensive in-home behavioral support waiver (CIIBS); and

(5) Individual and family services (IFS) waiver.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0020 When were the HCBS waivers effective? Basic Plus, children's intensive in-home behavioral support, Core and community protection waivers were effective September 1, 2012.

Individual and family services waiver was effective May 1, 2015.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0030 Do I meet criteria for HCBS waiver-funded services? You meet criteria for DDA HCBS waiver-funded services if you meet all of the following:

(1) You have been determined eligible for DDA services per RCW 71A.10.020.

(2) You have been determined to meet ICF/ID level of care per WAC 388-845-0070, 388-828-3060 and 388-828-3080.

(3) You meet disability criteria established in the Social Security Act.

(4) You meet financial eligibility requirements as defined in WAC ~~((388-515-1510))~~ 182-515-1510.

(5) You choose to receive services in the community rather than in an ICF/ID facility.

(6) You have a need for monthly waiver services or monthly monitoring as identified in your person-centered service plan/individual support plan.

(7) You are not residing in hospital, jail, prison, nursing facility, ICF/ID, or other institution.

(8) Additionally, for the children's intensive in-home behavioral support (CIIBS) waiver-funded services:

(a) You are age eight or older and under the age of eighteen for initial enrollment and under age twenty-one for continued enrollment;

(b) You have been determined to meet CIIBS program eligibility per chapter 388-828 WAC prior to initial enrollment only;

(c) You live with your family; and

(d) Your parent/guardian(s) and primary caregiver(s), if other than parent/guardian(s), have signed the participation agreement.

(9) Additionally, for the individual and family services waiver funded services:

(a) You live in your family home; and

(b) You are age three or older.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0041 What is DDA's responsibility to provide my services under the DDA HCBS waivers administered by DDA? If you are enrolled in an HCBS waiver administered by ~~((DDA))~~ DDA.

(1) DDA will provide an annual comprehensive assessment to evaluate your health and welfare needs. Your person-centered service plan/individual support plan, as specified in WAC 388-845-3055, will document:

- (a) Your identified health and welfare needs; and
- (b) Your HCBS waiver services and nonwaiver services authorized to meet your assessed need.

(2) You have access to DDA paid services that are provided within the scope of your waiver, subject to the limitations in WAC 388-845-0110 and 388-845-0115.

(3) DDA will provide waiver services you need and qualify for within your waiver.

(4) DDA will not deny or limit, based on lack of funding, the number of waiver services for which you are eligible.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0045 When there is capacity to add people to a waiver, how does DDA determine who will be enrolled? When there is capacity on a waiver and available funding for new waiver participants, DDA may enroll people from the statewide data base in a waiver based on the following priority considerations:

(1) First priority will be given to current waiver participants assessed to require a different waiver because their identified health and welfare needs have increased and these needs cannot be met within the scope of their current waiver.

(2) DDA may also consider any of the following populations in any order:

(a) Priority populations as identified and funded by the legislature.

(b) Persons DDA has determined to be in immediate risk of ICF/ID admission due to unmet health and welfare needs.

(c) Persons identified as a risk to the safety of the community.

(d) Persons currently receiving services through state-only funds.

(e) Persons on an HCBS waiver that provides services in excess of what is needed to meet their identified health and welfare needs.

(f) Persons who were previously on an HCBS waiver since April 2004 and lost waiver eligibility per WAC 388-845-0060 (1)(i).

(3) (~~For the Basic Plus waiver only,~~) DDA may consider persons who need the waiver services available in the Basic Plus or IFS waivers to maintain them in their family's home or in their own home.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0052 What is the process if I am already on a DDA HCBS waiver and request enrollment onto a different ((waiver)) DDA HCBS waiver? (1) If you are already enrolled in a DDA HCBS waiver and you request to be enrolled in a different waiver DDA will do the following:

(a) Assess your needs to determine whether your health and welfare needs can be met with services available on your

current waiver or whether those needs can only be met through services offered on a different waiver.

(b) If DDA determines your health and welfare needs can be met by services available on your current waiver your enrollment request will be denied.

(c) If DDA determines your health and welfare needs can only be met by services available on a different waiver your service need will be reflected in your person-centered service plan/ISP.

(d) If DDA determines there is capacity on the waiver that is determined to meet your needs, DDA will place you on that waiver.

(2) You will be notified in writing of DDA's decision under subsection (1)(a) of this section and if your health and welfare needs cannot be met on your current waiver, DDA will notify you in writing whether there is capacity on the waiver that will meet your health and welfare needs and whether you will be enrolled on that waiver. If current capacity on that waiver does not exist, your eligibility for enrollment onto that different waiver will be tracked on a statewide data base.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0055 How do I remain eligible for the waiver? Once you are enrolled in a DDA HCBS waiver, you can remain eligible if you continue to meet eligibility criteria in WAC 388-845-0030, and:

(1) You complete a reassessment with DDA at least once every twelve months to determine if you continue to meet all of these eligibility requirements; and

(2) You must either receive a waiver service at least once in every thirty consecutive days, as specified in WAC 182-513-1320 (3)((~~4~~)), or your health and welfare needs require monthly monitoring, which will be documented in your client record; and

(3) You complete an in-person DDA assessment/reassessment interview (~~(administered in your home)~~) per WAC 388-828-1520.

(4) In addition, for the children's intensive in-home behavioral supports waiver, you must:

(a) Be under age twenty-one;

(b) Live with your family; and

(c) Have an annual participation agreement signed by your parent/guardian(s) and primary caregiver(s), if other than parent/guardian(s).

(5) In addition, for the individual and family services waiver, you must live in the family home.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0060 Can my waiver enrollment be terminated? DDA may terminate your waiver enrollment if DDA determines that:

(1) Your health and welfare needs cannot be met in your current waiver or for one of the following reasons:

(a) You no longer meet one or more of the requirements listed in WAC 388-845-0030;

(b) You do not have an identified need for a waiver service at the time of your annual person-centered service plan/individual support plan;

(c) You do not use a waiver service at least once in every thirty consecutive days and your health and welfare do not require monthly monitoring;

(d) You are on the community protection waiver and:

(i) You choose not to be served by a certified residential community protection provider-intensive supported living services (CP-ISLS);

(ii) You engage in any behaviors identified in WAC 388-831-0240 (1) through (4); and

(iii) DDA determines that your health and safety needs or the health and safety needs of the community cannot be met in the community protection program.

(e) You choose to disenroll from the waiver;

(f) You reside out-of-state;

(g) You cannot be located or do not make yourself available for the annual waiver reassessment of eligibility;

(h) You refuse to participate with DDA in:

(i) Service planning;

(ii) Required quality assurance and program monitoring activities; or

(iii) Accepting services agreed to in your person-centered service plan/individual support plan as necessary to meet your health and welfare needs.

(i) You are residing in a hospital, jail, prison, nursing facility, ICF/ID, or other institution and remain in residence at least one full calendar month, and are still in residence:

(i) At the end of that full calendar month, there is no immediate plan for you to return to the community; or

(ii) At the end of the twelfth month following the effective date of your current person-centered service plan/individual support plan, as described in WAC 388-845-3060; or

(iii) The end of the waiver fiscal year, whichever date occurs first.

(j) Your needs exceed the maximum funding level or scope of services under the Basic Plus waiver as specified in WAC 388-845-3080; or

(k) Your needs exceed what can be provided under WAC 388-845-3085; or

(2) Services offered on a different waiver can meet your health and welfare needs and DDA enrolls you on a different waiver.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0100 What determines which waiver I am assigned to? DDA will assign you to the waiver with the minimum service package necessary to meet your health and welfare needs, based on its evaluation of your DDA assessment as described in chapter 388-828 WAC and the following criteria:

(1) For the individual and family services waiver, you:

(a) Are age three or older;

(b) Live in your family home;

(c) Are assessed to need a waiver service to remain in the family home.

(2) For the Basic Plus waiver your health and welfare needs require a waiver service to remain in the community.

~~((2))~~ (3) For the Core waiver:

(a) You are at immediate risk of out-of-home placement; and/or

(b) You have an identified health and welfare need for residential services that cannot be met by the Basic Plus waiver.

~~((3))~~ (4) For the community protection waiver, refer to WAC 388-845-0105 and chapter 388-831 WAC.

~~((4))~~ (5) For the children's intensive in-home behavioral support waiver, you:

(a) Are age eight or older and under age eighteen;

(b) Live with your family;

(c) Are assessed at high or severe risk of out of home placement due to challenging behavior per chapter 388-828 WAC; and

(d) You have a signed participation agreement from your parent/guardian(s) and primary caregiver(s), if other than parent/guardian(s).

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0105 What criteria determine assignment to the community protection waiver? DDA may assign you to the community protection waiver only if you are at least eighteen years of age, not currently residing in a hospital, jail or other institution, and meet the following criteria:

(1) You have been identified by DDA as a person who meets one or more of the following:

(a) You have been convicted of or charged with a crime of sexual violence as defined in chapter 71.09 RCW;

(b) You have been convicted of or charged with acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or persons of casual acquaintance with whom no substantial personal relationship exists;

(c) You have been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger as determined by a qualified professional;

(d) You have not been convicted and/or charged, but you have a history of stalking, sexually violent, predatory and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence, as determined by a qualified professional; or

(e) You have committed one or more violent offense, as defined in RCW 9.94A.030.

(2) You receive or agree to receive residential services from certified residential community protection provider-intensive supported living services (CP-ISLS); and

(3) You comply with the specialized supports and restrictions in your:

(a) Person-centered service plan/individual support plan;

(b) Individual instruction and support plan (IISP); and/or

(c) Treatment plan provided by DDA approved certified individuals and agencies.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0110 Are there limitations to the waiver services I can receive? There are limitations to waiver services. ~~((In addition to the limitations to your access to nonwaiver services cited for specific services in WAC 388-845-0115, the following limitations apply))~~ Those are:

(1) A service must be ~~((offered))~~ available in your waiver.

(2) The need for a service must be identified and authorized in your person-centered service plan/individual support plan.

~~((2))~~ (3) Behavioral health stabilization services may be added to your person-centered service plan/individual support plan after the services are provided.

~~((3))~~ (4) Waiver services are limited to services required to prevent ICF/ID placement.

~~((4))~~ (5) The cost of your waiver services cannot exceed the average daily cost of care in an ICF/ID.

~~((5))~~ (6) Waiver services cannot replace or duplicate other available paid or unpaid supports or services. Participants must first pursue benefits available to them through private insurance and the medicaid state plan.

~~((6))~~ (7) Waiver funding cannot be authorized for treatments determined by DSHS to be experimental.

~~((7-The))~~ (8) For IFS and Basic Plus waivers, ~~((has))~~ services must not exceed the yearly limits ((on some)) specified in these programs for specific services and/or combinations of services. ((The combination of services is referred to as aggregate services.))

~~((8))~~ (9) Your choice of qualified providers and services is limited to the most cost effective option that meets your health and welfare needs.

~~((9))~~ (10) Services provided out-of-state, other than in recognized bordering cities, are limited to respite care and personal care during vacations of not more than thirty consecutive days.

(a) You may receive services in a recognized out-of-state bordering city on the same basis as in-state services.

(b) The only recognized bordering cities per WAC 182-501-0175 are:

(i) Coeur d'Alene, Moscow, Sandpoint, Priest River and Lewiston, Idaho; and

(ii) Portland, The Dalles, Hermiston, Hood River, Rainier, Milton-Freewater and Astoria, Oregon.

~~((10))~~ (11) Other out-of-state waiver services require an approved exception to rule before DDA can authorize payment.

~~((11))~~ (12) Waiver services do not cover co-pays, deductibles, dues, membership fees or subscriptions.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0200 What waiver services are available to me? Each of the DDA HCBS waivers has a different scope of service and your person-centered service plan/individual support plan defines the waiver services available to you.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0210 What is the scope of services for the Basic Plus waiver ((services))?

BASIC PLUS WAIVER	SERVICES	YEARLY LIMIT
	AGGREGATE SERVICES: Behavior support and consultation Community guide Environmental ((accessibility)) adaptations Occupational therapy Physical therapy Skilled nursing Specialized medical equipment/supplies Specialized psychiatric services Speech, hearing and language services Staff/family consultation and training Transportation	May not exceed \$6192 per year on any combination of these services
	<u>Vehicle modifications (you must be living in your family home)</u> EMPLOYMENT SERVICES: Prevocational services Supported employment Individual technical assistance	Limits are determined by DDA assessment and employment status
	Community access Adult foster care (adult family home) Adult residential care (assisted living facility)	Limits are determined by DDA assessment Determined per department rate structure
	BEHAVIORAL HEALTH STABILIZATION SERVICES: Behavior support and consultation Behavioral health crisis diversion bed services	Limits determined by a behavioral health professional or DDA

BASIC PLUS WAIVER	SERVICES	YEARLY LIMIT
	Specialized psychiatric services	
	Personal care	Limits determined by the CARE tool used as part of the DDA assessment
	Respite care	Limits are determined by the DDA assessment
	Sexual deviancy evaluation	Limits are determined by DDA
	Emergency assistance is only for Basic Plus waiver aggregate services	\$6000 per year; preauthorization required

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0215 What is the scope of services for the CORE waiver ((services-))?

CORE WAIVER	SERVICES	YEARLY LIMIT
	Behavior support and consultation	Determined by the <u>person-centered service plan</u> /individual support plan, not to exceed the average cost of an ICF/ID for any combination of services
	Community guide	
	Community transition	
	Environmental ((accessibility)) adaptations	
	Occupational therapy	
	Physical therapy	
	Sexual deviancy evaluation	
	Skilled nursing	
	Specialized medical equipment/supplies	
	Specialized psychiatric services	
	Speech, hearing and language services	
	Staff/family consultation and training	
	Transportation	
Residential habilitation	Limits are determined by DDA assessment	
Community access		

CORE WAIVER	SERVICES	YEARLY LIMIT
	Employment services	Limits are determined by DDA assessment and employment status
	Prevocational services	
	Supported employment	
	Individualized technical assistance	
	<u>Vehicle modifications (you must be living in your family home)</u>	Limits determined by a behavioral health professional or DDA
	BEHAVIORAL HEALTH STABILIZATION SERVICES:	
	Behavior support and consultation	
	Behavioral health crisis diversion bed services	
	Specialized psychiatric services	
	Personal care	Limits determined by the CARE tool used as part of the DDA assessment
	Respite care	Limits are determined by the DDA assessment

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0220 What is the scope of services for the community protection waiver ((services-))?

COMMUNITY PROTECTION WAIVER	SERVICES	YEARLY LIMIT
	Behavior support and consultation	Determined by the <u>person-centered service plan</u> /individual support plan, not to exceed the average cost of
	Community transition	
	Environmental ((accessibility)) adaptations	
	Occupational therapy	
	Physical therapy	

COMMUNITY PROTECTION WAIVER	SERVICES	YEARLY LIMIT
	Sexual deviancy evaluation	an ICF/ID for any combination of services
	Skilled nursing	
	Specialized medical equipment and supplies	
	Specialized psychiatric services	
	Speech, hearing and language services	Limits determined by DDA assessment and employment status
	Staff/family consultation and training	
	Transportation	
	Residential habilitation	
	Employment Services:	Limits determined by a behavioral health professional or DDA
	Prevocational services	
	Supported employment	
	Individual technical assistance	
	BEHAVIORAL HEALTH STABILIZATION SERVICES:	Limits determined by a behavioral health professional or DDA
	Behavioral support and consultation	
	Behavioral health crisis diversion bed services	
	Specialized psychiatric services	

CIIBS Waiver	Services	Yearly Limit
	<ul style="list-style-type: none"> • Environmental ((accessibility)) adaptations • Occupational therapy • Physical therapy • Sexual deviancy evaluation • Nurse delegation • Specialized medical equipment/supplies • Specialized psychiatric services • Speech, hearing and language services • Transportation • Assistive technology • Therapeutic equipment and supplies • Specialized nutrition and clothing • Vehicle modifications 	plan. Total cost of waiver services cannot exceed the average cost of \$4,000 per month per participant.
	Personal care	Limits determined by the DDA assessment. Costs are included in the total average cost of \$4000 per month per participant for all waiver services.
	Respite care	Limits determined by the DDA assessment. Costs are included in the total average cost of \$4000 per month per participant for all waiver services.
	Behavioral health Stabilization services: Behavioral support and consultation Crisis diversion bed services Specialized psychiatric services	Limits determined by behavioral health specialist

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0225 What is the scope of services for the children's intensive in-home behavioral support (CIIBS) waiver ((services.))?

CIIBS Waiver	Services	Yearly Limit
	<ul style="list-style-type: none"> • Behavior support and consultation • Staff/family consultation and training 	Determined by the <u>person-centered service plan</u> /individual support

NEW SECTION

WAC 388-845-0230 What is the scope of services for the individual and family services waiver? (1) IFS waiver services include:

- (a) Assistive technology;

(b) Behavioral health stabilization services (paid for outside of annual allocation):

- (i) Behavioral support and consultation;
- (ii) Crisis diversion bed; and
- (iii) Specialized psychiatric service.
- (c) Behavioral support and consultation;
- (d) Community engagement;
- (e) Environmental adaptations;
- (f) Nurse delegation;
- (g) Occupational therapy;
- (h) Person-centered plan facilitation;
- (i) Peer mentoring;
- (j) Physical therapy;
- (k) Speech, hearing and language services;
- (l) Respite Care;
- (m) Psychosexual evaluation (paid for outside of annual allocation);

- (n) Skilled nursing;
- (o) Specialized clothing;
- (p) Specialized medical equipment and supplies;
- (q) Specialized nutrition;
- (r) Supported parenting services;
- (s) Staff/Family consultation and training;
- (t) Therapeutic equipment and supplies;
- (u) Transportation; and
- (v) Vehicle modification.

(2) Your IFS waiver services annual allocation is based upon the DDA assessment described in chapter 388-828 WAC. The DDA assessment determines your service level & annual allocation based on your assessed need. Annual allocations are:

- (a) Level 1 = one thousand two hundred dollars;
- (b) Level 2 = one thousand eight hundred dollars;
- (c) Level 3 = two thousand four hundred dollars;
- (d) Level 4 = three thousand six hundred dollars.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-0415 What is assistive technology?

Assistive technology consists of items, equipment, or product systems used to increase, maintain, or improve functional capabilities of waiver participants, as well as services to directly assist the participant and caregivers to select, acquire, and use the technology. Assistive technology is available in the CIIBS and IFS waivers, and includes the following:

- (1) The evaluation of the needs of the waiver participant, including a functional evaluation of the ~~((child))~~ participant in the ~~((child's))~~ participant's customary environment;
- (2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices;
- (3) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices;
- (4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for the participant and/or if appropriate, the ~~((child's))~~ participant's family; and

(6) Training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise involved in the assistive technology related life functions of ~~((children))~~ individuals with disabilities.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0420 Who is a qualified provider of assistive technology? The provider of assistive technology must be an ~~((assistive technology vendor))~~ entity contracted with DDA to provide assistive technology, or one of the following professionals contracted with DDA and duly licensed, registered or certified to provide this service:

- (1) Occupational therapist;
- (2) Physical therapist;
- (3) Speech and language pathologist;
- (4) Certified music therapist;
- (5) ~~((Certified recreation therapist))~~ Recreation therapist registered in Washington and certified by the National Council for Therapeutic Recreation;
- (6) Audiologist; ~~((or))~~
- (7) Behavior specialist~~((-))~~; or
- (8) Rehabilitation counselor.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0425 Are there limits to the assistive technology I can receive? (1) ~~((Providers of assistive technology services must be certified, registered or licensed therapists as required by law and contracted with DDA for the therapy they are providing.))~~ Clinical and support needs for assistive technology are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(2) ~~((Vendors of assistive technology must maintain a business license required by law and be contracted with DDA to provide this service.~~

~~((3)))~~ Assistive technology may be authorized as a waiver service by obtaining an initial denial of funding or information showing that the technology is not covered by medicaid or private insurance.

~~((4)))~~ (3) The department does not pay for experimental technology.

~~((5)))~~ (4) The department requires your treating professional's written recommendation regarding your need for the technology over \$500. This recommendation must take into account that:

(a) The treating professional has personal knowledge of and experience with the requested and ~~((alternative))~~ assistive technology; and

(b) The treating professional has recently examined you, reviewed your medical records, and conducted a functional evaluation.

~~((6))~~ (5) The department may require a written second opinion from a department selected professional that meets the same criteria in subsection ~~((5))~~ (4) above.

(6) The dollar amounts for the waiver participant's IFS waiver annual allocation limit the amount of assistive technology you are authorized to receive.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0505 Who is a qualified provider of behavior support and consultation? Under the Basic Plus, Core, ~~((and community protection))~~ CP and IFS waivers, the provider of behavior support and consultation must be one of the following professionals contracted with DDA and duly licensed, registered or certified to provide this service:

- (1) Marriage and family therapist;
- (2) Mental health counselor;
- (3) Psychologist;
- (4) Sex offender treatment provider;
- (5) Social worker;
- (6) Registered nurse (RN) or licensed practical nurse (LPN);
- (7) Psychiatrist;
- (8) Psychiatric advanced registered nurse practitioner (ARNP);
- (9) Physician assistant working under the supervision of a psychiatrist;
- (10) Counselors registered or certified in accordance with the requirements of chapter 18.19 RCW;
- (11) Polygrapher; or
- (12) State operated behavior support agency limited to behavioral health stabilization services.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0510 Are there limits to the behavior support and consultation I can receive? ~~((The following limits apply to your receipt of))~~ (1) Clinical and support needs for behavior support and consultation are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

~~((1))~~ (2) DDA and the treating professional will determine the need and amount of service you will receive, subject to the limitations in subsection ~~((2))~~ (3) below.

~~((2))~~ (3) The dollar ~~((limitations))~~ amounts for aggregate services in your Basic Plus waiver or the dollar amounts in the annual allocation for the IFS waiver limit the amount of service unless provided as a behavioral health stabilization service.

~~((3))~~ (4) DDA reserves the right to require a second opinion from a department-selected provider.

~~((4) Behavior support and consultation not provided as a behavioral health stabilization service requires prior approval by the DDA regional administrator or designee.)~~

NEW SECTION

WAC 388-845-0650 What are community engagement services? (1) Community engagement services are ser-

vices designed to increase a waiver participant's connection to and engagement in formal and informal community supports.

(2) Services are designed to develop creative, flexible and supportive community resources and relationships for individuals with developmental disabilities.

(3) Waiver participants are introduced to the community resources and supports that are available in their area.

(4) Participants are supported to develop skills that will facilitate integration into their community.

(5) Outcomes for this service include skill development, positive relationships, valued community roles and involvement in community activities/organizations/groups/projects/other resources.

(6) This service is available in IFS waiver.

NEW SECTION

WAC 388-845-0655 Who is a qualified provider of community engagement service? Any individual or agency contracted with DDA as a "community engagement service provider" is qualified to provide this service as evidenced by:

(1) Two years of community engagement experience with the community in which the participant lives; and

(2) Organizations that provide peer support to individuals with developmental disabilities or families that have a member with a developmental disability and are contracted with DDA to provide this service.

NEW SECTION

WAC 388-845-0660 Are there limitations to the community engagement services I can receive? (1) Support needs for community engagement services are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(2) The dollar amounts in the annual allocation for the IFS waiver limit the amount of service you can receive.

(3) Community engagement services do not pay for the following costs:

- (a) Membership fees or dues; and/or
- (b) Equipment related to activities; and/or
- (c) The cost of any activities.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0820 Are there limits to my use of emergency assistance? All of the following limitations apply to your use of emergency assistance:

(1) Prior approval by the DDA regional administrator or designee is required based on a reassessment of your person-centered service plan/individual support plan to determine the need for emergency services;

(2) Payment authorizations are reviewed every thirty days and cannot exceed six thousand dollars per twelve months based on the effective date of your current plan of care or person-centered service plan/individual support plan;

(3) Emergency assistance services are limited to the Basic Plus waiver aggregate services;

(4) Emergency assistance may be used for interim services until:

- (a) The emergency situation has been resolved; or
- (b) You are transferred to alternative supports that meet your assessed needs; or
- (c) You are transferred to an alternate waiver that provides the service you need.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0900 What are environmental (~~(accessibility)~~) adaptations? (1) Environmental (~~(accessibility)~~) adaptations are available in all of the DDA HCBS waivers. Environmental adaptations (~~and~~) provide (~~the~~) physical adaptations within the physical structure of the home, or outside the home to provide access to the home. The need must be identified by the DDA assessment and the participant's person-centered service plan/(~~required by the individual's~~) individual support plan. (~~needed to~~) The following criteria must be met:

- (a) Ensure the health, welfare and safety of the individual and/or caregiver; or
- (b) Enable the individual who would otherwise require institutionalization to function with greater independence in the home.

(2) Environmental (~~(accessibility)~~) adaptations may include the purchase and installation of (~~ramps and grab bars, widening of doorways, modification of bathroom facilities, or installing specialized electrical and/or plumbing systems necessary to accommodate the medical equipment and supplies that are necessary for the welfare of the individual.~~) the following:

- (a) Portable and fixed ramps;
- (b) Grab bars and handrails;
- (c) Widening of doorways, addition of pocket doors, or removal of nonweight bearing walls for accessibility;
- (d) Prefabricated roll-in showers and bathtubs;
- (e) Automatic touchless or other adaptive faucets and switches;
- (f) Automatic turn-on and shut-off adaptations for appliances in the home;
- (g) Adaptive toilets, bidets, and sinks;
- (h) Specialized electrical and/or plumbing systems necessary for the approved modification or medical equipment and supplies that are necessary for the welfare of the individual and/or safety of the caregiver;
- (i) Repairs to environmental adaptations due to wear and tear if necessary for client safety and more cost-effective than replacement of the adaptation;
- (j) Debris removal necessary due to hoarding behavior addressed in the participant's positive behavior support plan (PBSP);
- (k) Lowering or raising of counters, sinks, cabinets, or other modifications for accessibility;
- (l) Reinforcement of walls and replacement of hollow doors with solid core doors;
- (m) Replacement of windows with non-breakable glass;
- (n) Adaptive hardware and switches;

(o) Ceiling mounted lift systems or portable lift systems; and

(p) Other adaptations that meet identified needs.

(3) For the CIIBS ~~and~~ IFS waivers only, adaptations (~~(include repairs)~~) to the home necessary (~~(due to)~~) to prevent property destruction caused by the participant's behavior, as addressed in the participant's positive behavior support plan.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0905 Who is a qualified provider for (~~(building these)~~) environmental (~~(accessibility)~~) adaptations? (1) For adaptations that do not require installation, qualified providers are retail vendors with a valid business license contracted with DDA to provide this service.

(2) For adaptations requiring installation, qualified (~~The~~) providers (~~(making these environmental accessibility adaptations)~~) must be a registered contractor per chapter 18.27 RCW and contracted with DDA. The contractor or subcontractor must be licensed and bonded to perform the specific type of work they are providing.

(3) For debris removal, qualified providers must be contracted with DDA.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-0910 What limitations apply to environmental (~~(accessibility)~~) adaptations? The following service limitations apply to environmental (~~(accessibility)~~) adaptations:

(1) Clinical and support needs for environmental adaptations are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan;

(2) Environmental (~~(accessibility)~~) adaptations that involve installation require prior approval by the DDA regional administrator or designee(-) supported by written bids from licensed contractors:

(a) One bid is required for adaptations costing one thousand five hundred dollars or less;

(b) **Two bids are required for adaptations costing more than one thousand five hundred dollars and equal to or less than five thousand dollars;**

(c) Three bids are required for adaptations costing more than five thousand dollars;

(d) All bids must include the cost of all required permits and sales tax;

(e) Bids must be itemized and clearly outline the scope of work.

(3) DDA may require an occupational therapist, physical therapist or construction consultant to review and recommend an appropriate environmental adaptation statement of work prior to the waiver participant soliciting bids or purchasing adaptive equipment.

(4) Environmental adaptations that do not involve installation require prior approval by the DDA regional administrator or designee unless they cost five hundred dollars or less per waiver plan year.

~~((2))~~ ~~With the exception of damage repairs under the CIIBS waiver, e))~~ (5) Environmental ((accessibility)) adaptations or improvements to the home are excluded if they are of general utility without direct medical or remedial benefit to the individual, such as carpeting, roof repair, central air conditioning, etc.

(6) Environmental adaptations must meet all local and state building codes and evidence of any required completed inspections must be submitted to DDA prior to authorizing payment for work.

(7) Deteriorated condition of the dwelling or other remodeling projects in progress in the dwelling may prevent or limit some or all environmental adaptations at the discretion of DDA.

(8) Location of the dwelling in a flood plain, landslide zone or other hazardous area may limit or prevent any environmental adaptations at the discretion of DDA.

(9) Written consent from the dwelling landlord is required prior to any environmental adaptations being started for a rental property. The landlord shall not require that the environmental adaptations be removed at the end of the waiver participant's tenancy as a condition of the landlord approving the environmental adaptation to the waiver participant's dwelling.

~~((3))~~ (10) Environmental ((accessibility)) adaptations cannot add to the total square footage of the home.

~~((4))~~ (11) The dollar ((limitations)) amounts for aggregate services in your Basic Plus waiver or the dollar amount of your annual IFS allocation limit the amount of service you may receive.

~~((5))~~ (12) Damage repairs under the CIIBS and IFS waivers are subject to the following restrictions:

(a) Limited to the cost of restoration to the original condition((-);

(b) Limited to the dollar amounts of the IFS waiver participant's annual allocation;

(c) Behaviors of waiver participants that resulted in damage to the dwelling must be addressed in a positive behavior support plan prior to the repair of damages;

~~((6))~~ (d) Repairs to personal property such as furniture and appliances and normal wear and tear are excluded.

(13) The following adaptations are not included in this service:

(a) Building fences and fence repairs;

(b) Carpet or carpet replacement.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1015 Are there limits to the extended state plan services I can receive? (1) Clinical and support needs for extended state plan services are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

~~((1))~~ (2) Additional therapy may be authorized as a waiver service only after you have accessed what is available to you under medicaid and any other private health insurance plan;

~~((2))~~ (3) The department does not pay for treatment determined by DSHS to be experimental;

~~((3))~~ (4) The department and the treating professional determine the need for and amount of service you can receive:

(a) The department may require a second opinion from a department selected provider.

(b) The department will require evidence that you have accessed your full benefits through medicaid before authorizing this waiver service.

~~((4))~~ (5) The dollar ((limitations)) amount for Basic Plus waiver aggregate services limit the amount of service you may receive.

(6) The dollar amount for your annual allocation on the IFS waiver limit the amount of service you may receive.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1040 Are there limits to the individualized technical assistance services I can receive? (1) Individualized technical assistance service cannot exceed three months in an individual's plan year.

(2) These services are available on the Basic Plus, Core and ((community protection)) CP waivers.

(3) Individual must be receiving supported employment or prevocational services.

(4) Services are limited to additional hours per WAC 388-828-9355 and 388-828-9360.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1110 What are the limits of behavioral health crisis diversion bed services? (1) Clinical and support needs for behavioral health crisis diversion bed services are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

~~((1))~~ (2) Behavioral health crisis diversion bed services are intermittent and temporary. The duration and amount of services you need to stabilize your crisis is determined by a behavioral health professional and/or DDA.

~~((2))~~ (3) These services are available in the CIIBS, Basic Plus, Core, IFS and community protection waivers administered by DDA as behavioral health stabilization services in accordance with WAC 388-845-1150 through 388-845-1160.

~~((3))~~ (4) The costs of behavioral health crisis diversion bed services do not count toward the dollar ((limits)) amounts for aggregate services in the Basic Plus waiver or the annual allocation in the IFS waiver.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1150 What are behavioral health stabilization services? Behavioral health stabilization services assist persons who are experiencing a behavioral health crisis or meet criteria for enhanced respite or community crisis stabilization services. These services are available in the Basic Plus, Core, CIIBS, IFS and community protection waivers to individuals determined by behavioral health professionals or

DDA to be at risk of institutionalization or hospitalization who need one or more of the following services:

- (1) Behavior support and consultation;
- (2) Specialized psychiatric services; or
- (3) Behavioral health crisis diversion bed services.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1160 Are there limitations to the behavioral health stabilization services that I can receive?

(1) Clinical and support needs for behavioral health stabilization services are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(2) Behavioral health stabilization services are intermittent and temporary. The duration and amount of services you need to stabilize your crisis is determined by a behavioral health professional and/or DDA.

~~((2))~~ (3) The costs of behavioral health stabilization services do not count toward the dollar ~~((limitations))~~ amounts for aggregate services in the Basic Plus waiver or the annual allocation in the IFS waiver.

~~((3))~~ (4) Behavioral health stabilization services require prior approval by DDA or its designee.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-1170 What is nurse delegation? (1) Nurse delegation services are services in compliance with WAC 246-840-910 through 246-840-970 by a registered nurse to provide training and nursing management for nursing assistants who perform delegated nursing tasks.

(2) Delegated nursing tasks include, but are not limited to, administration of noninjectable medications except for insulin, blood glucose testing, and tube feedings.

(3) Services include the initial visit, care planning, competency testing of the nursing assistant, consent of the client, additional instruction and supervisory visits.

(4) Clients who receive nurse delegation services must be considered "stable and predictable" by the delegated nurse.

(5) Nurse delegation services are available on all DDA HCBS waivers.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-1180 Are there limitations to the nurse delegation services that I receive? The following limitations apply to receipt of nurse delegation services:

(1) Clinical and support needs for nurse delegation are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(2) The department requires the delegating nurse's written recommendation regarding your need for the service. This recommendation must take into account that the nurse has recently examined you, reviewed your medical records, and conducted a nursing assessment.

~~((2))~~ (3) The department may require a written second opinion from a department selected nurse delegator that meets the same criteria in subsection ~~((4))~~ (2) of this section.

~~((3))~~ (4) The following tasks must not be delegated:

- (a) Injections, other than insulin;
- (b) Central lines;
- (c) Sterile procedures; and
- (d) Tasks that require nursing judgment.

(5) The dollar amounts for aggregate services in your Basic Plus waiver or the dollar amounts for your annual allocation in your IFS waiver limit the amount of nurse delegation service you are authorized to receive.

NEW SECTION

WAC 388-845-1190 What is peer mentoring? (1) Peer mentoring is a form of mentorship that takes place between a person who is living through the experience of having a developmental disability or being the family member of a person who has a developmental disability (peer mentor) and a person who is new to that experience (the peer mentee).

(2) Peer mentors utilize their personal experiences to provide support and guidance to a waiver participant and family members of a waiver participant.

(3) Peer mentors may orient a waiver participant to local community services, programs and resources and provide answers to participants' questions or suggest other sources of support.

(4) Peer mentoring is available in the IFS waiver.

NEW SECTION

WAC 388-845-1191 Who are qualified providers of peer mentoring? Qualified providers include organizations who:

(1) Provide peer mentoring support and training to individuals with developmental disabilities or to families with a member with a developmental disability; and

(2) Are contracted with DDA to provide this service.

NEW SECTION

WAC 388-845-1192 What limitations are there for peer mentoring? (1) Support needs for peer mentoring are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(2) Peer mentors cannot mentor their own family members.

(3) The dollar amounts for the waiver participant's annual allocation in the IFS waiver limit the amount of peer mentoring service that the participant is authorized to receive.

NEW SECTION

WAC 388-845-1195 What is person-centered planning facilitation? (1) Person-centered planning facilitation is an approach to forming life plans that is centered on the individual. It is used as a life planning process to enable individuals with disabilities to increase personal self-determination.

Person-centered planning facilitation is available in the IFS waiver.

(2) Person-centered planning facilitation typically includes:

(a) Identifying and developing a potential circle of people who know and care about the individual;

(b) Exploring what matters to the waiver participant by listening to and learning from the person;

(c) Developing a vision for a meaningful life, as defined by the waiver participant, which may include goals for education, employment, housing, relationships and recreation;

(d) Discovering capacities and assets of the waiver participant and her or his family, neighborhood, and support network;

(e) Generating an action plan; and

(f) Facilitating follow-up meetings to track progress towards goals.

NEW SECTION

WAC 388-845-1196 Who are qualified providers of person-centered planning facilitation? Qualified providers include organizations and individuals who:

(1) Provide person-centered planning facilitation to individuals with developmental disabilities; and

(2) Are contracted with DDA to provide this service.

NEW SECTION

WAC 388-845-1197 What limitations are there for person-centered planning facilitation? (1) Support needs for person-centered planning facilitation are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(2) Person-centered planning facilitation may include follow up contacts with the waiver participant and his or her family to consult on plan implementation.

(3) The dollar amounts for the waiver participants' annual allocation in the IFS waiver limit the amount of person-centered planning facilitation service the individual is authorized to receive.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1310 Are there limits to the personal care services I can receive? (1) Clinical and support needs for personal care services are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(2) You must meet the programmatic eligibility for medicaid personal care in chapter 388-106 WAC governing medicaid personal care (MPC) using the current department approved assessment form: Comprehensive assessment reporting evaluation (CARE).

~~((2))~~ (3) The maximum hours of personal care you may receive are determined by the CARE tool used as part of the DDA assessment.

(a) Provider rates are limited to the department established hourly rates for in-home medicaid personal care.

(b) Homecare agencies must be licensed through the department of health and contracted with DSHS.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1410 Are there limits to the prevocational services I can receive? The following limitations apply to your receipt of prevocational services:

(1) Clinical and support needs for prevocational services are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(2) You must be age twenty and graduating from high school prior to your July or August twenty-first birthday, age twenty-one and graduated from high school, or age twenty-two or older to receive prevocational services.

~~((2))~~ (3) New referrals for prevocational services require prior approval by the DDA regional administrator and county coordinator or their designees.

~~((3))~~ (4) Prevocational services are a time limited step on the pathway toward individual employment and are dependent on your demonstrating steady progress toward gainful employment over time. Your annual employment plan will include exploration of integrated settings within your next service year. Criteria that would trigger a review of your need for these services include, but are not limited to:

(a) Compensation at more than fifty percent of the prevailing wage;

(b) Significant progress made toward your defined goals;

(c) Recommendation by your individual support plan team.

~~((4))~~ (5) You will not be authorized to receive prevocational services in addition to community access services or supported employment services.

~~((5))~~ (6) Your service hours are determined by the assistance you need to reach your employment outcomes as described in WAC 388-828-9325.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1600 What is respite care? Respite care is short-term intermittent relief for persons who:

(1) ~~((normally provide care for and))~~ Live with you and are your primary care providers; and

(2) Are either:

(a) Your family members (paid or unpaid care providers); or

(b) Nonfamily members who are not paid to provide care for you; or

(3) You live with a caregiver who is paid by DDA to provide supports as:

(a) A contracted companion home provider; or

(b) A licensed children's foster home provider.

This service is available in the Basic Plus, CIIBS, ~~((and))~~ Core and IFS waivers.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1605 Who is eligible to receive respite care? You are eligible to receive respite care if you are in the Basic Plus, CIIBS, ~~((or))~~ Core or IFS waiver and meet the criteria in WAC 388-845-1600.~~((=))~~

~~((1))~~ You live in a private home and no person living with you is contracted by [DSHS] to provide you with a service; or

~~(2)~~ You are age eighteen or older and:

~~(a)~~ You live with your natural, step or adoptive parent(s) who is also contracted by [DSHS] to provide you with a service; and

~~(b)~~ No one else living with you is contracted by DSHS to provide you with a service; or

~~(3)~~ You are under the age of eighteen and:

~~(a)~~ You live with your natural, step or adoptive parent(s); and

~~(b)~~ There is a person living with you who is contracted by DSHS to provide you with a service; or

~~(4)~~ You live with a caregiver who is paid by DDA to provide supports as:

~~(a)~~ A contracted companion home provider; or

~~(b)~~ A licensed children's foster home provider.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1607 Can someone who lives with me be my respite provider? Someone who lives with you may be your respite provider as long as he or she is not ~~((the person who normally provides care for you))~~ your primary care provider and is not contracted to provide any other DSHS paid service to you. The limitations listed in WAC 388-845-0111 also apply.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1620 Are there limits to the respite care I can receive? The following limitations apply to the respite care you can receive:

(1) For Basic Plus, core and CIIBS waivers, the DDA assessment will determine how much respite you can receive per chapter 388-828 WAC.

(2) For the IFS waiver, the dollar amount for your annual allocation in your IFS waiver limits the amount of respite care you may receive.

~~((2))~~ (3) Respite cannot replace~~((=))~~ daycare while your parent or guardian is at work.

~~((a))~~ Day care while your parent or guardian is at work; and/or

~~(b)~~ Personal care hours available to you. When determining your unmet need, DDA will first consider the personal care hours available to you.

~~((3))~~ (4) Respite providers have the following limitations and requirements:

(a) If respite is provided in a private home, the home must be licensed unless it is the client's home or the home of a relative of specified degree per WAC 388-825-345;

(b) The respite provider cannot be the spouse of the caregiver receiving respite if the spouse and the caregiver reside in the same residence; and

(c) If you receive respite from a provider who requires licensure, the respite services are limited to those age-specific services contained in the provider's license.

~~((4))~~ (5) Your~~((caregiver))~~ individual respite provider may not provide;

(a) Other DDA services for you~~((or other persons))~~ during your respite care hours~~((=)); or~~

(b) DDA paid services to other persons during your respite care hours.

~~((5))~~ If your personal care provider is your parent, your parent provider will not be paid to provide respite services to any client in the same month that you receive respite services.

(6) If your personal care provider is your parent and you live in your parent's adult family home you may not receive respite.

(7) DDA may not pay for any fees associated with the respite care; for example, membership fees at a recreational facility, or insurance fees.

(8) If you require respite from a licensed practical nurse (LPN) or a registered nurse (RN), services may be authorized as skilled nursing services per WAC 388-845-1700 using an LPN or RN. If you are in the IFS or Basic Plus waiver, skilled nursing services are limited to the dollar ~~((limits))~~ amounts of your basic plus aggregate services or IFS annual allocation per WAC 388-845-0210 and WAC 388-845-0230.

(9) Respite cannot be accessed for more than fourteen days in a given month.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1660 Are there limitations to the sexual deviancy evaluations I can receive? (1) Clinical and support needs for sexual deviancy evaluations are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan. Sexual deviancy evaluations must meet the standards contained in WAC 246-930-320.

(2) Sexual deviancy evaluations require prior approval by the DDA regional administrator or designee.

(3) The costs of sexual deviancy evaluations do not count toward the dollar limits for aggregate services in the Basic Plus waivers or the annual allocation in the IFS waiver.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-1700 What is skilled nursing? (1) Skilled nursing is continuous, intermittent, or part time nursing services. These services are available in the Basic Plus, Core, IFS and ~~((Community Protection))~~ CP waivers.

(2) Services include nurse delegation services, per WAC 388-845-1170, provided by a registered nurse, including the initial visit, follow-up instruction, and/or supervisory visits.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1710 Are there limitations to the skilled nursing services I can receive? The following limitations apply to your receipt of skilled nursing services:

(1) Clinical and support needs for skilled nursing services are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(2) Skilled nursing services with the exception of nurse delegation and nursing evaluations require prior approval by the DDA regional administrator or designee.

(3) DDA and the treating professional determine the need for and amount of service.

(4) DDA reserves the right to require a second opinion by a department-selected provider.

(5) The dollar ~~((limitation))~~ amount for aggregate services in your Basic Plus waiver or the dollar amount of your annual allocation in your IFS waiver limits the amount of skilled nursing services you may receive.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1800 What are specialized medical equipment and supplies? (1) Specialized medical equipment and supplies are durable and nondurable medical equipment not available through medicaid or the state plan (or are in excess of what is available through your medicaid state plan benefit) which enables individuals to:

(a) Increase their abilities to perform their activities of daily living; or

(b) Perceive, control or communicate with the environment in which they live.

(2) Durable medical equipment and medical supplies are defined in WAC 182-543-1000 and 182-543-5500 respectively.

(3) Also included are items necessary for life support; and ancillary supplies and equipment necessary to the proper functioning of the equipment and supplies described in subsection (1) above.

(4) Specialized medical equipment and supplies include the maintenance and repair of specialized medical equipment not covered through the medicaid state plan.

(5) Specialized medical equipment and supplies are available in all DDA HCBS waivers.

(6) Specialized medical equipment and supplies costing less than \$500 per waiver plan year do not require prior approval, such as:

(a) Diapers and briefs;

(b) Gloves and wipes;

(c) Shower or bath chair or bench;

(d) Commode; and

(e) Hand-held showerhead.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1810 Are there limitations to my receipt of specialized medical equipment and supplies? The following limitations apply to your receipt of specialized medical equipment and supplies:

(1) Clinical and support needs for specialized medical equipment and supplies are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(2) Specialized medical equipment and supplies not listed in WAC 388-845-1800(6) require prior approval by the DDA regional administrator or designee for each authorization.

(3) DDA ~~((reserves the right to))~~ may require a second opinion by a department-selected provider.

(4) Items ~~((reimbursed))~~ purchased with waiver funds shall be in addition to any medical equipment and supplies furnished under the medicaid state plan.

(5) Items must be of direct medical or remedial benefit to the individual and necessary as a result of the individual's disability.

(6) Medications, prescribed or nonprescribed, and vitamins are excluded.

(7) The dollar ~~((limitations))~~ amounts for aggregate services in your Basic Plus waiver limit the amount of service you may receive.

(8) The dollar amounts for your annual allocation in your IFS waiver limit the amount of service you may receive.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-1840 What is specialized nutrition ~~((and specialized clothing))~~ ~~((+))~~? Specialized nutrition is available to you in the CIIBS and IFS waivers and is defined as:

(1) Assessment, intervention, and monitoring services from a certified dietitian; and/or

(2) Specially prepared food, or purchase of particular types of food, needed to sustain you in the family home. Specialized nutrition is in addition to meals a parent would provide and specific to your medical condition or diagnosis.

~~((2) Specialized clothing is available to you in the CIIBS waiver and defined as nonrestrictive clothing adapted to the participant's individual needs and related to his/her disability. Specialized clothing can include weighted clothing, clothing designed for tactile defensiveness, specialized footwear, or reinforced clothing.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1845 Who are qualified providers of specialized nutrition ((and specialized clothing))? ((+))
Providers of specialized nutrition are:

(1) Certified dietitians contracted with DDA to provide this service or employed by an agency contracted with DDA to provide this service; and

(2) Specialized nutrition vendors contracted with DDA to provide this service.

~~((2) Providers of specialized clothing are specialized clothing vendors contracted with DDA to provide this service.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1850 Are there limitations to my receipt of specialized nutrition ((and specialized clothing))? (1) The following limitations apply to your receipt of specialized nutrition services:

(a) Clinical and support needs for specialized nutrition are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(b) Specialized nutrition may be authorized as a waiver service if the service is not covered by medicaid or private insurance. You must assist the department in determining whether third party payments are available;

(c) Services must be safe, effective, and individualized;

(d) Services must be ordered by a physician licensed to practice in the state of Washington;

(e) Specialized diets must be periodically monitored by a certified dietitian;

(f) Specialized nutrition products will not constitute a full nutritional regime unless an enteral diet is the primary source of nutrition;

(g) Department coverage of specialized nutrition products is limited to costs that are over and above inherent family food costs;

(h) DDA ~~((reserves the right to))~~ may require a second opinion by a department selected provider; and

(i) Prior approval by regional administrator or designee is required for participants on the CIIBS waiver.

(2) The ~~((following limitations apply to your receipt of specialized clothing.))~~ dollar amounts for your annual allocation in your IFS waiver limit the amount of service you may receive.

~~((a) Specialized clothing may be authorized as a waiver service if the service is not covered by medicaid or private insurance. You must assist the department in determining whether third party payments are available.~~

~~(b) The department requires written documentation from an appropriate health professional regarding your need for the service. This recommendation must take into account that~~

~~the health professional has recently examined you, reviewed your medical records, and conducted an assessment.~~

~~(e) The department may require a second opinion from a department selected provider that meets the same criteria as subsection (b) of this section.~~

~~(d) Prior approval by regional administrator or designee is required.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 388-845-1855 What is specialized clothing? Specialized clothing is available to you in the CIIBS and IFS waivers and is defined as nonrestrictive clothing adapted to the participant's individual needs and related to his/her disability, such as weighted clothing, clothing designed for tactile defensiveness, specialized footwear, or reinforced clothing.

NEW SECTION

WAC 388-845-1860 Who are qualified providers of specialized clothing? Providers of specialized clothing are specialized clothing vendors contracted with DDA to provide this service.

NEW SECTION

WAC 388-845-1865 Are there limitations to my receipt of specialized clothing? (1) The following limitations apply to your receipt of specialized clothing:

(a) Clinical and support needs for specialized clothing are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(b) Specialized clothing may be authorized as a waiver service if the service is not covered by medicaid or private insurance. You must assist the department in determining whether third party payments are available.

(c) The department requires written documentation from an appropriate health professional regarding your need for the service. This recommendation must take into account that the health professional has recently examined you, reviewed your medical records, and conducted an assessment.

(d) The department may require a second opinion from a department selected provider that meets the same criteria as subsection (1)(c) of this section.

(2) For IFS waiver participants, the dollar amounts for your annual allocation in your IFS waiver limit the amount of service you may receive.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-1910 Are there limitations to the specialized psychiatric services I can receive? (1) Clinical and support needs for specialized psychiatric services are identified in the waiver participant's DDA assessment and docu-

mented in the person-centered service plan/individual support plan.

(2) Specialized psychiatric services are excluded if they are available through other medicaid programs.

(3) DDA and the treating professional will determine the need and amount of service you will receive in the IFS, Basic Plus, Core and CP waivers, subject to the limitations in subsection (4) below.

(4) The dollar ((limitations)) amounts for aggregate service in your Basic Plus waiver or the dollar amount of your annual allocation in your IFS waiver limit the amount of specialized psychiatric services you are authorized to receive, unless provided as a behavioral health stabilization service.

(5) Specialized psychiatric services require prior approval by the DDA regional administrator or designee.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-2000 What is staff/family consultation and training? (1) Staff/family consultation and training is professional assistance to families or direct service providers to help them better meet the needs of the waiver person. This service is available in all DDA HCBS waivers.

(2) Consultation and training is provided to families, direct staff, or personal care providers to meet the specific needs of the waiver participant as outlined in the ~~((individuals))~~ person-centered service plan/individual support plan, including:

- (a) Health and medication monitoring;
- (b) Positioning and transfer;
- (c) Basic and advanced instructional techniques;
- (d) Positive behavior support;
- (e) Augmentative communication systems;
- (f) Diet and nutritional guidance;
- (g) Disability information and education;
- (h) Strategies for effectively and therapeutically interacting with the participant;
- (i) Environmental consultation; and
- (j) For the IFS and CIIBS waivers only, individual and family counseling.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-2005 Who is a qualified provider of staff/family consultation and training? To provide staff/family consultation and training, a provider must be one of the following licensed, registered or certified professionals and be contracted with DDA:

- (1) Audiologist;
- (2) Licensed practical nurse;
- (3) Marriage and family therapist;
- (4) Mental health counselor;
- (5) Occupational therapist;
- (6) Physical therapist;

- (7) Registered nurse;
- (8) Sex offender treatment provider;
- (9) Speech/language pathologist;
- (10) Social worker;
- (11) Psychologist;
- (12) Certified American sign language instructor;
- (13) Nutritionist;
- (14) Counselors registered or certified in accordance with the requirements of chapter 18.19 RCW;
- (15) Certified dietician;
- (16) Recreation therapist registered in Washington and certified by the National Council for Therapeutic Recreation;
- (17) Providers listed in WAC 388-845-0506 and contracted with DDA to provide CIIBS intensive services;
- (18) Certified music therapist (for CIIBS only); ~~((or))~~
- (19) Psychiatrist; or
- (20) Professional advocacy organization.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-2010 Are there limitations to the staff/family consultation and training I can receive? (1) Clinical and support needs for staff/family consultation and training are identified in the waiver participant's DDA assessment and documented in the person-centered service plan/individual support plan.

(2) Expenses to the family or provider for room and board or attendance, including registration, at conferences are excluded as a service under staff/family consultation and training.

~~((Staff/family consultation and training require prior approval by the DDA regional administrator or designee.))~~ The dollar amounts for aggregate service in your Basic Plus waiver or the dollar amount of the annual allocation in your IFS waiver limit the amount of staff/family consultation and training you may receive.

~~((4) The dollar limitations for aggregate services in your Basic Plus waiver limit the amount of service you may receive.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 388-845-2130 What are supported parenting services? (1) Supported parenting services are professional services offered to participants who are parents or expectant parents.

(2) Services may include teaching, parent coaching and other supportive strategies in areas critical to parenting, including child development, nutrition and health, safety, childcare, money management, time and household management and housing.

(3) Supported parenting services are designed to build parental skills around the child's developmental domains of cognition, language, motor, social-emotional and self-help.

(4) Supported parenting services are offered in the IFS waiver.

NEW SECTION

WAC 388-845-2135 Who are qualified providers of supported parenting services? Qualified providers of supported parenting services must have an understanding of the manner in which persons with intellectual/developmental disabilities best learn in addition to skills in child development and family dynamics and be one of the following licensed, registered or certified professionals and be contracted with DDA:

- (1) Audiologist;
- (2) Licensed practical nurse;
- (3) Marriage and family therapist;
- (4) Mental health counselor;
- (5) Occupational therapist;
- (6) Physical therapist;
- (7) Registered nurse or licensed practical nurse;
- (8) Speech/language pathologist;
- (9) Social worker;
- (10) Psychologist;
- (11) Certified American Sign Language instructor;
- (12) Nutritionist;
- (13) Counselors registered or certified in accordance with the requirements of chapter 18.19 RCW;
- (14) Certified dietician;
- (15) Recreation therapist registered in Washington and certified by the National Council for Therapeutic Recreation;
- (16) Psychiatrist; or
- (17) Professional advocacy organization.

NEW SECTION

WAC 388-845-2140 Are there any limitations on my receipt of supported parenting services? The following limitations apply to your receipt of supported parenting services:

- (1) Clinical and support needs for supported parenting services are identified in your DDA assessment and documented in your person-centered service plan/individual support plan;
- (2) The dollar amount of your annual allocation in your IFS waiver limit the amount of supported parenting service you are authorized to receive.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-2160 What is therapeutic equipment and supplies? (1) Therapeutic equipment and supplies are only available in the CIIBS and IFS waivers.

(2) Therapeutic equipment and supplies are equipment and supplies that are necessary to implement a behavioral support plan or other therapeutic plan, designed by an appropriate professional, such as a sensory integration or communication therapy plan, and necessary in order to fully implement the therapy or intervention.

(3) Included are items such as a weighted blanket, supplies that assist to calm or redirect the child to a constructive activity, or a vestibular swing.

AMENDATORY SECTION (Amending WSR 12-16-095, filed 8/1/12, effective 9/1/12)

WAC 388-845-2170 Are there limitations on my receipt of therapeutic equipment and supplies? The following limitations apply to your receipt of therapeutic equipment and supplies under the CIIBS and IFS waivers:

- (1) Therapeutic equipment and supplies may be authorized as a waiver service if the service is not covered by Medicaid or private insurance. You must assist the department in determining whether third party payments are available.
- (2) The department does not pay for experimental equipment and supplies.
- (3) The department requires your treating professional's written recommendation regarding your need for the service. This recommendation must take into account that the treating professional has recently examined you, reviewed your medical records, and conducted a functional evaluation.
- (4) The department may require a written second opinion from a department selected professional that meets the same criteria in subsection (3) of this section.
- (5) The dollar amount of your annual allocation in your IFS waiver limits the amount of therapeutic equipment and supplies you are authorized to receive.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-2210 Are there limitations to the transportation services I can receive? The following limitations apply to transportation services:

- (1) Support needs for transportation services are identified in your DDA assessment and documented in your person-centered service plan/individual support plan.
- (2) Transportation to/from medical or medically related appointments is a Medicaid transportation service and is to be considered and used first.
- (3) Transportation is offered in addition to medical transportation but cannot replace Medicaid transportation services.
- (4) Transportation is limited to travel to and from a waiver service. When the waiver service is supported employment, transportation is limited to days when the participant receives employment support services.
- (5) Transportation does not include the purchase of a bus pass.
- (6) Reimbursement for provider mileage requires prior approval by DDA and is paid according to contract.
- (7) This service does not cover the purchase or lease of vehicles.
- (8) Reimbursement for provider travel time is not included in this service.
- (9) Reimbursement to the provider is limited to transportation that occurs when you are with the provider.
- (10) You are not eligible for transportation services if the cost and responsibility for transportation is already included in your provider's contract and payment.

(11) The dollar limitations for aggregate services in your Basic Plus waiver or the dollar amount of your annual allocation in the IFS waiver limit the amount of service you may receive.

~~((11) Transportation services require prior approval by the DDA regional administrator or designee.))~~

(12) If your individual personal care provider uses his/her own vehicle to provide transportation to you for essential shopping and medical appointments as a part of your personal care service, your provider may receive up to sixty miles per month in mileage reimbursement. If you work with more than one individual personal care provider, your limit is still a total of sixty miles per month. This cost is not counted toward the dollar limitation for aggregate services in the Basic Plus waiver.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 10-22-088, filed 11/1/10, effective 12/2/10)

WAC 388-845-2260 What are vehicle modifications?

~~((This service is only available in the CHBS waiver.))~~ Vehicle modifications are adaptations or alterations to a vehicle required in order to accommodate the unique needs of the individual, enable full integration into the community, and ensure the health, welfare, and safety of the ~~((individual))~~ participant and/or ~~((family members))~~ caregivers.

(1) The following vehicle modifications do not require a prior approval:

(a) Manual hitch-mounted carrier and hitch for all wheelchair types:

(b) Wheelchair cover:

(c) Wheelchair strap-downs:

(d) Portable wheelchair ramp:

(e) Accessible running boards and steps:

(f) Assist poles and/or grab handles.

(2) The following vehicle modifications require prior approval by the DDA regional administrator or designee:

(a) Power activated carrier for all wheelchair types:

(b) Permanently installed wheelchair ramps:

(c) Repairs and maintenance to vehicular modifications as needed for client safety:

(d) Other access modifications.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-2270 Are there limitations to my receipt of vehicle modification services? Vehicle modification services are only available to you if you live in your family home and you are on the CIIBS, Basic Plus, Core or IFS waiver. The following limitations apply ~~((to your receipt of vehicle modifications under the CHBS waiver))~~:

~~((Prior approval by the regional administrator or designee is required.))~~ Clinical and support needs for vehicle modification services are identified in the participant's DDA

assessment and documented in the person-centered service plan/individual support plan.

(2) Vehicle modifications are excluded if they are of general utility without direct medical or remedial benefit to the ~~((individual))~~ participant or caregiver.

(3) Participants who are enrolled with Division of Vocational Rehabilitation (DVR) must pursue this benefit through DVR first.

(4) Vehicle modifications must be the most cost effective modification based upon a comparison of contractor bids as determined by DDA.

(5) Modifications will only be approved for a vehicle that serves as the participant's primary means of transportation and is owned by the participant and/or family.

(6) For modifications requiring prior approvals, the department requires your treating professional's written recommendation regarding your need for the service. This recommendation must take into account that the treating professional has recently examined you, reviewed your medical records, and conducted a functional evaluation.

(7) The department may require a second opinion from a department selected provider that meets the same criteria as subsection ~~((5))~~ (6) of this section.

(8) The dollar amounts for aggregate services in your Basic Plus waiver or the dollar amount for your annual allocation in your IFS waiver limit the amount of vehicle modification service you are authorized to receive.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-3000 What is the process for determining the services I need? Your service needs are determined through the DDA assessment and the service planning process as defined in chapter 388-828 WAC. Only identified health and welfare needs will be authorized for payment in the ~~((ISP))~~ person-centered service plan/individual support plan.

(1) You receive an initial and annual assessment of your needs using a department-approved form.

(a) You meet the eligibility requirements for ICF/ID level of care.

(b) The "comprehensive assessment reporting evaluation (CARE)" tool will determine your eligibility and amount of personal care services.

(c) If you are in the Basic Plus, CIIBS, or Core waiver, the DDA assessment will determine the amount of respite care available to you.

(2) From the assessment, DDA develops your waiver person-centered service plan/individual support plan (ISP) with you and/or your legal representative and others who are involved in your life such as your parent or guardian, advocate and service providers.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-3055 What is a waiver person-centered service plan/individual support plan (ISP)? (1) The person-centered service plan/individual support plan (ISP) is the primary tool DDA uses to determine and document your needs and to identify the services to meet those needs.

(2) Your person-centered service plan/ISP must include:

- (a) Your identified health and welfare needs;
- (b) Both paid and unpaid services and supports approved to meet your identified health and welfare needs as identified in WAC 388-828-8040 and 388-828-8060; and
- (c) How often you will receive each waiver service; how long you will need it; and who will provide it.

(3) For an initial person-centered service plan/ISP, you or your legal representative must sign or give verbal consent to the plan indicating your agreement to the receipt of services.

(4) For a reassessment or review of your person-centered service plan/ISP, you or your legal representative must sign or give verbal consent to the plan indicating your agreement to the receipt of services.

(5) You may choose any qualified provider for the service, who meets all of the following:

- (a) Is able to meet your needs within the scope of their contract, licensure and certification;
- (b) Is reasonably available;
- (c) Meets provider qualifications in chapters 388-845 and 388-825 WAC for contracting; and
- (d) Agrees to provide the service at department rates.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-3056 What if I need assistance to understand my person-centered service plan/individual support plan? If you are unable to understand your person-centered service plan/individual support plan and the individual who has agreed to provide assistance to you as your necessary supplemental accommodation representative is unable to assist you with understanding your individual support plan, DDA will take the following steps:

- (1) Consult with the office of the attorney general to determine if you require a legal representative or guardian to assist you with your individual support plan.
- (2) Continue your current waiver services.
- (3) If the office of the attorney general or a court determines that you do not need a legal representative, DDA will continue to try to provide necessary supplemental accommodations in order to help you understand your person-centered service plan/individual support plan.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-3060 When is my person-centered service plan/individual support plan effective? Your person-centered service plan/individual support plan is effective the last day of the month in which DDA signs it after a signature or consent is obtained from the participant.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-3061 Can a change in my person-centered service plan/individual support plan be effective before I sign it? If you verbally request a change in service to occur immediately, DDA can sign the person-centered service plan/individual support plan and approve it prior to receiving your signature.

(1) Your person-centered service plan/individual support plan will be mailed to you for signature.

(2) You retain the same appeal rights as if you had signed the person-centered service plan/individual support plan.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-3062 Who is required to sign or give verbal consent to the person-centered service plan/individual support plan? (1) If you do not have a legal representative, you must sign or give verbal consent to the person-centered service plan/individual support plan.

(2) If you have a legal representative, your legal representative must sign or give verbal consent to the person-centered service plan/individual support plan.

(3) If you need assistance to understand your person-centered service plan/individual support plan, DDA will follow the steps outlined in WAC 388-845-3056 (1) and (3).

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-3063 Can my person-centered service plan/individual support plan be effective before the end of the month? You may request to DDA to have your person-centered service plan/individual support plan effective prior to the end of the month. The effective date will be the date DDA signs it after receiving your signature or verbal consent.

AMENDATORY SECTION (Amending WSR 13-04-005, filed 1/24/13, effective 2/24/13)

WAC 388-845-3065 How long is my plan effective? Your person-centered service plan/individual support plan is effective through the last day of the twelfth month following the effective date or until another ISP is completed, whichever occurs sooner.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-3070 What happens if I do not sign or verbally consent to my person-centered service plan/individual support plan (ISP)? If DDA is unable to obtain the necessary signature or verbal consent for an initial, reassessment or review of your person-centered service plan/individual support plan (ISP), DDA will take one or more of the following actions:

(1) If this person-centered service plan/individual support plan is an initial plan, DDA will be unable to provide waiver services. DDA will not assume consent for an initial

plan and will follow the steps described in WAC 388-845-3056 (1) and (3).

(2) If this person-centered service plan/individual support plan is a reassessment or review and you are able to understand your ISP:

(a) DDA will continue providing services as identified in your most current ISP until the end of the ten-day advance notice period as stated in WAC 388-825-105.

(b) At the end of the ten-day advance notice period, unless you file an appeal, DDA will assume consent and implement the new ISP without the required signature or verbal consent as defined in WAC 388-845-3062 above.

(3) If this person-centered service plan/individual support plan is a reassessment or review and you are not able to understand your ISP, DDA will continue your existing services and take the steps described in WAC 388-845-3056.

(4) You will be provided written notification and appeal rights to this action to implement the new ISP.

(5) Your appeal rights are in WAC 388-845-4000 and 388-825-120 through 388-825-165.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-3075 What if my needs change? You may request a review of your person-centered service plan/individual support plan at any time by calling your case manager. If there is a significant change in your condition or circumstances, DDA must reassess your person-centered service plan/individual support plan with you and amend the plan to reflect any significant changes. This reassessment does not affect the end date of your annual person-centered service plan/individual support plan.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

WAC 388-845-3085 What if my needs exceed what can be provided under the IFS, CIIBS, Core or Community Protection waiver? (1) If you are on the IFS, CIIBS, Core or Community Protection waiver and your assessed need for services exceeds the scope of services provided under your waiver, DDA will make the following efforts to meet your health and welfare needs:

(a) Identify more available natural supports;

(b) Initiate an exception to rule to access available non-waiver services not included in the IFS, CIIBS, Core or Community Protection waiver other than natural supports;

(c) Offer you the opportunity to apply for an alternate waiver that has the services you need, subject to WAC 388-845-0045;

(d) Offer you placement in an ICF/ID.

(2) If none of the above options is successful in meeting your health and welfare needs, DDA may terminate your waiver eligibility.

(3) If you are terminated from a waiver, you will remain eligible for nonwaiver DDA services but access to state-only funded DDA services is limited by availability of funding.

WSR 15-09-100

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed April 20, 2015, 12:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-22-084.

Title of Rule and Other Identifying Information: The department is amending chapter 388-106 WAC, Long-term care services.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on June 9, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 10, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAU RulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., June 9, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by May 26, 2015, TTY (360) 664-6178 or (360) 664-6092 or e-mail Kildaja@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending WAC 388-106-0010 to include the following changes:

- To clarify the definitions of eating and set-up help in response to recent board of appeals decisions;
- To add new definitions related to modified adjusted gross income eligibility group and to clarify existing definitions related to long-term care services;
- To clarify the definition of informal support in response to decisions from the health care authority board of appeals. The department will also amend WAC 388-106-0130 in response to decisions from the health care authority board of appeals; and
- To amend existing definitions to include enhanced services facilities.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Statute Being Implemented: RCW 74.08.090, 74.09.520.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Rachelle Ames, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2353.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The preparation of a small business economic impact statement is not required, as no new costs will be imposed on small businesses or nonprofits as a result of this rule amendment.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt per RCW 34.05.328 (5)(b)(v), rules the content of which is explicitly and specifically dictated by statute.

April 17, 2015
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-13-060, filed 6/12/14, effective 7/13/14)

WAC 388-106-0010 What definitions apply to this chapter? "Ability to make self understood" means how you make yourself understood to those closest to you; express or communicate requests, needs, opinions, urgent problems and social conversations, whether in speech, writing, sign language, symbols, or a combination of these including use of a communication board or keyboard:

- (a) Understood: You express ideas clearly;
- (b) Usually understood: You have difficulty finding the right words or finishing thoughts, resulting in delayed responses, or you require some prompting to make self understood;
- (c) Sometimes understood: You have limited ability, but are able to express concrete requests regarding at least basic needs (e.g. food, drink, sleep, toilet);
- (d) Rarely/never understood: At best, understanding is limited to caregiver's interpretation of client specific sounds or body language (e.g. indicated presence of pain or need to toilet);
- (e) Child under three: Proficiency is not expected of a child under three and a child under three would require assistance with communication with or without a functional disability. Refer to the developmental milestones table in WAC 388-106-0130.

"Activities of daily living (ADL)" means the following:

- (a) Bathing: How you take a full-body bath/shower, sponge bath, and transfer in/out of tub/shower.
- (b) Bed mobility: How you move to and from a lying position, turn side to side, and position your body while in bed, in a recliner, or other type of furniture.
- (c) Body care: How you perform with passive range of motion, applications of dressings and ointments or lotions to the body and pedicure to trim toenails and apply lotion to feet. In adult family homes, enhanced services facilities, contracted assisted living, enhanced adult residential care, and enhanced adult residential care-specialized dementia care facilities, dressing changes using clean technique and topical ointments must be performed by a licensed nurse or through nurse delegation in accordance with chapter 246-840 WAC. Body care excludes:
 - (i) Foot care if you are diabetic or have poor circulation; or
 - (ii) Changing bandages or dressings when sterile procedures are required.
- (d) Dressing: How you put on, fasten, and take off all items of clothing, including donning/removing prosthesis.
- (e) Eating: How you eat and drink, regardless of skill. Eating includes any method of receiving nutrition, e.g., by

mouth, tube or through a vein. Eating does not include any set up help you receive.

(f) Locomotion in room and immediate living environment: How you move between locations in your room and immediate living environment. If you are in a wheelchair, locomotion includes how self-sufficient you are once in your wheelchair.

(g) Locomotion outside of immediate living environment including outdoors: How you move to and return from more distant areas. If you are living in a contracted assisted living, enhanced services facility, adult residential care, enhanced adult residential care, enhanced adult residential care-specialized dementia care facility or nursing facility (NF), this includes areas set aside for dining, activities, etc. If you are living in your own home or in an adult family home, locomotion outside immediate living environment including outdoors, includes how you move to and return from a patio or porch, backyard, to the mailbox, to see the next-door neighbor, etc.

(h) Walk in room, hallway and rest of immediate living environment: How you walk between locations in your room and immediate living environment.

(i) Medication management: Describes the amount of assistance, if any, required to receive medications, over the counter preparations or herbal supplements.

(j) Toilet use: How you use the toilet room, commode, bedpan, or urinal, transfer on/off toilet, cleanse, change pad, manage ostomy or catheter, and adjust clothes.

(k) Transfer: How you move between surfaces, i.e., to/from bed, chair, wheelchair, standing position. Transfer does not include how you move to/from the bath, toilet, or get in/out of a vehicle.

(l) Personal hygiene: How you maintain personal hygiene, (~~including~~) such as combing hair, brushing teeth, shaving, applying makeup, washing/drying face, hands (including nail care), and perineum (menses care). Personal hygiene does not include hygiene in baths and showers.

"Age appropriate" proficiency in the identified task is not expected of a child that age and a child that age would require assistance with the task with or without a functional disability. Refer to the developmental milestones table in WAC 388-106-0130 for the specific ages.

"Aged person" means a person sixty-five years of age or older.

"Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to you in your own home.

"Alternative benefit plan" means the scope of services described in WAC 182-501-0060 available to persons eligible to receive health care coverage under the Washington apple health modified adjusted gross income (MAGI)-based adult coverage described in WAC 182-505-0250.

"Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant must submit the request on a form prescribed by the department.

"Assessment details" means a summary of information that the department entered into the CARE assessment describing your needs.

"Assessment or reassessment" means an inventory and evaluation of abilities and needs based on an in-person interview in your own home or your place of residence, using CARE.

"Assistance available" means the amount of assistance available for a task if status is coded:

(a) Partially met due to availability of other support; or
 (b) Shared benefit. The department determines the amount of the assistance available using one of four categories:

- (i) Less than one-fourth of the time;
- (ii) One-fourth to one-half of the time;
- (iii) Over one-half of the time to three-fourths of the time; or
- (iv) Over three-fourths but not all of the time.

"Assistance with body care" means you need assistance with:

- (a) Application of ointment or lotions;
- (b) Trimming of toenails;
- (c) Dry bandage changes; or
- (d) Passive range of motion treatment.

"Assistance with medication management" means you need assistance managing your medications. You are scored as:

(a) Independent if you remember to take medications as prescribed and manage your medications without assistance.

(b) Assistance required if you need assistance from a nonlicensed provider to facilitate your self-administration of a prescribed, over the counter, or herbal medication, as defined in chapter 246-888 WAC. Assistance required includes reminding or coaching you, handing you the medication container, opening the container, using an enabler to assist you in getting the medication into your mouth, alteration of a medication for self-administration, and placing the medication in your hand. This does not include assistance with intravenous or injectable medications. You must be aware that you are taking medications.

(c) Self-directed medication assistance/administration if you are an adult with a functional disability who is capable of and who chooses to self-direct your medication assistance/administration.

(d) Must be administered if you must have medications placed in your mouth or applied or instilled to your skin or mucus membrane. Administration must either be performed by a licensed professional or delegated by a registered nurse to a qualified caregiver (per chapter 246-840 WAC). Administration may also be performed by a family member or unpaid caregiver in in-home settings or in residential settings if facility licensing regulations allow. Intravenous or injectable medications may never be delegated except for insulin injections.

"Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

"Blind person" means a person determined blind as described under WAC 182-500-0015 by the division of dis-

ability determination services of the medical assistance administration.

"Categorically needy" means the status of a person who is eligible for medical care under Title XIX of the Social Security Act. See WAC 182-512-0010 and chapter 182-513 WAC.

"Child" means an individual less than eighteen years of age.

"Health action plan" means an individual plan which identifies health-related problems, interventions and goals.

"Client" means an applicant for service or a person currently receiving services from the department.

"Current" means a behavior occurred within seven days of the CARE assessment date, including the day of the assessment. Behaviors that the department designates as current must include information about:

- (a) Whether the behavior is easily altered or not easily altered; and
- (b) The frequency of the behavior.

"Decision making" means your ability to make, and actual performance in making, everyday decisions about tasks or activities of daily living in the last seven days before the assessment. The department determines whether you ~~((are))~~ were:

(a) Independent: Decisions about your daily routine ~~((are))~~ were consistent and organized; reflecting your lifestyle, choices, culture, and values.

(b) Modified independence/difficulty in new situations: You ~~((have))~~ had an organized daily routine, ~~((are))~~ were able to make decisions in familiar situations, but experienced some difficulty in decision making when faced with new tasks or situations.

(c) Moderately impaired/poor decisions; unaware of consequences: Your decisions ~~((are))~~ were poor and you require reminders, cues and supervision in planning, organizing and correcting daily routines. You attempted to make decisions, although poorly.

(d) Severely impaired/no or few decisions: Decision making ~~((is))~~ was severely impaired; you never/rarely ~~((make))~~ made decisions.

(e) Child under twelve: Proficiency in decision making is not expected of a child under twelve and a child under twelve would require assistance with decision making with or without a functional disability. Refer to the developmental milestones table in WAC 388-106-0130.

"Department" means the state department of social and health services, aging and disability administration or its designee.

"Designee" means area agency on aging.

"Developmental milestones table" is a chart showing the age range for which proficiency in the identified task is not expected of a child and assistance with the task would be required whether or not the child has a functional disability.

"Difficulty" means how difficult it is or would be for you to perform an instrumental activity of daily living (IADL). This is assessed as:

- (a) No difficulty in performing the activity;
- (b) Some difficulty in performing the activity (e.g., you need some help, are very slow, or fatigue easily); or

(c) Great difficulty in performing the activity (e.g., little or no involvement in the activity is possible).

"Disability" is described under WAC 182-500-0025.

"Disabling condition" means you have a medical condition which prevents you from self performance of personal care tasks without assistance.

"Estate recovery" means the department's process of recouping the cost of medicaid and long-term care benefit payments from the estate of the deceased client. See chapter 182-527 WAC.

"Home health agency" means a licensed:

(a) Agency or organization certified under medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(b) Home health agency, certified or not certified under medicare, contracted and authorized to provide:

(i) Private duty nursing; or

(ii) Skilled nursing services under an approved medicaid waiver program.

"Income" means income as defined under WAC 182-509-0001.

"Individual provider" means a person employed by you to provide personal care services in your own home. See WAC 388-71-0500 through 388-71-05909.

"Informal support" means:

(a) ~~(a person or resource that is available to provide)~~ Assistance that will be provided without home and community program funding. The person ~~(or resource)~~ providing the informal support must be age 18 or older. ~~((Examples))~~ Sources of informal support~~((s))~~ include but are not limited to: family members, friends, housemates/roommates, neighbors, school, childcare, after school activities, ~~((adult day health,))~~ church, and ~~((or))~~ community programs. Except for a situation in which the age of a child or shared benefit determines status, if a person is available and willing to provide unpaid assistant to a client, the department may consider the person to be a source of informal support, even if the person is also an individual provider for the client.

(b) Adult day health is considered a source of informal support, regardless of funding source.

"Institution" means medical facilities, nursing facilities, and institutions for the intellectually disabled. It does not include correctional institutions. See medical institutions in WAC 182-500-0050.

"Instrumental activities of daily living (IADL)" means routine activities performed around the home or in the community and includes the following:

(a) Meal preparation: How meals are prepared (e.g., planning meals, cooking, assembling ingredients, setting out food, utensils, and cleaning up after meals). NOTE: The department will not authorize this IADL to only plan meals or clean up after meals. You must need assistance with ~~((actual))~~ other tasks of meal preparation.

(b) Ordinary housework: How ordinary work around the house is performed (e.g., doing dishes, dusting, making bed, tidying up, laundry).

(c) Essential shopping: How shopping is completed to meet your health and nutritional needs (e.g., selecting items).

Shopping is limited to brief, occasional trips in the local area to shop for food, medical necessities and household items required specifically for your health, maintenance or well-being. This includes shopping with or for you.

(d) Wood supply: How wood is supplied (e.g., splitting, stacking, or carrying wood) when you use wood as the sole source of fuel for heating and/or cooking.

(e) Travel to medical services: How you travel by vehicle to a physician's office or clinic in the local area to obtain medical diagnosis or treatment-includes driving vehicle yourself, traveling as a passenger in a car, bus, or taxi.

(f) Managing finances: How bills are paid, checkbook is balanced, household expenses are managed. The department cannot pay for any assistance with managing finances.

(g) Telephone use: How telephone calls are made or received (with assistive devices such as large numbers on telephone, amplification as needed).

"Long-term care services" means the services administered directly or through contract by the aging and disability services and identified in WAC 388-106-0015.

"MAGI" means modified adjusted gross income. It is a methodology used to determine eligibility for Washington apple health (medicaid), and is defined in WAC 182-500-0070.

"Medicaid" is defined under WAC 182-500-0070.

"Medically necessary" is defined under WAC 182-500-0070.

"Medically needy (MN)" means the status of a person who is eligible for a federally matched medical program under Title XIX of the Social Security Act, who, but for income above the categorically needy level, would be eligible as categorically needy. Effective January 1, 1996, an AFDC-related adult is not eligible for MN.

"New Freedom consumer directed services (NFCDS)" means a mix of services and supports to meet needs identified in your assessment and identified in a New Freedom spending plan, within the limits of the individual budget, that provide you with flexibility to plan, select, and direct the purchase of goods and services to meet identified needs. Participants have a meaningful leadership role in:

(a) The design, delivery and evaluation of services and supports;

(b) Exercising control of decisions and resources, making their own decisions about health and well being;

(c) Determining how to meet their own needs;

(d) Determining how and by whom these needs should be met; and

(e) Monitoring the quality of services received.

"New Freedom consumer directed services (NFCDS) participant" means a participant who is an applicant for or currently receiving services under the NFCDS waiver.

"New Freedom spending plan (NFSP)" means the plan developed by you, as a New Freedom participant, within the limits of an individual budget, that details your choices to purchase specific NFCDS and provides required federal medicaid documentation.

"Own home" means your present or intended place of residence:

(a) In a building that you rent and the rental is not contingent upon the purchase of personal care services as defined in this section;

(b) In a building that you own;

(c) In a relative's established residence; or

(d) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

"Past" means the behavior occurred from eight days to five years of the assessment date. For behaviors indicated as past, the department determines whether the behavior is addressed with current interventions or whether no interventions are in place.

"Personal aide" is defined in RCW 74.39.007.

"Personal care services" means physical or verbal assistance with activities of daily living (ADL) and instrumental activities of daily living (IADL) due to your functional limitations. Assistance is evaluated with the use of assistive devices.

"Physician" is defined under WAC 182-500-0085.

"Plan of care" means assessment details and service summary generated by CARE.

"Provider or provider of service" means an institution, agency, or person:

(a) Having a signed department contract to provide long-term care client services; and

(b) Qualified and eligible to receive department payment.

"Reasonable cost" means a cost for a service or item that is consistent with the market standards for comparable services or items.

"Representative" means a person who you have chosen, or has been appointed by a court, whose primary duty is to act on your behalf to direct your service budget to meet your identified health, safety, and welfare needs.

"Residential facility" means a licensed adult family home under department contract; a licensed enhanced services facility under department contract; or licensed assisted living facility under department contract to provide assisted living, adult residential care or enhanced adult residential care.

"Self performance for ADLs" means what you actually did in the last seven days before the assessment, not what you might be capable of doing. ~~((Coding))~~ Self-performance for ADLs is based on the level of performance that occurred three or more times in the seven-day period. ~~((and))~~ Scoring of self-performance for ADLs does not include ~~((support provided as defined in WAC 388-106-0010))~~ physical assistance that occurred fewer than three times in the seven day look back period, or set-up help. Your self performance level is scored as:

(a) Independent if you received no help or oversight, or if you needed help or oversight only once or twice;

(b) Supervision if you received oversight (monitoring or standby), encouragement, or cueing three or more times;

(c) Limited assistance if you were highly involved in the activity and ~~((given physical help in guided maneuvering of limbs or other nonweight bearing assistance))~~ received assistance that involved physical nonweight bearing contact between you and your caregiver or guided maneuvering of

limbs on three or more occasions. ~~((For bathing, limited assistance means physical help is limited to transfer only;))~~

(d) Extensive assistance if you performed part of the activity, but on three or more occasions, you needed weight bearing support or you received full performance of a subtask of the activity ~~((during part))~~, but not all, of the activity. ~~((For bathing, extensive assistance means you needed physical help with part of the activity (other than transfer;))~~

(e) Total dependence if you received full caregiver performance of the activity and all subtasks during the entire seven-day period from others. Total dependence means complete nonparticipation by you in all aspects of the ADL; or

(f) Activity did not occur if you or others did not perform an ADL over the last seven days before your assessment. The activity may not have occurred because:

(i) You were not able (e.g., walking, if paralyzed);

(ii) No provider was available to assist; or

(iii) You declined assistance with the task.

"Self performance for IADLs" means what you actually did in the last thirty days before the assessment, not what you might be capable of doing. ~~((Coding))~~ Scoring is based on the level of performance that occurred three or more times in the thirty-day period. Your self performance is scored as:

(a) Independent if you received no help, set-up help, or supervision;

(b) Set-up help/arrangements only if on some occasions you did your own set-up/arrangement and at other times you received help from another person;

(c) Limited assistance if on some occasions you did not need any assistance but at other times in the last thirty days you required some assistance;

(d) Extensive assistance if you were involved in performing the activity, but required cueing/supervision or partial assistance at all times;

(e) Total dependence if you needed the activity fully performed by others; or

(f) Activity did not occur if you or others did not perform the activity in the last thirty days before the assessment.

"Service summary" is CARE information which includes: Contacts (e.g. emergency contact), services the client is eligible for, number of hours or residential rates, personal care needs, the list of formal and informal providers and what tasks they will provide, a provider schedule, referral needs/information, and dates and agreement to the services.

"Shared benefit" means:

(a) A client and their paid caregiver both share in the benefit of an IADL task being performed; or

(b) Two or more clients in a multi-client household benefit from the same IADL task(s) being performed.

"SSI-related" is defined under WAC 182-512-0050.

"Status" means the level of assistance; ~~((available for a task from))~~

(a) that will be provided by informal supports; or

(b) ((the shared benefit)) That will be provided by a care provider who may ((derive from doing a)) share in the benefit of an IADL task being performed for a client or ((that)) for two or more clients ((derive from the same IADL being performed and the determination of whether a child's need for assistance is due)) in a multi-client household; or

(c) That will be provided to a child primarily due to his or her age. The department determines the status of each ADL or IADL and codes the status as follows:

(a) Met, which means the ADL or IADL will be fully provided by an informal support;

(b) Unmet, which means an informal support will not be available to provide assistance with the identified ADL or IADL;

(c) Partially met, which means an informal support will be available to provide some assistance, but not all, with the identified ADL or IADL;

(d) Shared benefit, which means:

(i) A client and their paid caregiver will both share in the benefit of an IADL task being performed; or

(ii) Two or more clients in a multi-client household will benefit from the same IADL task(s) being performed.

(e) Age appropriate or child under (age), means proficiency in the identified task is not expected of a child that age and a child that age would require assistance with the task with or without a functional disability. The department presumes children have a responsible adult(s) in their life to provide assistance with personal care tasks. Refer to the developmental milestones table in WAC 388-106-0130; or

(f) Client declines, which means you (~~do~~) will not want assistance with the task.

"Supplemental security income (SSI)" means the federal program as described under WAC 182-500-0100.

"Support provided" means the highest level of support provided (to you) by others in the last seven days before the assessment, even if that level of support occurred only once. The department determines support provided as follows:

(a) No set-up or physical help provided by others;

(b) Set-up help only provided, which is the type of help characterized by providing you with articles, devices, or preparation necessary for greater ((self)) independence in performance of the activity. (For example, set-up help includes but is not limited to giving or holding out an item or cutting up prepared food);

(c) One-person physical assist provided;

(d) Two- or more person physical assist provided; or

(e) Activity did not occur during entire seven-day period.

"You/your" means the client.

AMENDATORY SECTION (Amending WSR 14-04-097, filed 2/4/14, effective 3/7/14)

WAC 388-106-0130 How does the department determine the number of hours I may receive for in-home care? (1) The department assigns a base number of hours to each classification group as described in WAC 388-106-0125.

(2) The department will adjust base hours to account for informal supports, shared benefit, and age appropriate functioning (as those terms are defined in WAC 388-106-0010), and other paid services that meet some of an individual's need for personal care services(~~(, including adult day health, as follows))~~):

(a) The CARE tool determines the adjustment for (~~status and assistance available of~~) informal supports, shared benefit, and age appropriate functioning. A numeric value is assigned to the status and/or assistance available coding for ADLs and IADLs based on the table below. The base hours assigned to each classification group are adjusted by the numeric value in subsection (b) below.

Meds	Status	Assistance Available	Numeric Value
Medication Management The rules to the right apply for all Self Performance codes except independent which is not counted as a qualifying ADL	Unmet	N/A	1
	Met	N/A	0
	Decline	N/A	0
	Age appropriate functioning	N/A	0
	Partially met	<1/4 time	
1/4 to 1/2 time			.7
1/2 to 3/4 time			.5
>3/4 time			.3
Unscheduled ADLs	Status	Assistance Available	Value
Bed mobility, transfer, walk in room, eating, toilet use The rules to the right apply for all Self Performance codes except: Did not occur/client not able and Did not occur/no provider = 1; Did not occur/client declined and independent are not counted as qualifying ADLs	Unmet	N/A	1
	Met	N/A	0
	Decline	N/A	0
	Age appropriate functioning	N/A	0
	Partially met	<1/4 time	
1/4 to 1/2 time			.7
1/2 to 3/4 time			.5
>3/4 time			.3

Scheduled ADLs	Status	Assistance Available	Value
Dressing, personal hygiene, bathing The rules to the right apply for all Self Performance codes except: Did not occur/client not able and Did not occur/no provider = 1; Did not occur/client declined and independent which are not counted as qualifying ADLs	Unmet	N/A	1
	Met	N/A	0
	Decline	N/A	0
	Age appropriate functioning	N/A	0
	Partially met	<1/4 time	.75
		1/4 to 1/2 time	.55
		1/2 to 3/4 time	.35
>3/4 time		.15	
IADLs	Status	Assistance Available	Value
Meal preparation, Ordinary housework, Essential shopping The rules to the right apply for all Self Performance codes except independent is not counted as a qualifying IADL	Unmet	N/A	1
	Met	N/A	0
	Decline	N/A	0
	Child under (age) (see subsection (7))	N/A	0
	Partially met or Shared benefit	<1/4 time	.3
		1/4 to 1/2 time	.2
		1/2 to 3/4 time	.1
>3/4 time		.05	
IADLs	Status	Assistance Available	Value
Travel to medical The rules to the right apply for all Self Performance codes except independent which is not counted as a qualifying IADL	Unmet	N/A	1
	Met	N/A	0
	Decline	N/A	0
	Child under (age) (see subsection (7))	N/A	0
	Partially met	<1/4 time	.9
		1/4 to 1/2 time	.7
		1/2 to 3/4 time	.5
>3/4 time		.3	
Key: > means greater than < means less than			

(b) To determine the amount adjusted for informal support, shared benefit and/or age appropriate functioning, the numeric values are totaled and divided by the number of qualifying ADLs and IADLs needs. The result is value A. Value A is then subtracted from one. This is value B. Value B is divided by three. This is value C. Value A and Value C are summed. This is value D. Value D is multiplied by the "base hours" assigned to your classification group and the result is the number of adjusted in-home hours. Values are rounded to the nearest hundredths (e.g., .862 is rounded to .86).

(3) Effective July 1, 2012, after adjustments are made to your base hours, as described in subsection (2), the department may add on hours based on off-site laundry, living more than forty-five minutes from essential services, and wood supply, as follows:

Condition	Status	Assistance Available	Add On Hours	
Offsite laundry facilities, which means the client does not have facilities in own home and the caregiver is not available to perform any other personal or household tasks while laundry is done. The status used for the rules to the right is for housekeeping.	Unmet	N/A	8	
	Met	N/A	0	
	Declines	N/A	0	
	Child under (age) (see subsection (7))	N/A	0	
	Partially met or Shared benefit:		<1/4 time	8
			between 1/4 to 1/2 time	6
			between 1/2 to 3/4 time	4
			>3/4 time	2
Client is >45 minutes from essential services (which means he/she lives more than 45 minutes one-way from a full-service market). The status used for the rules to the right is essential shopping.	Unmet	N/A	5	
	Met	N/A	0	
	Declines	N/A	0	
	Child under (age) (see subsection (7))	N/A	0	
	Partially met or Shared benefit		<1/4 time	5
			between 1/4 to 1/2 time	4
			between 1/2 to 3/4 time	3
			>3/4 time	2
Wood supply used as sole source of heat.	Unmet	N/A	8	
	Met	N/A	0	
	Declines	N/A	0	
	Child under (age) (see subsection (7))	N/A	0	
	Partially met or Shared benefit		<1/4 time	8
			between 1/4 to 1/2 time	6
			between 1/2 to 3/4 time	4
			>3/4 time	2

(4) In the case of New Freedom consumer directed services (NFCDS), the department determines the monthly budget available as described in WAC 388-106-1445.

(5) The result of ~~((actions))~~ adjustments under subsections (2) and (3) is the maximum number of hours that can be used to develop your plan of care. The department must take into account cost effectiveness, client health and safety, and program limits in determining how hours can be used to address your identified needs. In the case of New Freedom consumer directed services (NFCDS), a New Freedom spending plan (NFSP) is developed in place of a plan of care.

(6) ~~((You and your case manager will work to determine what services you choose to receive))~~ If you are eligible ~~((The))~~, your hours may be used to authorize the following services:

(a) Personal care services from a home care agency provider and/or an individual provider.

(b) Home delivered meals (i.e. a half hour from the available hours for each meal authorized) per WAC 388-106-0805.

(c) Adult day care (i.e. a half hour from the available hours for each hour of day care authorized) per WAC 388-106-0805.

(d) A home health aide (i.e., one hour from the available hours for each hour of home health aide authorized) per WAC 388-106-0300.

(e) A private duty nurse (PDN) if you are eligible per WAC 388-106-1010 or 182-551-3000 (i.e. one hour from the available hours for each hour of PDN authorized).

(f) The purchase of New Freedom consumer directed services (NFCDS).

(7) If you are a child applying for personal care services:

(a) The department presumes that children have legally responsible parents or other responsible adults who provide informal support for the child's ADLs, IADLs and other needs. The department will not provide services or supports that are within the range of activities that a legally responsible parent or other responsible adult would ordinarily perform on behalf of a child of the same age who does not have a disability or chronic illness.

(b) The department will complete a CARE assessment and use the developmental milestones tables below when assessing your ability to perform personal care tasks.

(c) Your status will be coded as age appropriate for ADLs when your self performance is at a level expected for persons in your assessed age range, as indicated by the developmental milestones table in subpart (e), unless the circumstances in subpart (d) below apply.

(d) The department will code status as other than age appropriate for an ADL, despite your self performance falling within the developmental age range for the ADL on the developmental milestones table in subpart (e) below, if the department determines during your assessment that your level of functioning is related to your disability and not primarily due to your age and the frequency and/or the duration of assistance required for a personal care task is not typical for a person of your age.

(e)

Developmental Milestones for Activities of Daily Living (ADLs)		
ADL	Self-Performance	Developmental Age Range
Medication Management	Independent Self-Directed Assistance Required	Child under 18 years of age
	Must Be Administered	Child under 12 years of age
Locomotion in Room	Independent Supervision Limited Extensive	Child under 4 years of age
	Total	Child under 13 months of age
Locomotion Outside Room	Independent Supervision	Child under 6 years of age
	Limited Extensive	Child under 4 years of age
	Total	Child under 25 months of age
Walk in Room	Independent Supervision Limited Extensive	Child under 4 years of age
	Total	Child under 19 months of age
Bed Mobility	Independent Supervision Limited	Child under 37 months of age
	Extensive	Child under 25 months of age
	Total	Child under 19 months of age
Transfers	Independent Supervision Limited Extensive	Child under 3 years of age
	Total	Child under 19 months of age
Toilet Use	Independent Supervision Limited Extensive	Child under 7 years of age
	Total	Child under 37 months of age
Eating	Independent Supervision Limited Extensive	Child under 3 years of age
	Total	Child under 13 months of age
Bathing	Independent Supervision	Child under 12 years of age
	Physical help/Transfer only	Child under 5 years of age
	Physical help/part of bathing	Child under 6 years of age

Developmental Milestones for Activities of Daily Living (ADLs)		
ADL	Self-Performance	Developmental Age Range
	Total	Child under 37 months of age
Dressing	Independent Supervision	Child under 12 years of age
	Limited	Child under 8 years of age
	Extensive	Child under 7 years of age
	Total	Child under 25 months of age
Personal Hygiene	Independent Supervision	Child under 12 years of age
	Limited Extensive	Child under 7 years of age
	Total	Child under 37 months of age

(f) For IADLs, the department presumes that children typically have legally responsible parents or other responsible adults to assist with IADLs. Status will be coded as "child under (age)" the age indicated by the developmental milestones table for IADLs in subpart (h) unless the circumstances in subpart (g) below apply. (For example, a sixteen year old child coded as supervision in self-performance for telephone would be coded "child under eighteen.")

(g) If the department determines during your assessment that the frequency and/or the duration of assistance required is not typical for a person of your age due to your disability or your level of functioning, the department will code status as other than described in subpart (h) for an IADL.

(h)

Developmental Milestones for Instrumental Activities of Daily Living			
IADL	Self-Performance	Developmental Age Range	
Finances Telephone Wood Supply	Independent Supervision Limited Extensive Total	Child under 18	
	Transportation	Independent Supervision Limited Extensive	Child under 18
		Total	Child under 16
	Essential Shopping Housework Meal Prep	Independent Supervision Limited Extensive	Child under 18
Total		Child under 12	

(i) The department presumes that children have legally responsible parents or other responsible adults who provide support for comprehension, decision-making, memory and continence issues. These items will be coded as indicated by the additional developmental milestones table in subpart (k) unless the circumstances in subpart (j) below apply.

(j) If the department determines during your assessment that due to your disability, the support you are provided for comprehension, decision making, memory and continence issues is substantially greater than is typical for a person of your age, the department will code status as other than described in subpart (k) below.

(k)

Additional Developmental Milestones coding within CARE			
Name of CARE panel	Question in CARE Panel	Developmental Milestone coding selection	Developmental Age Range
Speech/Hearing: Comprehension	"By others client is"	Child under 3	Child under 3
Psych Social: MMSE	"Can MMSE be administered?"	= No	Child under 18
Psych Social: Memory/ Short Term	"Recent memory"	Child under 12	Child under 12
Psych Social: Memory/ Long Term	"Long Term memory"	Child under 12	Child under 12
Psych Social: Depression	"Interview"	Unable to obtain	Child under 12
Psych Social: Decision Making	"Rate how client makes decision"	Child under 12	Child under 12
Bladder/Bowel:	"Bladder/Bowel Control" is which of the following:		
	Continent Usually Continent Occasionally Incontinent	Age appropriate	Child under 12
	Frequently Incontinent	Age appropriate	Child under 9
	Incontinent all or most of the time	Age appropriate	Child under 6
Bladder/Bowel:	"Appliance and programs"	Potty Training	Child under 4

(8) If you are a child applying for personal care services and your status for ADLs and IADLs is not coded per the developmental age range indicated on the milestones tables under subsection (7), the department will assess for any informal supports or shared benefit available to assist you with each ADL and IADL. The department will presume that children have legally responsible parents or other responsible adults who provide informal support to them.

(a) The department will code status for an ADL or IADL as met if your assessment shows that your need for assistance with a personal care task is fully met by informal supports.

~~(b) ((The department will presume that you have informal supports, defined in WAC 388-106-0130, available to assist you with your ADLs and IADLs over three-fourths but not all of the time. This presumption may be rebutted if you provide specific information during your assessment to indicate why you do not have support available three-fourths or more of the time to assist you with a particular ADL or IADL.~~

~~(e))~~ Informal supports for school-age children include supports actually available through a school district, regardless of whether you take advantage of those available supports.

~~((d))~~ (c) When you are living with your legally responsible parent(s), the department will ~~((take into account their legal obligation to care for you when determining the availability of informal supports))~~ presume that you have informal supports available to assist you with your ADL and IADLs over three-fourths but not all the time. Legally responsible parents include natural parents, step parents, and adoptive parents. Generally, a legally responsible parent will not be considered unavailable to meet your personal care needs simply due to other obligations such as work or additional children because such obligations do not decrease the parent's

legal responsibility to care for you regardless of your disabilities. However, the department will consider factors that cannot reasonably be avoided and which prevent a legally responsible parent from providing for your personal care needs when determining the amount of informal support available to you. You may rebut the department's presumption by providing specific information during your assessment to indicate why you do not have informal supports available at least three-fourths of time to assist you with a particular ADL or IADL.

WSR 15-10-020
PROPOSED RULES
OLYMPIC REGION
CLEAN AIR AGENCY
 [Filed April 24, 2015, 4:23 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Olympic Region Clean Air Agency (ORCAA) Regulations, Regulation 3, Rule 3.4 Outdoor Burning Permit Fees and Regulation 6, Rule 6.2.8.

Hearing Location(s): ORCAA, 2940 Limited Lane N.W., Olympia, WA 98502, on June 10, 2015, at 10:00 a.m.

Date of Intended Adoption: June 10, 2015.

Submit Written Comments to: Robert Moody, 2940 Limited Lane N.W., Olympia, WA 98502, e-mail robert.moody@orcaa.org, fax (360) 539-7610, by June 9, 2015.

Assistance for Persons with Disabilities: Contact Dan Nelson by May 29, 2015, (360) 539-7610.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: ORCAA is proposing to require Residential burn permits in Thurston County and provide a mechanism to collect a fee. In the future, the ORCAA board of directors may specify a fee through passage of a Resolution. The ability to revoke a previously issued burn permit for causing a nuisance was added to Rule 6.2.8.

Reasons Supporting Proposal: The Thurston County Residential Burn permit program has been in place for more than a decade. The permit contains the conditions under which one may burn. Requiring the permit insures that everyone has the information needed for a safe and legal fire. If acted on in the future, the fee would allow cost recovery from a program that currently has no source of revenue.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: Chapter 70.94 RCW.

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

Name of Proponent: ORCAA, governmental.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act, and the agency is not a school district.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to local air agencies, per RCW 70.94.141.

April 24, 2015
Francea L. McNair
Executive Director

AMENDED SECTION

Rule 3.4 Outdoor Burning Permit Fees

The applicable fee(s) for the following Permits shall be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

(a) The fee for an Agricultural Burn Permit is specified in the Outdoor Burning Fee Schedule. ~~((The applicable fee(s) shall be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.))~~

(b) The fee for a Land Clearing Burn Permit is specified in the Outdoor Burning Fee Schedule. The fees shall be sufficient to cover the direct and indirect cost of the Land Clearing Burn Permit program and shall be determined through a workload-driven process. ~~((The applicable fee(s) shall be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.))~~

(c) The fee for a Thurston County Residential Burn permit is specified in the Outdoor Burning Fee Schedule. The fees shall be sufficient to cover the direct and indirect cost of the Thurston County Residential Burn Permit program and shall be determined through a workload-driven process.

AMENDED SECTION

Rule 6.2.8 Permit Program ~~((WAC 173-425-060))~~

ORCAA may consult with fire protection authorities, conservation districts, or counties to determine if any of these agencies are capable and willing to serve as the permitting agency and/or enforcing agency for particular types of burning. Permitting agencies may use, as appropriate, a verbal, electronic, written, or general permit established by rule, for any type of burning that requires a permit.

(a) Permitting agencies may deny an application or revoke a previously issued permit if it is determined that the application contained inaccurate information, ~~((or))~~ failed to contain pertinent information~~((or))~~ or the permitted activity has caused a nuisance.

(b) Failure to comply with any term or condition of a permit constitutes a violation of this rule and is subject to penalties pursuant to RCW 70.94.430 and RCW 70.94.431.

(c) Types of burning that require a written permit.

(1) Agricultural burning shall abide by Rule 6.2 and all conditions of the written permit issued by ORCAA or another permitting agency.

(2) Fire training fires, except as provided in RCW 52.12.150, may be conducted provided all of the following requirements are met:

(i) Fire training shall not occur during a burn ban.

(ii) The fire must be for training purposes.

(iii) The agency conducting the training fire shall obtain any permits, licenses, or other approvals required by any entity for such training fires. All permits, licenses, and approvals must be kept on-site and available for inspection.

(3) Native American ceremonial fires within the city limits of Olympia, Lacey, and Tumwater and unincorporated areas of Thurston County lying within or between the municipal boundaries.

(4) Land Clearing Burning shall abide by Rule 6.2 and all conditions of the written permit issued by ORCAA or another permitting agency.

(5) Storm and flood debris resulting from a declared emergency by a governmental authority may be burned within two years of the event (storm). Burning shall abide by Rule 6.2 and all conditions of the written permit issued by ORCAA or another permitting agency.

(6) Weed abatement fires.

(7) Residential fires in Thurston County.

The permit application for the above permits shall be accompanied by the applicable fee, pursuant to Rule 3.4.

(d) Where residential burning is allowed and no written burn permits are issued, burning shall abide by Rule 6.2 and the following:

(1) Maximum pile size is four (4) feet in diameter and three (3) feet high.

(2) Only one pile shall be burned at a time, and each pile must be extinguished before lighting another.

(3) Only natural vegetation may be burned.

(4) No fires are to be within fifty (50) feet of structures or within five hundred (500) feet of forest slash.

(5) No tree stumps may be burned.

WSR 15-10-026
PROPOSED RULES
HEALTH CARE AUTHORITY
(Washington Apple Health)
[Filed April 27, 2015, 1:08 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 182-504-0020 Certification periods for the noninstitutional medically needy program and chapter 182-510 WAC, Supplemental security income.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at http://www.hca.wa.gov/documents/directions_to_csp.pdf, or directions can be obtained by calling (360) 725-1000), on June 9, 2015, at 10:00 a.m.

Date of Intended Adoption: Not sooner than June 10, 2015.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, by June 9, 2015.

Assistance for Persons with Disabilities: Contact Kelly Richters by June 1, 2015, TTY (800) 848-5429 or (360) 725-1307 or e-mail kelly.richters@hca.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is making routine housekeeping changes to these rules to remove broken links and outdated references to Title 388 WAC, correct citations, and clarify language.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Chantelle Diaz, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1842.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The joint administrative [rules] review committee (JARRC) has not requested the filing of a small business economic impact statement, and these rules do not impose a disproportionate cost impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by JARRC or applied voluntarily.

April 27, 2015
Jason R. P. Crabbe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-24-018, filed 11/29/11, effective 12/1/11)

WAC 182-504-0020 Certification periods for the noninstitutional medically needy (~~(MN)~~) program. (1) The certification period for the noninstitutional medically needy (MN) program for clients with countable income equal to or below the medically needy income level (MNIL):

(a) Begins on the first day of the month in which eligibility is established; and

(b) Is approved for twelve calendar months.

(2) The certification period for the noninstitutional MN program for clients with countable income above the MNIL:

(a) Begins on the day that spenddown is met; and

(b) Continues through the last day of the final month of the base period as described in WAC (~~(388-519-0110)~~) 182-519-0110.

(3) A retroactive MN certification period may be established for (~~any or all of the~~) up to three months (~~(immediately prior to)~~) preceding the month of application.

(4) Expenses used to meet the spenddown liability for the current or the retroactive certification periods are the responsibility of the client. The (~~department~~) agency is not responsible (~~to pay~~) for paying any expense or portion of an expense which has been used to meet the spenddown liability. See WAC (~~(388-519-0110)~~) 182-519-0110.

(5) A new application must be submitted for each subsequent certification period for which medically needy coverage is requested.

AMENDATORY SECTION (Amending WSR 13-14-019, filed 6/24/13, effective 7/25/13)

WAC 182-510-0001 (~~(Washington apple health)~~) Supplemental security income (~~(SSI)~~) and associated categorically needy (~~(CN)~~) coverage. (1) Supplemental security income (SSI) is a federal cash benefit administered by the Social Security Administration (SSA) under (~~the XVI of~~) the Social Security Act, 42 U.S.C. Sec. 1381-1383f. The SSI program replaces state programs for the aged, blind and disabled individuals beginning January 1974. An individual who received state assistance in December 1973 who became eligible for SSI in January 1974 is considered a grandfathered client by the medicaid agency, and a mandatory income level (MIL) client by SSI. The individual must continue to meet the definition of blind or disabled that was in effect under the state plan in December 1973. (~~These definitions can be found in the SSA program operations manual system (POMS), see https://secure.ssa.gov/apps10/poms.nsf/aboutpoms. Other definitions related to SSI eligibility are described in WAC 182-500-0100~~) See chapter 182-500 WAC for additional definitions.

(2) An essential person is (~~an individual who is~~) someone needed in the home to care for an SSI recipient. An essential person is eligible for categorically needy (CN) (~~(Washington apple health (WAH))~~) coverage as long as he or she has lived continuously with the eligible person since January 1974.

(3) An ineligible spouse is the spouse of an SSI recipient who is not eligible for SSI-related CN (~~(WAH))~~ coverage. An ineligible spouse must have his or her eligibility for Wash-

ington apple health (WAH) determined separately (~~(in accordance with SSI-related medically needy (MN) rules in)~~) under WAC 182-519-0100.

(4) When an individual receives SSI, the agency accepts the SSA's determination of medicaid entitlement. The individual is eligible for CN (~~(WAH)~~) coverage without submitting an additional application as long as he or she:

(a) Remains entitled to (~~(an)~~) SSI (~~(cash payment)~~);

(b) Is no longer entitled to (~~(an)~~) SSI (~~(cash payment)~~), but the SSA is in the process of determining eligibility under (~~(Section 1619(b) of)~~) the Social Security Act, 42 U.S.C. Sec. 1619(b); or

(c) Currently has 1619(b) status as described in WAC 182-512-0880(3).

(5) An SSI recipient may be terminated from CN (~~(WAH)~~) coverage when he or she:

(a) Does not provide the agency with information necessary for the agency to determine if he or she has other medical insurance; or

(b) Does not assign the right to recover insurance funds to the agency as required in WAC 182-503-0540.

(6) (~~(When)~~) CN coverage eligibility continues if the SSA stops an individual's SSI (~~(cash payment)~~) for one of the following reasons (~~(listed in (a), (b), or (c) of this subsection, CN WAH eligibility continues-)~~);

(a) The individual's countable income exceeds the SSI income standard due solely to the annual cost-of-living adjustment (COLA) (~~(as described in)~~) under WAC 182-512-0880(1);

(b) The individual is a "deemed" eligible SSI recipient on the basis of eligibility for a special income disregard (~~(described in)~~) under WAC 182-512-0880; or

(c) The individual has an appeal of an SSA termination pending which has not yet resulted in a final determination.

(7) If an individual's SSI (~~(cash payment)~~) stops due to an SSA determination that the individual is no longer disabled, and any appeal of this determination has resulted in a final decision, the agency:

(a) Redetermines eligibility for all other WAH programs that are not based on receipt of SSI; and

(b) Continues CN (~~(WAH)~~) coverage until the agency completes the redetermination process described in WAC 182-504-0125.

(8) If an individual's SSI (~~(cash payment)~~) stops for a reason not addressed elsewhere in this section, the agency considers the individual to meet disability requirements through the SSA's original disability review date. The agency:

(a) Redetermines eligibility for other WAH programs, which may or may not be based on disability; and

(b) Continues CN (~~(WAH)~~) coverage until the agency completes the redetermination process (~~(described)~~) in WAC 182-504-0125.

AMENDATORY SECTION (Amending WSR 12-13-056, filed 6/15/12, effective 7/1/12)

WAC 182-510-0005 (~~(What medical coverage does a supplemental security income client, essential person, and an ineligible spouse get?)~~) Supplemental security income,

essential person, and ineligible spouse. (1) If you are (~~(an SSI client)~~) a supplemental security income (SSI) recipient, you automatically get categorically needy (CN) (~~(medical)~~) coverage (WAC (~~(388-505-0110)~~) 182-512-0100) unless you:

(a) Refuse to provide private medical insurance information; or

(b) Refuse to assign the right to recover insurance funds to the (~~(department (WAC 388-505-0540))~~) agency (WAC 182-503-0540).

(2) If you are an essential person as described in WAC (~~(388-474-0001)~~) 182-510-0001 you get CN (~~(medical)~~) coverage as long as you continue to live with the SSI (~~(client)~~) recipient.

(3) If you are an ineligible spouse you are not considered an SSI recipient. You must have your (~~(medical assistance)~~) Washington apple health eligibility determined separately.

AMENDATORY SECTION (Amending WSR 12-13-056, filed 6/15/12, effective 7/1/12)

WAC 182-510-0010 (~~(What happens to my categorically needy (CN) medical coverage when my supplemental security income (SSI) cash payment is terminated?)~~) Eligibility after supplemental security income ends. (1) Your (~~(CN medical)~~) categorically needy (CN) coverage (WAC (~~(388-505-0110)~~) 182-512-0100) continues after (~~(an SSI cash payment ends when)~~) supplemental security income (SSI) ends if:

(a) Countable income exceeds the SSI income standard due solely to the annual cost-of-living adjustment (COLA); or

(b) A timely request for a hearing has been filed. CN (~~(medical)~~) coverage is continued until the Social Security Administration (SSA) makes a final decision on the hearing request and on any subsequent timely appeals.

(2) If your SSI ends, your CN (~~(medical)~~) coverage continues for a period of up to one hundred twenty days while the (~~(department)~~) agency reviews your eligibility for other cash or medical programs.

(3) If you are a terminated SSI or SSI-related (~~(client)~~) recipient, the (~~(department)~~) agency will review your disability status when:

(a) You present new medical evidence;

(b) Your medical condition changes significantly; or

(c) Your termination from SSI was not based on a review of current medical evidence.

(4) Children terminated from SSI due to loss of disabled status may be eligible for medical benefits under WAC (~~(388-505-0210)~~) 182-505-0210.

WSR 15-10-032

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed April 28, 2015, 1:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-20-011.

Title of Rule and Other Identifying Information: Chapter 196-29 WAC, Professional practices, proposal of WAC 196-29-105 Practice of land surveying.

Hearing Location(s): Davenport Hotel, Early Bird Ballroom, 10 South Post Street, Spokane, WA 99201, on June 16, 2015, at 6:30 p.m.; at the Hilton Garden Inn, Rainier Room, 401 East Yakima Avenue, Yakima, WA 98901, on June 17, 2015, at 6:30 p.m.; at the Red Lion, Pine Room, 510 South Kelso Drive, Kelso, WA 98626, on June 23, 2015, at 6:30 p.m.; at the Radisson Hotel, Lopez Room, 18118 International Boulevard, Seattle, WA 98188, on June 25, 2015, at 6:30 p.m.; and at the Holiday Inn, Pilchuck Room, 8606 36th Avenue N.E., Marysville, WA 98270, on June 30, 2015, at 6:30 p.m.

Date of Intended Adoption: July 1, 2015.

Submit Written Comments to: Michael R. Villnave, PE, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, e-mail engineers@dol.wa.gov, fax (360) 570-7098, by June 30, 2015.

Assistance for Persons with Disabilities: Contact Cassandra Fewell, executive assistant, by June 29, 2015, TTY (360) 664-0116 or (360) 664-1564.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rules defining the scope of practice for land surveying are being proposed to help clarify terminology that has become unclear since the Engineer's Registration Act (RCW 18.43.020(9)) was first adopted in 1947.

Reasons Supporting Proposal: Clarification of the terminology is needed to bring contemporary definitions to the traditional terminology.

Statutory Authority for Adoption: RCW 18.43.035.

Statute Being Implemented: Chapter 18.43 RCW.

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

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Michael R. Villnave, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1565.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.025(3). There is no fiscal impact to licensees.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328 (5)(a)(i). There is no fiscal impact to licensees.

April 28, 2015
Damon Monroe
Rules Coordinator

NEW SECTION

WAC 196-29-105 Practice of land surveying. Except for the authority granted to the offices of county engineers in chapters 36.75, 36.77, 36.80, 36.81, and 36.86 RCW, and where that authority may be otherwise exempted in state law,

the practice of land surveying must be performed by or under the direct supervision of a professional land surveyor as provided in chapter 18.43 RCW.

The practice of land surveying, as defined in RCW 18.43.020(9) includes, but is not limited to:

(1) Evaluation and interpretation of visible, scientific, written evidence, or oral testimony when used for the establishment of corners, lines, boundaries, and monuments of land, or for the defining and locating of corners, lines, boundaries, and monuments of land after they have been established;

(2) The analysis and adjustments of measured, land survey data or the determination and certification of the positional accuracy of measured land survey data when used for the establishment of corners, lines, boundaries, and monuments of land, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries, and monuments of land after they have been established, or for the survey of land areas for the purpose of determining the topography thereof;

(3) The analysis of calculated, certified, or recorded land survey data when used for the establishment of corners, lines, boundaries, and monuments of land; the laying out and subdivision of land; the defining and locating of corners, lines, boundaries, and monuments of land after they have been established; or for the survey of land areas for the purpose of determining the topography thereof;

(4) The establishment, setting, or resetting of controlling points when used for the establishment of corners, lines, boundaries, and monuments of land, or for the defining and locating of corners, lines, boundaries, and monuments of land after they have been established;

(5) Preparation of land or legal descriptions for the establishment of corners, lines, boundaries, and monuments of land, the laying out and subdivision of land, or the defining and locating of corners, lines, boundaries, and monuments of land after they have been established;

(6) Preparation of land survey maps and/or other accurate records thereof including data bases that represent topographical delineations; the establishment of corners, lines, boundaries, and monuments of land; the locations of corners, lines, boundaries, and monuments of land after they have been established, when the proper performance of such services requires technical knowledge and skill.

As used in this subsection, creation of land survey maps and/or data bases does not include maps or data bases established or maintained solely for internal operations of a party: (a) That are not used to establish property corners or lines, but may represent property corners and lines, location of objects or topography within the map or data base; and (b) are not for sale to or use by another party not related to the internal operations of the creating party;

(7) Configuration and establishment of land surveyed ground control which defines vertical and/or horizontal datums that control remote sensing measurement technologies used for the establishment of corners, lines, boundaries, and monuments, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries, and monuments of land after they have been established, the survey of land areas for the purpose of determining the topography

thereof, the making of topographical delineations and the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill.

WSR 15-10-051
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed April 30, 2015, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-06-047.

Title of Rule and Other Identifying Information: WAC 458-20-24001 (Rule 24001) Sales and use tax deferral—Manufacturing and research/development activities in high unemployment counties—Applications filed after June 30, 2010. Rule 24001 explains the limited sales and use tax deferral program established by chapter 82.60 RCW. The purpose of the program is to promote economic stimulation, create new employment opportunities in distressed areas, and reduce poverty in certain distressed counties of the state.

Hearing Location(s): Capital Plaza Building, 4th Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 9, 2015, at 10:00 a.m. Copies of draft rules are available for viewing and printing on our web site at Rules Agenda.

Call-in option can be provided upon request no later than three days before the hearing date.

Date of Intended Adoption: June 16, 2015.

Submit Written Comments to: Gayle Carlson, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, e-mail GayleC@dor.wa.gov, by June 9, 2015.

Assistance for Persons with Disabilities: Contact Mary Carol LaPalm, (360) 725-7499, or Renee Cosare, (360) 725-7514, no later than ten days before the hearing date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to revise Rule 24001 to:

- Update the definition of "initiation of construction" to match RCW 82.63.010 as referenced in RCW 82.60.020;
- Reformat the presentation of information in a more useful manner, including moving the definitions from throughout the rule to one subsection (subsection (2));
- Add a subsection titled "May an applicant or recipient amend an application or certificate (subsection (11));
- Expand the subsection for processes of an investment project (subsection (12)).

Reasons Supporting Proposal: To update and add information to the rules.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: Chapter 82.60 RCW.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Gayle Carlson, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1576; Implementation: Dylan Waits, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1583; and Enforcement: Alan Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1599.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules do not impose any new performance requirements or administrative burden on any small business not required by statute.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are not significant legislative rules as defined by RCW 34.05.328.

April 30, 2015
Dylan Waits
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-21-052, filed 10/14/10, effective 11/14/10)

WAC 458-20-24001 Sales and use tax deferral—Manufacturing and research/development activities in high unemployment counties—Applications filed after June 30, 2010. (1) **Introduction.** (~~Chapter 82.60 RCW establishes a sales and use tax deferral program. The purpose of the program is to promote economic stimulation, create employment opportunities, and reduce poverty in certain areas of the state. The legislature established this program to be effective solely in those areas and under circumstances where the deferral is for investments that result in the creation of a specified minimum number of jobs or investment for a qualifying project.~~

~~(a) This deferral program applies to taxes imposed on the construction of qualified buildings or acquisition of qualified machinery and equipment and requires the recipient of the deferral to maintain the manufacturing or research and development activity for an eight year period. This section does not address RCW 82.08.02565 and 82.12.02565, which provide a statewide sales and use tax exemption for machinery and equipment used directly in a manufacturing operation. Refer to WAC 458-20-13601 for more information regarding the statewide exemption.~~

~~(b) This program was first enacted in 1985. The legislature made major revisions to program criteria in 1993, 1994, 1995, 1996, 1999, 2004, 2009, and 2010, specifically to the definitions of "eligible area," "eligible investment project," and "qualified building." Each revision created additional criteria for prospective applicants. For applications made prior to June 30, 2010, see WAC 458-20-24001A.~~

~~(c) The employment security department and the department of community, trade, and economic development administer programs for high unemployment counties and job training and should be contacted directly for information concerning these programs.~~

~~(2) **Who is eligible for the sales and use tax deferral program?** A person engaged in manufacturing or research and development activity is eligible for this deferral program for its eligible investment project.~~

(a) **What does the term "person" mean for purposes of this section?** "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of chapter 82.60 RCW.

(i) The lessor or owner of the qualified building is not eligible for deferral unless:

(A) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(B) The lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee;

(C) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070;

(D) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor; and

(E) The economic benefit of the deferral being passed to the lessee is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

For example, economic benefit of the deferral is passed through to the lessee when evidenced by written documentation that the amounts paid to the lessor for construction of tenant improvements are reduced by the amount of the sales tax deferred, or that the lessee receives more tenant improvements through a credit for tenant improvements or other mechanism in the lease equal to the amount of the sales tax deferred.

(ii) The lessor of the qualified building who receives a letter of intent from a qualifying lessee may be eligible for deferral, assuming that all other requirements of chapter 82.60 RCW are met. At the time of application, the lessor, or another qualifying lessee must provide to the department a letter of intent by the lessee to lease the qualified building and any other information to prove that the lessee will engage in qualified research and development or pilot scale manufacturing once the building construction is complete. After the investment project is certified as operationally complete, the lessee must actually occupy the building as a lessee and engage in qualified research and development or pilot scale manufacturing. Otherwise, deferred taxes will be immediately due to the lessor, and interest will be assessed retroactively from the date of deferral.

(b) **What is "manufacturing" for purposes of this section?** "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing, in addition, includes the activities performed by research and development laboratories and commercial testing laboratories, and the conditioning of vegetable seeds.

For purposes of this section, both manufacturers and processors for hire may qualify for the deferral program as being engaged in manufacturing activities. Refer to WAC 458-20-136 (Manufacturing, processing for hire, fabricating) for more information on processors for hire.

For purposes of this section, "vegetable seeds" includes the seeds of those crops that are grown in gardens and on truck farms and are generally known and sold under the name

of vegetable or herb seeds in this state. "Vegetable seeds" includes, but is not limited to, cabbage seeds, carrot seeds, onion seeds, tomato seeds, and spinach seeds. Vegetable seeds do not include grain seeds, cereal seeds, fruit seeds, flower seeds, tree seeds, and other similar properties.

(c) **What is "research and development" for purposes of this section?** "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. For purposes of this section, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(3) **What is eligible for the sales and use tax deferral program?** This deferral program applies to an eligible investment project for sales and use taxes imposed on the construction, expansion, or renovation of qualified buildings and acquisition of qualified machinery and equipment.

(a) **What is an "eligible investment project" for purposes of this section?** "Eligible investment project" means an investment project in an eligible area. Refer to (g) of this subsection for more information on eligible area. "Eligible investment project" does not include an investment project undertaken by a light and power business as defined in RCW 82.16.010, other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. It also does not include an investment project that has already received a deferral under chapter 82.60 RCW.

(b) **What is an "investment project" for purposes of this section?** "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(c) **What is "qualified buildings" for purposes of this section?** "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for manufacturing or research and development activities.

(i) "Qualified buildings" is limited to structures used for manufacturing and research and development activities. "Qualified buildings" includes plant offices and warehouses if such facilities are essential to or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development.

(A) "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. An office may be located in a separate building from the building used for manufacturing or research and development activities, but the office must be located at the same site as the qualified build-

ing in order to qualify. Each individual office may only qualify or disqualify in its entirety.

(B) "Warehouse" means buildings or facilities used for the storage of raw materials or finished goods. A warehouse may be located in a separate building from the building used for manufacturing or research and development activities, but the warehouse must be located at the same site as the qualified building in order to qualify. Warehouse space may be apportioned based upon its qualifying use.

(C) A site is one or more immediately adjacent parcels of real property. Adjacent parcels of real property separated only by a public road comprise a single site.

(ii) "Qualified buildings" does not include construction of landscaping or most other work outside the building itself, even though the landscaping or other work outside the building may be required by the city or county government in order for the city or county to issue a permit for the construction of a building.

However, "qualified buildings" includes construction of specialized sewerage pipes connected to a qualified building that are specifically designed and used exclusively for manufacturing or research and development.

Also, "qualified buildings" includes construction of parking lots connected to or adjacent to the building if the parking lots are for the use of workers performing manufacturing or research and development in the building. Parking lots may be apportioned based upon its qualifying use.

(d) When is apportionment of qualified buildings appropriate? The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of an existing building used in manufacturing or research and development. Where a building(s) is used partly for manufacturing or research and development and partly for purposes that do not qualify for deferral under this section, apportionment is necessary.

(e) What are the apportionment methods? The deferral is determined by one of the following two apportionment methods. The first method of apportionment is based on square footage and does not require tracking the costs of materials for the qualifying/nonqualifying areas of a building. The second method of apportionment tracks the costs of materials used in the qualifying/nonqualifying areas, and it is primarily used by those industries with specialized building requirements.

(i) **First method.** The applicable tax deferral can be determined by apportionment according to the ratio of the square footage of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the square footage of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \text{Percent Eligible}$$

$$\text{Percent Eligible} \times \text{Total Project Costs} = \text{Eligible Costs.}$$

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways, bathrooms,

and conference rooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

$$\text{Eligible Costs} \times \text{Tax Rate} = \text{Eligible Tax Deferred.}$$

(ii) **Second method.** If the applicable tax deferral is not determined by the first method, it will be determined by tracking the cost of construction of qualifying/nonqualifying areas as follows:

(A) Tax on the cost of construction of areas devoted solely to manufacturing or research and development may be deferred.

(B) Tax on the cost of construction of areas not used at all for manufacturing or research and development may not be deferred.

(C) Tax on the cost of construction of areas used in common for manufacturing or research and development and for other purposes, such as hallways, bathrooms, and conference rooms, may be deferred by apportioning the costs of construction on a square footage basis. The apportioned costs of construction eligible for deferral are established by using the ratio, expressed as a percentage, of the square feet of the construction, expansion, or renovation devoted to manufacturing or research and development, excluding areas used in common, to the total square feet of the construction, expansion, or renovation, excluding areas used in common. That percentage is applied to the cost of construction of the common areas to determine the costs of construction eligible for tax deferral. Expressed as a formula, apportionment of the cost of the common areas is determined by:

$$\frac{\text{Square feet devoted to manufacturing or research and development, excluding square feet of common areas}}{\text{Total square feet, excluding square feet of common areas}} = \text{Percentage of total cost of construction of common areas eligible for deferral}$$

(f) What is "qualified machinery and equipment" for purposes of this section? "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers, desks, filing cabinets, photocopiers, printers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

For purposes of this section, "industrial fixture" means an item attached to a building or to land. Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and improvements to land such as concrete slabs.

(i) Are qualified machinery and equipment subject to apportionment? Qualified machinery and equipment are not subject to apportionment.

(ii) **To what extent is leased equipment eligible for the deferral?** The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date, the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(g) **What is an "eligible area" for purposes of this section?** "Eligible area" means:

(i) **Qualifying county.** A qualifying county is a county that has an unemployment rate, as determined by the employment security department, which is at least twenty percent above the state average for the three calendar years immediately preceding the year in which the list of qualifying counties is established or updated, as the case may be.

The department, with the assistance of the employment security department, must establish a list of qualifying counties effective July 1, 2010. The list of qualifying counties is effective for a twenty-four month period and must be updated by July 1st of the year that is two calendar years after the list was established or last updated, as the case may be; or

(ii) **Community empowerment zone (CEZ).** A "community empowerment zone" means an area meeting the requirements of RCW 43.31C.020 and officially designated as a CEZ by the director of the department of community, trade, and economic development.

(h) **What if an investment project is located in an area that qualifies both as a high unemployment county and as a CEZ?** If an investment project is located in an area that qualifies under more than one type of eligible area, the department will automatically assign the project to the eligible area that imposes the least burden on the taxpayer and with the greatest benefit to the taxpayer. If the applicant elects to be bound by the requirements of the other potential eligible area, the applicant must make a written statement to that effect. For example, on October 1, 2010, a city in a high unemployment county qualifies as a CEZ, and the high unemployment county is on the list as a qualifying county. The CEZ requirements are more restrictive than qualifying counties. The department will assign the project to the qualifying county designation unless the applicant elects to be bound by the CEZ requirements. Refer to subsection (4) of this section for more information on the application process.

(i) **Are there any hiring requirements for an investment project?** There may or may not be a hiring requirement, depending on the location of the project.

(i) **High unemployment county.** There are no hiring requirements for qualifying projects located in high unemployment counties.

(ii) **Community empowerment zone (CEZ).** There are hiring requirements for qualifying projects located in CEZs or in counties containing CEZs. The applicant applies for a deferral of investment that correlates to the estimated number of persons to be hired based on the following formula:

Number of qualified employment positions to be hired x \$750,000 = amount of investment eligible for deferral

Applicants must make good faith estimates of anticipated hiring. Refer to subsection (4) of this section for more informa-

tion on the application process. The recipient must fill the positions by persons who at the time of hire are residents of the CEZ, as defined in (i)(ii) of this subsection. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's internet web site at <http://www.dor.wa.gov>. A recipient must fill the qualified employment positions by the end of the calendar year following the year in which the project is certified as operationally complete and retain the position during the entire tax year. Refer to subsection (7) of this section for more information on certification of an investment project as operationally complete. If the recipient does not fill the qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

(A) **What is a "qualified employment position" for purposes of this section?** "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. "Full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(B) **Who are residents of the CEZ?** "Resident" means the person who fills the qualified employment position makes his or her home in the CEZ or the county in which the zone is located. A mailing address alone is insufficient to establish that a person is a resident.

(4) **What are the application and review processes?** An application for sales and use tax deferral under this program must be made prior to the initiation of construction, prior to the acquisition of machinery and equipment, and prior to the filling of qualified employment positions. Persons who apply after construction is initiated or finished or after acquisition of machinery and equipment are not eligible for the program. When an application for sales and use tax deferral is timely submitted, costs incurred before the application date are allowable, if they otherwise qualify. Applications for persons subject to hiring requirements must include information regarding the estimated total project cost and the qualified employment positions:

(a) **What is "initiation of construction" for purposes of this section?** "Initiation of construction," in regards to the construction, expansion, or renovation of buildings, means the commencement of on-site construction work. Neither planning nor land clearing prior to excavation of the building site constitutes the commencement of on-site construction work.

(b) **What is "acquisition of machinery and equipment" for purposes of this section?** "Acquisition of machinery and equipment" means the machinery and equipment is under the dominion and control of the recipient or its agent.

(c) **How may a taxpayer obtain an application form?** Application forms may be obtained at department of revenue district offices, by downloading from the department's web site (dor.wa.gov), by telephoning the telephone information

center (800-647-7706), or by contacting the department's special programs division at:

Department of Revenue
Special Programs Division
Post Office Box 47477
Olympia, WA 98504-7477
Fax 360-586-2163

Applicants must mail or fax applications to the special programs division at the address or fax number given above. Only those applications received by the department under chapter 82.60 RCW, which are approved, are not confidential and are subject to disclosure. RCW 82.60.100.

For purposes of this section, "applicant" means a person applying for a tax deferral under chapter 82.60 RCW, and "department" means the department of revenue.

(d) Will the department approve the deferral application? In considering whether to approve or deny an application for a deferral, the department will not approve an application for a project involving construction unless:

(i) The construction will begin within one year from the date of the application; or

(ii) The applicant shows proof that, if the construction will not begin within one year of construction, there is a specific and active program to begin construction of the project within two years from the date of application. Proof may include, but is not limited to:

(A) Affirmative action by the board of directors, governing body, or other responsible authority of the applicant toward an active program of construction;

(B) Itemized reasons for the proposed construction;

(C) Clearly established plans for financing the construction; or

(D) Building permits.

Similarly, after an application has been granted, a deferral certificate is no longer valid and should not be used if construction has not begun within one year from the date of application or there is not a specific and active program to begin construction within two years from the date of application. However, the department will grant requests to extend the period for which the certificate is valid if the holder of the certificate can demonstrate that the delay in starting construction is due to circumstances beyond the certificate holder's control such as the acquisition of building permit(s). Refer to subsection (6) of this section for more information on the use of tax deferral certificate.

(e) What is the date of application? "Date of application" means the date of the U.S. Post Office postmark, fax, or electronic transmittal, or when the application is hand delivered to the department. The statute in effect on the "date of application" will determine the program criteria the applicant must satisfy.

(f) When will the department notify approval or disapproval of the deferral application? The department will verify the information contained in the application and approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval.

(g) May an applicant request a review of department disapproval of the deferral application? The applicant may seek administrative review of the department's disapproval of an application within thirty days from the date of notice of the disallowance pursuant to the provisions of WAC 458-20-100 (Appeals). The filing of a petition for review with the department starts a review of departmental action.

(5) What happens after the department approves the deferral application? The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much tax is deferred.

For purposes of this section, "recipient" means a person receiving a tax deferral under this program.

(6) How should a tax deferral certificate be used? A tax deferral certificate issued under this program is for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings or qualified machinery and equipment as defined in this section. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment. In addition, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller will be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales.

For purposes of this section, "certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(7) What are the processes of an investment project that is certified by the department as operationally complete? An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

For purposes of this section, "operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(a) What should a certificate holder do if its investment project reaches the estimated costs but the project is not yet operationally complete? If a certificate holder has an investment project that has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a

revised amount upon which the deferral taxes are requested. Requests must be mailed or faxed to the department.

~~(b) What should a certificate holder do when its investment project is operationally complete?~~ The certificate holder must notify the department in writing when the investment project is operationally complete. The department will certify the date on which the project is operationally complete. The certificate holder of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

~~(8) Is a recipient of tax deferral required to submit annual surveys?~~ Each recipient of a tax deferral granted must complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.020(4), the lessee must agree to complete the annual survey and the applicant is not required to complete the annual survey. Refer to WAC 458-20-268 (Annual surveys for certain tax adjustments) for more information on the requirements to file annual surveys.

~~(9) Is a recipient of tax deferral required to repay deferred taxes?~~ Repayment of tax deferred under chapter 82.60 RCW is excused, except as otherwise provided in RCW 82.60.070 and this subsection and subsection (10) of this section.

~~(a) Is repayment required for machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565?~~ Repayment of tax deferred under chapter 82.60 RCW is not required, and interest and penalties under RCW 82.60.070 will not be imposed, on machinery and equipment that qualifies for exemption under RCW 82.08.02565 or 82.12.02565.

~~(b) When is repayment required?~~ The following subsections describe the various circumstances under which repayment of the deferral may occur. Outstanding taxes are determined by reference to the following table.

Repayment Year	Percentage of Deferred Tax Waived
1 (Year operationally complete)	0%
2	0%
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

Any action taken by the department to disqualify a recipient for tax deferral or assess interest will be subject to administrative review pursuant to the provisions of WAC 458-20-100 (Appeals). The filing of a petition for review with the department starts a review of departmental action.

~~(i) Failure of investment project to satisfy general conditions.~~ If, on the basis of the recipient's annual survey or other information, including that submitted by the employment security department, the department of revenue finds that an investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the department will declare

the amount of deferred taxes outstanding to be immediately due. No penalties or interest will be assessed on the deferred sales/use tax; however, all other penalties and interest applicable to excise tax assessments may be assessed and imposed. See subsection (10) of this section.

~~(ii) Failure of investment project to satisfy required employment positions conditions.~~ If, on the basis of the recipient's annual survey or other information, the department finds that an investment project has been operationally complete and has failed to create the required number of qualified employment positions under subsection (3)(i) of this section, the amount of taxes deferred will be immediately due. There is no proration of the amount owed under this subsection. No penalties or interest will be assessed on the deferred sales/use tax; however, all other penalties and interest applicable to excise tax assessments may be assessed and imposed.

~~(10) When manufacturing or research and development activities are temporarily ceased.~~ A person is not liable for the amount of deferred taxes outstanding for an investment project when the person temporarily ceases to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities in a county with a population of less than twenty thousand persons for a period not to exceed twenty-four months from the date that the department sent its assessment for the amount of outstanding deferred taxes to the taxpayer.

~~(a) The relief from repayment of deferred taxes does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the number of qualified employment positions employed at the investment project at the time the deferral was approved by the department. If a person has been approved for more than one deferral under this chapter, relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the highest number of qualified employment positions at the investment project at the time any of the deferrals were approved by the department.~~

~~(b) If, at any time during the twenty-four month period after the department has sent the taxpayer an assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities, the number of qualified employment positions falls below the ten percent threshold in this subsection, the amount of deferred taxes outstanding for the project is immediately due.~~

~~(c) The lessor of an investment project for which a deferral has been granted who has passed the economic benefits of the deferral to the lessee is not eligible for relief from the payment of deferred taxes under this section.~~

~~(d) A person seeking relief from the payment of deferred taxes must apply to the department in a form and manner prescribed by the department. The application required must be received by the department within thirty days of the date that the department sent its assessment for outstanding deferred~~

taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities. The department must approve applications that meet the requirements for relief from the payment of deferred taxes.

(e) A person is entitled to relief under this section only once.

(f) A person whose application for relief from the payment of deferred taxes has been approved must continue to file an annual survey as required under RCW 82.60.070(1) or any successor statute. In addition, the person must file, in a form and manner prescribed by the department, a report on the status of the business and the outlook for commencing manufacturing or research and development activities.

~~(11) When will the tax deferral program expire? No applications for deferral of taxes will be accepted after June 30, 2020.~~

~~(12) Is debt extinguishable because of insolvency or sale? Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes.~~

~~(13) Does transfer of ownership terminate tax deferral? Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of chapter 82.60 RCW, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project is liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient of the deferral.~~

Any questions regarding the potential eligibility of deferrals to be transferred on the sale of a business, contact special programs as provided for in subsection (4)(e) of this section.) Chapter 82.60 RCW established a limited sales and use tax deferral program. The purpose of the program is to promote economic stimulation, create new employment opportunities in distressed areas, and reduce poverty in certain distressed counties of the state. RCW 82.60.010.

(a) Deferral program. This deferral program applies to an eligible investment project for sales and use taxes imposed on the construction, expansion, or renovation of qualified buildings or acquisition of qualified machinery and equipment. The program requires the recipient of the deferral to maintain the manufacturing or research and development activity for an eight-year period.

This rule does not address specific requirements of RCW 82.08.02565 and 82.12.02565 that provide statewide sales and use tax exemptions for machinery and equipment used directly in a manufacturing operation. Repayment of tax deferred under chapter 82.60 RCW is not required, and interest and penalties under RCW 82.60.070 will not be imposed, on machinery and equipment that qualifies for exemption under RCW 82.08.02565 or 82.12.02565. For additional information on statewide sales and use tax exemptions for machinery and equipment refer to WAC 458-20-13601.

(b) Program enacted. The legislature first enacted this program in 1985. It has since made major revisions to the program criteria, specifically to the definitions of "eligible area," "eligible investment project," and "qualified building."

For applications made prior to July 1, 2010, see WAC 458-20-24001A.

(c) Administration of employment and related programs. The employment security department and the department of commerce administer programs for high unemployment counties and job training and should be contacted directly for information concerning these programs.

(d) Examples. Examples found in this rule identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all facts and circumstances.

(2) Definitions. For the purposes of this rule, the following definitions apply:

(a) "Acquisition of machinery and equipment" means the machinery and equipment is under the dominion and control of the recipient or its agent.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Community empowerment zone (CEZ)" means an area meeting the requirements of RCW 43.31C.020 and officially designated as a CEZ by the director of the department of community, trade, and economic development.

(e) "Date of application" means the date of the U.S. Post Office postmark, fax, or electronic transmittal, or when the application is hand delivered to the department. The statute in effect on the "date of application" will determine the program criteria the applicant must satisfy.

(f) "Department" means the department of revenue.

(g) "Eligible area" means:

(i) Beginning July 1, 2010, an eligible area is a county that has an unemployment rate, as determined by the employment security department, which is at least twenty percent above the state average for the three calendar years immediately preceding the year in which the list of qualifying counties is established or updated, as the case may be. RCW 82.60.020.

The department, with the assistance of the employment security department, established a list of qualifying counties effective July 1, 2010. RCW 82.60.120. The list of qualifying counties is effective for a twenty-four-month period and must be updated by July 1st of the year that is two calendar years after the list was established or last updated, as the case may be; or

(ii) A designated community empowerment zone approved under RCW 43.31C.020. RCW 82.60.049.

(h) "Eligible investment project" means an investment project that is located, as of the date the application required by RCW 82.60.030 is received by the department, in an eligible area. "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010, other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site where the cogeneration project is an integral part. It also does not include investment projects that have already received deferrals under chapter 82.60 RCW. RCW 82.60.020 and 82.60.-049.

(i) **"Industrial fixture"** means an item attached to a building or to land. Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and improvements to land such as concrete slabs.

(j) **"Initiation of construction"** means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building when the lessee pays, if the economic benefits of the deferral are passed to a lessee as provided in subsection (3) of this rule; or

(iii) Tenant improvements for a qualified building when the owner/lessor pays, if the economic benefits of the deferral are passed to a lessee as provided in subsection (3) of this rule; or

(iv) Tenant improvements for a qualified building when the lessee pays and receives the benefit of the deferral.

"Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

If the investment project is a phased project, "initiation of construction" shall apply separately to each phase.

(k) **"Investment project"** means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(l) **"Manufacturing"** has the meaning given in RCW 82.04.120. Manufacturing, in addition, includes the activities performed by research and development laboratories and commercial testing laboratories, and the conditioning of vegetable seeds.

For purposes of this rule, both manufacturers and processors for hire may qualify for the deferral program as being engaged in manufacturing activities. For additional information on processors for hire, refer to WAC 458-20-136.

For purposes of this rule, "vegetable seeds" include the seeds of those crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state. "Vegetable seeds" include, but are not limited to, cabbage seeds, carrot seeds, onion seeds, tomato seeds, and spinach seeds. Vegetable seeds do not include grain seeds, cereal seeds, fruit seeds, flower seeds, tree seeds, and other similar properties.

(m) **"Office"** means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. An office may be located in a separate building from the building used for manufacturing or research and development activities, but the office must be located at the same site as the qualified building to qualify. Each individual office may qualify or disqualify only in its entirety.

(n) **"Operationally complete"** means the project is capable of being used for its intended purpose as described in the application.

(o) **"Person"** has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" may be either a lessee or a lessor/owner, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of chapter 82.60 RCW.

(p) **"Qualified buildings"** means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for manufacturing or research and development activities. "Qualified buildings" includes plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. "Qualified buildings" include construction of:

- Specialized sewerage pipes connected to a qualified building that are specifically designed and used exclusively for manufacturing or research and development; and

- Parking lots connected to or adjacent to the building if the parking lots are for the use of workers performing manufacturing or research and development in the building. Parking lots may be apportioned based on qualifying use.

"Qualified buildings" does not include construction of landscaping or most other work outside the building itself, even though the landscaping or other work outside the building may be required by the city or county government in order for the city or county to issue a permit for the construction of a building.

(q) **"Qualified employment position"** means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. "Full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(r) **"Qualified machinery and equipment"** means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" also includes computers; desks; filing cabinets; photocopiers; printers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

(s) **"Qualifying county"** means a county that has an unemployment rate, as determined by the employment security department, which is at least twenty percent above the state average for the three calendar years immediately preceding the year in which the list of qualifying counties is established or updated, as the case may be.

(t) **"Recipient"** means a person receiving a tax deferral under this program.

(u) **"Research and development"** means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. For purposes of this rule, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(v) **"Site"** means one or more immediately adjacent parcels of real property. Adjacent parcels of real property separated only by a public road comprise a single site.

(w) **"Warehouse"** means buildings or facilities used for the storage of raw materials or finished goods. A warehouse may be located in a separate building from the building used for manufacturing or research and development activities, but to qualify the warehouse must be located at the same site as the qualified building. Warehouse space may be apportioned based on qualifying use.

(3) Who is eligible for the sales and use tax deferral program? A person engaged in manufacturing or research and development activity is eligible for this deferral program for its eligible investment project.

(a) The lessor or owner of the qualified building is not eligible for deferral unless:

(i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(ii) The lessor, by written contract, has agreed to pass the economic benefit of the deferral to the lessee;

(iii) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and

(iv) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

For example, the economic benefit of the deferral can be passed through to the lessee when evidenced in writing that the amounts paid to the lessor for construction of tenant improvements are reduced by the amount of the sales tax deferred. Another method of passing the economic benefit is if the lessee receives a credit for tenant improvements or other mechanism in the lease, equal to the amount of the sales tax deferred.

(b) The lessor of the qualified building who receives a letter of intent from a qualifying lessee may be eligible for deferral, assuming that all other requirements of chapter 82.60 RCW are met. At the time of application, the lessor, or another qualifying lessee must provide to the department a letter of intent by the lessee to lease the qualified building and any other information to prove that the lessee will engage in qualified manufacturing or research and development once the building construction is complete. After the investment project is certified as operationally complete, the lessee must actually occupy the building as a lessee and engage in quali-

fied manufacturing or research and development. Otherwise, deferred taxes will be immediately due from the lessor.

The following examples illustrate the application process with lessors and lessees.

Example 1. Prior to the initiation of construction, Owner/Lessor AA enters into an agreement with Lessee BB, a company engaged in qualified manufacturing or research and development. Under the agreement, AA will build a building to house BB's research and development activities, will apply for a tax deferral on construction of the building, will lease the building to BB, and will pass on the economic benefit in the amount of the deferral to BB. BB agrees in writing with the department to complete annual tax incentive surveys. AA applies for the deferral before the initiation of construction that is prior to the date the building permit is issued. AA is entitled to a deferral on building construction costs assuming all eligibility qualifications are met.

Example 2. The following example assumes no deferral on initial construction activity. After the building construction has begun, Lessee CC asks that certain tenant improvements be added to the building. Lessor DD and Lessee CC each agree to pay a portion of the cost of the improvements. DD agrees with CC in writing that DD will pass on the entire value of DD's portion of the tax deferral to CC, and CC agrees in writing with the department to complete annual tax incentive surveys. CC and DD each apply for a deferral on the costs of the tenant improvements they are legally responsible for before the date the building permit is issued for the tenant improvements. The department will approve both applications assuming all eligibility qualifications are met. While construction of the building was initiated before submission of the applications, tenant improvements on a building under construction are deemed to be the expansion or renovation of an existing structure. In addition, lessees are entitled to the deferral only if they are legally responsible and actually pay contractors for the improvements, rather than merely reimbursing lessors for the costs.

Example 3. After building construction has begun but before machinery or equipment has been acquired, Lessee EE applies for a deferral on machinery and equipment. The department will approve the application assuming all eligibility qualifications are met, and EE will be required to complete annual tax incentive surveys. Even though it is too late to apply for a deferral of tax on building costs, it is not too late to apply for a deferral for the machinery and equipment.

(4) What if an investment project is located in an area that qualifies as a high unemployment county and as a CEZ? If an investment project is located in an area that qualifies under more than one type of eligible area, the department will automatically assign the project to the eligible area that imposes the least burden on the taxpayer and with the greatest benefit to the taxpayer. If the applicant elects to be bound by the requirements of the other potential eligible area, the applicant must make a written statement to that effect.

Example 4. On October 1, 2014, a city in a high unemployment county qualifies as a CEZ, and the high unemployment county is on the list as a qualifying county. The CEZ employment requirements are more restrictive than those for qualifying counties. The department will assign the project to the qualifying county designation unless the applicant elects

in writing to be bound by the CEZ employment requirements. Refer to subsection (7) of this rule for more information on the application process.

(5) When is apportionment of qualified buildings appropriate? The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of an existing building used in manufacturing or research and development. Where a building(s) is used partly for manufacturing or research and development and partly for purposes that do not qualify for deferral under this rule, apportionment is necessary.

(a) What are the apportionment methods? The deferral is determined by one of the following two apportionment methods. The first method of apportionment is based on square footage and does not require tracking the costs of materials for the qualifying/nonqualifying areas of a building. The second method of apportionment tracks the costs of materials used in the qualifying/nonqualifying areas, and it is primarily used by those industries with specialized building requirements.

(i) First method. The applicable tax deferral is determined by apportionment according to the ratio of the square footage of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the square footage of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \frac{\text{Percent of building eligible}}{\text{Percent of building eligible}}$$

Percent of building eligible x Total Project Costs = Eligible Costs.

"Total Project Costs" is the cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation.

Eligible Costs (as determined above) x Tax Rate = Eligible Tax Deferred.

Example 5. A taxpayer is constructing a 10,000 square foot building, of which 8,000 square feet will be eligible for tax deferral. The cost of the project is \$1,000,000. The combined sales/use tax rate at this location is 9.2%.

$$\frac{8,000 \text{ qualifying square feet}}{10,000 \text{ total square feet}} = \frac{80 \text{ percent of the building is eligible}}{80 \text{ percent of the building is eligible}}$$

Based on the above apportionment formula, 80% of the building is eligible for deferral. By multiplying the qualifying percentage 80% by the cost of \$1,000,000 to determine eligible costs of \$800,000. Multiply the eligible cost of \$800,000 by the sales/use tax rate of 9.2% to determine a sales/use tax deferral of \$73,600.

(ii) Second method. If the applicable tax deferral is not determined by the first method, it will be determined by calculating the cost of construction of qualifying/nonqualifying areas as follows:

(A) Tax on the cost of construction of areas devoted solely to manufacturing or research and development may be deferred.

(B) Tax on the cost of construction of areas not used at all for manufacturing or research and development may not be deferred.

(C) Tax on the cost of construction of areas used in common for manufacturing or research and development and for other purposes, such as hallways, bathrooms, and conference rooms, may be deferred by apportioning the costs of construction on a square footage basis. The apportioned costs of construction eligible for deferral are established by using the ratio, expressed as a percentage, of the square feet of the construction, expansion, or renovation devoted to manufacturing or research and development, excluding areas used in common, to the total square feet of the construction, expansion, or renovation, excluding areas used in common. That percentage is applied to the cost of construction of the common areas to determine the costs of construction eligible for tax deferral. Expressed as a formula, apportionment of the common areas is determined by:

$$\frac{\text{Square feet devoted to manufacturing or research and development, excluding square feet of common areas}}{\text{Total square feet, excluding square feet of common areas}} = \frac{\text{Percentage of common areas eligible for deferral}}{\text{Percentage of common areas eligible for deferral}}$$

Example 6. Taxpayer is planning to build a 10,000 square foot building of which 7,000 square feet will be used for manufacturing and 1,000 square feet will be common area. The remaining portion of the building will not be eligible for any deferral. The cost of the project will be \$850,000 for the manufacturing area, \$260,000 for the common area, and \$140,000 for the remaining portion of the building, for a total cost of construction of \$1,250,000. The combined sales/use tax rate at this location is 8.8%.

$$\frac{7,000 \text{ square feet devoted to manufacturing, excluding square feet of common areas}}{9,000 \text{ total square feet, excluding square feet of common areas}} = \frac{78\% \text{ of common areas eligible for deferral}}{78\% \text{ of common areas eligible for deferral}}$$

Based on the apportionment formula: 78% of common area costs are eligible. Multiply the common area costs of \$260,000 by 78% to determine that \$202,800 of common area costs are eligible for deferral. Therefore the \$850,000 for the manufacturing portion of the building plus the \$202,800 for common areas total \$1,052,800 of eligible project costs. Multiply the eligible project costs of \$1,052,800 by the tax rate of 8.8% to determine a sales/use tax deferral of \$92,646.

(b) Are qualified machinery and equipment subject to apportionment? Unlike buildings, machinery and equipment cannot be apportioned if used for both qualifying and nonqualifying purposes.

(c) To what extent is leased equipment eligible for the deferral? The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that

date, the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(6) Are there any hiring requirements for an investment project? There may or may not be a hiring requirement, depending on the location of the project.

(a) High unemployment county. There are no hiring requirements for qualifying projects located in high unemployment counties.

(b) Community empowerment zone (CEZ). There are hiring requirements for qualifying projects located in CEZs or in counties containing CEZs. The applicant applies for a deferral of investment that correlates to the estimated number of persons to be hired based on a formula. The applicant will create a position and hire at least one qualified employee for each seven hundred fifty thousand dollars of qualified investment in the project. Refer to subsection (7) of this rule for more information on the application process. The recipient must fill the positions with persons who at the time of hire are residents of the CEZ. The persons must be hired after the date the application is filed with the department. As used in this subsection, "resident" means the person makes his or her home in the CEZ or the county in which the zone is located. A mailing address alone is insufficient to establish that a person is a resident. For example, a "P.O. Box" is not a valid address as it does not establish residence at a physical location where the person actually lives. A street address would be an example of a valid address.

The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's web site at dor.wa.gov. A recipient must fill the qualified employment positions by the end of the calendar year following the year in which the project is certified as operationally complete and retain the positions during the entire tax year. Refer to subsection (12) of this rule for more information on certification of an investment project as operationally complete. If the recipient does not fill the qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

(7) What are the application and review processes?

An application for sales and use tax deferral under this program must be made prior to the initiation of construction, prior to taking possession of machinery and equipment, and prior to the filling of qualified employment positions. Persons, applying after construction is initiated or finished or after taking possession of machinery and equipment, are not eligible for the program. When an application for sales and use tax deferral is timely submitted, costs incurred before the application date are allowable, if they otherwise qualify. Applications for persons subject to hiring requirements must include information regarding the estimated total project cost and the qualified employment positions.

(a) How does a taxpayer obtain an application form?

Application forms may be obtained at department district offices, by downloading from the department's web site at dor.wa.gov, by telephoning the telephone information center

at 800-647-7706, or by contacting the department's special programs division at:

Special Programs Division
Department of Revenue
P.O. Box 47477
Olympia, WA 98504-7477
Fax: 360-534-1498
E-mail: DORdeferrals@dor.wa.gov.

Applicants must mail, e-mail, or fax applications to the special programs division at the address, e-mail address, or fax number given above. Applications approved by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. RCW 82.60.100.

(b) Will the department approve the deferral application? In considering whether to approve or deny an application for a deferral, the department will not approve an application for a project involving construction unless:

(i) The construction will begin within one year from the date of the application; or

(ii) The applicant shows proof that, if the construction will not begin within one year of application, there is a specific and active program to begin construction of the project within two years from the date of application. Proof may include, but is not limited to:

(A) Affirmative action by the board of directors, governing body, or other responsible authority of the applicant toward an active program of construction;

(B) Itemized reasons for the proposed construction;

(C) Clearly established plans for financing the construction; or

(D) Building permits.

Similarly, after an application has been granted, a deferral certificate is no longer valid and should not be used if construction has not begun within one year from the date of application or there is not a specific and active program to begin construction within two years from the date of application. However, the department will grant requests to extend the period for which the certificate is valid if the holder of the certificate can demonstrate that the delay in starting construction is due to circumstances beyond the certificate holder's control such as the acquisition of building permit(s). Refer to subsection (9) of this rule for more information on the use of tax deferral certificates.

(c) When will the department notify approval or disapproval of the deferral application? The department will verify the information contained in the application and approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval.

(d) May an applicant request a review of department disapproval of the deferral application? The applicant may request administrative review of the department's disapproval of an application, within thirty days from the date of notice of the disallowance, pursuant to the provisions of WAC 458-20-100, Appeals. The filing of a petition for review with the department starts a review of departmental action.

(8) What happens after the department approves the deferral application? The department will issue a sales and

use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral the recipient is eligible for. Recipients must keep track of how much tax is deferred.

(9) How should a tax deferral certificate be used? A tax deferral certificate issued under this program is for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings or qualified machinery and equipment as defined in this rule. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment. In addition, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller will be relieved of the responsibility for collecting sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales.

(10) May an applicant apply for multiple deferrals at the same project location? The department may not issue a certificate for an investment project that has already received a deferral under chapter 82.60 RCW. For example, replacement machinery and equipment that replaces qualified machinery and equipment is not eligible for the deferral. In addition, if an existing building that received a deferral under chapter 82.60 RCW for the construction of the building is renovated, the renovation is not eligible for the deferral unless the original deferral project is closed and has no more deferral requirements.

(a) If expansion is made from an existing building that has already received a deferral under chapter 82.60 RCW for the construction of the building, the expanded portion of the building may be eligible for the deferral. The expansion must be made for new square footage, either vertically or horizontally. Acquisition of machinery and equipment to be used in the expanded portion of the qualified building may also be eligible.

(b) A certificate may be amended or a certificate issued for a new investment project at an existing facility if all eligibility requirements are met.

(11) May an applicant or recipient amend an application or certificate? Applicants and recipients may make a written request to the special programs division to amend an application or certificate when the original estimates change.

(a) Assuming the project continues to meet all eligibility requirement, grounds for requesting amendment include, but are not limited to:

- (i) The project will exceed the costs originally stated;
- (ii) The project will take more time to complete than originally stated;
- (iii) The original application is no longer accurate because of changes in the project;

(iv) The project location changes (only applicable to machinery and equipment); and

(v) Transfer of ownership of the project.

(b) An application may not be amended if the location of the qualified building changes. Taxes become immediately due if the project location changes after the application has been approved.

(c) The department must rule on the request within sixty days. If the request is denied, the department must explain in writing the basis for the denial. An applicant or recipient may appeal a denial within thirty days under WAC 458-20-100, Appeals.

(12) What are the processes for an investment project? An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) What should a certificate holder do if its investment project reaches the estimated costs but the project is not yet operationally complete? If an investment project has reached its estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount on which the deferral taxes are requested along with an explanation for the increase in estimated costs. Requests must be mailed, e-mailed, or faxed to the department.

(b) What should a certificate holder do if its investment project reaches the completion date but the project is not yet operationally complete? If an investment project has reached the completion date and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised completion date along with an explanation for the new completion date. Requests must be mailed, e-mailed, or faxed to the department prior to the expiration date on the certificate.

(c) What should a certificate holder do when its investment project is operationally complete? The certificate holder must notify the department in writing when the investment project is operationally complete. The project is operationally complete once it can be used for its intended purpose as described in the application. The department will certify the qualifying costs and the date when the project became operationally complete. The certificate holder of the deferral must maintain the manufacturing or research and development activity beginning the year the project is operationally complete and the following seven calendar years. It is important to remember that annual tax survey reporting requirements begin the year following the operationally complete date, even though the audit certification may not be complete. For information on submitting annual surveys, see subsection (13) of this rule.

Example 7. Taxpayer estimated a project end date of June 2015, but the project was actually operationally complete in November 2014. Taxpayer must submit the 2014 annual tax incentive survey by April 30, 2015. Taxpayer is responsible for notifying the department when the project is operationally complete regardless of the estimated comple-

tion date. If the 2014 annual tax incentive survey is not submitted timely, taxpayer will be assessed 12.5% of the deferred sales/use tax for this project.

Example 8. Taxpayer estimated a project end date of May 2014, but the project was actually not operationally complete until December 2014. Taxpayer must submit the 2014 annual tax incentive survey by April 30, 2015. Taxpayer is responsible for notifying the department when the project is operationally complete regardless of the estimated completion date. If the 2014 annual tax incentive survey is not submitted timely, taxpayer will be assessed 12.5% of the deferred sales/use tax for this project.

(i) If all or any portion of the project does not qualify, the recipient must repay all or a proportional part of the deferred taxes. The department will notify the recipient of the amount due and the due date.

(ii) The department must explain in writing the basis for not qualifying all or any portion of a project. The decision of the department to not qualify all or a portion of a project may be appealed under WAC 458-20-100, Appeals, within thirty days.

(13) Is a recipient of a tax deferral required to submit annual surveys? RCW 82.32.585 requires each recipient of a tax deferral to complete an annual tax incentive survey, every year, by April 30th for eight years following the year in which the project is operationally complete, regardless if the department has audited the project. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025, the lessee must agree in writing to complete the annual tax incentive survey and the applicant is not required to complete the annual tax incentive survey. If the survey is not submitted by the due date, or any extension under RCW 82.32.590, the recipient of the tax deferral or lessee, if required to submit, will be billed 12.5% of the deferred tax amount. For example, the deferral project is operationally complete in 2014. The recipient is required to submit the 2014-2021 annual tax incentive surveys that are due by April 30, 2015-2022, respectively. For more information on the requirements to file annual tax incentive surveys refer to WAC 458-20-268.

(14) Is a recipient of a tax deferral required to repay deferred taxes for reasons other than not submitting the annual tax incentive survey? Repayment of tax deferred under chapter 82.60 RCW is waived, as long as all eligibility requirements are met, except as provided in RCW 82.60.070 and this subsection (14).

The following describes the various circumstances under which repayment of the deferral may occur. Outstanding taxes are determined as of December 31st of each year by reference to the following table. No proration is allowed for completing a partial year of the deferral use requirement.

Repayment Year	Percentage of Deferred Tax Waived
1 (Year operationally complete)	0%
2	0%
3	0%
4	10%

Repayment Year	Percentage of Deferred Tax Waived
5	15%
6	20%
7	25%
8	30%

Any action taken by the department to disqualify a recipient for tax deferral or assess interest will be subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals. The filing of a petition for review with the department starts a review of departmental action.

(a) Failure of investment project to satisfy general conditions. If based on the recipient's annual tax incentive survey or other information, including that submitted by the employment security department, the department finds that an investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, including failure to continue qualifying activity, the department will declare the amount of deferred taxes outstanding to be immediately due. There is no proration of the amount owed under this subsection. No penalties or interest will be assessed on the deferred sales or use taxes; however, all other penalties and interest applicable to excise tax assessments may be assessed and imposed.

(b) Failure of investment project to satisfy required employment positions conditions. If based on the recipient's annual tax incentive survey or other information, the department finds that an investment project has been operationally complete and has failed to create the required number of qualified employment positions the amount of taxes deferred will be immediately due. There is no proration of the amount owed under this subsection. No penalties or interest will be assessed on the deferred sales or use taxes; however, all other penalties and interest applicable to excise tax assessments may be assessed and imposed.

(15) When will the tax deferral program expire? This tax deferral program is scheduled to expire July 1, 2020. No applications for deferral of taxes will be accepted after June 30, 2020. Businesses wishing to take advantage of this program are advised to apply to the department by April 30, 2020. While the department will make every effort to process applications in a timely manner, the department is allowed sixty days to review applications and issue deferral certificates. Applications received after April 30, 2020, may not be processed in time for the business to receive a deferral certificate and would not be eligible for the program. In addition, incomplete applications may be denied or not processed in time for the business to be issued a deferral certificate before July 1, 2020.

(16) Is debt extinguishable because of insolvency or sale? Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes.

(17) Does transfer of ownership terminate tax deferral? Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of chapter 82.60 RCW, for the

remaining periods of the deferral. Any person who becomes a successor to such investment project is liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient of the deferral. For additional information on successorship or quitting business refer to WAC 458-20-216.

Any questions regarding the potential eligibility of deferrals to be transferred on the sale of a business, should be directed to the special programs division as provided for in subsection (7)(a) of this rule.

WSR 15-10-053

PROPOSED RULES

DEPARTMENT OF CORRECTIONS

[Filed April 30, 2015, 11:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-06-008.

Title of Rule and Other Identifying Information: Amendments to chapter 137-36 WAC, Inmate personal property.

Hearing Location(s): Edna Lucille Goodrich (ELG) Building, 7345 Linderson Way S.W., Room 1034, Tumwater, WA 98501, on June 9, 2015, at 2:00 p.m.

Date of Intended Adoption: June 10, 2015.

Submit Written Comments to: John Nispel, P.O. Box 41114, Olympia, WA 98504-1114, e-mail john.nispel@doc.wa.gov, fax (360) 664-2009, by June 8, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To reflect changes to agency policy on the treatment of contraband sent to offenders through the mail.

Reasons Supporting Proposal: References to the department of corrections (DOC) policy should be accurate.

Statutory Authority for Adoption: RCW 72.01.090.

Statute Being Implemented: RCW 72.09.050.

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

Name of Proponent: DOC, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Dan Lewis, headquarters, (360) 725-8292.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No impact on small business.

A cost-benefit analysis is not required under RCW 34.05.328. No financial impact.

April 29, 2015
Bernard Warner
Secretary

AMENDATORY SECTION (Amending WSR 83-20-035, filed 9/27/83)

WAC 137-36-040 Disposition of personal property.

(1) Contraband items will be confiscated (~~by the superintendent~~) and disposed of in the following manner:

(a) Items which are determined to be owned by an inmate will be mailed or transferred to a person designated by the inmate at the inmate's expense. If the inmate is without funds, refuses to pay the required postage or refuses to designate an individual to receive the property, such items shall be donated to a charitable organization.

(b) Items for which ownership cannot be determined shall be held by the superintendent for six months and then donated to a charitable organization or destroyed.

(c) Money such as currency, personal checks, and money orders, is contraband within adult correctional institutions. If money or other negotiable instrument is found in the unauthorized possession of an inmate and he/she claims or disclaims ownership or, if ownership is unknown, the money or negotiable instrument shall be confiscated immediately and shall be deposited in the inmate welfare fund at the expiration of any appeal or hearing.

(d) Money received from one sender for deposit to the resident trust account of multiple offenders without prior superintendent approval may be confiscated and deposited in the inmate welfare fund at the expiration of any review.

The inmate shall be advised in writing of his/her right to seek review of the decision to place the money in the inmate welfare fund. The review shall be sought by writing directly to the (~~director of the division of prisons~~) superintendent or his/her designee(s) within ten calendar days.

(2) All illegal items owned by and/or found in the possession of an inmate shall be confiscated. Such items shall be held for evidence for law enforcement authorities. Such illegal items that do not need to be retained as evidence shall be destroyed.

(3) Abandoned personal property shall be disposed of in the following manner:

(a) All personal property, and any income or increment which is accrued thereon, held for the owner by an institution that has remained unclaimed for more than six months from the date the owner was terminated from work release, transferred to a different institution, or when the owner is unknown or deceased, from the date the property was placed in the custody of the institution, is presumed abandoned. When an inmate who has no recorded next of kin or person to whom unclaimed property can be sent, is transferred to another institution, the property shall not be presumed abandoned for a period of twelve months.

(b) All personal property, and any income or increment which has accrued thereon, shall be presumed abandoned whenever the inmate owner has been placed on escape status. Such property shall be held for three months from the date of the escape. If during that period the inmate remains on escape status and/or no other person claims ownership of the property, the property shall be deemed abandoned and may be donated to charity or destroyed in accordance with the provisions of this regulation.

(c) All personal property, other than money, which is unclaimed for the time periods set out in this regulation, shall be presumed abandoned and may be destroyed. Where a superintendent feels the property may be used or has value to a charitable nonprofit organization, the property may be donated to such an organization.

(d) Any money unclaimed for the time limits set out in this regulation shall be presumed abandoned and paid into the revolving fund established pursuant to RCW 9.95.360.

(e) At least thirty days prior to personal property being donated or destroyed, written notice shall be given to the owner at the owner's residence or place of business or to some person of suitable age or discretion residing or employed therein. Such notice may be hand delivered or sent by certified mail. If the owner is deceased, such notice shall be sent to at least one of the owner's heirs, if known. In all other circumstances, notice shall be sent to the person previously designated by the owner as authorized to receive property.

(f) If none of the above alternatives is available, notice of the proposed donation or destruction of the property shall be published at least once in an official newspaper in the county in which the institution is located at least thirty days prior to the date fixed for the action. The notice shall be signed by the secretary and shall contain a general description of the unclaimed personal property, specifying the institution at which the property is held.

WSR 15-10-057

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed April 30, 2015, 1:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-05-040.

Title of Rule and Other Identifying Information: WAC 458-20-196 Bad debts (Rule 196), provides information about the tax treatment of bad debts under the business and occupation (B&O), public utility, retail sales, and use taxes.

Hearing Location(s): Capital Plaza Building, Fourth Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA 98501, on June 17, 2015, at 9:30 a.m. Copies of draft rules are available for viewing and printing on our web site at Rules Agenda.

Call-in option can be provided upon request no later than three days before the hearing date.

Date of Intended Adoption: June 24, 2015.

Submit Written Comments to: Mark E. Bohe, Department of Revenue, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail markbohe@dor.wa.gov, by June 17, 2015, at noon.

Assistance for Persons with Disabilities: Contact Mary Carol LaPalm, (360) 725-7499, or Renee Cosare, (360) 725-7514, no later than ten days before the hearing date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule 196 is being amended to address a proposed change concerning the sale of repossessed property securing a bad debt with post-recovery repairs and improvements. Other changes include: (1) Adding language in the introduction; (2) adding clarifying language throughout the rule; and (3) repositioning the examples to where the applicable law is interpreted.

Reasons Supporting Proposal: Explains tax consequences when repossessed property securing a bad debt is sold with post-recovery improvements.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: RCW 82.08.037, 82.12.037, 82.04.4284, and 82.16.050(5).

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Mark Bohe, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1574; Implementation: Dylan Waits, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1583; and Enforcement: Alan Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1599.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules do not impose any new performance requirements or administrative burden on any small business not required by statute.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are not significant legislative rules as defined by RCW 34.05.328.

April 30, 2015

Dylan Waits

Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-21-012, filed 10/7/10, effective 11/7/10)

WAC 458-20-196 Bad debts. (1) **Introduction.** This ~~(section)~~ rule provides information about the tax treatment of bad debts under the business and occupation (B&O), public utility, retail sales, and use taxes.

(a) **Rule examples.** This rule includes a number of examples that identify a set of facts and then state a conclusion. The examples should be used only as a general guide. The department of revenue (department) will evaluate each case on its particular facts and circumstances and apply both this rule and other statutory and common law authority. Examples are numbered consecutively throughout this rule.

In all examples, an eight percent combined state and local sales tax is assumed. Figures are rounded to the nearest dollar. Payments are applied first against interest and then ratably against the taxable price, sales tax and other charges except when special provisions for subsequent recoveries on a bad debt apply (see subsections (2) and (3) of this rule). It is assumed that the income from all retail sales described has been properly reported under the retailing B&O tax classification and that all interest or service fees described have been accrued, reported, and state and local B&O taxes paid under the service and other activities B&O tax classification.

(b) **References to related rules.** The department has adopted other rules that readers may want to refer to:

(i) WAC 458-20-197 When tax liability arises;

(ii) WAC 458-20-198 Installment sales, method of reporting;

(iii) WAC 458-20-199 Accounting methods; and

(iv) WAC 458-20-247 Trade-ins, selling price, sellers' tax measure.

(c) Bad debt deduction for accrual basis taxpayers. Bad debt credits, refunds, and deductions occur when income reported by a taxpayer is not received. Taxpayers who report using the cash method do not report income until it is received. For this reason, bad debts are most relevant to taxpayers reporting income on an accrual basis. However, some transactions must be reported on an accrual basis by all taxpayers, including installment sales and leases. These transactions are eligible for a bad debt credit, refund, or deduction as described in this ~~((section. For information on cash and accrual accounting methods, refer to WAC 458-20-197 (When tax liability arises) and WAC 458-20-199 (Accounting methods). Refer to WAC 458-20-198 (Installment sales, method of reporting) and WAC 458-20-199(3) for information about reporting installment sales))~~ rule.

~~((b))~~ **(d) Relationship between retailing B&O tax deduction and retail sales tax credit.** Generally, a retail sales tax credit for bad debts is reported as a deduction from the measure of sales tax on the excise tax return. The amount of this deduction, or the measure of a recovery of sales tax that must be reported, may differ from the amount reported as a deduction or recovery from the retailing B&O tax classification due to exempt sales (for example: Sales of motor vehicles and trailers for use in interstate or foreign commerce (RCW 82.08.0263); and sales of manufacturing machinery and equipment (RCW 82.08.02565)).

~~((e))~~

(e) Relationship to federal income tax return. Washington credits, refunds, and deductions for bad debts are based on federal standards for worthlessness under section 166 of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 166), as amended or renumbered as of January 1, 2003. If a federal income tax return is not required to be filed (for example, where the taxpayer is an exempt entity for federal purposes), the taxpayer is eligible for a bad debt credit, refund, or deduction on the Washington tax return if the taxpayer would otherwise be eligible for the federal bad debt deduction.

(2) Retail sales and use tax.

(a) General rule. Under RCW 82.08.037 and 82.12.037, sellers are entitled to a credit or refund for sales and use taxes previously paid on "bad debts" under section 166 of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 166), as amended or renumbered as of January 1, 2003. Taxpayers may claim the credit or refund for the tax reporting period in which the bad debt is written off as uncollectible in the taxpayer's books and records and would be eligible for a bad debt deduction for federal income tax purposes. However, "bad debts" do not include:

- (i) Amounts due on property that remains in the possession of the seller until the full purchase price is paid;
- (ii) Expenses incurred in attempting to collect debt;
- (iii) Debts sold or assigned by the seller to third parties, where the third party is without recourse against the seller (see (c) of this subsection for additional information about this restriction); and
- (iv) The value of repossessed property taken in payment of debt.

(b) Recoveries. If a taxpayer takes a credit or refund for sales or use taxes paid on a bad debt and later collects some or all of the debt, the amount of sales or use tax recovered must be repaid in the tax-reporting period during which collection was made. The amount of tax that must be repaid is determined by applying the recovered amount first proportionally to the taxable price of the property or service and the sales or use tax thereon and secondly to any interest, service charges, and any other charges.

Example 1. Joe's Hardware, Inc. (Joe's Hardware) makes a retail sale of goods with a selling price of \$500. Joe's Hardware pays \$40 in retail sales tax to the department and accrued and paid state and local B&O tax on the interest and fees. No payment is received by Joe at the time of sale.

Bad debt. Assume that one and one-half years later, no payment has been received by Joe's Hardware, and the balance with interest is \$627. Joe's Hardware is entitled to claim a bad debt deduction on its federal income tax return. It is also entitled to claim a bad debt retail sales tax credit or refund in the amount of \$40, a B&O tax deduction of \$500 under the retailing B&O tax classification, and a B&O tax deduction of \$87 under the service and other activities B&O tax classification for the accrued interest.

Recoveries. Assume six months after the credit and deduction are claimed by Joe's Hardware, a \$50 payment is received on the debt. Recoveries received on a retail sale after a credit and deduction have already been claimed must be applied first proportionally to the taxable price and retail sales tax thereon in order to determine the amount of tax that must be repaid. Therefore, Joe's Hardware must report \$4, or \$50 x (\$40/\$540), of retail sales tax on the current excise tax return and \$46, or \$50 x (\$500/\$540) under the retailing B&O tax classification. Additional recoveries should be applied in the same manner until the original \$40 credit for retail sales tax is reduced to zero.

(c) Assigned debt and installment sales. Effective July 1, 2010, RCW 82.08.037 and 82.12.037 limit who can claim a credit or refund for retail sales or use tax. Only the original seller in the transaction that generated the bad debt, or a certified service provider (CSP) used by the seller, is entitled to claim a credit or refund on or after July 1, 2010. If the original seller in the transaction that generated the bad debt has sold or assigned the debt instrument to a third party with recourse, the original seller may claim a credit or refund only after the debt instrument is reassigned by the third party to the original seller. In the case where the seller uses a CSP to administer its retail sales tax responsibilities the CSP may claim, on behalf of the seller, the credit or refund allowed. ~~((See chapter 23, Laws of 2010, 1st sp. sess., (2ESSB 6143).))~~

(3) Business and occupation tax.

(a) General rule. Under RCW 82.04.4284, taxpayers may deduct from the measure of B&O tax "bad debts" under section 166 of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 166), as amended or renumbered as of January 1, 2003, on which tax was previously paid. Taxpayers may claim the deduction for the tax reporting period in which the bad debt is written off as uncollectible in the taxpayer's books and records and would be eligible for a bad debt deduction for federal income tax purposes. However, the amount of the

deduction must be adjusted to exclude amounts attributable to:

- (i) Amounts due on property that remains in the possession of the seller until the full purchase price is paid;
- (ii) Retail sales or use taxes payable to a seller;
- (iii) Expenses incurred in attempting to collect debt; and
- (iv) The value of repossessed property taken in payment of debt.

(b) **Recoveries.** Recoveries received by a taxpayer after a bad debt is claimed are applied under the ~~((rules))~~ provisions described in subsection (2)(b) of this ~~((section))~~ rule if the transaction involved is a retail sale. The amount attributable to "taxable price" is reported under the retailing B&O tax classification. If the recovery of debt is not related to a retail sale, recovered amount is applied proportionally against the components of the debt (e.g., interest and principal remaining on a wholesale sale).

Example 2. Assume Joe's Hardware, Inc. (Joe's Hardware) makes a retail sale of goods on credit for \$500. Joe's Hardware pays \$40 in sales tax to the department and accrued and paid state and local B&O tax on the interest and fees. Assume no payment is received at the time of sale. Over the following year, regular payments are received and the debt is reduced to \$345, exclusive of any interest or service charges. The \$345 represents retail sales tax due to Joe's Hardware in the amount of \$26, or $345 \times (\$40/\$540)$, and \$319 remaining of the original purchase price, or $345 \times (\$500/\$540)$. Payments cease.

Example 3. Assume same facts as Example 2 above continue but now assume a bad debt. Six months after payments ceased the balance with interest and service fees is \$413. Joe's Hardware is entitled to claim a bad debt deduction on the federal income tax return. Joe's Hardware is also entitled to claim a retail sales tax refund or credit on the current excise tax return of \$26, a deduction under the retailing B&O tax classification of \$319, and a deduction under the service and other activities B&O tax classification of \$68 for the accrued interest and service fees.

Example 4. Assume the same facts in Example 3 above continue but before Joe's Hardware charges off the debt, it repossesses the goods. At that time, the goods have a fair market value of \$250. No credit is allowed for repossessed property, so the value of the collateral must be applied against the outstanding balance. After the value of the collateral is applied, Joe's Hardware has a remaining balance of \$163, or $413 - \$250$. The allocation rules for recoveries do not apply because a bad debt credit or refund has not yet been taken. The value is applied first against the \$68, or $413 - \$345$, of interest and service fees, which is subject to service and other activities B&O tax, so the \$163 remaining is attributable entirely to taxable price and sales tax. Any costs Joe's Hardware may incur related to locating, repossessing, storing, or selling the goods do not offset the value of the collateral because no credit is allowed for collection costs. Joe's Hardware is entitled to a sales tax refund or credit in the amount of \$12, or $163 \times (\$40/\$540)$ and deduction of \$151, or $163 \times (\$500/\$540)$ under the retailing B&O tax classification.

Example 5. Assume the same facts in Example 4 above continue but assume Joe's Hardware claimed a bad debt

deduction and the sale of the repossessed goods occurred without subsequent repairs or improvements when the non-claim statute limitations applicable to the original transaction had not expired. If Joe's Hardware later sells the repossessed goods, it must pay B&O tax and collect retail sales tax as applicable. If the sales price of the repossessed goods is different from the fair market value previously reported, then Joe's Hardware must report the difference between the selling price and the claimed fair market value as an additional bad debt credit or deduction or report it as an additional recovery, as appropriate. This is because the sales price establishes the correct value of the repossessed goods.

Example 6. Assume the same facts in Example 5 continue but assume Joe's Hardware claimed the bad debt deduction and the sale of repossessed goods occurred after subsequent repairs and improvements when the nonclaim statute limitations applicable to the original transaction had not expired. The sales price of the repossessed goods will be higher than the value of the goods when Joe first regained possession. Joe's Hardware must report the difference between the value of the goods upon repossession and the claimed fair market value as an additional recovery, as appropriate. Because the sales price of the goods was increased by the repairs and improvements made after repossession, it must determine the value of the goods after repossession by determining the value of the goods before the repairs and improvements. Joe's Hardware can establish the value of the goods after repossession before the repairs and improvements by using the greater of:

- The value using an established authoritative appraisal measure generally accepted by the industry; or
- The value by subtracting from the sales price the cost of the post-recovery repairs and improvements generally accepted by the industry as increasing the goods' value.

(c) **Extracting and manufacturing classifications.** Bad debt deductions are only allowed under the extracting or manufacturing classifications when the value of products is computed on the basis of gross proceeds of sales.

(4) **Public utility tax.** Under RCW 82.16.050(5), taxpayers may deduct from the measure of public utility tax "bad debts" under section 166 of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 166), as amended or renumbered as of January 1, 2003, on which tax was previously paid. Taxpayers may claim the deduction for the tax reporting period in which the bad debt is written off as uncollectible in the taxpayer's books and records and would be eligible for a bad debt deduction for federal income tax purposes. No deduction is allowed for collection or other expenses.

(5) **Application of payments - General rule.** The special ~~((rules))~~ provisions for application of payments received in recovery of previously claimed bad debts described in subsections (2)(b) and (3)(b) of this ~~((section))~~ rule are not used for other payments. Payments received before a bad debt credit, refund, or deduction is claimed should be applied first against interest and then ratably against other charges. Another commercially reasonable method may be used if approved by the department.

(6) **Private label credit cards.** If a business contracts with a financial company to provide a private label credit card program, and the financial company becomes the exclu-

sive owner of the credit card accounts and solely bears the risk of all credit losses, the business that contracted with the financial company is not entitled to any bad debt deduction if a customer fails to pay his or her credit card invoice.

Example 7. Assume Hot Shot Ski Equipment (Hot Shot) is a sporting equipment retailer. Hot Shot contracts with ABC Financial Institution (ABC) to issue a Hot Shot private label credit card. ABC has the authority to accept or reject an applicant's credit card application. After Hot Shot transmits the credit card sales records to ABC, ABC pays Hot Shot the proceeds of the sales including the retail sales tax minus any applicable service fees. Hot Shot remits the retail sales tax to the Department of Revenue. If a customer using the Hot Shot credit card fails to pay ABC the outstanding amount on the credit card invoice, ABC suffers the loss. Hot Shot is not entitled to a bad debt deduction or credit ~~((as))~~ because it has no bad debt loss when a customer defaults on a debt to ABC.

(7) **Reserve method.** Ordinarily, taxpayers must report bad debt refunds, credits, or deductions for specifically identified transactions. However, taxpayers who are allowed by the Internal Revenue Service to use a reserve method of reporting bad debts for federal income tax purposes, or who secure permission from the department to do so, may deduct a reasonable addition to a reserve for bad debts. What constitutes a reasonable addition to a reserve for bad debts must be determined in light of the facts and will vary between classes of business and with conditions of business prosperity. An addition to a reserve allowed as a deduction by the Internal Revenue Service for federal income tax purposes, in the absence of evidence to the contrary, will be presumed reasonable. When the reserve method is employed, an adjustment to the amount of loss deducted must be made annually to make the total loss claimed for the tax year coincide with the amount actually sustained.

(8) **Nonclaim statute ((of)) limitations for claiming bad debts.** No credit, refund, or deduction, as applicable, may be claimed for debt that became eligible for a bad debt deduction for federal income tax purposes more than four years before the beginning of the calendar year in which the credit, refund, or deduction is claimed.

~~((9)) Examples.~~ The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances:

In all cases, an eight percent combined state and local sales tax rate is assumed. Figures are rounded to the nearest dollar. Payments are applied first against interest and then ratably against the taxable price, sales tax, and other charges except when the special rules for subsequent recoveries on a bad debt apply (see subsections (2) and (3) of this section). It is assumed that the income from all retail sales described has been properly reported under the retailing B&O tax classification and that all interest or service fees described have been accrued and reported under the service and other activities B&O tax classification.

(a) **Scenario 1.** Joe's Hardware makes a retail sale of goods with a selling price of \$500 and pays \$40 in sales tax to the department. No payment is received by Joe at the time of sale.

(i) **Bad debt.** One and a half years later, no payment has been received by Joe, and the balance with interest is \$627. Joe is entitled to claim a bad debt deduction on his federal income tax return. He is also entitled to claim a bad debt sales tax credit or refund in the amount of \$40, a B&O tax deduction of \$500 under the retailing B&O tax classification, and a B&O tax deduction of \$87 under the service and other activities B&O tax classification.

(ii) **Recoveries.** Six months after the credit and deduction are claimed, a \$50 payment is received on the debt. Recoveries received on a retail sale after a credit and deduction have already been claimed must be applied first proportionally to the taxable price and sales tax thereon in order to determine the amount of tax that must be repaid. Therefore, Joe must report \$4, or $\$50 \times (\$40/\$540)$, of sales tax on the current excise tax return and \$46, or $\$50 \times (\$500/\$540)$ under the retailing B&O tax classification. Additional recoveries should be applied in the same manner until the original \$40 credit for sales tax is reduced to zero.

(b) **Scenario 2.** Joe makes a retail sale of goods on credit for \$500 and pays \$40 in sales tax to the department. No payment is received at the time of sale. Over the following year, regular payments are received and the debt is reduced to \$345, exclusive of any interest or service charges. The \$345 represents sales tax due to Joe in the amount of \$26, or $\$345 \times (\$40/\$540)$, and \$319 remaining of the original purchase price, or $\$345 \times (\$500/\$540)$. Payments cease.

(i) **Bad debt.** Six months later the balance with interest and service fees is \$413. Joe is entitled to claim a bad debt deduction on the federal income tax return. He is also entitled to claim a sales tax refund or credit on the current excise tax return of \$26, a deduction under the retailing B&O tax classification of \$319, and a deduction under the service and other activities B&O tax classification of \$68.

(ii) **Recoveries.** Before Joe charges off the debt, he repossesses the goods. At that time, the goods have a fair market value of \$250. No credit is allowed for repossessed property, so the value of the collateral must be applied against the outstanding balance. After the value of the collateral is applied, Joe has a remaining balance of \$163, or $\$413 - \250 . The allocation rules for recoveries do not apply because a bad debt credit or refund has not yet been taken. The value is applied first against the \$68, or $\$413 - \345 , of interest, so the \$163 remaining is attributable entirely to taxable price and sales tax. Any costs Joe may incur related to locating, repossessing, storing, or selling the goods do not offset the value of the collateral because no credit is allowed for collection costs. Joe is entitled to a sales tax refund or credit in the amount of \$12, or $\$163 \times (\$40/\$540)$ and deduction of \$151, or $\$163 \times (\$500/\$540)$ under the retailing B&O tax classification.

(iii) **Sales of repossessed goods.** If Joe later sells the repossessed goods, he must pay B&O tax and collect retail sales tax as applicable. If the sales price of the repossessed goods is different from the fair market value previously reported and the statute of limitations applicable to the original transaction has not expired, Joe must report the difference between the selling price and the claimed fair market value as an additional bad debt credit or deduction or report it as an additional recovery, as appropriate.

~~(e) Scenario 3.)~~ **Example 8.** Assume Phil, ~~((ef))~~ doing business as Phil's Fine Cars, sells a car at retail for \$1000 and charges Alice, the buyer, an additional \$50 for license and registration fees.

~~((ii))~~ **Trade-in accepted.** Assume Phil accepts trade-in property with a value of \$500 in which Alice has \$300 of equity. (The value of trade-in property of like kind is excluded from the selling price for purposes of the retail sales tax. Refer to WAC 458-20-247 for further information.) Phil properly bills Alice for \$40 of retail sales tax, for a total of \$1090 owed to Phil by Alice. Phil pays the department the \$40 in retail sales tax. No payment other than the trade-in is received by Phil at the time of sale.

~~((iii))~~ **Bad debt.** Assume eight months later, Phil has not received any payment. Phil is entitled to claim a bad debt deduction on his federal income tax return. The equity in the trade-in is equivalent to a payment received at the time of purchase, reducing the balance remaining on the initial sale to \$790, or \$1090 - \$300. Phil is entitled to claim a retail sales tax credit or refund of \$29, or $790 \times (\$40/\$1090)$ of retail sales tax, and a deduction of \$725, or $790 \times (\$1000/\$1090)$ under the retailing B&O tax classification, exclusive of any deduction for accrued interest.

~~((d) Scenario 4. Phil))~~ **Assignment of contract.** Assume that immediately after the sale of the car by Phil, of Phil's Fine Cars, to Alice, the buyer, Phil assigns the contract to a finance company without recourse, receiving face value for the contract. The finance company may not claim the retail sales tax credit or refund. The finance company may not claim any deduction for Phil's B&O tax liability. No bad debt deduction or credit is available to Phil, as the contract was sold without recourse.

Example 9. Assume Phil, doing business as Phil's Fine Cars, sells a car at retail for \$1000, and charges Jake an additional \$50 for license and registration fees. Phil properly bills Jake for \$80 of retail sales tax and remits it to the department. No money is received from Jake at the time of sale.

~~((ii))~~ **Bad debt.** Assume eight months later Phil is entitled to claim a bad debt deduction on the federal income tax return. Further, assume Phil accrued and paid state and local B&O taxes on interest and fees. Phil claims an \$80 retail sales tax credit, a \$1000 retailing B&O tax deduction, and an additional amount under the service and other activities classification for accrued interest and fees.

~~((iii))~~ **Recoveries.** Assume six months after claiming a bad debt, Phil receives a \$200 payment from Jake. Recoveries must be allocated first proportionally to the taxable price (the measure of the sales tax) and the sales tax thereon, and secondly to other charges. B&O tax consequences follow the same rules. Accordingly, Phil must report \$15, or $200 \times (\$80/\$1080)$ of retail sales tax and \$185, or $200 \times (\$1000/\$1080)$ of income under the retailing B&O tax classification. Additional recoveries should be applied in the same manner until the original \$80 sales tax credit is reduced to zero.

~~((e) Scenario 5. Phil))~~ **Example 10.** Assume Phil, doing business as Phil's Fine Cars, sells a car at retail for \$1000, and charges Robin an additional \$50 for license and registration fees.

~~((ii))~~ **Trade-in accepted.** Assume Phil accepts trade-in property with a value of \$500 in which Robin has \$300 of

equity. Phil properly bills Robin for \$40 of retail sales tax for a total of \$1090 owed to Phil by Robin. No payment other than the trade-in is received by Phil at the time of sale.

~~((iii))~~ **Bad debt.** Assume eight months later, no payment has been received by Phil. Phil is entitled to claim a bad debt deduction on the federal income tax return. The equity in the trade-in is equivalent to a payment received at the time of purchase, reducing the balance remaining on the initial sale to \$790, or $1090 - \$300$. Phil is entitled to claim a retail sales tax credit or refund of \$29, or $790 \times (\$40/\$1090)$ of retail sales tax, and a deduction of \$725, or $790 \times (\$1000/\$1090)$ under the retailing B&O tax classification, exclusive of any deduction for accrued interest.

~~((iii))~~ **Recoveries.** Assume six months after that, Phil receives a \$200 payment from Robin. Recoveries must be allocated first proportionally to the taxable price (the measure of the retail sales tax) and retail sales tax thereon, and secondly to other charges. B&O tax consequences follow the same rules. Accordingly, Phil must report \$15, or $200 \times (\$40/\$540)$ in retail sales tax, and \$185, or $200 \times (\$500/\$540)$ under the retailing B&O tax classification. Additional recoveries should be applied in the same manner until the original \$29 sales tax credit is reduced to zero.

~~((f) Scenario 6. The facts are the same as in Scenario 3 (e) of this subsection, except that immediately after the sale, Phil assigns the contract to a finance company without recourse, receiving face value for the contract. The finance company may not claim the retail sales tax credit or refund. The finance company may not claim any deductions for Phil's B&O tax liability. No bad debt deduction or credit is available to Phil, as the contract was sold without recourse.))~~

Example 11. Assume Phil, of Phil's Fine Cars, sells a car at retail for \$1000 and charges Alice, the buyer, an additional \$50 for license and registration. At the time of sale, Alice pays \$300 to Phil as a down payment. Phil properly bills Alice for \$80 of retail sales tax, for a total of \$1130 owed to Phil by Alice. Phil pays the department the \$80 retail sales tax. No payment other than the \$300 is received by Phil at the time of sale. Eight months later Phil has not received any payments and Phil is entitled to claim a bad debt deduction on his federal income tax return.

Bad debt. Assume eight months later the balance owed is \$830 or $1130 - \$300$ from the initial sale, exclusive of any interest or service charges. Assuming interest and fees accrued during the eight months of \$16 and that Phil paid state and local B&O tax on the interest and fees, Phil is allowed a bad debt deduction of \$846. Phil is entitled to claim a bad debt deduction on his federal income tax return. Phil is also entitled to claim a retail sale tax refund or credit on the current excise tax return of \$60, or $846 \times (\$80/\$1130)$, a bad debt deduction under the retailing B&O tax classification of \$749, or $846 \times (\$1000/\$1130)$, and a bad debt deduction under the service and other activities B&O tax classification of \$37, or $846 \times (\$50/\$1130)$ for the accrued interest.

Recovery and sale of repossessed car without subsequent repairs or improvements. Assume the car was repossessed, incurring attorney's fees of \$250, and the sale of the repossessed car occurred without subsequent repairs or improvements when the nonclaim statute limitations applicable to the original transaction had not expired. The \$250 paid

for attorney's fees is an expense incurred to collect debt that is not deductible as a bad debt or business expense. When Phil sells the repossessed car, he must pay B&O tax and collect retail sales tax as applicable. If the sales price of the repossessed car is different from the fair market value previously reported for purposes of the prior bad debt deduction, then Phil must report the difference between the selling price and the claimed fair market value as an additional bad debt credit or deduction or report it as an additional recovery, as appropriate. This is because the sales price establishes the correct value of the repossessed car.

Recovery and sale of repossessed car with subsequent repairs or improvements. Assume the car was repossessed, incurring attorney's fees of \$250, and the sale of the repossessed car occurred with subsequent repairs of improvements totaling \$425 when the nonclaim statute limitations applicable to the original transaction had not expired. The \$250 paid for attorney's fees is an expense incurred to collect debt that is not deductible as a bad debt or business expense. When Phil sells the repossessed car, the sales price of the repossessed car will be higher than the value of the car when Phil first regained possession. Phil must report the difference between the value of the car upon repossession and the claimed fair market value as an additional recovery, as appropriate. Because the sales price of the car was increased by the repairs and improvements made after repossession, Phil must determine the value of the car repossessed by determining the value of the car before the repairs and improvements. Phil can establish the value of the car after repossession before the repairs and improvements by using the greater of:

- The value using an established authoritative appraisal measure generally accepted by the industry; or
- The value by subtracting from the sales price the cost of the post-recovery repairs and improvements generally accepted by the industry as increasing an automobile's value.

WSR 15-10-058

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

[Filed April 30, 2015, 3:43 p.m.]

The Washington department of fish and wildlife is withdrawing new WAC 232-12-078, 232-12-079, and 232-12-088 from WSR 15-04-098 filed on February 2, 2015. The commission did not adopt the new WAC 232-12-078, 232-12-079, and 232-12-088.

Joanna M. Eide
Rules Coordinator

WSR 15-10-063

PROPOSED RULES DEPARTMENT OF HEALTH

[Filed May 1, 2015, 12:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-15-141.

Title of Rule and Other Identifying Information: Chapter 246-834 WAC, Midwives; amending WAC 246-834-060 Application requirements for licensure as a midwife, 246-834-220 Midwife-in-training, credit toward educational requirements for licensure as a midwife, 246-834-230 Preceptor for midwife-in-training program and 246-834-240 Trainee permit for midwife-in-training program; and creating new WAC 246-834-066 Certified professional midwife (CPM) bridging program, 246-834-067 Preceptor for CPM bridging program, and 246-834-068 Trainee permit for CPM bridging program.

Hearing Location(s): Department of Health, Town Center Two, Room 158, 111 Israel Road S.E., Tumwater, WA 98501, on June 15, 2015, at 10:00 a.m.

Date of Intended Adoption: July 15, 2015.

Submit Written Comments to: Kathy Weed, P.O. Box 47852, Olympia, WA 98504-7852, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2901, by June 15, 2015.

Assistance for Persons with Disabilities: Contact Kathy Weed by June 8, 2015, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules provide a bridge program for midwives who have completed national certification as a CPM but don't meet all of the requirements for a Washington credential. Upon implementation, the rule will streamline and expedite the application process for those that did not graduate from an approved midwifery program. This new CPM route to licensure may also increase the number of midwifery applicants. General housekeeping is also being done in some sections in order to clarify the language and to better reflect current department practices.

Reasons Supporting Proposal: 2SHB 1773 (section 2, chapter 187, Laws of 2014) requires the secretary to write rules to bridge the gap between requirements of national certification of CPMs and state requirements for licensure of midwives. In addition to the requirements of 2SHB 1773, the application requirements section and the midwife-in-training section are being updated to reflect current practices.

Statutory Authority for Adoption: RCW 18.50.065, 18.50.135, and 18.50.040.

Statute Being Implemented: RCW 18.50.065.

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

Name of Proponent: Washington state department of health, private.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kathy Weed, 111 Israel Road, Tumwater, WA 98501, (360) 236-4883.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Kathy Weed, P.O. Box 47852, Olympia, WA 98504, phone (360) 236-4883, fax (360) 236-2901, e-mail kathy.weed@doh.wa.gov. The agency did not complete a

cost-benefit analysis under RCW 34.05.328. RCW 34.05.325 (5)(b)(v) exempts rules the content of which is explicitly and specifically dictated by statute.

May 1, 2015
Dennis E. Worsham
Deputy Secretary
for John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 99-03-064, filed 1/18/99, effective 2/18/99)

WAC 246-834-060 Initial application requirements for licensure as a midwife. ((This rule provides the requirements for application for a midwife license.

(1) All applicants must submit a Washington state application for licensure, along with the applicable fees specified in WAC 246-830-990 and additional documentation as specified below. Applications must be received fifty-six days prior to the examination.

~~(2))~~ (1) An applicant(s must) for a midwife license shall submit to the department the following (documentation):

~~(a) ((Transcripts sent directly from an approved school which indicate the applicant has received a certificate or diploma in midwifery. Those applicants applying under WAC 246-834-220 will be exempted from this requirement.~~

~~(b) One current passport type photograph, signed and dated across the bottom of the photo or on the back.~~

~~(c) Proof of high school graduation or passing the general educational development test.~~

~~(d))~~ Initial application on forms provided by the department.

(b) Fees required in WAC 246-834-990.

(c) Proof of high school graduation, or its equivalent.

(d) Proof of at least three years of midwifery training, per RCW 18.50.040 (2)(a), unless the applicant qualifies for a reduced academic period.

(e) A current plan for consultation, emergency transfer and transport.

~~((e) Verification))~~ (f) Proof of completion of seven clock hours of HIV/AIDS education as required in chapter 246-12 WAC, Part 8.

~~((f) Applicants with disabilities who wish to request special accommodations must do so when submitting their application.~~

~~(g) Applicants who have passed the NARM examination within the past two years must have verification of the examination results sent directly from NARM to the department.~~

~~(3) It is the applicant's responsibility to complete an application for the NARM examination and submit the application along with the NARM examination fee directly to NARM. A NARM application and instructions will be provided in the state application packet sent to the applicant.))~~

(g) Proof of successful completion of the midwifery jurisprudence exam, as offered by the department.

(2) In addition to the requirements in subsection (1) of this section, an applicant for a midwife license shall also:

(a) Have transcripts sent directly to the department from the applicant's midwifery school demonstrating that the

applicant has received a certificate or diploma in midwifery. Those applicants applying under WAC 246-834-066 or 246-834-220 may be exempted from this requirement.

(b) Have verification of passing the North American Registry of Midwives (NARM) examination. Results must be sent directly to the department from NARM.

(3) Once all application requirements in this section are met, and additional requirements in WAC 246-834-066 or 246-834-220 if applicable, the department will schedule the applicant for the Washington state specific component exam. An application for a midwife license must be received at least forty-five days prior to the Washington state specific component examination.

NEW SECTION

WAC 246-834-066 Certified Professional Midwife (CPM) licensure requirements. An applicant who holds a current North American Registry of Midwives (NARM) Certified Professional Midwife (CPM) certification may apply for a Washington state midwife license by completing all requirements in this section.

(1) To be eligible for a midwife license an applicant holding a CPM shall:

(a) Complete all application requirements for licensure in WAC 246-834-060.

(b) Ensure that proof of the CPM certification is sent to the department directly from NARM.

(c) Submit to the department documentation of attendance at one hundred births of which:

(i) At least thirty births where the applicant was the primary attendant under supervision of a qualified attendant;

(ii) At least twenty births where the applicant directly assisted; and

(iii) At least fifty births that the applicant observed in addition to births counted in (c)(i) and (ii) of this subsection.

(iv) Documentation for (c)(i) through (iii) of this subsection must include at least the date, client identifier, the applicant's role at each birth, and the signature or initials of the qualified attendant at the birth of either: A licensed midwife, a CPM preceptor, a certified nurse midwife, or a practitioner licensed by their state or jurisdiction to provide maternity care. The applicant shall submit to the department the name and contact information of each signatory, if available. The department must approve exceptions to the required documentation in this subsection.

(d) Submit to the department documentation of prenatal care examinations of fifty women and early postpartum care examinations of fifty women. The same women need not be seen for both examinations. Documentation must include at least the date, client identifier, and the signature or initials of the qualified attendant at the care examination of either: A licensed midwife, a CPM preceptor, a certified nurse midwife, or a practitioner licensed by their state or jurisdiction to provide maternity care. The applicant must submit to the department the name and contact information of each signatory, if available. The department must approve exceptions to the required documentation in this subsection.

(e) Demonstrate competency in the use and administration of legend drugs and devices described in RCW 18.50.-

115 and WAC 246-834-250. The applicant shall submit documentation of competency to the department on a department supplied form. A licensed health care professional who, within his or her scope of practice, is qualified in the use and administration of legend drugs and devices described in RCW 18.50.115 and WAC 246-834-250 must sign the form.

(f) Successfully complete courses on epidemiology and obstetric pharmacology from:

(i) An institution that is accredited by an agency recognized by the Council for Higher Education Accreditation (CHEA) and included in their data base of institutions on programs accredited by recognized United States accrediting organizations;

(ii) An institution that is accredited by an agency recognized by the United States Department of Education (USDOE) and included in their data base of accredited post-secondary institutions and programs; or

(iii) A curriculum or program approved by the department.

(2) Applicants applying under this section who have a current CPM but do not meet all of the requirements listed in subsection (1)(c) through (f) of this section may apply to the department for a trainee permit under WAC 246-834-068. The trainee permit authorizes the applicant to complete subsection (1)(c) through (e) of this section, under the supervision of a preceptor as described in WAC 246-834-067.

NEW SECTION

WAC 246-834-067 Preceptor for Certified Professional Midwife (CPM) licensure program. This section defines the role of a preceptor as used in WAC 246-834-066. A Certified Professional Midwife (CPM) applicant for licensure as a midwife may use more than one preceptor to meet the requirements for licensure under WAC 246-834-066.

(1) A preceptor for clinical requirements including observed, managed, and assisted births, and prenatal and postpartum examinations must:

(a) Have a current Washington state license as a midwife under chapter 18.50 RCW, physician under chapter 18.71 RCW, osteopathic physician under chapter 18.57 RCW, or certified nurse midwife under chapter 18.79 RCW.

(b) Have actively practiced obstetrics for at least three consecutive years or attended at least one hundred fifty births.

(2) A preceptor for legend drugs and devices must have a current Washington state credential and, who within his or her scope of practice, is qualified in the use and administration of legend drugs and devices in RCW 18.50.115 and WAC 246-834-250.

NEW SECTION

WAC 246-834-068 Trainee permit for Certified Professional Midwife (CPM) licensure program. (1) The department may issue a trainee permit to a Certified Professional Midwife (CPM) who has submitted an initial application to the department accompanied by a nonrefundable fee as specified in WAC 246-834-990.

(2) The trainee permit authorizes the CPM to complete the licensure requirements outlined in WAC 246-834-066 (1)(c) through (e).

(3) A trainee permit expires one year from the date of issuance. The department may extend the permit upon request to accommodate extenuating circumstances.

(4) The department may deny, modify or revoke a CPM trainee permit at any time if the department determines that patient safety, health or welfare would be in jeopardy or the trainee fails to comply with the requirements of this section.

AMENDATORY SECTION (Amending WSR 92-02-018, filed 12/23/91, effective 1/23/92)

WAC 246-834-220 Midwife-in-training program, credit toward educational requirements for licensure. (1) Applicants not meeting the minimum requirements ((set forth)) in WAC 246-834-060 may apply to the department for ((licensure by submitting the following:

~~(a) A completed, notarized application on a form provided by the department accompanied by a nonrefundable fee as specified in WAC 308-115-405;~~

~~(b) Credit for academic courses:~~

~~(i) Certification by an accrediting body, which has been approved by the department, of completed academic and continuing education courses as required in RCW 18.50.040 (2)(b) for which the applicant has received a grade of "C" or better. A certified copy of the courses taken and grades or scores achieved shall be submitted by the accrediting body directly to the department; or~~

~~(ii) Completion of challenge examinations approved by the department with a minimum score of 75% for any academic subject required in RCW 18.50.040 (2)(b). Challenge examinations shall be administered a minimum of twice a year. An applicant for challenge examination must file a completed application for each examination along with the required fee with the department at least 45 days prior to the examination.~~

~~(c) A prospectus for permission to undertake a midwife-in-training program. Such a program shall be on such terms as the department finds necessary to assure that the applicant meets the minimum statutory requirements for licensure set forth in RCW 18.50.040, and shall include, but not be limited to the following:~~

~~(i) The program shall be under the guidance and supervision of a preceptor, and shall be conducted for a period of not more than five years;~~

~~(ii) The program shall be designed to provide for individual learning experiences and instruction based upon the applicant's academic background, training, and experience;~~

~~(iii) The prospectus for the program shall be submitted on an approved form, signed by the preceptor, and approved by the department prior to the commencement of the program. Any changes in the program shall be reported within thirty days in writing to the department, and the department may withdraw the approval given, or alter the conditions under which approval was originally given, if the department finds that the program as originally submitted and approved has not been or is not being followed.) the midwife-in-training (MIT) program by:~~

(a) Submitting to the department a completed MIT application with a nonrefundable MIT program application fee as specified in WAC 246-834-990.

(b) Ensuring that transcripts are submitted directly to the department from the applicant's school for any academic courses taken that are required in RCW 18.50.040 (2)(b). The school must be certified by an accrediting body and approved by the department. The applicant must have received a grade of "C" or better.

(c) Submitting to the department a prospectus described in subsection (2) of this section to gain permission to undertake an MIT program. A proposed preceptor qualified under WAC 246-834-230 shall sign the prospectus. The department, in consultation with a licensed midwife sitting on the midwifery advisory committee (MAC), must approve the prospectus prior to the applicant beginning the program.

(2) The ((midwife in training program)) MIT prospectus must include ((the following components)):

(a) A plan for completion of required academic subjects required in RCW 18.50.040 (2)(b);

(b) Planned reading and ((written)) writing assignments;

(c) ((A project including at least one problem-solving component to be submitted in writing. The problem-solving component should include the definition of an acknowledged problem, the method of approach to the problem, the listing of possible alternatives, the actions taken, evaluation, and final recommendations to improve care given;

(d) Other planned learning experiences including acquisition of knowledge about other health and welfare agencies in the community;

(e) A quarterly written report, on an approved form, submitted to the department by the trainee, which shall include a detailed outline of progress toward meeting the objectives of the prospectus during the reporting period;

(f) The program must provide for a broad range of experience with a close working relationship between preceptor and the trainee. Toward that end, as a general rule, no program will be approved which would result in an individual preceptor supervising more than two midwives in training simultaneously. Exception to this rule may be granted by the department in unusual circumstances;

(g) The department may, in an individual case, require additional approved education, based upon assessment of the individual applicant's background, training and experience.

(3) Upon approval of the application, a trainee permit will be issued which enables the trainee to practice under the supervision of a preceptor. The permit shall expire within one year of issuance and may be extended as provided by rule.

(4) The trainee shall provide documentation of care given as follows:

(a) Records of no more than thirty-five women to whom the trainee has given care in each of the prenatal, intrapartum, and early postpartum periods, although the same women need not have been seen through all three periods. These records must contain affidavits from the clients certifying that the care was given. If a client is unavailable to sign an affidavit, an affidavit from a preceptor or a certified copy of the birth certificate may be substituted. The care may have been given prior to the beginning of the midwife in training program or during the trainee period;

(b) After being issued a trainee permit, the trainee must manage care in the prenatal, intrapartum, and early postpartum period of fifteen women under the supervision of the preceptor. These women shall be in addition to the women whose records were used to meet the conditions of (a) of this subsection. The preceptor shall submit, on approved forms, completed check-lists of skills and experiences when this requirement has been met;

(c) Evidence, on an approved form, of observing fifty deliveries in addition to those specified in (b) of this subsection. The deliveries may have been observed prior to the beginning of the midwife in training program or may be observed during the trainee period.

(5) Upon satisfactory completion of subsections (1)(a) through (4)(e) of this section, the trainee is eligible to apply for the examination.)) A project including at least one problem-solving component relating to the practice of midwifery. The project must be in writing and must include:

(i) A definition of an acknowledged problem;

(ii) A method of approach to the problem;

(iii) A listing of possible alternatives;

(iv) Actions taken;

(v) Evaluation; and

(vi) Final recommendations to improve care given.

(d) Acquisition of knowledge about other health and welfare agencies in the community.

(3) The department may, on an individual basis, require additional education, based upon assessment of the applicant's background, training, and experience.

(4) Upon department approval of the MIT application and prospectus, the department will issue a trainee permit which enables the trainee to work under the supervision of a preceptor to perform components in subsection (6)(a) and (b) of this section.

(a) The applicant shall report any changes to the approved prospectus in writing to the department within thirty days of the change.

(b) If the applicant makes changes to the prospectus, the department and a designated MAC member must reevaluate the proposal and determine whether to approve the revised prospectus. Nothing in this section shall be construed to limit the department's regulatory authority under chapter 18.130 RCW.

(5) A preceptor may not supervise more than two midwives-in-training simultaneously. An exception may be granted by the department in extraordinary circumstances.

Reporting Requirements

(6) The trainee shall provide documentation of supervised care as follows:

(a) Documentation of attendance at one hundred births:

(i) At least thirty births where the trainee was the primary attendant. At least fifteen of the thirty births must occur after the trainee permit is issued.

(ii) At least twenty births where the trainee directly assisted.

(iii) At least fifty births that the applicant observed in addition to births counted in (a)(i) and (ii) of this subsection. The observed births may have been observed prior to or during the trainee's MIT program.

(iv) Documentation for (a)(i) through (iii) of this subsection must include at least the date, client identifier, applicant's role at birth, and the signature or initials of the qualified attendant at the birth of either: A midwife licensed under chapter 18.50 RCW, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or a certified nurse midwife licensed under chapter 18.79 RCW. The applicant shall provide to the department the name and contact information of each signatory, if available.

(b) Documentation of prenatal care examinations for fifty women and early postpartum care examinations for fifty women. The same women need not be seen for both examinations. At least fifteen of the fifty care exams must occur after the MIT permit is issued. Documentation must include at least the date, client identifier, and the signature or initials of the qualified attendant at the birth of either: A midwife licensed under chapter 18.50 RCW, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or a certified nurse midwife licensed under chapter 18.79 RCW. The applicant shall provide to the department the name and contact information of each signatory, if available.

(c) A quarterly written report, which must include a detailed outline of progress toward meeting the objectives of the prospectus during the reporting period.

(7) The department in consultation with a designated member of the MAC will determine whether the trainee has successfully completed the prospectus components described in subsection (2) of this section and prenatal, intrapartum, and postpartum care components in subsection (6)(a) and (b) of this section. If the department makes the determination of successful completion, the trainee is eligible to apply for licensure.

AMENDATORY SECTION (Amending WSR 92-02-018, filed 12/23/91, effective 1/23/92)

WAC 246-834-230 ((Preceptor for)) Midwife-in-training (MIT) program—Preceptor qualifications. (1) In reviewing a proposed ~~((midwife-in-training))~~ MIT program, the department shall use the following criteria in assessing the qualifications and determining the responsibilities of ~~((the))~~ a preceptor required in WAC 246-834-220:

(a) Qualifications of preceptor:

(i) ((The preceptor shall have)) Hold an active license without restriction or conditions as a midwife under chapter 18.50 RCW, a certified nurse midwife under chapter 18.79 RCW, a physician under chapter 18.71 RCW, or an osteopathic physician under chapter 18.57 RCW.

(ii) Actively practiced at least three consecutive years or attended at least one hundred fifty births.

(iii) Demonstrated ((the)) ability and skill to provide safe, quality care((;

(ii) The preceptor shall have)),

(iv) Demonstrated continued interest in professional development beyond the requirements of basic licensure((;

(iii) The preceptor shall participate in and successfully complete any preceptor workshop or other training deemed necessary by the department; and,

(iv) The preceptor shall be licensed in the state of Washington. Exception to this rule may be granted by the department in unusual circumstances)).

(b) Responsibilities of the preceptor:

(i) ((The preceptor shall)) Monitor the educational activities of the trainee and shall have at least one conference with the trainee quarterly to discuss progress((;).

(ii) ((The preceptor shall)) Submit quarterly progress reports ((on approved forms)) to the department((; and;)).

(iii) ((The preceptor shall)) Maintain and submit ((the checklists)), at the department's request, documentation of the birth totals as specified in WAC 246-834-220 ~~((4)(b))~~ (6).

(2) The department may disqualify an approved preceptor if the preceptor fails to meet and fulfill the qualifications and responsibilities under subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 92-02-018, filed 12/23/91, effective 1/23/92)

WAC 246-834-240 Trainee permit for midwife-in-training program. (1) A trainee permit for a midwife-in-training (MIT) may be issued to any individual who has:

(a) Been approved for ~~((a midwife-in-training))~~ the MIT program~~((; and;)).~~

(b) Filed a completed MIT application accompanied by a nonrefundable fee as specified in WAC 246-834-990.

(2) The trainee permit authorizes individuals to manage care as required in WAC 246-834-220 ~~((4)(b))~~ (6).

(3) Permits will be issued yearly for the duration of the trainee's midwife-in-training program, not to exceed five years.

(4) The department may deny, modify or revoke an MIT trainee permit at any time if the department determines that patient safety, health or welfare would be in jeopardy or the trainee fails to comply with the requirements of this section.

**WSR 15-10-065
PROPOSED RULES
DEPARTMENT OF HEALTH**

[Filed May 1, 2015, 12:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-16-094.

Title of Rule and Other Identifying Information: Chapter 246-455 WAC, Hospital patient discharge information, amending and creating new rules to strengthen protections of patient health care information.

Hearing Location(s): Department of Health, Town Center Two, Room 158, 111 Israel Road S.E., Tumwater, WA 98501, on June 10, 2015, at 9:30 a.m.

Date of Intended Adoption: June 17, 2015.

Submit Written Comments to: Kris Reichl, Center for Health Statistics, P.O. Box 47814, Olympia, WA 98504-7814, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 753-4135, by June 10, 2015.

Assistance for Persons with Disabilities: Contact Kris Reichl by May 27, 2015, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule implements ESSB 6265 regarding CHARS data by establishing types of data files (confidential, potentially identifiable and public), creating a methodology for determining when indirect patient identifiers may become direct identifiers, and allowing options for creating a public data file to include either removing data or aggregating or anonymizing data. The rule also defines government agencies and makes house-keeping changes identified as part of a regular review of the rules.

Reasons Supporting Proposal: The proposed rule implements the intent and requirements of ESSB 6265 to protect patient information collected through the CHARS system while allowing for release of important health data as permissible by the law.

Statutory Authority for Adoption: RCW 43.70.052, ESSB 6265 (2015).

Statute Being Implemented: RCW 43.70.052, ESSB 6265 (2015).

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Kris Reichl, 101 Israel Road S.E., Tumwater, WA 98501, (360) 236-4311; Implementation and Enforcement: Christie Spice, 101 Israel Road S.E., Tumwater, WA 98501, (360) 236-4307.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Kris Reichl, P.O. Box 47814, Olympia, WA 98504-7814, phone (360) 236-4311, fax (360) 753-4135, e-mail kristin.reichl@doh.wa.gov.

May 1, 2015

Dennis E. Worsham

Deputy Secretary

for John Wiesman, DrPH, MPH

Secretary

AMENDATORY SECTION (Amending WSR 07-09-091, filed 4/18/07, effective 5/23/07)

WAC 246-455-010 Definitions. ((As used in)) The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise(-

(1) "Department" means department of health.

(2) "Diagnosis related groups" is a classification system that groups hospital patients according to principal and secondary diagnosis, presence or absence of a surgical procedure, age, presence or absence of significant comorbidities or complications, and other relevant criteria.

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

(4) "~~CHARS~~" means comprehensive hospital abstract reporting system.

(5) "~~CHARS Procedure Manual~~" means the written instructions for reporting hospital discharge data to the department.

(6) "~~CHARS 837 Companion Guide~~" means the written technical guidelines for creating the ASC X12 837 Health Care Claim file for CHARS.

(7) Uniform Billing "UB-92/UB-04 data set" means the data element specifications developed by the National Uniform Billing Committee which can be found at www.NUBC.org. The UB-92 specifications will be used until they are replaced by the UB-04 of the National Uniform Billing Committee. Data elements are completely defined in the *CHARS Procedure Manual* which may be obtained on the department's web site or by contacting the department.

(8) "Patient discharge" means the termination of an inpatient admission or observation stay, including an admission as a result of a birth, in a Washington hospital.

(9) "~~Office of Management and Budget~~" means a body within the Executive Office of the President of the United States which is tasked with coordinating United States Federal agencies and can be found at www.whitehouse.gov/OMB.

(10) "~~Individually identifiable health information~~" means any health information that can be linked or traced to an individual or family. It includes but is not limited to: Past, present and future health care; billings or payments for health care; physical or mental health conditions; and physical or mental health diagnosis. This includes names and parts of names, Social Security numbers and parts of Social Security numbers, date of birth, admission date, exact discharge date, procedure date, nine digit zip code and identifiers and patient control numbers assigned by a hospital for record retrieval.

(11) "~~Minimum necessary use~~" means that the use and disclosure of individually identifiable health information will be limited to the minimum amount necessary to accomplish the authorized purpose.

(12) "~~Data sharing agreement~~" means a signed agreement between government agencies, or researchers having an Institutional Review Board approval for transmitting, receiving and using records containing individually identifiable health information. Sharing such records requires each agency to have independent statutory authority to receive and disclose the information. The agreement specifies, at a minimum, what information will be exchanged, and the conditions or restrictions under which the information will be used and protected(-);

(1) "CHARS" means comprehensive hospital abstract reporting system.

(2) "CHARS Procedure Manual" means the written instructions for reporting hospital discharge data to the department.

(3) "CHARS 837 Companion Guide" means the written technical guidelines for creating the ASC X12 837 Health Care Claim file for CHARS.

(4) "Data use agreement" means a signed agreement with the department for transmitting, receiving and using records containing individually identifiable or potentially identifiable health information. The agreement specifies, at a minimum,

what information will be exchanged, the conditions or restrictions under which the information will be used and protected, restrictions on redisclosure of data and restrictions on attempts to locate information associated with a specific individual.

(5) "Department" means Washington state department of health.

(6) "Diagnosis-related groups (DRG)" is a classification system that groups hospital patients according to principal and secondary diagnosis, presence or absence of a surgical procedure, age, presence or absence of significant comorbidities or complications, and other relevant criteria.

(7) "Discharge data" means a collection of patient records in which each record represents a single patient discharged from the hospital following an inpatient or observation stay.

(8) "Hospital" means any health care institution which is required to qualify for a license under chapter 70.41 RCW or as a psychiatric hospital under chapter 71.12 RCW.

(9) "Office of Management and Budget" means a body within the Executive Office of the President of the United States which is tasked with coordinating United States Federal agencies and can be found at <http://www.whitehouse.gov/omb>.

(10) "Patient discharge" means the termination of an inpatient admission or observation stay, including an admission as a result of a birth, in a Washington hospital.

(11) Uniform Billing "UB-04 data set" means the data element specifications developed by the National Uniform Billing Committee which can be found at www.NUBC.org. Data elements are completely defined in the *CHARS Procedure Manual* which may be obtained on the department's web site or by contacting the department.

AMENDATORY SECTION (Amending WSR 07-09-091, filed 4/18/07, effective 5/23/07)

WAC 246-455-020 Reporting of ~~((UB-92))~~UB-04 data set information. (1) ~~((Effective for all hospital patient discharges on or after April 1, 1994,))~~ Hospitals shall collect and report the following ~~((UB-92 or UB-04))~~ data set elements to the department:

- (a) Patient control number
Patient's unique alpha-numeric number assigned by the hospital to facilitate retrieval of individual patient records
- (b) Type of bill
- (c) ~~((Medicare provider number (UB-92),))~~ National Provider Identifier (UB-04), or department assigned identifier, as applicable
- (d) Patient last name (at least the first four letters)
- (e) Patient first name (at least the first three letters)
- (f) Patient middle initial
- (g) Patient Social Security number (at least the last four digits)
- (h) Patient zip code (U.S.A.)
- (i) Patient country code (outside U.S.A.) International Organization for Standardization (ISO) 3166-1
- (j) Patient's date of birth
- (k) Sex
- (l) Admission date

- (m) Type of admission
- (n) Source of ~~((admission))~~ point of origin
- (o) Patient discharge status
- (p) Statement covers period (from - through)
- (q) Revenue code
- (r) Units of service
- (s) Total charges
- (t) Payer identification (up to three): Payer identification number per the CHARS procedure manual identifying each payer group from which the hospital may expect some payment of the bill
 - (u) Principal diagnosis code
 - (v) Other diagnosis codes
 - (w) External cause of injury (ECI) code
 - (x) Principal procedure code
 - (y) Other procedure code
 - (z) Attending provider identifier ~~((legacy ID for UB-92,))~~ National Provider Identifier ~~((or legacy for UB-04))~~ according to Centers for Medicare and Medicaid Services (CMS) schedule
 - (aa) Operating physician identifier ~~((legacy ID for UB-92,))~~ National Provider Identifier ~~((or legacy for UB-04))~~ according to CMS schedule, as applicable
 - (bb) Other provider identifiers ~~((legacy ID for UB-92,))~~ National Provider Identifier ~~((or legacy for UB-04))~~ according to CMS schedule, as applicable
 - (cc) Admission hour
 - (dd) Race - Per minimum Office of Management and Budget (OMB) standards
 - (ee) Ethnicity - Per minimum OMB standards
 - (ff) Discharge hour
 - (gg) Procedure date
 - (hh) Present on admission status
 - (ii) Health care provider taxonomy code
 - (jj) Health care common procedure coding system (HCPCS)
 - (kk) Service date

(2) The hospital shall report all patient discharge data described in WAC 246-455-010 and 246-455-020 according to ~~((UB-92))~~UB-04 specifications unless noted otherwise.

AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)

WAC 246-455-070 Revisions to submitted data. ~~((+))~~ All data revisions required as a result of the edits performed pursuant to WAC 246-455-020 shall be corrected and returned to the department or its designee within fourteen working days.

~~((2))~~ The department may assess a civil penalty as provided in RCW 70.170.070 and WAC 246-455-100 for the costs associated with more than one cycle of edits as described in WAC 246-455-060.)

AMENDATORY SECTION (Amending WSR 07-09-091, filed 4/18/07, effective 5/23/07)

WAC 246-455-080 Security of the data. (1) The department and its contractors or agents shall maintain the confidentiality of ~~((any individually identifiable health information))~~ data from CHARS as required by ~~((RCW 70.170-~~

~~090 and Federal Health Insurance Portability and Accountability Act standards)) chapter 70.170 RCW.~~

(2) The department shall institute security and system safeguards to prevent and detect unauthorized access, modification, or manipulation of individually identifiable health information. Accordingly, the safeguards will include:

(a) Documented formal procedures for handling the information;

(b) Physical safeguards to protect computer systems and other pertinent equipment from intrusion;

(c) Processes to protect, control and audit access to the information;

(d) Processes to protect the information from unauthorized access or disclosure when it is transmitted over communication networks;

(e) Processes to protect the information when it is physically moved from one location to another;

(f) Processes to ensure the information is encrypted when:

(i) It resides in an area that is readily accessible by individuals who are not authorized to access the information (e.g., shared network drives or outside the agency data centers);

(ii) It is stored in a format that is easily accessible by individuals who are not authorized to access the information (e.g., text files and spreadsheets);

(iii) It is stored on removable media, or portable devices (e.g., tapes, electronic disks, thumb drives, external hard drives, laptops and ~~(handheld))~~ hand-held devices).

NEW SECTION

WAC 246-455-085 Data files—Release of data files and data use agreements. The department may create and release data files with patient discharge information as allowed under RCW 43.70.052. The type of information contained in the file, including direct and indirect patient identifiers, determines the category and permitted release of the data file.

(1) Confidential data files contain one or more direct patient identifiers.

(a) The department may distribute a **confidential data file** to:

(i) Government agencies after entering into a data use agreement; or

(ii) Researchers with approval from the Washington state IRB and a signed confidentiality agreement.

(b) Direct patient identifier means information that identifies a patient. Direct identifiers include:

(i) Patient first name;

(ii) Patient middle name(s);

(iii) Patient last name;

(iv) Social Security number;

(v) Patient control number or medical record number;

(vi) Patient zip code + four digits;

(vii) Dates that include day, month, and year; and

(viii) Admission and discharge dates in combination.

(c) Government agencies include: Washington state boards, commissions, committees, departments, educational institutions, or other Washington state agencies which are created by or pursuant to statute, other than courts and the legislature; Washington county or city agencies, U.S. federal agencies.

(d) In order to comply with RCW 70.02.240 protecting mental health information for youth, for patients under age eighteen, the confidential data file will not include mental health related diagnosis or procedure codes or any diagnosis related groups or major diagnosis category.

(e) In order to comply with WAC 246-490-110 protecting the identity of facilities that provide abortions, for any hospitalization that includes a diagnosis or procedure code indicating an induced termination of pregnancy, the confidential file will not include patient name, facility ID, provider identifiers, or geographic identifiers less than state.

(f) The department may provide the fewest data elements necessary for the stated purpose of the project.

(2) Potentially identifiable data files contain indirect patient identifiers.

(a) The department may distribute a potentially identifiable data file to anyone after entering into a data use agreement with the requestor or requesting organization.

(b) Indirect patient identifier means information that may identify a patient when combined with other information. Identification of a specific patient is more likely when a file contains a group of ten or fewer similar hospitalizations.

(c) Indirect patient identifiers include the following data elements, in combination or individually, when they create a group of ten or fewer similar hospitalizations in a file:

(i) Hospital or provider identifiers;

(ii) Five digit zip code;

(iii) County, state, and country of residence;

(iv) Dates that include month and year;

(v) Admission and discharge hour;

(vi) Secondary diagnosis, procedure, present on admission, external cause of injury, and payer codes;

(vii) Age in years;

(viii) Race and ethnicity.

(d) The potentially identifiable data file does not contain any direct identifiers listed in subsection (1)(b)(i) through (viii) of this section.

(3) Public data file with no patient identifiers:

(a) The department may release an unrestricted public data file that does not contain information that alone or in combination with other information identifies a patient.

(b) The department may create a **public** file by:

(i) Removing all data elements identified in subsection (2)(c)(i) through (viii) of this section; or

(ii) By aggregating or anonymizing data identified in subsection (2)(c)(i) through (v), (vii), and (viii) of this section so that each combination of indirect patient identifiers remaining in the public file must appear at least ten times.

(c) The public data file does not contain any direct identifiers listed in subsection (1)(b)(i) through (viii) of this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-455-090 Release of the data.
- WAC 246-455-100 Penalties for violation.

WSR 15-10-073
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed May 4, 2015, 10:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-07-050.

Title of Rule and Other Identifying Information: WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Hearing Location(s): Capital Plaza Building, Fourth Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 15, 2015, at 10:30 a.m. Copies of draft rules are available for viewing and printing on our web site at Rules Agenda.

Date of Intended Adoption: June 22, 2015.

Submit Written Comments to: Mark E. Bohe, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail markbohe@dor.wa.gov, by June 15, 2015, at noon.

Assistance for Persons with Disabilities: Contact Mary Carol LaPalm, (360) 725-7499, or Renee Cosare, (360) 725-7514, no later than ten days before the hearing date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 84.33.091 requires the department to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The values in the proposed rule will apply to the second half of 2015.

Reasons Supporting Proposal: Beginning July 1, 2015, timber harvesters will calculate the timber excise tax they owe using these stumpage value tables.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2), and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Mark Bohe, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1574; Implementation and Enforcement: Stuart Thronson, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1300.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business economic impact statement is required.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Mark E. Bohe, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 534-1574, e-mail markbohe@dor.wa.gov. The proposed rule is a significant legislative rule as defined by RCW 34.05.328.

May 4, 2015
 Dylan Waits
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-01-095, filed 12/17/14, effective 1/1/15)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) Introduction. This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) Stumpage value tables. The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ~~((January))~~ July 1 through ~~((June 30))~~ December 31, 2015:

Washington State Department of Revenue
STUMPAGE VALUE TABLE

~~((January))~~ July 1 through ~~((June 30))~~ December 31, 2015

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Starting July 1, 2012, there are no separate Quality Codes per Species Code.

Species Name	Species Code	SVA (Stumpage Value Area)	Haul Zone				
			1	2	3	4	5
((Douglas-fir⁽²⁾	DF	1	\$494	\$487	\$480	\$473	\$466
		2	496	489	482	475	468
		3	423	416	409	402	395
		4	533	526	519	512	505
		5	447	440	433	426	419
		6	271	264	257	250	243
Western Hemlock and Other Conifer ⁽³⁾	WH	1	428	421	414	407	400
		2	437	430	423	416	409
Western Redcedar ⁽⁴⁾	RC	3	392	385	378	371	364
		4	386	379	372	365	358
		5	408	401	394	387	380
		6	260	253	246	239	232
Ponderosa Pine ⁽⁵⁾	PP	1-5	1001	994	987	980	973
		6	693	686	679	672	665
Red Alder	RA	1-5	228	221	214	207	200
Black Cottonwood	BC	1-5	481	474	467	460	453
			75	68	61	54	47

Species Name	Species Code	SVA (Stumpage Value Area)	Haul Zone				
			1	2	3	4	5
Other Hardwood	OH	1-5	339	332	325	348	344
		6	23	16	9	2	1
Douglas-fir Poles & Piles	DFL	1-5	876	869	862	855	848
Western Redcedar Poles	RCL	1-5	1453	1446	1439	1432	1425
		6	944	937	930	923	916
Chipwood ⁽⁶⁾	CHW	1-5	8	7	6	5	4
		6	1	1	1	1	1
Small Logs ⁽⁶⁾	SML	6	25	24	23	22	21
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	1-5	289	282	275	268	261
Posts ⁽⁸⁾	LPP	1-5	0.35	0.35	0.35	0.35	0.35
DF Christmas Trees ⁽⁹⁾	DFX	1-5	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	TFX	1-5	0.50	0.50	0.50	0.50	0.50
Douglas-fir ⁽²⁾	DF	1	\$463	\$456	\$449	\$442	\$435
		2	485	478	471	464	457
		3	457	450	443	436	429
		4	527	520	513	506	499
		5	474	467	460	453	446
		6	282	275	268	261	254
Western Hemlock and Other Conifer ⁽³⁾	WH	1	312	305	298	291	284
Western Redcedar ⁽⁴⁾		2	363	356	349	342	335
		3	374	367	360	353	346
		4	359	352	345	338	331
		5	354	347	340	333	326
Ponderosa Pine ⁽⁵⁾	6	260	253	246	239	232	
	RC	1-5	963	956	949	942	935
Red Alder	PP	1-5	704	697	690	683	676
		6	232	225	218	211	204
Black Cottonwood	BC	1-5	492	485	478	471	464
Other Hardwood	OH	1-5	80	73	66	59	52
		6	338	331	324	317	310
Douglas-fir Poles & Piles	DFL	1-5	32	25	18	11	1
Western Redcedar Poles	RCL	1-5	879	872	865	858	851
		6	1522	1515	1508	1501	1494
Chipwood ⁽⁶⁾	CHW	1-5	953	946	939	932	925
		6	10	9	8	7	6
Small Logs ⁽⁶⁾	SML	1-5	4	3	2	1	1
		6	24	23	22	21	20

Species Name	Species Code	SVA (Stumpage Value Area)	Haul Zone				
			1	2	3	4	5
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	1-6	289	282	275	268	261
Posts ⁽⁸⁾	LPP	1-6	0.35	0.35	0.35	0.35	0.35
DF Christmas Trees ⁽⁹⁾	DFX	1-6	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	TFX	1-6	0.50	0.50	0.50	0.50	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes all Hemlock, Spruce and true Fir species, Lodgepole Pine in SVA 6, or any other conifer not listed on this page.
- (4) Includes Alaska-Cedar.
- (5) Includes Western White Pine in SVA 6, and all Pines in SVA 1-5.
- (6) Stumpage value per ton.
- (7) Stumpage value per cord.
- (8) Includes Lodgepole posts and other posts, Stumpage Value per 8 lineal feet or portion thereof.
- (9) Stumpage Value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber** - Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber** - Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ~~((January))~~ July 1 through ~~((June 30))~~ December 31, 2015:

**TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, and 5**
~~((January))~~ July 1 through ~~((June 30))~~ December 31, 2015

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	((-\$50.00)) -\$85.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Area 6**
~~((January))~~ July 1 through ~~((June 30))~~ December 31, 2015

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 8 thousand board feet per acre and less.	-\$8.00
II. Logging conditions		

Proposed

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$50.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$75.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	

III. Remote island adjustment:
For timber harvested from a remote island - \$50.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
	SVAs 1 through 5 only:	((-\$2.00)) \$0.00

Note: This adjustment only applies to published MBF sawlog values.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

(5) **Forest-derived biomass**, has a \$0/ton stumpage value.

Kirk Robinson
Acting Deputy Director

WSR 15-10-083
WITHDRAWAL OF PROPOSED RULES
GAMBLING COMMISSION

(By the Code Reviser's Office)

[Filed May 5, 2015, 8:38 a.m.]

WAC 230-16-003, proposed by the gambling commission in WSR 14-21-029, appearing in issue 14-21 of the Washington State Register, which was distributed on November 5, 2014, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 15-10-084
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

(By the Code Reviser's Office)

[Filed May 5, 2015, 8:39 a.m.]

WAC 220-44-050 and 220-69-230, proposed by the department of fish and wildlife in WSR 14-21-173, appearing in issue 14-21 of the Washington State Register, which was distributed on November 5, 2014, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 15-10-087
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed May 5, 2015, 3:59 p.m.]

The department is formally withdrawing its proposed amendment to chapter 16-555 WAC. The CR-102 was filed on January 20, 2015 (WSR 15-03-082). A referendum was held on the proposal to increase the assessment rate on strawberries and failed. By way of this notice, we are withdrawing the proposed amendment.

WSR 15-10-092
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed May 6, 2015, 8:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-01-180.

Title of Rule and Other Identifying Information: The department is repealing the following sections in chapter 388-76 WAC, Adult family home minimum licensing requirements: WAC 388-76-11000 Resident protection program—Investigation of reports, 388-76-11004 Resident protection program—Individual defined, 388-76-11005 Resident protection program—Notice to individual of preliminary finding, 388-76-11010 Resident protection program—Notice to others of preliminary finding, 388-76-11015 Resident protection program—Disputing a preliminary finding, 388-76-11020 Resident protection program—Hearing procedures to dispute preliminary finding, 388-76-11025 Resident protection program—Finalizing a preliminary finding, 388-76-11030 Resident protection program—Appeal of the initial order or finding, 388-76-11035 Resident protection program—Reporting final findings, and 388-76-11040 Resident protection program—Disclosure of investigative and finding information.

Also, the department is amending WAC 388-76-10655 Physical restraints, 388-76-10660 Chemical restraints, and 388-76-10685 Bedrooms; and creating new WAC 388-76-10463 Medication—Psychopharmacologic.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on June 9, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 10, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., June 9, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by May 26, 2015, phone (360) 664-6092 or TTY (360) 664-6178, e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Resident client protection program (RCPP) has been moved into adult protective services and the rules will be administered under chapters 388-71 and 388-106 WAC. References to the RCPP would thus be incorrect and will be repealed from chapter 388-76 WAC. Residential care services is coordinating to eliminate these WAC sections at the same time home and

community services is incorporating them into their WAC. The CR-102s for both divisions will be filed at the same time. Repealing the rules is beneficial to or supported by the regulated entities to prevent duplication of licensing rules. Also, the department needs to amend rules to comply with Center for Medicare and Medicaid Services new requirements for home and community based services regulations on chemical and physical restraints, psychopharmacologic medications, as well as the requirement for entrance doors to be locked by the resident with only appropriate staff having keys to doors.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: Chapter 70.128 RCW.

Statute Being Implemented: Chapter 70.128 RCW.

Rule is necessary because of federal law, [no further information supplied by agency].

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

Name of Agency Personnel Responsible for Drafting: Christi Pederson, P.O. Box 45600, Olympia, WA 98513, (360) 725-2327; Implementation: Carl Walters, P.O. Box 45600, Olympia, WA 98513, (360) 725-2400; and Enforcement: Tim Hoekstra, P.O. Box 45600, Olympia, WA 98513, (360) 725-3238.

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

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(iii), a cost-benefit analysis is not required for rules adopting or incorporating, by reference without material change, Washington state statutes or federal statutes or regulations.

April 30, 2015
Katherine I. Vasquez
Rules Coordinator

NEW SECTION

WAC 388-76-10463 Medication—Psychopharmacologic For residents who require psychopharmacologic medications, the adult family home must ensure:

(1) The resident assessment indicates that a psychopharmacologic medication is necessary to treat the resident's medical symptoms;

(2) In situations when a psychopharmacological drug is used for a resident, the home must ensure that the:

(a) Drug is prescribed by a physician or health care professional with prescriptive authority;

(b) Resident's negotiated care plan includes strategies and modifications of the environment and staff behavior to address the symptoms for which the medication is prescribed;

(c) Changes in medication only occur when the prescriber decides it is medically necessary; and

(d) Resident has given informed consent for its use.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10655 Physical restraints. The adult family home must ensure:

(1) Each resident's right to be free from physical restraints used for discipline or convenience;

(2) ~~((Less))~~ Prior to the use of a physical restraint, less restrictive alternatives have been tried and are documented in the resident's negotiated care plan; and

(3) That physical restraints used have been assessed as necessary to treat the resident's medical symptoms and addressed on the resident's negotiated care plan; and

(4) That if physical restraints are used to treat a resident's medical symptoms that the restraints are applied and immediately supervised on-site by a:

(a) Licensed registered nurse;

(b) Licensed practical nurse; or

(c) Licensed physician; and

(d) For the purposes of this subsection, immediate supervised means that the licensed person is in the home and quickly and easily available.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10660 Chemical restraints. (1) For the purposes of this section "chemical restraint" means a ~~((psycho~~pharmacologic)) drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

(2) The adult family home must ensure that each resident is free from chemical restraints(:

~~(a) Each resident is free from chemical restraints used for discipline or convenience;~~

~~(b) The resident assessment indicates that a chemical restraint is necessary to treat the resident's medical symptoms;~~

~~(c) In situations when a psychopharmacological drug is used for a resident, the home must ensure that the:~~

~~(i) Drug is prescribed by a physician or health care professional with prescriptive authority;~~

~~(ii) Resident's negotiated care plan includes strategies and modifications of the environment and staff behavior to address the symptoms for which the medication is prescribed;~~

~~(iii) Changes in medication only occur when the prescriber decides it is medically necessary; and~~

~~(iv) Resident has given informed consent for its use).~~

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10685 Bedrooms. The adult family home must:

(1) Ensure each resident's bedroom is an outside room, which allows entrance of natural light;

(2) Ensure window and door screens:

(a) Do not hinder emergency escape; and

(b) Prevent entrance of flies and other insects.

(3) Ensure each resident, including those using mobility aids such as wheelchairs and walkers has direct, unrestricted,

and free access from the bedroom through doors, hallways and corridors to common use areas and other rooms used for care and services including bathrooms;

(4) Make separate bedrooms available for each sex;

(5) Make reasonable efforts to accommodate residents wanting to share the room;

(6) Provide each bedroom with a minimum usable floor space as required in WAC 388-76-10690.

(7) Give each resident the opportunity to have a lock on their door if they chose to unless having a locked door would be unsafe for the resident and this is documented in the resident's negotiated careplan.

(8) Ensure each bedroom has a closet or a wardrobe, armoire or reasonable facsimile thereof. Neither the closet nor wardrobe/armoire floor space will be considered a part of the room's usable square footage. The home must not remove a closet in order to provide additional floor space.

~~((8))~~ (9) Ensure no more than two residents to a bedroom;

~~((9))~~ (10) Unless the resident chooses to provide their own furniture and bedding, the home must provide each resident a bed thirty-six inches or more wide with:

(a) A clean, comfortable mattress;

(b) A waterproof cover for use when needed or requested by the resident;

(c) Clean sheets and pillow cases;

(d) Adequate clean blankets to meet the needs of each resident; and

(e) Clean pillows.

~~((10))~~ (11) Not use the upper bunk of double-deck beds for a resident's bed;

~~((11))~~ (12) Provide a call bell or intercom system if the provider, entity representative, resident manager or caregiver bedroom is not within hearing distance of each resident bedroom and the system is required by the department;

~~((12))~~ (13) Ensure that members of the household, other than residents, do not share bedrooms with residents; and

~~((13))~~ (14) Ensure a resident does not share a bedroom with a person under eighteen years of age, unless the person is the resident's own child.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-76-11000 Resident protection program—Investigation of reports.
- WAC 388-76-11004 Resident protection program—Individual defined.
- WAC 388-76-11005 Resident protection program—Notice to individual of preliminary finding.
- WAC 388-76-11010 Resident protection program—Notice to others of preliminary finding.
- WAC 388-76-11015 Resident protection program—Disputing a preliminary finding.

WAC 388-76-11020 Resident protection program—Hearing procedures to dispute preliminary finding.

WAC 388-76-11025 Resident protection program—Finalizing a preliminary finding.

WAC 388-76-11030 Resident protection program—Appeal of the initial order or finding.

WAC 388-76-11035 Resident protection program—Reporting final findings.

WAC 388-76-11040 Resident protection program—Disclosure of investigative and finding information.

WSR 15-10-093

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 6, 2015, 8:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-01-175.

Title of Rule and Other Identifying Information: The department is repealing the following sections in chapter 388-107 WAC, Licensing requirements for enhanced services facilities: WAC 388-107-1450 Resident protection program definition, 388-107-1460 Investigation of mandated reports, 388-107-1470 Preliminary finding, 388-107-1480 Notice to individual of preliminary findings, 388-107-1490 Notice to others of preliminary findings, 388-107-1500 Disputing a preliminary finding, 388-107-1510 Hearing procedures to dispute preliminary finding, 388-107-1520 Finalizing the preliminary finding, 388-107-1530 Reporting final findings, 388-107-1540 Appeal of administrative law judge's initial order or finding, and 388-107-1550 Disclosure of investigative and finding information.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on June 9, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 10, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., June 9, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by May 26, 2015, phone (360) 664-6092 or TTY (360) 664-6178, e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Resident client protection program (RCPP) has been moved into adult protective services and the rules will be administered under

chapters 388-71 and 388-106 WAC. References to the RCPP would thus be incorrect and will be repealed from chapter 388-107 WAC. Residential care services is coordinating to eliminate these WAC sections at the same time home and community services is incorporating them into their WAC. The CR-102s for both divisions will be filed at the same time.

Reasons Supporting Proposal: Repealing the rules is beneficial to or supported by the regulated entities to prevent duplication of licensing rules.

Statutory Authority for Adoption: Chapter 71A.12 RCW.

Statute Being Implemented: Chapter 71A.12 RCW.

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

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

Name of Agency Personnel Responsible for Drafting: Christi Pederson, P.O. Box 45600, Olympia, WA 98513, (360) 725-2327; Implementation: Carl Walters, P.O. Box 45600, Olympia, WA 98513, (360) 725-2400; and Enforcement: Tim Hoekstra, P.O. Box 45600, Olympia, WA 98513, (360) 725-3238.

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

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(iii), a cost-benefit analysis is not required for rules adopting or incorporating, by reference without material change, Washington state statutes or federal statutes or regulations.

April 30, 2015
Katherine I. Vasquez
Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-107-1450 Resident protection program definition.
- WAC 388-107-1460 Investigation of mandated reports.
- WAC 388-107-1470 Preliminary finding.
- WAC 388-107-1480 Notice to individual of preliminary findings.
- WAC 388-107-1490 Notice to others of preliminary findings.
- WAC 388-107-1500 Disputing a preliminary finding.
- WAC 388-107-1510 Hearing procedures to dispute preliminary finding.
- WAC 388-107-1520 Finalizing the preliminary finding.
- WAC 388-107-1530 Reporting final findings.

WAC 388-107-1540 Appeal of administrative law judge's initial order or finding.

WAC 388-107-1550 Disclosure of investigative and finding information.

WSR 15-10-094

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 6, 2015, 8:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-01-179.

Title of Rule and Other Identifying Information: The department is repealing the following sections in chapter 388-78A WAC, Assisted living facility licensing rules: WAC 388-78A-3390 Resident protection program—Individual defined, 388-78A-3400 Investigation of reports, 388-78A-3410 Resident protection program—Notice to the individual of preliminary finding, 388-78A-3420 Resident protection program—Notice to others of preliminary findings, 388-78A-3430 Resident protection program—Disputing a preliminary finding, 388-78A-3440 Hearing procedures to dispute preliminary finding, 388-78A-3450 Resident protection program—Finalizing a preliminary finding, 388-78A-3460 Resident protection program—Appeal of initial order, 388-78A-3470 Resident protection program—Reporting final findings, and 388-78A-3480 Resident protection program—Disclosure of investigative and finding information.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on June 9, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 10, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., June 9, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by May 26, 2015, phone (360) 664-6092 or TTY (360) 664-6178, e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The resident client protection program (RCPP) has been moved into adult protective services and the rules will be administered under chapters 388-71 and 388-106 WAC. References to the RCPP would thus be incorrect and will be repealed from chapter 388-78A WAC. Residential care services is coordinating to eliminate these WAC sections at the same time that home and community services is incorporating them into their WAC. The CR-102s for both divisions will be filed at the same time.

Reasons Supporting Proposal: Repealing the rules is beneficial to or supported by the regulated entities to prevent duplication of licensing rules.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

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

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

Name of Agency Personnel Responsible for Drafting: Christi Pederson, P.O. Box 45600, Olympia, WA 98513, (360) 725-2327; Implementation: Carl Walters, P.O. Box 45600, Olympia, WA 98513, (360) 725-2400; and Enforcement: Tim Hoekstra, P.O. Box 45600, Olympia, WA 98513, (360) 725-3238.

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

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(iii), a cost-benefit analysis is not required for rules adopting or incorporating, by reference without material change, Washington state statutes or federal statutes or regulations.

April 30, 2015
Katherine I. Vasquez
Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-78A-3390 Resident protection program—Individual defined.
- WAC 388-78A-3400 Investigation of reports.
- WAC 388-78A-3410 Resident protection program—Notice to the individual of preliminary finding.
- WAC 388-78A-3420 Resident protection program—Notice to others of preliminary findings.
- WAC 388-78A-3430 Resident protection program—Disputing a preliminary finding.
- WAC 388-78A-3440 Hearing procedures to dispute preliminary finding.
- WAC 388-78A-3450 Resident protection program—Finalizing a preliminary finding.
- WAC 388-78A-3460 Resident protection program—Appeal of initial order.
- WAC 388-78A-3470 Resident protection program—Reporting final findings.
- WAC 388-78A-3480 Resident protection program—Disclosure of investigative and finding information.

WSR 15-10-095

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 6, 2015, 8:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-01-176.

Title of Rule and Other Identifying Information: The department is repealing the following sections in chapter 388-111 WAC, Residential habilitation centers—Compliance standards: WAC 388-111-0040 Resident and client protection program—Investigation of reports of abandonment, abuse, neglect, or financial exploitation, 388-111-0050 Resident and client protection program—Notice to individual of preliminary findings, 388-111-0060 Resident and client protection program—Notice to others of preliminary findings, 388-111-0070 Resident and client protection program—Disputing a preliminary finding, 388-111-0080 Resident and client protection program—Disputing a preliminary finding—Hearing procedures, 388-111-0090 Resident and client protection program—Finalizing the preliminary finding, 388-111-0100 Resident and client protection program—Reporting final findings, 388-111-0110 Resident and client protection program—Appeal of administrative law judge's initial order or finding, and 388-111-0120 Resident and client protection program—Disclosure of investigative and finding information.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on June 9, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 10, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., June 9, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by May 26, 2015, phone (360) 664-6092 or TTY (360) 664-6178, e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Resident client protection program (RCPP) has been moved into adult protective services and the rules will be administered under chapters 388-71 and 388-106 WAC. References to the RCPP would thus be incorrect and will be repealed from chapter 388-111 WAC. Residential care services is coordinating to eliminate these WAC sections at the same time home and community services is incorporating them into their WAC. The CR-102s for both divisions will be filed at the same time.

Reasons Supporting Proposal: Repealing the rules is beneficial to or supported by the regulated entities to prevent duplication of licensing rules.

Statutory Authority for Adoption: Chapter 71A.12 RCW.

Statute Being Implemented: Chapter 71A.12 RCW.

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

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

Name of Agency Personnel Responsible for Drafting: Christi Pederson, P.O. Box 45600, Olympia, WA 98513, (360) 725-2327; Implementation: Carl Walters, P.O. Box 45600, Olympia, WA 98513, (360) 725-2400; and Enforcement: Tim Hoekstra, P.O. Box 45600, Olympia, WA 98513, (360) 725-3238.

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

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(iii), a cost-benefit analysis is not required for rules adopting or incorporating, by reference without material change, Washington state statutes or federal statutes or regulations.

April 30, 2015
Katherine I. Vasquez
Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-111-0040 Resident and client protection program—Investigation of reports of abandonment, abuse, neglect, or financial exploitation.
- WAC 388-111-0050 Resident and client protection program—Notice to individual of preliminary findings.
- WAC 388-111-0060 Resident and client protection program—Notice to others of preliminary findings.
- WAC 388-111-0070 Resident and client protection program—Disputing a preliminary finding.
- WAC 388-111-0080 Resident and client protection program—Disputing a preliminary finding—Hearing procedures.
- WAC 388-111-0090 Resident and client protection program—Finalizing the preliminary finding.
- WAC 388-111-0100 Resident and client protection program—Reporting final findings.
- WAC 388-111-0110 Resident and client protection program—Appeal of administrative law judge's initial order or finding.

WAC 388-111-0120 Resident and client protection program—Disclosure of investigative and finding information.

WSR 15-10-096

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 6, 2015, 8:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-01-177.

Title of Rule and Other Identifying Information: The department is repealing the following sections in chapter 388-101 WAC, Certified community residential services and supports: WAC 388-101-4210 Community protection program—Circumstances resulting in enforcement remedies, 388-101-4220 Community protection program—Authorized enforcement remedies, and 388-101-4230 Community protection program—Considerations for imposing remedies.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on June 9, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 10, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., June 9, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by May 26, 2015, phone (360) 664-6092 or TTY (360) 664-6178, e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The resident client protection program (RCPP) has been moved into adult protective services and the rules will be administered under chapters 388-71 and 388-106 WAC. References to the RCPP would thus be incorrect and will be repealed from chapter 388-101 WAC. Residential care services is coordinating to eliminate these WAC sections at the same time that home and community services is incorporating them into their WAC. The CR-102s for both divisions will be filed at the same time.

Reasons Supporting Proposal: Repealing the rules is beneficial to or supported by the regulated entities to prevent duplication of licensing rules.

Statutory Authority for Adoption: Chapter 71A.12 RCW.

Statute Being Implemented: Chapter 71A.12 RCW.

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

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

Name of Agency Personnel Responsible for Drafting: Christi Pederson, P.O. Box 45600, Olympia, WA 98513, (360) 725-2327; Implementation: Carl Walters, P.O. Box 45600, Olympia, WA 98513, (360) 725-2400; and Enforcement: Tim Hoekstra, P.O. Box 45600, Olympia, WA 98513, (360) 725-3238.

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

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(iii), a cost-benefit analysis is not required for rules adopting or incorporating, by reference without material change, Washington state statutes or federal statutes or regulations.

April 30, 2015
Katherine I. Vasquez
Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-101-4210 Community protection program—Circumstances resulting in enforcement remedies.
- WAC 388-101-4220 Community protection program—Authorized enforcement remedies.
- WAC 388-101-4230 Community protection program—Considerations for imposing remedies.

WSR 15-10-097
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 6, 2015, 9:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-01-158 on December 23, 2014.

Title of Rule and Other Identifying Information: Rules for salmon recreational marine and freshwater fishing: WAC 220-55-220 Two-pole endorsement, 220-55-230 Columbia River endorsement, 220-56-105 River mouth definitions, 220-56-180 Salmon statewide rules, 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts, 220-310-175 Freshwater exceptions to statewide rules—General rules, 220-310-185 Freshwater exceptions to statewide rules—Southwest, 220-310-190 Freshwater exceptions to statewide rules—Puget Sound, 220-310-195 Freshwater exceptions to statewide rules—Eastside, 220-310-200 Freshwater exceptions to statewide rules—Columbia, 232-28-620 Coastal salmon—

Saltwater seasons and daily limits, and 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.

Hearing Location(s): Natural Resources Building, Room 682, 1111 Washington Street S.E., Olympia, WA 98504, on June 9, 2015, at 9:00 a.m. to 12:00 noon.

Date of Intended Adoption: On or after June 9, 2015.

Submit Written Comments to: Charmane Ashbrook, P.O. Box 43138, Olympia, WA 98504, e-mail Charmane.Ashbrook@dfw.wa.gov, fax (360) 586-0739, by June 5, 2015.

Assistance for Persons with Disabilities: Contact Tami Lininger by May 28, 2015, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule making incorporates recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council for recreational anglers to take harvestable salmon while protecting species of fish listed as endangered. Adjustments to coastal waterbodies based on the recommendations will occur under a separate filing.

Reasons Supporting Proposal: To protect fish species listed as endangered while supporting recreational fishing opportunity and to make changes to salmon seasons and harvest amounts pursuant to agreements and recommendations made at the North of Falcon meetings.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Charmane Ashbrook, 1111 Washington Street, Olympia, WA 98501, (360) 586-0734; Implementation: Jim Scott, 1111 Washington Street, Olympia, WA 98501, (360) 902-2736; and Enforcement: Steve Crown, Chief, 1111 Washington Street, Olympia, WA 98501, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule amendments do not affect small business; i.e., there is no direct regulation of small business. The rules apply to recreational fishers.

A cost-benefit analysis is not required under RCW 34.05.328. These rule proposals only impact recreational salmon fisheries and do not affect hydraulics.

May 6, 2015
Joanna M. Eide
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-06-065 and 15-06-006, filed 3/4/15 and 2/20/15, effective 7/1/15)

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

Water Body	County		Water Body	County	
Para-juvenile Lake	Adams		Kachess Lake	Kittitas	
Headgate Pond	Asotin		Keechelus Lake	Kittitas	
Columbia Park Pond	Benton		Kiwanis Pond	Kittitas	
Blackbird Island Pond	Chelan		Naneum Pond	Kittitas	
Lake Wenatchee	Chelan		Cowlitz Falls Reser- voir	Lewis	
Aldwell Lake	Clallam		Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam.
Beaver Lake	Clallam		Packwood Lake	Lewis	
Carrie Blake Pond	Clallam		Scanewa Lake	Lewis	Cowlitz Falls Reservoir.
Dickey Lake	Clallam		Walupt Lake	Lewis	
Lake Pleasant	Clallam		Willame Lake	Lewis	
Lincoln Pond	Clallam		Cady Lake	Mason	
Sutherland Lake	Clallam		Cushman Reservoir	Mason	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Rail- road from Columbia River drawbridge near Vancouver downstream to Lewis River.	Prices Lake	Mason	
			Stump Lake	Mason	
Big Four Lake	Columbia		Silvermail Lake	Okanogan	
Dayton Pond	Columbia		Cases Pond	Pacific	
Blue Lake	Cowlitz		South Bend Mill Pond	Pacific	
Castle Lake	Cowlitz		Bradley Lake	Pierce	
Coldwater Lake	Cowlitz		De Coursey Pond	Pierce	
Lewis River Power Canal	Cowlitz	Includes old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse.	Ohop Lake	Pierce	
			Tanwax Lake	Pierce	
Merrill Lake	Cowlitz		Wapato Lake	Pierce	
Silver Lake	Cowlitz		Granite Lakes	Skagit	Near Marblemount.
Pit Lake	Douglas		Northern State Hospi- tal Pond	Skagit	
Ping Pond	Grant		Pass Lake	Skagit	
Mill Creek Pond	Grays Harbor		Vogler Lake	Skagit	
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano.	Drano Lake	Skamania	January 1 through ((April 30)) March 15 and July 1 through September ((14)) 30.
Vance Creek Pond #1	Grays Harbor		Swift Reservoir	Skamania	From dam to Eagle Cliff Bridge.
Gibbs Lake	Jefferson		Ebey Lake	Snohomish	Little Lake.
Horseshoe Lake	Jefferson		Fortson Mill Pond #2	Snohomish	
Teal Lake	Jefferson		Jennings Park Pond	Snohomish	
Lake Sammamish	King		Monte Cristo Lake	Snohomish	
Lake Union	King		North Gissburg Pond	Snohomish	
Lake Washington	King	Including that portion of Sam- mamish River from 68th Ave. NE bridge downstream.	Spada Lake	Snohomish	
			Bear Lake	Spokane	
Lake Washington Ship Canal	King	(Including Lake Union, Por- tage Bay, and Salmon Bay) Waters east of a north-south line 400' west of the Chitten- den Locks to the Montlake Bridge.	North Silver Lake	Spokane	
			Lucky Duck Pond	Stevens	
Mill Pond	King	Auburn.	Long's Pond	Thurston	
Old Fishing Hole Pond	King	Kent.	Munn Lake	Thurston	
Portage Bay	King		Jefferson Park Pond	Walla Walla	
Salmon Bay	King		Lions Park Pond	Walla Walla	College Place.
Swans Mill Pond	King		Diablo Lake	Whatcom	
Koeneman Lake	Kitsap	Formerly Fern Lake.	Gorge Lake	Whatcom	
			Lake Whatcom	Whatcom	
			Ross Lake	Whatcom	
			Squalicum Lake	Whatcom	

Water Body	County	
Garfield Juvenile Pond	Whitman	
Clear Lake	Yakima	
Leech Lake	Yakima	White Pass area.
Mud Lake	Yakima	
Myron Lake	Yakima	
Sarge Hubbard Park Pond	Yakima	
Yakima Sportsmen's Park Ponds	Yakima	

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

Anglers who possess a valid two-pole endorsement may fish with two lines in the following river sections:

River	County	Section
Columbia		Camas Slough: August 1 through December 31.
		From Highway 395 Bridge at Pasco to Old Hanford townsite wooden power-line towers: ((October 23 through July 31)) <u>Year-round, except for sturgeon.</u>
		From wooden powerline towers to Vernita Bridge: February 1 through ((July 31)) <u>October 22, except for sturgeon.</u>
		From Vernita Bridge to Priest Rapids Dam: ((October 23 through July 31)) <u>Year-round, except for sturgeon.</u>
		From Priest Rapids Dam to Wanapum Dam: July 1 through August 31.
		From Wanapum Dam to Wells Dam: July 1 through August 31.
Cowlitz	Lewis	From Wells Dam to Highway 173 Bridge at Brewster: July 16 through August 31.
		From Highway 173 Bridge at Brewster to Chief Joseph Dam: July 1 through August 31.
Lewis	Clark	From railroad bridge near Kuhn's Road to mouth of East Fork Lewis.
North Fork Lewis	Clark/Cowlitz	Mouth to Johnson Creek.

River	County	Section
Naselle	Pacific/Wahkiakum	From Highway 101 Bridge to Highway 401: August 1 through January 31.
Okanogan	Okanogan	July 1 through October 15.
Pend Oreille	Pend Oreille	
Palouse	Whitman	Mouth to base of Palouse Falls: June 16 through August 31.
Spokane	Spokane and Stevens	Lower Spokane River from mouth (SR 25 bridge) to 400' below Little Falls Dam.
Wind	Skamania	Salmon and steelhead: Mouth (boundary line/markers) to ((Burlington-Northern Railroad)) <u>the Highway 14 Bridge: ((May 1))</u> <u>March 16</u> through June 30.
Yakima	Yakima	From Highway 240 Bridge to 400' below Prosser Dam: March 1 through August 31.

Anglers who possess a valid two-pole endorsement may fish for salmon with two lines in the following marine areas:

Description	Marine Area
Willapa	2-1. East of a line from Cape Shoalwater to Leadbetter Point.
Port Susan and Port Gardner	Tulalip Terminal Area: May 29 through September 21.
Seattle/Bremerton Area	Sinclair Inlet: July 1 through September 30.
Tacoma-Vashon Island	<u>11. September 1 through October 31.</u>
South Puget Sound	13.

AMENDATORY SECTION (Amending WSR 13-02-043, filed 12/21/12, effective 1/21/13)

WAC 220-55-230 Columbia River endorsement.

Anglers 15 years of age and older must purchase and have a valid Columbia River endorsement in their possession to fish for salmon or steelhead in the following waters:

- (1) In the mainstem Columbia River from the Rocky Point/Tongue Point line to Chief Joseph Dam
- (2) Deep River (Wahkiakum County)
- (3) Grays River (Wahkiakum County) from the mouth to the mouth of the South Fork
 - (a) Grays River, West Fork ~~((mouth to hatchery intake footbridge))~~
 - (b) Grays River, South Fork
 - (c) Grays River, East Fork
- (4) Skamokawa River (Wahkiakum County) ~~((mouth (Hwy 4 Bridge) to forks below Oatfield and Middle Valley Road))~~
- (5) Elochoman River (Wahkiakum County) ~~((mouth to mouth of West Fork))~~
- (6) Mill Creek ~~((Lewis))~~ Cowlitz County

(7) Abernathy Creek (Cowlitz County) ~~((mouth to Abernathy Falls)), including all tributaries~~

(8) Germany Creek (Cowlitz County) ~~((mouth to end of Germany Creek Road)), including all tributaries~~

(9) Coal Creek (Cowlitz County) from the mouth to 400 feet below the falls

(10) Cowlitz River (Cowlitz County) from the mouth to the mouth of Ohanapecosh and Muddy forks

(a) ~~((Blue Creek mouth to Spencer Road))~~ Olequa Creek

(b) Lacamas Creek (Lewis County)

(c) Blue Creek

~~(d) Mill Creek ((mouth to hatchery road crossing culvert (d) Olequa Creek~~

~~(e)) (Lewis County)~~

(e) Mayfield Lake

(f) Tilton River from the mouth to West Fork

~~((f))~~ (g) Tilton River, East Fork

~~((g))~~ (h) Tilton River, North Fork

~~((h))~~ (i) Tilton River, South Fork

~~((i))~~ (j) Tilton River, West Fork

~~((j) Mayfield Lake))~~

(k) Lake Scanewa (Cowlitz Falls Reservoir)

(l) Cispus River (Lewis County) mouth to North Fork

(m) Cowlitz River, Clear Fork and Muddy Fork

(11) Coweeman River (Cowlitz County)

(12) Toutle River (Cowlitz County) from the mouth to forks

(a) Toutle River, North Fork

(b) Toutle River, South Fork

(c) Green River (Cowlitz County) from the mouth to Miner's Creek

(13) Kalama River (Cowlitz County) from the mouth to Kalama Falls; Gobar Creek ~~((Cowlitz County))~~

(14) Lewis River (Clark/Cowlitz counties) from the mouth to ~~((mouth of East Fork))~~ Merwin Dam

(a) Lewis River, ~~((North Fork mouth to Merwin Dam))~~ East Fork

(b) ~~((Lewis River, East Fork~~

~~(e)) Cedar Creek (Clark County)~~

(15) Salmon Creek (Clark County) from the mouth to ~~((72nd Ave. N.E.))~~ 182nd Ave. Bridge

(16) Camas Slough (Clark County) (waters outside the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island)

(17) Washougal River (Clark County)

~~((17))~~ (a) Little Washougal

(b) Washougal River West, North Fork

~~((Little Washougal~~

~~(18) Camas Slough (Clark County) (waters outside the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island)~~

~~(19) Drano Lake (Skamania County) (little White Salmon River downstream of the markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Highway 14 Bridge)~~

~~((20))~~ (18) Hamilton Creek (Skamania County)

~~((21))~~ (19) Rock Creek (Skamania County) from the mouth to the falls at approximately river mile 1

~~((22))~~ (20) Wind River (Skamania County)

~~((23))~~ (21) Drano Lake (Skamania County) (Little White Salmon River downstream of the markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Highway 14 Bridge)

(22) White Salmon River (Klickitat/Skamania counties) from the mouth ~~((to county road bridge below powerhouse, and Lake Road Bridge))~~ to Big Brother Falls at river mile 16

~~((24))~~ (23) Klickitat River (Klickitat County)

~~((25))~~ (24) Walla Walla River (Walla Walla County) and tributaries

~~((26))~~ (25) Mill Creek (Walla Walla County)

~~((27))~~ (26) Touchet River (Columbia/Walla Walla counties) from the mouth to the confluence of North Fork and South Fork

(a) Touchet River, North Fork

(b) Touchet River, South Fork

(c) Touchet River, Wolf Fork

~~((28))~~ (27) Grande Ronde River (Asotin County)

~~((29))~~ (28) Snake River mainstem; Palouse River (Whitman County) (below the falls)

~~((30))~~ (29) Tucannon River (Columbia/Garfield counties)

~~((31))~~ (30) Yakima River (Benton/Yakima/Kittitas counties)

(a) From the mouth to 400 feet below Prosser Dam ~~((and))~~

(b) From Highway 223 Bridge at Zillah to Sunnyside (Parker) Dam

(c) From the Interstate 82 Bridge at Union Gap to Roza Dam

~~((32))~~ (31) Wenatchee River from the mouth to Lake Wenatchee

~~((33))~~ (32) Chelan River (Chelan County) from the mouth (railroad bridge) to Chelan PUD safety barrier below the powerhouse

~~((34))~~ (33) Icicle River (Chelan County) from the mouth to Leland Creek

~~((35))~~ (34) Lake Wenatchee (Chelan County)

~~((36))~~ (35) Entiat River (Chelan County) from the mouth to Entiat Falls

~~((37))~~ (36) Methow River (Okanogan County) from the mouth to Foghorn Dam

~~((38))~~ (37) Okanogan River (Okanogan County)

~~((39))~~ (38) Lake Osoyoos (Okanogan County)

~~((40))~~ (39) Similkameen River (Okanogan County) mouth to Enloe Dam

AMENDATORY SECTION (Amending WSR 15-06-065 and 15-06-006, filed 3/4/15 and 2/20/15, effective 7/1/15)

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

- Abernathy Creek - Highway 4 Bridge.
- Bear River - Highway 101 Bridge.
- Bone River - Highway 101 Bridge.
- California Creek - Drayton Harbor Road Bridge.
- Chambers Creek - Burlington Northern Railroad Bridge.
- Chehalis River - Highway 101 Bridge in Aberdeen.
- Chelan River - Railroad Bridge.
- Cispus River - Posted markers at the Lewis County P.U.D. kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus rivers.
- Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.
- Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.
- Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.
- Drano Lake - Highway 14 Bridge.
- Duwamish River - First Avenue South Bridge.
- Elk River - Highway 105 Bridge.
- Entiat River - Highway 97 Bridge.
- Hawk Creek (Lincoln County) - Falls at the Hawk Creek campground.
- Hoquiam River - Highway 101 Bridge.
- Humptulips River - Mouth of Jessie Slough.
- Johns River - Highway 105 Bridge.
- Kalama River - Boundary markers at mouth.
- Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.
- Kettle River - Barstow Bridge.
- Klickitat River - Burlington Northern Railroad Bridge.
- Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.
- Lewis River - A straight line running from a fishing boundary marker or from the outermost upland at the north shore of the Lewis River mouth, southerly across the Lewis River to a fishing boundary marker near the south shore.
- McLane Creek - A line 100 feet upstream of and parallel to the southernmost Highway 101 Bridge.
- Methow River - Highway 97 Bridge.
- Naselle River - Highway 101 Bridge.
- North Nemah River - Highway 101 Bridge.
- Niawiakum River - Highway 101 Bridge.
- Nisqually River - At the upstream end of Alder Lake, the mouth of the Nisqually River is the Highway 7 Bridge at Elbe.
- North River - Highway 105 Bridge.
- Palix River - Highway 101 Bridge.
- Puyallup River - 11th Street Bridge.
- Samish River - The Samish Island Bridge (Bayview-Edison Road).
- Sammamish River - 68th Avenue NE Bridge.
- Skagit River - A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.
- Skamokawa Creek - Highway 4 Bridge.
- Skookum Creek - A line 400 yards below the old railroad bridge.
- Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.
- South Nemah River - Lynn Point 117 degrees true to the opposite shore.
- Spokane River - State Route 25 Bridge.
- Tahuya River - North Shore Rd. Bridge.
- Tucannon River - The water south of a line of sight from a sign with an orange triangle along the shoulder of Highway 261 (the northwest of the Tucannon River), southeast across to the eastern, unsubmerged shoreline of the Tucannon River. (The embayment between the eastern shoreline of the Tucannon River and the rock bluff to the east that has an affixed orange channel navigation marker, along the south shore of the Snake River, is considered part of the Snake River.)
- Wallace River - The furthest downstream railroad bridge.
- Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.
- Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwestern end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.
- Little White Salmon River - At boundary markers on river bank downstream from the Little White Salmon National Fish Hatchery.
- White Salmon River - Burlington Northern Railroad Bridge.
- Willapa River - City of South Bend boat launch.

Wind River - Boundary line markers at mouth.

Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending WSR 14-16-027, filed 7/25/14, effective 8/25/14)

WAC 220-56-180 Salmon statewide rules. (1) In fresh water and in Marine Areas 2-1 and 2-2 east of the Buoy 13 line (~~(beginning August 16,)~~):

(a) Adult salmon are defined as:

(i) Chinook over 24 inches in length(=);

(ii) Coho over 20 inches in length(=);

(iii) Pink, chum or sockeye over 12 inches in length(=); and

(iv) Atlantic salmon of any size.

(b) In these waters the minimum size for salmon is 12 inches, except no minimum size for Atlantic salmon.

(2) In Marine Areas 1 through 4, in Area 2-1 from the opening date of adjacent ocean waters through August 15, and in Area 2-2 west of the Buoy 13 line, Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(3) In Marine Areas 5 through 13, Chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(4) At year-round fishing piers defined in WAC 220-56-136, Chinook salmon must not be less than 22 inches in length, but there is no minimum size for other salmon.

(5) The salmon possession limit shall not exceed the equivalent of two daily limits in fresh form. An additional 40 pounds of salmon may be possessed in frozen or processed form.

~~((5))~~ (6) In all areas where the daily limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the daily limit has been retained.

~~((6))~~ (7) Where landlocked salmon rules apply, no sport catch record card is required for salmon, the season, daily limit, and size and gear restriction rules for salmon are the same as trout rules. The angler's combined catch of landlocked salmon and trout applies toward the trout limit.

AMENDATORY SECTION (Amending WSR 15-06-065 and 15-06-006, filed 3/4/15 and 2/20/15, effective 7/1/15)

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

(2) The following limits and requirements apply in areas where it is permissible to catch sturgeon for release or retention:

(a) It is unlawful to fish for sturgeon with terminal gear other than bait and one single-point barbless hook.

(b) It is unlawful to fail to release undersize or oversize sturgeon immediately.

(c) It is permissible to use artificial scent with bait when fishing for white sturgeon.

(d) It is unlawful to use a gaff or other body-penetrating device while restraining, handling, or landing a sturgeon.

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

(3) It is permissible to catch and release white sturgeon in saltwater waterways year-round. However, for freshwater waterways, including freshwater Puget Sound tributaries, it is permissible to catch and release white sturgeon only when the season is open for salmon or game fish, unless otherwise provided.

~~((3))~~ (4) It is permissible to catch and release, but unlawful to retain, white sturgeon in the following areas:

(a) Coastal waters and tributaries of coastal waters;

(b) Puget Sound waters and tributaries of Puget Sound;

(c) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County);

(d) Columbia River and tributaries from a true north-south line through Buoy 10 (the mouth) upstream to Chief Joseph Dam, unless otherwise provided; and

(e) Snake River and tributaries from the mouth upstream to the border with Oregon, unless otherwise provided.

~~((4))~~ (5) White sturgeon retention is allowed in the areas open to fishing and following rules as specified in WAC 220-310-200:

(a) Columbia River:

(i) Columbia River and tributaries from Bonneville Dam upstream to McNary Dam: January 1 through July 31.

(ii) Columbia River and tributaries from McNary Dam upstream to Priest Rapids Dam: February 1 through July 31.

(b) Snake River: From the Snake River mouth (also called the Snake River Confluence Protection Area) upstream to Ice Harbor Dam: February 1 through July 31.

~~((5))~~ (6) The following waters are closed to fishing for sturgeon:

(a) Columbia River:

(i) Mouth to Bonneville Dam:

(A) Year-round from Bonneville Dam downstream to a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder at the powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line).

(B) May 1 through August 31 from Bonneville Dam downstream 9 miles to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point (navigational marker 82 line).

(ii) Bonneville Dam to McNary Dam:

(A) May 1 through July 31 from The Dalles Dam downstream 1.8 miles to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore.

(B) May 1 through July 31 from John Day Dam downstream 2.4 miles to a line crossing the Columbia at a right angle to the thread of the river from the west end of the grain silo at Rufus, Oregon.

(C) May 1 through July 31 from McNary Dam downstream to the Highway 82 (395) Bridge.

(iii) McNary Dam to Priest Rapids Dam:

(A) May 1 through July 31 from Priest Rapids Dam downstream 2.5 miles to the boundary marker on the river bank 400 feet downstream from Priest Rapids Hatchery outlet channel (Jackson Creek).

(B) October 23 through January 31 from the Old Hanford townsite wooden power line towers to Vernita Bridge.

(iv) Chief Joseph Dam upstream:

(A) Columbia River and its tributaries.

(B) Roosevelt Lake and its tributaries.

(b) Snake River Mouth to Ice Harbor Dam: May 1 through July 31 from the downstream end of Goose Island upstream 1.5 miles to Ice Harbor Dam.

~~((6))~~ (7) The following limits and requirements apply in areas where it is permissible to retain sturgeon:

(a) The daily limit is one white sturgeon.

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

(c) The annual personal-use limit for white sturgeon from April 1 through March 31 is two fish, regardless of where the angler takes the sturgeon.

(d) The maximum fork-length is 54 inches.

(e) The minimum fork-length is 38 inches, except the minimum fork-length is 43 inches in:

(i) The mainstem Columbia and its tributaries from The Dalles Dam to Priest Rapids Dam; and

(ii) The Snake River from the Snake River Confluence Protection Area to Ice Harbor Dam.

~~(f) ((It is unlawful to fail to release undersize or oversize sturgeon immediately.~~

~~(g))~~ Once an angler reaches his or her annual limit of white sturgeon, he or she may continue to fish for white sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, unless otherwise provided by department rule, so long as the angler releases all subsequent sturgeon immediately.

~~((h) It is unlawful to fish for sturgeon with terminal gear other than bait and one single-point barbless hook.~~

~~(i) It is permissible to use artificial scent with bait when fishing for white sturgeon.~~

~~(j) It is unlawful to use a gaff or other body-penetrating device while restraining, handling, or landing a sturgeon.~~

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

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

~~((7))~~ (8) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested sturgeon. If the person has harvested sturgeon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

~~((8))~~ (9) It is unlawful to possess sturgeon taken with gear in violation of the provisions of this section. Possession of sturgeon while using gear in violation of the provisions of this section is a rebuttable presumption that the sturgeon were

taken with such gear. Possession of such sturgeon is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending WSR 15-06-065 and 15-06-006, filed 3/4/15 and 2/20/15, effective 7/1/15)

WAC 220-310-175 Freshwater exceptions to state-wide rules—General rules. The following provisions and definitions apply to this section through WAC 220-310-200.

(1) It is unlawful to fish for, take, or possess salmon from freshwater streams and lakes that are not specifically listed as open for salmon fishing.

(2) Waters listed as open during a specific date range that do not reference a particular species are open during the date range for game fish only.

(3) Rivers, streams, and beaver ponds are closed to fishing unless specifically listed as open.

(4) All limits are daily limits, unless otherwise provided.

(5) Within Puget Sound, beaver ponds located within or adjoining streams that are listed as open to trout and other game fish follow the same rules as the stream, except as otherwise provided.

(6) A "float" or "bobber" means a hookless, floating device that is attached to or slides along the mainline or leader above the hook(s) for the purpose of suspending hook(s) (which are not part of the bait, lure, or fly) off the bottom of the stream or lake and visually signal (from the surface of the water) a fish's strike at the hook(s).

(7) A "leader" means a section of line, other than the mainline, extending from the lowermost hook (part of bait, lure, or fly) to the first swivel, weight, bobber, or any other attachment.

(8) "Lead jig" means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method.

~~((8))~~ (9) "Lead weight" means material constructed of lead and applied to a fishing line or lure and designed to help keep the hook, bait, or lure underwater.

~~((9))~~ (10) "Unmarked salmon" means salmon without either a clipped ventral fin or a clipped adipose fin as evidenced by a healed scar.

~~((10))~~ (11) Kokanee/sockeye definitions:

(a) For Lake Washington and the Lake Washington Ship Canal in King County, kokanee and sockeye less than fifteen inches in length are considered kokanee and kokanee and sockeye fifteen inches and over in length are considered sockeye salmon.

(b) For Wenatchee Lake (Chelan County), kokanee and sockeye under sixteen inches are considered kokanee and kokanee and sockeye sixteen inches and over are considered sockeye salmon.

~~((11))~~ (12)(a) A violation of this section through WAC 220-310-200 is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish. If the person has harvested fish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second

degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

(b) Freshwater terminal gear restrictions:

(i) Terminal gear restrictions apply to all species, including salmon, unless otherwise provided.

(ii) In all waters with freshwater terminal gear restrictions including, but not limited to, night closures, selective gear rules, whitefish gear rules, single-point barbless hooks required, fly-fishing only, and anti-snagging rules, violation of the gear rules is an infraction, punishable under RCW 77.15.160.

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

~~((12))~~ (13) For sturgeon fishing rules ~~((in the Columbia Basin (WAC 220-310-185, 220-310-195, and 220-310-200))),~~ see WAC 220-56-282, Sturgeon—Areas, seasons, limits and unlawful acts.

AMENDATORY SECTION (Amending WSR 15-06-065 and 15-06-006, filed 3/4/15 and 2/20/15, effective 7/1/15)

WAC 220-310-185 Freshwater exceptions to state-wide rules—Southwest. (1) **Abernathy Creek and all tributaries including Cameron, Slide, and Wiest creeks (Cowlitz County):**

(a) From the mouth to a point 500 feet downstream from the Abernathy Technology Center:

(i) Barbless hooks are required for steelhead.

(ii) Open the first Saturday in June through August 31 and November 1 through March 15.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(A) First Saturday in June through August 31:

(I) No minimum size for trout.

(II) Release all fish except adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.

(III) Three hatchery trout limit.

(B) November 1 through March 15: Catch and release except up to 3 hatchery steelhead may be retained.

(b) From 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center: Closed.

(c) From 200 feet above Abernathy Falls upstream to source and all tributaries including Erick and Ordways creeks:

(i) Open the first Saturday in June through August 31.

(ii) Release all fish except adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.

(iii) Trout: No minimum size.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead. Three hatchery trout limit.

(v) Selective gear rules apply.

(2) **Battle Ground Lake (Clark County):**

(a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: It is unlawful to retain more than 2 fish twenty inches or greater in length.

(3) **Blue Creek (Lewis County), from the mouth to Spencer Road:**

(a) Closed from posted sign above rearing pond outlet to Spencer Road.

(b) Anti-snagging rule applies.

(c) Night closure in effect.

(d) Open June 1 through April 14 for trout only:

(i) Limit 5; minimum length 12 inches; it is unlawful to retain more than 3 hatchery steelhead.

(ii) Release wild cutthroat.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iv) Barbless hooks are required for steelhead.

(4) **Blue Lake (Cowlitz County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

(5) **Blue Lake Creek (Lewis County):** Selective gear rules apply.

(6) **Butter Creek (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Minimum length 10 inches.

(7) **Canyon Creek (Clark County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: Limit 5.

(8) **Canyon Creek tributaries including Fly, Little Fly, Big Rock, Sorehead, Jakes, and Pelvey creeks (Clark/Skamania counties):** Open.

(9) **Carlisle Lake (Lewis County):**

(a) Open the fourth Saturday in April through last day in February.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Landlocked salmon rules apply.

(10) **Carson Creek (Skamania County):** Selective gear rules apply.

(11) **Castle Lake (Cowlitz County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one; minimum length 16 inches.

(12) **Cedar Creek (tributary of N.F. Lewis) (Clark County):**

(a) From the mouth to Grist Mill Bridge:

(i) Open the first Saturday in June through August 31 and November 1 through March 15.

(ii) Selective gear rules apply.

(iii) Release all trout except anglers may retain up to 3 hatchery steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed.

(c) From 100 feet upstream of the falls upstream:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 3 hatchery steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(13) Cedar Creek tributaries including Bitter, Brush, Chelatchie, John, and Pup creeks (Clark County): Selective gear rules apply.

(14) Chinook River (Pacific County): From the Highway 101 Bridge upstream to source, selective gear rules apply.

(15) Cispus River (Lewis County):

(a) Barbless hooks are required for salmon and steelhead.

(b) From the mouth to the North Fork:

(i) Open the first Saturday in June through October 31; release cutthroat.

(ii) Open from November 1 through the Friday before the first Saturday in June. Release all trout except anglers may retain up to 2 hatchery steelhead.

(iii) Salmon:

(A) Open year-round.

(B) Limit 6; minimum size 8 inches.

(C) Release wild coho and wild Chinook.

(D) From January 1 through July 31, anglers may retain up to 2 adults as part of the limit.

(E) From August 1 through December 31, up to 2 of the limit may be adult Chinook.

(16) Cispus River, North Fork (Lewis County):

(a) Selective gear rules apply.

(b) Trout: Release cutthroat.

(17) Coal Creek (Cowlitz County):

(a) From the mouth to 400 feet below the falls:

(i) Open the first Saturday in June through August 31 and November 1 through last day in February.

(ii) Selective gear rules apply.

(iii) Trout: Release all fish except anglers may retain up to 3 hatchery steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the falls to 400 feet downstream: Closed.

(c) From the falls upstream to source including all tributaries: Release all fish except trout.

(18) Coldwater Lake (Cowlitz County):

(a) The Coldwater Lake inlet and outlet streams are closed.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one; minimum length 16 inches.

(19) Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): Open the first Saturday in June through August 31.

(20) Coweeman River (Cowlitz County):

(a) From the mouth to Baird Creek:

(i) Open the first Saturday in June through August 31 and November 1 through March 15.

(ii) Release all trout, except anglers may retain up to 3 hatchery steelhead.

(iii) Barbless hooks are required for steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From Baird Creek upstream to the source:

(i) Open the first Saturday in June through August 31.

(ii) Release all trout, except anglers may retain up to 3 hatchery steelhead.

(iii) Barbless hooks are required for steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(21) Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):

(a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted Lewis County PUD sign on Peters Road.

(b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.

(c) Barbless hooks are required for salmon and steelhead.

(d) Open year-round.

(e) Trout:

(i) Release cutthroat.

(ii) Release rainbow trout, except those with a clipped adipose fin with a healed scar at the site of the clipped fin.

(iii) From September 1 through the last day in February: Limit 10.

(f) Salmon open year-round:

(i) Limit 6; minimum length 8 inches.

(ii) Release wild Chinook and wild coho.

(iii) From January 1 through July 31: No more than 2 adult salmon may be retained.

(iv) From August 1 through December 31: No more than 2 adult hatchery Chinook may be retained.

(22) Cowlitz River (Lewis County):

(a) From the boundary markers at the mouth to Mayfield Dam:

(i) The following areas are closed:

(A) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam.

(B) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam.

(C) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open.

(ii) Barbless hooks are required for salmon, steelhead, and cutthroat trout, except from June 1 through July 31.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iv) ~~((From Lexington Bridge Drive in Kelso upstream to the Highway 505 Bridge in Toledo, fishing 2 poles is permissible so long as the angler possesses a two-pole endorsement.~~

~~(v))~~ From Lexington Bridge to the barrier dam, fishing 2 poles is permissible ~~((from June 1 through July 31))~~ so long as the angler possesses a valid two-pole endorsement.

~~((vi))~~ (v) From the mouth of Mill Creek to the Cowlitz Salmon Hatchery barrier dam:

(A) April 1 through November 30:

(I) Anti-snagging rule applies. Anglers may only retain fish hooked in the mouth when the anti-snagging rule applies.

(II) Night closure in effect.

(B) It is unlawful to fish from a floating device.

(C) May 1 through June 15: It is unlawful to fish from the south side of the river.

~~((vii))~~ (vi) Trout: Open year-round.

(A) First Saturday in June through March 31:

(I) Limit 5; minimum length 12 inches.

(II) Up to 3 hatchery steelhead may be retained.

(III) Release wild cutthroat.

(B) April 1 through the Friday before the first Saturday in June: Release all fish, except anglers may retain up to 3 hatchery steelhead.

~~((viii))~~ (vii) Salmon:

(A) Open January 1 through July 31:

(I) Limit 6; up to 2 hatchery adults may be retained.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Limit 6; up to 2 adult hatchery Chinook may be retained.

(II) Only hatchery Chinook and hatchery coho may be retained.

(b) From the posted PUD sign on Peters Road to the mouth of Ohanapecosh River and the mouth of Muddy Fork:

(i) Barbless hooks are required for salmon and steelhead.

(ii) September 1 through October 31: Anti-snagging rule applies and night closure in effect. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(iii) Open the first Saturday in June through October 31: Release cutthroat.

(iv) Open November 1 through the Friday before the first Saturday in June: Release trout except anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) Open January 1 through July 31:

(I) Limit 6; up to 2 adult salmon may be retained.

(II) Release wild coho and wild Chinook.

(B) Open August 1 through December 31:

(I) Limit 6; up to 2 adult hatchery Chinook may be retained.

(II) Release wild coho and wild Chinook.

(23) **Cowlitz River, Clear and Muddy Forks (Lewis County):**

(a) Selective gear rules apply.

(b) Release cutthroat.

(24) **Davis Lake (Lewis County):** Open the fourth Saturday in April to last day in February.

(25) **Deep River (Wahkiakum County):**

(a) Game fish:

~~(i))~~ (i) Open year-round.

~~((b))~~ (ii) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

~~((c))~~ (b) Salmon: ~~((d))~~ Open year-round from the mouth to town bridge:

~~((Open year-round.))~~ (i) From March 1 through June 15, on days when the mainstem Columbia River recreational fishery below Bonneville Dam is open to the retention of Chinook salmon, the salmonid daily limit in Deep River is the same as in the adjacent mainstem Columbia. Otherwise:

(ii) From January 1 through July 31:

(A) Limit 6, of which no more than 2 may be adult salmon.

(B) Release wild Chinook and wild coho.

(ii) From August 1 through December 31:

(A) Limit 6, of which no more than 2 may be adult Chinook.

(B) Release chum and wild coho.

(26) **Delemeter Creek (Cowlitz County):**

(a) Closed from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.

(b) Release all fish except mandatory hatchery steelhead retention. Three hatchery trout limit. No catch and release of hatchery steelhead.

(c) Release all trout except hatchery steelhead and hatchery cutthroat.

(d) Selective gear rules apply.

(27) **Dog Creek (Skamania County):** From the falls upstream to the source, release all fish except trout.

(28) **Drano Lake:** In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:

(a) Barbless hooks are required for salmon and steelhead except from March 16 through June 30 and from October 1 through December 31.

(b) Closed on Wednesdays beginning the second Wednesday in April through June 30.

(c) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.

(d) March 16 through June 30: Night closure in effect.

(e) August 1 through December 31: Anti-snagging rule applies.

(f) May 1 through June 30 and ~~((September 15))~~ October 1 through December 31:

(i) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(ii) Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(g) The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing from April 16 through June 30.

(h) Open year-round.

(i) Trout: Open January 1 through March 15; release trout, except anglers may retain up to 2 hatchery steelhead.

(j) Salmon and steelhead: Open March 16 through December 31:

(i) From March 16 through July 31: Limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each.

(ii) From August 1 through December 31: Limit 6; no more than 3 adults, of which only 2 hatchery steelhead may be retained.

(29) Elochoman River (Wahkiakum County):

(a) The following areas are closed:

(i) The waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack.

(ii) The waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river.

(iii) From 200 feet above the department of fish and wildlife temporary weir downstream to Foster (Risk) Road Bridge while the weir is installed in the river.

(b) From the mouth to West Fork:

(i) Open the first Saturday in June through March 15.

(ii) August 1 through October 31: Anti-snagging rule, night closure, and stationary gear restriction apply.

(iii) August 1 through March 15: Barbless hooks are required for salmon and steelhead.

(iv) Trout: Release all fish except anglers may retain up to 3 hatchery steelhead.

(v) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) From the mouth to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack:

(i) ~~((Additional opening from))~~ Open the last Saturday in May through the Friday before the first Saturday in June for salmon and steelhead.

(ii) ~~((Trout: Release all fish except anglers may retain up to 3 hatchery))~~ Salmon and steelhead: Daily limit 6 fish, of which up to 3 may be adults and only 2 may be hatchery adult Chinook.

(iii) Release wild Chinook salmon.

~~((iii))~~ (iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((iv))~~ (v) Selective gear rules apply.

~~((v))~~ (vi) Salmon:

(A) Open the first Saturday in June through December 31.

(B) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.

(C) From August 1 through December 31:

(I) Limit 6 fish, of which no more than 2 may be adult Chinook.

(II) Release chum, wild coho, and wild Chinook.

(d) From West Fork upstream to the source:

(i) Release all fish except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(30) **Falls Creek (Cowlitz County):** Selective gear rules apply.

(31) **Fort Borst Park Pond (Lewis County):** Open the fourth Saturday in April through the last day in February, except closed the Monday before Thanksgiving Day through Thanksgiving Day.

(32) **Franz Lake (Skamania County):** Closed.

(33) **Germany Creek (Cowlitz County)** and all tributaries including John and Loper creeks:

(a) Open the first Saturday in June through August 31 and November 1 through March 15.

(b) Selective gear rules apply.

(c) Trout: Release all trout except anglers may retain up to 3 hatchery steelhead.

(d) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(34) **Gobar Creek (tributary to Kalama River) (Cowlitz County):**

(a) Open the first Saturday in June through March 31.

(b) Selective gear rules apply.

(c) Release all fish except adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.

(d) Trout: No minimum size. Three hatchery fish limit.

(e) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(35) **Goble Creek (Cowlitz County):**

(a) Release all fish except anglers may retain up to 3 hatchery steelhead.

(b) Selective gear rules apply.

(36) **Grays River (Wahkiakum County):** From the mouth to South Fork:

(a) Barbless hooks are required for salmon and steelhead.

(b) Open the first Saturday in June through March 15, except closed from Highway 4 Bridge to mouth of South Fork from October 16 through November 30.

(c) Closed from 400 feet below to 200 feet above the temporary weir while the weir is installed in the river.

(d) Anti-snagging rule, night closure and stationary gear restriction apply:

(i) From the mouth to the Highway 4 Bridge August 1 through November 15.

(ii) From the Highway 4 Bridge to the mouth of South Fork August 1 through October 15.

(e) Release all fish except anglers may retain up to 3 hatchery steelhead.

(f) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(g) Salmon:

(i) From the mouth to the Highway 4 Bridge:

(A) Open the first Saturday in June through December 31.

(B) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.

(C) From August 1 through December 31:

(I) Limit 6, of which no more than 2 may be adult Chinook.

(II) Release chum, wild coho, and unmarked Chinook.

(ii) From the Highway 4 Bridge to the South Fork:

(A) Open the first Saturday in June through October 15 and December 1 through December 31.

(B) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.

(C) From August 1 through October 15 and December 1 through December 31:

(I) Limit 6 fish, of which no more than 2 may be adult Chinook.

(II) Release chum, wild coho, and unmarked Chinook.

(h) From South Fork upstream to source: Selective gear rules apply.

(37) Grays River, East Fork (Wahkiakum County):

(a) Selective gear rules apply.

(b) Release all fish except anglers may retain up to 3 hatchery steelhead.

(c) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(38) Grays River, South Fork (Wahkiakum County):

(a) Release all fish except anglers may retain up to 3 hatchery steelhead.

(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(39) Grays River, West Fork (Wahkiakum County):

(a) Downstream from the hatchery intake/footbridge:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open the first Saturday in June through March 15, except closed October 16 through November 30 from the posted markers approximately 300 yards below the hatchery road bridge downstream to the mouth.

(iii) August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction apply.

(iv) From the first Sunday in June through March 15: Release all fish except anglers may retain up to 3 hatchery steelhead.

(v) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(vi) Salmon: Open from first Saturday in June through December 31.

(A) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.

(B) From August 1 through December 31:

(I) Limit 6, of which not more than 2 may be adult Chinook.

(II) Release chum, wild coho, and unmarked Chinook.

(b) From the hatchery intake/footbridge upstream to source:

(i) Open the first Saturday in June through March 15.

(ii) Release all fish except anglers may retain up to 3 hatchery steelhead.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iv) Selective gear rules apply.

(40) Green River (Cowlitz County):

(a) From the mouth to Miner's Creek:

(i) Catch and release except up to 3 hatchery steelhead may be retained.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iii) From August 1 through November 30, barbless hooks are required for salmon and steelhead.

(iv) The following areas are closed:

(A) From 400 feet above and 400 feet below the salmon hatchery rack (or from the posted signs above and below the salmon hatchery rack) when the rack is installed in the river.

(B) From 400 feet below to 400 feet above the water intake at the upper end of the hatchery grounds from September 1 through November 30.

(C) From the 2800 Bridge to Miner's Creek.

(v) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(vi) Open the last Saturday in May through November 30.

From the last Saturday in May through the Friday before the first Saturday in June in the waters from the mouth to 400 feet below the Toutle Hatchery water intake: Selective gear rules apply.

(vii) Salmon:

(A) Open August 1 through November 30.

(B) Limit 6, no more than 2 adult Chinook may be retained.

(C) Release chum, wild coho, and wild Chinook.

(b) From Miner's Creek upstream to the source:

(i) Open from the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(41) Grizzly Lake (Skamania County): Closed.

(42) Hamilton Creek (Skamania County):

(a) Selective gear rules apply.

(b) Trout: Release all trout except anglers may retain up to 3 hatchery steelhead.

(c) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(d) All tributaries downstream from the Highway 14 Bridge: Closed.

(43) Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed.

(44) Horseshoe Lake (Clark/Cowlitz counties):

(a) Trout: It is unlawful to retain more than 2 trout 20 inches or more in length.

(b) Landlocked salmon rules apply.

(45) Icehouse Lake (Skamania County): It is unlawful to retain more than 2 trout 20 inches or greater in length.

(46) Indian Heaven Wilderness Lakes (Skamania County): Trout limit 3.

(47) Johnson Creek (Lewis County) (Cowlitz River tributary):

(a) Selective gear rules apply.

(b) Trout: Minimum length 10 inches.

(48) Kalama River (Cowlitz County):

(a) From boundary markers at the mouth upstream to 1,000 feet above the fishway at the upper salmon hatchery:

(i) Open year-round, except the following areas are closed:

(A) From 1,000 feet below to 1,000 feet above the fishway at upper salmon hatchery.

(B) From Modrow Bridge downstream to the markers 1,500 feet below the temporary rack when the rack is installed below Modrow Bridge.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) Release all fish other than trout.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(v) April 1 through October 31: Anti-snagging rule applies and night closure in effect from the railroad bridge below I-5 to the intake at the lower salmon hatchery. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(vi) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Modrow Bridge.

(vii) Open September 1 through October 31 for fly fishing only from the natural gas pipeline crossing to the posted deadline at the intake to the lower salmon hatchery.

(viii) From March 16 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 3 hatchery steelhead.

(ix) From the first Saturday in June through March 15: Release all fish except anglers may retain up to 3 adipose clipped trout as evidenced by a healed scar at the location of the adipose fin. No minimum size.

(x) Salmon:

(A) Open January 1 through April 30:

(I) Limit 6 hatchery Chinook.

(II) No more than one adult hatchery Chinook may be retained.

(B) Open August 1 through December 31:

(I) Limit 6; no more than 2 adult hatchery Chinook may be retained.

(II) Release all salmon other than hatchery Chinook and hatchery coho.

(b) From 1,000 feet above the fishway at the upper salmon hatchery, upstream to Summers Creek:

(i) Open year-round.

(ii) It is unlawful to fish from a floating device equipped with a motor.

(iii) Selective gear rules apply.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(v) From March 16 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 3 hatchery steelhead.

(vi) From the first Saturday in June through March 15: Release all fish except anglers may retain up to 3 adipose clipped trout as evidenced by a healed scar at the location of the adipose fin. No minimum size.

(c) From Summers Creek upstream to Kalama Falls:

(i) Closed from the 6420 Road (approximately one mile above the gate at the end of the county road) to Kalama Falls.

(ii) Open the first Saturday in June through March 31 for fly fishing only.

(iii) Release all fish, except anglers may retain up to 3 adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.

(A) No minimum size.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(d) From Kalama Falls upstream to source: Open.

(49) **Kanaka Creek (Skamania County):** Selective gear rules apply.

(50) **Kidney Lake (Skamania County):** Open the fourth Saturday in April through last day in February.

(51) **Klineline Ponds (Clark County):**

(a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(b) It is unlawful to retain more than 2 trout 20 inches or more in length.

(52) **Kress Lake (Cowlitz County):**

(a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to retain more than 2 trout 20 inches or more in length.

(d) Landlocked salmon rules apply.

(53) **Lacamas Creek (Clark County):**

(a) From the mouth to the footbridge at the lower falls:

(i) Open the first Saturday in June through August 31.

(ii) Release all fish except anglers may retain up to 3 hatchery steelhead.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iv) Selective gear rules apply.

(b) From the footbridge at the lower falls upstream to the source: It is permissible to fish up to the base of Lacamas Lake Dam.

(c) From footbridge at lower falls and from Round Lake upstream to source and all tributaries (Clark County) including Spring Branch, Big Ditch, Fifth Plain Creek, Matney Creek, Buck Creek, David Creek, North Fork and East Fork Lacamas Creek (Clark County): Statewide season, minimum size, and limits apply.

(54) **Lacamas Creek, tributary of Cowlitz River (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Limit 3.

(c) Release all trout except anglers may retain hatchery steelhead and hatchery cutthroat.

(55) **Lewis River (Clark County):**

(a) Mouth to the mouth of East Fork:

(i) Open year-round from the mouth to the mouth of East Fork.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) Fishing 2 poles is permissible from Railroad Bridge near Kuhns Road upstream to mouth of East Fork Lewis, so long as the angler possesses a two-pole endorsement.

(iv) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(v) Salmon:

(A) Open January 1 through April 30: Limit 6 hatchery Chinook; no more than one may be an adult.

(B) Open August 1 through September ~~((30))~~ 15:

(I) Limit 6 hatchery salmon; no more than 2 may be adult hatchery Chinook.

(II) Release all salmon except hatchery Chinook and hatchery coho.

(C) Open ~~((October 1))~~ September 16 through December 31:

(I) Limit 6; no more than 2 may be adult Chinook.

(II) Release all salmon except Chinook and hatchery coho.

(b) From the mouth of East Fork to Colvin Creek:

(i) Open year-round except the following areas are closed:

(A) From Johnson Creek upstream May 1 through May 31.

(B) Those waters shoreward of the cable buoy and cork-line at the mouth of the Lewis River Salmon Hatchery fish ladder.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) Fishing 2 poles is permissible from the mouth to Johnson Creek, so long as the angler possesses a valid two-pole endorsement.

(iv) Anti-snagging rule applies and night closure in effect from Johnson Creek to Colvin Creek June 1 through November 30 and April 1 through April 30. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(v) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(vi) Salmon:

(A) Open August 1 through April 30.

(B) From August 1 through September ~~((30))~~ 15: Limit 6 hatchery Chinook or hatchery coho, of which no more than 2 may be adult hatchery Chinook.

(C) From ~~((October 1))~~ September 16 through December 31: Limit 6 Chinook or hatchery coho, of which no more than 2 adult Chinook may be retained.

(D) From January 1 through April 30: Limit 6 hatchery Chinook of which only one may be an adult salmon. Release all other salmon.

(c) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open June 1 through October 31 and December 16 through April 30.

(iii) Anti-snagging rule applies and night closure in effect April 1 through April 30 and June 1 through October 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(iv) Trout:

(A) Release all fish except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(v) Salmon:

(A) Open August 1 through October 31 and December 16 through April 30.

(B) From January 1 through April 30: Limit 6 hatchery Chinook of which only one may be an adult salmon.

(C) From August 1 through September ~~((30))~~ 15: Limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho.

(D) From ~~((October 1))~~ September 16 through October 31 and December 16 through December 31: Limit 6 salmon, of which no more than 2 may be adult Chinook. Release all salmon except Chinook and hatchery coho.

(d) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed.

(e) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed.

(f) From the old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse and Lewis River Power Canal upstream to fishing pier: Closed.

(g) Within Lewis River Power Canal from the fishing pier to the access road at Swift Dam:

~~((A))~~ (i) Open the fourth Saturday in April through October 31.

~~((B))~~ (ii) It is unlawful to fish from a floating device.

~~((C))~~ (iii) Trout: Limit 5; no minimum size.

~~((H))~~ (A) From Eagle Cliff Bridge to the lower falls, including all tributaries: Selective gear rules apply.

~~((H))~~ (B) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((H))~~ (C) Catch and release only.

(h) From lower falls upstream and all tributaries including Copper, Alec, Quartz, Straight (tributary of Quartz), Snagtooth (tributary of Quartz), French (tributary of Quartz), Tillicum, Steamboat, Pin, Pass, Swampy, Riley, No Name (tributary of Riley), Big Spring (tributary of Riley), Mutton (tributary of Riley), and Boulder creeks (Skamania Co.): Statewide season, minimum size, and limits.

(56) Lewis River, East Fork (Clark/Skamania counties):

(a) The following areas are closed:

(i) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls.

(ii) From 400 feet below to 400 feet above Moulton Falls.

(iii) From 400 feet below Horseshoe Falls upstream, including all tributaries above Horseshoe Falls.

(b) From the mouth to 400 feet below Horseshoe Falls:

(i) Open the first Saturday in June through March 15.

(ii) Barbless hooks are required for steelhead.

(iii) Release all trout except anglers may retain up to 3 hatchery steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) From the mouth to the top boat ramp at Lewisville Park:

(i) Additional hatchery steelhead season from April 16 through the Friday before the first Saturday in June.

(ii) Selective gear rules apply.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iv) Release all fish except anglers may retain up to 3 hatchery steelhead.

(57) **Little Ash Lake (Skamania County):** It is unlawful to retain more than 2 trout 20 inches or more in length.

(58) **Little Washougal River (Clark County):**

(a) Release all fish except anglers may retain up to 3 hatchery steelhead.

(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(59) **Little White Salmon River (Skamania County) and all tributaries including Rock, Lapham, Lava, Moss, Wilson, Cabbage, Berry, Lusk, Homes, and Beetle creeks:**

(a) Open the Saturday before Memorial Day through October 31, except Little White Salmon River is closed from the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery.

(b) Release all fish except trout.

(c) Trout: Limit 5.

(60) **Love Lake (Clark County):** Closed.

(61) **Mayfield Lake (Reservoir) (Lewis County):**

(a) Open from the Mayfield Dam to Onion Rock Bridge.

(b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed.

(c) Trout:

(i) Minimum length 8 inches.

(ii) Release cutthroat and rainbow trout, except it is permissible to retain rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin.

(iii) September 1 through last day in February: Limit 10.

(d) Salmon open September 1 through December 31:

(i) Minimum length 8 inches.

(ii) Limit 6, no more than 2 may be adult salmon.

(iii) Release wild coho and wild Chinook.

(62) **Merrill Lake (Cowlitz County):**

(a) Open for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(63) **Merwin Lake (Reservoir) (Clark/Cowlitz counties):**

(a) Landlocked salmon rules apply.

(b) Kokanee: Limit 10; kokanee do not count as part of the trout limit.

(64) **Merwin Lake (Reservoir)(Clark/Cowlitz counties) tributaries including Marble, Cape Horn, Day, Jim, Indian George, Squaw, Buncombe Hollow, Rock creeks, Speelyai Creek and its tributaries, Brooks, and West Fork creeks (except Canyon Creek):** Statewide season, minimum size, and limits apply.

(65) **Mill Creek (Cowlitz County):**

(a) Open the first Saturday in June through August 31 and November 1 through March 15.

(b) Selective gear rules apply.

(c) Release all trout except anglers may retain up to 3 hatchery steelhead.

(d) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(66) **Mill Creek (Lewis County):** From the mouth to the hatchery road crossing culvert.

(a) Selective gear rules apply.

(b) Open the first Saturday in June through October 31((~~b) Open~~)) and from December 1 through December 31.

(c) Anti-snagging rule applies and night closure in effect December 1 through December ~~((+5))~~ 31.

(d) Release all fish except anglers may retain up to 3 trout.

(e) Release all trout except hatchery steelhead and hatchery cutthroat.

(f) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(67) **Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.

(68) **Mulholland Creek (Cowlitz County):**

(a) Catch and release except anglers may retain up to 3 hatchery steelhead.

(b) Selective gear rules apply.

(69) **Nelson Creek (Skamania County):** Selective gear rules apply.

(70) **Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties):**

(a) Selective gear rules apply.

(b) Trout: Minimum length 12 inches.

(71) **Olequa Creek (Lewis/Cowlitz counties):**

(a) Closed from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.

(b) Trout: Limit 3.

(c) Release all trout except hatchery steelhead and hatchery cutthroat.

(d) Selective gear rules apply.

(e) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(72) **Ostrander Creek (Cowlitz County):** Selective gear rules apply.

(73) **Outlet Creek (Cowlitz County):**

(a) First Saturday in June through November 30.

(b) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(74) **Packwood Lake (Lewis County):**

(a) Closed: All inlet streams and the outlet from the log boom to the dam.

(b) Open the fourth Saturday in April through October 31.

(c) Selective gear rules apply.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Trout: Minimum length 10 inches.

(75) **Plummer Lake (Lewis County):** Open the fourth Saturday in April through the last day in February.

(76) **Rainey Creek (Lewis County):**

(a) Open from the mouth to Highway 12.

(b) Trout limit 5; release cutthroat and rainbow trout, except it is permissible to retain rainbow trout that have a clipped adipose fin and a healed scar at the location of the clipped fin.

(77) **Riffe Lake (Reservoir) (Lewis County):**

(a) Open from Mossyrock Dam to Cowlitz Falls Dam, except closed from Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam.

(b) It is permissible to fish up to the base of Swofford Pond Dam.

(c) Landlocked salmon rules apply.

(78) **Riffe Lake (Reservoir) tributaries (Lewis County)** (excluding Rainey Creek), including Sulphur, Simmons, Swigert, Shelton, Steel Canyon, Indian, Sand, Landers, Peterson, Goat, and Tumwater creeks: Statewide season, minimum size, and limits apply.

(79) **Rock Creek (Skamania County):**

(a) From the mouth to the falls at approximately river mile one.

(i) First Saturday in June through March 15.

(ii) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(C) Barbless hooks are required for steelhead.

(b) From the falls upstream to source/headwaters and all tributaries including Spring Creek, Hot Springs, Budweiser Creek, Forest Creek, Steep Creek, North Fork Rock Creek, and Snag Creek: Statewide seasons, minimum size, limits apply.

(80) **Salmon Creek (Clark County):** From the mouth to 182nd Avenue Bridge:

(a) Open the first Saturday in June through March 15.

(b) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Barbless hooks are required for steelhead.

(81) **Salmon Creek (Lewis County):**

(a) Release all fish except anglers may retain up to 3 hatchery trout.

(b) Release all trout except hatchery steelhead and hatchery cutthroat.

(c) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(d) Selective gear rules apply.

(82) **Silver Lake (Cowlitz County):** Crappie limit 10; minimum length 9 inches.

(83) **Silver Creek (tributary to Cowlitz River) (Lewis County):**

(a) Open from the mouth to USFS Road 4778.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(84) **Skamokawa Creek (Wahkiakum County):**

(a) Open the first Saturday in June through August 31.

(b) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(85) **Skate Creek (tributary to Cowlitz River) (Lewis County):**

(a) Release all cutthroat.

(b) Selective gear rules apply.

(86) **South Lewis County Park Pond (Lewis County):** Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(87) **Spirit Lake (Skamania County):** Closed.

(88) **Stillwater Creek (Lewis County):**

(a) Trout: Limit 3.

(i) Release all trout except hatchery steelhead and hatchery cutthroat.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Selective gear rules apply.

(89) **Swift Reservoir (Skamania County):**

(a) Open the first Saturday in June through November 30.

(b) Release all trout, except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin may be retained.

(c) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge: Selective gear rules apply.

(d) From the dam to the markers approximately 3/8 mile below Eagle Cliff Bridge: Trout limit 10 from September 1 through November 30.

(e) Salmon:

(i) Open the first Saturday in June through November 30.

(ii) Landlocked salmon rules apply.

(iii) Maximum length 15 inches.

(90) **Swift Reservoir tributaries (Skamania County)** including Ole, Swift, Worm, Diamond, Marble, Range, Drift, and Camp creeks: Selective gear rules apply.

(91) **Swofford Pond (Lewis County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(92) **Tilton River (Lewis County):**

(a) Open year-round from the mouth to the West Fork.

(b) Barbless hooks are required for salmon and steelhead.

(c) First Saturday in June through July 31: Selective gear rules apply.

(d) September 1 through October 31: Anti-snagging rule applies and night closure in effect. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(e) Release all cutthroat.

(f) Salmon open August 1 through December 31:

(i) Minimum length 8 inches.

(ii) Limit 6; no more than 2 adult Chinook may be retained.

(iii) Release wild coho and wild Chinook.

(93) Tilton River, East, North, South and West Forks (Lewis County):

(a) Selective gear rules apply.

(b) Trout: Minimum length 12 inches.

(94) Toutle River (Cowlitz County): From the mouth to the forks, and the North Fork from the mouth to the posted deadline below the fish collection facility:

(a) Open the first Saturday in June through November 30.

(b) September 1 through October 15: Anti-snagging rule applies and night closure in effect on the North Fork from the confluence with the South Fork to the mouth of Green River.

(c) Barbless hooks are required for salmon and steelhead.

(d) Gamefish:

(i) Release all fish except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(e) Salmon open August 1 through November 30:

(i) Limit 6, no more than 2 may be adult Chinook.

(ii) Release chum, wild coho, and wild Chinook.

(95) Toutle River, South Fork (Cowlitz County):

(a) Release all fish except anglers may retain up to 3 hatchery steelhead.

(b) Trout:

(i) Barbless hooks are required for steelhead from August 1 through November 30.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) From the mouth to 4700 Road Bridge:

(i) Open the last Saturday in May to the Friday before the first Saturday in June.

(ii) Selective gear rules apply.

(d) From the mouth to the 4100 Road Bridge:

(i) Open the first Saturday in June through March 15.

(ii) From December 1 through March 15 selective gear rules apply.

(e) From 4100 Road Bridge upstream to source: Open the first Saturday in June through November 30.

(96) Tunnel Lake (Skamania County): It is unlawful to retain more than 2 trout 20 inches or more in length.

(97) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):

(a) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.

(b) Chumming is permissible.

(c) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(98) Walupt Lake (Lewis County):

(a) All inlet streams are closed.

(b) Open the fourth Saturday in April through October 31.

(c) Selective gear rules apply.

(d) Trout: Minimum length 10 inches.

(99) Washougal River (Clark County): From the mouth to the bridge at Salmon Falls:

(a) Closed from ~~((200))~~ 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river.

(b) Open the first Saturday in June through March 15.

(c) Barbless hooks are required for salmon and steelhead.

(d) Night closure in effect:

(i) Year-round from the mouth to Mount Norway Bridge.

(ii) ~~((September))~~ August 1 through October 31 from Mount Norway Bridge upstream.

(e) Anti-snagging rule applies:

(i) July 1 through October 31 from the mouth to Mount Norway Bridge; and

(ii) ~~((September))~~ August 1 through October 31 from Mount Norway Bridge upstream.

(iii) When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(f) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(g) Open from the mouth to Mount Norway Bridge April 16 through the Friday before the first Saturday in June:

(i) Selective gear rules apply.

(ii) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(h) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; no more than 2 adults may be hatchery Chinook.

(iii) Release chum, wild coho, and wild Chinook.

(100) Washougal River, West (North) Fork (Clark/Skamania counties):

(a) From the mouth to the water intake at the department hatchery: Closed.

(b) From the intake at the department hatchery to the source:

(i) Open the first Saturday in June through March 15.

(ii) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iii) Barbless hooks are required for steelhead.

(101) Willame Lake (Lewis County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit 2; minimum length 15 inches.

(102) Wind River (Skamania County):

~~(a) ((Barbless hooks are required for salmon and steelhead.~~

~~(b)) From the mouth to 100 feet above Shipherd Falls:~~

~~(i) Barbless hooks are required for salmon and steelhead except from March 16 through June 30.~~

~~(ii) Closed from 400 feet below to 100 feet above Shipherd Falls fish ladder, including all tributaries.~~

~~((iii)) (iii) March 16 through June 30: Night closure in effect.~~

~~((iii)) (iv) March 16 through 31: Closed from the Highway 14 Bridge upstream.~~

~~(v) August 1 through October 31: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~((iv)) (vi) May 1 through June 30:~~

~~(A) Anti-snagging rule applies from ((Burlington Northern Railroad)) the Highway 14 Bridge upstream. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(B) From the mouth to the Highway 14 Bridge, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved((-~~

~~(-)) and two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.~~

~~((D)) (C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~((v)) (vii) Open year-round.~~

~~((v)) (viii) Trout:~~

~~(A) Open November 1 through March 15.~~

~~(B) Release all trout except anglers may retain up to 3 hatchery steelhead.~~

~~((vii)) (ix) Salmon and steelhead:~~

~~(A) Open March 16 through July 31:~~

~~(I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.~~

~~(II) Release wild Chinook.~~

~~(B) Open August 1 through October 31:~~

~~(I) From the mouth to the Highway 14 Bridge, the limit and retention regulations for hatchery and wild fish follows the most liberal regulations of the mainstem Columbia and Wind rivers when both areas are open concurrently for salmon.~~

~~(II) Limit 6; up to 2 adults may be retained.~~

~~(III) Release wild coho and wild Chinook.~~

~~((e)) (b) From 100 feet above Shipherd Falls to Moore Bridge:~~

~~(i) The following areas are closed: All tributaries; from 400 feet below to 100 feet above Coffey Dam.~~

~~(ii) From 100 feet above Shipherd Falls to 800 yards downstream from Carson National Fish Hatchery:~~

~~(A) Open September 16 through November 30:~~

~~(I) Catch and release only.~~

~~(II) Selective gear rules apply.~~

~~(B) Salmon and steelhead open May 1 through June 30:~~

~~(I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained;~~

~~(II) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead;~~

~~(III) Anti-snagging rule applies;~~

~~(IV) Only fish hooked inside the mouth may be retained;~~

~~(V) ((Barbless hooks are required; and~~

~~(VI)) Night closure in effect.~~

~~(ii) From 800 yards downstream from Carson National Fish Hatchery to Moore Bridge open September 16 through November 30:~~

~~(A) Catch and release only.~~

~~(B) Selective gear rules apply.~~

(103) Winston Creek (tributary to Cowlitz River) (Lewis County):

~~(a) Selective gear rules apply.~~

~~(b) Trout: Minimum length 10 inches.~~

(104) Yale Reservoir (Cowlitz County):

~~(a) Kokanee: Limit 16; kokanee do not count toward the trout limit.~~

~~(b) Landlocked salmon rules apply.~~

~~(105) Yale Reservoir tributaries (Cowlitz and Clark counties) excluding Cougar Creek and including Dog, Dry, Siouxon and its tributaries including North Siouxon, West, Horseshoe, Wildcat, Chinook, and Calamity creeks: State-wide season, minimum size and limits apply.~~

(106) Yellowjacket Creek (tributary to Cispus River) (Lewis County):

~~(a) Selective gear rules apply.~~

~~(b) Trout: Minimum length 12 inches.~~

AMENDATORY SECTION (Amending WSR 14-16-027, filed 7/25/14, effective 8/25/14)

WAC 220-310-190 Freshwater exceptions to state-wide rules—Puget Sound. (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

(2) County-wide freshwater exceptions to statewide rules:

~~(a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):~~

~~(i) Open the fourth Saturday in April through October 31.~~

~~(ii) Trout: No minimum length.~~

~~(b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Trout: No minimum length.~~

~~(3) Alder Lake (Thurston County): Kokanee limit 10; kokanee do not count toward the trout daily limit. See also Nisqually River.~~

(4) Aldrich Lake (Mason County):

~~(a) Open the fourth Saturday in April through October 31:~~

~~(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~(5) Alexander Lake (Kitsap County): Closed.~~

(6) All Creek (Skagit County) (Suiattle River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(7) Alma Creek (Skagit County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to two hatchery steelhead.

(8) American Lake (Pierce County):

- (a) Chumming is permissible.
- (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length except there are no size restrictions for kokanee.

(9) Anderson Creek (Kitsap County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

(10) Anderson Creek (Whatcom County) (Nooksack River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(11) Armstrong Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(12) Bacon Creek (Skagit County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(13) Bacus Creek (Skagit County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(14) Bainbridge Island - All streams (Kitsap County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(15) Baker Lake (Whatcom County):

- (a) Chumming is permissible.
- (b) Closed waters within a two hundred foot radius around the pump discharge at the south end of the lake.

(c) Open the fourth Saturday in April through October 31:

(d) Trout: Minimum length 6 inches and maximum length 18 inches.

(e) Salmon: Open July 10 through September 7.

(i) Sockeye: Limit ((3)) 4; minimum length 18 inches.

(ii) Each angler aboard a vessel may deploy salmon angling gear until the limit for all licensed and juvenile anglers aboard is reached.

(16) Baker River (Skagit County):

(a) From the mouth to Highway 20 Bridge:

(i) Open September 1 through October 31.

(ii) Night closure in effect.

(iii) Anti-snagging rule applies.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(b) From the Highway 20 Bridge to the Baker River fish barrier dam: Closed.

(c) From the Baker River fish barrier dam to the headwaters to Shannon and Baker lakes, including tributaries and their tributaries, except Channel Creek: Open the first Saturday in June through October 31.

(17) **Barnaby Slough (Skagit County):** Closed.

(18) **Bay Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(19) **Beaver Creek (Pierce County) (South Prairie Creek tributary):** Open the first Saturday in June through October 31.

(20) Beaver Creek (Thurston County) from the mouth to I-5:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(21) **Beaver Lake (King County):** Trout: No more than 2 over 15 inches in length.

(22) Benson Lake (Mason County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length.

(23) Bertrand Creek (Whatcom County) (Nooksack River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(24) Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Open the first Saturday in June through August 31 to juvenile anglers only.

(25) Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(26) Big Beef Creek (Kitsap County):

(a) From Seabeck Highway Bridge to Lake Symington:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(v) August 1 through August 31: Closed within 100 feet of the Seabeck Highway N.W. Bridge.

(b) From Lake Symington upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Catch and release only.

(27) Big Creek (Skagit County) (Suiattle River tributary):

(a) From TeePee Falls to the source: Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(28) Big Lake (Skagit County):

(a) Crappie: Limit 10; minimum length 9 inches.

(b) Salmon: Landlocked salmon rules apply.

- (29) **Big Mission Creek (Mason County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Catch and release only.
- (30) **Big Scandia Creek (Kitsap County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Minimum size 14 inches.
- (31) **Big Soos Creek (King County):** From the mouth to the hatchery rack:
 (a) Open the first Saturday in June through August 31.
 (b) Trout: Minimum length 14 inches.
- (32) **Bingham Creek (Mason County) (Satsop River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
- (33) **Black Creek (Snohomish County) (South Fork Stillaguamish River tributary):** Open the Saturday before Memorial Day through October 31 from the Bear Creek confluence upstream.
- (34) **Black Lake (Thurston County):**
 (a) Crappie: Limit 10; minimum length 9 inches.
 (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (35) **Black Lake Ditch (Thurston County):**
 (a) Open the first Saturday in June through October 31 from the confluence with Percival Creek upstream to Black Lake.
 (b) Selective gear rules apply.
 (c) Trout: Minimum size 14 inches.
- (36) **Blackjack Creek (Kitsap County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Minimum size 14 inches.
- (37) **Blackman's Lake (Snohomish County):** Trout limit 3.
- (38) **Blooms Ditch (Thurston County) (Black River tributary):** From the mouth to I-5:
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Night closure in effect.
 (d) Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (39) **Boise Creek (King County) (White River tributary):** Open the first Saturday in June through October 31 upstream of the Highway 410 crossing.
- (40) **Bosworth Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (41) **Boulder Creek (Skagit County) (Cascade River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Catch and release only.
- (42) **Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):**
 (a) From the mouth to Boulder Falls:
 (i) Open the first Saturday in June through October 31.
 (ii) Selective gear rules apply.
- (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
 (b) From Boulder Falls upstream: Open the Saturday before Memorial Day through October 31.
- (43) **Boxley Creek (North Bend, King County) (Tributary to the South Fork Snoqualmie River):** Open the Saturday before Memorial Day through October 31 upstream from the falls located approximately at river mile 0.9.
- (44) **Boyle Lake (King County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) The inlet and outlet streams to Boyle Lake are closed.
- (45) **Bradley Lake (Pierce County):**
 (a) Open May 15 through the last day of free fishing weekend, as defined in WAC 220-55-160, to juvenile anglers only.
 (b) Salmon: Landlocked salmon rules apply.
- (46) **Bridges Lake (King County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) The inlet and outlet streams to Bridges Lake are closed.
- (47) **Buck Creek (Skagit County) (Suitttle River tributary):**
 (a) Open the first Saturday in June through October 31 from the upstream boundary of Buck Creek campground.
 (b) Selective gear rules apply.
- (48) **Buck Lake (Kitsap County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (49) **Burley Creek (Kitsap County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Minimum length 14 inches.
- (50) **Cadet Creek (Snohomish County) (Sauk River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
- (51) **Cady Lake (Mason County):**
 (a) Open to fly fishing only.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Catch and release only.
- (52) **Cain Lake (Whatcom County):** Open the fourth Saturday in April through October 31.
- (53) **California Creek (Whatcom County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
- (54) **Calligan Lake (King County):**
 (a) Open June 1 through October 31.
 (b) All tributary streams and the upper third of the outlet are closed.
 (c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (55) **Camp Creek (Snohomish County) (Whitechuck River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.

(56) Campbell Creek (Mason County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Catch and release only.

(57) Campbell Lake (Skagit County): Crappie limit ten; minimum length 9 inches.

(58) Canyon Creek (Snohomish County) (Suiattle River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(59) Canyon Creek (Snohomish County) (S.F. Stillaguamish River):

(a) Open the first Saturday in June through January 31 from the mouth to the forks.

- (b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(60) Canyon Creek (Whatcom County) (North Fork Nooksack River):

(a) Open the Saturday before Memorial Day through October 31 from Canyon Creek Road Bridge upstream, including tributaries.

- (b) Selective gear rules apply.

(61) Capitol Lake (Thurston County): Closed.**(62) Carbon River (Pierce County):**

(a) From the mouth to Voight Creek:

- (i) Open September 1 through January 15.

(ii) From September 1 through November 30: Night closure in effect and anti-snagging rule applies.

(iii) Trout:

(A) September 1 through November 30: Minimum length 14 inches.

(B) From December 1 through January 15:

- (I) Selective gear rules apply.

(II) Release all fish except anglers may retain up to 2 hatchery steelhead.

(iv) Salmon:

(A) Open September 1 through November 30.

(B) Limit 6 fish of which no more than 4 may be adult salmon and, of the 4 adults, no more than 2 may be adult hatchery Chinook.

(C) Release chum and wild adult Chinook salmon.

(b) From Voight Creek to the Highway 162 Bridge:

- (i) Open from November 1 through January 15.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(63) Carney Lake (Pierce County):

(a) Open the fourth Saturday in April through June 30 and September 1 through November 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(d) Salmon: Landlocked salmon rules apply.

(64) Carson Lake (Mason County): Open the fourth Saturday in April through October 31.

(65) Cascade Creek (San Juan County):

(a) Open the first Saturday in June through October 31 from the mouth to Cascade Lake.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 10 eastern brook trout.

(66) Cascade Lake (San Juan County): Open the fourth Saturday in April through October 31.

(67) Cascade River (Skagit County):

(a) From the mouth to the Rockport-Cascade Road Bridge:

(i) Open June 1 through July 15 and September 16 through February 15:

(A) Anti-snagging rule applies and night closure in effect June 1 through July 15 and September 16 through November 30.

(B) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(ii) Salmon:

(A) Open June 1 through July 15:

(I) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults.

(II) Release all other salmon.

(B) Open September 16 through November 30:

(I) Up to 4 coho may be retained.

(II) Release all other salmon.

(b) From the Rockport-Cascade Road Bridge upstream:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(68) Cassidy Lake (Snohomish County): Crappie limit 10; minimum length 9 inches.

(69) Cavanaugh Creek (Whatcom County) and all tributaries: Open the Saturday before Memorial Day through October 31 upstream from where Cavanaugh Creek first flows into Whatcom County, 0.4 lineal miles from its confluence with the South Fork Nooksack River.

(70) Cavanaugh Lake (Skagit County): Chumming is permissible.

(71) Cayada Creek (Pierce County) (Carbon River tributary): Open the first Saturday in June through October 31.

(72) Cedar Creek (Mason County): Open the first Saturday in June through October 31.

(73) Cedar River (King County):

(a) Open the first Saturday in June through August 31 from the mouth to Landsburg Road.

(b) Selective gear rules apply and night closure.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Catch and release only.

(74) Chambers Creek (Pierce County):

(a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam (Pierce County):

(i) Open July 1 through November 15 for game fish and salmon.

(ii) Night closure in effect and anti-snagging rule applies.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon:

(A) Limit 6 fish of which no more than ((2)) 4 may be adult salmon.

(B) Release wild coho.

(b) From Boise-Cascade Dam to Steilacoom Lake:

(i) Open July 1 through October 31.

(ii) Night closure in effect and selective gear rules apply.

(iii) Trout: Minimum size 14 inches.

(75) Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Catch and release only.

(76) Channel Creek (Skagit County) (Baker River tributary): Open the first Saturday in June through August 31.

(77) Chaplain Creek (Snohomish County) (Sultan River tributary): Open the Saturday before Memorial Day through October 31 above the falls near the mouth to the dam at Chapman Lake, including tributaries and beaver ponds.

(78) Chaplain Lake (Snohomish County): Closed.

(79) Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River): Open the Saturday before Memorial Day through October 31 above Cherry Creek Falls (located at river mile 9.3, approximately 1 mile upstream of Stossel/Kelly Rd), including all tributaries and beaver ponds.

(80) Chilliwack River (Whatcom County): Open the first Saturday in June through October 31, including all tributaries and their tributaries.

(81) Church Creek (Mason County): Open the first Saturday in June through October 31 upstream of the bridge on U.S. Forest Service Road #2361.

(82) Clara Lake (also known as "Don Lake") (Mason County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length.

(83) Clarks Creek (Pierce County):

(a) Open the first Saturday in June through August 15 from the mouth to 12th Avenue S.W.

(b) Selective gear rules apply.

(c) Trout: Limit 2; minimum length 14 inches.

(84) Clear Creek (Snohomish County) (Sauk River tributary): Open the first Saturday in June through October 31 from Asbestos Creek Falls.

(85) Clear Lake (Pierce County):

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(c) Trout: It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

(d) Salmon: Landlocked salmon rules apply.

(86) Clear Lake (Thurston County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length, except there are no size restrictions for kokanee.

(87) Clearwater River (Pierce County):

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(88) Clover Creek (Pierce County):

(a) Open July 1 through October 31 upstream of Steilacoom Lake, including all tributaries.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(89) Coal Creek (tributary of Lake Washington) (King County): Open the first Saturday in June through August 31 to juvenile anglers only.

(90) Coal Creek (near Snoqualmie) (King County):

(a) From the mouth to Highway I-90:

(i) Open the fourth Saturday in April through October 31 to juvenile anglers only.

(ii) Trout: No minimum length.

(b) From Highway I-90 upstream: Open the Saturday before Memorial Day through October 31.

(91) Collins Lake (Mason County): Open the fourth Saturday in April through October 31.

(92) Copper Creek (Snohomish County) (Clear Creek tributary, a tributary of Sauk River): Open the first Saturday in June through October 31.

(93) Cottage Lake (King County): Open the fourth Saturday in April through October 31.

(94) Coulter Creek (Kitsap/Mason counties):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(95) County Line Ponds (Skagit County): Closed.

(96) Crabapple Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(97) Cranberry Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(98) Crescent Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(99) Crescent Lake (Pierce County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(100) Cumberland Creek (Whatcom County): Open the Saturday before Memorial Day through October 31 upstream from the USFS 17 Road Bridge located 0.7 lineal miles from its confluence with the Skagit River, including all tributaries.

(101) Dakota Creek (Whatcom County):

(a) Open the first Saturday in June through December 31 from the mouth to Giles Road Bridge.

(b) Selective gear rules apply.

(c) Salmon:

(i) Open October 1 through December 31.

(ii) Limit 2 salmon.

(iii) Release wild Chinook.

(102) Dan's Creek (Snohomish County) (Sauk River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(103) De Coursey Pond (Pierce County):

- (a) Open the fourth Saturday in April through November 30 to juvenile anglers only.
- (b) Salmon: Landlocked salmon rules apply.

(104) Decker Creek (Mason County) (Satsop River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(105) Deep Lake (Thurston County):

- (a) Open the fourth Saturday in April through October 31.
- (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(106) Deer Creek (Mason County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Catch and release only.

(107) Deer Lake (Island County): Open the fourth Saturday in April through October 31.**(108) Deer Lake (Mason County):** Open the fourth Saturday in April through October 31.**(109) Dempsey Creek (Thurston County) (Black River tributary):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(110) Deschutes River (Thurston County):**(a)** From Old Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park:

- (i) Selective gear rules apply, except bait is allowed September 1 through October 15.
- (ii) Trout: Open year-round; catch and release only.
- (iii) All other game fish: Open the first Saturday in June through October 15.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release coho.

(b) From Henderson Boulevard Bridge upstream:

- (i) Open year-round.
- (ii) Selective gear rules apply.
- (iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release coho.

(111) Devereaux Lake (Mason County):**(a)** Open the fourth Saturday in April through October 31.

- (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

(112) Dewatto River (Mason County):**(a)** From the mouth to Dewatto-Holly Road Bridge:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) October 1 through October 31: Night closure in effect.

(v) Game fish: Catch and release only.

(vi) Salmon:

(A) Open October 1 through October 31.

(B) Limit 2 coho.

(b) From Dewatto-Holly Road Bridge upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(113) Diobsud Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(114) Dogfish Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(115) Dosewallips River (Jefferson County):

(a) From the mouth to Highway 101 Bridge:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all gamefish.

(v) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all gamefish.

(116) Downey Creek (Snohomish County) (Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(117) Duckabush River (Jefferson County):

(a) From the mouth to Mason County PUD #1 overhead distribution line:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all game fish.

(v) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(118) Dyes Inlet (Kitsap County):

(a) Open the first Saturday in June through October 31 for all streams.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(119) Eaton Creek (Thurston County) (Lake St. Clair tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(120) Echo Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(121) Eglon Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(122) Elliot Creek (Snohomish County) (Sauk River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(123) Erie Lake (Skagit County): Open the fourth Saturday in April through October 31.

(124) Evans Creek (Pierce County) (Carbon River tributary): Open the first Saturday in June through October 31 from Carbon River Fairfax Road upstream.

(125) Falls Creek (Snohomish County) (Sauk River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(126) Fazon Lake (Whatcom County):

(a) It is unlawful to fish from any floating device from the first Friday in October through January 27.

(b) Channel catfish: Limit 2.

(127) Finch Creek (Mason County): Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA accessible site at the Hoodspout Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.

(128) Fisher Slough (Snohomish County):

(a) Open the first Saturday in June through October 31 from the mouth to the I-5 Bridge.

(b) Trout: Minimum length 14 inches.

(129) Fishtrap Creek (Whatcom County): Open from Kok Road to Bender Road from the first Saturday in June through October 31 for juvenile anglers only.

(130) Fiske Creek (Pierce County) (Puyallup River tributary): Open upstream from Fiske Road from the first Saturday in June through October 31.

(131) Fortson Mill Pond #2 (Snohomish County): Open the fourth Saturday in April through October 31 for juvenile anglers only.

(132) Found Creek (Skagit County) (Cascade River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(133) Fox Creek (Pierce County) (Puyallup River tributary): Open upstream from Fiske Road from the first Saturday in June through October 31.

(134) Friday Creek (Whatcom County) (Samish River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(135) Fulton Creek (Mason County):

(a) From the mouth to falls at river mile 0.8:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) From the falls at river mile 0.8 upstream: Open the first Saturday in June through October 31.

(136) Gale Creek (Pierce County) (South Prairie Creek tributary): Open upstream of the confluence with Wilkeson Creek from the first Saturday in June through October 31.

(137) Gamble Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(138) Geneva Lake (King County): Open the fourth Saturday in April through October 31.

(139) Gissberg Pond, North (Snohomish County): Open for juvenile anglers only.

(140) Gissberg Ponds (Snohomish County): Channel catfish limit 2; no minimum size.

(141) Goldsborough Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(142) Goodell Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(143) Goodwin Lake (Snohomish County): Chumming is permissible.

(144) Goss Lake (Island County): Open the fourth Saturday in April through October 31.

(145) Grade Creek (Snohomish County) (Suittle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(146) Granite Lakes (near Marblemount) (Skagit County): Grayling: Catch and release only.

(147) Grass Lake (Mason County): Open the fourth Saturday in April through October 31.

(148) Green (Duwamish) River (King County):

(a) From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99:

(i) September 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) November 1 through January 15: It is unlawful to fish from any floating device.

(iii) Open the first Saturday in June through July 31 and September 1 through January 15: Trout minimum length 14 inches.

(iv) In years ending in odd numbers, open for game fish and salmon August ~~((23))~~ 20 through August 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open August ~~((23))~~ 20 through December 31.

(II) Limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 6; no more than 3 adults may be retained.

(III) Release Chinook.

(b) From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge:

(i) September 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) In years ending in odd numbers: Open for salmon and gamefish August 20 through August 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook.

(iii) November 1 through January 15: It is unlawful to fish from any floating device.

~~((iii))~~ (iv) Open the first Saturday in June through July 31 and September 1 through January 15; trout minimum length 14 inches.

~~((iv))~~ Salmon open September 1 through December 31:

~~((A))~~ (v) In years ending in odd numbers(~~(=~~

~~(=~~)), open for gamefish and salmon August 20 through December 31.

(A) Limit 6 salmon; no more than 3 may be any combination of adult coho and adult chum.

~~((H))~~ (B) Release Chinook.

~~((B))~~ (vi) In years ending in even numbers(~~(=~~

~~(=~~)), open for gamefish and salmon September 1 through December 31.

(A) Limit 6 salmon; no more than 3 adults may be retained.

~~((H))~~ (B) Release Chinook.

(c) From the Interstate 405 Bridge to South 277th Street Bridge in Auburn:

(i) October 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) November 1 through January 15: It is unlawful to fish from any floating device.

(iii) Open the first Saturday in June through July 31 and October 1 through January 15: Trout minimum length 14 inches.

(iv) In years ending in odd numbers, open for game fish and salmon September 1 through September 30:

(A) Night closure in effect.

(B) Anti-snagging rule applies.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open September 1 through December 31.

(II) Limit 6; no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open October 1 through December 31.

(II) Limit 6; no more than 3 adults may be retained.

(III) Release Chinook.

(d) From the 277th Street Bridge to Auburn-Black Diamond Road Bridge:

(i) October 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) November 1 through January 31: It is unlawful to fish from a floating device.

(iii) Open the first Saturday in June through August 15 and October 16 through January 31; trout minimum length 14 inches.

(iv) In years ending in odd numbers, open for game fish and salmon September 16 through October 15:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open September 16 through December 31.

(II) Limit 6; no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open October 16 through December 31.

(II) Limit 6; no more than 3 adults may be retained.

(III) Release Chinook.

(e) From the Auburn-Black Diamond Road Bridge to the mouth of Cristy Creek at Flaming Geyser State Park:

(i) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.

(ii) August 1 through September 15 and November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Open the first Saturday in June through September 15 and November 1 through January 31; trout minimum length 14 inches.

- (iv) Salmon open November 1 through December 31.
 - (A) In years ending in odd numbers:
 - (I) Limit 6; no more than 3 may be any combination of adult coho and adult chum.
 - (II) Release Chinook.
 - (B) In years ending in even numbers:
 - (I) Limit 6; no more than 3 adults may be retained.
 - (II) Release Chinook.
- (f) From the mouth of Cristy Creek at Flaming Geyser State Park to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam):
 - (i) Closed waters within 150 feet of the Palmer Pond outlet rack.
 - (ii) August 1 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (iii) Open the first Saturday in June through January 31: Trout minimum length 14 inches.
 - (iv) Salmon open November 1 through December 31:
 - (A) In years ending in odd numbers:
 - (I) Limit 6; no more than 3 may be any combination of adult coho and adult chum.
 - (II) Release Chinook.
 - (B) In years ending in even numbers:
 - (I) Limit 6; no more than 3 adults may be retained.
 - (II) Release Chinook.
 - (g) From Friday Creek upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.
 - (149) **Greenwater River (King County):**
 - (a) From the mouth to Greenwater Lakes:
 - (i) Open November 1 through January 31.
 - (ii) Release all fish except whitefish.
 - (iii) Whitefish gear rules apply.
 - (b) From Greenwater Lakes upstream: Open the first Saturday in June through October 31.
 - (150) **Grovers Creek (Kitsap County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum size 14 inches.
 - (151) **Hamma Hamma River (Mason County):**
 - (a) From the mouth to 400 feet below the falls:
 - (i) Open the first Saturday in June through August 31.
 - (ii) Selective gear rules apply.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) Catch and release only.
 - (b) From the falls upstream: Open the first Saturday in June through October 31.
 - (152) **Hancock Lake (King County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) All tributary streams and the upper third of the outlet are closed.
 - (c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
 - (153) **Hansen Creek (Skagit County):** Including all tributaries and their tributaries:
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (154) **Harrison Slough (Skagit County):** Open the first Saturday in June through October 31.
 - (155) **Hatchery Lake (Mason County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
 - (156) **Haven Lake (Mason County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Trout: It is unlawful to retain more than 2 over 14 inches in length.
 - (157) **Heart Lake (near Anacortes) (Skagit County):** Open the fourth Saturday in April through October 31.
 - (158) **Heins Lake (Kitsap County):** Closed.
 - (159) **Hicks Lake (Thurston County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Trout: It is unlawful to retain more than 2 over 14 inches in length, except there are no size restrictions for kokanee.
 - (160) **Hilt Creek (Skagit County) (Sauk River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (161) **Horseshoe Lake (Kitsap County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
 - (c) Salmon: Landlocked salmon rules apply.
 - (162) **Howard Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from where Howard Creek flows into Section 13 of Township 36N, Range 6E, 0.3 lineal miles upstream from the South Fork Nooksack River, including all tributaries.
 - (163) **Howard Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
 - (164) **Howell Lake (Mason County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
 - (165) **Hozomeen Lake (Whatcom County):**
 - (a) Open July 1 through October 31.
 - (b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
 - (166) **Hylebos Creek (Pierce County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum length 14 inches.
 - (167) **Illabot Creek (Skagit County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (168) **Illahoe Creek (Kitsap County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum size 14 inches.

(169) **Isabella Lake (Mason County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(170) **Island Lake (Kitsap County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(171) **Island Lake (Mason County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(172) **Issaquah Creek (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(173) **Jackman Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(174) **Jackson Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(175) **Jefferson Creek (Mason County):** Open the Saturday before Memorial Day through October 31.

(176) **Jennings Park Pond (Snohomish County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.

(177) **Johns Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(178) **Johnson Creek (Thurston County) (Skookumchuck River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(179) **Johnson Creek (Whatcom County):** Open the first Saturday in June through October 31 from the Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas for juvenile anglers only.

(180) **Jones Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(181) **Jordan Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(182) **Jorsted Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(183) **Kapowsin Lake (Pierce County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(184) **Kelsey Creek (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(185) **Kendall Creek (Whatcom County) (N.F. Nooksack tributary):**

(a) Open the first Saturday in June through October 31 above the hatchery grounds.

(b) Selective gear rules apply.

(186) **Kennedy Creek (Mason County):**

(a) From the mouth to 400 feet below the falls:

(i) Open the first Saturday in June through the last day in February.

(ii) From Highway 101 Bridge to 400 feet below the falls: Selective gear rules apply January 1 through September 30.

(iii) October 1 through December 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iv) Trout: Minimum length 14 inches.

(v) Salmon:

(A) Open October 1 through November 30 from the mouth to the northbound Highway 101 Bridge.

(B) Limit 6; no more than 2 adults may be retained.

(C) Release wild coho.

(b) From the falls upstream, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply within the mainstem of Kennedy Creek.

(187) **Kennedy Creek Pond (Thurston County):** Open the fourth Saturday in April through October 31.

(188) **Ki Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(189) **Kimball Creek (near Snoqualmie) (King County):**

(a) Open the fourth Saturday in April through October 31 for juvenile anglers only.

(b) Trout: No minimum length.

(190) **Kindy Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(191) **King's Creek (Pierce County) (Puyallup River tributary):** Open the first Saturday in June through October 31.

(192) **Kings Lake Bog (King County):** Closed.

(193) **Kitsap Lake (Kitsap County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(194) **Klaus Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) The inlet and outlet to first Weyerhaeuser spur are closed.

(195) **Koeneman Lake (Fern Lake) (Kitsap County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

(196) **Kokanee Lake (Mason County):** It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

(197) **Ladder Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(198) **Langlois Lake (King County):** Open the fourth Saturday in April through October 31.

(199) **Lawrence Lake (Thurston County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(200) **LeBar Creek (Mason County):** Open the first Saturday in June through October 31 from the falls at river mile one upstream.

(201) **Lena Creek (Mason County):** Open the first Saturday in June through October 31.

(202) **Lilliwaup River (Mason County):**

(a) From the mouth to 200 feet below the falls:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From the falls upstream: Open the first Saturday in June through October 31.

(203) **Lime Creek (Snohomish County) (Suiattle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(204) **Limerick Lake (Mason County):** Open the fourth Saturday in April through October 31.

(205) **Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties):** Open the first Saturday in June through August 31 for juvenile anglers only.

(206) **Little Mission Creek (Mason County) from falls upstream:**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(207) **Little Nisqually River (Lewis County):**

(a) Open the first Saturday in June through October 31.

(b) Trout: Minimum length 14 inches.

(208) **Little Scandia Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(209) **Lone Lake (Island County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit 1; minimum length 18 inches.

(210) **Long Lake (Thurston County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(211) **Long's Pond (Thurston County):** Open for juvenile anglers only.

(212) **Lost Lake (Mason County):** It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

(213) **Lyle Creek (King County) (White River tributary):** Open the first Saturday in June through October 31.

(214) **Maggie Lake (Mason County):**

(a) Open the fourth Saturday in April through November 30.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(215) **Malaney Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(216) **Maple Creek (Whatcom County) (N.F. Nooksack tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(217) **Marble Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(218) **Margaret Lake (King County):** Open the fourth Saturday in April through October 31.

(219) **Marsh Creek (Snohomish County) (Sultan River tributary):** Open the Saturday before Memorial Day through October 31 above the falls, including tributaries and beaver ponds.

(220) **Martha Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(221) **May Creek (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(222) **McAllister Creek (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) It is unlawful to use anything other than barbless hooks.

(c) Selective gear rules apply.

(d) Trout: Minimum length 14 inches.

(e) Salmon:

(i) Open July 1 through November 30.

(ii) Limit 6; of which no more than 2 may be adults.

(223) **McIntosh Lake (Thurston County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length.

(224) **McLane Creek (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) August 1 through October 31: Night closure in effect.

(d) Trout: Minimum length 14 inches.

(225) **McLane Creek Ponds (Thurston County):** Open the fourth Saturday in April through October 31.

(226) **McMurray Lake (Skagit County):**

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules apply.

(227) **Melbourne Lake (Mason County):** Open the fourth Saturday in April through October 31.

(228) **Mercer Slough (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(229) **Milk Creek (Snohomish County) (Suiattle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(230) **Mill Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(231) **Mill Pond (Auburn) (King County):** Open the fourth Saturday in April through October 31 for juvenile anglers only, except open for all anglers during free fishing weekend, as defined by department rule.

(232) Mima Creek (Thurston County) (Black River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(233) Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Trout minimum length 14 inches.**(234) Minter Creek (Pierce/Kitsap counties):** From the mouth to the hatchery rack:

- (a) Open for trout only the first Saturday in June through October 31:

- (i) Selective gear rules apply.
- (ii) Minimum length 14 inches.

(b) Open for salmon November 1 through December 31 from the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

- (i) Night closure in effect.
- (ii) Limit 4 chum; release all other salmon.

(235) Mission Lake (Kitsap County):

- (a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.**(236) Monte Cristo Lake (Snohomish County):**

- (a) Open the first Saturday in June through August 31.
- (b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.**(237) Mountain Lake (San Juan County):** It is unlawful to retain more than one trout over 18 inches in length.**(238) Mud Lake (Mason County):** Open the fourth Saturday in April through October 31.**(239) Munn Lake (Thurston County):**

- (a) Selective gear rules apply.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

- (c) Catch and release only.

(240) Nahwatzel Lake (Mason County): It is unlawful to retain more than 2 trout over 14 inches in length.**(241) New Pond Creek (Pierce County) (South Prairie Creek tributary):** Open the first Saturday in June through October 31.**(242) Newhalem Ponds (Whatcom County):** Closed.**(243) Nisqually River (Pierce County):**

- (a) From the mouth to Military Tank Crossing Bridge:

(i) Closed August 11 through August 13, August 18 through August 20, August 25 through August 27, September 3 through September 5, September 8 through September 10, September 15 through September 16, September 22 through September 23, and September 29 through September 30.

- (ii) July 1 through January 31:

- (A) Anti-snagging rule applies.
- (B) Night closure in effect.

(C) Barbless hooks are required.**(iii) July 1 through October 31: Leaders must measure 48 inches or less in length.**

- (iv) Open July 1 through January 31:

(A) From July 1 through November 30: Trout minimum length 14 inches.**(B) From December 1 through January 31: Release all fish except anglers may retain up to 2 hatchery steelhead.**

- ~~((iv))~~ (v) Salmon open July 1 through January 31.

(A) In years ending in even numbers, from July 1 through October 31:**(I) Limit 6; no more than 3 adults may be retained, and only 2 adults may be any combination of chum and coho.**

- (II) Release wild Chinook.

(B) In years ending in odd numbers, from July 1 through October 31:**(I) Limit 6; no more than ~~((4))~~ 3 adults may be retained ~~((of which only))~~ plus one pink salmon; no more than 2 adults may be any combination of ~~((Chinook,))~~ chum~~((;))~~ and coho.**

- (II) Release wild Chinook.

(C) From November 1 through January 31:

- (I) Limit 6; no more than 2 adults may be retained.

- (II) Release wild Chinook.

(b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:

- (i) Open July 1 through October 31.

- (ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.**(iv) From Alder Reservoir upstream including all tributaries:****(A) Open the Saturday before Memorial Day through October 31.**

- (B) Selective gear rules apply.

- (C) Trout minimum length 14 inches.

(244) Nookachamps Creek (Skagit County):**(a) Open the first Saturday in June through October 31, including all tributaries and their tributaries.**

- (b) Selective gear rules apply.

(245) Nooksack River (Whatcom County):**(a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:**

- (i) Open the first Saturday in June through January 31.

(ii) From the first Saturday in June through November 30:

- (A) Anti-snagging rule applies.

- (B) Night closure in effect.

- (iii) Trout: Minimum length 14 inches.

- (iv) Salmon:

- (A) Open September 1 through December 31:

- (I) Limit 2, plus 2 additional coho.

(II) Release wild Chinook September 1 through September 30.**(B) Open July 16 through August 31 from Lummi Indian Reservation boundary to Highway 544 Bridge at Everson during odd-numbered years:**

- (I) Limit 4 pink salmon.

- (II) It is unlawful to use bait.

(III) It is unlawful to use anything other than single-point hooks measuring 1/2 inch or less from point to shank.**(b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:**

- (i) Open from October 1 through January 31.

- (ii) October 1 through November 30:

- (A) Anti-snagging rule applies.

- (B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon open October 1 through December 31: Limit 2, plus anglers may retain 2 additional coho.

(246) Nooksack River, North Fork (Whatcom County):

(a) From the mouth to Maple Creek:

(i) Open the first Saturday in June through February 15.

(ii) From the first Saturday in June through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.

(iv) Trout minimum length 14 inches.

(v) Salmon open October 1 through November 30: Limit 2 salmon, plus anglers may retain 2 additional coho.

(b) From Maple Creek to Nooksack Falls:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(iii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.

(iv) Trout: Minimum length 14 inches.

(c) The waters above Nooksack Falls, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

(247) Nooksack River, Middle Fork (Whatcom County):

(a) From the mouth to the city of Bellingham diversion dam:

(i) November 1 through January 31: It is unlawful to use motors.

(ii) Open the first Saturday in June through January 31.

(iii) Selective gear rules apply.

(iv) Trout: Minimum size 14 inches.

(b) The waters above the diversion dam, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

(248) Nooksack River, South Fork (Skagit/Whatcom counties):

(a) From the mouth to Skookum Creek:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(iii) From the first Saturday in June through November 30: Night closure in effect.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) Release all fish except anglers may retain up to 2 hatchery steelhead.

(vi) Salmon open October 1 through December 31:

(A) Limit 2; plus anglers may retain 2 additional coho.

(B) Release chum.

(C) In years ending in odd numbers, release pink salmon.

(b) Upstream from and including Wanlick Creek, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31 for fly fishing only.

(ii) Catch and release only.

(249) North Creek (Snohomish/King counties) (tributary of Sammamish River): Open the first Saturday in June through August 31 for juvenile anglers only.

(250) North Lake (King County): Open the fourth Saturday in April through October 31.

(251) Northern State Hospital Pond (Skagit County): Open the fourth Saturday in April through October 31 for juvenile anglers only.

(252) Ohop Creek (Pierce County):

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(253) Ohop Lake (Pierce County): It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

(254) Olalla Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(255) Old Fishing Hole Pond (Kent, King County): Open the fourth Saturday in April through October 31 for juvenile anglers only.

(256) Olney Creek (Snohomish County) (Wallace River tributary): The waters upstream of Olney Falls, including tributaries and beaver ponds are open the Saturday before Memorial Day through October 31.

(257) Olson Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(258) Osborne Lake (Mason County): Open the fourth Saturday in April through October 31.

(259) O'Toole (Marietta) Creek (Whatcom County): The waters upstream from Marietta Falls, located 0.3 lineal miles from the Skagit River, are open the Saturday before Memorial Day through October 31.

(260) Outlet Creek (Mason County) (Satsop River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(261) Owl Creek (Snohomish County) (Whitechuck River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(262) Padden Lake (Whatcom County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(263) Panhandle Lake (Mason County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(264) Panther Lake (Kitsap/Mason counties):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(265) Pass Lake (Skagit County):

(a) Open to fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Catch and release only.

(266) Pattison Lake (Thurston County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(267) Percival Creek (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(268) Perry Creek (Thurston County):

(a) Open the first Saturday in June through October 31 from the mouth to the falls.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(269) Phillips Lake (Mason County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(270) Pilchuck Creek (Snohomish County):

(a) From the mouth to the Highway 9 Bridge:

(i) Open the first Saturday in June through January 31.

(ii) From the first Saturday in June through November 30: Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(b) From the Highway 9 Bridge to Pilchuck Falls:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(c) From Pilchuck Falls upstream, including all tributaries and their tributaries, and all tributaries to Lake Cavanaugh: Open the Saturday before Memorial Day through October 31.

(271) Pilchuck River (Snohomish County):

(a) Open from December 1 through January 31 from the mouth to 500 feet downstream from the Snohomish City diversion dam.

(b) It is unlawful to fish from any floating device.

(c) Trout: Minimum length 14 inches.

(272) Pine Creek (Mason County): Open the first Saturday in June through October 31.

(273) Pine Lake (King County): Open the fourth Saturday in April through October 31.

(274) Pine Lake (Mason County): Open the fourth Saturday in April through October 31.

(275) Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed.

(276) Plumbago Creek (Whatcom County): Open the Saturday before Memorial Day through October 31 upstream from the Sierra Pacific 140 road bridge located 0.5 lineal miles upstream from the South Fork Nooksack River, including all tributaries.

(277) Pratt River (tributary to Middle Fork Snoqualmie River) (King County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(278) Pressentin Creek (Whatcom County): Open the Saturday before Memorial Day through October 31 upstream

from the waterfall located 0.3 miles from the Skagit River, including all tributaries.

(279) Prices Lake (Mason County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(280) Pugh Creek (Snohomish County) (Whitechuck River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(281) Puyallup River (Pierce County):

(a) From the mouth to Freeman Road:

(i) Open for game fish and salmon August 16 through December 31.

(ii) Closed August 31 through September 1, September 7 through September 9, September 14 through September 16, September 21 through September 24, September 28 through October 1, October 5 through October 8, and October 12 through October 15.

(iii) August 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) Barbless hooks are required.

(D) Leaders must measure 48 inches or less in length.

(iv) Trout: Minimum length 14 inches.

(v) Salmon:

(A) ~~((Limit 6; no more than 2 adults may be retained.))~~

In years ending in odd numbers:

(I) Limit 6. No more than 2 adults may be retained. Two pink adults may be retained in addition to the 2 adult limit.

(II) Release wild adult Chinook.

(B) ~~((Release wild adult Chinook.))~~ In years ending in even numbers:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook.

(b) From Freeman Road to the ~~((mouth of White River))~~ East Main Avenue Bridge:

(i) Open for game fish and salmon August ~~((+))~~ 1 through December 31.

(ii) Closed August 31 through September 1, September 7 through September 9, September 14 through September 16, September 21 through September 24, and September 28 through September 30.

(iii) August ~~((+))~~ 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) Barbless hooks are required.

(D) Leaders must measure 48 inches or less in length.

(iv) Trout: Minimum length 14 inches.

(v) Salmon:

(A) ~~((Limit 6; no more than 2 adults may be retained.))~~

In years ending in odd numbers:

(I) Limit 6. No more than 2 adults may be retained. In addition to the 2 adults, 2 adult pinks may also be retained.

(II) Release wild adult Chinook.

(B) ~~((Release wild adult Chinook.))~~ In years ending in even numbers:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook.

(c) From the ~~((mouth of White River))~~ East Main Avenue Bridge to Carbon River:

(i) Open for game fish and salmon August 1 through December 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure is in effect.

(C) Barbless hooks are required.

(D) Leaders must measure 48 inches or less in length.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon:

(A) In years ending in odd numbers:

(I) Limit 6. No more than 2 adults may be retained. In addition to the 2 adults, 2 adult pinks may be retained.

(II) Release wild adult Chinook.

(B) In years ending in even numbers:

(I) Limit 6; ~~((of which))~~ no more than 2 ~~((may be adult salmon))~~ adults may be retained.

(II) Release wild adult Chinook.

~~((B) In years ending in odd numbers:~~

~~(I) Limit 6; no more than 4 adult salmon may be retained with a limit of two adult salmon (Chinook, coho, or chum), plus two pink.~~

~~(II) Release wild adult Chinook.)~~

(d) From Carbon River upstream:

(i) Open September 1 through January 15.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(282) Pyramid Creek (King County) upstream of Forest Service Road 7000: Open the first Saturday in June through October 31.

(283) Racehorse Creek (Whatcom County) (N.F. Nooksack tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(284) Raging River (King County):

(a) From the mouth to the Highway 18 Bridge:

(i) Open the first Saturday in June through January 31.

(ii) Trout: Minimum length 14 inches.

(b) From Highway 18 Bridge upstream: Open the first Saturday in June through October 31.

(285) Rapjohn Lake (Pierce County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(286) Rattlesnake Lake (King County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(287) Ravensdale Lake (King County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit 2; minimum length 12 inches.

(288) Red Creek (King County) (White River tributary): Open the first Saturday in June through October 31.

(289) Rendsland Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(290) Riley Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(291) Roaring Creek (Whatcom County): Open the Saturday before Memorial Day through October 31 upstream from the confluence with Deer Creek, including all tributaries.

(292) Robbins Lake (Mason County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length.

(293) Rocky Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(294) Rocky Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(295) Roesiger Lake (Snohomish County): Crappie limit 10; minimum length 9 inches.

(296) Rose Lake (Mason County): Open the fourth Saturday in April through October 31.

(297) Ross Lake (Reservoir) (Whatcom County):

(a) Open July 1 through October 31:

(b) Selective gear rules apply.

(c) Trout: Limit 3; minimum length 13 inches.

(298) Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):

(a) From one mile above the mouths to the headwaters: Open July 1 through October 31.

(b) Tributaries to Ruby Creek: Open July 1 through October 31.

(299) Saint Clair Lake (Thurston County): It is unlawful to retain more than 2 trout over 14 inches in length.

(300) Salmon Creek (Thurston County) (Black River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(301) Salmonberry Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(302) Samish Lake (Whatcom County): Cutthroat trout limit 2; minimum length 14 inches.

(303) Samish River (Skagit County):

(a) From the mouth to the I-5 Bridge:

(i) Open the first Saturday in June through November 30.

(ii) From the first Saturday in June through November 30: Trout minimum length 14 inches.

- (iii) From August 1 through November 30:
 - (A) Night closure in effect.
 - (B) It is unlawful to use anything other than one single-point hook.
- (iv) From December 1 through December 31:
 - (A) Selective gear rules apply.
 - (B) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (v) Salmon:
 - (A) Open August 1 through November 30.
 - (B) Limit 2; anglers may only retain fish hooked inside the mouth.
 - (C) Release wild coho.
 - (b) From the I-5 Bridge to the Hickson Bridge:
 - (i) Closed from the Old Highway 99 Bridge to the WDFW salmon rack.
 - (ii) Closed from the I-5 Bridge to the Old Highway 99 Bridge September 1 through November 30.
 - (iii) Open the first Saturday in June through November 30:
 - (A) Selective gear rules apply.
 - (B) Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (c) From the Hickson Bridge upstream:
 - (i) Open the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
- (304) **Sammamish Lake (King County):**
 - (a) Closed to fishing within 100 yards of the mouth of Issaquah Creek August 16 through November 30.
 - (b) January 1 through April 30: It is unlawful to use anything other than single-point barbless hooks.
 - (c) Kokanee: Catch and release only.
 - (d) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.
 - (e) Salmon:
 - (i) Open August 16 through November 30.
 - (ii) Limit 4; anglers may only retain 2 Chinook.
 - (iii) Release all sockeye.
- (305) **Sammamish River (Slough) (King County):** From the 68th Avenue N.E. Bridge to Lake Sammamish:
 - (a) Open from January 1 through August 31.
 - (b) Selective gear rules apply.
 - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (d) Trout: Catch and release only.
- (306) **Sauk River (Skagit/Snohomish counties):**
 - (a) Selective gear rules apply.
 - (b) Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (c) From the mouth to the mouth of the White Chuck River:
 - (i) Open the first Saturday in June through January 31.
 - (ii) From the mouth to Darrington Bridge: It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (d) From the mouth of the White Chuck River to the headwaters, including the North Fork and the South Fork upstream to Elliot Creek: Open the first Saturday in June through October 31.
- (e) In the South Fork upstream from Elliot Creek: Open the first Saturday in June through August 31.
- (307) **Sawyer, Lake (King County):**
 - (a) Chumming is permissible.
 - (b) Crappie: Limit 10; minimum length 9 inches.
- (308) **Scatter Creek (King County) (White River tributary):** Open the first Saturday in June through October 31.
- (309) **Scatter Creek (Thurston County) (Chehalis River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (310) **Schneider Creek (Thurston County):** From the mouth to the falls:
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum size 14 inches.
- (311) **Serene Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (312) **Shady Lake (King County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Trout: It is unlawful to retain more than one trout over 14 inches in length.
- (313) **Shannon, Lake (Skagit County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Chumming is permissible.
 - (c) Trout: Minimum length 6 inches and maximum length 18 inches.
- (314) **Shelton Creek (Mason County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Catch and release only.
- (315) **Sherman Creek (Thurston County) (Chehalis River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (316) **Sherwood Creek (Mason County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Catch and release only.
- (317) **Sherwood Creek Mill Pond (Mason County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Trout: Limit 2; minimum length 14 inches.
- (318) **Shoe Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (319) **Silesia Creek (Chiliwack River tributary) (Whatcom County):** Open the first Saturday in June through October 31.
- (320) **Silver Creek (Skagit County) (Samish River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (321) **Silver Creek (Whatcom County) (Nooksack River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (322) **Silver Lake (Pierce County):**
 - (a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(323) **Silver Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

(324) **Sixteen Lake (Skagit County):** Open the fourth Saturday in April through October 31.

(325) **Skagit River (Skagit/Whatcom counties):**

(a) From the mouth to Cascade River Road: Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull Trout with a minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

(i) Open March 1 through January 31: Release game fish, excluding trout, March 1 through May 31.

(ii) March 1 through (~~August~~) July 31:

(A) Selective gear rules apply.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iii) Salmon:

(A) Open September 1 through December 31 in years ending in even numbers.

(B) Open August 1 through December 31 in years ending in odd numbers.

(C) Limit 4; anglers may retain up to 2 wild coho as part of the limit.

(D) Release Chinook and chum.

(c) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

(i) Open June 1 through January 31.

(ii) June 1 through November 30:

(A) September 1 through November 30: Anti-snagging rule applies.

(B) Night closure in effect.

(C) June 1 through June 13 and June 30 through August 31: Selective gear rules apply.

(D) June 1 through June 13 and June 30 through August 31: It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iii) Salmon:

(A) Open June (~~(14)~~) 16 through (~~(June 29)~~) July 15; Limit (~~(2)~~) 3 sockeye only.

(B) Open September 1 through December 31 in years ending in even numbers.

(C) Open August 1 through December 31 in years ending in odd numbers.

(D) Limit 4 salmon; anglers may retain up to 2 wild coho as part of the limit.

(E) Release Chinook and chum.

(d) From Gilligan Creek to The Dalles Bridge at Concrete:

(i) Open June 1 through January 31.

(ii) June 1 through November 30:

(A) September 1 through November 30: Anti-snagging rule applies.

(B) Night closure in effect.

(C) From June 1 through August (~~(31)~~) 15: Selective gear rules apply.

(D) From June 1 through August (~~(31)~~) 15: It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iii) Salmon:

(A) In years ending in even numbers, open September 1 through December 31.

(B) In years ending in odd numbers, open August 16 through December 31.

(C) Limit 4 salmon; anglers may retain up to 2 wild coho as part of the limit.

(~~(C)~~) (D) Release Chinook and chum.

(e) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(i) Open June 1 through January 31.

(ii) June 1 through August 31: Closed between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.

(iii) June 1 through November 30:

(A) September 1 through November 30: Anti-snagging rule applies.

(B) Night closure in effect.

(C) June 1 through August 31: Selective gear rules apply.

(D) June 1 through August 31: It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) Salmon:

(A) Open September 1 through December 31.

(B) Limit 4 salmon; anglers may retain up to 2 wild coho as part of the limit.

(C) Release Chinook and chum.

(f) From the Highway 530 Bridge at Rockport to the Cascade River Road:

(i) Open June 1 through February 15.

(ii) June 1 through November 30:

(A) September 1 through November 30: Anti-snagging rule applies.

(B) Night closure in effect.

(C) July 16 through August 31: Selective gear rules apply.

(D) July 16 through August 31: It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iii) Salmon:

(A) Open June 1 through July 15:

(I) Limit 4 hatchery Chinook only.

(II) Only 2 adult hatchery Chinook may be retained as part of the limit.

(B) Open September 1 through December 31.

(I) Limit 4 salmon; anglers may retain up to 2 wild coho as part of the limit.

(II) Release Chinook and chum.

(g) From Cascade River Road to the Gorge Powerhouse:

(i) Open June 1 through January 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish except anglers may retain up to 2 hatchery steelhead.

(h) Gorge and Diablo lakes' tributary streams and their tributaries, except Stetattle Creek: Open the first Saturday in June through October 31.

(326) Skokomish River (Mason County):

(a) From the mouth to the Tacoma powerlines: Closed.

(b) From the ~~((mouth))~~ Tacoma powerlines to the Highway 106 Bridge:

(i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use anything other than single point, barbless hooks.

(iii) September 15 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gillnets.

(iv) August 1 through September 1: Leaders must measure 48 inches or less in length.

(v) Salmon:

(A) Open August 1 through September 1:

(I) Limit 2; anglers must keep the first two fish caught ~~((if legal to do so))~~ provided they are legal to retain.

(II) Release chum and wild Chinook.

(B) Open September 15 through December 15:

(I) Limit 6; no more than 4 adults may be retained.

(II) Release Chinook; release chum through October 15.

~~((b))~~ (c) From the Highway 106 Bridge to the ~~((Highway 101 Bridge))~~ mouth of Purdy Creek:

(i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.

(ii) ~~((August 1))~~ July 24 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use anything other than single point, barbless hooks.

(iii) September 15 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gillnets.

(iv) July 24 through September 1: Leaders must measure 48 inches or less in length.

(v) July 24 through July 31: Bait or lure must be suspended below a float.

(vi) Salmon:

(A) Open July 24 through July 31:

(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.

(II) Release chum and wild Chinook.

(B) Open August 1 through August 21 on Fridays, Saturdays, and Sundays only:

(I) Limit 2; anglers must keep the first two fish caught if legal to do so.

(II) Release chum and wild Chinook.

~~((B))~~ (C) Open August 22 through September 1:

(I) Limit 2; anglers must keep the first two fish caught ~~((if legal to do so))~~ provided they are legal to retain.

(II) Release chum and wild Chinook.

~~((C))~~ (D) Open September 15 through December 15:

~~((F))~~ Limit 6; no more than 4 adults may be retained.

~~((H))~~ Release Chinook; release chum through October 15.

~~((e))~~ (d) From the mouth of Purdy Creek to the Highway 101 Bridge:

(i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.

(ii) July 24 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use anything other than single-point, barbless hooks.

(iii) September 15 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gill-nets.

(iv) July 24 through September 1:

(A) Leaders must measure 48 inches or less in length.

(B) Bait or lures must be suspended below a float.

(v) Salmon:

(A) Open July 24 through September 1:

(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.

(II) Release chum and wild Chinook.

(C) Open September 15 through December 15:

(I) Limit 6; no more than 4 adults may be retained.

(II) Release Chinook; release chum through October 15.

~~((e))~~ From the Highway 101 Bridge upstream to the forks:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(327) Skokomish River, North Fork (Mason County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(d) From the mouth to the lower dam: Open the first Saturday in June through October 31.

(e) Above Lake Cushman, from the mouth to Olympic National Park boundary: Open the first Saturday in June through August 31.

(328) Skokomish River, South Fork (Mason County):

(a) From the mouth to the mouth of LeBar Creek:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From the mouth of Rule Creek to the headwaters:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Minimum length 12 inches.

(329) Skookum Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(330) **Skookum Creek (Whatcom County):** From the mouth of Arlecho Creek upstream, including Arlecho Creek and all other tributaries: Open the Saturday before Memorial Day through October 31.

(331) **Skookumchuck Reservoir (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) Trout: Daily limit 2; minimum length 12 inches.

(332) **Skykomish River (Snohomish County):**

(a) From the mouth to the mouth of Wallace River:

(i) Open June 1 through January 31.

(ii) Anti-snagging rule applies and night closure in effect:

(A) August 1 through November 30 from the mouth to Lewis Street Bridge in Monroe; and

(B) June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River.

(iii) November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of twenty inches as part of the trout limit.

(v) Salmon:

~~(A) ((Open June 1 through July 31: Limit 4 hatchery Chinook; no more than 2 of which may be adults.~~

~~(B))~~ For years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 3 coho only.

~~((C))~~ (B) For years ending in odd numbers:

(I) Open August 16 through December 31 from the mouth to Lewis Street Bridge in Monroe.

(II) Open September 1 through December 31 from the Lewis Street Bridge to Wallace River.

(III) Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From the mouth of the Wallace River to the forks:

(i) Open June 1 through January 31.

(ii) From the Highway 2 Bridge at the Gold Bar/Big Eddy Access to the confluence of the North and South Forks: Also open February 1 through February 15.

(iii) August 1 through November 30: Anti-snagging rule applies and night closure in effect.

(iv) June 1 through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

(v) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(vi) Salmon:

(A) Open September 1 through December 31.

(B) For years ending in even numbers: Limit 3 coho only.

(C) For years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(333) **Skykomish River, North Fork (Snohomish County):**

(a) From the mouth to 1,000 feet downstream of Bear Creek Falls:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(b) From Deer Falls (about 1/4 mile upstream of Goblin Creek) upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

(334) **Skykomish River, South Fork (King/Snohomish counties):**

(a) From the mouth to 600 feet downstream from the Sunset Falls fishway:

(i) Open the first Saturday in June through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(b) From Sunset Falls to the source, including all tributaries and their tributaries:

(i) Open the first Saturday in June through November 30.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(iv) December 1 through the last day in February:

(A) All tributaries of this river section are closed.

(B) Open for whitefish only; release all other fish.

(335) **Sloan Creek (Snohomish County) (Sauk River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(336) **Smith Creek (Whatcom County) (Nooksack River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(337) **Snohomish River (Snohomish County):**

(a) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

(i) Open the first Saturday in June through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies; however anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(iv) Salmon:

(A) For years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 3 coho only.

(B) For years ending in odd numbers:

(I) Open August 1 through December 31.

(II) Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers (all channels):

(i) Open the first Saturday in June through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(iv) Salmon:

(A) For years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 3 coho only.

(B) For years ending in odd numbers:

(I) Open August 16 through December 31.

(II) Limit 3 plus 1 additional pink; release Chinook and chum.

(338) Snoqualmie River (King County):

(a) From the mouth to Snoqualmie Falls:

(i) Closed within the Puget Power tunnel at the falls and within 50 feet of any point on Puget Power's lower Plant #2 building (north bank).

(ii) From the first Saturday in June through November 30: Selective gear rules apply.

(iii) September 1 through November 30: Night closure in effect.

(iv) From the mouth to the boat ramp at the Plum access: Open the first Saturday in June through January 31.

(v) From the boat ramp at the Plum access to the falls: Open the first Saturday in June through February 15.

(vi) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).

(vii) Trout: Minimum length 14 inches.

(viii) Salmon open September 1 through December 31.

(A) For years ending in even numbers: Limit 3 coho only.

(B) For years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From Snoqualmie Falls upstream, including the North and South Forks:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open the Saturday before Memorial Day through October 31: Trout minimum length 10 inches.

(iv) Open November 1 through the Friday before the first Saturday in June: Catch and release only.

(c) Snoqualmie River tributaries upstream of the falls, and the tributaries of the North and South Forks (except Tate, Sunday and Phillapa creeks): Open the Saturday before Memorial Day through October 31.

(d) In the Snoqualmie River Middle Fork from the mouth to the source, including all tributaries except Pratt and Taylor rivers:

(i) Open year-round.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(339) South Prairie Creek (Pierce County): Open the Saturday before Memorial Day through October 31 from the city of Buckley diversion dam upstream.

(340) Spada Lake (Reservoir) (Snohomish County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Maximum length 12 inches.

(341) Spada Lake (Reservoir) tributaries (Snohomish County): Closed.

(342) Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County):

(a) Open year-round.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(343) Spencer Lake (Mason County): It is unlawful to retain more than 2 trout over 14 inches in length.

(344) Squalicum Creek (Whatcom County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(345) Squalicum Lake (Whatcom County):

(a) Open for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Trout: Limit 2.

(346) Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(347) Steel Lake (King County): Open the fourth Saturday in April through October 31.

(348) Steilacoom Lake (Pierce County): It is unlawful to retain more than 2 trout over 14 inches in length.

(349) Stetattle Creek (Whatcom County): Open the first Saturday in June through October 31 above the mouth of Bucket Creek (approximately 1.5 miles upstream).

(350) Stevens, Lake (Snohomish County):

(a) Chumming is permissible.

(b) Kokanee: Limit 10; kokanee do not count toward the trout limit.

(351) Steves Lake (Mason County): Open the fourth Saturday in April through October 31.

(352) Stickney Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(353) Stillaguamish River (Snohomish County):

(a) From the mouth to Marine Drive, including all sloughs:

(i) Open year-round.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies; however anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon open September 1 through December 31.

(A) For years ending in even numbers: Limit 2 coho only.

(B) For years ending in odd numbers: Limit 2 plus 2 additional pink; release Chinook and chum.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed.

(ii) Open the first Saturday in June through November 30.

(A) Selective gear rules apply.

(B) Night closure in effect from August 1 through November 30.

(C) Release all fish except anglers may retain up to 2 hatchery steelhead.

(iii) Open December 1 through January 31:

(A) Trout: Minimum length 14 inches.

(B) Salmon open September 1 through December 31.

(I) For years ending in even numbers: Limit 2 coho only.

(II) For years ending in odd numbers: Limit 2 plus 2 additional pink; release Chinook and chum.

(354) Stillaguamish River, North Fork (Snohomish County):

(a) From the North Fork mouth to the mouth of French Creek:

(i) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(iii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(iv) Open the first Saturday in June through January 31:

(A) From the first Saturday in June through November 30:

(I) Fly fishing only.

(II) Release all fish except anglers may retain up to 2 hatchery steelhead.

(B) From December 1 through January 31: Trout minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) Open the first Saturday in June through February 15:

(A) From the first Saturday in June through November 30:

(I) Fly fishing only.

(II) Release all fish except anglers may retain up to 2 hatchery steelhead.

(B) December 1 through February 15: Trout minimum length 14 inches.

(c) From Swede Heaven Bridge to the falls approximately one mile upstream of Cascade Creek:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(d) Upstream of the falls, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

(355) Stillaguamish River, South Fork (Snohomish County):

(a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:

(i) Open the first Saturday in June through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(b) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:

(i) Open the first Saturday in June through November 30.

(ii) Selective gear rules apply.

(iii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(356) Stimson Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply

(c) Catch and release only.

(357) Storm Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(358) Straight Creek (Snohomish County) (Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(359) Stump Lake (Mason County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion engine.

(c) Trout: It is unlawful to retain more than 2 trout over 15 inches in length.

(360) Suiattle River (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of trout limit.

(361) Sulphur Creek (Snohomish County) (Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(362) Sultan River (Snohomish County):

(a) From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:

(i) Open the first Saturday in June through January 31.

(ii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(b) Upstream of the diversion dam to Culmback Dam: Open the first Saturday in June through October 31.

(363) Sumas River (Whatcom County): Open the first Saturday in June through October 31, including all tributaries except Johnson Creek.

(364) Summit Lake (Thurston County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length, except there are no size restrictions for kokanee.

(365) Susan Lake (Thurston County):

(a) Selective gear rules apply.

(b) Catch and release only.

(366) Swamp Creek (tributary to Sammamish River)

(Snohomish/King counties): Open the first Saturday in June through August 31 for juvenile anglers only.

(367) Swan's Mill Pond (Stossel Creek) (King County): Open the first Saturday in June through October 31.

(368) Symington Lake (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(369) Tahuya River (Mason County):

(a) From the mouth to the steel bridge approximately 1 mile upstream of North Shore Road Bridge:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) October 1 through October 31: Night closure in effect.

(v) Release all gamefish.

~~((vi) Salmon open October 1 through October 31: Limit 2 coho only.))~~

(b) From the steel bridge approximately one mile upstream of North Shore Road Bridge upstream:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) October 1 through October 31: Night closure in effect.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) Catch and release only.

(370) Tanwax Creek (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(371) Tanwax Lake (Pierce County):

(a) Open the fourth Saturday in April through October 31.

(b) Crappie: Limit 10; minimum length 9 inches.

(c) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(372) Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Open year-round.

(373) Taylor River (tributary to the Middle Fork Snoqualmie) (King County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(374) Tee Lake (Mason County): It is unlawful to retain more than 2 trout over 14 inches in length.

(375) Tenmile Creek (Whatcom County) (Nooksack River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(376) Tenas Creek (Skagit County) (Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(377) Tenas Lake (Mason County): Open the fourth Saturday in April through October 31.

(378) Tennant Lake (Whatcom County): It is unlawful to fish from any floating device from the first Friday in October through January 27.

(379) Terrell Creek (Whatcom County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(380) Terrell, Lake (Whatcom County): It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.

(381) Thomas Creek (Skagit County) (Samish River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(382) Thompson Creek (Thurston County) (Skookumchuck River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(383) Thornton Creek (tributary to Lake Washington) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.

(384) Thornton Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Release all fish except anglers may retain up to 2 hatchery steelhead.

(385) Tibbetts Creek (tributary to Lake Sammamish) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.

(386) Tiger Lake (Kitsap/Mason counties):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(387) Toad Lake (Whatcom County): Open the fourth Saturday in April through October 31.

(388) Tokul Creek (King County) (Snoqualmie River tributary):

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed to fishing from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rule applies.

(iii) Trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted cable boundary marker located approximately 400 feet downstream of the hatchery intake:

(i) Open January 15 through February 15, except closed to fishing from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rule applies.

(iii) Trout: Minimum length 14 inches.

(c) From Tokul Road S.E. upstream, including all tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

(389) Tolt River (King County):

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

(i) Open the first Saturday in June through January 31.

(ii) From the first Saturday in June through November 30: Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(b) From the falls upstream, on the North Fork, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(c) On the South Fork, from the dam upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 10 inches.

(390) Trail's End Lake (Mason County): It is unlawful to retain more than 2 trout over 14 inches in length.

(391) Twin Lake (Mason County): It is unlawful to retain more than 2 trout over 14 inches in length.

(392) Tye River (King County):

(a) From Foss River to Alpine Falls:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(iv) Open November 1 through the last day in February for whitefish only; release all other fish.

(b) From Alpine falls upstream, and all tributaries to the Tye River, including their tributaries: Open the first Saturday in June through October 31.

(393) U Lake (Mason County): Open the fourth Saturday in April through October 31.

(394) Uncle John Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(395) Union River (Mason County):

(a) From the mouth to the North Shore Road Bridge:

(i) Open the first Saturday in June through August 15.

(ii) Catch and release only.

(b) From the North Shore Road Bridge to the lower bridge on Old Belfair Highway:

(i) Open the first Saturday in June through August 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(c) From the lower bridge on Old Belfair Highway upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(396) Vogler Lake (Skagit County):

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) Catch and release only.

(397) Voight Creek (Pierce County): Open the Saturday before Memorial Day through October 31 from the falls, approximately 4.0 river miles upstream of the mouth and under the power lines, upstream.

(398) Waddell Creek (Thurston County) (Black River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(399) Wagners Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(400) Walker Lake (King County): Open the fourth Saturday in April through October 31.

(401) Wallace River (Snohomish County):

(a) From the mouth to 363rd Ave. S.E./Reece Rd:

(i) Open from the first Saturday in June through February 15.

(ii) From June 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) From November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(v) Salmon open September 16 through November 30:

(A) In years ending in even numbers: Limit 3 coho only.

(B) In years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From 363rd Avenue S.E./Reece Road to 200 feet upstream of the water intake of the salmon hatchery:

(i) Open September 16 through February 15.

(ii) September 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(v) Salmon open September 16 through November 30:

(A) In years ending in even numbers: Limit 3 coho only.

(B) In years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(c) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:

(i) Open November 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(d) From Wallace Falls upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

(402) Wapato Lake (Pierce County): Open to juvenile anglers only.

(403) Ward Lake (Thurston County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

(404) Washington Creek (Mason County): Open the first Saturday in June through October 31.

(405) Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County):

(a) Open year-round.

(b) It is unlawful to fish from a floating device within 100 yards of either side of the floating bridges.

(c) Chumming is permissible.

(d) Trout:

(i) December 1 through the last day in February: Release steelhead and rainbow trout over 20 inches in length.

(ii) March 1 through June 30:

(A) Minimum length 12 inches.

(B) Release steelhead and rainbow trout over 20 inches in length.

(e) Salmon:

(i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.

(ii) Limit 4 coho only.

(406) Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):

(a) West of the Fremont Bridge: It is unlawful to fish from a floating device.

(b) East of the Fremont Bridge: Chumming is permissible.

(c) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed.

(d) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) Open year-round for game fish.

(ii) Trout:

(A) Open December 1 through the last day in February: No minimum length.

(B) Open March 1 through June 30: Minimum length 12 inches.

(C) Open July 1 through November 30: No minimum length.

(D) Release steelhead and rainbow trout over 20 inches in length.

(407) Waughop Lake (Pierce County): Landlocked salmon rules apply.

(408) Whatcom Creek (Whatcom County):

(a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:

(i) Open the first Saturday in June through the last day in February.

(ii) August 1 through December 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through December 30.

(A) Limit 6; anglers may retain up to 2 adult salmon.

(B) Anglers fishing lawfully within 50 yards of the Bellingham Technical College Hatchery Collection Tube and on the hatchery side of the creek that hook and land chum salmon may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

(b) From the footbridge below Dupont Street in Bellingham to Woburn Street Bridge:

(i) Open the first Saturday in June through the last day in February.

(ii) August 1 through December 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(c) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom:

(i) Open the fourth Saturday in April through October 31 for juvenile anglers only.

(ii) August 1 through October 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: No minimum length.

(409) Whatcom, Lake (Whatcom County):

(a) Open the fourth Saturday in April through October 31, except the waters between the Electric Avenue Bridge and the outlet dam are closed.

(b) Cutthroat trout: Catch and release only.

(410) Whatcom, Lake, tributaries (Whatcom County): Closed.

(411) White Creek (Skagit County) (Sauk River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(412) White (Stuck) River (Pierce County):

(a) From the mouth to R Street Bridge in Auburn:

(i) Open October 1 through October 31:

(A) Fly fishing only.

(B) Catch and release only.

(ii) Open November 1 through January 15: Trout minimum length 14 inches.

(iii) October 1 through January 15:

(A) Selective gear rules apply.

(B) Night closure in effect.

(b) From R Street Bridge to the Highway 410 Bridge at Buckley:

(i) Open October 1 through October 31, except closed in the Puget Power canal, including the screen bypass channel above the screen at Dingle Basin.

(ii) Selective gear rules apply.

(iii) Night closure in effect.

(iv) Trout: Minimum length 14 inches.

(c) From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) upstream to the source:

(i) Open July 1 through October 31.

(A) October 1 through October 31: Night closure in effect.

(B) Selective gear rules apply.

(C) Catch and release only.

(ii) Open for whitefish only November 1 through January 31; whitefish gear rules apply.

(413) **Whitechuck River (Snohomish County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(414) **Wildberry Lake (Mason County):** Open the fourth Saturday in April through October 31.

(415) **Wildcat Lake (Kitsap County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(416) **Wilderness Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules apply.

(417) **Wilkeson Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence with Gale Creek:** Open the first Saturday in June through October 31.

(418) **Woodard Creek (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(419) **Wood Lake (Mason County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(420) **Woodland Creek (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(421) **Woods Creek, East Fork (Snohomish County) (Skykomish River tributary):** Open the first Saturday before Memorial Day through October 31 upstream of Old Pipeline Road above Woods Creek Falls, including tributaries and beaver ponds.

(422) **Wooten Lake (Mason County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(423) **Wye Lake (Kitsap County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(424) **Youngs Creek (Snohomish County) (Skykomish River tributary) (Elwell Creek tributary, Skykomish River tributary near town of Sultan):** Open the Saturday before Memorial Day through October 31 above Potson Road (299th Avenue S.E. Bridge) including all tributaries and beaver ponds.

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

AMENDATORY SECTION (Amending WSR 15-06-065 and 15-06-006, filed 3/4/15 and 2/20/15, effective 7/1/15)

WAC 220-310-195 Freshwater exceptions to statewide rules—Eastside. (1) Countywide freshwater exceptions to statewide rules:

(a) All lake, pond, and reservoir inlets and outlets and irrigation canals, wasteways, and drains in Grant and Adams counties (except Crab Creek, Rocky Ford Creek and Ponds, Columbia Basin Hatchery Creek, Bobcat Creek, Coyote Creek, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round.

(b) In Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.

(c) In Ferry, Lincoln, and Stevens counties:

(i) Unless otherwise provided in this section, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby, Nancy, and Onion creeks are open the Saturday before Memorial Day through October 31.

(ii) Trout: Limit 5, no minimum length.

(2) **Aeneas Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31 for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Trout: Limit one.

(3) **Ahtanum Creek, including North and Middle Forks (Yakima County):**

(a) Selective gear rules apply.

(b) ~~Trout minimum length ten inches.~~

(c) In the North Fork, open from the mouth to Grey Rock Trailhead Bridge crossing and upstream from the mouth of Shellneck Creek.

~~((=)) (d) In the Middle Fork, open from the mouth to the A2000 Road Spur Road Bridge in NE Section 34 and upstream of the A2000 Road Bridge at Tree Phones Campground. ((Trout minimum length ten inches.))~~

(4) **Alta Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(5) **Amber Lake (Spokane County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Open March 1 through November 30.

(i) From March 1 through the Friday before fourth Saturday in April, and October 1 through November 30: Catch and release only.

(ii) From the fourth Saturday in April through September 30:

(A) Trout: Limit two; minimum length fourteen inches.

(B) Release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin.

(6) **American River (Yakima County):**

(a) Selective gear rules apply.

(b) From the Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8:

(i) Open the first Saturday in June to July 15.

(ii) Open September 16 to October 31.

(c) From the mouth to the Highway 410 Bridge at river mile 5.4 and upstream of the Mesatchee Creek Trail river crossing at river mile 15.8: Open the first Saturday in June through October 31.

(d) Trout minimum length ten inches in the mainstem only.

(e) American River tributaries, except Union and Kettle creeks: Open.

(7) **Amon Wasteway (Benton County):**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

(8) **Asotin Creek, mainstem and forks (Asotin County):**

(a) It is unlawful to fish for steelhead.

(b) From SR 129 Bridge upstream to the forks: It is permissible to fish up to the base of Headgate Dam.

(c) Asotin mainstem and the mainstem North Fork from the mouth upstream to the USFS boundary: Selective gear rules apply.

(d) North Fork from the USFS boundary upstream and all other tributaries: Closed.

(e) South Fork and tributaries: Closed.

(9) **B.C. Mill Pond (Stevens County):** Open the fourth Saturday in April through October 31.

(10) **Badger Lake (Spokane County):** Open the fourth Saturday in April through September 30.

(11) **Banks Lake (Grant County):**

(a) Chumming is permissible.

(b) Crappie: Limit 10; minimum size 9 inches.

(c) Perch: Limit twenty-five.

(12) **Bayley Lake (Stevens County):**

(a) Inlet stream: Closed.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Open the fourth Saturday in April through October 31.

(i) From the fourth Saturday in April through July 4: Trout limit one; minimum length 14 inches.

(ii) From July 5 through October 31: Catch and release only.

(13) **Bear Creek (Yakima County) (tributary to South Fork Tieton River):** Open upstream of the Bear Creek Falls, approximately 3/4 mile upstream of USFS Road 1070.

(14) **Bear Lake (Spokane County):** Open to juvenile anglers, licensed adults accompanied by a juvenile, and anglers with a disability who possess a designated harvester companion card only.

(15) **Beaver Lake (Columbia County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(16) **Beaver Lake (Big) (Okanogan County):** Open the fourth Saturday in April through October 31.

(17) **Beaver Lake (Little) (Okanogan County):** Open the fourth Saturday in April through October 31.

(18) **Beda Lake (Grant County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

(19) **Beehive (Lake) Reservoir (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) From July 5 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(20) **Bennington Lake (Mill Creek Reservoir) (Walla Walla County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(21) **Beth Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(22) **Big Four Lake (Columbia County):**

(a) Open March 1 through October 31 for fly fishing only.

(b) It is unlawful to fish from any floating device.

(c) Trout: Limit two.

(23) **Big Meadow Creek (Chelan County):** From the mouth upstream:

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout: Catch and release only.

(ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) Big Meadow Creek tributaries from the mouth of Big Meadow Creek upstream: Open the Saturday before Memorial Day through October 31.

(24) **Big Meadow Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(25) **Big Tiffany Lake (Okanogan County):**

(a) Eastern brook trout: No limit; eastern brook trout do not count toward the trout limit.

(b) Cutthroat: Limit two.

(26) **Big Twin Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(27) **Bird Creek (Klickitat County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: Limit 5.

- (28) **Blackbird Island Pond (Chelan County):** Open July 1 through September 30 for juvenile anglers only.
- (29) **Black Lake (Okanogan County):**
- Selective gear rules apply.
 - It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (30) **Black Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (31) **Blockhouse Creek (Klickitat County):** Trout limit five.
- (32) **Blue Lake (Columbia County):**
- It is unlawful to fish from any floating device.
 - Trout: It is unlawful to retain more than 2 trout over 13 inches in length.
- (33) **Blue Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (34) **Blue Lake (near Sinlahekin) (Okanogan County):**
- Open the fourth Saturday in April through October 31.
 - Selective gear rules apply.
 - It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
 - Trout: Limit one.
- (35) **Blue Lake (near Wannacut Lake) (Okanogan County):**
- Open the Fourth Saturday in April through October 31.
 - Selective gear rules apply.
 - It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - Trout: Limit one.
- (36) **Bobcat Creek and Ponds (Adams County):** Open April 1 through September 30.
- (37) **Bonaparte Creek (Okanogan County):**
From the falls upstream to river mile 1.0, including all tributaries:
- Open the Saturday before Memorial Day through October 31.
 - Bass: No limit and no size restrictions.
 - Channel catfish: No limit.
 - Walleye: No limit and no size restrictions.
- (38) **Bonaparte Lake (Okanogan County):**
- It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
 - Trout: It is unlawful to retain more than one trout over twenty inches in length.
- (39) **Boulder Creek and tributaries (Okanogan County):**
- From the mouth to the barrier falls at river mile 1.0:
 - Open the Saturday before Memorial Day through August 15:
 - Selective gear rules apply.
 - Catch and release only.
 - From barrier falls at river mile 1.0 upstream, including all tributaries:
 - Open the Saturday before Memorial Day through October 31:
 - Eastern brook trout: Limit 10; eastern brook trout do not count toward the trout limit.
 - Cutthroat: Limit 2.
 - Bowman Creek (Klickitat County):** From Canyon Creek upstream to source: Trout limit 5.
 - Box Canyon Creek and tributaries (Kittitas County):** Upstream from the 20 foot waterfall approximately 2 miles upstream of the mouth(=) to the USFS Road #4930 Bridge: Selective gear rules apply. Open the first Saturday ((before Memorial Day)) in June through October 31.
 - Browns Creek (Pend Oreille County):**
 - Open the Saturday before Memorial Day until October 31.
 - Fly fishing only.
 - Browns Lake (Pend Oreille County):**
 - Open the fourth Saturday in April through October 31.
 - Fly fishing only.
 - It is unlawful to fish from a floating device equipped with a motor.
 - Trout: It is unlawful to retain more than one trout greater than 11 inches in length.
 - Buck Creek and tributaries (Chelan County):**
 - Open the Saturday before Memorial Day through October 31 from the mouth of Buck Creek upstream.
 - Selective gear rules apply.
 - It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - Bumping Lake (Reservoir) (Yakima County):**
 - It is permissible to fish two poles, so long as the angler possesses a valid two-pole endorsement.
 - Chumming is permissible.
 - Kokanee: Limit sixteen; kokanee do not count towards the trout limit.
 - Bumping River (Yakima County):**
 - It is permissible to fish up to the base of Bumping Dam.
 - From the mouth to Bumping Reservoir, including all tributaries except American River:
 - Selective gear rules apply.
 - Trout minimum size ten inches.
 - From Bumping Lake upstream, including all tributaries except Deep Creek: Open the Saturday before Memorial Day through October 31.
 - Burbank Slough (Walla Walla County):** It is unlawful to fish from any floating device in the area east and north of Highway 12, except for the channel east of Highway 12 up to the fish screen at the Number 3 Pumping Station.
 - Burke Lake (Grant County):** Open March 1 through July 31.
 - Buttermilk Creek (Okanogan County), including all tributaries:**
 - Open the Saturday before Memorial Day through August 15.
 - Catch and release only.
 - Selective gear rules apply.
 - Buzzard Lake (Okanogan County):**
 - Open the fourth Saturday in April through October 31.
 - Selective gear rules apply.

- (c) Trout: Limit one.
- (51) Caldwell Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Trout: Limit two; minimum length twelve inches.
- (52) Caliche Lakes, Upper (Grant County):** Open March 1 through July 31.
- (53) Calispell Creek (Calispell River) (Pend Oreille County):**
- (a) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
- (b) From the mouth to Calispell Lake: Open year-round.
- (c) From Calispell Lake upstream to the source:
- (i) Selective gear rules apply.
- (ii) Open the Saturday before Memorial Day through October 31.
- (54) Calispell Creek tributaries (Pend Oreille County):**
- (a) Open the Saturday before Memorial Day through October 31.
- (b) Selective gear rules apply.
- (c) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
- (55) Campbell Lake (Okanogan County):**
- (a) Open year-round.
- (b) April 1 through August 31.
- (i) Selective gear rules apply.
- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iii) Catch and release only.
- (56) Carl's Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (57) Cascade Lake (Grant County):** Open March 1 through July 31.
- (58) Cattail Lake (Grant County):** Open April 1 through September 30.
- (59) Cedar Creek (Okanogan County):**
- (a) From the mouth to Cedar Falls: Open the Saturday before Memorial Day through August 15.
- (i) Selective gear rules apply.
- (ii) Catch and release only.
- (b) Cedar Creek and all tributaries above Cedar Falls:
- (i) Open the Saturday before Memorial Day through October 31.
- (ii) Selective gear rules apply.
- (60) Cedar Creek and tributaries (Pend Oreille County):**
- (a) Open the Saturday before Memorial Day through October 31.
- (b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
- (61) Cedar Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (62) Chain Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Release all kokanee.
- (63) Chapman Lake (Spokane County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Chumming is permissible.
- (c) Kokanee: Limit ten; kokanee do not count toward the trout limit.
- (64) Chelan Lake (Chelan County):**
- (a) South of a line from Purple Point at Stehekin and Painted Rocks:
- (i) Within 400 feet of all tributaries: Closed.
- (ii) Trout:
- (A) Release wild cutthroat.
- (B) Kokanee and lake trout do not count toward the trout limit.
- (iii) Kokanee: Limit 10; no minimum size.
- (iv) Lake trout: No limit; no minimum size.
- (v) Salmon open year round: Daily limit 1; no minimum size.
- (b) North of a line between Purple Point at Stehekin and Painted Rocks:
- (i) Lake trout open year-round: No limit.
- (ii) Salmon open year-round: Limit 1; minimum length 15 inches.
- (iii) From August 1 through March 31:
- (A) Trout:
- (I) Release wild cutthroat.
- (II) Kokanee and lake trout do not count toward the trout limit.
- (B) Kokanee: Limit 10.
- (65) Chelan Lake tributaries (Chelan County):**
- (a) Open August 1 through September 30 from the mouths upstream one mile, except Stehekin River.
- (b) Selective gear rules apply.
- (c) Trout: Release wild cutthroat.
- (66) Chelan River (Chelan County):**
- (a) From ~~((the railroad))~~ Alternate Highway 97 Bridge to the Chelan P.U.D. safety barrier below the power house:
- (i) Open May 15 through August 31.
- (ii) Barbless hooks are required for salmon and steelhead.
- (iii) July 1 through October 15: Anti-snagging rule and night closure in effect.
- (b) Trout: Catch and release only.
- (c) Salmon: Open ~~((September))~~ July 1 through October 15:
- (i) Limit 8; no more than 2 adult hatchery Chinook and no more than ~~((4))~~ 6 sockeye may be retained.
- (ii) Release coho and wild adult Chinook.
- (67) Chewuch River (Okanogan County):**
- (a) From the mouth to Eight Mile Creek:
- (i) Open the Saturday before Memorial Day through August 15.
- (ii) Selective gear rules apply.
- (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iv) Catch and release only.

(b) From the mouth to Pasayten Wilderness boundary falls: Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(c) From the Pasayten Wilderness boundary falls upstream, including tributaries: Open the Saturday before Memorial Day through October 31.

(68) Chikamin Creek and all tributaries (Chelan County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout are catch and release only.

(ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(69) Chiwaukum Creek and all tributaries from Fool Hen Creek upstream, not including Fool Hen Creek (Chelan County):

(a) Selective gear rules apply.

(b) Open the Saturday before Memorial Day through October 31.

(c) Chiwaukum Creek tributaries from mouth of Chiwaukum Creek to Fool Hen Creek, including Fool Hen Creek: Open the Saturday before Memorial Day through October 31.

(70) Chiwawa River and all tributaries from Buck Creek upstream, including Buck Creek (Chelan County):

(a) Selective gear rules apply.

(b) Open the Saturday before Memorial Day through October 31.

(c) Chiwawa River tributaries from the mouth to Buck Creek, except Big Meadow, Buck, Chikamin, Clear, Phelps and Rock creeks: Open the Saturday before Memorial Day through October 31.

(71) Chopaka Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31 for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Trout: Limit one.

(72) Chumstick Creek (Chelan County): From the mouth upstream:

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout, catch and release only.

(ii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) Chumstick Creek tributaries from the mouth of Chumstick Creek upstream: Open the Saturday before Memorial Day through October 31.

(73) Clear Creek (Chelan County): Closed.

(74) Clear Lake (Chelan County):

(a) Open the fourth Saturday in April through October 31.

(b) From July 5 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(75) Clear Lake (Spokane County): Open the fourth Saturday in April through October 31.

(76) Cle Elum Lake (Reservoir) (Kittitas County):

(a) Trout: Lake trout, brown trout, and eastern brook trout are not included in the trout limit.

(b) Kokanee: Minimum length 9 inches and maximum length 15 inches.

(77) Cle Elum River (Kittitas County):

(a) From the mouth to Cle Elum Dam:

(i) Open year-round.

(ii) Selective gear rules apply.

(iii) Trout: Catch and release only.

(iv) It is permissible to fish up to the base of Cle Elum Dam.

(v) December 1 through January 31: Whitefish gear rules apply.

(b) From above Cle Elum Lake to outlet of Hyas Lake (not including Tucquala Lake):

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Trout minimum size ten inches.

(c) All tributaries to Cle Elum River above Cle Elum Lake to outlet of Hyas Lake not otherwise provided for in this section: Open the Saturday before Memorial Day through October 31.

(78) Cliff Lake (Grant County): Open March 1 through July 31.

(79) Coffee Pot Lake (Lincoln County):

(a) Open March 1 through September 30.

(b) Selective gear rules apply.

(c) Crappie: Limit ten; minimum length nine inches.

(d) Trout: Limit one; minimum length eighteen inches.

(80) Columbia Basin Hatchery Creek (Grant County):

(a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.

(b) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(c) Trout: Limit 3; no minimum size.

(81) Columbia Park Pond (Benton County):

(a) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(b) All species: Limit 5 fish combined.

(82) Columbia River tributaries (all independent tributaries in Kittitas County between Wanapum Dam and Chelan County boundary line):

(a) Selective gear rules apply.

(b) Trout minimum size ten inches.

(83) Colville River (Stevens County):

(a) From the mouth to the bridge at town of Valley:

(i) Open year-round.

- (ii) Trout:
 - (A) Limit 5.
 - (B) From October 1 through November 30, no more than 2 brown trout may be retained.
- (iii) Walleye: Limit 16; no size restrictions.
- (b) All tributaries to Colville River, from the mouth to the bridge at the town of Valley, open the Saturday before Memorial Day through October 31.
- (c) From the bridge at the town of Valley upstream, including tributaries:
 - (i) Open the Saturday before Memorial Day through October 31.
 - (ii) Selective gear rules apply.
- (84) **Conconully Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (85) **Conconully Reservoir (Okanogan County):** Open the fourth Saturday in April through October 31.
- (86) **Conger Pond (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (87) **Conner Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (88) **Coot Lake (Grant County):** Open April 1 through September 30.
- (89) **Corral Creek (Benton County):**
 - (a) Selective gear rules apply.
 - (b) Trout minimum size ten inches.
- (90) **Cottonwood Creek (Lincoln County):** Open year-round.
- (91) **Cottonwood Creek (Walla Walla County):** Closed.
- (92) **Cougar Lake (Pasayten Wilderness) (Okanogan County):**
 - (a) Selective gear rules apply.
 - (b) It is permissible to fish two poles so long as the angler possesses a two-pole endorsement.
- (93) **Cougar Lake (near Winthrop) (Okanogan County):**
 - (a) Open year-round.
 - (b) Selective gear rules apply.
 - (c) From April 1 through August 31:
 - (i) Catch and release only.
 - (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (94) **Coyote Creek and Ponds (Adams County):** Open April 1 through September 30.
- (95) **Crab Creek (Adams/Grant/Lincoln counties):**
 - (a) From the mouth to Morgan Lake Road in Section 36: Open April 1 through September 30.
 - (b) From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed.
 - (c) From the confluence of the Moses Lake outlets to Sand Dune Rd. (including all tributaries):
 - (i) Open year-round.
 - (ii) For minimum size and limits see Potholes Reservoir Rules (Eastside Lakes).
 - (iii) All species from March 1 through May 31: Only one single-point hook 3/4 inch or less measured from point to shank may be used.
 - (d) From the fountain buoy and shoreline markers or 150' downstream of the Alder Street fill to Grant County Rd. 7 (including all tributaries except Columbia Basin Hatchery Creek):
 - (i) Open year-round.
 - (ii) For minimum size and limits see Moses Lake Rules (Eastside Lakes).
 - (iii) All species from March 10 through May 31: Only one single-point hook 3/4 inch or less measured from point to shank may be used.
- (e) Above Grant County Rd. 7 (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.
- (96) **Crawfish Lake (Okanogan County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (97) **Crescent Lake (Pend Oreille County):** Open the Fourth Saturday in April through October 31.
- (98) **Crystal Lake (Grant County):** Open March 1 through July 31.
- (99) **Cup Lake (Grant County):** Open March 1 through July 31.
- (100) **Curl Lake (Columbia County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) It is unlawful to fish from any floating device.
 - (c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.
- (101) **Dalton Lake (Franklin County):** It is unlawful to retain more than 2 trout over 13 inches in length.
- (102) **Davis Lake (Ferry County):** Open the fourth Saturday in April through October 31.
- (103) **Davis Lake (Okanogan County):**
 - (a) Open year-round.
 - (b) April 1 through August 31:
 - (i) Selective gear rules apply.
 - (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iii) Catch and release only.
- (104) **Davis Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (105) **Dayton Pond (Columbia County):**
 - (a) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.
 - (b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.
- (106) **Deadman Lake (Adams County):** Open April 1 through September 30.
- (107) **Deep Creek (tributary to Bumping Lake) (Yakima County):** Upstream from the waterfall approximately 1/3 mile above the second bridge crossing on USFS Road 1808 upstream: Open the Saturday before Memorial Day through October 31.
- (108) **Deep Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (109) **Deep Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (110) **Deer Lake (Columbia County):**
 - (a) Open March 1 through October 31.
 - (b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(111) **Deer (Deer Springs) Lake (Lincoln County):** Open the fourth Saturday in April through September 30.

(112) **Deer Lake (Stevens County):**

(a) Open March 1 through October 31.

(b) Trout: It is unlawful to retain more than two trout over thirty inches in length.

(113) **Diamond Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(114) **Dog Lake (Yakima County):** It is unlawful to retain more than 1 trout over 14 inches in length.

(115) **Domerie Creek (Kittitas County):**

(a) Selective gear rules apply.

(b) Trout minimum size ten inches.

(116) **Downs Lake (Lincoln/Spokane counties):**

(a) Open March 1 through September 30.

(b) Crappie: Limit ten; minimum length nine inches.

(117) **Dry Falls Lake (Grant County):**

(a) Open April 1 through November 30.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(118) **Dune Lake (Grant County):**

(a) Selective gear rules apply.

(b) Trout: Limit one.

(119) **Dusty Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(120) **Early Winters Creek (Okanogan County):** From the mouth upstream, including all tributaries except Cedar Creek:

(a) Open the Saturday before Memorial Day through August 15.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

(121) **East Little Walla Walla River (Walla Walla County):** Closed.

(122) **Eightmile Lake (Chelan County):** It is unlawful to retain more than two mackinaw as part of the trout limit.

(123) **Elbow Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(124) **Ell Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(125) **Ellen Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Release all fish, except anglers may retain up to five rainbow trout.

(126) **Eloika Lake (Spokane County):** Crappie limit ten; minimum length nine inches.

(127) **Lake Entiat (Col.R.) tributaries (Chelan/Douglas County):** Open the Saturday before Memorial Day through October 31 from Rocky Reach Dam to Wells Dam, except the Entiat River, Chelan River and Chelan Hatchery Creek.

(128) **Entiat River (Chelan County):**

(a) From ~~((the))~~ mouth ~~((Highway 97))~~ Railroad Bridge to ~~((Entiat Falls))~~ the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery):

(i) Open December 1 through March 31 for whitefish only.

(ii) Whitefish gear rules apply.

(b) Entiat River tributaries from the mouth to Entiat Falls, except the Mad River and Roaring Creek: Open the Saturday before Memorial Day through October 31.

(c) Entiat River and all tributaries above Entiat Falls:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Salmon:

(A) Open July 25 through September 30.

(B) Minimum length 12 inches.

(C) Limit 2 hatchery Chinook salmon.

(D) Selective gear rules and night closure in effect.

(iv) Trout:

(A) Limit 5; it is unlawful to retain more than one trout greater than 12 inches in length.

(B) Eastern brook trout: Limit 10. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(129) **Ephrata Lake (Grant County):** Closed.

(130) **Empire Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(131) **Esquatzel Coulee (Franklin County):** Open year-round.

(132) **Esquatzel Coulee, West Branch (Franklin County):** Open year-round ~~((, except closed September 1 through November 30 at West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River)).~~

(133) **Fan Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(134) **Ferry Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(135) **Fio Rito Lakes (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(136) **Fish Lake (Chelan County):**

(a) Perch: Limit 25.

(b) Trout: It is unlawful to retain more than 2 trout over 15 inches in length.

(137) **Fish Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(138) **Fish Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(139) **Fish Lake (Spokane County):**

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(140) **Fishhook Pond (Walla Walla County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from a floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(141) **Fishtrap Lake (Lincoln/Spokane counties):** Open the fourth Saturday in April through September 30.

(142) **Forde Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(143) **Fourth of July Lake (Adams/Lincoln counties):**

(a) Open the first Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: It is unlawful to retain more than two trout over fourteen inches in length.

(144) **Frater Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(145) **Frenchman Hills Lake (Grant County):** Open February 1 through September 30.

(146) **Gadwall Lake (Grant County):** Open April 1 through September 30.

(147) **Garfield Juvenile Pond (Whitman County):** Open to juvenile anglers only.

(148) **Gillette Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(149) **Goat Creek (Okanogan County):** From the mouth upstream including all tributaries:

(a) Open the Saturday before Memorial Day through August 15.

(b) Selective gear rules apply.

(c) Catch and release only.

(150) **Golf Course Pond (Asotin County):** It is unlawful to retain more than 2 trout over 13 inches in length.

(151) **Goose Creek (Lincoln County), within the city limits of Wilbur:** Open year-round to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(152) **Goose Lake, Lower (Grant County):**

(a) Bluegill: It is unlawful to retain more than five fish over six inches in length.

(b) Crappie: Limit ten; minimum length nine inches.

(153) **Grande Ronde River (Asotin County):**

(a) General river rules:

(i) For all portions of the Grande Ronde River and its tributaries that are open to game fish angling:

(A) Bass: No limit.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restrictions.

(ii) From September 15 through March 15: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Rules by river section:

(i) From the mouth to County Road Bridge, about 2.5 miles upstream:

(A) Open year-round.

(B) September 1 through May 31: Selective gear rules apply.

(C) Trout: Minimum length 10 inches, maximum length 20 inches.

(I) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(II) From January 1 through April 15 mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(ii) From County Road Bridge upstream to the Oregon state line and all tributaries, except Wenaha River tributaries:

(A) Open the first Saturday in June through October 31:

(I) Trout: No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(II) Anglers may retain up to 3 hatchery steelhead.

(III) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(B) From the first Saturday in June through August 31: Selective gear rules apply.

(C) From September 1 through April 15: It is unlawful to use anything other than barbless hooks.

(D) Open November 1 through April 15, except all tributaries are closed.

(E) Release all fish except anglers may retain up to 15 whitefish and 3 hatchery steelhead.

(F) From January 1 through April 15 mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(154) **Granite Creek and tributaries (Pend Oreille County):** Closed.

(155) **Green Lake (Upper) (Okanogan County):**

(a) Open year-round.

(b) March 1 through November 30:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(156) **Green Lake (Lower) (Okanogan County):**

(a) Open year-round.

(b) March 1 through November 30:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(157) **Grimes Lake (Douglas County):**

(a) Open June 1 through August 31:

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(158) **Halfmoon Lake (Adams County):** Open April 1 through September 30.

(159) **Halfmoon Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(160) **Hampton Lakes, Lower and Upper (Grant County):**

(a) Open April 1 through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(161) **Harris Lake (Grant County):**

(a) Selective gear rules apply.

(b) Trout: Limit one.

(162) **Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County) and tributaries:**

(a) From the mouth to Bridge 4830 on county road (about 1 1/2 miles): Closed.

(b) From Bridge 4830 upstream: Selective gear rules apply.

(163) **Hatch Lake (Stevens County):**

(a) Open the first Friday after Thanksgiving through March 31.

(b) Release all fish, except up to five rainbow trout may be retained.

(164) **Hawk Creek and tributaries (Lincoln County) upstream of the Falls at Hawk Creek Campground:** Open year-round.

(165) **Hays Creek and Ponds (Adams County):** Open April 1 through September 30.

(166) **Headgate Pond (Asotin County):** Open the fourth Saturday in April through October 31 to juvenile anglers, seniors, and anglers with a disability who possess a designated harvester companion card only.

(167) **Hen Lake (Grant County):** Open April 1 through September 30.

(168) **Heritage Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(169) **Hog Canyon Creek (Spokane County):** Open year-round from the Hog Canyon Dam to Scroggie Road.

(170) **Hog Canyon Lake (Spokane County):**

(a) Open the first Friday after Thanksgiving through March 31.

(b) Trout: It is unlawful to retain more than two trout over fourteen inches in length.

(171) **Homestead Lake (Grant County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

(172) **Horseshoe Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Kokanee: Limit ten; kokanee do not count toward the trout limit.

(173) **Horsethief Lake (Klickitat County):** Open the fourth Saturday in April through October 31.

(174) **Hourglass Lake (Grant County):** Open April 1 through September 30.

(175) **Huff Lake (Pend Oreille County):** Closed.

(176) **Hutchinson Lake (Adams County):**

(a) Open April 1 through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(177) **I-82 Ponds, 1 through 7 (Yakima County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(178) **Icicle River and all tributaries (Creek) (Chelan County):**

(a) From the Leavenworth National Fish Hatchery rack upstream to Leland Creek, including Leland Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(b) From Leland Creek upstream, not including Leland Creek: Open the Saturday before Memorial Day through October 31.

(179) **Indian Creek and tributaries (Pend Oreille County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10. Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken and the angler must cease fishing for trout.

(180) **Indian Creek (Yakima County):** Upstream of the waterfall approximately 6 miles upstream from the mouth:

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout:

(i) No limit and no length restrictions.

(ii) Eastern brook trout do not count toward the trout limit.

(181) **Ingalls Creek and all tributaries upstream of the Alpine Lakes Wilderness boundary (Chelan County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Ingalls Creek tributaries from the mouth of Ingalls Creek to the Alpine Lakes Wilderness boundary: Open the Saturday before Memorial Day through October 31.

(182) **Jameson Lake (Douglas County):** Open the fourth Saturday in April through July 4 and October 1 through October 31.

(183) **Jasmine Creek (Okanogan County):** Open year-round to juvenile anglers only.

(184) **Jefferson Park Pond (Walla Walla County):**

(a) Open to juvenile fishers only.

(b) It is unlawful to retain more than 2 trout over 13 inches in length.

(185) **Jolanda, Lake (Chelan County):** Closed.

(186) **Jump-Off Joe Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(187) **Kachess Lake (Reservoir) (Kittitas County):**

(a) Chumming is permissible.

(b) Kokanee limit ten; kokanee do not count toward the trout limit.

(c) Trout limit 2; minimum length 12 inches.

(188) Kachess River (Kittitas County):

(a) From the mouth to Kachess Dam:

(i) It is permissible to fish up to the base of Kachess Dam.

(ii) Selective gear rules apply.

(iii) Trout minimum size ten inches.

(b) Kachess Lake tributaries, except Box Canyon Creek; Open.

(c) Upstream of impassable 50 to 60 foot fall about 1/2 mile upstream of Mineral Creek: Open.

(189) Kalispell Creek and tributaries (Pend Oreille County):

(a) Open the last Saturday in April through October 31.

(b) Selective gear rules apply.

(190) Keechelus Lake (Reservoir) (Kittitas County):

(a) Chumming is permissible.

(b) Trout limit 2; minimum length 12 inches.

(c) Kokanee limit 10; kokanee do not count toward the trout limit.

(191) **Keechelus Lake tributaries, except Gold Creek:** Open the Saturday before Memorial Day through October 31.

(192) Kettle River (Stevens County):

(a) The tributaries from the mouth to Barstow Bridge: Open from the Saturday before Memorial Day through October 31.

(b) From Barstow Bridge upstream:

(i) Open the Saturday before Memorial Day until October 31.

(ii) Selective gear rules apply, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Minimum length 12 inches.

(v) Open November 1 through May 31 for whitefish only. Whitefish gear rules apply.

(c) Tributaries to Kettle River, from Barstow Bridge upstream: Open from the Saturday before Memorial Day through October 31.

(193) Kings Lake and tributaries (Pend Oreille County): Closed.

(194) **Kiwanis Pond (Kittitas County):** Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(195) Klickitat River (Klickitat County):

(a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:

(i) ~~((Steelhead))~~ Gamefish open April 1 through January 31.

~~((ii) Gamefish other than steelhead open June 1 through November 30.~~

~~((iii)) (A) Release all fish except hatchery steelhead from April 1 through May 31 and December 1 through January 31.~~

~~(B) June 1 through January 31: Anglers may retain up to 3 hatchery steelhead.~~

~~(ii) Barbless hooks are required for salmon and steelhead, except from September 1 through December 31.~~

~~((iv)) (iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~((v)) (iv) Anti-snagging rule in effect and night closure applies April 1 through May 31 and August 1 through January 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~((vi) April 1 through May 31 and December 1 through January 31: Release all fish except anglers may retain hatchery steelhead.~~

~~((vii)) (v) Salmon and steelhead: ((A)) Open April 1 through May 31 on Sundays, Mondays, Wednesdays and Saturdays only:~~

~~((H)) (A) Limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.~~

~~((H)) (B) Release wild Chinook.~~

~~((B) Open June 1 through July 31:~~

~~(I) Limit 6 fish; no more than 3 adults, of which no more than 2 may be salmon.~~

~~(H) Release wild Chinook.~~

~~(C) August) (vi) Salmon: Open June 1 through January 31.~~

~~(A) June 1 through ((January)) July 31: Limit 6 fish; no more than ((3)) 2 adults may be retained. Release wild Chinook.~~

~~(B) August 1 through January 31: Limit 6 fish, no more than 3 may be adult Chinook.~~

(b) From Fisher Hill Bridge to the boundary markers above Klickitat Salmon Hatchery, the following waters are closed: From Fishery Hill Bridge to 400 feet above #5 fishway, all tributaries except Bird, Blockhouse, Bowman, Spring, Outlet creeks and the Little Klickitat River, and the waters from the boundary markers above Klickitat Salmon Hatchery to the boundary markers below the hatchery.

(c) From 400 feet above #5 fishway to the boundary markers below Klickitat Salmon Hatchery:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Gamefish open June 1 through November 30:

~~(A) Trout minimum length twelve inches.~~

~~((iii)) (B) Daily limit 3 trout of which only 2 may be other than hatchery steelhead.~~

~~((iv)) (C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~((v)) (iii) Whitefish open December 1 through March 31: Whitefish gear rules apply.~~

~~((vi)) (iv) Salmon ((and steelhead)) open June 1 through November 30:~~

~~(A) June 1 through July 31:~~

~~(I) Limit 6 fish; no more than ((3 hatchery steelhead)) 2 adults may be retained.~~

~~(II) Release ((adult salmon and)) wild Chinook.~~

~~(B) From August 1 through November 30: Limit 6 fish; no more than 3 adult(s) Chinook may be retained.~~

(d) From the boundary markers above Klickitat Salmon Hatchery to the Yakama Indian Reservation boundary:

(i) Gamefish open June 1 through November 30:

~~(A) Trout minimum length 12 inches.~~

~~((iii)) (B) Daily limit 3 trout of which no more than 2 may be other than hatchery steelhead.~~

~~((iii)) (C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~((iv))~~ (ii) Whitefish open December 1 through March 31: Whitefish gear rules apply.

~~((v))~~ (iii) Barbless hooks are required for salmon and steelhead.

(196) **Lake Creek (Okanogan County):**

(a) From the mouth to Black Lake: Closed.

(b) From Black Lake to Three Prong Creek: Closed.

(197) **Latah (Hangman) Creek (Spokane County):** From the mouth upstream to Idaho state line: Open year-round.

(198) **Latah (Hangman) Creek Tributaries (Spokane County) including all tributaries within this system:** Open the Saturday before Memorial Day through October 31 from the mouths upstream.

(199) **Le Clerc Creek and tributaries (Pend Oreille County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10. Once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

(200) **Ledbetter Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(201) **Ledking Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(202) **Leech Lake (Yakima County):**

(a) Open for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Trout: It is unlawful to retain more than one trout over 14 inches in length.

(203) **Lemna Lake (Grant County):** Open April 1 through September 30.

(204) **Lenice Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(205) **Lenore Lake (Grant County):**

(a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device with an internal combustion motor.

(d) Open from March 1 through November 30:

(i) From March 1 through May 31: Catch and release only.

(ii) June 1 through November 30: Trout limit one.

(206) **Leo Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(207) **Liberty Lake (Spokane County):** Open March 1 through October 31.

(208) **Lilly Lake (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) July 5 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(209) **Lions Park Pond (Walla Walla County):**

(a) Open to juvenile anglers only.

(b) It is unlawful to retain more than 2 trout over 13 inches in length.

(210) **Little Klickitat River (Klickitat County):**

(a) Within Goldendale city limits:

(i) Open the fourth Saturday in April through October 31.

(ii) Open the fourth Saturday in April through May 31 to juvenile and senior fishers only.

(iii) Trout: Limit five; no minimum length.

(b) All other waters including tributaries: Open first Saturday in June through October 31.

(211) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(212) **Little Pend Oreille River (Stevens County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) From the Little Pend Oreille wildlife refuge boundary approximately one mile downstream from the refuge headquarters office, to Crystal Falls:

(i) Selective gear rules apply.

(ii) Release all fish except anglers may retain up to 5 eastern brook trout.

(c) All tributaries to the Little Pend Oreille River are open the Saturday before Memorial Day through October 31.

(213) **Little Spokane River (Spokane County):**

(a) Open year-round from the mouth to the SR 291 Bridge.

(b) From the SR 291 Bridge upstream to the West Branch:

(i) Open the fourth Saturday in April through October 31.

(ii) Open December 1 through March 31 for whitefish only; whitefish gear rules apply; limit 15 whitefish; no minimum size.

(c) From the West Branch upstream:

(i) Closed from the inlet of Chain Lake upstream one-quarter mile to the railroad crossing culvert.

(ii) Open the Saturday before Memorial Day through October 31.

(iii) Kokanee: It is unlawful to retain kokanee taken upstream from the bridge at Fridegar Road, including Chain Lake.

(d) Unless otherwise provided in this section, all tributaries to the Little Spokane River are open the Saturday before Memorial Day through October 31.

(214) **Little Twin Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(215) **Little Twin Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(216) Little Wenatchee River (Chelan County):

(a) From the falls below USFS Rd. 6700 Bridge upstream: Open the Saturday before Memorial Day through October 31.

(b) Little Wenatchee tributaries from the mouth upstream, except Rainy Creek: Open the Saturday before Memorial Day through October 31.

(217) Long Lake (Ferry County):

(a) Open the fourth Saturday in April through October 31

(b) Fly fishing only.

(c) It is unlawful to use flies containing lead.

(d) It is unlawful to fish from a floating device equipped with a motor.

(218) Long Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(219) Loon Lake (Stevens County):

(a) Open the fourth Saturday in April through October 31.

(b) Kokanee: Limit ten; kokanee do not count toward the trout limit.

(c) Trout (except kokanee): Limit five, except it is unlawful to retain more than two trout over twenty inches in length.

(220) Lost Lake (Kittitas County): It is unlawful to retain more than one trout over 14 inches in length.

(221) Lost Lake (Okanogan County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(222) Lost River (Okanogan County):

(a) From the mouth to the mouth of Monument Creek: Closed.

(b) Lost River and all tributaries from the mouth of Monument Creek to the outlet of Cougar Lake, including Monument Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(iv) Trout: Minimum length 14 inches; it is permissible to retain Dolly Varden/Bull Trout with a minimum length of 14 inches as part of the trout limit.

(223) Lucky Duck Pond (Stevens County): Open to juvenile anglers only.

(224) Mad River and all tributaries from mouth to Jimmy Creek, including Jimmy Creek (Chelan County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout, catch and release only.

(ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) Mad River and all tributaries from Jimmy Creek upstream, not including Jimmy Creek: Open the Saturday before Memorial Day through October 31.

(225) Marshall Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

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

(227) Mattoon Lake (Kittitas County): It is unlawful to fish from a floating device equipped with an internal combustion motor.

(228) McCabe Pond (Kittitas County):

(a) It is unlawful to fish from any floating device equipped with a motor.

(b) Five fish limit for all game fish species combined.

(229) McDowell Lake (Stevens County):

(a) Open the fourth Saturday in April through October 31 for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Catch and release only.

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

(231) Medical Lake (Spokane County):

(a) Open March 1 through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Trout: Limit two; minimum length fourteen inches.

(232) Medical Lake, West (Spokane County): Open the fourth Saturday in April through September 30.

(233) Mercer Creek (Kittitas County):

(a) Open to juvenile anglers only within the Ellensburg city limits.

(b) Trout ten inch minimum length.

(c) Selective gear rules apply.

(234) Merritt Lake (Chelan County):

(a) Trout limit sixteen, except eastern brook trout. Eastern brook trout do not count towards the trout limit.

(b) Eastern brook trout: No minimum size and no limit.

(235) Merry Lake (Grant County):

(a) Open March 1 through November 30.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(236) Methow River (Okanogan County):

(a) From County Road 1535 (Burma Road) Bridge to Gold Creek:

(i) Open the Saturday before Memorial Day through September 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From Gold Creek to Foghorn Dam:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(c) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River and Chewuch River:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout:

(A) Catch and release all rainbow trout.

(B) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) From Foghorn Dam to Weeman Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout:

(A) Catch and release only for rainbow trout.

(B) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(e) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, and Early Winters Creek.

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(f) Methow River and tributaries above the falls above Brush Creek: Open the Saturday before Memorial Day through October 31.

(g) From Gold Creek to the falls above Brush Creek:

(i) Open December 1 through March 31 for whitefish only.

(ii) Whitefish gear rules apply.

(h) Methow River tributaries not otherwise provided for in this section:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(237) Mill Creek and tributaries (Pend Oreille County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10.

(c) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

(238) Mill Creek (Walla Walla County):

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream: All tributaries: Closed waters.

(c) Selective gear rules apply.

(d) Release all steelhead.

(239) Mill Pond (Pend Oreille County): Open the fourth Saturday in April through October 31.

(240) Mineral Creek (tributary to upper Kachess River) (Kittitas County): Statewide rules apply upstream of the Wilderness Boundary.

(241) Molson Lake (Okanogan County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Trout: Limit 2.

(242) Monument Creek (Okanogan County), including tributaries: Selective gear rules apply.

(243) Morgan Lake (Adams County): Open April 1 through September 30.

(244) Moses Lake (Grant County):

(a) Bluegill: Limit five; minimum length eight inches.

(b) Crappie: Limit ten; minimum length nine inches.

(c) Yellow perch: Limit 25.

(245) Mud Lake (Yakima County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

(246) Mudgett Lake (Stevens County): Open the fourth Saturday in April through October 31.

(247) Muskegon Lake (Pend Oreille County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit two.

(248) Myron Lake (Yakima County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

(249) Myrtle Lake (Chelan County): Eastern brook trout no minimum size and no limit.

(250) Mystic Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(251) Naches River (Yakima/Kittitas counties):

(a) From the mouth to Little Naches River:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Trout:

(A) Minimum length twelve inches, maximum length twenty inches.

(B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) December 1 through January 31.

(ii) Only whitefish may be retained;

(iii) Whitefish gear rules apply.

(252) Naches River tributaries except Bumping River, Tieton River and Rattlesnake Creek:

(a) Selective gear rules apply.

(b) Trout: Minimum size ten inches.

(253) Naneum Creek and tributaries (Kittitas County):

(a) Selective gear rules apply.

(b) Trout: Minimum size ten inches.

(254) Naneum Pond (Kittitas County): Open to juvenile anglers only.

(255) Napeequa River and all tributaries from Twin Lakes Creek upstream (Chelan County): Open.

(256) Nason Creek (Chelan County):

(a) From Smith Brook to Stevens Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(b) Nason Creek and all tributaries from Stevens Creek upstream, including Stevens Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(c) Nason Creek tributaries from mouth of Nason Creek to Smith Brook, including Smith Brook, except the Mill Creek drainage:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(257) Negro Creek (Whitman County): Open the fourth Saturday in April through July 15.

(258) Nile Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(259) No Name Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(260) North Elton Pond (Yakima County):

(a) Open the first Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit two.

(261) North Fork Teanaway River tributaries from mouth to Beverly Creek, including Beverly Creek:

(a) Selective gear rules apply.

(b) Trout: Minimum size ten inches.

(262) North Potholes Reserve Ponds (Grant County):

(a) Open February 1 through the day before waterfowl season begins.

(b) It is unlawful to fish from any floating device, except it is permissible to fish using float tubes.

(263) Nunnally Lake (Grant County):

(a) The outlet stream of Nunnally Lake is closed.

(b) Open March 1 through November 30:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Trout: Limit one.

(264) Okanogan River (Okanogan County):

(a) Within the mainstem or tributaries open for game fish angling:

(i) It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.

(ii) Bass: No limit and no size restrictions.

(iii) Channel catfish: No limit.

(iv) Walleye: No limit and no size restrictions.

(b) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(i) Open year-round.

(ii) July 1 through October 15: Anti-snagging rule applies and night closure in effect.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) It is permissible to fish two poles from July 1 through October 15 so long as the angler possesses a two-pole endorsement.

(C) Limit 8; no more than 2 adult hatchery Chinook and no more than 4 sockeye may be retained.

(D) Release coho and wild adult Chinook.

(c) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:

(i) Open year-round.

(ii) July 1 through September 15: Anti-snagging rule applies and night closure in effect.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open July 1 through September 15.

(B) Limit 8; no more than 2 adult hatchery Chinook and no more than 4 sockeye may be retained.

(C) Release coho and wild adult Chinook.

(d) From the highway bridge at Malott upstream:

(i) From Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam: Closed.

(ii) Open the Saturday before Memorial Day through September 15.

(iii) July 1 through September 15: Anti-snagging rule applies and night closure in effect.

(iv) Trout: Catch and release only.

(v) Salmon:

(A) Open July 1 through September 15.

(B) Limit 8; no more than 2 adult hatchery Chinook and no more than 4 sockeye may be retained.

(C) Release coho and wild adult Chinook.

(e) All Okanogan River tributaries, except Salmon Creek, Jasmine Creek, Bonaparte Creek, and the Similkameen River:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Catch and release all trout.

(265) **Outlet Creek (Klickitat County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: Limit 5.

(266) **Palouse River (Whitman County):**

(a) Open year-round from the mouth to the base of Palouse Falls.

(b) Bass: No limit.

(c) Channel catfish: No limit.

(d) Trout: Open June 16 through March 31 only.

(i) From June 16 through August 31:

(A) Limit 6; minimum length 10 inches.

(B) No minimum size for trout with clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(C) Anglers may retain up to 3 hatchery steelhead. Mandatory steelhead retention. No catch and release of hatchery steelhead.

(D) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(ii) From September 1 through March 31:

(A) Limit 6; minimum length 10 inches.

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(C) Anglers may retain up to 3 hatchery steelhead. Mandatory steelhead retention. No catch and release of hatchery steelhead.

(D) It is unlawful to fish for steelhead using anything other than barbless hooks.

(e) Walleye: No limit.

(267) **Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek:** Open year-round.

(268) **Pampa Pond (Whitman County):**

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than two over 13 inches in length.

(269) **Para-Juvenile Lake (Adams/Grant counties):** Open April 1 through September 30 to juvenile anglers only.

(270) **Park Lake (Grant County):** Open the fourth Saturday in April through September 30.

(271) **Parker Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(272) **Pataha Creek (Garfield County):**

(a) Bass: No limit.

(b) Channel catfish: No limit.

(c) Walleye: No limit.

(d) Within the city limits of Pomeroy: Open to juvenile anglers only.

(e) From the city limits of Pomeroy upstream:

(i) Selective gear rules apply.

(ii) Trout:

(A) Eastern brook trout: Limit 10.

(B) Once an angler has retained 2 trout other than Eastern brook trout, the entire trout limit has been taken.

(273) **Pearrygin Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(274) **Pend Oreille River (Pend Oreille County):**

(a) In the mainstem:

(i) Open year-round.

(ii) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed.

(iii) Two pole fishing is permissible so long as the angler possesses a two-pole endorsement.

(b) Pend Oreille River tributaries are open the Saturday before Memorial Day through October 31, unless otherwise provided for in this section.

(275) **Perch Lake (Grant County):** Open the fourth Saturday in April through September 30.

(276) **Peshastin Creek and all tributaries from Ruby Creek upstream, not including Ruby Creek (Chelan County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout, catch and release only.

(ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) Peshastin Creek tributaries from the mouth of Peshastin Creek to Ruby Creek (including Ruby Creek), except Ingalls Creek: Open the Saturday before Memorial Day through October 31.

(277) **Petit Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(278) **Phalon Lake (Stevens County):** Closed.

(279) **Phelps Creek and all tributaries from the mouth to the barrier falls (mile 1) (Chelan County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) From the barrier falls (mile 1) upstream, including all tributaries: Open the Saturday before Memorial Day through October 31.

(280) **Phillips Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(281) **Pierre Lake (Stevens County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(282) **Pillar Lake (Grant County):** Open April 1 through September 30.

(283) **Ping Pond (Grant County):**

(a) Open the third Saturday in April through Labor Day to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(b) Limit 5 game fish; no minimum size restrictions.

(284) **Pit Lake (Douglas County):** Open to juvenile anglers only.

(285) **Poacher Lake (Grant County):** Open April 1 through September 30.

- (286) **Potholes Reservoir (Grant County):**
 (a) Crappie: Minimum length nine inches.
 (b) Crappie and bluegill: Combined limit of twenty-five fish.
 (c) Perch: Limit twenty-five fish.
- (287) **Potter's Pond (Stevens County):** Open the fourth Saturday in April through October 31.
- (288) **Powerline Lake (Franklin County):** Trout limit 2.
- (289) **Priest Lake tributaries (Pend Oreille County):** Open the Saturday before Memorial Day through October 31, including Upper Priest Lake tributaries, except as otherwise provided in this section.
- (290) **Priest River tributaries (Pend Oreille County):** Open the Saturday before Memorial Day through October 31.
- (291) **Quail Lake (Adams County):**
 (a) Open for fly fishing only.
 (b) It is unlawful to fish from any floating device equipped with a motor.
 (c) Catch and release only.
- (292) **Quarry Pond (Walla Walla County):**
 (a) It is unlawful to fish from any floating device.
 (b) It is unlawful to retain more than 2 trout over 13 inches in length.
- (293) **Quincy Lake (Grant County):** Open March 1 through July 31.
- (294) **Rainbow Lake (Columbia County):**
 (a) Open March 1 through October 31.
 (b) It is unlawful to fish from any floating device.
 (c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.
- (295) **Rainy Creek (Chelan County):** From the mouth of Rainy Creek upstream:
 (a) Open the Saturday before Memorial Day through October 31.
 (b) Selective gear rules apply.
- (296) **Rat Lake (Okanogan County):**
 (a) Open year-round.
 (b) From April 1 to November 30:
 (i) Selective gear rules apply.
 (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iii) Catch and release only.
- (297) **Rattlesnake Creek (Yakima County):**
 (a) Selective gear rules apply.
 (b) Catch and release only for all species in the main-stem.
- (298) **Rattlesnake Creek tributaries:**
 (a) Selective gear rules apply.
 (b) Trout minimum size 10 inches.
- (299) **Red Rock Creek (Grant County):** Open April 1 through September 30.
- (300) **Reflection Pond (Okanogan County):** Open the fourth Saturday in April through October 31.
- (301) **Renner Lake (Ferry County):** Open the fourth Saturday in April through October 31.
- (302) **Rigley Lake (Stevens County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Trout: Limit two, minimum length twelve inches.
- (303) **Rimrock Lake (Reservoir) (Yakima County):**
 (a) It is permissible to fish using two poles, so long as the angler possesses a valid two-pole endorsement.
 (b) Chumming is permissible.
 (c) Kokanee: Limit sixteen; kokanee do not count toward the trout limit.
- (304) **Roaring Creek (Entiat River Tributary) and all tributaries (Chelan County):** From the mouth of Roaring Creek upstream:
 (a) Open the Saturday before Memorial Day through October 31.
 (b) Selective gear rules apply.
 (c) Trout:
 (i) Rainbow trout are catch and release only.
 (ii) The eastern brook trout limit of 5 fish does not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.
- (305) **Rock Creek (Adams/Whitman counties):**
 (a) From the mouth to Endicott West Road: Open year-round.
 (b) From Endicott West Road to the bridge on Jordan Knott Road at Revere:
 (i) Open the Saturday before Memorial Day through October 31.
 (ii) Selective gear rules apply.
 (iii) Catch and release only.
 (c) From the bridge on Jordan Knott Road upstream: Open year-round.
- (306) **Rock Creek (Chelan County):**
 (a) Open the Saturday before Memorial Day through October 31.
 (b) Selective gear rules apply.
- (307) **Rock Creek (Klickitat County):**
 (a) From Army Corps of Engineers Park upstream to the source: Closed waters.
 (b) Open year-round from the mouth to the Army Corps of Engineers Park. Limits, size restrictions and gear restrictions are the same as those in the adjacent portion of the Columbia River.
- (308) **Rock Island Pool (Col.R.) tributaries (Chelan/Douglas County):** Open the Saturday before Memorial Day through October 31 from Rock Island Dam to Rocky Reach Dam, except the Wenatchee River.
- (309) **Rocky Ford Creek and Ponds (Grant County):**
 (a) Open to fly fishing and fishing from the bank only (no wading).
 (b) Catch and release only.
- (310) **Rocky Lake (Stevens County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) From June 1 through October 31:
 (i) Selective gear rules apply.
 (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iii) Catch and release only.

(311) Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):

(a) The following areas are closed:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point, and from Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(ii) The Kettle arm upstream to Barstow Bridge from April 1 through the Friday before Memorial Day.

(b) Carp: It is unlawful to fish for carp with bow and arrow.

(c) Kokanee: Limit 6; no more than 2 with intact adipose fins may be retained.

(d) Salmon: Landlocked salmon rules apply.

(e) Trout (except kokanee): Limit 5; it is unlawful to retain more than 2 over 20 inches in length.

(f) Walleye: No size restrictions; limit 16 fish.

(312) Round Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(313) Rowland Lake, North (Klickitat County): Open the fourth Saturday in April through the last day in February, except closed the Monday before Thanksgiving Day through Thanksgiving Day.

(314) Royal Lake (Adams County): Closed.

(315) Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed.

(316) Ruby Creek and tributaries (Pend Oreille County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken and the angler must cease fishing for trout.

(317) Rufus Woods Lake (Douglas/Okanogan counties):

(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed.

(b) Trout: Limit 2; only uninjured trout caught using artificial lures or flies with single-point barbless hooks may be released.

(c) Tributaries to Rufus Woods Lake: Open the Saturday before Memorial Day through October 31.

(318) Sacheen Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(319) Saddle Mountain Lake (Grant County): Closed.

(320) Sago Lake (Grant County): Open April 1 through September 30.

(321) Salmon Creek, mainstem (Okanogan County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Catch and release only.

(322) Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(323) San Poil River (Ferry County):

(a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(i) Open April 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:

(A) Kokanee: Limit 2 fish in addition to the trout limit; no minimum size requirement.

(B) Smallmouth bass: Limit 10; it is unlawful to retain more than one over 14 inches.

(C) Trout:

(I) Limit 5; it is unlawful to retain more than 2 trout over 20 inches.

(II) Release all rainbow trout with adipose fins intact.

(D) Walleye: Limit 16; no size restrictions.

(ii) Open year-round for other game fish, salmon, and carp:

(A) Carp: It is unlawful to fish for carp with bow and arrow.

(B) Salmon: Landlocked salmon rules apply.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) It is unlawful to fish for or retain trout.

(ii) Open April 1 through January 31 for walleye and smallmouth bass:

(A) Smallmouth bass: Limit 10; it is unlawful to retain more than one over 14 inches.

(B) Walleye: Limit 16; no size restrictions.

(iii) Open year-round for other game fish, salmon, and carp:

(A) Carp: It is unlawful to fish for carp with bow and arrow.

(B) Salmon: Landlocked salmon rules apply.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation are managed under the regulatory authority of the Colville Confederated Tribe of Indians.

(d) From above the Colville Confederated Tribe of Indians Reservation northern boundary, upstream to the headwaters, including tributaries: Open the Saturday before Memorial day through October 31.

(324) Sand Hollow Creek (Grant County) including all tributaries: Open April 1 through September 30 from State Route 243 upstream.

(325) Sarg Hubbard Park Pond (Reflection Pond) (Yakima County): Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(326) Schaefer Lake (Chelan County):

(a) Trout limit sixteen, except eastern brook trout. Eastern brook trout do not count towards the trout limit.

(b) Eastern brook trout: No minimum size and no limit.

(327) Scootney Reservoir (Franklin County): Walleye limit 8; minimum size 12 inches. It is unlawful to retain more than one walleye over 22 inches in length.

(328) Sedge Lake (Grant County):

(a) Selective gear rules apply.

(b) Trout: Limit one.

(329) Sherman Creek (Ferry County) and all tributaries:

(a) From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed.

(b) Open the Saturday before Memorial Day through October 31.

(330) Sherry Lake (Stevens County): Open the fourth Saturday in April through October 31.

(331) Shiner Lake (Adams County):

(a) Open April 1 through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(332) Shoveler Lake (Grant County): Open April 1 through September 30.

(333) Sidley Lake (Okanogan County): Trout limit two.

(334) Silver Lake (Spokane County): Crappie limit ten; minimum length nine inches.

(335) Silver Nail Lake (Okanogan County): Open to juvenile anglers only.

(336) Similkameen River (Okanogan County):

(a) Barbless hooks required for salmon and steelhead.

(b) From the mouth to Enloe Dam:

(i) Closed from Enloe Dam downstream 400 feet.

(ii) July 1 through September 15:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Salmon:

(A) Open July 1 through September 15.

(B) Limit 8; no more than 2 adult hatchery Chinook and no more than 4 sockeye may be retained.

(C) Release coho and wild adult Chinook.

(iv) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(c) From Enloe Dam to the Canadian border, including tributaries, except Sinlahekin Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(337) Sinlahekin Creek (Okanogan County):

(a) From Palmer Lake to Cecile Creek Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(b) From Cecile Creek Bridge upstream, including all tributaries: Open the Saturday before Memorial Day through October 31.

(338) Skookum Lake, North (Pend Oreille County): Open the fourth Saturday in April through October 31.

(339) Skookum Lake, South (Pend Oreille County): It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(340) Slate Creek and tributaries (Pend Oreille County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

(341) Snake River:

(a) Open year-round, except the following areas are closed:

(i) Within 400 feet of the base of any dam;

(ii) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery;

(iii) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam; and

(iv) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank.

(b) Bass: No limit and no size restrictions.

(c) Channel catfish: No limit.

(d) Trout:

(i) Open June 16 through March 31.

(ii) April 1 through June 15: Catch and release only.

(iii) Limit 6; minimum length 10 inches.

(iv) It is unlawful to retain more than 3 hatchery steelhead.

(v) Barbless hooks required for steelhead.

(e) Walleye: No limit and no size restrictions.

(342) Snipe Lake (Grant County): Open April 1 through September 30.

(343) Snipes Creek (Benton County):

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

(344) South Salmo River (Pend Oreille County), including tributaries: Open the Saturday before Memorial Day through October 31.

(345) Spearfish Lake (Klickitat County): Open the fourth Saturday in April through last day in February.

(346) Spectacle Lake (Okanogan County): Open April 1 through September 30.

(347) Spokane River (Spokane County):

(a) From SR 25 Bridge upstream to 400 feet below Little Falls Dam:

(i) It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(ii) Open year-round:

(A) Kokanee:

(I) Limit 6; no minimum size.

(II) It is unlawful to retain more than 2 with intact adipose fins.

(III) Kokanee does not count towards the trout limit.

- (B) Salmon: Landlocked salmon rules apply.
- (C) Trout:
- (I) Limit 5; no minimum size.
- (II) It is unlawful to retain more than 2 trout over 20 inches in length.
- (D) Walleye: Limit 16; no size restrictions.
- (b) From the Little Falls Dam to the upstream boundary of the Plese Flats Day Use Area (Riverside State Park), except Long Lake (Nine Mile Dam to Long Lake Dam): Open year-round.
- (i) Landlocked salmon rules apply.
- (ii) Trout: Limit 5; no more than 2 trout over 20 inches in length may be retained.
- (c) From the upstream boundary at Plese Flats Day Use Area (Riverside State Park) upstream to the Monroe Street Dam:
- (i) Selective gear rules apply.
- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iii) Open June 1 through March 15:
- (A) Salmon: Landlocked salmon rules apply.
- (B) Trout:
- (I) Limit one; minimum length 8 inches.
- (II) Release wild trout (only rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin may be retained).
- (d) From Monroe Street Dam upstream to Upriver Dam:
- (i) Open year-round.
- (ii) Landlocked salmon rules apply.
- (e) From Upriver Dam upstream to the Idaho/Washington state line:
- (i) Selective gear rules apply.
- (ii) Open the first Saturday in June through March 15.
- (iii) Catch and release only.
- (f) Unless otherwise provided in this section, all tributaries to the Spokane River (Washington waters only) are open the Saturday before Memorial Day through October 31.
- (348) Sprague Lake (Adams/Lincoln counties):**
- (a) The following waters are closed:
- (i) Cow Creek;
- (ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds to Danekas Road;
- (iii) The small bay at the southeast end of the lake; and
- (iv) Those waters within 50 feet of Harper Island.
- (b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.
- (c) Crappie: Minimum length nine inches.
- (d) Crappie and bluegill: Combined limit of twenty-five fish.
- (e) Trout: Limit 5; it is unlawful to retain more than two trout over twenty inches in length.
- (349) Spring Creek (Benton County):**
- (a) Selective gear rules apply.
- (b) Trout minimum length ten inches.
- (350) Spring Creek (Klickitat County):**
- (a) Goldendale Hatchery: Open the Saturday before Memorial Day through October 31. Trout: Limit 5.
- (b) All other waters: Open the first Saturday in June through October 31.

- (351) Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) July 5 through October 31: Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Catch and release only.
- (352) Spring Lake (Columbia County):**
- (a) It is unlawful to fish from any floating device.
- (b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.
- (353) Spring Lakes (Grant County):** Open March 1 through July 31.
- (354) Stan Coffin Lake (Grant County):** Bass: Catch and release only.
- (355) Starvation Lake (Stevens County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) From June 1 through October 31:
- (i) Selective gear rules apply.
- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iii) Catch and release only.
- (356) Stehekin River (Chelan County):**
- (a) From the mouth to Agnes Creek:
- (i) Selective gear rules apply.
- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iii) Open July 1 through October 31: Trout minimum length fifteen inches; release cutthroat.
- (iv) Open March 1 through June 30: Catch and release only.
- (b) From Agnes Creek upstream: Open the Saturday before Memorial Day through October 31.
- (357) Stratford/Brook Lake (Grant County):** Open February 1 through September 30.
- (358) Sullivan Creek (Pend Oreille County):**
- (a) From the mouth to Mill Pond: Open the Saturday before Memorial Day through October 31.
- (i) Barbless hooks are required.
- (ii) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
- (iii) Release all cutthroat.
- (b) From Mill Pond upstream and tributaries:
- (i) Selective gear rules apply.
- (ii) Release all cutthroat.
- (iii) Open the Saturday before Memorial Day through October 31.
- (iv) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
- (359) Sullivan Lake (Pend Oreille County):**
- (a) Kokanee: Limit ten; kokanee do not count toward the trout limit.
- (b) Trout (except kokanee): Limit two trout.
- (360) Sullivan Lake tributaries (Pend Oreille County), except as otherwise provided in this section:** Open the Saturday before Memorial Day through October 31.

(361) **Summit Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(362) **Swan Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(363) **Tacoma Creek and tributaries (Pend Oreille County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken and the angler must cease fishing for trout.

(364) **Teal Lakes (North and South) (Grant/Adams counties):** Open April 1 through September 30.

(365) **Teanaway River (Kittitas County), and tributaries except North Fork:**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

(366) **Teanaway River, North Fork (Kittitas County):** From the mouth to Beverly Creek:

(a) Selective gear rules apply.

(b) Trout: Catch and release only.

(367) **Tern Lake (Grant County):**

(a) Selective gear rules apply.

(b) Trout: Limit one.

(368) **Thomas Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(369) **Tieton River (Yakima County):**

(a) From the mouth to Tieton Dam, including all tributaries:

(i) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(ii) Selective gear rules apply.

(iii) Trout minimum length ten inches.

(b) Tributaries upstream of Tieton Dam except North Fork Tieton River, South Fork Tieton River and Indian Creek: Open the Saturday before Memorial Day through October 31.

(370) **Tieton River, North Fork (Yakima County):**

(a) Mainstem including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream to the USFS Road 740 Bridge below Clear Lake Dam:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(b) Mainstem upstream of Clear Lake:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(c) All North Fork Tieton tributaries, including Clear Creek: Open the Saturday before Memorial Day through October 31.

(371) **Tieton River, South Fork (Yakima County):** From the bridge on USFS Road 1070 upstream and all tributaries, except Bear Creek and Spruce Creek: Open the Saturday before Memorial Day through October 31.

(372) **Touchet River (Columbia/Walla Walla counties):**

(a) General river rules: For all portions of the Touchet River and its tributaries that are open to game fish angling:

(i) Bass: No limit.

(ii) Channel catfish: No limit.

(iii) Walleye: No limit and no size restrictions.

(iv) Release all wild steelhead.

(b) Rules by river section:

(i) From the mouth to the confluence of Coppei Creek:

(A) Open the first Saturday in June through October 31:

(I) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(II) Steelhead: Open September 1 through October 31; limit 3. It is unlawful to use anything other than barbless hooks when fishing for steelhead.

(B) Open November 1 through April 15:

(I) Release all fish except hatchery steelhead and brown trout.

(II) Limit 3 hatchery steelhead and brown trout combined.

(III) It is unlawful to use anything other than barbless hooks.

(ii) From the mouth of Coppei Creek to the confluence of North and South Forks and all tributaries:

(A) Open the first Saturday in June through October 31.

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(C) Steelhead:

(I) Open September 1 through October 31; mandatory hatchery steelhead retention, limit 3. No catch and release of hatchery steelhead. Release all wild steelhead. It is unlawful to use anything other than barbless hooks when fishing for steelhead.

(II) Open November 1 through April 15. Release all fish except hatchery steelhead and brown trout. Limit 3 hatchery steelhead and brown trout combined. It is unlawful to use anything other than barbless hooks when fishing for steelhead.

(iii) From the confluence of the North and South Forks upstream:

(A) Selective gear rules apply.

(B) Release all steelhead.

(iv) From mouth of North Fork, upstream to Spangler Creek:

(A) Open the first Saturday in June through October 31.

(B) Trout: No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(v) North Fork upstream of Spangler Creek:

(A) Open the first Saturday in June through August 31.

(B) Trout: No minimum size for trout with a clipped adipose fin.

(vi) Wolf Fork from the mouth to Coates Creek:

(A) Open the first Saturday in June through October 31.

(B) No minimum size for trout with a clipped adipose fin.

(vii) Wolf Fork above Coates Creek:

- (A) Open the first Saturday in June through August 31.
- (B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.
- (viii) Robinson Fork:
 - (A) Open the first Saturday in June through August 31.
 - (B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.
- (ix) South Fork, from the mouth to Griffin Fork:
 - (A) Open the first Saturday in June through October 31.
 - (B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.
- (x) South Fork, upstream from Griffin Creek: Open the first Saturday in June through August 31.
- (373) **Trapper Lake (Chelan County):** Trout: Limit two.
- (374) **Trout Lake (Ferry County):** Open the fourth Saturday in April through October 31.
- (375) **Trout Lake (tributary to Big White Salmon River) (Klickitat County) including all tributaries:** Open the first Saturday in June through October 31.
- (376) **Tucannon River (Columbia County):**
 - (a) Unless otherwise provided in this section, all tributaries are closed, except Pataha Creek.
 - (b) Mouth upstream to Turner Road Bridge at Marengo:
 - (i) First Saturday in June through October 31.
 - (A) Bass: No limit and no size restrictions.
 - (B) Channel catfish: No limit.
 - (C) Trout:
 - (I) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.
 - (II) Steelhead: Limit 3 hatchery fish.
 - (III) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 - (D) Walleye: No limit and no size restrictions.
 - (ii) November 1 through last day in February.
 - (A) Release all fish, except anglers may retain up to 2 hatchery steelhead and 15 whitefish.
 - (B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 - (C) Barbless hooks required.
 - (c) Turner Road Bridge at Marengo to Tucannon Hatchery Bridge:
 - (i) First Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (iii) Bass: No limit and no size restrictions.
 - (iv) Trout:
 - (A) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.
 - (B) Steelhead: Limit 3 hatchery fish.
 - (C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 - (v) Channel catfish: No limit.
 - (vi) Walleye: No limit and no size restrictions.
 - (d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed to fishing.

- (e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:
 - (i) First Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (iii) Bass: No limit and no size restrictions.
 - (iv) Channel catfish: No limit.
 - (v) Trout:
 - (A) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.
 - (B) Release all steelhead.
 - (vi) Walleye: No limit and no size restrictions.
- (f) Cow Camp Bridge upstream: Closed to fishing.
- (377) **Tucquala Lake (Kittitas County):**
 - (a) Open the Saturday before Memorial Day through October 31.
 - (b) Eastern brook trout: No limit; eastern brook trout do not count towards the trout limit.
- (378) **Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River:** Closed.
- (379) **Twisp River (Okanogan County):** Mouth to War Creek:
 - (a) Open the Saturday before Memorial Day through August 15.
 - (b) Selective gear rules apply.
 - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (d) Catch and release only.
 - (e) Twisp River Tributaries from the mouth to War Creek; including Buttermilk Creek and Little Bridge Creek:
 - (i) Open the Saturday before Memorial Day through August 15.
 - (ii) Selective gear rules apply.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) Catch and release only.
 - (f) Twisp River tributaries from War Creek to the North Fork Twisp River, including War Creek, South Fork Twisp River, North Creek to Twisp River Road Bridge, and North Fork Twisp River to the falls:
 - (i) Open the Saturday before Memorial Day through August 15.
 - (ii) Selective gear rules apply.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) Catch and release only.
 - (g) North Fork Twisp River above the falls and North Creek above Twisp River Road Bridge are open from the Saturday before Memorial Day to October 31.
- (380) **Union Creek (Yakima County):** Open upstream of the falls (approximately 1/4 mile from the mouth).
- (381) **Upper Wheeler Reservoir (Chelan County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Fly fishing only.
 - (c) It is unlawful to fish from a floating device equipped with a motor.
 - (d) Catch and release only.

(382) **Vanes Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(383) **Vic Meyers (Rainbow) Lake (Grant County):** Open the fourth Saturday in April through September 30.

(384) **Waitts Lake (Stevens County):** Open the fourth Saturday in April through last day in February.

(385) **Walla Walla River (Walla Walla County):**

(a) General rules in the mainstem:

(i) Bass: No limit and no size restrictions.

(ii) Channel catfish: No limit.

(iii) Walleye: No limit and no size restrictions.

(b) Rules by river section:

(i) From the mouth to McDonald Road Bridge:

(A) Open year-round, except all tributaries other than the Touchet River are closed.

(B) Trout:

(I) Open first Saturday in June through March 31.

(II) No minimum size for trout with a clipped adipose fin and healed scar at the location of the adipose fin.

(III) It is unlawful to fish for steelhead using anything other than barbless hooks.

(IV) Mandatory hatchery steelhead retention, limit 3. No catch and release of hatchery steelhead.

(ii) From the McDonald Road Bridge upstream to the Oregon state line:

(A) Open from the first Saturday in June through October 31.

(B) Selective gear rules apply.

(C) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(D) Limit 3 hatchery steelhead.

(E) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(F) From November 1 through March 31:

(I) Selective gear rules apply.

(II) Release all fish, except anglers may retain up to 3 hatchery steelhead.

(III) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(386) **Wanapum Pool (Columbia River) tributaries (Chelan/Douglas County):** Open the Saturday before Memorial Day through October 31 from Wanapum Dam to Rock Island Dam.

(387) **Wannacut Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(388) **Wapato Lake (Chelan County):**

(a) Trout: Open the fourth Saturday in April through October 31.

(b) All other game fish: Open the fourth Saturday in April through October 31.

(389) **Ward Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(390) **Warden Lake (Grant County):** Open the fourth Saturday in April through September 30.

(391) **Warden Lake, South (Grant County):** Open the fourth Saturday in April through September 30.

(392) **Washburn Island Pond (Okanogan County):**

(a) Open April 1 through September 30.

(b) It is unlawful to fish with use of an internal combustion motor. An internal combustion motor may be attached to a floating device, but must not be used.

(393) **Washburn Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: Limit one.

(c) Selective gear rules apply.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(394) **Watson Lake (Columbia County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(395) **Wenaha River tributaries within Washington:**

(a) Open the first Saturday in June through August 31.

(b) Selective gear rules apply.

(c) Trout: Release all steelhead.

(396) **Wenas Creek (Yakima County):**

(a) From the mouth to Wenas Lake, including all tributaries:

(i) Selective gear rules apply.

(ii) Trout: Minimum size ten inches.

(b) Upstream of Wenas Lake, including all tributaries:

Open the Saturday before Memorial Day to October 31.

(397) **Wenatchee Lake (Chelan County):**

(a) Selective gear rules apply.

(b) Salmon:

(i) Open July 18 through August 30.

(ii) Minimum length 12 inches.

(iii) Limit 6 sockeye salmon only.

(iv) Release all bull trout, steelhead trout, and Chinook salmon.

(v) Night closure in effect.

(vi) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(c) Trout:

(i) Limit two; minimum length twelve inches.

(ii) Release all kokanee.

(iii) Kokanee/sockeye under sixteen inches are considered kokanee while those fish sixteen inches and over are considered sockeye salmon.

(398) **Wenatchee River (Chelan County):**

(a) From the mouth to 400 feet below Dryden Dam:

(i) Salmon open August 1 through September 30.

(ii) Selective gear rules apply.

(iii) Night closure in effect.

(iv) Limit 4; it is unlawful to retain more than 2 adult hatchery Chinook.

(v) Release ((aH)) wild adult Chinook salmon.

(vi) Minimum length 12 inches.

(b) From the mouth of Peshastin Creek (above Dryden Dam) to the Icicle River Road Bridge:

(i) Salmon open ((September)) August 1 through September 30.

(ii) Limit 4; it is unlawful to retain more than 2 adult hatchery Chinook.

(iii) Release ((aH)) wild adult Chinook salmon.

(iv) Selective gear rules apply and night closure in effect.

(v) Minimum length 12 inches.

(399) **West Evans Pond (Asotin County):** It is unlawful to retain more than 2 trout over 13 inches in length.

(400) **White River (Chelan County), from the mouth upstream to White River Falls upstream:** Open the Saturday before Memorial Day through October 31, including White River tributaries from the mouth of the White River upstream, except Panther Creek and the Napequa River.

(401) **White Salmon River (Klickitat/Skamania counties):**

(a) From the mouth (Burlington Northern Railroad Bridge) to the county road bridge below the former location of the powerhouse:

(i) It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iii) Open year-round.

(iv) August 1 through December 31: Anti-snagging rule applies.

(v) Salmon and steelhead open year-round:

(A) From April 1 through July 31:

(I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release wild Chinook.

(B) From August 1 through March 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release wild Chinook and wild coho.

(b) From the county road bridge below the former location of the powerhouse upstream to ((Big Brothers Falls (river mile 16):

~~(i) From~~) the Northwestern Road Bridge:

(i) Open April 1 through October 31:

(A) Catch and release, except up to 3 hatchery steelhead may be retained.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(C) Selective gear rules.

(ii) Salmon and steelhead: Open April 1 through July 31.

(A) Daily limit 3 fish, of which no more than 2 may be salmon.

(B) Release wild Chinook.

(C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(D) Selective gear rules.

(c) From the Northwestern Road Bridge upstream to Big Brothers Falls (river mile 16):

(i) From Big Brothers Falls downstream 400 feet: Closed.

(ii) Open the first Saturday in June through October 31.

(iii) Selective gear rules apply.

(iv) Release all fish, except anglers may retain up to 3 hatchery steelhead.

(v) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((c))~~ (d) Big Brothers Falls upstream to the source, including all tributaries: Open the first Saturday in June through October 31.

(402) **Wide Hollow Creek (Yakima County):** Open to juvenile anglers only.

(403) **Widgeon Lake (Grant County):** Open April 1 through September 30.

(404) **Williams Lake (Spokane County):** Open the fourth Saturday in April through September 30.

(405) **Williams Lake (Stevens County):**

(a) Open the first Friday after Thanksgiving through March 31.

(b) Release all fish except anglers may retain up to five rainbow trout.

(406) **Wilson Creek (Kittitas County):**

(a) Selective gear rules apply.

(b) Trout: Minimum size ten inches.

(c) Two branches within Ellensburg city limits: Open to juvenile anglers only.

(407) **Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve):** Open February 1 through September 30.

(408) **Yakima River (Yakima County):**

(a) General river rules:

(i) Release all steelhead in the mainstem and tributaries.

(ii) Downstream of Highway 240 Bridge, Columbia River rules apply.

(iii) In the mainstem and tributaries:

(A) Bass: No limit and no size restrictions.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restrictions.

(b) Rules by river section:

(i) From the Highway 240 Bridge to 400 feet below Prosser Dam:

(A) Open March 1 through October 22.

(B) From the WDFW white markers 200 feet downstream of the USBR Chandler Powerhouse/Pumping Station spillway chute to the powerline crossing immediately upstream of the powerhouse: Open March 1 through August 31.

(C) From March 1 through August 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(D) Chumming is permissible.

(E) Trout: Catch and release only.

(F) Salmon:

(I) Open September 1 through October 22.

(II) Night closure in effect.

(III) It is unlawful to fish for salmon using anything other than barbless hooks.

(IV) Limit 6; it is unlawful to retain more than 2 adults.

(V) Fishing from a floating device is prohibited from the Grant Avenue Bridge in Prosser downstream approximately 1.25 miles to the downstream side of the westbound Interstate 82 Bridge.

(ii) From Prosser Dam to Highway 223 Bridge:

(A) Open May 1 through October 31.

(B) Trout: Catch and release only.

(iii) From Highway 223 Bridge to 400 feet below Sunnyside Dam: Trout: Minimum length is 12 inches, maximum length is 20 inches.

(iv) From Sunnyside Dam to 3,500 feet below Roza Dam:

(A) Closed from Yakima Avenue-Terrace Heights Bridge upstream 400 feet.

(B) Selective gear rules apply.

(C) It is unlawful to fish from a floating device equipped with an internal combustion motor from the I-82 Bridge at Selah Gap to 3,500 feet below Roza Dam.

(D) Trout: Minimum length 12 inches, maximum length 20 inches.

(E) Open December 1 through January 31 for whitefish only; whitefish gear rules apply.

(v) From Roza Dam to 400 feet below Easton Dam:

(A) Open year-round.

(B) It is permissible to fish from floating devices equipped with motors only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately 1.3 river miles).

(C) Selective gear rules apply.

(D) Trout: Catch and release.

(E) Open December 1 through January 31 for whitefish only; whitefish gear rules apply.

(vi) From Easton Dam to the base of Keechelus Dam:

(A) Selective gear rules apply.

(B) Trout: Catch and release only, except anglers may retain eastern brook trout. There is no limit and no minimum size restriction for eastern brook trout.

(vii) For all Yakima River tributaries from Roza Dam to Keechelus Dam not otherwise provided for in this section:

(A) Selective gear rules apply.

(B) Trout: Minimum length ten inches.

(C) Wilson Creek downstream of BNSF railroad bridge: Yakima River rules apply.

(409) **Yakima Sportsmen's Park Ponds (Yakima County):** Open to juvenile anglers only.

(410) **Yellowhawk Creek (Walla Walla County):** Closed.

(411) **Yocum Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

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

AMENDATORY SECTION (Amending WSR 15-06-065 and 15-06-006, filed 3/4/15 and 2/20/15, effective 7/1/15)

WAC 220-310-200 Freshwater exceptions to state-wide rules—Columbia. The following exceptions to state-wide rules apply to the Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:

(1) **General Columbia River rules:**

(a) In the concurrent waters of the Columbia River between Washington and Oregon, the license of either state is valid when fishing from a vessel.

(i) Anglers must comply with the fishing regulations of the state in which they are fishing.

(ii) This subsection does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except as otherwise provided by department rule.

(iii) Anglers fishing the Columbia River are restricted to one limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

(b) It is unlawful to possess in the field salmon or steelhead mutilated so that size, species, or fin clip cannot be determined until the angler has reached their automobile or principal means of land transportation and completed his or her daily angling.

(c) Salmon and trout handling rules provided in WAC 220-56-118 apply to the Columbia River, except from February 15 through June 15 in the mainstem Columbia from the Rocky Point/Tongue Point line upstream to the Washington-Oregon border where WAC 220-56-118 applies only to anglers fishing from vessels less than 30 feet in length (as substantiated by Coast Guard documentation or Marine Board registration).

(d) From Buoy 10 to the Washington/Oregon border:

(i) From March 1 through May 15, the mainstem Columbia River is open for retention of adipose fin-clipped steelhead and shad only during days and in areas that are open for the retention of adipose fin-clipped spring Chinook salmon.

(ii) From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(e) Open year-round unless otherwise provided.

(f) Barbless hooks are required for salmon and steelhead.

(2) **Rules by river section:**

(a) **From a true north-south line through Buoy 10, upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank:**

(i) Fishing from the north jetty is permissible when Marine Area 1 or Buoy 10 areas are open for salmon, and the limit and minimum size restrictions follow the most liberal regulations if both areas are open.

(ii) Release all trout, except anglers may retain hatchery steelhead.

(iii) Walleye:

(A) Limit 10; no minimum length.

(B) No more than 5 longer than 18 inches may be retained, and only one walleye may be longer than 24 inches.

(iv) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.

(v) Channel catfish: No limit.

(vi) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Closed to fishing for salmon and steelhead from Buoy 10 to the Megler-Astoria Bridge.

(II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(III) Release all salmon other than sockeye and hatchery Chinook.

(IV) From July ((+)) 7 through July 31, release adult Chinook and sockeye.

(B) Open August 1 through September ((+)) 7:

(I) Limit 2 salmon, or 2 hatchery steelhead, or one of each.

(II) Release all salmon except Chinook and hatchery coho.

~~(III) ((August 30 through September 1: It is unlawful to retain Chinook that do not have a clipped adipose or left ventral fin as evidenced by a healed scar.~~

~~(IV))~~ Chinook minimum length 24 inches; only one Chinook may be retained as part of the limit.

~~((V))~~ (IV) Coho minimum length 16 inches.

(C) Open September ~~((2))~~ 8 through September 30:

(I) Limit ~~((3; no more than 2 hatchery steelhead may be retained))~~ 2; hatchery coho or hatchery steelhead or one of each.

(II) Release all salmon other than hatchery coho.

(III) Coho minimum length 16 inches.

(D) Open October 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(E) Open January 1 through March 31:

(I) Limit 6; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(vii) Shad open May 16 through March 31.

(viii) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.

(b) From a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank, upstream to the I-5 Bridge:

(i) Trout:

(A) Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat and hatchery steelhead (the limit is as provided under (b)(v) of this subsection).

(I) Anglers may retain up to 2 hatchery cutthroat.

(II) Hatchery cutthroat minimum length 12 inches.

(III) Barbless hooks are required for cutthroat trout.

(ii) Walleye:

(A) Limit 10; no minimum length.

(B) No more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.

(iii) Bass: Limit 5 bass between 12 and 17 inches in length; it is unlawful to retain more than 3 longer than 15 inches.

(iv) Channel catfish: No limit.

(v) Salmon and steelhead:

(A) Open May 16 through July 31:

(I) Release all salmon except hatchery Chinook and sockeye.

(II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(III) Release sockeye and adult Chinook May 16 through June 15 and July ~~((4))~~ 7 through July 31.

(B) Open August 1 through September 30:

(I) Upstream of Warrior Rock line: Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each,

may be retained. Release all salmon except Chinook and hatchery coho.

(II) Downstream of Warrior Rock line: Limit 6; no more than 2 adult salmon, and only one adult Chinook may be retained. Release wild Chinook from September ~~((7))~~ 8 through September 14, and release all Chinook from September 15 through September 30.

(C) For the purpose of this subsection, "Warrior Rock line" is defined as a line projected from the Warrior Rock Lighthouse, through Red ~~((Bouy [Buoy]))~~ Buoy 4, to the orange marker atop the dolphin on the Washington shore.

(D) Open October 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(E) Open January 1 through March 31:

(I) Limit 6 fish; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(vi) Shad open May 16 through March 31.

(c) From the I-5 Bridge to Bonneville Dam:

(i) The following waters are closed:

(A) From the upstream line of Bonneville Dam to boundary markers 600 feet below the fish ladder at the powerhouse.

(B) January 1 through April 30 from a line between the upstream end of Sand Island (near Rooster Rock) on the Columbia River, to the boundary marker on the Oregon shore, downstream to a line between the lower end of Sand Island and the boundary marker on the Oregon shore.

(C) Closed to angling from a floating device or by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost tip of Robins Island.

(ii) Camas Slough:

(A) It is permissible for an angler licensed in Oregon or Washington to fish from a floating device.

(B) In the waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island:

(I) From August 1 through December 31: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

~~(II) ((From August 1 through December 31: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.~~

~~((HH))~~ Open for salmon when the adjacent mainstem Columbia or Washougal rivers are open for salmon.

~~((HV))~~ (III) The limit for salmon is the same as the most liberal regulation of either area, except anglers may only retain hatchery Chinook and hatchery coho; release all other salmon.

(iii) Release all trout except hatchery steelhead.

(iv) Walleye:

(A) Limit 10; no minimum length.

(B) No more than 5 longer than 18 inches may be retained, and only one walleye may be longer than 24 inches.

(v) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.

(vi) Channel catfish: No limit.

(vii) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(III) Release adult Chinook and sockeye July ((+)) 7 through July 31.

(B) Open August 1 through December 31:

(I) Limit 6; no more than 2 adult salmon or 2 hatchery steelhead, or one of each, may be retained, except no more than 3 adults, of which no more than 2 may be hatchery coho or 2 hatchery steelhead, or one of each, may be retained upstream from a line projected from the lower end of the Steamboat Landing dock on the Washington shore through navigation Light #50 to the Oregon shore.

(II) Release all salmon except Chinook and hatchery coho.

(III) Closed November 1 through December 31 from Beacon Rock to Bonneville Dam.

(viii) Steelhead: Open January 1 through March 31.

(ix) Shad: Open May 16 through March 31.

(d) **From Bonneville Dam to The Dalles Dam:**

(i) Closed waters:

(A) Within one quarter mile of the USFWS Spring Creek Hatchery Grounds, between posted markers located one quarter mile on either side of the fish ladder entrance.

(B) At The Dalles between the upstream line of The Dalles Dam to the upstream side of the Interstate 197 Bridge, except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

(ii) Release all trout, except anglers may retain hatchery steelhead.

(iii) Walleye:

(A) Limit 10; no minimum length.

(B) No more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.

(iv) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.

(v) Channel catfish: No limit.

(vi) Salmon and steelhead:

(A) When open from March 16 through June 15:

(I) Bank fishing only from Bonneville Dam to Tower Island powerlines (approximately 6 miles below The Dalles Dam).

(II) Only hand-cast lines may be used. It is unlawful to use a floating device to set lines for salmon and steelhead.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

((~~B~~)) (C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies and night closure in effect.

(II) Limit 6; no more than 3 adults, of which no more than 2 may be coho or 2 hatchery steelhead, or one of each, may be retained.

(III) Release all salmon except Chinook and coho.

(IV) Release wild coho from Bonneville Dam to Hood River Bridge.

(vii) Steelhead: Open January 1 through March 31.

(e) **From The Dalles Dam to McNary Dam:**

(i) Closed waters:

(A) At John Day Dam between the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that bank fishing is permitted up to 400 feet below the fishway entrance on the Washington shore.

(B) At McNary Dam between the upstream line of McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing-wall of the boat lock near the Washington shore.

(ii) Release all trout except hatchery steelhead.

(iii) Walleye:

(A) Limit 10; no minimum length.

(B) No more than 5 longer than 18 inches may be retained, and only one walleye may be longer than 24 inches.

(iv) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.

(v) Channel catfish: No limit.

(vi) Salmon and steelhead:

(A) When open from March 16 through June 15:

(I) Anglers may possess up to 4 hatchery adult Chinook salmon in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

((~~B~~)) (C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies and night closure in effect.

(II) Limit 6; no more than 3 adults, of which no more than 2 may be coho or 2 hatchery steelhead, or one of each, may be retained.

(III) Release all salmon except Chinook and coho.

(vii) Steelhead: Open January 1 through March 31.

(f) **From McNary Dam to Highway 395 Bridge at Pasco:**

(i) Barbless hooks are required for salmon and steelhead.

(ii) The Snake River Confluence Protection Area includes waters of the Columbia River from the railroad bridge between Burbank and Kennewick, upstream approximately 2.1 miles to the first power line crossing the Columbia upstream of the navigation light on the point of Sacajawea State Park. For all species, limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of the Snake River.

(iii) Release all trout except hatchery steelhead.

(iv) From McNary Dam upstream to Highway 730 at the Oregon/Washington border: Walleye limit 10; no minimum

length. No more than 5 walleye longer than 18 inches may be retained, and only one may be longer than 24 inches.

(v) Upstream from Highway 730 at the Oregon/Washington border:

(A) Bass: No limit and no size restrictions.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restrictions.

(vi) Salmon and steelhead:

(A) When open from March 16 through June 15 from McNary Dam to the Washington/Oregon border:

(I) Anglers may possess up to 4 hatchery adult Chinook in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

~~((B))~~ (C) Open August 1 through December 31:

(I) Limit 6; no more than 3 adults, of which no more than 2 may be coho or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except Chinook and coho.

(vii) Steelhead: Open January 1 through March 31.

(g) **From the Highway 395 Bridge at Pasco to the ((Old Hanford townsite wooden power line towers, in Sec. 30, T13N, R28E)) Interstate 182 Bridge:**

(i) Barbless hooks are required for salmon and steelhead.

(ii) Closed waters: ~~((A))~~ Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park.

~~((B))~~ Ringold Springs Creek (Hatchery Creek).

~~((C))~~ In the Columbia River within 100 foot radius (are) from the mouth of Ringold Springs Creek (Hatchery Creek).

~~((D))~~ (iii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iv) Trout:

(A) October 1 through October 31 release all trout, except 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) November 1 through March 31 release all trout, except anglers may retain up to 2 hatchery steelhead.

(v) Bass: No limit and no size restrictions.

(vi) Channel catfish: No limit.

(vii) Walleye: No limit and no size restrictions.

(viii) Salmon:

(A) Open June 16 through August 15:

(I) Limit 3; no more than 1 adult hatchery Chinook salmon and no more than 2 sockeye may be retained.

(II) Release wild adult Chinook salmon.

(B) Open August 16 through October 31: Limit 6; no more than 3 adult salmon may be retained. Once the adult salmon limit is retained, anglers may not continue to fish for any species the remainder of the day.

(h) From the Interstate 182 Bridge to the Old Hanford townsite wooden powerline towers, in Sec. 30, T13N, R28E:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Closed waters:

(A) The area of the Columbia River between the markers located 100 feet upstream and 100 feet downstream of the Ringold Springs Hatchery Creek, and extending 100 feet towards the middle of the river.

(B) September 1 through November 30: West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River.

(iii) Ringold Area Bank Fishery waters, from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet, to WDFW markers 1/2 mile upstream from Spring Creek:

(A) Fishing is allowed only from the bank and only on the hatchery side of the river.

(B) Release all trout, except anglers may retain up to 2 hatchery steelhead from April 1 through April 15.

(iv) ~~((From October 23 through July 31,))~~ For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(v) Release all steelhead with a radio-tag wire protruding from the mouth, or with a disk or floy tag attached near the dorsal fin.

(vi) Trout:

(A) October 1 through October 31 release all trout, except 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) November 1 through March 31 release all trout, except anglers may retain up to 2 hatchery steelhead.

(vii) Bass: No limit and no size restrictions.

(viii) Channel catfish: No limit.

(ix) Walleye: No limit and no size restrictions.

(x) Salmon:

(A) Open June 16 through ~~((July 31))~~ August 15:

(I) Limit 8; no more than 2 adult hatchery Chinook and no more than ~~((4))~~ 6 sockeye may be retained.

(II) Release ~~((coho and))~~ wild adult Chinook.

(B) Open August ~~((+))~~ 16 through October ~~((22))~~ 31: Limit 6; no more than ~~((2))~~ 3 adult salmon may be retained. ~~((+))~~ Once the adult salmon daily limit has been retained, anglers may not continue to fish for any species the remainder of the day.

(i) From the Old Hanford townsite wooden power line towers, in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24):

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open February 1 through October 22.

(iii) ~~((February 1 through July 31,))~~ For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iv) Trout: Catch and release only.

(v) Bass: No limit and no size restrictions.

(vi) Channel catfish: No limit.

(vii) Walleye: No limit and no size restrictions.

(viii) Salmon:

(A) Open June 16 through ~~((July 31))~~ August 15:

(I) Limit 8; no more than 2 adult hatchery Chinook and no more than ~~((4))~~ 6 sockeye may be retained.

(II) Release ~~((coho and))~~ wild adult Chinook.

(B) Open August ~~((+))~~ 16 through October 22: Limit 6; no more than ~~((2))~~ 3 adult salmon may be retained. ~~((+))~~

Once the adult salmon daily limit is retained, anglers may not continue to fish for any species the remainder of the day.

(j) From Vernita Bridge (Highway 24) to Priest Rapids Dam:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Closed waters:

(A) At Priest Rapids Dam; waters between the upstream line of Priest Rapids Dam downstream to the boundary markers 650 feet below the fish ladders.

(B) At Jackson (Moran) Creek, or Priest Rapids Hatchery Outlet Creek; waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth.

(iii) ~~((October 23 through July 31,))~~ For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iv) Trout: Catch and release only.

(v) Walleye: No limit and no size restrictions.

(vi) Bass: No limit and no size restrictions.

(vii) Channel catfish: No limit.

(viii) Salmon:

(A) Open June 16 through ~~((July 31))~~ August 15:

(I) Limit 8; no more than 2 adult hatchery Chinook and no more than ~~((4))~~ 6 sockeye may be retained.

(II) Release ~~((coho and))~~ wild adult Chinook.

(B) Open August ~~((+))~~ 16 through October 22: Limit 6; no more than ~~((2))~~ 3 adult salmon may be retained. ~~((+))~~ Once the adult salmon daily limit is retained, anglers may not continue to fish for any species the remainder of the day.

(k) From Priest Rapids Dam to ~~((Wanapum))~~ Rock Island Dam:

(i) Barbless hooks required for salmon and steelhead.

(ii) Closed waters at ~~((Wanapum))~~ Rock Island Dam, between the upstream line of Wanapum Dam to the boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder.

(iii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iv) Release all trout.

(v) Walleye: No limit and no size restrictions.

(vi) Bass: No limit and no size restrictions.

(vii) Channel catfish: No limit.

(viii) Salmon:

(A) Open July 1 through August 31:

(I) Limit 8; no more than 2 adult hatchery Chinook and no more than ~~((4))~~ 6 sockeye may be retained.

(II) Release coho and wild adult Chinook.

(B) Open September 1 through October 22: Limit 6 Chinook; no more than ~~((2))~~ 3 adult ~~((s))~~ Chinook salmon may be retained.

~~((+))~~ (l) From ~~((Wanapum))~~ Rock Island Dam to Wells Dam:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Closed waters:

(A) At Rocky Reach Dam and Rock Island Dam, between the upstream line of the dam to boundary markers 400 feet downstream of the fish ladders.

(B) At Wells Dam, between the upstream line of Wells Dam to boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side).

(iii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iv) Trout: Catch and release only.

(v) Walleye: No limit and no size restrictions.

(vi) Bass: No limit and no size restrictions.

(vii) Channel catfish: No limit.

(viii) Salmon open July 1 through October 15:

(A) Limit 8; no more than 2 adult hatchery Chinook and no more than ~~((4))~~ 6 sockeye may be retained.

(B) Release coho and wild adult Chinook.

~~((+))~~ (m) From Wells Dam to Highway 173 Bridge at Brewster:

(i) Barbless hooks are required for salmon and steelhead.

(ii) July 16 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) Release all trout.

(iv) Walleye: No limit and no size restrictions.

(v) Bass: No limit and no size restrictions.

(vi) Channel catfish: No limit.

(vii) Salmon open July 16 through August 31:

(A) Limit 8; no more than 2 adult hatchery Chinook and no more than ~~((4))~~ 6 sockeye may be retained.

(B) Release coho and wild adult Chinook.

~~((+))~~ (n) From Highway 173 Bridge at Brewster to Chief Joseph Dam:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Closed waters:

(A) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge.

(B) From the Douglas County shore from Chief Joseph Dam to the rock jetty at the upstream shoreline of Foster Creek.

(iii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iv) It is unlawful to fish from a floating device downstream of Chief Joseph Dam from the boundary marker to the Corps of Engineers safety zone marker.

(v) Trout: Catch and release only.

(vi) Walleye: No limit and no size restrictions.

(vii) Bass: No limit and no size restrictions.

(viii) Channel catfish: No limit.

(ix) Salmon: Open July 1 through October 15:

(A) Limit 8; no more than 2 adult hatchery Chinook and no more than ~~((4))~~ 6 sockeye may be retained.

(B) Release coho and wild adult Chinook.

~~((+))~~ (o) Above Chief Joseph Dam: See Rufus Woods Lake in WAC 220-310-195.

~~((+))~~ (p) Above Grand Coulee Dam: See Lake Roosevelt in WAC 220-310-195.

AMENDATORY SECTION (Amending WSR 14-16-027, filed 7/25/14, effective 8/25/14)

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. (1) It is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities and the sizes provided for in WAC 220-56-180, and for the species designated in this section. An area is open when a daily limit is provided:

(2) **Catch Record Card Area 1:**

(a) May 1 through May ~~((30))~~ 29: Closed.

(b) May ~~((31))~~ 30 through June ~~((13))~~ 12:

(i) Daily limit of 2 salmon.

(ii) Release coho and wild Chinook.

(c) June ~~((14))~~ 13 through September 30:

(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) Release wild coho.

(d) October 1 through April 30: Closed.

(e) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-56-195.

(3) **Catch Record Card Area 2:**

(a) May 1 through May ~~((30))~~ 29: Closed.

(b) May ~~((31))~~ 30 through June ~~((13))~~ 12:

(i) Daily limit of 2 salmon.

(ii) Release coho and wild Chinook.

(c) June ~~((14))~~ 13 through September 30:

(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) Release wild coho.

(d) October 1 through April 30 - Closed.

(4) **Willapa Bay (Catch Record Card Area 2-1):**

(a) May 1 through May 30: Closed.

(b) May 31 through July 31: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through January 31:

(i) Daily limit of 6 salmon; no more than 3 may be adult salmon.

(ii) Release wild Chinook.

(iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(iv) Waters south of a line from Needle Point northwesterly to Long Island Shoal light (green) (46°32.32'N, 123°58.59'W) then due west to landfall on the North Beach peninsula at 46°32.32'N are closed August 1 through September 15.

(v) Waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green) then, northeasterly to the power transmission pole located at 46°43.19'N, 123°50.83'W are closed August 1 through September 30.

(d) February 1 through April 30: Closed.

(5) **Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):**

(a) May 1 through August 15: Closed.

(b) August ~~((16))~~ 1 through ~~((August 31))~~ September 15:

(i) Daily limit of 2 salmon ~~((; no more than one may be a Chinook salmon))~~.

(ii) Release wild coho.

(ii) Waters south of a line running from the south end of the eastern jetty at Ocean Shores Marina to the fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) are closed.

(c) ~~((September 1 through September 15: Closed.~~

~~((16)))~~ September 16 through November 30:

(i) Daily limit of 3 salmon.

(ii) Release Chinook.

(ii) Waters west of a line running from the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green) to the mouth of Johns River (Highway 105 Bridge) are closed.

~~((16)))~~ (d) December 1 through April 30: Closed.

~~((16)))~~ (e) Notwithstanding the provisions of this subsection, the Westport Boat Basin and Ocean Shores Boat Basin are open only August 16 through January 31:

(i) Daily limit of 6 salmon; no more than 4 may be adult salmon.

(ii) Release Chinook.

(iii) Night closure and anti-snagging rule in effect.

(6) **Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):**

(a) ~~((May 1 through May 30:))~~ August 11 through April 30: Closed.

(b) May 31 through August 10: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

~~((16)))~~ (c) ~~((August 11 through April 30: Closed.))~~

(7) **Catch Record Card Area 3:**

(a) May 1 through June 13: Closed, except May ~~((16))~~ 15 through May ~~((17))~~ 16, May ~~((23))~~ 22 through May ~~((24))~~ 23, and May ~~((31))~~ 30 through June ~~((13))~~ 12:

(i) Daily limit of 2 salmon.

(ii) Release coho and wild Chinook.

(b) June ~~((14))~~ 13 through September ~~((21))~~ 30:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(iii) In years ending in odd numbers, two additional pink salmon may be retained as part of the daily limit.

(c) ~~((September 22))~~ October 1 through April 30: Closed.

(d) Notwithstanding the provisions of this subsection, waters north of 47°50'00"N latitude and south of 48°00'00"N latitude are also open September ~~((27))~~ 30 through October ~~((12))~~ 11:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(8) **Catch Record Card Area 4:**

(a) May 1 through June 13: Closed, except May ~~((16))~~ 15 through May ~~((17))~~ 16, May ~~((23))~~ 22 through May ~~((24))~~ 23, and May ~~((31))~~ 30 through June ~~((13))~~ 12:

(i) Daily limit of 2 salmon.

(ii) Release coho and wild Chinook.

(iii) Waters east of a true north-south line through Sail Rock are closed.

(b) June ~~((14))~~ 13 through September ~~((21))~~ 30:

(i) Daily limit of 2 salmon.

(ii) Release wild coho salmon.

(iii) In years ending in odd numbers, two additional pink salmon may be retained as part of the daily limit.

(iv) Waters east of a true north-south line through Sail Rock are closed through July 31.

(v) Release Chinook salmon caught east of the Bonilla-Tatoosh line beginning August 1.

(vi) Release chum salmon beginning August 1.

(c) September 22 through April 30: Closed.

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

AMENDATORY SECTION (Amending WSR 14-16-027, filed 7/25/14, effective 8/25/14)

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. (1) It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-56-180. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters under WAC 232-28-620.

(2) Catch Record Card Area 5:

(a) May 1 through June 30: Closed.

(b) July 1 through August 15:

(i) Daily limit of 2 salmon(~~(, plus 2 additional sockeye salmon may be retained as part of the daily limit)~~).

(ii) Release chum, wild Chinook and wild coho.

(iii) In years ending in odd numbers, any combination of 2 additional pink or sockeye salmon may be retained as part of the daily limit.

(c) August 16 through September ~~((18))~~ 14:

(i) Daily limit of 2 salmon(~~(, plus 2 additional sockeye salmon may be retained as part of the daily limit from August 16 through August 31)~~).

(ii) Release chum, Chinook and wild coho.

(iii) In years ending in odd numbers, any combination of 2 additional pink or sockeye salmon through August 31 and 2 additional pink salmon through September 14 may be retained as part of the daily limit.

(d) September ~~((19))~~ 15 through September ~~((25))~~ 30:

(i) Daily limit of 2 salmon.

(ii) Release chum and Chinook.

(e) ~~((September 26 through September 30:~~

~~(i) Daily limit of 2 salmon:~~

~~(ii) Release chum, Chinook, and wild coho.~~

~~((f))~~ October 1 through October 31:

(i) Daily limit of 2 salmon.

(ii) Release ~~((wild))~~ Chinook ~~((and wild coho))~~.

~~((g))~~ ~~(f)~~ November 1 through February 15: Closed.

~~((h))~~ ~~(g)~~ February 16 through April ~~((10))~~ 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

~~((i) April 11 through April 30: Closed.)~~

(3) Catch Record Card Area 6:

(a) May 1 through June 30: Closed.

(b) July 1 through August 15:

(i) Daily limit of 2 salmon(~~(, plus 2 additional sockeye salmon may be retained as part of the daily limit)~~).

(ii) Release chum, wild Chinook and wild coho.

(iii) Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(iv) In years ending in odd numbers, any combination of 2 additional pink or sockeye salmon may be retained as part of the daily limit.

(c) August 16 through September 30(~~(, plus 2 additional sockeye salmon may be retained as part of the daily limit from August 16 through August 31)~~):

(i) Daily limit of 2 salmon.

(ii) Release chum, Chinook and wild coho.

(iii) In years ending in odd numbers, any combination of 2 additional pink or sockeye salmon through August 31 and 2 additional pink salmon September 1 through September 30 may be retained as part of the daily limit.

(d) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through October 31.

(e) October 1 through October 31:

(i) Daily limit of 2 salmon(~~(, no more than one may be a Chinook salmon, except that waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp, are open with a daily limit of 2 coho salmon only)~~), release wild Chinook.

(ii) Waters inside the line described in this subsection are closed at all times except during October.

(f) November 1 through November 30: Closed.

(g) December 1 through April ~~((10))~~ 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(h) ~~((April 11 through April 30: Closed.))~~ Waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp are closed except:

(i) July 16 through August 15: Daily limit of 4 pink salmon only. Bait prohibited, and only one single-point barbless hook measuring one-half inch or less from point to shank may be used.

(ii) October 1 through October 31: Daily limit of 2 coho only.

(4) Catch Record Card Area 7:

(a) May 1 through June 30: Closed.

(b) July 1 through July 31:

(i) Daily limit of 2 salmon(~~(, plus 2 additional sockeye salmon may be retained as part of the daily limit; no more than one may be a)~~ release wild Chinook ~~((salmon))~~).

(ii) In years ending in odd numbers, any combination of 2 additional pink or sockeye salmon may be retained as part of the daily limit.

~~((iii) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).))~~

(c) August 1 through September 30:

(i) Daily limit of 2 salmon (~~(, plus 2 additional sockeye salmon may be retained as part of the daily limit from August 16 through August 31; no more than one may be a Chinook salmon)~~).

(ii) Release chum and wild coho.

(iii) In years ending in odd numbers, any combination of 2 additional pink or sockeye salmon through August 31 and 2 additional pink salmon September 1 through September 30 may be retained as part of the daily limit.

(iv) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(d) October 1 through October 31:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook (~~(and wild coho)~~).

(e) Waters of Samish Bay described in WAC 220-56-195(4): Closed April 1 through April 30 and July 1 through October 15.

(f) November 1 through November 30: Closed.

(g) December 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(h) Waters of Bellingham Bay described in WAC 220-56-195(1):

(i) Closed April 1 through April 30 and July 1 through August 15.

(ii) August 16 through September 30: Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(iii) October 1 through October 31:

(A) Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(B) Release wild Chinook.

(iv) November 1 through March 31 and June 1 through June 30: Same rules as Area 7.

(i) Waters east of a line from Gooseberry Point to Sandy Point: Closed September ~~((2))~~ 8 through October 15.

(5) **Catch Record Card Area 8-1:**

(a) May 1 through July 31: Closed.

(b) August 1 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) October 1 through October 31:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(d) November 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(6) **Catch Record Card Area 8-2:**

(a) May 1 through July 31 are closed, except: Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point are open only from Friday through 11:59 a.m. the following Monday of each week, May 29 through June 12 and June 14 through July 31:

(i) Daily limit of 2 salmon.

(ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

~~((iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.)~~

(b) August 1 through September 30:

(i) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort, to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point:

(A) August 1 through September ~~((7))~~ 7: Open only from Friday through 11:59 a.m. the following Monday of each week.

(I) Daily limit of 2 salmon.

(II) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

~~((III) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.)~~

(B) September ~~((2))~~ 8 through September ~~((27))~~ 27, open only Saturday and Sunday of each week:

(I) Daily limit of 2 salmon.

(II) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

~~((III) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.)~~

(C) September ~~((23))~~ 28 through September 30: Same rules as remainder of Area 8-2.

(ii) All other waters of Area 8-2:

(A) Daily limit of 2 salmon.

(B) Release Chinook.

(C) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) October 1 through October 31:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(d) November 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(7) **Catch Record Card Area 9:**

(a) May 1 through June 30: Closed.

(b) July 1 through July 15:

(i) Daily limit of 2 salmon.

(ii) Release Chinook and chum.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) July 16 through August 31:

(i) Daily limit of 2 salmon (~~(; no more than one may be a Chinook)~~).

(ii) Release chum and wild Chinook (~~(; release Chinook from August 16 through August 31)~~).

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

~~((iv) Closed south of a line from Foulweather Bluff to Olele Point, except it is permissible to fish from shore between the southern and northern boundaries of Salsbury Point Park:~~

~~(A) Daily limit of 2 salmon.~~

~~(B) Release Chinook and chum.~~

~~(C) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.)~~

(d) September 1 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release chum and Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(e) October 1 through October 31:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(f) November 1 through November 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(g) December 1 through January 15: Closed.

(h) January 16 through April 15:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(i) April 16 through April 30: Closed.

(j) Edmonds Fishing Pier:

(i) Open year-round.

(ii) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(iii) Release chum from August 1 through September 30.

(iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

(8) **Catch Record Card Area 10:**

(a) May 1 through May 31: Closed.

(b) June 1 through June 30: Open only north of a line from Point Monroe to Meadow Point. Catch and release.

(c) July 1 through July 15:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) July 16 through August 31:

(i) Daily limit of 2 salmon(~~(; no more than one may be a Chinook)~~).

(ii) Release wild Chinook and chum(~~(; release Chinook from August 16 through August 31)~~).

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(e) September 1 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release chum through September 15.

(iii) Release Chinook.

(iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(f) (~~Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed July 1 through August 31.~~

(~~g~~)) Waters of Elliott Bay east of a line from West Point to Alki Point: Closed July 1 through August 31, except: In years ending in odd numbers: Those waters north of a line from Jack Block Park through the north tip of Harbor Island to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), open August (~~(+6)~~) 14 through August 31 from Friday through Sunday of each week only.

(i) Daily limit of 2 salmon plus 2 additional pink salmon.

(ii) Release Chinook and chum.

(iii) Bait prohibited, and only one single-point barbless hook measuring one-half inch or less from point to shank may be used.

(~~(+)~~) (~~g~~) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true

west from Battle Point, and west of a line drawn true south from Point White:

(i) Daily limit of 3 salmon, July 1 through September 30. (~~(Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.)~~)

(ii) Release wild Chinook.

(iii) Release chum from August 1 through September 15.

(iv) In years ending in odd numbers, one additional pink salmon may be retained as part of the daily limit.

(~~(+)~~) (~~h~~) October 1 through January 31:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(~~(+)~~) (~~i~~) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point: Fly fishing only, lead core lines prohibited, and catch and release from January 1 through January 31.

(~~(+)~~) (~~j~~) February 1 through April 30: Closed.

(~~(+)~~) (~~k~~) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier, open year-round:

(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) Release chum from August 1 through September 15.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

(~~(+)~~) (~~l~~) Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line projected through Southwest Hanford Street on Harbor Island, from July 1 through October 31 night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.

(m) Free-flowing freshwaters are closed downstream of the mouth at Chico Creek and Gorst Creek.

(9) **Catch Record Card Area 11:**

(a) May 1 through May 31: Closed.

(b) June 1 through June 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock are closed.

(c) July 1 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iv) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock, closed July 1 through July 31.

(d) October 1 through December 31:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(e) January 1 through January 31: Closed.

(f) February 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock, closed from April 1 through April 30.

(g) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock are open year-round:

(i) Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

(10) Catch Record Card Area 12:

(a) May 1 through June 30: Closed.

(b) July 1 through October 15, in waters south of Ayock Point:

(i) Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(ii) Release chum and wild Chinook.

(c) July 1 through August 15, in waters north of Ayock Point: ~~((Closed:))~~

(i) Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(ii) Release chum and wild Chinook.

(d) August 16 through October 15:

~~(i) ((Waters of Quileene Bay north of a true east line from Whitney Point to the Toandos Peninsula, and south of a line true east from Broad Spit. Daily limit 4 coho salmon. Release all salmon except coho.~~

~~((ii))~~ Waters north of a line true east from Broad Spit: Closed September 16 through October 15.

~~((iii))~~ (ii) All other waters north of Ayock Point: ((A) August 16 through August 31: Closed.

~~(B) September 1 through October 15: Daily limit of 4 coho salmon. Release all salmon except coho.)~~ Daily limit of 4 salmon; no more than 2 may be Chinook salmon; release chum and wild Chinook.

(e) October 16 through December 31:

(i) Waters north of a line true east from Broad Spit - Closed.

(ii) All other waters except Hoodspport Hatchery Zone:

(A) Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(B) Release wild Chinook.

(f) January 1 through January 31: Closed.

(g) February 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(h) July 1 through December 31, the Hoodspport Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

(i) Free-flowing freshwater is closed downstream of the mouth of the Skokomish River.

(11) Catch Record Card Area 13:

(a) May 1 through June 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

~~((iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.)~~

(b) July 1 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release wild coho and wild Chinook.

~~(iii) ((Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.~~

~~(iv))~~ In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) October 1 through October 31:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and wild coho.

~~((iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.)~~

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed April 16 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed.

(i) Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31.

(ii) Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower: Night closure and anti-snagging rule from July 16 through October 31.

(f) November 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

~~((iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.)~~

(g) Fox Island Public Fishing Pier, open year-round:

(i) Daily limit 2 salmon; no more than one may be a Chinook salmon.

(ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit July 1 through September 30.

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

WSR 15-10-100

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 6, 2015, 9:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-01-181.

Title of Rule and Other Identifying Information: The department is amending and adding new sections to chapter 388-71 WAC, Home and community services and programs, specifically adult protective services.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://>

www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html), on June 9, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 10, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAU RulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., June 9, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by May 26, 2015, TTY (360) 664-6178 or (360) 664-6094 or e-mail jennisha.johnson@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is adding new sections to chapter 388-71 WAC to transfer and amend the rules for residential client protection program found in chapter 388-76 WAC, Adult family home; chapter 388-78A WAC, Assisted living; chapter 388-97 WAC, Nursing home; chapter 388-101 WAC, Supportive living programs; and chapter 388-111 WAC, Residential habilitation centers, to the adult protective services program.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Statute Being Implemented: RCW 74.08.090, 74.09.520.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Carol Sloan, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2345.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The preparation of a small business economic impact statement is not required, as no new costs will be imposed on small businesses or nonprofits as a result of this rule amendment.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt per RCW 34.05.328 (5)(b)(v), rules the content of which is explicitly and specifically dictated by statute.

May 1, 2015

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-0100 What are the statutory references for WAC 388-71-0100 through ~~((388-71-01280)) 388-71-01281?~~ The statutory references for WAC 388-71-0100 through WAC ~~((388-71-01280)) 388-71-01281~~ are:

- (1) Chapter 74.34 RCW; and
- (2) ~~((Chapter 74.39A RCW; and~~
- ~~(3) Chapter 74.39 RCW))~~ 42 U.S.C. § 1396r; 42 C.F.R. § 488.335.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-0105 What definitions apply to adult protective services? In addition to the definitions found in chapter 74.34 RCW, the following definitions apply:

~~"((ADSA)) ALTSA"~~ means DSHS aging and ~~((disability))~~ long-term support services administration.

"Adult family home" means a home or building licensed under chapter 70.128 RCW.

"ALJ" means an administrative law judge, an impartial decision-maker who is an attorney and presides at an administrative hearing. The office of administrative hearings (OAH), which is a state agency, employs the ALJs. ALJs are not DSHS employees or DSHS representatives.

"APS" means adult protective services.

"Basic necessities of life" means food, water, shelter, clothing, and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen, and medication.

"BOA" means the DSHS board of appeals. The board of appeals consists of lawyers who are members of the Washington State Bar Association. An ALJ's decision can be appealed to the board of appeals, allowing a level of review before an appeal to the court system may be considered.

"DSHS" means the department of social and health services.

~~"Entity" means any agency, corporation, partnership, association, limited liability company, sole proprietorship, for profit or not for profit business that provides care and/or services to vulnerable adults under a license, certification or contract issued by DSHS or DSHS' contractor. An entity does not include a boarding home licensed under chapter 18.20 RCW, an adult family home licensed under chapter 70.128 RCW, or a nursing home licensed under chapter 18.51 RCW, but does include such facilities if they are required to be licensed but are not currently licensed.)~~

"Enhanced service facility" means a home or building licensed under chapter 70.97 RCW.

~~"Facility" means a residence licensed as ((a boarding home under chapter 18.20 RCW, an adult family home under chapter 70.128 RCW, a nursing home under chapter 18.51 RCW, a soldier's home under chapter 72.36 RCW, a residential habilitation center under chapter 71A.20 RCW, or any other facility licensed by DSHS)) an assisted living facility under chapter 18.20 RCW, an adult family home under chapter 70.128 RCW, a nursing home under chapter 18.51 RCW, a soldier's home under chapter 72.36 RCW, a residential habilitation center under chapter 71A.20 RCW, an enhanced services facility under chapter 71.05 RCW, or any other facility or residential program licensed or certified by DSHS's aging and long-term support administration.~~

"Final finding" means ~~((the department's))~~ a substantiated initial finding of abandonment, abuse, personal exploitation, financial exploitation or neglect that

(1) has been ((is)) upheld through the administrative appeal ((process specified)) described in WAC 388-71-01205 through 388-71-01280, or

(2) is not timely appealed to the office of administrative hearings. ((The alleged perpetrator can appeal a)) A final finding may be appealed to Superior Court and the Court of

Appeals under the Administrative Procedure Act, chapter 34.05 RCW.

~~("Initial finding" means a determination made by the department upon investigation of an allegation of abandonment, abuse, financial exploitation, neglect or self-neglect.~~

~~(1) If the department determines it is more likely than not the incident occurred, the department shall document the finding as "substantiated."~~

~~(2) If the department determines it is more likely than not the incident did not occur, the department shall document the finding as "unsubstantiated."~~

~~(3) If the department cannot make a determination about whether the incident occurred or did not occur on a more probable than not basis, the department shall document the finding as "inconclusive.")~~

"Intermediate care facility for individuals with intellectual disabilities (ICF/IID)" means a facility certified under 42 C.F.R. Part 483, Subpart 1.

"Legal representative" means a guardian appointed under chapter 11.88 RCW or an attorney-in-fact under chapter 11.94 RCW.

"Nursing Assistant" means a nursing assistant as defined under RCW 18.88A.020 or successor laws.

"Nursing facility (NF)" or "medicaid-certified nursing facility" means a nursing home licensed under chapter 18.51 RCW, or any portion of a hospital, veterans' home, or residential habilitation center, that is certified to provide nursing services to medicaid recipients under section 1919(a) of the federal Social Security Act. All beds in a nursing facility are certified to provide medicaid services, even though one or more of the beds may also be certified to provide medicare skilled nursing facility services.

"Nursing home" means any facility licensed to operate under chapter 18.51 RCW.

"Person ~~((or entity))~~ with a duty of care" includes, but is not limited to, the following:

(1) A guardian appointed under chapter 11.88 RCW; or

(2) A person named in a durable power of attorney as the attorney-in-fact as defined under chapter 11.94 RCW.

(3) A person ~~((or entity))~~ providing the basic necessities of life to a vulnerable adult ~~((adults))~~ where:

(a) The person ~~((or entity))~~ is employed by or on behalf of the vulnerable adult; or

(b) The person ~~((or entity))~~ voluntarily agrees to provide, or has been providing, the basic necessities of life to the vulnerable adult on a continuing basis.

"Personal aide" as found in RCW 74.39.007.

"Self-directed care" as found in RCW 74.39.007.

"Skilled nursing facility (SNF)" or "medicare-certified skilled nursing facility" means a nursing home, a portion of a nursing home, or a long-term care wing or unit of a hospital that has been certified to provide nursing services to medicare recipients under Section 1819(a) of the federal Social Security Act.

"Substantiated initial finding" means a determination made by the department upon investigation of an allegation of abandonment, abuse, personal exploitation, financial exploitation, neglect or self-neglect that it is more likely than not that the alleged abandonment, abuse, personal exploitation, financial exploitation, neglect or self-neglect occurred.

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

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-0110 What is the purpose of an adult protective services investigation? The purpose of an adult protective services investigation is to:

(1) Investigate allegations of abandonment, abuse, personal exploitation, financial exploitation, neglect, or self-neglect.

(2) Provide protective services with the consent of the vulnerable adult or his or her legal representative when the allegation is substantiated, or prior to substantiation when it appears abandonment, abuse, personal exploitation, financial exploitation, neglect or self-neglect may be occurring and protective services could assist in ending or preventing harm to the vulnerable adult.

(3) When an allegation is substantiated, APS may investigate whether other vulnerable adults may be at current risk of abuse, personal exploitation, neglect, abandonment or financial exploitation by the person ~~((or entity))~~.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-0115 When is an investigation conducted? The department ~~((determines when an investigation is conducted [required]. The following criteria must be met))~~ will conduct an investigation when:

(1) The reported circumstances fit the definition of abandonment, abuse, personal exploitation, financial exploitation, neglect, or self-neglect as defined in chapter 74.34 RCW; and

(2) The alleged victim is a vulnerable adult as defined in chapter 74.34 RCW.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01201 What state-only funded services may be offered to a vulnerable adult victim of abandonment, abuse, personal exploitation financial exploitation, neglect or self-neglect? (1) Subject to available funding, state-only funded in-home personal care/household services and state-only funded placement in a department licensed and contracted adult family home, ~~((boarding home))~~ assisted living facility or nursing facility may be offered without regard to the vulnerable adult's functional status or income/resources, if:

(a) The vulnerable adult is the subject of an open APS case involving an allegation of abandonment, abuse, personal exploitation, financial exploitation, neglect, and/or self-neglect;

(b) The services would help protect the vulnerable adult from harm;

(c) APS cannot verify alternative resources or options for payment for services available to the vulnerable adult at the time;

(d) Services are provided in the least restrictive and most cost effective setting available to appropriately meet the needs of the vulnerable adult;

(e) APS is actively pursuing other service alternatives and/or resolution of the issues that resulted in the need for protective services; and

(f) The state-only funded services are temporary and provided with the consent of the vulnerable adult or legal representative only until the situation has stabilized. State-only funded protective services are provided by DSHS on a discretionary basis and are not a benefit and not an entitlement. Termination of state-only funded temporary protective services is exempt from notification and appeal requirements.

(2) State-only funded services to an individual vulnerable adult shall be based on assessed need and limited to:

(a) Up to one hundred forty-three hours of in-home personal care/household services per month; and

(b) A cumulative maximum total of ninety days service in any twelve-month period of time, with nursing facility services not exceeding thirty days of the ninety-day total. An exception to rule cannot be used to grant an extension.

NEW SECTION

WAC 388-71-01202 What factors are considered in an investigation of an individual used by a nursing facility or skilled nursing facility to provide services to vulnerable adults? If, after review of the results of the investigation, the department determines that an individual used by a nursing facility or skilled nursing facility to provide services to vulnerable adults, has abandoned, abused, personally exploited, neglected, or financially exploited a vulnerable adult, or has misappropriated a vulnerable adult's property, the department will make a substantiated initial finding to that effect. However, a substantiated initial finding of neglect will not be made if the individual demonstrates that the neglect was caused by factors beyond the control of the individual.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01205 When does APS notify the alleged perpetrator ((of the results)) of ((an APS investigation)) a substantiated initial finding? (1) APS will notify the alleged perpetrator in writing within ten working days of making a substantiated initial finding of abandonment, abuse, personal exploitation, financial exploitation or neglect of a vulnerable adult.

(2) The time frame for notification can be extended beyond ten working days to include the time needed to translate the notification letter or make provisions for the safety of the alleged victim.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01210 How may APS give the alleged perpetrator notice of the substantiated initial finding? ~~((1) APS shall notify the alleged perpetrator of a substantiated initial finding by sending a letter certified mail/return~~

~~receipt requested and regular mail to the alleged perpetrator's last known place of residence. The duty of notification created by this section is subject to the ability of the department to ascertain the location of the alleged perpetrator. APS shall make a reasonable, good faith effort to determine the address of the last known place of residence of the alleged perpetrator; or~~

~~((2) APS shall have the written notice delivered or personally served upon the alleged perpetrator)) APS may notify the alleged perpetrator of the substantiated initial finding using one of the following methods:~~

~~(1) Personal service of the notice as provided in RCW 4.28.080; or~~

~~(2) Sending a copy of the notice to the alleged perpetrator by first-class mail and by certified mail/return receipt requested, at his or her last known mailing address, which includes a post office box.~~

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01215 When is notice to the alleged perpetrator complete? Notice is complete when:

- (1) Personal service is made;
- (2) Mail is properly stamped, addressed and deposited in the United States mail;
- (3) A parcel is delivered to a commercial delivery service with charges prepaid; or
- (4) A parcel is delivered to a legal messenger service with charges prepaid.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01220 What proves that APS provided notice of the substantiated initial finding to the alleged perpetrator? APS may prove notice was provided to the alleged perpetrator by any of the following:

- (1) A sworn statement or declaration of personal service;
- (2) The certified mail receipt signed by the recipient;
- (3) An affidavit or certificate of mailing; or
- (4) A signed receipt from the person who accepted the commercial delivery service or legal messenger service ~~((package))~~ parcel.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01225 What information must not be in the APS finding notice to the alleged perpetrator? The identities of the alleged victim, reporter, and witnesses must not be included in the ~~((APS))~~ substantiated initial finding notice to the alleged perpetrator.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01230 Will APS notify anyone other than the alleged perpetrator of the substantiated initial finding of abandonment, personal exploitation, abuse, financial exploitation or neglect? (1) In a manner consistent

with confidentiality requirements concerning the vulnerable adult, witnesses, and reporter, APS may provide notification of a substantiated initial finding to:

- (a) Other divisions within the department;
 - (b) The agency or program identified under RCW 74.34.068 with which the alleged perpetrator is associated as an employee, volunteer or contractor;
 - (c) Law enforcement;
 - (d) Other investigative authority consistent with chapter 74.34 RCW; ~~((and))~~
 - (e) The facility in which the incident occurred; and
 - (f) The appropriate licensing agency.
- (2) In the notification APS will identify the finding as ~~((an))~~ a substantiated initial finding.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01235 Can an alleged perpetrator challenge ~~((an APS))~~ a substantiated initial finding of abandonment, abuse, personal exploitation, financial exploitation or neglect? An alleged perpetrator of abandonment, abuse, personal exploitation, financial exploitation or neglect may request an administrative hearing to challenge a substantiated initial finding made by APS on or after the effective date of this rule.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01240 How does an alleged perpetrator request an administrative hearing to challenge ~~((an APS))~~ a substantiated initial finding of abandonment, abuse, personal exploitation, financial exploitation or neglect? (1) To request an administrative hearing the alleged perpetrator must send, deliver, or fax a written request to the office of administrative hearings (OAH). OAH must receive the written request ~~((within thirty))~~ no later than 5:00 p.m. on the thirtieth calendar ((days of)) day from the mailing date on the department's letter of notice ((is mailed or personally served upon the alleged perpetrator, whichever occurs first)) or no later than 5:00 p.m. on the thirtieth calendar day from the date the department's letter of notice was personally served upon the alleged perpetrator, whichever occurs first, as required by WAC 388-02-0035(2). If the alleged perpetrator requests a hearing by fax, the alleged perpetrator must also mail a copy of the request to OAH on the same day.

(2) The alleged perpetrator must complete and submit the form to request an administrative hearing provided by APS or submit a written request for a hearing that includes:

- (a) The full legal name, current address and phone number of the alleged perpetrator;
- (b) A brief explanation of why the alleged perpetrator disagrees with the substantiated initial finding;
- (c) A description of any assistance needed in the administrative appeal process by the alleged perpetrator, including a foreign or sign language interpreter or any accommodation for a disability;

(d) The alleged perpetrator should keep a copy of the request.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01245 What laws and rules will control the administrative hearings held regarding substantiated ~~((APS))~~ initial findings? Chapters 34.05 and 74.34 RCW, chapter 388-02 WAC, and the provisions of this chapter govern any administrative hearing regarding a substantiated ~~((APS))~~ initial finding. In the event of a conflict between the provisions of this chapter and chapter 388-02 WAC, and 42 C.F.R. 488.335, the provisions of this chapter shall prevail.

NEW SECTION

WAC 388-71-01247 What additional rules apply to administrative hearings held regarding substantiated initial findings made against a nursing assistant employed in a nursing facility or skilled nursing facility? Upon receipt of a written request for a hearing from a nursing assistant employed in a nursing facility or skilled nursing facility, the office of administrative hearings will schedule a hearing, taking into account the following requirements:

(1) The hearing decision must be issued within one hundred twenty days of the date the office of administrative hearings receives a hearing request, except as provided in subsection (6);

(2) Neither the department nor the nursing assistant can waive the one hundred twenty day requirement;

(3) The hearing will be conducted at a reasonable time and at a place that is convenient for the nursing assistant;

(4) The hearing, and any subsequent appeals, will be governed by this chapter, chapter 34.05 RCW, and chapter 388-02 WAC, or its successor regulations;

(5) A continuance may be granted for good cause upon the request of any party, as long as the hearing decision can still be issued within one hundred twenty days of the date of the receipt of the appeal, except under the circumstances described in subsection (6);

(6) If the ALJ finds that extenuating circumstances exist that will make it impossible to render a decision within one hundred twenty days, the ALJ may extend the one hundred twenty-day requirement by a maximum of sixty days; and

(7) To comply with the time limits described in this section, the nursing assistant must be available for the hearing and other preliminary matters. If the decision is not rendered within the time limit described in subsection (1), or if appropriate under subsection (6), the ALJ shall issue an order dismissing the appeal and the substantiated initial finding will become final.

(8) If a substantiated initial finding made against a nursing assistant employed in a nursing facility or skilled nursing facility is upheld in an ALJ's initial decision, the nursing assistant's name will be placed on the registry.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01250 How is confidential information protected in the appeal process? (1) All information and documents provided by the department to the alleged perpe-

trator shall be used by the alleged perpetrator only to challenge the findings in the administrative hearing.

(2) Confidential information such as the name and other personal identifying information of the ~~((reporter))~~ person making a report to APS and the vulnerable adult shall be redacted from documents and ~~((the parties shall use means))~~ in testimony to protect the identify of such persons, unless otherwise ordered by the ALJ consistent with chapter 74.34 RCW and other applicable state and federal laws.

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

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01255 How does the administrative law judge make a decision regarding the substantiated ((APS)) initial finding? (1) ~~((The))~~ If the ALJ ((shall decide if)) determines that a preponderance of the evidence in the hearing record supports ((a determination)) the substantiated initial finding that the alleged perpetrator ((committed an act of abandonment, abuse, financial exploitation or neglect of)) abandoned, abused, personally exploited, financially exploited or neglected a vulnerable adult, the ALJ shall uphold the substantiated initial finding.

(2) ~~((If the ALJ determines that a preponderance of the evidence in the hearing record supports the substantiated APS finding, the ALJ shall uphold the finding.~~

~~((3))~~ If the ALJ determines that the substantiated ((APS)) initial finding is not supported by a preponderance of the evidence in the hearing record, the ALJ shall remand the matter to the department to modify the finding consistent with the initial decision of the ALJ.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01260 ((How)) When is the alleged perpetrator notified of the administrative law judge's decision? ~~((After the administrative hearing, the))~~ The ALJ will send a written initial decision to the alleged perpetrator and the department within ninety calendar days after the administrative hearing record is closed.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01265 What if the alleged perpetrator or the department disagrees with the decision? If the alleged perpetrator or the department disagrees with the ALJ's initial decision, either party may challenge ~~((this))~~ the initial decision by filing a ~~((petition))~~ request for review with the department's board of appeals ~~((consistent with the procedures contained))~~ in accordance with chapter 34.05 RCW and chapter 388-02 WAC. If the alleged perpetrator files a request for review, the department will not change the substantiated finding in its records until a final decision is issued on the alleged perpetrator's request for review.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01270 What happens if the administrative law judge rules against the department? If the department appeals the ALJ's decision, the department will not modify the substantiated initial finding in the department's records until a final ~~((hearing))~~ agency decision is issued. If the department does not appeal the ALJ's initial decision, the department will modify the substantiated initial finding in the department's records consistent with the ALJ's initial decision and document the ALJ's initial decision in the record.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01275 When does the APS substantiated initial finding become a final finding? (1) A substantiated initial finding becomes a final finding when:

~~((+))~~ (a) The department gives the alleged perpetrator notice of the substantiated initial finding pursuant to WAC 388-71-01210 and the alleged perpetrator does not request an administrative hearing as set forth in WAC 388-71-01240; or

~~((2))~~ (b) The ALJ dismisses the alleged perpetrator's request for hearing following default or withdrawal by the alleged perpetrator, or issues an initial order upholding the substantiated initial finding and the alleged perpetrator fails to file a request for review of the ALJ's initial decision with the department's board of appeals consistent with the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC; or

~~((3))~~ The board of appeals issues a final order upholding ~~((c))~~ The alleged perpetrator requests review of the substantiated finding ((when a request for review to the department's board of appeals is made)) consistent with the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC, and the department's board of appeals issues a review decision upholding the substantiated finding.

(2) A final finding is permanent, except under the circumstances described in (3).

(3) A final finding may be removed from the department's registry under the following circumstances:

(a) The department determines the finding was made in error;

(b) The finding is rescinded following judicial review;

(c) The department is notified of a nursing assistant's death; or

(d) When a final finding is made against a nursing assistant, employed in a nursing facility or skilled nursing facility based upon a singular instance of neglect of a resident, the department may remove the finding of neglect from the department's registry in response to a petition. Any such removal shall be based upon a written petition by the nursing assistant at least one year after the finding of neglect has been finalized and in accordance with requirements of federal law, 42 U.S.C.1396r (g)(1)(D).

~~((4))~~ The final finding will remain as substantiated in the department's records unless the final finding is reversed after judicial review.

AMENDATORY SECTION (Amending WSR 04-19-136, filed 9/21/04, effective 10/22/04)

WAC 388-71-01280 Does the department disclose information about final findings of abuse, personal exploitation, abandonment, neglect and financial exploitation? The department will maintain a registry of final findings of abuse, personal exploitation, abandonment, neglect and financial exploitation and, upon request of any person, the department may disclose the identity of a person (~~(or entity)~~) with a final finding of abandonment, abuse, personal exploitation, financial exploitation or neglect.

NEW SECTION

WAC 388-71-01281 To whom does the department report a final substantiated finding against a nursing assistant employed in a nursing facility or skilled nursing facility? The department will report a final finding of abandonment, abuse, personal exploitation, neglect, financial exploitation of a resident within ten working days to the following:

- (1) The nursing assistant employed in a nursing facility or skilled nursing facility where the abuse, personal exploitation, abandonment, neglect or financial exploitation occurred;
- (2) The current administrator of the facility in which the incident occurred;
- (3) The administrator of the facility that currently employs the nursing assistant, if known;
- (4) The department's registry;
- (5) The appropriate licensing authority; and
- (6) Any other lists maintained by a state or federal agency as appropriate.

WSR 15-10-102

PROPOSED RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2014-02—Filed May 6, 2015, 9:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-07-104.

Title of Rule and Other Identifying Information: Producer continuing education.

Hearing Location(s): Office of the Insurance Commissioner, Training Room (TR-120), 5000 Capitol Boulevard S.E., Tumwater, WA, on June 9, 2015, at 2:00 p.m.

Date of Intended Adoption: June 10, 2015.

Submit Written Comments to: Bianca Stoner, P.O. Box 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109, by June 9, 2015.

Assistance for Persons with Disabilities: Contact Lori [Lorie] Villaflora by June 8, 2015, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule will align the Washington regulation regarding producer licensing with the NAIC's State Licensing Handbook, which was approved by the NAIC's Producer Licensing Task Force and adopted at the 2013 fall meeting by the NAIC's Executive/Plenary committee.

The rule will amend chapter 284-17 WAC by adding definitions and processes for continuing education and will modernize the delivery of continuing education courses by adding uniform continuing education definitions and course approval processes for webinars.

The rule will remove some sections of chapter 284-17 WAC, specifically WAC 284-17-244, 284-17-246, and 284-17-274.

Reasons Supporting Proposal: The current rules were written prior to the NAIC's adoption of the State Licensing Handbook.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.005, 48.17.150(1).

Statute Being Implemented: RCW 48.17.005, 48.17.150(1).

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

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

Name of Agency Personnel Responsible for Drafting: Bianca Stoner, P.O. Box 40258, Olympia, WA 98504-0258, (360) 725-7041; Implementation: John Hamje, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7262; and Enforcement: AnnaLisa Gellerman, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not require a small business economic impact statement under the provisions of RCW 19.85.025(3). The proposed rule clarifies definitions for continuing education (CE) and enables delivery via webinars. The proposed rule will not cause CE providers to incur any noteworthy new costs. A copy of the statement may be obtained by contacting Bianca Stoner, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7041, fax (360) 586-3535, e-mail rulescoordinator@oic.wa.gov.

A cost-benefit analysis is required under RCW 34.05-328. A preliminary cost-benefit analysis may be obtained by contacting Bianca Stoner, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7041, fax (360) 586-3535, e-mail rulescoordinator@oic.wa.gov.

May 6, 2015

Mike Kreidler

Insurance Commissioner

INSURANCE CONTINUING
((INSURANCE)) EDUCATION

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-200 Insurance continuing ((insurance)) education—((Minimum standards)) Purpose. WAC 284-

17-200 through 284-17-312 establish the minimum continuing education requirements that must be met prior to the renewal of an insurance producer license, and specify the minimum criteria that continuing ((insurance)) education courses must meet to be approved by the commissioner.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-210 Definitions. The following definitions apply to WAC 284-17-200 through 284-17-312, unless the context clearly requires otherwise:

(1) "Approved course" means ~~((a program of))~~ an insurance continuing ((insurance)) education ~~((including live presentations, correspondence courses and seminars,))~~ course formally approved by the commissioner.

(2) ~~((("Credit hour" means the value assigned to a course by the commissioner. Generally, fifty minutes of instruction equals one credit hour.))~~ "Attendance register" is a record used to document attendance.

(a) For a classroom course, this includes each attendee's arrival time, departure time, and signature.

(b) For a webinar course, this includes the time the attendee starts the class, the attendee's participation activity, and the time the attendee exits the class.

(3) "Certificate of completion" means a document signed by an authorized designee of the insurance education provider attesting to the satisfactory completion of the course and confirming the credit hours earned.

(4) "Classroom course" means course activities or information that occur in real time at a specific time, date, and place, and that are delivered by an instructor. A classroom course includes a live lecture, seminar, workshop or presentation delivered in real time by internet connection to a classroom where attendees are gathered.

(5) "Completion date" means:

(a) For a classroom course or webinar course, the date the course presentation ends;

(b) For a self-study course, the date the continuing education provider confirms that the student passed the final course examination.

(6) "Continuing education program coordinator" means the person designated by the continuing education provider to monitor the provider's compliance with Washington continuing education laws and regulations.

(7) "Course effective date" means the first date an approved course can be offered for credit.

(8) "Course number" means the identifying number assigned by the commissioner to an approved insurance education course.

~~((5))~~ (9) "Course outline" means ((a summary of the insurance));

(a) For a classroom or webinar course, a list of topics describing the continuing education ((course)) content, including the time allotted to each topic; or

(b) For a self-study course, a list of topics describing the continuing education course content, including the word count for the topics.

(10) "Credit hour" means the value assigned to a course by the commissioner.

~~((6))~~ (11) "Instructor" means an individual who has work experience and education in the topic(s) of instruction who has been designated by the insurance education provider to teach an approved classroom or webinar course.

(12) "Insurance designation course" means a course of study taken to achieve an insurance professional certification, requiring passage of several standardized examinations, and granted by an insurance or professional organization or an accredited educational institution.

~~((7))~~ "Instructor" means an individual knowledgeable in topic(s) of instruction who has been designated by the insurance education provider to teach an approved course or courses.

~~((8))~~ (13) "Licensee" means a person who has an active resident Washington insurance license and who is required to complete insurance continuing education to maintain the license.

(14) "Monitor" means the individual responsible for verifying class attendance and course completion for a classroom or webinar course.

~~((9))~~ (15) "Provider" or "insurance education provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution, vocational school, or independent contractor authorized by the commissioner to conduct and certify completion of insurance education courses.

~~((10))~~ (16) "Provider number" means the identifying number assigned by the commissioner to an approved insurance education provider.

~~((11))~~ (17) "Request for approval," depending on the context, means either a request for authority to act as an insurance education provider or for approval of ((an insurance)) a continuing education course.

~~((12))~~ (18) "Roster" means a course ((attendance)) completion record ~~((, a record of a self-study course purchase, or a course completion record maintained by the insurance education provider))~~ filed with the insurance commissioner to report continuing education credit for a licensee.

~~((13))~~ (19) "Self-study" courses include course activities or information delivered outside of real time (recorded or written) and available at any time, including correspondence or online training.

(20) "Waiver" means an approved exemption from this state's continuing ((insurance)) education requirement granted by the commissioner.

(21) "Webinar course" includes course activities or information that occur in real time that are led by an instructor, delivered to remote attendees using the internet, have a specific start time and end time, and require licensees to enroll before gaining access to the instructor, information, and course activities.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-220 Insurance continuing ((insurance)) education required—Resident licensees. Except as provided in WAC 284-17-222 or waived in accordance with WAC 284-17-254, all individual residents licensed to transact life, disability, personal lines, property, casualty or vari-

able life and variable annuity products lines of authority must meet the continuing (~~(insurance)~~) education requirements of this chapter.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-224 Insurance continuing (~~(insurance)~~) education—Required credit hours—Producers. Timely completion of this state's continuing insurance education requirement is a prerequisite for renewal or reinstatement of a license. Before applying for renewal or reinstatement of a license, except as provided in WAC 284-17-222 or waived in accordance with WAC 284-17-254, all resident (~~(persons)~~) producers licensed for personal lines, life, disability, property, casualty or variable life and variable annuity product lines of authority must complete twenty-four credit hours of approved insurance continuing (~~(insurance)~~) education. The twenty-four hours of education must include three credit hours of ethics education during every license continuation period.

(1) Courses must be completed within the twenty-four month period prior to the:

(a) Expiration date of the license;

(b) Date of late renewal; or (~~(the)~~)

(c) Date of the request for reinstatement.

(2) Producers must maintain each continuing education certificate of completion for three years.

(3) For producers required to complete the annuity suitability training, flood training or long-term care training, producers should maintain certificates for as long as the producer transacts business for these products, but not less than three years.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-226 Required proof of completion of a course—Certificate of completion. The insurance education provider must issue a certificate of completion to each (~~(attendee)~~) licensee within ten days after completion of the course.

(~~((+))~~) The certificate of completion must be in the commissioner's designated format, completed in its entirety, and include all of the information prescribed by the commissioner. A (~~(form of)~~) certificate of completion form is available to insurance education providers (~~(only on the commissioner's web site at www.insurance.wa.gov.~~

(2) For designation courses, the passing grade report will be accepted by the commissioner in lieu of a certificate of completion) by request.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-250 (~~(Retaking a)~~) Repeating an insurance continuing (~~(insurance)~~) education course. A continuing insurance education course with the same course number may be completed for credit only once every (~~(three years)~~) license renewal period.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-254 Waiver of the insurance continuing (~~(insurance)~~) education requirements. Licensees may request a waiver of the continuing insurance education requirement. Requests must be sent to the commissioner (~~(at)~~) prior to the time of renewal of the license and must specify in detail the reason why a waiver is merited.

(1) **Medical waiver.** If the request for a waiver is based on the medical condition of the licensee, the request must be accompanied by a statement from the treating provider describing the illness or injury and explaining why the medical condition prevents the licensee from completing insurance education.

(2) **Military waiver.** If the request for a waiver is based on activation to military service, the request must be accompanied by a copy of the licensee's "Letter of Mobilization."

(a) The licensee must designate a representative (including the name and address of the individual given power-of-attorney by the licensee), by name and address, to whom the license renewal notice or other correspondence can be sent during the licensee's active military service.

(i) The address of the designee may be a mailing address or may be an e-mail address.

(ii) It is the obligation of the licensee to notify the commissioner of any change to the identity or contact information of the designee.

(b) In order to renew a license during the licensee's military deployment, the designated representative must sign the renewal form and submit it with the applicable fees to the commissioner no later than the due date.

(c) The commissioner may waive the continuing insurance education requirement for renewal of a license for the duration of the licensee's active military service.

(3) A waiver is only valid for the associated license continuation period. If the medical condition or period of active duty exists on the date of the next license renewal, a new waiver may be requested by the licensee or the licensee's designee.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-256 Approved credits for insurance education instructors. Instructors who teach an entire approved continuing education course will receive (~~(twice)~~) the same number of approved credit hours (~~(for that)~~) as a licensee completing the course. If two or more instructors partially present the same course, they can receive credit if they attend the entire presentation. Credit hours for the same course may be used only once (~~(in a three-year)~~) per license renewal period.

AMENDATORY SECTION (Amending WSR 11-04-067, filed 1/28/11, effective 2/28/11)

WAC 284-17-262 Certification by insurer of completion of long-term care insurance education (~~(due date)~~). Beginning January 1, 2009:

(1) Each insurer that has long-term care insurance policies approved for sale in this state must certify annually that all of its insurance producers engaged in the sale, solicitation or negotiation of long-term care insurance coverage in this state have:

(a) Completed the eight-hour, one-time long-term care education and training course required by RCW 48.83.130 (2)(a)(i) prior to selling, soliciting, or negotiating the company's long-term care insurance coverage in this state; ~~(($\text{\textcircled{e}}$))~~ and

(b) ~~If due,~~ completed the required four-hour long-term care continuing education requirement imposed by RCW 48.83.130 (2)(b).

(2) The certification must be provided to the commissioner by the insurer annually on or before March 31st. The certification must be sent via e-mail to the producer licensing and ~~((education))~~ oversight program manager in the commissioner's office. A form for this purpose is available on the commissioner's web site at: www.insurance.wa.gov.

AMENDATORY SECTION (Amending WSR 08-24-019, filed 11/24/08, effective 12/25/08)

WAC 284-17-264 Reciprocity—Application of long-term care credits to continuing education requirement. ~~((Beginning January 1, 2009,))~~ All insurance producers who sell, solicit, negotiate, or otherwise transact long-term care insurance are subject to the eight-hour, one-time long-term care training and the four-hour long-term care continuing education requirements of RCW 48.83.130.

(1) Successful completion of ~~((approved))~~ training that meets the requirements of RCW 48.83.130 in this or any other state by a resident insurance producer ~~((, may be used to))~~ will satisfy the long-term care training requirements of this state.

(2) Resident insurance producers ~~((that))~~ who complete long-term care insurance courses approved in this state to fulfill the required long-term care training may count those course credits toward fulfillment of their Washington continuing education requirement.

~~((3) If an insurance producer wishes to apply course credits for the required long-term care training offered in another state and the course is not otherwise approved for continuing education credit in this state, the training may qualify for individual course credit subject to WAC 284-17-244.))~~

INSURANCE CONTINUING ~~((INSURANCE))~~ EDUCATION PROVIDERS

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-270 Insurance continuing ~~((insurance))~~ education providers and continuing education program coordinators—Standards and approval. ~~((A person who))~~ An individual, business entity, or organization that seeks to become a continuing ~~((insurance))~~ education provider must meet the requirements of RCW 48.17.563 and submit the

proper application for approval to act as a continuing insurance education provider.

(1) At the time of submitting the provider application, the applicant must also submit an application for course and credit approval.

(2) If the applicant meets the requirements of chapters 48.17 RCW and 284-17 WAC and the commissioner approves the applicant's first course, the applicant may be approved as a provider for continuing education courses. The application forms can be found on the commissioner's web site at www.insurance.wa.gov.

(3) The applicant must name a continuing education program coordinator on the provider application.

(4) Approval of the continuing education program coordinator:

(a) The applicant must fully disclose to the commissioner any regulatory or legal action related to the honesty, integrity, or professional or occupational activities of the applicant and the continuing education program coordinator.

(b) If the applicant or continuing education program coordinator has had an occupational or professional license revoked in any state, or has been convicted of a crime, the commissioner may decline the application.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-272 Responsibilities of an approved insurance continuing ~~((insurance))~~ education provider.

(1) In addition to meeting the relevant requirements of this chapter and any other applicable law or rule, an approved continuing ~~((insurance))~~ education provider must:

(a) Provide the name and contact information of ~~((a contact person who is the responsible person))~~ the continuing education program coordinator for the provider ~~((;))~~.

(b) ~~((Hire only))~~ The provider's continuing education program coordinator will be responsible for monitoring the provider's compliance with the continuing education insurance laws and rules of this state.

(c) If the provider's continuing education program coordinator changes, the provider must notify the commissioner's office within thirty days of the change.

(d) For classroom or webinar courses, the continuing education provider will use instructors who are ~~((trustworthy,))~~ competent, ~~((and knowledgeable;))~~

(e) Provide adequate supervision over instructors;
(d) ~~Notify~~ to teach and have work experience and education in the topic(s) of instruction.

(e) For self-study courses, the continuing education provider will use course developers who have work experience or education related to the subject matter.

(f) The continuing education provider must instruct licensees to review the entire course before viewing or completing the exam.

(g) The continuing education provider will confirm that the instructor is using the approved course outline and materials and is presenting the materials in a competent manner and for the amount of time required based on the credit hours that the commissioner has approved for the course.

(h) The continuing education provider will submit the electronic notice of subsequent presentation to the commissioner (~~(of the course schedule)~~) at least ten days prior to (~~(the course start date in the format required by the commissioner;~~

~~(e)) presenting an approved classroom course or webinar course.~~

(i) For a classroom course, the notice must include the continuing education provider number, course number, date, time, and location address.

(ii) For a webinar course, the notice must include the continuing education provider number, course number, date, time, and log-in information.

(iii) The notice is required for classroom courses presented in the state of Washington and for all webinars offered to Washington insurance licensees.

(2) The continuing education provider must designate a monitor who is responsible for (~~(verification of class attendance and course content completion;~~

~~(f) Maintain a course roster, consisting of sign-in and sign-out)) using an attendance register(~~(s,)) for (~~(lecture~~~~~~

~~(g) Maintain a purchase and completion)) or webinar course to verify that each attendee stayed for the entire presentation. The course instructor may be designated as the monitor.~~

(3) The continuing education provider must use the following criteria to document attendance for a webinar course:

(a) Verify the identity and Washington producer license number of attendees who are licensees;

(b) Use a computer-based attendance-monitoring technology to verify attendance for the duration of the class;

(c) Use a process that indicates when an attendee is inactive or not fully participating, including when the attendee's screen is minimized or the attendee does not answer a polling question or respond to a request for a verification code;

(d) If an attendee needs an unscheduled break to use the restroom, the attendee must notify the monitor in advance and immediately notify the monitor when returning from the unscheduled break. If the attendee is absent more than ten minutes, the attendee cannot receive continuing education credit. Only one unscheduled break of ten minutes or less is allowed, unless otherwise required by state or federal law;

(e) Continuing education providers must ask at least two polling questions or attendance verification code questions from each attendee at unannounced intervals during each hour of the class to determine participant attentiveness;

(f) If an attendee fails to respond to a polling question or verification code within three minutes, the commissioner will deny the request for continuing education credit;

(g) The continuing education provider will maintain records that show when each attendee started and exited the class. Continuing education providers must capture and indicate the time for chat history and polling responses, and must maintain this information as part of the records;

(h) Attendees in all locations must be able to interact in real time with the instructor. Attendees should be able to submit questions or comments at any point during the webinar session; and

(i) The continuing education provider must have a procedure that informs each attendee in advance regarding the course participation requirements and consequences for failing to actively participate in the course.

(4) The continuing education provider must require the licensee to complete a multiple-choice final examination for a self-study course to verify that the licensee is proficient with the course subject matter. The licensee must not view or complete the exam prior to completing the course material. A final examination score of seventy percent or higher signifies that the licensee is proficient.

(5) The continuing education provider must file a roster for (~~(self-study courses;~~

~~(h) File the course roster)) each licensee electronically in the format required by the commissioner(~~(;)) within ten days after (~~(completion of)~~) the licensee completes the course(~~(;~~~~~~

~~(i) Issue course completion certificates to attendees within ten days after completion of course; and~~

~~(j)), with the following exceptions:~~

(a) If the licensee declines continuing education credit prior to completing the course, the provider is not required to submit a roster, but must keep a record showing that the licensee declined the continuing education credit;

(b) If the licensee later requests continuing education credit for the successfully completed course, the provider has ten days to submit the roster from the date the licensee or the commissioner notifies the provider;

(c) The licensee cannot request continuing education credit more than twenty-four months after the date of the course completion.

(6) The continuing education provider must issue a certificate of completion in the format required by the commissioner, as specified in WAC 284-17-292, to each licensee within ten days after completion of the course with the following exceptions:

(a) If the licensee declines continuing education credit prior to completing the course, the provider is not required to issue a certificate but must keep a record showing that the licensee declined the continuing education credit;

(b) If the licensee later requests continuing education credit for the successfully completed course, the provider has ten days to issue the certificate from the date the licensee or the commissioner notifies the provider;

(c) The licensee cannot request continuing education credit more than twenty-four months after the date of course completion.

(7) The continuing education provider must maintain a continuing education registration and completion record(~~(s)) for a period of three years after the completion date of the course. (~~(2))~~) The provider must also maintain a course approval record for three years after the last date the course is offered. The provider must maintain all other continuing education records for three years from the date the record is created.~~

(8) The continuing education provider must permit the commissioner to conduct unscheduled audits of any approved classroom course or webinar course in order to monitor the provider's continuing compliance with WAC 284-17-270 through 284-17-310.

(9) The format for providing this information is available on the commissioner's web site at www.insurance.wa.gov.

NEW SECTION

WAC 284-17-273 Continuing insurance education attendance register. A continuing education provider must use an attendance register in the format required by the commissioner to document attendance for a classroom or webinar course. The attendance register must include the following:

- (1) Continuing education provider's name and provider number;
- (2) Course title and course number;
- (3) Location of the classroom or instructor's location for a webinar;
- (4) Signature of the instructor or monitor for a classroom course;
- (5) For a classroom course, the attendee's:
 - (a) Name and phone number;
 - (b) Washington producer license number;
 - (c) Arrival time;
 - (d) Signature; and
 - (e) Departure time with the attendee's initials.

An attendance register form for a classroom course is available on the insurance commissioner's web site.

- (6) For a webinar course, the attendee's:
 - (a) Name and phone number;
 - (b) Washington producer license number;
 - (c) Log-in time to join the class;
 - (d) Chat history and polling responses; and
 - (e) Log-out time that the attendee exited the class.

NEW SECTION

WAC 284-17-277 Insurance continuing education records. Insurance continuing education providers must maintain education records and make them available to the commissioner upon request. Records include:

- (1) Provider application, program director application, course application, and instructor or content developer resume that the continuing education provider submitted to the commissioner to request course and credit approval;
- (2) Course outline, study material, polling questions and exam that the continuing education provider submitted to the commissioner for approval;
- (3) Instructor lesson plan for each approved classroom course or webinar course;
- (4) Each licensee's registration, payment, attendance, participation and completion documentation;
- (5) The ten-day notice of subsequent presentation for each classroom course presented in Washington and all webinar courses;
- (6) The attendance register for each classroom course and webinar course;
- (7) Start and exit time, chat history, and polling responses for each licensee attending a webinar course;
- (8) Completed self-study course exam for each licensee completing a self-study course; and
- (9) A copy of the completed certificate of completion issued to each licensee for an approved continuing education course.

AMENDATORY SECTION (Amending WSR 11-04-067, filed 1/28/11, effective 2/28/11)

WAC 284-17-278 Approval of ~~((*)~~) an insurance continuing ~~((insurance))~~ education course. (1) ~~((Requests))~~ An application for approval of a continuing insurance education course or a new instruction method of a previously approved course must be submitted electronically or via ~~((electronic media))~~ e-mail to the ~~((commissioner))~~ commissioner's education mailbox no fewer than twenty days prior to the first date the course is offered for credit.

(a) If the continuing education provider does not know the first date the course will be offered at the time the provider submits the application, then if the commissioner approves the course, the provider cannot offer the course until twenty days after the commissioner receives the course application:

(b) The provider can advertise a course after the approval date, but cannot offer the course until the effective date:

(c) The commissioner will not process a new course application submitted by a provider until after the commissioner has sent the provider's continuing education course renewal notice. The provider must immediately submit the continuing education course renewal request for processing. After the commissioner processes the provider's course renewal request, the commissioner will continue reviewing the provider's new course application.

(2) The request must include all of the following, as applicable:

(a) ~~((Lecture-))~~ **Classroom~~((s))~~ courses:**

(i) Completed request for course and credit approval ~~((request))~~ form or the National Association of Insurance Commissioners Uniform Continuing Education Reciprocity Course filing form;

(ii) ~~((Content))~~ Detailed course outline, including a list of topics ~~((to be covered))~~ that the continuing education provider will cover and an estimate of the ~~((time to be spent))~~ amount of time the provider will spend on each topic. The commissioner will not accept video presentation slides in lieu of the detailed course outline;

(iii) Biography or resume of instructor(s); and

(iv) ~~((Date(s) that course will be offered.~~

~~((b))~~ Sample of the attendance register form that the provider will use.

(b) Webinar courses:

(i) Completed request for course and credit approval form or the National Association of Insurance Commissioners Uniform Continuing Education Reciprocity Course filing form;

(ii) Detailed course outline, including a list of topics that the provider will cover and an estimate of the amount of time the provider will spend on each topic. The commissioner will not accept video presentation slides in lieu of the detailed course outline;

(iii) Biography or resume of instructor(s);

(iv) Polling questions or verification codes, including two for each credit hour of the course;

(v) Description of the process for monitoring and verifying attendance; and

(vi) Sample of the document the provider will use to record each attendee's attendance and participation.

(c) Self-study courses:

(i) Completed request for course and credit approval (~~request~~) form or the National Association of Insurance Commissioners Uniform Continuing Education Reciprocity Course filing form;

(ii) (~~Study material~~) Detailed course outline with word count for each chapter, section or module; and

(iii) If ethics content is included, a separate word count for the ethics content;

(iv) Samples (~~exams~~);

~~(2) Continuing insurance education courses eligible for approval to satisfy the continuing insurance education requirement include:~~

~~(a) Courses demonstrating a direct and specific application to insurance; and~~

~~(b) Courses presenting information relevant to insurance related statutory and regulatory requirements.~~

~~(3)) of the course reading material to assist the commissioner in determining course difficulty level;~~

~~(v) Sample of video content, if included in the course. If the course includes video exceeding fifty minutes and the information is mandatory for completing the course, one additional credit hour will be added to the course credit total;~~

~~(vi) Description of the verification process the provider will use to confirm that the licensee has completed the course study material before accessing the exam;~~

~~(vii) Resume of the course content developer showing education and work experience related to the course subject matter;~~

~~(viii) Copy of the examination. All examination questions must be multiple choice.~~

~~(A) The provider must include a minimum of ten exam questions for a one credit hour course, with an additional five exam questions for each subsequent credit hour;~~

~~(B) To pass the exam, licensees must achieve a score of seventy percent or higher;~~

~~(C) If the licensee does not pass the first exam, the licensee must take a second exam that contains no more than fifty percent of the same questions from the first exam. If the licensee does not pass on the second attempt, the provider must alternate the exams until the licensee passes the exam.~~

~~(3) To be eligible for approval, a course must have a direct and specific application to insurance. A course about ethics or about laws and regulations specific to insurance is eligible. The subject matter should increase the producer's technical knowledge of insurance principles, insurance coverage, and insurance laws and regulations. The continuing education provider is responsible for the accuracy of facts and figures used in the course.~~

~~(4) The commissioner will not award credit for topics such as personal improvement, general education, sales, marketing, motivation, business management, time management, leadership, (~~and~~) supportive office skills, internet use, social media use, automation (~~courses are not eligible unless the insurance education provider demonstrates to the satisfaction of the commissioner that a substantial portion of the course relates to the business of insurance and is not solely focused on a particular insurer's products~~), and other courses that are not directly and specifically related to insurance.~~

~~((4)) (5) Insurance prelicensing (~~insurance~~) education courses are not eligible for approval for continuing insurance education credit.~~

NEW SECTION

WAC 284-17-279 Denial, cancellation or nonrenewal of an insurance continuing education course. (1) The commissioner may deny, cancel or not renew courses if:

(a) The commissioner determines that the course content is outdated or the facts and figures in the course are likely to mislead producers;

(b) The commissioner determines that the course misrepresents insurance laws and regulations or is likely to mislead producers;

(c) The commissioner determines that the course does not meet the requirements of WAC 284-17-278 (2) and (3);

(d) The commissioner determines that the subject matter is an ineligible topic as specified in WAC 284-17-278(4);

(e) The commissioner determines that credit hours were calculated based on a method that the commissioner no longer uses.

(2) The commissioner will notify the continuing education provider of the denial, cancellation or nonrenewal of the course by e-mail sent to the continuing education provider's registered e-mail address within ten days of the commissioner's decision.

NEW SECTION

WAC 284-17-281 Insurance continuing education course attendance requirements. (1) For classroom courses:

(a) Attendance is based on personally identifiable information including government-issued photo identification and signature, with student participation and live interaction with the instructor;

(b) At least two Washington insurance licensees and an instructor must be in attendance at the course presentation;

(c) The continuing education provider must use a monitor in addition to the instructor if the classroom exceeds twenty attendees;

(d) The presentation is the amount of time devoted to the actual course instruction and does not include breaks, reviewing class rules, and introducing speakers;

(e) To verify course completion, licensees must attend the entire presentation and sign the attendance register at the beginning and end of the presentation.

(2) For self-study courses:

(a) Course access is verified based on identity such as user name, password, and e-mail or signature;

(b) Licensees must review the entire course before viewing or completing the final exam;

(c) Licensees must successfully pass the final examination to verify course completion.

(3) For webinar courses:

(a) Attendance is monitored and validated based on personally identifiable information including username, password, and e-mail;

(b) Attendees must participate in interactive exercises;

- (c) Credit for a webinar course is based on attendance and activity, not examination;
- (d) The attendee and an instructor do not need to be in the same location;
- (e) A monitor is required, in addition to the instructor, if the number of attendees exceeds five;
- (f) The presentation is the amount of time devoted to the actual course instruction and does not include breaks, reviewing class rules, and introducing speakers.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-282 (~~Continuing~~) Insurance continuing education course numbers. The course number issued by the commissioner at the time of approval of the continuing (~~insurance~~) education course must be included on all correspondence related to the course and must be included on all certificates of completion for that course.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-284 Insurance designation courses. ~~((1) Successful completion of any part of a course of study leading to an insurance professional designation is approved for the maximum number of credit hours required per renewal period as a designation course, as defined in WAC 284-17-210(6).~~

~~(2) A current list of approved designations for course credit can be found on the commissioner's web site at www.insurance.wa.gov.)~~ (1) An approved continuing education provider can submit a request for course and credit approval of a designation program course if the course is directly and specifically related to insurance, or if part of the course is directly and specifically related to insurance. With the request, the provider must submit the documents specified in WAC 284-17-278 and must include:

(a) The name of the designation program with a description of the program requirements; and

(b) If the continuing education provider does not use multiple choice examination questions, the provider must give an explanation of the testing method with samples of the exam questions;

(c) The continuing education provider must indicate the number of exam questions and the score that the licensee will need to achieve in order to pass the exam.

(2) The commissioner will assign continuing education credit hours as specified in WAC 284-17-286.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-286 Insurance continuing (~~insurance~~) education course credit hours. ~~(1) The commissioner will determine the number of credit hours assigned to a continuing (~~insurance~~) education course (~~will be based upon the number of classroom hours or the equivalent for self-study courses~~).~~ The commissioner will consider:

(a) The presentation minutes for a classroom course or webinar course;

(b) The word count and course difficulty level of the study material for a self-study course; and

(c) Course difficulty level based on whether the course is designed for inexperienced or experienced licensees and the complexity of the materials.

(i) Basic: A course designed for entry-level licensees or licensees new to the subject matter. Significant course time is devoted to building familiarity with appropriate terminology, definitions and concepts of the subject matter. The course is characterized as "an introduction to" or "the fundamentals of" the subject matter rather than application of the subject matter to client specific situations.

(ii) Intermediate: A course designed for licensees who have existing competence in the subject area and who seek to further develop and apply their skills. A minimal part of the course is used to review terms, definitions and concepts considered to be basic level subject matter. Course time is devoted to the application of the subject matter to client-specific situations through nonsophisticated case studies, problem-solving and calculations.

(iii) Advanced: A course designed for licensees who have extensive knowledge and a high level of competence in the subject matter and already specialize in the subject matter and related field of practice. No part of the course is used to review terms, definitions and concepts considered to be basic level subject matter. The course is designed to provide analysis of more sophisticated or complex issues concerning the subject matter. Significant course time is devoted to the application of the subject matter to client specific situations through complex case studies, problem solving or calculations.

(2) Generally, fifty minutes of instruction equals one credit hour.

(3) After (~~evaluation of~~) evaluating the content of a continuing (~~insurance~~) education course, the commissioner may assign fewer credits than the total hours (~~spent by the licensee in the classroom or in self-study~~) the continuing education provider had requested for the classroom, webinar or self-study instruction.

((~~3~~)) (4) No continuing (~~insurance~~) education course will be approved for less than one hour of continuing (~~insurance~~) education credit. Continuing education credits will be assigned in one-hour increments.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-292 Certificates of completion of insurance continuing (~~insurance~~) education courses—Form. The form of certificate of course completion required by the commissioner is available to (~~insurance~~) continuing education providers (~~only on the commissioner's web site at www.insurance.wa.gov~~) by contacting the commissioner's office. The certificate and signature may be in electronic format. ~~((The certificate must include the following:~~

- (1) Name of student;
- (2) Course title and number;
- (3) Date of purchase of course, if applicable;
- (4) Date of completion of course;
- (5) Number of credit hours;

- (6) Provider's name and number; and
 (7) Signature of instructor or monitor and date.))

(1) The certificate must indicate that it is a Washington approved insurance continuing education course; and

(2) The certificate must include the following:

(a) Licensee's name and Washington producer license number;

(b) Course title and number;

(c) Date of course completion;

(d) Total number of credit hours and ethics credit hours if included;

(e) Continuing education provider's name and number;
and

(f) Signature of the authorized designee of the provider and date.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-294 Renewal—~~Insurance continuing~~ ~~((insurance))~~ education provider. (1) A continuing ((insurance)) education ((provider is required to request renewal of approval to act as a continuing insurance education provider only if the provider did not receive approval from the commissioner for at least one course within the last four years. Otherwise, the commissioner's approval is continuous)) provider's authority is continuous so long as the provider has one or more active courses that the commissioner has approved.

(2) If the continuing education provider does not have an active course for twelve consecutive months, the commissioner will cancel the provider's authority.

(3) If the commissioner cancels a continuing education provider's authority, the provider can reapply for approval to act as a continuing education provider.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-296 Renewal—Approval of ~~((*)~~) ~~an~~ insurance continuing ~~((insurance))~~ education course. ((Approval of a continuing insurance education course offered by an approved insurance education provider must be renewed every two years. A notice of renewal of course approval will be sent to the continuing insurance education provider. If substantive changes have been made in the course curriculum since its most recent approval, the course must be resubmitted as a new course.)) (1) The commissioner will send a course renewal notice electronically to the continuing education provider's registered e-mail address sixty days prior to the expiration date of the courses. The commissioner will send a second renewal notice to the continuing education provider's registered e-mail address ten days prior to the expiration date of the courses if the provider has not renewed prior to that date;

(2) The continuing education provider must request to renew each course using the commissioner's online services at www.insurance.wa.gov;

(3) The commissioner will send a confirmation by e-mail to the continuing education provider's registered e-mail address after the commissioner has processed the renewal request. After the continuing education provider receives the

confirmation, the provider can check the status of each course at their online services account on the commissioner's web site;

(4) If the continuing education provider elects to cancel a course listed on the renewal notice, the cancellation will be effective on the current expiration date of the course;

(5) Before requesting to renew a course, the continuing education provider must verify that the course content remains accurate and has no outdated facts or figures;

(6) The commissioner will review the course(s) selected for renewal by the continuing education provider. If the commissioner determines that a course no longer meets the requirements of this chapter, the commissioner will not renew the course;

(7) After the commissioner initially approves a continuing education course, the continuing education provider may submit a request to renew the course a maximum of four times. However, the provider can submit a nonrenewed course as a new course as specified in WAC 284-17-278;

(8) If the continuing education provider will make substantive changes in the course after the date that the commissioner most recently approved the course, the provider cannot renew the course. The provider can submit the revised course as a new course as specified in WAC 284-17-278;

(9) The commissioner cannot process a new course application from a continuing education provider after the provider has sent the continuing education course renewal notice. The provider must immediately submit the continuing education course renewal request for processing. After the commissioner processes the continuing education course renewal, the commissioner will resume reviewing the provider's new course application.

NEW SECTION

WAC 284-17-297 Continuing education providers may not make substantive changes to approved insurance continuing education courses. A course approval is no longer valid if the continuing education provider has made any change in the course curriculum, including the instruction method, after the commissioner approved the course. The provider must submit a new course per WAC 284-17-278. However, updates to facts and figures in the course are not considered substantive changes.

NEW SECTION

WAC 284-17-299 Audit of insurance continuing education providers, courses and records. (1) The insurance commissioner will notify a continuing education provider about a request for continuing education records by sending a written request to the provider's continuing education program coordinator at the e-mail address on record for the provider.

(2) If the commissioner requests continuing education records for an audit, the continuing education provider must make the records available to the commissioner within thirty days from the date on the written request. If the commissioner grants a written extension, then the records are due by the date indicated on the extension.

(3) Upon the commissioner's request in order to resolve a consumer inquiry, the continuing education provider must give course attendance and completion information and other course documents to the commissioner within fifteen days of the written request. If the commissioner grants a written extension, then the records are due by the date indicated on the extension.

(4) The insurance commissioner may conduct unannounced audits of classroom and webinar courses that are approved for continuing education credit. The commissioner will monitor the presentation for the purpose of confirming compliance with continuing education regulations.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-302 Actions by ~~((a-continuing))~~ an insurance continuing education provider that may result in a fine. The following actions by a continuing ~~((insurance))~~ education provider or any of its employees, designees, or instructors may result in a fine:

(1) Advertising or offering a course for credit without the commissioner granting prior approval of the ~~((commissioner))~~ course, including advertising that indicates the continuing education provider has submitted the course for credit approval;

(2) Failing to follow the approved course outline;

(3) Issuing ~~((fraudulent))~~ a Washington insurance continuing education completion certificate(s) for a course that the commissioner has not approved for continuing education credits;

(4) ~~((Erroneous))~~ Misrepresentation in advertising of insurance continuing education; ~~((or))~~

(5) Making substantive changes to an approved course and offering the course for credit without the commissioner's prior approval of the changes;

(6) Changing the approved course instruction method without the commissioner's prior approval of the course;

(7) Offering a course that has erroneous facts and figures or that could reasonably be expected to mislead producers;

(8) Submitting rosters with erroneous information or issuing erroneous certificates;

(9) Issuing a certificate of completion to a person who did not complete the course in accordance with chapter 284-17 WAC;

(10) Submitting a roster for a person who did not complete the course in accordance with chapter 284-17 WAC;

(11) Submitting a roster for a person who:

(a) Did not sign the classroom attendance register;

(b) Did not indicate their arrival time or departure time on the attendance register; or

(c) Indicated an arrival time after the class started or a departure time before the class ended.

(12) Failing to issue a certificate of completion to a person who satisfactorily completed the course in accordance with chapter 284-17 WAC;

(13) Failing to submit a roster for a person who satisfactorily completed the course in accordance with chapter 284-17 WAC;

(14) Failing to supply insurance continuing education records for an audit within thirty days of the commissioner's written request. If the commissioner grants a written extension, then the records are due by the date indicated on the extension;

(15) Failing to supply continuing education course attendance or completion records, course materials, or other records to resolve a consumer inquiry within fifteen days of the date on the commissioner's written request. If the commissioner grants a written extension, then the records are due by the date indicated on the extension;

(16) Not notifying the commissioner of a change in contact information or a change to the continuing education program coordinator within thirty days of the change. Contact information includes the continuing education provider's mailing address, phone number, and e-mail address last submitted by the provider;

(17) Failing to comply with any statute or rule pertaining to continuing ~~((insurance))~~ education providers as specified in Titles 48 RCW and 284 WAC.

NEW SECTION

WAC 284-17-303 Advertising a continuing education course. (1) A continuing education provider cannot advertise a course submitted for continuing education credit prior to the commissioner approving the course. A provider may not advertise a course before obtaining the commissioner's approval for the course, even if the provider indicates that the provider has submitted the course to the commissioner and credit approval is pending.

(2) If the commissioner approves the course, the commissioner will send a course approval notice to the provider's registered e-mail address. A provider cannot present a course until the effective date.

(3) A continuing education course advertisement must include all of the following:

(a) The continuing education provider's name;

(b) The course title;

(c) A brief description of the course subject matter;

(d) The number of approved continuing education credit hours;

(e) If a classroom course, the location where the course will be presented;

(f) If a classroom or webinar course, the date and time the course will be presented; and

(g) The total cost of the course.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-304 Revocation or suspension of approval of ~~((a))~~ an insurance continuing ~~((insurance))~~ education provider—Probation—Reinstatement. (1) The commissioner's approval of a person, organization or business entity to act as a continuing ~~((insurance))~~ education provider ~~((and approval of any or all of the provider's approved courses))~~ may be suspended or revoked or the provider may be placed on probation by the commissioner if:

(a) The continuing education provider or any of its employees, instructors or designees involved in continuing

~~((insurance))~~ education is found to have violated any provision of Titles 48 RCW or 284 WAC; ~~((or))~~

(b) The commissioner finds that disciplinary action against a continuing ~~((insurance))~~ education provider is appropriate based on the facts and circumstances of the violation~~((-~~

~~(2) Reinstatement of)~~;

(c) The continuing education provider has not notified the commissioner of a change to their contact information and the commissioner is unable to contact the provider at the mailing address, phone number or e-mail address last submitted by the provider;

(d) Within thirty days after the date of the commissioner's written request, the continuing education provider fails to supply continuing education records requested for an audit and has not received a written extension from the commissioner;

(e) Within fifteen days after the date of the commissioner's written request, the continuing education provider fails to supply continuing education records requested to resolve a consumer inquiry and has not received a written extension from the commissioner.

(2) If the commissioner places a continuing education provider on probation, the provider must submit proof to the commissioner to confirm that the provider is adhering to the conditions specified in the consent order. If further violations occur during the period of probation, the commissioner may take further enforcement action, including suspending or revoking the provider's approval.

(3) The commissioner may reinstate a suspended or revoked approval ~~((may be made by the commissioner))~~ only after ~~((acceptance of))~~ the commissioner has accepted satisfactory proof that the continuing education provider has successfully corrected the conditions responsible for the suspension or revocation ~~((have been successfully corrected))~~ and the provider has eliminated the possibility of reoccurrence of the violation ~~((has been eliminated))~~.

~~((3))~~ (4) Reinstatement is at the sole discretion of the commissioner.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-306 Grounds for revocation or suspension of approval of ~~((a))~~ an insurance continuing ~~((insurance))~~ education course. (1) Approval of a continuing ~~((insurance))~~ education course may be suspended or revoked if the commissioner concludes that any of the following has occurred:

(a) The continuing education provider significantly changes the content of an approved course ~~((is significantly changed))~~ without notice to and prior approval from the commissioner;

(b) A continuing education provider issues a certificate of completion ~~((is issued))~~ to a person who did not complete the course;

(c) A ~~((certificate of completion is not issued to a person who satisfactorily completed the course))~~ continuing education provider changes the approved instruction method without the prior approval of the commissioner;

(d) The commissioner finds that the actual instruction of the course is ~~((found by the commissioner to be))~~ inadequate; or

(e) Within fifteen days after the date of the commissioner's request, the continuing ~~((insurance))~~ education provider fails to supply ~~((updated descriptions of any course;))~~ continuing education course attendance or completion records, course materials, or ~~((audit reports))~~ other records requested to resolve a consumer inquiry.

(2) Reinstatement of approval is at the sole discretion of the commissioner and is conditioned upon receipt of satisfactory proof that the continuing education provider has corrected the conditions responsible for the suspension ~~((have been corrected and the possibility of reoccurrence of the violation has been eliminated))~~.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-17-244 Request for approval of attendance at an insurance related education course that is not preapproved and is given by a nonapproved insurance education provider.

WAC 284-17-246 Approval of continuing insurance education credit for insurance related college courses.

WAC 284-17-274 Fee.

WSR 15-10-105

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 6, 2015, 10:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-06-056.

Title of Rule and Other Identifying Information: The department is proposing to add the following two new sections to chapter 388-110 WAC, Contracted residential care services: WAC 388-110-222 Enhanced adult residential care physical requirements and 388-110-242 Adult residential care physical requirements.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on June 9, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 10, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAU

RulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., June 9, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by May 26, 2015, TTY (360) 664-6178 or (360) 664-6092 or e-mail Kildaja@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing these rules to comply with and be consistent with requirements set forth in the Centers for Medicare and Medicaid Services for Home and Community Based Services (HCBS Final Rule 42 C.F.R.) that became effective March 17, 2014, related to building requirements.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.39A.010.

Statute Being Implemented: Chapter 18.20 RCW.

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

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

Name of Agency Personnel Responsible for Drafting: Jeanette K. Childress, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2591; Implementation: Lisa Yanagida, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2489; and Enforcement: Tim Hoekstra, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-3238.

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

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(iii), a cost-benefit analysis is not required for rules adopting or incorporating, by reference without material change, Washington state statutes or regulations.

April 30, 2015
Katherine I. Vasquez
Rules Coordinator

NEW SECTION

WAC 388-110-222 Enhanced adult residential care physical requirements Effective July 1, 2015, the contractor must ensure that, at the resident's choice, each resident has the ability to lock his/her bedroom door, unless otherwise indicated in the resident's NSA.

NEW SECTION

WAC 388-110-242 Adult residential care physical requirements Effective July 1, 2015, the contractor must ensure that, at the resident's choice, each resident has the ability to lock his/her bedroom door, unless otherwise indicated in the resident's NSA.

WSR 15-10-107
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 6, 2015, 11:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-07-107 on March 18, 2015.

Title of Rule and Other Identifying Information: Amending WAC 232-12-142 Special trapping permit—Use of body-gripping traps, 232-36-051 Killing wildlife causing private property damage, 232-36-055 Disposal of wildlife killed for personal safety or for causing private property damage, 232-36-060 Director or his/her designee is empowered to grant wildlife control operator certifications, 232-36-065 Director or his/her designee is empowered to issue wildlife control operator permits to address wildlife interactions, 232-36-100 Payment for commercial crop damage—Limitations, 232-36-110 Application for cash compensation for commercial crop damage—Procedure, 232-36-210 Application for cash compensation for livestock damage or other domestic animal—Procedure, 232-36-300 Public hunting requirements and 232-36-510 Failure to abide by the conditions of permits, provide completed forms, or submit required documents or reports; new sections WAC 232-36-054 Trapping restrictions with body-gripping traps, 232-36-066 Report required of licensed wildlife, 232-36-090 Limitations to managing damage caused by big game on private property, 232-36-310 Damage prevention permit hunts, 232-36-320 Black bear timber damage, 232-36-330 Bear and cougar depredation hunts and 232-36-340 Deer and elk; and repealing WAC 232-12-025 Depredation hunts and 232-28-266 Damage prevention permit hunts.

Hearing Location(s): Natural Resource[s] Building, 1111 Washington Street S.E., Olympia, WA 98501, on June 12-13, 2015, at 8:00 a.m.

Date of Intended Adoption: On or after August 7, 2015.

Submit Written Comments to: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501, e-mail wildthing@dfw.wa.gov, fax (360) 902-2162, by May 31, 2015.

Assistance for Persons with Disabilities: Contact Tami Lininger by May 27, 2015, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Revisions are being proposed to the wildlife interaction rules to provide the department guidance for managing wildlife conflict issues and implementing abatement measures. The proposed revisions are intended to clarify roles, responsibilities, process and requirements for trappers, wildlife control operators, permit holders, hunters, and landowners that participate in activities to the proposed changes will assist the department with abating wildlife damage and conflict issues and to further facilitate an improved understanding of the assistance available through the department as well as lessen the likelihood for confusion regarding the tools used for mitigation.

Reasons Supporting Proposal: During 2013, several wildlife conflict responsibilities were transferred from the Washington department of fish and wildlife (WDFW) law

enforcement to WDFW wildlife program. As a result the department is advancing efforts to improve management of wildlife conflict issues. The proposed revisions will address frequent questions and concerns regarding the various components of wildlife conflict mitigation; including permits, licenses, tags, and reporting requirements for the variety of harvest opportunities afforded through assisting the department with conflict abatement. These revisions will further facilitate the department's ability to address wildlife conflict problems. The proposed changes are largely a result of the recent transition of conflict responsibilities from enforcement to wildlife, discussions with stakeholders, and the need for clear guidance to the department and the public.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.320, 77.12.150, 77.15.245, and chapter 77.36 RCW.

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.320, 77.12.150, 77.15.245, and chapter 77.36 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: When filing the permanent rule-making order (CR-103P), the WAC sections containing rule amendments will be consolidated into two or three order typing service (OTS) documents.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Nate Pamplin, Natural Resource[s] Building, (360) 902-2515; and Enforcement: Steven Crown, Natural Resource[s] Building, (360) 902-2373.

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

Small Business Economic Impact Statement

1. Description of the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule: Revisions are being proposed to the wildlife interaction rules to provide the department guidance for managing wildlife conflict issues and implementing abatement measures. The proposed revisions are intended to clarify roles, responsibilities, process and requirements for trappers, wildlife control operators, permit holders, hunters, and landowners that participate in activities to assist the department with abating wildlife damage and conflict issues and to further facilitate an improved understanding of the assistance available through the department as well as lessen the likelihood for confusion regarding the tools used for mitigation.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: There are no additional anticipated professional services required to comply with these changes. Under the current rules, applicants for claims of livestock or agricultural losses are responsible for assessing the value of their losses; some small businesses may need to hire bookkeepers, accountants, or other professionals to assist with required paperwork for documenting losses and other impacts to their crop or livestock operation; wildlife control operators will still be required to pay their certification fee and dispose of

animals in a lawful manner; and hunters will still need to comply with hunting license and tag requirements for damage permits. WDFW will continue to assist owners of crop or livestock if they chose to employ preventive nonlethal and lethal means to prevent losses. The proposed changes do not impact any of the above requirements already in place.

The proposed changes include extending the time period allotted for filing claims and thereby allow the crop/livestock owner ample time to file their claim. This will be a positive impact to owners.

The proposed change in season dates for deer, elk, and turkey may result in less damage to crops and thereby have a positive impact to crop owners.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: The proposed rules do not require any additional equipment, supplies, labor, or administrative costs as the rules are administrative in nature. Therefore, there are no expected additional costs to comply with the proposed rules. However, if a landowner does not want to engage in conflict prevention measures, even after several attempts by WDFW to provide technical assistance, then the owner may incur greater losses. If this occurs, this is something that is the responsibility of the owner and falls outside the department's control.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No. The intent of the proposed rules is to assist businesses and avoid damage or losses from wildlife. If businesses follow the procedures in these rules, they should be able to minimize lost sales or revenue. Therefore, the proposed rules should not cause any businesses to lose sales or revenue.

5. Cost of Compliance for the Ten Percent of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules, Using One or More of the Following as a Basis for Comparing Costs:

- (a) Cost per employee;
- (b) Cost per hour of labor; or
- (c) Cost per one hundred dollars of sales.

Now compare the largest businesses' cost of compliance with the cost of compliance for small businesses. Will this rule have a disproportionate impact on small businesses?

None - The proposed rule changes do not require any additional equipment, supplies, labor, or administrative costs above what the current rules already require. The costs/fees remain unchanged.

Larger agriculture or livestock operations will experience more costs than smaller operators for things like fence installation, hazing, and bookkeeping/accounting, but the reason for this is that they have a larger land mass or more livestock to protect. This is already present under the current rules and is not an issue within the department's control. Their cost has little correlation to the costs of complying with these rules, especially since these rules are already in effect and are designed to help businesses avoid losses.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses, or Reasonable Justification for Not Doing So: The department works closely with landowners, livestock and crop producers, hunters and wildlife

control operators to deter wildlife that causes damage so that there are less wildlife caused losses. Costs that owners and wildlife control operators incur as a result of these rules are reasonable, considering the benefits received by the program.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department collaborates on an ongoing basis with commercial growers, livestock producers, wildlife control operators, and hunters to develop rules that are equitable, but also help to deter abuses. WDFW will notify stakeholders of the opportunity to comment on these rule changes and will continue collaborating on any changes that may be needed.

8. A List of Industries That Will Be Required to Comply with the Rule: Growers of commercial crops and livestock producers; and wildlife control operators.

9. An Estimate of the Number of Jobs That Will Be Created or Lost as the Result of Compliance with the Proposed Rule: These proposed rule changes are administrative in nature and detail the process WDFW will use to address wildlife conflict issues.

A copy of the statement may be obtained by contacting Wildlife Program Customer Service, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2515, fax (360) 902-2162, e-mail wildthing@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not involve hydraulics.

May 6, 2015
Joanna M. Eide
Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-17-067, filed 8/15/01, effective 9/15/01)

WAC 232-12-142 Special trapping permit~~((Use of body-gripping traps)).~~ For abating wildlife conflict, the applicant shall submit a special trapping permit application as provided by the department.

(1) As used in this section, unless the context clearly requires otherwise, the following definitions apply:

(a) ~~("Animal" means any nonhuman vertebrate.~~

~~(b) "Animal problem" means any animal that threatens or damages timber or private property or threatens or injures livestock or any other domestic animal.~~

~~((c)) "Body-gripping trap" as defined by RCW 77.15.192 means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, unpadded foot-hold traps, padded foot-hold traps, Conibear traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps.~~

~~((d)) (b) "Conibear or Conibear-type trap" means any trap of various manufacturers having design and operational characteristics essentially the same as or like that developed by Frank Conibear and designed and set to grip and hold an animal's body across its main axis.~~

~~((e)) (c) "In water" means beneath the water surface so that the trap is completely submerged.~~

~~((f)) (d) "Nonstrangling-type foot snare" means a cable or wire designed and set to encircle and hold an animal's foot or limb.~~

~~((g) "Padded foot hold trap" means a trap designed and set to grip the foot of an animal, both jaws of which are covered with rubber pads having a minimum thickness of one-eighth inch.~~

~~(h)) (e) "Special trapping permit" means a ((special trapping)) permit issued to a person under the authority of RCW 77.15.194 and the provisions of this section to use certain body-gripping traps to abate an animal problem for thirty days.~~

~~((i)) (f) "Permittee" means the person to whom a special trapping permit is granted.~~

~~((j) "Raw fur" means a pelt that has not been processed for purposes of retail sale.)~~

(2) It is unlawful to trap animals using body-gripping traps without a special trapping permit issued by the department.

(3) It is unlawful to fail to comply with any conditions of a special trapping permit to trap.

(4) ~~((It is unlawful for any))~~ Persons issued a special trapping permit ((to fail to complete and submit to the department)) must submit a report of animals taken ((under the permit. This report is due)) to the department within ten days ~~((of))~~ after the permit expiration date ~~((of))~~ as defined on the permit.

(5) It is unlawful to knowingly offer to sell, barter, or otherwise exchange the raw fur or carcass of a mammal that has been trapped pursuant to a special trapping permit.

(6) A person seeking a special trapping permit shall submit a complete application to the department. ~~((The applicant shall provide the following information:~~

~~(a) Applicant's name, address, and telephone number.~~

~~(b) Location(s) of animal problem (physical address or legal description including township, range, and section number).~~

~~(c) Description of the animal problem:~~

~~(i) Duration of the animal problem.~~

~~(ii) Description of the damage or potential damage being caused (i.e., crop, timber, property, livestock, or pet animals, etc.).~~

~~(iii) Any threat or potential threat to the health and/or safety of people.~~

~~(d) Species of animal causing the problem and, if known, the number of animals involved.~~

~~(e) Description of the measures taken to prevent or alleviate the problem or damage.~~

~~(f) Explanation of why the measures taken were ineffective to abate the problem or why such measures could not reasonably or effectively be used to abate the animal problem.~~

~~(g) Whether Conibear-type traps in water, padded foot-hold traps or nonstrangling-type foot snares will be used.~~

~~(h) Species and number of animals to be removed.)~~

(7) ~~((For))~~ To conduct wildlife research, the applicant shall ~~((provide the following information:~~

~~(a) Applicant's name, address, and telephone number.~~

~~(b) Location(s) where wildlife trapping will occur (physical address or legal description including township, range, and section number).~~

~~(c) Whether padded foot hold traps or nonstrangling-type foot snares will be used.~~

~~(d) Species and number of animals to be captured.~~

~~(e) Research objective or proposal.~~

~~(f) A copy of a valid department scientific collection permit.~~

~~(8) A completed report of animals taken pursuant to a special trapping permit shall include the following information:~~

~~(a) Permittee's name, address, and telephone number.~~

~~(b) The number of the permit for which the report is being submitted.~~

~~(c) The common name of the animal(s) taken, the number of animals taken, and the disposition.~~

~~(d) For any nontargeted animals taken, the common name of the animal, the number of animals, and the disposition.~~

~~(9) Successive permits for the same animal problem) submit a scientific collection permit application as provided by the department.~~

~~(8) One permit renewal may be requested by completing the justification and applicant certification on the report of animals taken.~~

~~((10)) (9) The conditions of a special trapping permit shall (include:~~

~~(a) The term of the permit is thirty days.~~

~~(b) Any body-gripping trap authorized under a permit shall be checked at least every twenty-four hours.~~

~~(c) Each body-gripping trap authorized under a permit shall have attached to its chain or to the trap a legible metal tag with either the department identification number of the trapper or the name and address of the trapper in English letters not less than one-eighth inch in height.~~

~~(d) Nontargeted species shall be released unharmed if possible.~~

~~(e) Any mammal trapped pursuant to a permit must be lethally dispatched or released as soon as possible, unless taken for scientific research, in which case the animal may be retained alive if so provided in the permit.~~

~~(f) The carcass of any mammal) be determined by the department and be annotated on the permit.~~

~~(10) All parts of animals taken under a special trapping permit must be properly disposed of in a lawful manner.~~

~~((g)) (11) Retention of raw fur requires a valid Washington state trapper's license, may only occur during the trapping season, and applies only to those animals taken during the trapping season with a live trap (nonbody-gripping).~~

~~(12) A copy of the permit shall be in the immediate possession of the person authorized to trap pursuant to a permit.~~

~~((H)) (13) A special trapping permit may be denied when, in the judgment of the department:~~

~~(a) Other appropriate nonlethal methods to abate damage have not been utilized;~~

~~(b) The alleged animal problem either does not exist or the extent is insufficient to justify lethal removal;~~

~~(c) The use of the requested body-gripping trap(s) ((would)) is likely to result in direct or indirect harm to people or domestic animals;~~

~~(d) The use of the requested body-gripping trap(s) would conflict with federal or state law, local ordinance or depart-~~

~~ment rule; or instances where undue harm is likely to occur to nontarget animals.~~

~~(e) The application is ((not complete)) incomplete.~~

~~((12)) (14) A special trapping permit may be revoked ((when, in the judgment of)) if the department determines:~~

~~(a) Information contained in the application was inaccurate or false;~~

~~(b) The permittee or person trapping under the permit fails to comply with any of the permit conditions; or~~

~~(c) The permittee or person trapping under the permit exceeds the number of animals authorized.~~

~~((13)) (d) Information becomes available that otherwise would have led to the denial of the original application or the inclusion of additional conditions in the permit.~~

~~(15) If the department denies or revokes a special trapping permit ((is denied or revoked,)) the department ((shall)) will provide the applicant((-in writing,)) a written notice including a statement of the ((specific)) reason(s) for the denial or revocation.~~

~~(a) The applicant may request an appeal ((in accordance with)) to contest the denial or revocation pursuant to chapter 34.05 RCW. The department must receive an appeal request((s shall be filed)) in writing ((and returned)) within twenty days from the mailing date of the notice of denial ((and be addressed to)) or revocation. Address appeals to WDFW Legal Services Office, ((600 Capitol Way North)) P.O. Box 43137, Olympia, Washington ((98501-1091)) 98504-3137.~~

~~(b) A notice contested by written appeal is final when that proceeding ends in a final order pursuant to chapter 34.05 RCW, or is otherwise dismissed.~~

~~(c) If there is no timely request for an appeal, then the department's denial or revocation of the permit is final and effective on the 21st calendar day following the mailing date of the notice of denial or revocation.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-12-025 Depredation hunts.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-266 Damage prevention permit hunts.

AMENDATORY SECTION (Amending WSR 13-22-056, filed 11/4/13, effective 12/5/13)

WAC 232-36-051 Killing wildlife causing private property damage. The fish and wildlife commission is authorized to classify wildlife as game, and/or as endangered species or protected ((species)) wildlife, and/or as a predatory bird consistent with RCW 77.08.010 and 77.12.020. The commission is also authorized, pursuant to RCW 77.36.030, to establish the limitations and conditions on killing or trapping wildlife that is causing damage on private property. The

department may authorize, pursuant to RCW 77.12.240 the killing of wildlife destroying or injuring property.

The conditions for killing wildlife vary, based primarily on the classification of the wildlife species, the imminent nature of the threat to damage private property, the type of private property damage, and the preventive and nonlethal methods employed by the person prior to the damage event. Additional conditions defined by the department may also be important, depending on individual situations. Killing wildlife to address private property damage is subject to all other state and federal laws including, but not limited to, Titles 77 RCW and 232 WAC.

(1) It is unlawful to kill protected (~~(species as defined in WAC 232-12-011))~~ wildlife or endangered species (as defined in ~~(WAC 232-12-014))~~ RCW 77.08.010) unless authorized by commission rule or with a permit from the department, with the following additional requirements:

(a) Federally listed threatened or endangered species will require federal permits or federal authority, in addition to a state permit.

(b) All migratory birds are federally protected and may require a federal permit or federal authority, in addition to a state permit.

(2) Killing wildlife causing damage to a commercial crop or to livestock.

It is permissible to kill unclassified wildlife, predatory birds, and game animals that are in the act of damaging commercial crops or attacking livestock or other domestic animals, under the following conditions:

(a) Predatory birds (defined in RCW 77.08.010(39)) and unclassified wildlife that are in the act of damaging commercial crops or attacking livestock or other domestic animals may be killed with the express permission of the crop, livestock, domestic animals, or property owner at any time on private property, to protect domestic animals, livestock, or commercial crops.

(b) An owner (~~(with a valid, written damage prevention agreement with the department may kill an individual (one) game animal while it is in the act of damaging commercial crops; a permit will be provided if authorized in the agreement.~~

~~(c) An individual (one) game animal may be killed during the physical act of attacking livestock or domestic animals.~~

~~(d) Multiple game animals may be killed while they are in the act of damaging commercial crops or attacking livestock if the owner is issued a kill permit by the department.~~

~~(e) A damage prevention agreement or kill permit must include: An approved checklist of the reasonable preventative and nonlethal means that must be employed prior to lethal removal; a description of the properties where lethal removal is allowed; the species and sex of the animal that may be killed; the terms of the agreement/permit; the dates when lethal removal is authorized; who may kill the animal(s); and other conditions developed within department procedural documents.)~~ may kill an individual (one) big game animal during the physical act of damaging crops, attacking livestock or domestic animals.

(c) A crop or livestock owner with a valid, written damage prevention cooperative agreement with the department

may kill big game animal(s) in the act of damaging commercial crops or attacking livestock if the owner is issued damage prevention or kill permits as authorized in the agreement.

(3) Killing wildlife causing damage or killing wildlife to prevent private property damage.

~~(a) ((An individual (one) game animal may be killed during the physical act of attacking domestic animals.~~

~~(b))~~ Predatory birds (as defined in RCW 77.08.010 (39)), unclassified wildlife, and eastern gray squirrels may be killed by the owner of private property with the express permission of the private real property owner at any time, to prevent private property damage on private real property.

~~((e))~~ (b) Subject to subsection (7) of this section, the following list of wildlife species may be killed by the owner or licensed hunters/trappers in a lawful manner with the express permission of the owner, when causing damage to private property: Raccoon, fox, bobcat, beaver, muskrat, mink, river otter, weasel, hare, and cottontail rabbits.

~~((d))~~ (c) The department may make agreements with landowners to prevent private property damage by wildlife. The agreements may ((include special hunting season)) authorize permits ((such as: Landowner damage prevention permits, spring black bear hunting permits, permits issued through the landowner hunting permit program, kill permits, and Master Hunter permits.

~~(e))~~ to remove animal(s) to abate private property damage.

(d) Landowners are encouraged to allow general season ((hunters during established hunting seasons)) hunting and trapping on their property to help minimize damage potential and concerns.

(4) Wildlife control operators may assist property owners under the conditions of their certification or permits (~~(as established in WAC 232-36-060 and 232-36-065)).~~

(5) Tribal members may assist property owners under the conditions of valid comanagement agreements between tribes and the department. Tribes must be in compliance with the agreements including, but not limited to, adhering to reporting requirements, possession, and harvest restrictions.

(6) Hunting licenses and associated tags (~~(are not))~~ may be required to kill ((wildlife)) game animals and birds under this section (~~(, unless the killing is pursuant to subsections (3)(e) and (d) of this section)).~~ Hunters participating in harvesting wildlife under this section must comply with provisions of each permit. Tribal members operating under subsection (5) of this section are required to meet tribal hunting license, tag, and permit requirements.

(7) Except as specifically provided in a permit from the department or a rule of the commission, people taking wildlife under this rule are subject to the laws and rules of the state (~~(including, but not limited to, those found in Titles 77 RCW and 220 and 232 WAC)).~~

AMENDATORY SECTION (Amending WSR 10-13-182, filed 6/23/10, effective 7/24/10)

WAC 232-36-055 Disposal of wildlife killed for personal safety or for causing private property damage. The fish and wildlife commission is authorized pursuant to RCW 77.36.030, to establish the limitations and conditions on dis-

posal of wildlife killed or trapped because they were threatening human safety or causing property damage.

Except as specifically provided in a permit from the department or a rule of the commission, people taking wildlife under this title are subject to the laws and rules of the state including, but not limited to, those found in Titles 77 RCW and 220 and 232 WAC. Wildlife taken under this chapter remains the property of the state and may be disposed of in the manner and under the conditions that follow:

(1) ~~((Wildlife taken under WAC 232-36-050 (1)(b) and 232-36-051 (1)(b), and 232-36-051 (1)(a)(iii) must be reported to the department within twenty-four hours, and the animal and all parts must be provided to the department or its designees.~~

(2) ~~Wildlife taken under WAC 232-36-051 (1)(a)(i) and (ii) becomes the property of the private landowner and may be lawfully disposed consistent with state laws and rules including, but not limited to, Titles 77 RCW and 232 WAC.~~

(3) ~~Wildlife taken under WAC 232-36-051 (1)(a)(iv) must be disposed of consistent with the conditions identified under the permit.~~

(4) ~~Wildlife taken under WAC 232-36-051(2) may be lawfully possessed by the owner, licensee, and/or permit holder. Possession of legally taken wildlife by tribal members is subject to the laws of their tribe and must be consistent with their agreement with the state.)~~ Wildlife killed subsequent to a permit provided by the department shall be possessed or disposed of in accordance with permit provisions.

(2) Except as otherwise provided, all parts of wildlife killed in protection of private property without a permit authorized by the department may not be retained and must be lawfully disposed of as specified by the department or as otherwise provided in statute, rule, or local ordinance.

(3) Except as otherwise provided, big game animals or parts of big game animals killed in protection of private property without a permit must be reported to the department within twenty-four hours.

(4) Disposal methods: Unless otherwise specified in permits issued by the department:

(a) The person killing wildlife, or their designee, is responsible for disposal of killed wildlife and must dispose of the animal, within twenty-four hours, in a manner so as not to become a public or common nuisance or cause pollution of surface or groundwater.

(b) The person responsible for disposal of dead wildlife must dispose of it by burial, landfilling, incineration, composting, rendering, or another method approved (such as natural decomposition) that is not otherwise prohibited by federal, state, or local law or regulation.

(c) A person disposing of dead wildlife by burial must place it so that every part is covered by at least three feet of soil; at a location not less than one hundred feet from any well, spring, stream or other surface waters; not in a low-lying area subject to seasonal flooding; and not in a manner likely to contaminate groundwater.

(d) A person disposing of a dead animal must not bury or compost it within the sanitary control area of a public drinking water supply source.

AMENDATORY SECTION (Amending WSR 13-22-056, filed 11/4/13, effective 12/5/13)

~~WAC 232-36-060 ((Director or his/her designee is empowered to grant wildlife control operator certifications.))~~ Certification of wildlife control operators. For purposes of training individuals to assist landowners with employing nonlethal management techniques, or to harass, kill, trap, release, and dispatch animals that are causing damage to private property, the director or his/her designee may ~~((issue))~~ certify wildlife control operators (WCOs) ~~((certifications)).~~

(1) To ~~((qualify))~~ be eligible to apply for WCO certification, applicants must:

(a) Be at least eighteen years of age;

(b) Must pass the Washington state trapper education exam and possess a minimum of two years experience that demonstrates the knowledge and ability to control wildlife species causing conflict or property damage;

(c) Take and ((complete)) pass the department's approved WCO basic certification((s)) course(s);

~~((e))~~ Be certified by the department and have the equipment, knowledge, and ability to control the wildlife species causing conflict or property damage;)

(d) Be legally eligible to possess a firearm and without a felony or domestic violence conviction including, but not limited to, convictions under chapter 9.41 RCW, unless firearm possession rights have been restored;

(e) Not have ~~((a gross))~~ any infractions, misdemeanors or fish and wildlife conviction within the last five years; and

(f) Pay the enrollment fee for each certification training/education (RCW 77.12.184). ~~((After July 1, 2010;))~~ This fee shall be fifty dollars ~~((RCW 77.12.184))~~ per certification.

(2) ~~((Once a person is granted))~~ The department may grant a WCO certification if the applicant meets the criteria for eligibility in subsection (1) of this section and passes the basic certification courses.

(3) If the department grants WCO certification, ((he or she)) the WCO must apply for a permit ((pursuant to WAC 232-36-065 in order to harass, kill, trap, release, or dispatch)) to lawfully engage in harassing, killing, trapping, releasing, or dispatching animals causing damage to private property.

(4) WCO certification is valid for three years.

AMENDATORY SECTION (Amending WSR 10-13-182, filed 6/23/10, effective 7/24/10)

~~WAC 232-36-065 ((Director or his/her designee is empowered to issue))~~ Use of wildlife control operators ((permits)) to address wildlife interactions. The director or director's designee may issue permits to persons that fulfill the requirements to become a certified wildlife control operator (WCO) for purposes of assisting property owners in managing animals causing damage to private property ~~((the director or his/her designee may issue permits to wildlife control operators (WCOs). Only WCOs who are certified by the department)).~~ Only persons meeting the WCO certification requirements qualify for such a permit.

(1) ~~((If the certification for a WCO included training for the use of live traps, the WCO may use live traps))~~ Certified WCOs may use nonbody-gripping traps or body-gripping

traps with a special trapping permit, outside of designated harvest season to capture ((any)) animals causing damage or creating an animal problem, as ((that term is)) defined in RCW 77.15.192.

~~(2) ((Depending on a WCO's certification training, he or she may use body-gripping traps, but only if he or she complies with RCW 77.15.194.~~

(3)) WCOs with a valid trapping license may only retain furbearer pelts of animals taken using nonbody-gripping traps during a furbearer trapping season as designated by the department.

(3) WCOs who trap wildlife under the authority of a department permit may not release animals outside of the property boundary where they were captured without a special permit or dispose of such wildlife without the consent of the property owner ((where the wildlife is to be released or disposed)). Animals taken with the use of a body-gripping trap may not be retained and must be disposed as conditioned in the special trapping permit.

(4) It is unlawful to trap, harass, or otherwise control wildlife on the property of another for a fee or other consideration without a WCO certification.

~~((4)) (5) WCOs must submit a complete annual report of all control activity ((on the form supplied)) as directed by the department. ((The report must be received or postmarked on or before the twentieth day of April each year.)) Failure to submit a report may result in ((the department revoking)) revocation of the WCO's certification ((and)) or permits and ((suspending the person's right to)) denial of future certifications ((and)) or permits.~~

~~((5)) (6) The department may develop additional conditions and procedures to include training requirements for WCOs consistent with this rule.~~

(7) WCO certification and associated permits will be revoked and future certification and permits may be denied by the director or ((issuing authority when, in the judgment of)) director's designee if the department determines:

(a) Information contained in a WCO's application was inaccurate or false;

(b) The WCO fails to comply with department statutes or rules; ~~((or))~~

(c) The WCO violates a trapping or other fish and wildlife law(-

~~(6) A WCO who provides false or misleading information in his or her WCO certification application may be punished under RCW 9A.76.175 or 40.16.030. A WCO who fails to comply with department statutes or rules as required by his or her WCO certification and permit may be punished under RCW 77.15.750. A WCO who violates trapping or other wildlife laws may be punished under the appropriate statute in Title 77 RCW for that crime.~~

~~(7))~~; or

(d) The WCO is no longer eligible to possess a firearm, has been convicted of a felony or domestic violence conviction including, but not limited to, convictions under chapter 9.41 RCW.

(8) Revocation of certifications and permits shall remain in effect until all issues pertaining to revocation are resolved.

(9) If the initial application ((for WCO certification is denied or revoked,)) or the application to renew a WCO's cer-

tification is denied or revoked, the department ((shall)) will provide the applicant, in writing, a notice containing a statement of the ((specific)) reason(s) for the denial or revocation.

(a) The applicant may request an appeal ((in accordance with)) to contest the denial or revocation pursuant to chapter 34.05 RCW. The department must receive an appeal request((s shall be filed)) in writing ((and returned)) within twenty days from the mailing date of the notice of denial ((and be addressed)) or revocation. Address appeal requests to WDFW Legal Services Office, ((600 Capitol Way North)) P.O. Box 43137, Olympia, Washington ((98501-1091)) 98504-3137.

~~((8)) (b) A notice contested by written appeal is final when that proceeding ends in a final order pursuant to chapter 34.05 RCW, or is otherwise dismissed.~~

(c) If there is no timely request for an appeal, then the department's denial or revocation of the permit is final and effective on the 21st calendar day following the mailing date of the notice of denial or revocation.

(10) WCO certification ((and permits are)) is valid for three years.

~~((9) It is unlawful to trap, harass, or otherwise control wildlife on the property of another for a fee or other consideration without a WCO certification and permit.~~

(10) The department may develop additional conditions and procedures, to include training requirements, for WCOs consistent with this rule.)) (11) A WCO who provides false or misleading information in his or her WCO certification application may be subject to prosecution under RCW 9A.76.175 or 40.16.030. A WCO who fails to comply with department statutes or rules as required by his or her WCO certification and associated permit may be subject to prosecution under RCW 77.15.750. A WCO who violates trapping or other fish and wildlife laws may be subject to prosecution under the appropriate statute in Title 77 RCW for that crime or infraction.

AMENDATORY SECTION (Amending WSR 13-05-003, filed 2/6/13, effective 3/9/13)

WAC 232-36-100 Payment for commercial crop damage—Limitations. Owners, who have worked with the department to prevent deer and elk damage, but continue to experience losses, may be eligible to file a damage claim and receive cash compensation from money appropriated by the legislature. Damages payable under this section are limited to the lost or diminished value of a commercial crop, whether growing or harvested, and ((shall)) will only be paid ((only)) to the owner of the crop at the time of damage, without assignment. Cash compensation for claims from deer and elk damage ((shall)) does not include damage to other real or personal property, including other vegetation or animals, lost profits, consequential damages, or any other damages. The department is authorized to pay up to ten thousand dollars to the owner per claim.

Claims for cash compensation will be denied when:

(1) The claim is for a noncommercial crop;

(2) The owner of the commercial crop does not meet the definition of "eligible farmer" in RCW 82.08.855 (4)(b)(i) through (iv);

(3) The loss estimate is less than one thousand dollars;

(4) ~~((No claim))~~ Claims will not be processed unless the owner has a valid damage prevention cooperative agreement signed by the owner and the department or a waiver signed by the director and provides the department with an approved checklist of the preventative and nonlethal means that have been employed to prevent damage, and the owner has complied with the terms and conditions of his or her agreement(s) with the department;

(5) An owner or lessee has accepted noncash compensation to offset crop damage in lieu of cash consistent with conditions of the damage prevention cooperative agreement with the department. Acceptance of noncash compensation will constitute full and final payment for crop damages within the growing season of the damaged crop or for the time period specified by the department in writing to the owner;

(6) An owner or lessee has denied the department's offer of fencing as a long-term preventative measure;

(7) The owner or lessee has denied prevention measures offered by the department;

(8) Damages to the commercial crops claimed are covered by insurance or are eligible for payment from other entities. Any portion of the actual damage not covered by others that exceeds one thousand dollars is eligible for compensation from the department;

~~((8))~~ (9) The property where the damage occurred was not open to public hunting consistent with WAC 232-36-300 for the species causing the damage, unless, as determined by the department, the property is inconsistent with hunting or hunting would not address the damage problem. This includes all properties owned or leased by the owner adjacent to, contiguous to, or in the vicinity of the property where crop damage occurred;

~~((9))~~ (10) The crop is grown or stored on public property;

~~((10))~~ (11) The owner or lessee fails to provide on-site access to the department or designee for inspection and investigation of alleged damage or to verify eligibility for a claim;

~~((11))~~ (12) The owner has not provided a completed written claim form and all other required information, or met required timelines prescribed within WAC 232-36-110;

~~((12))~~ (13) The owner fails to sign a statement affirming that the facts and supporting documents are truthful to the best of the owner's knowledge;

~~((13))~~ (14) The owner or designee has harvested commercial crops without an investigation completed under the direction of the department; ~~((14))~~

(14)) (15) The department has expended all funds appropriated for payment of such claims for the current fiscal year.

AMENDATORY SECTION (Amending WSR 13-22-056, filed 11/4/13, effective 12/5/13)

WAC 232-36-110 Application for cash compensation for commercial crop damage—Procedure. Pursuant to this section, the department may distribute ~~((money))~~ funds appropriated by the legislature to pay commercial crop damage caused by wild deer or elk in the amount of up to ten

thousand dollars per claim, unless following an appeal the department is ordered to pay more (see RCW 77.36.130(2)). The department shall develop claim procedures and application forms consistent with this section for cash compensation of commercial crop damage. Partnerships with other public and private organizations to assist with completion of applications, assessment of damage, and to provide funding for compensation are encouraged.

Filing a claim:

(1) ~~((Owners))~~ Claimants who have ~~((worked))~~ cooperated with the department and have a valid damage prevention cooperative agreement to prevent deer or elk damage~~(;)~~ yet ~~((who))~~ still experience loss and meet eligibility requirements, may file a claim for cash compensation.

(2) The claimant must notify the department within seventy-two hours of discovery of crop damage and at least seventy-two hours prior to harvest of the claimed crop.

(3) A complete~~(;)~~ written claim and completed crop assessment must be submitted to the department within sixty days of ~~((when the damage stops))~~ harvest.

(4) ~~((Owners))~~ Claimants may only file one claim per year. Multiple partners in a farming operation are considered one ~~((owner))~~ claimant. Operations involving multiple partners must designate a "primary grower" to receive payment from the department.

(5) The claim form declaration must be signed, affirming that the information provided is factual and truthful per the certification set out in RCW 9A.72.085, before the department will process the claim.

(6) In addition to a completed claim form, ~~((an applicant))~~ a claimant must provide:

(a) A copy of ~~((applicant's))~~ claimant's Schedule F of Form 1040, Form 1120, or other applicable forms filed with the Internal Revenue Service or other documentation indicating the ~~((applicant's))~~ claimant's gross sales or harvested value of commercial crops for the previous tax year.

(b) The assessment method used is consistent with WAC 232-36-120, valuation of property damage.

(c) ~~((Applicant must provide))~~ Proof of ownership of claimed commercial crops or contractual lease of claimed commercial crops consistent with department procedural requirements for submission of documents.

(d) Written documentation of approved methodology used to assess and determine final crop loss and value.

(e) ~~((Applicant must provide))~~ Records for the last three years documenting average yield on claimed crop and parcel, certified yield reports, production reports and weight certificates completed at the time weighed for claimed year, and other applicable documents that support yield loss and current market price. Current market price will be determined less transportation and cleaning costs when applicable.

(f) A declaration signed under penalty of perjury as provided in RCW 9A.72.085, indicating that the ~~((applicant))~~ claimant is eligible for the claim, meets eligibility requirements listed under this section, and that all claim evaluation and assessment information in the claim application is true and accurate to the best knowledge of the claimant ~~((true and accurate))~~.

(g) A copy of the insurance policy and payment on the commercial crop where loss is claimed.

(h) ~~((Copy))~~ Copies of any applications for other sources of loss compensation and any payment or denial documentation.

Damage claim assessment:

(7) Completion of a damage claim assessment ~~((of))~~ for the amount and value of commercial crop loss is the ~~((primary))~~ responsibility of the claimant. A crop damage evaluation and assessment must be conducted by a licensed crop insurance adjuster in cooperation with the claimant:

(a) The ~~((owner))~~ claimant must submit a damage claim assessment prepared by a crop insurance adjuster licensed by the state of Washington and certified by the federal crop insurance service.

(b) The department will provide the claimant with a list of approved adjustors ~~((and written authorization to proceed with an assessment. The owner must)).~~ The claimant may select an adjustor from the approved list and work with the department and the adjustor to arrange for the completion of a crop damage assessment ~~((Adjustor fees will be the responsibility of the department.))~~ or select a state licensed adjustor of their own choosing.

(i) If the claimant selects an adjustor from the approved list, the department will provide the adjustor written authorization to proceed with an assessment and adjustor fees will be the shared responsibility of the owner and the department. The claimant portion of the assessment fees may not exceed one half or a maximum of six hundred dollars, whichever is smaller, and will be deducted from the final payment.

(ii) If the claimant selects a state licensed adjustor of their own choosing then the claimant accepts full responsibility for the assessment fees.

(c) The department or the ~~((owner))~~ claimant may accept the damage claim assessment provided by the licensed adjuster or may hire a state licensed adjustor of their choosing and conduct a separate assessment or evaluation of the crop loss amount and value. The party hiring an adjustor to conduct a separate assessment or evaluation is responsible for payment of all fees.

(8) Disagreement between the claimant and the department over the crop loss value may be settled through an adjudicative proceeding pursuant to chapter 34.05 RCW.

Settlement of claims:

(9) ~~((The crop adjustor's fee is not subject to the ten thousand dollar payment limit per owner.~~

~~((10))~~ Compensation paid by the department, in addition to any other compensation received by the claimant, may not exceed the total value of the assessed crop loss.

~~((11))~~ (10) The ~~((owner))~~ claimant will be notified by the department upon completion of the evaluation and has sixty days to accept or appeal the department's offer for settlement of the claim, or the claim is considered ~~((satisfied))~~ accepted and not subject to appeal.

~~((12))~~ (11) The department ~~((shall))~~ will prioritize payment for commercial crop damage in the order the claims were received or upon final adjudication of an appeal. If the department is unable to make a payment for commercial crop damage during the current fiscal year, the claim ~~((shall))~~ will be held over until the following fiscal year when funds become available. Claims that are carried over will take first priority and receive payment before any new claims are paid.

AMENDATORY SECTION (Amending WSR 13-22-056, filed 11/4/13, effective 12/5/13)

WAC 232-36-210 Application for cash compensation for livestock damage or other domestic animal—Procedure. Pursuant to this section, the department may distribute money specifically appropriated by the legislature or other funding entity to pay livestock or guard dog losses caused by wild bear, cougar, or wolves in the amount of up to ten thousand dollars per claim unless, following an appeal, the department is ordered to pay more (see RCW 77.36.130(2)). The department will develop claim procedures and application forms consistent with this section for cash compensation of livestock or guard dog losses. Partnerships with other public and private organizations to assist with completion of applications, assessment of losses, and to provide funding for compensation are encouraged.

Filing a claim:

~~((1))~~ ~~((Owners who have worked with the department to prevent livestock depredation, yet who still experience loss or losses that occur under emergent situations, may file a claim for cash compensation if they meet eligibility requirements.~~

~~((2))~~ Claimant must notify the department within twenty-four hours of discovery of livestock or other domestic animal attack or as soon as feasible.

~~((3))~~ (2) Damage claim assessment of amount and value of domestic animal loss is the primary responsibility of the claimant.

~~((4))~~ (3) Investigation of the loss and review and approval of the assessment will be conducted by the department:

(a) The owner must provide access to department staff or designees to investigate the cause of death or injury to domestic animals and use reasonable measures to protect evidence at the depredation site.

(b) Federal officials may be responsible for the investigation when it is suspected that the attack was by a federally listed species.

~~((5))~~ Claimant must request a damage claim application within ten days of a loss.

~~((6))~~ (4) A claimant must submit a written statement within thirty days of discovery of a loss to indicate his or her intent to file a claim.

(5) A complete, written claim must be submitted to the department within ~~((sixty))~~ ninety days of a discovery of an attack on domestic animals or livestock to be eligible for compensation.

~~((7))~~ The ~~((6))~~ A claim form declaration must be signed, affirming that the information provided is factual and truthful, per the certification set out in RCW 9A.72.085 before the department will process ~~((a))~~ the claim.

~~((8))~~ (7) In addition to a completed claim form, an applicant must provide:

(a) ~~((Claimant must provide))~~ Proof of legal ownership or contractual lease of claimed livestock.

(b) ~~((Claimant must provide))~~ Records documenting the value of the domestic animal based on current market price.

(c) Declaration signed under penalty of perjury indicating that the ~~((applicant))~~ claimant is eligible for the claim, meets eligibility requirements listed under this chapter, and all claim evaluation and assessment information in the claim

application is to the best knowledge of the claimant true and accurate.

(d) A copy of any insurance policy covering loss claimed.

(e) ~~((Copy))~~ Copies of applications for other sources of loss compensation and any payment or denial documentation.

Settlement of claims:

~~((9))~~ (8) Subject to ~~((money))~~ funds appropriated to pay for domestic animal losses, undisputed claims will be paid up to ten thousand dollars.

~~((10))~~ (9) Valuation of the lost livestock;

(a) For losses caused by wolves, livestock value will be determined by the market at the time the animals would normally be sold. Livestock will be valued based on the average weight of herd mates at the time of sale multiplied by the cash market price received ~~((;))~~ and depredated cows or ewes will be replaced based on the value of a bred animal of the same age and type as the one lost ~~((, and))~~. Bulls will be replaced using actual purchase price prorated based on a four-year depreciation cycle minus salvage value.

(b) For losses caused by bear or cougar, livestock value will be determined by the market values at the time the animals are lost.

(c) The department may utilize the services of a certified livestock appraiser to assist in the evaluation of livestock claims.

~~((11))~~ (10) Claims for higher than normal livestock losses, reduced weight gains, or reduced pregnancy rates due to harassment of livestock caused by wolves must include:

(a) At least three years of records prior to the year of the claim. Claims will be assessed for losses in excess of the previous three-year running average;

(b) The losses must occur on large open pastures where regular monitoring of livestock is impractical (and therefore discovery of carcasses infeasible) as determined by the department;

(c) Verification by the department that wolves are occupying the area;

(d) The losses cannot be reasonably explained by other causes;

(e) ~~((Claims will be assessed for losses in excess of the previous three-year running average; and~~

~~(f) Owners must be in compliance with the department's preventative measures checklist and/or damage prevention agreement.~~

~~(12))~~ The department's preventative measures checklist and/or damage prevention cooperative agreement.

(11) Compensation paid by the department ~~((in addition to any other compensation;))~~ combined with any other compensation may not exceed the total value of the assessed loss.

~~((13))~~ (12) Upon completion of the evaluation, the department will notify the ~~((owner))~~ claimant of its decision to either deny the claim or make a settlement offer (order). The ~~((owner))~~ claimant has sixty days from the date received to accept the department's offer for settlement of the claim or to submit an appeal of the order. The acceptance must be in writing and the signed originals must be mailed in to the department. The ~~((response))~~ appeal must be in writing and ~~((the signed document))~~ may be mailed or submitted by ~~((fax or))~~ e-mail. If no written acceptance or request for appeal is

received, the offer is considered rejected and not subject to appeal.

~~((14))~~ (13) If the claimant accepts the department's offer, the department will send payment to the ~~((owner))~~ claimant within thirty days from receipt of the written acceptance document.

~~((15))~~ (14) The department will prioritize payment for livestock losses in the order the claims were received or upon final adjudication of an appeal. If the department is unable to make a payment for livestock losses during the current fiscal year, the claim shall be held over until the following fiscal year when funds become available. Claims that are carried over will take first priority and receive payment before any new claims are paid.

AMENDATORY SECTION (Amending WSR 10-13-182, filed 6/23/10, effective 7/24/10)

WAC 232-36-300 Public hunting requirements. "Public hunting" generally means that land is open for licensed hunters. The intent of ~~((the))~~ this provision ~~((in this chapter))~~ is to allow hunting at an appropriate time, manner, and level to help prevent property damage.

As specified in WAC 232-36-100, cash compensation for crop damage claims will only be paid when the property where the crop damage occurred is open to public hunting; unless the department determines that hunting is not practical. Public hunting is defined as:

(1) The landowner opens the property on which the damage or loss is claimed for general access to all licensed hunters during the season for the species causing damage, other species may be included to provide additional hazing, prior to the occurrence of damage; or

(2) The landowner has entered into and complied with any agreement with the department covering the land(s) on which the damage is claimed. ~~((Access))~~ Agreements shall require that:

(a) The land is open to general access to licensed hunters; ~~((or))~~

(b) The landowner allows the department to select a limited number of hunters who are authorized to access the land to minimize or prevent damage; or

(c) The landowner and the department determine ~~((how hunters will be))~~ the number of hunters, timing, and weapon options selected and authorized to hunt on the landowner's property ~~((in order))~~ to effectively ~~((prevent))~~ minimize damage.

AMENDATORY SECTION (Amending WSR 10-13-182, filed 6/23/10, effective 7/24/10)

WAC 232-36-510 Failure to ~~((abide by))~~ comply with the conditions of permits, provide completed forms, or submit required documents or reports for the purposes of this chapter. (1) Failure to abide by the conditions of permits is a misdemeanor pursuant to RCW 77.15.750.

(2) Failure to provide reports or ~~((abide by))~~ comply with the conditions of landowner agreements is an infraction pursuant to RCW 77.15.160.

(3) Failure to (~~abide by~~) comply with the conditions of wildlife (~~conflict~~) control operator certification or permits is a misdemeanor pursuant to RCW 77.15.750.

(4) A person who provides false or misleading information required by this chapter may be in violation (~~of~~) subject to prosecution under RCW 9A.76.175 or 40.16.030.

NEW SECTION

WAC 232-36-054 Use of body-gripping traps and exceptions. (1) It is unlawful to trap for wild animals with body-gripping traps without a special permit from the director.

(2) Body-gripping traps, including conibear-type traps in water, as defined in RCW 77.15.192 may be used for the following purposes with a special trapping permit issued by the director:

(a) 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.

(b) To abate damages caused to private property, domestic animals, livestock or timber, which cannot be reasonably abated by nonlethal control tools. Any person requesting a special trapping 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, pursuant to RCW 77.15.194 and WAC 232-12-142.

(c) To protect threatened or endangered species, if such traps are used by department employees or agents of the state.

(d) To conduct wildlife research, except that conibear-type traps are prohibited for this purpose.

(3) Traps must be checked every twenty-four hours and animals removed, pursuant to RCW 77.15.194.

(4) It is unlawful to trap within thirty feet of any exposed animal carcass, meat bait or nonedible game parts which are visible to flying raptors, except that nothing in this section prohibits department employees or agents of the state from trapping within thirty feet of exposed animal carcass, meat bait or nonedible game parts.

(5) Animals taken with the use of a body-gripping trap may not be retained and must be disposed as conditioned in the special trapping permit or as specified in WAC 232-36-055.

NEW SECTION

WAC 232-36-066 Report required of certified wildlife control operators. All wildlife control operators (WCOs) must report all WCO related activity, regardless of trapping success or whether they trapped or not for the previous year on or before April 20th of each year.

(1) Reports must be made using the department's designated WCO annual report form or web-based WCO reporting system.

(2) If a WCO chooses to report using the WCO annual report form versus the web-based WCO reporting system, it is the responsibility of the certified WCO to obtain a form from the department and ensure the form is received by Washington department of fish and wildlife as conditioned on the form, prior to the reporting deadline.

(3) A WCO who fails to report his or her activity by April 20th will be in violation of reporting requirements.

(4) False reports are considered the same as failure to report activity.

(5) Failure to report trapping activity as required under this section is an infraction, punishable under RCW 77.15.160.

NEW SECTION

WAC 232-36-090 Limitations to managing damage caused by big game on private property. Pursuant to this section the department shall establish guidelines for assisting landowners with abating big game damage to private property. Nothing in this section shall be construed to require the department to seek landowners that may be experiencing damage. It is incumbent upon the landowner to notify the department if they are experiencing damage.

(1) A landowner, lessee, or employee of and on behalf of the landowner may contact the department for assistance upon recognition of a damage or depredation event.

(2) Upon confirmation of damage or depredation, the department will offer assistance and work cooperatively with the landowner, lessee, or employee of the landowner on damage prevention measures.

(a) Damage prevention measures offered by the department shall be reasonable, fiscally responsible, and deemed effective in abating damage by the wildlife damage management profession. New techniques may be employed to determine feasibility.

(b) Practical long-term response for damage resolution shall be considered and written into agreements when feasible.

(3) The department will document when prevention measures are rejected by the landowner, lessee, or employee of the landowner.

(4) If the landowner, lessee, or employee of the landowner, rejects prevention measures offered by the department:

(a) The department is not required to take further action if at least three attempts to offer the prescribed prevention measures have been rejected.

(b) The landowner, lessee, or employee of the landowner may submit, within thirty days, a written refusal statement documenting reasons supported by facts why they reject the prescribed measures and offer alternative solutions with justification. This written refusal statement must be submitted to the department and illustrate that the prevention measures prescribed by the department will not result in lessening the damage or depredation and/or would cause physical damage to persons or property.

(i) The department shall take no further action until a written refusal statement has been received by the department and approved by the director or director's designee for assistance to continue.

(ii) If the written refusal letter is approved by the director or director's designee, the department may continue working with the landowner to develop alternative measures.

(5) A landowner, lessee, or employee of the landowner, is ineligible for a compensation claim and the department

shall take no further action unless agreed upon prevention measures have been employed.

(6) Nothing in this section prohibits a landowner, lessee, or employee of the landowner, from killing wildlife during the physical act of attacking domestic animals or if an immediate threat of physical harm exists pursuant to WAC 232-36-051.

NEW SECTION

WAC 232-36-310 Damage prevention permit hunts —Deer, elk, and turkey. (1) A landowner who sustains property damage caused by deer, elk or turkey may enter into a damage prevention cooperative agreement (contract) with WDFW, and thereby receive a damage prevention permit, if deemed necessary by the department. Hunts conducted pursuant to a damage prevention permit must adhere to the special seasons provided in this section.

(a) The landowner agrees not to file a damage claim unless damage exceeds the threshold established by the department and conditioned in the damage prevention cooperative agreement, except for Elk Areas 3721 and 3722. Landowners will work with the department to allow access to hunters during the general hunting seasons as determined by the department.

(b) A damage prevention cooperative agreement may include:

- (i) An approved checklist of the reasonable preventative and nonlethal means that must be employed prior to lethal removal;
- (ii) A description of the properties where lethal removal is allowed;
- (iii) Other conditions developed within department procedural documents.

(c) A damage prevention permit issued to a landowner by the department and provided to the hunter by the landowner authorizes the hunter to use a deer or elk damage license or tag to hunt and take a legal animal as prescribed on the permit.

(d) A damage prevention permit may include:

- (i) A description of the properties where lethal removal is allowed;
- (ii) The species and sex of the animal that may be taken; the terms of the permit; the dates when lethal removal is authorized; and
- (iii) Other conditions developed within department procedural documents.

(2) General deer and elk removal criteria:

(a) Only persons with a damage prevention permit may hunt and take one deer or one elk as designated on the permit.

(b) Hunters must have a valid big game license, damage deer/elk license or tag to participate in a damage prevention hunt during the prescribed damage prevention permit period, unless the damage permit specifies otherwise.

(c) Hunters who fill their deer or elk damage tag are ineligible to participate in another damage prevention hunt utilizing a damage prevention permit during the same season in which they already harvested wildlife under a damage prevention hunt.

(d) Persons participating with a damage prevention permit may only hunt within the prescribed area, during the specified season dates, and for the specified animal (e.g., antlerless, deer, elk) as indicated on the permit. If a deer or elk is wounded inside the damage hunt area, it may be pursued outside permit boundaries with adjacent landowner permission.

(e) A hunter who fails to comply with this subsection may be ineligible to participate in the next year's damage permit opportunities.

(3) Deer:

(a) Tag Required: Deer hunters must have a current valid big game license, damage deer hunting license or tag and a damage prevention permit on his/her person.

(b) Hunting Method: Any legal weapon (or as specified on the damage prevention permit)

(c) Location: Statewide

(i) Season Framework: July 1 - March 31

(ii) Legal Deer: Antlerless Only

(iii) Kill Quota: 300 per license year

(d) Location: Region One

(i) Season Framework: July 1 - March 31

(ii) Legal Deer: Antlerless Only

(iii) Kill Quota: 300 per license year

(e) Location: GMUs 105-124

(i) Legal Deer: Whitetail Antlerless Only

(ii) Kill Quota: 300 per license year

(4) Elk:

(a) Tag Required: Elk hunters must have a valid big game license, a damage elk hunting license or tag and damage prevention permit on his/her person.

(b) Hunting Method: Any legal weapon

(c) Location: Eastern Washington - GMUs 100, 200, and 300 series

(i) Season Framework: July 1 - March 31

(ii) Legal Elk: Antlerless Only

(iii) Kill Quota: 200 per license year

(d) Location: Western Washington - GMUs 400, 500, and 600 series

(i) Season Framework: July 1 - March 31

(ii) Legal Elk: Antlerless Only

(iii) Kill Quota: 100 per license year

(e) Location: Hanford Area - GMUs 372 and 379

(i) Legal Elk: Antlerless Only

(ii) Season Framework: July 1 - March 31

(iii) Kill Quota: 70 per license year

(f) Location: Elk Area 3721

(i) Legal Elk: Spike or antlerless July 1 - March 31; any bull May 15 - July 31

(ii) Season Framework: May 15 - March 31; as described in (f)(i) of this subsection

(iii) Kill Quota: 100 Spike or antlerless per license year; 60 bulls per license year

(g) Location: GMUs 501-578

(i) Legal Elk: Antlerless Only

(ii) Kill Quota: 100 per license year

(h) Access in Elk Area 3721 may not be sold as a condition of use of these permits. The director may consider damage claims from landowners in Elk Areas 3721 and 3722 who accept these permits and do not charge for access.

(5) General turkey removal criteria:

(a) Only persons with a damage prevention permit may hunt and take one turkey as designated on the permit.

(b) Hunters must have a valid small game license and an unfilled turkey tag to participate in a damage prevention hunt during the prescribed damage prevention permit period, unless the damage permit specifies otherwise.

(c) Hunters who fill their turkey tag under a damage permit are ineligible to participate in another damage prevention hunt utilizing a damage prevention permit during the same season in which they already harvested wildlife under a damage prevention hunt.

(d) Persons participating with a damage prevention permit may only hunt within the prescribed area, during the specified season dates, and for the specified animal as indicated on the permit.

(e) A hunter who fails to comply with this subsection may be ineligible to participate in the next year's damage permit opportunities.

(6) Turkey:

(a) Tag Required: Turkey hunter must have an appropriate valid, unaltered, unnotched turkey tag or license on his/her person, along with the damage prevention permit.

(b) Hunting Method: Any legal turkey hunting method

(c) Season Framework: October 1 - March 1

(d) Location: Statewide

(e) Legal Turkey: Either sex

(f) Kill Quota: 300 per license year

(7) It is unlawful to violate the provisions of this section. Violation of this section is punishable under RCW 77.15.400, 77.15.410, 77.15.430, or 77.15.750(1) depending on the violation. Hunters who violate this section will be punished under RCW 77.15.400, 77.15.410, 77.15.430 depending on the species hunted and circumstances of the violation.

NEW SECTION

WAC 232-36-320 Black bear timber damage depredation permits. This section applies to any person participating in a director-authorized black bear timber depredation hunt pursuant to RCW 77.12.240 or 77.15.245.

(1) Definitions: As used in this section and in the context of bear depredation removals for damage to timberlands, the following definitions apply:

(a) "Damage to timberlands" means there is evidence that bears have damaged private commercial timber that is confirmed through criteria outlined by the department.

(b) "Removal" means the act of killing one or more bear.

(2) Black bear removal criteria:

(a) A landowner or the landowner's designee may submit a request for removal to the department following the procedures established by the department.

(b) Areas permitted for black bear timber depredation action must have confirmed bear caused timber damage as defined in criteria developed by the department.

(c) The department may verify reported damage.

(d) The department shall ensure bear removals are consistent with population management objectives.

(3) Hunter selection:

(a) Landowners or the landowner's designee may only select hunters authorized by the department to participate in a black bear timber depredation removal effort on their property.

(b) The landowner or the landowner's designee and the hunters participating in the removal will be identified as permittees on permits issued for bear removal.

(4) Permit required for participation in bear removal:

(a) If approved for a bear removal action, the department will issue a permit for bear removal. The approved selected hunter(s) must be in possession of the bear timber depredation permit while conducting the removal.

(b) Only hunters whose names appear on the permit may participate in the black bear timber depredation removal.

(5) General requirements:

(a) Removals must be reported within twenty-four hours of take as prescribed in the black bear depredation permit.

(b) It is unlawful to retain parts of harvested animals. All harvested bears must be disposed of as conditioned on the permit.

(c) Within five days after harvest the permittee must submit all animals, parts of animals and all permit materials as prescribed in the black bear timber depredation permit. If a bear is not harvested under the bear depredation permit and the permit expires, the permittees must return all permit materials to the department within five days of permit. Failure to comply with this subsection renders the permittee(s) ineligible for the next year's black bear depredation permit.

(d) The black bear timber depredation permit belongs to the state of Washington. A violation of any condition of the permit may result in revocation of the permit and renders the permittee(s) ineligible for future black bear timber depredation permits.

(e) A violation of subsection (4) or (5) of this section is punishable under RCW 77.15.245, 77.15.410, or 77.15.750, depending on the circumstances of the violation.

NEW SECTION

WAC 232-36-330 Bear and cougar depredation permit hunts for domestic animal or livestock loss. This section applies to any person participating in a director-authorized bear or cougar depredation permit hunt for domestic animal or livestock loss pursuant to RCW 77.12.240 or 77.15.245:

(1) Black bear and cougar removal criteria:

(a) A landowner or the landowner's designee may submit a request for removal to the department following the procedures established by the department.

(b) Areas permitted for bear or cougar removal action must have confirmed bear or cougar caused property damage.

(c) The department may verify reported damage.

(d) The department shall ensure bear and cougar removals are consistent with population management objectives.

(2) Hunter selection:

(a) Landowner or landowner's designee may only select hunters authorized by the department to participate in a bear or cougar removal effort.

(b) The landowner or landowner's designee and the hunters participating in the removal will be identified as depredation permittees on depredation permits issued for bear or cougar removal.

(3) Permit required for participation in bear or cougar removal:

(a) If approved for bear or cougar removal action, the department will issue and condition the depredation permit and selected hunters participating in removals under this section must comply with provisions of the depredation permit.

(b) Selected hunter(s) must be in possession of the depredation permit while conducting the removal.

(c) Only hunters whose names appear on the depredation permit may take part in the hunt.

(4) General requirements:

(a) Removals must be reported within twenty-four hours of take and the carcass must be disposed of within forty-eight hours as conditioned in the depredation permit.

(b) All harvested animals must be disposed of as designated on the permit.

(c) Failure to comply with this section renders the permittee ineligible for future bear or cougar depredation permits.

(d) The depredation permit belongs to the state of Washington. A violation of any condition of the depredation permit may result in revocation of the depredation permit and may render the permittee(s) ineligible for future bear or cougar damage depredation permits; until all issues pertaining to the revocation are resolved at the department's discretion.

(e) A violation of subsection (3) of this section or this subsection (4) are punishable under RCW 77.15.245, 77.15.410, or 77.15.750, depending on the circumstances of the violation.

under RCW 77.15.410 or 77.15.750, depending on the circumstances of the violation.

NEW SECTION

WAC 232-36-340 Deer and elk. (1) Only persons with a damage prevention or kill permit may hunt and take one deer or one elk as designated on the permit.

(2) Hunters must have a valid big game license, damage deer/elk license or tag to participate in a damage prevention hunt during the prescribed damage prevention permit period. Deer and elk damage control hunts are for antlerless only, unless the damage permit specifies otherwise.

(3) If a hunter takes an animal of the same species during an earlier damage hunt, and fills their damage tag, that person is ineligible to participate in another damage prevention hunt.

(4) Permittees may only hunt within the prescribed area, during the specified season dates, and for the specified animal (e.g., antlerless, deer, elk) as indicated on the permit. If a deer or elk is wounded inside the damage hunt area, it may be pursued and taken outside permit boundaries.

(5) Within five days after expiration of a deer/elk damage or kill permit, the permittee must return a deer/elk hunting report as prescribed in the permit provisions. Failure to comply with this subsection makes the permittee ineligible to participate in the next year's damage permit opportunities.

(6) Permittees and hunters must comply with the requirements of this section. A violation of this section is punishable