

WSR 15-13-038
PERMANENT RULES
DEPARTMENT OF TRANSPORTATION

[Filed June 9, 2015, 7:53 a.m., effective July 10, 2015]

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

Purpose: Update the commute trip reduction program's performance goals and targets for reducing transportation-related air pollution, fuel consumption, and traffic congestion.

Citation of Existing Rules Affected by this Order: Amending WAC 468-63-020, 468-63-030, 468-63-040, and 468-63-060.

Statutory Authority for Adoption: RCW 70.94.537.

Adopted under notice filed as WSR 15-09-066 on April 15, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 26, 2015.

Kathryn W. Taylor
Assistant Secretary

AMENDATORY SECTION (Amending WSR 07-05-065, filed 2/20/07, effective 3/23/07)

WAC 468-63-020 Definitions. (1) **Definitions.** The definitions in this section apply throughout these rules.

(a) **Statutory definitions.** The terms listed in this subsection are defined in the CTR statutes (RCW 70.94.521 through 70.94.555).

(i) "A major employer" means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous months during the year.

(ii) "Major employment installation" means a military base or federal reservation, excluding tribal reservations, at which there are one hundred or more full-time employees, who begin their regular workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months during the year.

(iii) "Person hours of delay" means the daily person hours of delay per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated using the best available methodology by the department of transportation.

(iv) "Commuter trip" means trips made from a worker's home to a worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

(v) "Proportion of single-occupant vehicle commute trips" means the number of commuter trips made by single-occupant automobiles divided by the number of full-time employees.

(vi) "Commuter trip vehicle miles traveled per employee" means the sum of the individual vehicle commuter trip lengths in miles over a set period divided by the number of full-time employees during that period.

(vii) "Growth and transportation efficiency center" means a defined, compact, mixed-use urban area that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a growth and transportation efficiency center must meet minimum criteria established by the commuter trip reduction board under RCW 70.94.537, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.

(viii) "Affected urban growth area" means:

(A) An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, and any contiguous urban growth areas; and

(B) An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commuter trip reduction ordinance before the year 2000, and any contiguous urban growth areas.

(ix) "Certification" means a determination by a regional transportation planning organization that a locally designated growth and transportation efficiency center program meets the minimum criteria developed in a collaborative regional process and the rules established by the department of transportation.

(b) **Terms defined by rule.** The terms listed in this subsection are defined herein and apply throughout these rules.

(i) "Goal" means a purpose toward which efforts are directed.

(ii) "Target" means a quantifiable or measurable value that is expressed as a desired level of performance, against which actual achievement can be compared in order to assess progress.

(iii) "Drive-alone" means single-occupant vehicle.

(iv) "Single-occupant vehicle" means a motor vehicle, including a motorcycle, occupied by one person for commuter purposes. If there are other passengers occupying the motor vehicle, but the ages of these passengers are sixteen or under, the motor vehicle is still considered a "single-occupant vehicle" for measurement purposes.

(v) "Nondrive-alone travel" means travel by a method other than single-occupant vehicle. Travel avoided by telework, alternative work schedules, or condensed work weeks shall also be considered as nondrive-alone travel.

(vi) "Base year value" means the measured values ~~((of the proportion of single-occupant vehicle commuter trips and commuter trip vehicle miles traveled))~~ per employee at a major employer worksite, on which commuter trip reduction targets for the major employer worksite shall be based.

(vii) "Jurisdiction's base year measurement" means the ~~((proportion of single-occupant vehicle commute trips by CTR commuters and commute trip vehicle miles traveled per CTR commuter on which commute trip reduction targets for the local jurisdiction shall be based. The))~~ year of the first measurement. For those jurisdictions which have used the CTR survey, the jurisdiction's base year measurement~~((, for those jurisdictions with an affected urban growth area as of March 1, 2007,))~~ shall be determined based on employee surveys administered in the ~~((2006-2007))~~ 2007-2008 survey cycle. If complete employee survey data from the ~~((2006-2007))~~ 2007-2008 survey cycle is not available, then the base year measurement shall be calculated from the ~~((most recent and))~~ earliest available set of complete employee survey data. For jurisdictions which do not use the CTR survey for measurement, this shall be determined using equivalent 2007-2008 data.

(viii) "Affected employee" means a full-time employee who begins his or her regular workday at a major employer worksite between 6:00 and 9:00 a.m. (inclusive) on two or more weekdays for at least twelve continuous months, who is not an independent contractor, and who is scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.

(ix) "CTR commuter" means a resident or employee in an affected urban growth area who is a participant in the city or county's commute trip reduction program, including any growth and transportation and efficiency center ("GTEC") programs, implemented to meet the city or county's established targets.

(x) "Commute trip vehicle miles traveled per CTR commuter" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of CTR commuters during that period.

(xi) "Major employer worksite" means the physical location occupied by a major employer, as determined by a local jurisdiction.

(xii) "Voluntary employer worksite" means the physical location occupied by an employer who is voluntarily implementing a CTR program.

(2) **Identification of CTR jurisdictions.** This section establishes the process to be used by WSDOT to determine the state's affected urban growth areas and lists the state's affected urban growth areas.

(a) **Process to determine affected urban growth areas.** WSDOT shall use the definition of an affected urban growth area in RCW 70.94.524 to determine the list of affected urban growth areas. WSDOT shall use the most recent set of valid and available data that covers the entire state highway system to calculate the one hundred person hours of delay threshold for state highway segments. WSDOT shall use the most recent geographical information for the state's urban growth areas as provided by the department of community, trade and economic development, or its successor.

(b) **Listing of affected urban growth areas.** The cities and counties within or containing an affected urban growth area, as determined by WSDOT, are:

(i) Clark County and the cities of Camas, Vancouver, and Washougal;

(ii) King County and the cities of Algona, Auburn, Beaux Arts, Bellevue, Black Diamond, Bothell, Burien, Clyde Hill, Covington, Des Moines, Federal Way, Hunts Point, Issaquah, Kenmore, Kent, Kirkland, Lake Forest Park, Maple Valley, Medina, Mercer Island, Newcastle, Normandy Park, Pacific, Redmond, Renton, Sammamish, SeaTac, Seattle, Shoreline, Tukwila, Woodinville, and Yarrow Point;

(iii) Kitsap County and the cities of Bainbridge Island, Bremerton, and Port Orchard;

(iv) Pierce County and the cities of Bonney Lake, DuPont, Edgewood, Fife, Fircrest, Gig Harbor, Lakewood, Milton, Orting, Puyallup, Ruston, Steilacoom, Sumner, Tacoma, and University Place;

(v) Snohomish County and the cities of Arlington, Bothell, Brier, Edmonds, Everett, Lake Stevens, Lynnwood, Marysville, Mill Creek, Monroe, Mountlake Terrace, Mukilteo, Snohomish, and Woodway;

(vi) Spokane County and the cities of Airway Heights, Liberty Lake, Millwood, Spokane, and Spokane Valley;

(vii) Thurston County and the cities of Lacey, Olympia, and Tumwater;

(viii) Whatcom County and the cities of Bellingham and Ferndale; and

(ix) Yakima County and the cities of Selah, Union Gap, and Yakima.

(c) **Listing of affected urban growth areas exempted from CTR requirements for a period not exceeding two years from March 1, 2007.** The cities or counties within an affected urban growth area, as determined by WSDOT, but which the legislature in RCW 70.94.527(12) has exempted from CTR requirements for a period not exceeding two years from March 1, 2007, are:

(i) Benton County and the cities of Kennewick, Richland, and West Richland; and

(ii) Franklin County and the city of Pasco.

(d) **Notification of cities, counties, and regional transportation planning organizations (RTPOs) required to adopt CTR plans.** WSDOT shall notify the cities, counties, and RTPOs that are determined to be in the affected urban growth areas. Cities and counties in the affected urban growth areas shall identify the major employers, if any, within their boundaries. Only those cities and counties containing a major employer in the affected urban growth area within the boundaries of their official jurisdiction shall be required to adopt a local CTR plan. Only those regional transportation planning organizations whose planning territory encompasses a city or county required to adopt a local CTR plan shall be required to adopt a regional CTR plan.

AMENDATORY SECTION (Amending WSR 07-05-065, filed 2/20/07, effective 3/23/07)

WAC 468-63-030 Program goals and measurement.
(1) **Program ~~((goals))~~ purpose and process.** ~~((This section establishes the goals and targets for the CTR program that every city and county shall seek to achieve at a minimum for the affected urban growth area within the boundaries of its official jurisdiction. Every two years, the state shall measure the progress of each jurisdiction and region toward their established targets for reducing drive-alone commute trips~~

and commute trip vehicle miles traveled per CTR commuter. Local and regional goals and measurement methodologies shall be consistent with the measurement guidelines established by WSDOT and posted on the agency's web site.) The purposes of the CTR program, as defined in RCW 70.94.521, are to decrease automobile-related air pollution, consumption of gasoline, and traffic congestion.

(2) Statewide ((minimum)) program performance goals and targets. ((The goals and targets of local jurisdictions for their urban growth areas shall meet or exceed the minimum targets established in this section:

(a) ~~The first state goal is to reduce drive-alone travel by CTR commuters in each affected urban growth area. This will help urban areas to add employment and population without adding drive-alone commute traffic. The first state target based on this goal is a ten percent reduction from the jurisdiction's base year measurement in the proportion of single-occupant vehicle commute trips (also known as drive-alone commute trips) by CTR commuters by 2011.~~

(b) ~~The second state goal is to reduce emissions of greenhouse gases and other air pollutants by CTR commuters. The second state target based on this goal is a thirteen percent reduction from the jurisdiction's base year measurement in commute trip vehicle miles traveled (VMT) per CTR commuter by 2011.)~~ The CTR board shall establish the performance goals and targets of the statewide program every four years in its state CTR plan, per RCW 70.94.537(3).

(3) Local program performance goals and targets. Local jurisdictions shall establish goals and targets ~~((that meet or exceed the minimum program targets))~~ for their CTR plan that contribute to goals established ((by) in the state plan and the purposes of the CTR program. The goals and targets shall be set for the affected urban growth area in the city or county's official jurisdiction, and shall be targets for the four-year ((2014)) period under the state CTR plan based on the base year measurement for the urban growth area.

(a) ~~((Each local jurisdiction shall implement a plan designed to meet the urban growth area targets.))~~ Local and regional goals and measurement methodologies shall be consistent with the measurement policies established by WSDOT and posted on the agency's web site. Progress will be determined every two years based on the jurisdiction's performance in meeting its established ~~((drive-alone commute trips and VMT))~~ goals and targets. Local jurisdictions shall establish base year values and targets for each major employer worksite (including major employment installations) in the jurisdiction. However, the targets may vary from major employer worksite to major employer worksite, based on the goals and measurement system implemented by the jurisdiction. Variability may be based on the following considerations:

(i) Previous engagement in trip reduction programs by the employer;

(ii) Current conditions, policies and services ~~((designed to reduce drive-alone travel))~~ in the vicinity of the major employer worksite;

(iii) Planned investments, services, policy changes and other strategies ~~((designed to reduce drive-alone travel))~~ in the vicinity of the major employer worksite;

(iv) Transit access to the employer worksite and frequency of transit service during peak periods in the vicinity of the major employer worksite;

(v) Potential for ride matching internally and with other employers in the area;

(vi) Bicycle and pedestrian access to the major employer worksite; and

(vii) Ability to implement compressed work week schedules and/or teleworking.

(b) ~~((The base year values for major employer worksites with an existing CTR program as of March 1, 2007, shall be determined based on employee surveys administered in the 2006-2007 survey cycle. If complete employee survey data from the 2006-2007 survey cycle is not available, then the base year values shall be calculated from the most recent and available set of complete CTR employee survey data. The local CTR plan shall use data from the same survey cycle to establish base year values for major employer worksites to ensure consistency.))~~ Jurisdictions will use base year values in determining their base year measurement.

(c) In their local CTR plans, local jurisdictions shall communicate what local, regional and state benefits would be gained if the established targets were achieved. Benefits may include but are not limited to projected changes in transportation system performance, projected reductions in emissions of pollutants, projected reductions in energy consumption, and projected benefits for economic development. Regional transportation planning organizations (RTPOs) and WSDOT shall provide applicable data, if available, to assist this analysis.

(4) Goals for employers. Regardless of the variations in major employer worksite targets that a jurisdiction implements, each major employer worksite shall be accountable for attaining the targets established by the jurisdiction. However, if major employer worksites are meeting the state requirements and giving a good faith effort as defined in RCW 70.94.531, local jurisdictions may not penalize the major employer for not meeting established targets.

(5) Voluntary employer worksites. In the local CTR plan, local jurisdictions shall indicate whether voluntary employer worksites that agree to measure will be counted in the calculation of the jurisdiction's progress toward its established targets. Regardless of whether the local jurisdiction chooses to count voluntary employer worksite measurements toward the area goal, jurisdictions shall continue to track results for those employer worksites that agree to measure.

(6) Other local strategies for achieving the goals. Jurisdictions may choose to institute trip reduction strategies for residents and employees in the urban growth area who are not affected by the local CTR ordinance. The progress of these efforts may be used in the jurisdiction's calculation of its progress toward its established urban growth area targets, if it is measured in a manner that is consistent with the measurement guidelines established by WSDOT and posted on the agency's web site.

(7) Regional goal-setting. The RTPO in its regional CTR plan shall establish regional CTR program goals and targets. The regional program goals and targets shall be developed ~~((based on a compilation of the))~~ with consider-

ation and inclusion of the contribution of local jurisdiction goals and targets in the region.

~~(8) ((Conditional review of targets. WSDOT shall evaluate the minimum state goal and target standard at least once every four years to determine whether, based on the current and planned level of support by transit agencies, local jurisdictions, and other service providers, the targets are attainable in each jurisdiction. As part of its evaluation, WSDOT shall determine the circumstances that have affected the ability of jurisdictions to meet the targets, including whether or not sufficient services and support for trip reduction have been provided.~~

~~(9))~~ Local jurisdictions shall not be penalized for not meeting their established four-year targets if they are implementing a plan that meets state requirements and if WSDOT determines that there are circumstances beyond the jurisdiction's control that prevented attainment of the targets.

AMENDATORY SECTION (Amending WSR 07-05-065, filed 2/20/07, effective 3/23/07)

WAC 468-63-040 Local commute trip reduction plan. (1) Purpose and process.

(a) **Purpose of local CTR plan.** The state's intent in requiring local CTR plans is to ensure that CTR program goals and targets help jurisdictions achieve their broader transportation and land use goals, and that the jurisdiction in turn develops services, regulations, policies and programs that support the trip reduction investments of major employers. This can be achieved by integrating the local CTR plan and program with other transportation and land use plans and programs, and collaborating with local service providers, interest groups, and others to develop effective trip reduction strategies. Nothing in these rules is intended to change the requirements for local comprehensive plans developed under the Growth Management Act. The state intends for the CTR planning process to provide a new perspective on the local comprehensive plan; while a jurisdiction may choose to update or amend its comprehensive plan based on the outcome of the CTR planning process, nothing in these rules requires it.

(b) **Plan development process.** RCW 70.94.527(4) requires local CTR plans to be developed in consultation with local transit agencies, the applicable RTPPO, major employers, and other interested parties.

(i) Consultation. The local jurisdiction shall invite, as appropriate, representatives of major employers, local transit agencies, the applicable RTPPO, business associations and economic development organizations, nonprofit transportation and land use advocacy organizations, pedestrian and bicycle advocacy organizations, public health agencies, tribal governments, and residents, employees and businesses that will be affected by the CTR plan to participate in the development of the local CTR plan. The state intends for the invited partners to work collaboratively with the local jurisdiction by providing data and plans and discussing opportunities, including new and reprioritized investments and policy changes, to reduce drive-alone commute trips in the jurisdiction and increase transportation access to affected major employer worksites.

(ii) State role. WSDOT shall provide information to support local CTR plan development. This information shall include employer and jurisdiction base year values, calculated from CTR survey data, state highway system performance data, and other information as appropriate. WSDOT shall also provide technical assistance to support implementation of the local CTR plan, which may include but is not limited to:

- (A) Printing and processing of state CTR survey forms;
- (B) Creation of survey reports and customized data reports;
- (C) Online survey set-up and assistance;
- (D) Online annual report set-up and assistance; and
- (E) Program reviewer and survey training.

(ii) Regional role. It is critical that the local jurisdiction collaborate with the applicable RTPPO in the development of its local CTR plan. By working closely with the RTPPO, the local jurisdiction can produce a CTR plan that meets state requirements and is consistent with the regional CTR plan.

(iv) Public outreach. The local jurisdiction shall follow, at a minimum, a comparable process to the local requirements and procedures established for purposes of public outreach for comprehensive plan development, adoption, or amendment, including public notices and public meetings and hearings.

(c) **Consistency and integration with other plans, programs and local requirements.** RCW 70.94.527(5) requires local CTR plans to be consistent with applicable state and regional transportation plans and local comprehensive plans. RCW 70.94.527(5) also requires local CTR plans to be coordinated and consistent with those of adjoining jurisdictions or related regional issues to ensure consistency in the treatment of employers who have worksites in more than one jurisdiction. The local jurisdiction shall review the local comprehensive plan to ensure that it is consistent with the local CTR plan. If the local jurisdiction determines that the local comprehensive plan needs to be updated or amended to be consistent with the local CTR plan, the local jurisdiction shall identify in the local CTR plan what changes may be needed and when the changes will be made. The local jurisdiction shall use the regional CTR planning process as a means to discuss regional issues with adjoining jurisdictions. The local jurisdiction shall follow the administrative guidelines established by WSDOT and posted on the agency's web site to ensure consistency in the treatment of employers who have worksites in multiple jurisdictions.

(d) **Plan review and approval.** RCW 70.94.527(1) requires the local CTR plan to be submitted to the RTPPO and be included in the regional CTR plan.

(i) Schedule. In order for a local jurisdiction to receive state CTR program funding in the 2007-2009 biennium, the CTR board must receive the final draft of the local CTR plan by October 1, 2007. For biennia after 2007-2009, the CTR board must receive updated CTR plans by March 31 every two years thereafter if updates to the local CTR plan have been made or if a jurisdiction is adopting a local CTR plan for the first time.

(ii) RTPPO review. RCW 70.94.527(5) requires the RTPPO to review the local CTR plans. Local jurisdictions shall submit the final draft of their local CTR plans to the

applicable RTPO by the date specified by the RTPO, so that the RTPO may review the plans before submission to the CTR board. The RTPO will review the local CTR plan to determine its consistency with the regional CTR plan and state requirements.

(iii) **Determination of consistency.** RCW 70.94.527(7) requires the RTPO to collaborate with the CTR board to evaluate the consistency of local CTR plans with the regional CTR plan. When the RTPO submits its regional CTR plan to the CTR board, it shall also submit any final drafts of local CTR plans in the region and recommend to the CTR board which local CTR plans are consistent with the regional CTR plan and state requirements.

(iv) **Approval by CTR board.** RCW 70.94.527(7) requires local CTR plans to be approved by the CTR board in order to be eligible for state CTR funding. The CTR board shall review the final drafts of local CTR plans and communicate its findings in writing to the submitting RTPO within one hundred twenty days following receipt of the plans. If the CTR board approves a local CTR plan, the local jurisdiction shall then adopt the local CTR plan by ordinance and begin to implement the plan and any other necessary changes to local ordinances, plans, or programs. If the CTR board rejects a local CTR plan, it shall communicate its reasoning and recommendations for improvement to the submitting RTPO. The RTPO shall then work with the local jurisdiction to improve the local plan. Jurisdictions may submit a revised local CTR plan to the RTPO and CTR board in the schedule jointly established by the RTPO and the CTR board.

(v) **Appeal.** If a local CTR plan is not approved by the CTR board, the local jurisdiction may choose to appeal the decision to the secretary of transportation or his/her designee within sixty days of the board's decision by submitting a written request for appeal to the secretary of transportation or his/her designee. The secretary of transportation or his/her designee shall consider the appeal within sixty days of the jurisdiction's request. If the secretary of transportation or his/her designee grants the appeal, the local CTR plan shall be considered valid by the CTR board and RTPO. If the secretary of transportation or his/her designee denies the appeal, the local jurisdiction is not eligible for state CTR program funding until its revised plan is submitted and approved by the CTR board.

(e) **Plan update cycle.** According to RCW 70.94.527(5), local jurisdictions shall review their local CTR plans annually and revise them as necessary to be consistent with applicable plans developed under RCW 36.70A.070. The local CTR plan shall be updated at least once every four years, in order to establish new four-year targets and program strategies and update other elements as needed.

(2) **Required plan elements.** RCW 70.94.527(4) requires affected local governments to adopt CTR plans consistent with the rules and deadlines established by WSDOT. The state intends for local jurisdictions to use information in existing plans and programs, such as the local comprehensive plan, unified development codes, the transportation improvement program, economic development plans, and others, as much as possible in order to develop the local CTR plan. The local CTR plan is required to meet the requirements specified in these rules, but local jurisdictions may choose to adjust the

scope of their local CTR plans as needed to make them more effective. The local CTR plan shall describe how the CTR program will help achieve the jurisdiction's broader land use and transportation goals.

The local CTR plan shall contain the following elements:

(a) **Description of land use and transportation context.** Jurisdictions shall evaluate the significance of local land use and transportation conditions, characteristics and trends to describe the most critical factors to the success of CTR.

The plan shall highlight the existing and future land use and transportation conditions and characteristics considered most critical by the jurisdiction and evaluate the degree to which existing local services, policies, regulations, and programs, as well as any documented future investments, will complement the trip reduction efforts of CTR employers. Jurisdictions may choose to broaden the scope of their local CTR plan by developing a jurisdiction-wide analysis, rather than focusing only on major employers.

The plan shall evaluate the existing barriers to the success of the CTR program, and identify how the jurisdiction and its partners can overcome these barriers. The state intends for the plan to be a mechanism through which employers can describe what policy changes, services and support they need to make their CTR programs more effective.

The plan shall also discuss cross-boundary issues, such as pass-through commute patterns or larger regional issues, and how these affect the local CTR plan.

(b) **Goals and targets.** The plan shall establish the jurisdiction's CTR goals and targets and show how achievement of these goals and targets will contribute to the jurisdiction's other adopted land use and transportation goals. The plan's goals and targets shall be established ~~((at a level that meets or exceeds the state minimum))~~ consistent with the standard described in WAC 468-63-030, Program goals and measurement. The plan shall describe the base year values and numerical targets for each major employer worksite required to participate in the CTR program.

(c) **Measurement methodology for determining base year values and progress toward meeting goals and targets.** The plan's measurement methodology shall be consistent with the measurement guidelines established by WSDOT and posted on the agency's web site.

(d) **Description of local services and strategies for achieving the goals and targets.** The plan shall describe what local services and strategies will be implemented to achieve the plan's goals and targets, and how these services and strategies will support the CTR programs of major employers. Strategies may include, but are not limited to:

(i) Modifications of local policies and regulations, including the transportation concurrency system, street design standards, parking, and zoning;

(ii) Investments in services and facilities, including transit services, nonmotorized facilities and amenities; and

(iii) Marketing and incentives.

Transit agencies shall work with counties, cities and towns as a part of their six-year transit development plan established in RCW 35.58.2795 to take into account the location of major employer worksites when planning and prioritizing transit service changes or the expansion of public

transportation services, including rideshare services (RCW 70.94.527(5)).

(e) Description of requirements for major employers.

The plan shall describe the requirements for major employers that will be outlined in the local ordinance. The plan shall also describe the program that the local jurisdiction will offer to its employees and how this contributes to the success of the overall plan. The plan shall also identify the major employer worksites, including affected state agency locations, within the jurisdiction's affected urban growth area and any major employment installations.

(f) Documentation of consultation. The plan shall include documentation from the local jurisdiction that verifies consultation with employers, transit agencies and others to develop the plan. If the CTR plan includes new or reprioritized transit service beyond that identified in the six-year transit development plan as a strategy to meet the goals and targets, the plan shall include acknowledgement from the applicable transit agency that it supports the transit element of the plan and has agreed on a plan to fund future service investments. If the plan submittal to the CTR board does not include acknowledgement of support from the applicable transit agency, then the new or reprioritized transit service element of the plan shall not be considered as a valid strategy to meet the plan's goals and targets.

(g) A sustainable financial plan. The plan shall describe the funding revenues from public and private sources that are reasonably expected to be available, as well as the expected costs, to implement the plan and achieve its goals and targets. If a jurisdiction identifies program elements that are not necessary to the success of the plan, but would support the plan and are beyond expected resources, the plan shall describe the level of funding that would be needed to implement the program element and how it would contribute to the success of the plan.

(h) Implementation structure. The plan shall describe how the various strategies identified in the CTR plan will be implemented, either by the local jurisdiction, its partners, or its contracting partners, and when the elements of the plan are expected to be implemented. If the local jurisdiction decides to update its comprehensive plan to be consistent with the CTR plan, it shall describe which elements need updating and when the update will occur.

(i) Growth and transportation efficiency centers. If the jurisdiction has designated a growth and transportation efficiency center, the local jurisdiction shall summarize and incorporate the GTEC program plan into the local CTR plan in the next update of the plan.

AMENDATORY SECTION (Amending WSR 07-05-065, filed 2/20/07, effective 3/23/07)

WAC 468-63-060 Growth and transportation efficiency centers. (1) Purpose and process.

(a) Purpose and objective of the growth and transportation efficiency center (GTEC) program. The state's goal for the GTEC program is to provide greater access to employment and residential centers while increasing the proportion of people not driving alone during peak periods on the state highway system. Counties, cities and towns may designate

existing or new activity centers as GTECs in order to establish a transportation demand management (TDM) program in the designated area. The purpose of the rules pertaining to GTECs is to provide a consistent framework for local jurisdictions to exercise their authority to implement a GTEC via comprehensive plans, development regulations, and transportation investments that support population growth and economic development, transportation-efficient land uses, and transportation demand management strategies.

The state intends for GTECs to be developed in a collaborative planning process that builds upon the information in local and regional CTR plans as well as other existing plans and programs such as the local comprehensive plan, unified development codes, the transportation improvement program, economic development plans. The state intends for the development of the GTEC program plan to be informed by and coordinated with the development of local and regional CTR plans.

The state intends to focus state program resources provided for GTECs in those urban areas that can provide the greatest current or future benefits for highway system efficiency.

(b) Jurisdictional coordination. The state encourages jurisdictions to discuss interjurisdictional issues and evaluate the possibility of creating a cross-boundary GTEC. While these rules refer to the actions of a single city or county in designating a GTEC, nothing in these sections shall prohibit jurisdictions from cooperating to designate GTECs that cross jurisdictional boundaries. Jurisdictions designating a cross-boundary GTEC shall adopt consistent ordinances and enter into a cooperational partnership to implement the GTEC program.

(c) Consistency for employers. Major employers that are affected by the base CTR program, when located within a designated GTEC, shall only be required to fulfill one set of requirements, if the GTEC program and base CTR program requirements vary. Jurisdictions that allow major employers to follow the requirements of the GTEC, rather than the base CTR program, shall ensure that major employer worksites are measured in a manner that allows accountability for the worksite and is consistent with the measurement guidelines established by WSDOT and available on the agency's web site.

(d) Designation and certification. RCW 70.94.537(2) requires WSDOT to establish methods for RTPOs to evaluate and certify that designated GTECs meet the minimum requirements and are therefore eligible for funding.

(i) Minimum land use and transportation criteria. RCW 70.94.537(2) requires WSDOT to establish guidance criteria for GTECs. Minimum land use and transportation criteria for GTECs shall be developed by the RTPO in collaboration with local jurisdictions, transit agencies, major employers, and other affected parties as part of the regional CTR plan. The regional CTR plan may include a map that depicts which areas of the region meet the criteria.

The state's intent is to constrain funding resources to those areas that have the greatest potential to reduce single-occupant vehicle commute trips on the state highway system in the future. The state will use the RTPO certification of the

GTEC's potential system benefits as part of its funding prioritization process.

(ii) Eligibility and designation process. To be eligible for certification as a designated "growth and transportation efficiency center," the jurisdiction must submit a GTEC certification application to the applicable RTPO that:

(A) Describes how the GTEC meets the minimum land use and transportation criteria established by the RTPO as part of the regional CTR plan;

(B) Includes a copy of the GTEC program plan and the required elements identified in this rule;

(C) Identifies when and how the GTEC program plan will be incorporated into future updates or amendments of the applicable local comprehensive plan; and

(D) Includes letters of support for the GTEC program plan from partners that are expected to contribute resources to the plan or intend to work with the local jurisdiction to develop future strategies and funding resources for the GTEC.

(iii) Schedule. For GTEC programs to be eligible for state CTR program funds, the CTR board must receive GTEC certification reports, or local jurisdiction requests for appeal, for new or updated GTEC programs by October 1, 2007, and by April 1 every two years thereafter.

These rules do not constrain the ability of local jurisdictions to designate a GTEC at any time, or for RTPOs to certify new or updated GTECs at any time.

GTEC program plans may be updated annually to reflect changing conditions and new information. However, substantial changes to the program plan, including reductions in targets, densities, and investments, may be made no more than once every biennium. RTPOs may require local jurisdictions to update GTEC program plans as part of the regional CTR plan update. Substantially modified GTEC program plans shall be resubmitted to the RTPO for recertification.

(iv) Certification. RCW 70.94.528 (1)(b) requires designated GTECs to be certified by the applicable RTPO to be eligible for state funding. The RTPO shall evaluate the jurisdiction's GTEC certification application to determine if the proposed GTEC meets the requirements outlined in this rule. The RTPO shall, in partnership with the local jurisdiction and WSDOT, evaluate how achievement of the GTEC goal would affect the performance of the state highway system and the regional transportation system.

Within sixty days following receipt of the jurisdiction's application, the RTPO shall issue a certification report to the jurisdiction that either certifies or declines to certify the GTEC. The certification report shall state the rationale for the decision and describe in quantitative terms how the GTEC addresses state and regional highway deficiencies, and what benefits for the transportation system the GTEC is projected to provide. The RTPO shall provide a copy of the certification report and the GTEC program plan report to the CTR board.

(v) Appeal. RCW 70.94.528 (1)(b) allows jurisdictions denied certification of a designated GTEC by an RTPO to appeal the decision to the CTR board. If the RTPO declines to certify a GTEC when requested by the local jurisdiction, the local jurisdiction may appeal the decision to the CTR board within sixty days following receipt of the RTPO's cer-

tification report. The CTR board will hear the appeal within sixty days of a jurisdiction request.

If the CTR board concurs with the RTPO decision, the jurisdiction's GTEC will not be eligible for state funding. The local jurisdiction may then choose to implement the GTEC (while ineligible for state funding) or revise its application and request RTPO certification during the next biennial budget cycle. If the CTR board overrules the RTPO and certifies the GTEC, then the jurisdiction's GTEC will be eligible for state funding if it is designated within one hundred twenty days following receipt of the notice of the state GTEC funding allocation.

(vi) Adoption. The jurisdiction shall "designate" the GTEC by adopting the GTEC program plan via official resolution or ordinance within one hundred twenty days following receipt of the notice of the state GTEC funding allocation. If the jurisdiction does not designate the GTEC program plan within this deadline, then it will not be eligible for any state or regional funding intended for GTEC programs for the current biennium.

(vii) Funding. State funding for GTECs shall be allocated by the CTR board, based on the board's funding policy developed pursuant to RCW 70.94.544.

(2) GTEC program plan.

(a) **Program development process.** RCW 70.94.528 (1)(a) requires the GTEC program plan to be developed in consultation with local transit agencies, the applicable RTPO, major employers, and other interested parties.

(i) Collaboration. The local jurisdiction shall invite, as appropriate, representatives of major employers, property managers, local transit agencies, the applicable RTPO, business associations and economic development organizations, nonprofit transportation and land use advocacy organizations, pedestrian and bicycle advocacy organizations, public health agencies, tribal governments, and residents, employees and businesses that will be affected by the GTEC to participate in the development of the GTEC program plan. The local jurisdiction and its invitees shall discuss the findings of the gap analysis portion of the plan and collaboratively develop the program's goals, targets, and program strategies.

(ii) Informal review. The local jurisdiction shall give collaborating entities and those entities affected by the GTEC designation an opportunity to review the draft program plan before it is released to the public and submitted for certification to the RTPO.

(iii) Public outreach. The local jurisdiction shall follow, at a minimum, a comparable process to the local requirements and procedures established for purposes of public outreach for comprehensive plan development, adoption, or amendment, including public notices and public meetings and hearings.

(b) **Required elements.** RCW 70.94.528 (1)(c) requires the TDM program elements in the GTEC to be consistent with the rules established by WSDOT.

The state intends for GTECs to be developed in a collaborative planning process that builds upon the information in local and regional CTR plans as well as other existing plans and programs, such as the local comprehensive plan, unified development codes, the transportation improvement program, and economic development plans. The state intends for

the GTEC program plan to be a focused planning element that is coordinated with the local and regional CTR plan.

The GTEC program plan shall describe local conditions and use projections of future growth to define the scope of the problem that the GTEC goals and strategies are designed to address.

The GTEC program plan shall contain the following elements:

(i) Executive summary. The GTEC program plan shall include an executive summary of the jurisdiction's vision for the GTEC, how the GTEC relates to the base CTR program, how the plan's success will affect transportation access to and within the center, and states:

(A) The GTEC program goals and targets;

(B) The GTEC target population;

(C) Proposed program strategies, including policy and service changes needed to execute the plan and proposed land use strategies to support the plan; and

(D) Key funding and service partnerships.

(ii) Background information. The GTEC program plan shall include:

(A) A description of the geographic boundaries of the GTEC;

(B) Documentation that the GTEC is located within the jurisdiction's urban growth area; and

(C) A brief description of the jurisdiction's vision for the GTEC, including information from the local comprehensive plan, other transportation plans and programs, and funded transportation improvements.

(iii) Evaluation of land use and transportation context. Jurisdictions shall evaluate the significance of local conditions, characteristics and trends to determine which factors are most critical to the success of the plan. The RTPO, local transit agencies, state agencies and other appropriate entities shall assist this process by providing data and plans and discussing issues with jurisdictions.

The local jurisdiction shall evaluate existing conditions and characteristics and projected future conditions and characteristics. The jurisdiction may choose to evaluate, but is not limited to, the following issues:

(A) Existing conditions and characteristics. These may include, but are not limited to:

(I) Existing land uses, including the general location and extent of housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses, and population densities and building intensities, with particular attention to mix of land uses and proximity of residential and employment locations.

(II) Existing transportation network, including:

- Major origins and destinations of trips, including traffic impacts of activity to, from and within a GTEC to state-owned transportation facilities, if adequate information is available from WSDOT to support this evaluation;

- Transit service network and level of service including unused capacity and facilities, service deficiencies and needs, if adequate information is available from transit agencies to support this evaluation;

- Available capacity and performance of other HOV systems serving the GTEC, if adequate information is available from transit agencies and WSDOT to support this evaluation;

- Public and private parking capacity, pricing, and development standards (minimums, maximums, and incentives to reduce parking);

- Significance of the use of and deficiencies in the street, sidewalk, and trail/bicycle path network for bicyclists and pedestrians and deficiencies in end of trip facilities (e.g., bike parking, storage and shower/locker facilities) necessary to support bicyclists and pedestrians;

- Estimated commute mode share in the GTEC for transit, rideshare, bike and walk for all employees;

- Number and size of CTR-affected employers and commute mode share by CTR employees; and

- Local and regional transportation demand management strategies available to businesses in the GTEC, including incentives and programs that promote nondrive-alone travel.

(III) Local and regional economic development plans.

(B) Projected future conditions and characteristics. Jurisdictions shall use existing data, plans and programs to describe anticipated changes in the future. Jurisdictions shall use projections of future growth to evaluate how it will affect transportation access and economic development in the GTEC. Factors may include, but are not limited to:

(I) Projected population and employment growth for at least ten and twenty years;

(II) Projected changes in land use types and intensities for at least ten and twenty years;

(III) Forecasts of traffic, delay, mode share, and parking needs for at least ten years to provide information on the location, timing, and capacity needs of future growth, as well as to describe the costs to accommodate growth under the status quo (for example, describing the projected parking costs, delay, and other costs that will be incurred from future growth); and

(IV) Identification of jurisdiction plans, policies and capital programs for the provision of infrastructure, services and amenities to support planned growth and reduce single-occupant-vehicle trips, including additional transit routes, HOV capacity, pricing strategies and nonmotorized facilities and amenities.

(iv) Gap analysis. Using the information gathered in discussion of the existing and projected future conditions and characteristics, the local jurisdiction and its partners shall evaluate the degree to which existing and future services, policies, and programs will be sufficient to maintain or improve transportation access and increase the proportion of non-drive-alone travel as the area grows. This evaluation shall describe the gaps between what services, policies and programs will be available versus what may be needed to address the projected conditions. The jurisdiction's evaluation of its own policies, programs, and regulations shall include, but is not limited to an evaluation of land use and transportation regulations, including parking policies and ordinances, streetscape design standards, development requirements, concurrency policies, level of service standards, assessment of impact fees, and zoning, to determine the extent that they can reduce the need for drive-alone travel and attract and maintain a mix of complementary land uses, particularly uses that generate pedestrian activity and transit ridership.

(v) Description of program goals and measurements. The state's goal for the GTEC program is to provide greater access

to employment and residential centers while increasing the proportion of people not driving alone during peak periods on the state highway system. The GTEC program plan's established goals and targets shall be more aggressive than the minimum goal for the urban growth area established by the jurisdiction, in accordance with RCW 70.94.528(1). The GTEC's established goals and targets shall be designed to maintain or improve transportation access and increase the proportion of nondrive-alone travel as the area grows. The goals and targets shall be designed to support achievement of local and regional goals for transportation and land use.

(A) Goals and targets. Jurisdictions shall have flexibility in establishing GTEC goals and targets, as long as the targets are certified by the RTPO to be more aggressive than the minimum ~~((drive alone and VMT targets for the CTR program))~~ targets for the urban growth area established by the ~~((state))~~ jurisdiction. The RTPO shall certify that the GTEC program targets meet this standard if the GTEC program ~~((target))~~ goal is to reduce, on a relative or absolute basis, more drive-alone trips or more vehicle miles traveled than the minimum base CTR program target in the urban growth area.

The GTEC targets shall be expressed in terms of changes from a base year value.

The RTPO shall determine in the GTEC certification report if the GTEC program target meets the standard defined in RCW 70.94.528(1), and work with WSDOT to evaluate how attainment of the target will affect the performance of the state highway system.

(B) Performance measures. The GTEC program plan shall describe the methodology for measuring the program's performance. The program's performance shall be measured at least once every two years after the base year measurement in order to assess progress toward the established GTEC goals and targets. The program's measurement methodology shall be consistent with the GTEC guidelines established by WSDOT and listed on the agency's web site.

(vi) Description of program strategies. Using the gap analysis evaluation, the local jurisdiction and its partners shall identify what new or revised services, policies and programs may be needed in order to meet the GTEC's established goals and targets.

The local jurisdiction shall consult with appropriate representatives of local transit agencies, the applicable RTPO, business associations and economic development organizations, nonprofit transportation and land use advocacy organizations, public health agencies, and residents, employees and businesses that will be affected by the GTEC so that they may provide their perception of what services, policies and programs are needed to meet the GTEC's established goals and targets. The state's intent is for the discussion to be an open, collaborative process, and for all of the parties to think about how they may be able to improve their own services, policies and programs, or develop stronger partnerships, in order to support the GTEC's established goals and targets.

The GTEC program plan shall identify the target population that will be the focus of the plan, as well as the services, policies and programs that will be needed in order to meet the GTEC's established goals and targets. These may include new services, policies and programs or improvements to existing services, policies and programs. The state recognizes

that program strategies will vary across the state, depending on local conditions, needs, partnerships, and resources.

The GTEC program plan may include but is not limited to the following strategies:

- (A) Improvements to policies and regulations;
- (B) New services and facilities; and
- (C) New marketing and incentive programs.

(vii) Financial plan. The GTEC program plan shall include a sustainable financial plan that demonstrates how the jurisdiction plans to implement the GTEC program to meet its goals and targets. The plan shall describe resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommend any innovating financing techniques consistent with chapter 47.29 RCW, including public/private partnerships, to finance needed facilities, services, and programs. The plan shall specifically describe when and how the expected funding resources will fund the plan's strategies. The plan shall describe how locally derived funding resources will be leveraged as a match to state GTEC program funds allocated through the CTR board according to its funding policy. The plan shall describe the jurisdiction's contingency plan if anticipated funds do not become available to support the plan. Jurisdictions may consider using other state TDM funding resources, including the trip reduction performance program, the vanpool investment program, the rideshare tax credit, and the regional mobility grant program, in funding their GTEC programs.

(viii) Proposed organizational structure for implementing the program. The GTEC program plan shall identify the organization or organizations that are proposed to administer the GTEC program. The plan shall describe the roles of the local jurisdiction's partners by describing who will implement the various strategies identified in the plan and when the elements of the plan are expected to be implemented. If the jurisdiction will update its comprehensive plan to be consistent with the GTEC program plan, it shall describe which elements need updating and when the update will occur.

(ix) Documentation of public outreach. The GTEC program plan shall document the level and frequency of outreach and consultation with local transit agencies, the applicable RTPO, major employers, and other affected parties in the development of the GTEC program plan. The jurisdiction may choose to include letters of support from business associations, developers, employers and others as documentation of consultation. When submitting the plan to the RTPO for certification, the local jurisdiction shall include letters of support from those partners that are expected to contribute resources to the plan or intend to work with the local jurisdiction to develop future strategies and funding resources for the GTEC.

(x) Description of relationship to local CTR plan. Jurisdictions shall describe the relationship of the GTEC program plan to the base CTR program in the local CTR plan. The narrative shall include information about what the GTEC plan adds beyond the requirements and strategies in the base CTR program, and the expected benefits of the GTEC plan for the base CTR program.

(3) Support for GTECs.

(a) **Prioritization.** RCW 70.94.528 requires transit agencies, local governments, and RTPOs to identify certified GTECs as priority areas for new service and facility investments in their respective investment plans. Transit agencies, local governments, regional transportation planning organizations, and the state shall identify certified growth and transportation efficiency centers as priority areas for new service and facility investments in future updates of their investment plans, as required by RCW 70.94.528(1). Periodically, the CTR board shall evaluate the degree to which prioritization of GTECs has occurred.

(i) Transit development plan. The local transit agency shall examine and revise funding prioritization policies, recognizing funding constraints and competing priorities, in order to meet the state's intent to prioritize certified GTECs for investments in facilities, services, and amenities in its transit development plan.

(ii) City and county six-year comprehensive transportation programs. The city or county shall examine and revise funding prioritization policies, recognizing funding constraints and competing priorities, in order to meet the state's intent to prioritize certified GTECs for investments in facilities, services, and amenities in its comprehensive transportation program.

(iii) Regional transportation plan. The RTPO shall examine and revise funding prioritization policies, recognizing funding constraints and competing priorities, in order to meet the state's intent to prioritize certified GTECs for investments in facilities, services, and amenities in its regional transportation plan.

(iv) State plans. WSDOT, the department of community, trade, and economic development, the transportation improvement board and the public works trust fund shall examine funding prioritization policies, recognizing funding constraints and competing priorities, in order to meet the state's intent to prioritize certified GTECs for investments in facilities and services as part of state plans and programs.

(b) **Integration.** The GTEC program plan shall be incorporated into other plans and programs, including local comprehensive plans and transportation improvement programs, as they are updated after January 1, 2008.

WSR 15-13-039**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed June 9, 2015, 8:05 a.m., effective July 10, 2015]

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

Purpose: Chapter 16-406 WAC, Washington standards for apricots, this rule update removes the outdated question and answer format; removes the definitions of "small" and "large" from the standards and adds definitions to provide clarity in the rule; and updates other information throughout the standard that was out-of-date and did not meet current industry practices.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-406-012 and 16-406-060; and amending

WAC 16-406-005, 16-406-010, 16-406-015, 16-406-020, 16-406-025, and 16-406-030.

Statutory Authority for Adoption: RCW 15.17.030, [15.17.]050, and [15.17.]060.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 15-09-098 on April 20, 2015.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 6, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 2.

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

Date Adopted: June 9, 2015.

Kirk Robinson
Acting Deputy Director

AMENDATORY SECTION (Amending WSR 05-12-036, filed 5/25/05, effective 6/25/05)

WAC 16-406-005 (~~What definitions are important to understanding this chapter?~~) **Definitions in this chapter.** (~~The following definitions are important to this chapter.~~)

"Aggregate" means that injury areas on an apricot's surface may be combined into one circular area with a diameter equal to the maximum diameter specified for the particular injury.

"Damage" means an injury to an apricot that is readily apparent during grading and handling.

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

"Diameter" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end.

~~((1) Apricots having a diameter of 1 1/2 inches or larger, ring measurement, may be considered "large."~~

~~((2) Apricots having a diameter of less than 1 1/2 inches may be considered "small.")~~

"Director" means the director of the (~~Washington state~~) department of agriculture or the director's (~~designee~~) designated representative. As used in this chapter, WSDA refers to the director unless the context states otherwise.

"Dirt" includes spray residue present to the extent that it is readily apparent.

"Lot" means, unless otherwise stated in this chapter, a distinct unit of fruits or vegetables.

"Mature" means apricots have reached a growth stage that will insure the proper completion of the ripening process.

"Serious damage" means(=

- (1) Immaturity; or
- (2) Any deformity; or

(3) Injuries either causing skin breaks exceeding 3/8 of an inch in diameter or that seriously affects the apricot's appearance)) any specific defect defined in this section; or an equally objectionable variation of any one of these defects; or any other defect or a combination of defects which seriously detracts from the appearance or the edible or shipping quality of the fruit.

"Well formed" means having a shape that is characteristic of the variety.

AMENDATORY SECTION (Amending WSR 05-12-036, filed 5/25/05, effective 6/25/05)

WAC 16-406-010 (~~How do you determine the maturity of an apricot?~~) **Grades.** ((The information in the following table must be considered when determining an apricot's maturity:

MATURITY CHARACTERISTIC	EXPLANATION
(1) Ambering	"Ambering," which many authorities on apricots recognize as an indicator of maturity, refers to the replacement of the green colored flesh immediately around the pit with an amber shade of flesh.
(2) Springiness	"Springiness" develops in connection with the separation of the flesh from the pit. It is an indication that the apricot is reaching proper tree maturity for picking for fresh shipment. Springiness may be detected by: <ul style="list-style-type: none"> • External pressure on the apricot; or • Cutting the apricot in half at right angles to the longitudinal axis and noting how one half or both halves slip away from the pit.
(3) Taste	On a tree whose fruit is ready for harvest for fresh shipment, it is quite common to find apricots that are fairly palatable because they have lost much of their green taste. However, in using this test, do not be misled by apricots that, because of worm infestation, may be maturing abnormally.
(4) Separation of fruit from the stem	The way apricots separate from their stems is an indication of their maturity. For example, immature apricots tend to tear the adjacent skin and flesh more than apricots that are near proper maturity.)

<u>WASHINGTON APRICOT GRADES</u>	<u>CHARACTERISTICS</u>
<u>Washington No. 1</u>	Washington No. 1 consist of apricots of one variety that are: <ul style="list-style-type: none"> • <u>Mature but not soft;</u> • <u>Not overripe or shriveled;</u> • <u>Well formed;</u> • <u>Free from decay and worm holes;</u> • <u>Free from damage caused by dirt, limb rubs, growth cracks, bruises, scale, hail, disease, insects or mechanical or other means. (See tolerances WAC 16-406-020.)</u>
<u>Washington No. 2</u>	Washington No. 2 consist of apricots of one variety that are: <ul style="list-style-type: none"> • <u>Mature but not soft;</u> • <u>Not overripe or shriveled;</u> • <u>Free from decay and worm holes;</u> • <u>Free from serious damage caused by dirt, growth cracks, bruises, hail, insect pests, mechanical or other means. (See grade and size tolerances WAC 16-406-020.)</u>
<u>Washington combination</u>	<ul style="list-style-type: none"> • <u>Washington combination consists of a combination of Washington No. 1 and Washington No. 2 apricots.</u> • <u>To meet Washington combination, at least fifty percent of the apricots in any container must meet the requirements of Washington No. 1 grade. (See grade and size tolerances WAC 16-406-020.)</u>
<u>Culls</u>	<ul style="list-style-type: none"> • <u>Culls consist of apricots that do not meet the grade requirements of this section and can be immature or seriously damaged by growth cracks, hail, insect pests, mechanical or other means.</u>

<u>WASHINGTON APRICOT GRADES</u>	<u>CHARACTERISTICS</u>
	<ul style="list-style-type: none"> • Cull apricots for fresh market must be clearly marked with the word <u>CULLS</u> in large letters at least two inches high. (See marking and packing requirements WAC 16-406-030.)

AMENDATORY SECTION (Amending WSR 05-20-074, filed 10/4/05, effective 11/4/05)

WAC 16-406-015 ((What is considered "damage" and "serious damage" to apricots?)) Damage and serious damage. ((The following tables explain the differences between "damage" and "serious damage" as applied to apricots:

Table 1

"Damage" and "Serious Damage" for All Varieties of Apricots **except** the Riland Variety

Except for the Riland variety, the following are considered damage :	Except for the Riland variety, the following are considered serious damage :
(1) Well-healed growth cracks over 3/8 of an inch in length.	(1) Well-healed growth cracks that are more than 1/2 inch in length.
(2) Punctures over 3/16 of an inch in diameter.	(2) Any deformity or injury causing the skin to break more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance.
(3) Stem pulls over 3/8 of an inch in diameter.	
(4) Smooth shallow limb rubs more than 1/4 of an inch in diameter.	
(5) Russetting affecting more than ten percent of the apricot's surface.	
(6) Bruises exceeding five percent of the apricot's surface.	(3) Bruises exceeding ten percent of the surface of the apricot.
(7) Hail marks that are:	(4) Hail marks that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

Table 2

"Damage" and "Serious Damage" for the Riland Variety of Apricots

For the Riland variety, the following are considered damage :	For the Riland variety, the following are considered serious damage :
(1) Growth cracks exceeding 3/8 inches in length.	(1) Growth cracks that are not well healed and are more than 1/2 inch in length.
(2) Punctures exceeding 1/4 of an inch in diameter.	
(3) Stem pulls exceeding 1/2 inch in diameter.	
(4) Smooth shallow limb rubs more than 1/4 of an inch in diameter.	
(5) Russetting affecting more than ten percent of the apricot's surface.	
(6) Bruises exceeding five percent of the apricot's surface.	(2) Bruises exceeding ten percent of the surface of the apricot.
(7) Hail marks that are:	(3) Hail marks that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.))

<u>Damage:</u>	<u>Serious damage:</u>
(1) <u>Well-healed growth cracks</u> over 3/8 of an inch in length.	(1) <u>Well-healed growth cracks</u> that are more than 1/2 inch in length.
(2) <u>Punctures</u> over 3/16 of an inch in diameter. Riland variety exceeding 1/2 inch.	(2) <u>Any deformity or injury causing the skin to break</u> more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance.
(3) <u>Stem pulls</u> over 3/8 of an inch in diameter. Riland variety exceeding 1/2 inch.	
(4) <u>Smooth shallow limb rubs</u> more than 1/4 of an inch in diameter.	

<u>Damage:</u>	<u>Serious damage:</u>
(5) <u>Russeting</u> affecting more than ten percent of the apricot's surface which is: (a) <u>Reddish to brown</u> affecting more than ten percent of the surface; or (b) <u>Thick, rough and very dark</u> affecting more than five percent of the surface.	
(6) <u>Bruises</u> exceeding five percent of the apricot's surface.	(3) <u>Bruises</u> exceeding ten percent of the surface of the apricot.
(7) <u>Hail marks</u> that are: (a) <u>Not shallow and superficial</u> ; or (b) <u>More than 3/8 of an inch</u> in diameter in the aggregate; or (c) <u>More than 1/8 inch in diameter</u> when the skin has been broken. <u>One well-healed hail mark, not exceeding 1/8 inch in diameter</u> is allowed.	(4) <u>Hail marks</u> that are more than: (a) <u>3/16 of an inch deep</u> ; or (b) <u>1/2 inch in diameter</u> in the aggregate; or (c) <u>1/2 inch in diameter</u> when the skin has been broken. <u>Four well-healed hail marks where each mark does not exceed 1/8 inch in diameter</u> is allowed.
(8) <u>Dirt, appearing to the extent that it is readily apparent.</u>	(5) <u>Dirt, which is readily apparent and seriously affects the appearance.</u>

AMENDATORY SECTION (Amending WSR 05-12-036, filed 5/25/05, effective 6/25/05)

WAC 16-406-020 (~~What tolerances apply to apricots?~~) **Grade and size tolerances.** ~~((+))~~ Numerical count may be used to determine percent of grade tolerances.

(1) When containers are marked with a numerical count, the apricots in any container must not vary more than one-quarter inch in diameter.

(2) To allow for variations incident to proper sizing, no more than ten percent, by count, in any package may be below the specified minimum size.

(3) To allow for variations incident to proper grading and handling, the following tolerances apply ((to apricots)):

(a) No more than ten percent ((of the apricots)) in any lot may be below grade requirements.

(b) ~~((Serious damage by insects must affect))~~ No more than five percent ((of the apricots in any lot)) for defects or damage by insect causing serious damage.

(c) No more than one percent ((must be affected by)) decay or internal breakdown.

(d) ~~((In addition;))~~ An additional tolerance: For Washington No. 1 grade, no more than ten percent, by count, ((of the apricots)) in any lot may be damaged (but not seriously damaged) by bruising.

~~((=))~~ (4) When applying the tolerances in subsection (1) of this section to the Washington combination grade:

(a) No part of any tolerance ((must)) can be used to reduce the percentage of Washington No. 1 apricots required for the combination grade.

(b) ~~((However;))~~ Individual containers may contain forty percent Washington No. 1 grade apricots if the entire lot averages fifty percent.

AMENDATORY SECTION (Amending WSR 05-12-036, filed 5/25/05, effective 6/25/05)

WAC 16-406-025 (~~How are apricot tolerances applied to individual samples?~~) **Application of tolerances.** ~~((If the averages for the entire lot are within the tolerances specified for the grade, the contents of individual samples are subject to the following limitations:))~~ Individual samples are subject to the following tolerances, provided the averages for the entire lot are within the tolerance specified in WAC 16-406-020.

<u>Package Weight ((and/or)) and Apricot Grade</u>	<u>With a Tolerance of:</u>	<u>((Individual Sample in Any Lot;)) Sample Tolerance:</u>	<u>Defects Allowed in a Sample</u>
(1) Packages containing more than ten pounds	Ten percent or more	Must have no more than one and one-half times the tolerance specified	No more than one apricot affected by decay or internal breakdown ((is permitted in any sample)) .
(2) Packages containing more than ten pounds	Less than ten percent	Must have no more than double the tolerance specified	No more than one apricot affected by decay or internal breakdown ((is permitted in any sample)) .

Package Weight ((and/or)) and Apricot Grade	With a Tolerance of:	((Individual Sample in Any Lot:)) Sample Tolerance:	Defects Allowed in a Sample
(3) Washington No. 1 grade packages containing ten pounds or less	Ten percent or less	May have more than three times the tolerances specified	At least one defective apricot may be permitted in any sample and one apricot or more than six percent (whichever is the larger amount) may be affected by decay or internal breakdown.
(4) Washington No. 2 grade packages containing ten pounds or less	Ten percent or less	May have more than three times the tolerances specified	N/A

AMENDATORY SECTION (Amending WSR 05-12-036, filed 5/25/05, effective 6/25/05)

WAC 16-406-030 (~~(What)~~) Marking and packing requirements (~~(apply to apricots?)~~).

((Note: ~~The marking requirements in this section do not apply to apricots being sold or shipped to canneries.~~

~~(1) When a numerical count is used to pack apricots, the apricots in any container must not vary more than one quarter inch in diameter.~~

~~(2) To allow for variations incident to proper sizing, no more than ten percent, by count, of the apricots in any package may be below the specified minimum size.~~

~~(3) Numerical count may be used to determine apricot grades.~~

~~(4) When apricots are prepared for market and/or offered for sale in containers (either open or closed),) (1) The following information must be clearly (~~stamped~~) marked on each container:~~

- ~~(a) Variety;~~
- ~~(b) Grade;~~
- ~~(c) Packer's, grower's or shipper's name and address; and~~
- ~~(d) Count; or~~
- ~~(e) Net weight and minimum diameter.~~

~~(2) Open catch weight bags are not required to meet the container marking requirements.~~

~~(3) Packed culls for fresh market must be clearly marked with the word "CULLS" in large letters at least two inches high as well as meeting all other marking requirements contained in this section.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-406-012 Do all apricot varieties mature in the same way?
- WAC 16-406-060 What grades apply to apricots?

WSR 15-13-049

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed June 9, 2015, 3:49 p.m., effective September 1, 2015]

Effective Date of Rule: September 1, 2015.

Purpose: The Occupational Safety and Health Administration (OSHA) changed its policies for calculating penalties in October 2010. In October 2012, OSHA updated the States Activities Mandated Measures (SAMM) Report to require state plan states to meet new measures for calculating penalties. Failure to adopt rules to respond to the change in OSHA policies and to meet the new SAMM measures could result in the suspension of Washington's state plan approval and/or federal funding.

AMENDED SECTIONS:

WAC 296-900-140 Monetary penalties.

- Added the following definitions for clarity: Base penalty, division/DOSH, gravity, inpatient hospitalization, probability rate, severity, and WISHA.

WAC 296-900-14005 Reasons for monetary penalties.

- Changed the word "WISHA" to "DOSH" throughout this section when not related to the actual act.
- Added a minimum penalty amount of two thousand five hundred dollars for violations issued when contributing to a fatality.

WAC 296-900-14010 Base penalties.

- Changed the word "WISHA" to "DOSH" throughout this section when not related to the actual act.
- Changed the severity rates to 1 (lowest) to 3 (highest).
- Deleted redundant language.
- Changed Table 3 to reflect the change to the severity rates. Also, clarified the language in the table.
- Added Table 4 to address severity relating [rates] for general violations.
- Updated the definition of probability rate and change[d] the probability rates to 1 (lowest) to 3 (highest).
- Added Table 5 to reflect the change to the probability rates.

- Deleted current Table 4 and add[ed] Table 6 to determine the gravity based penalty. The proposed changes for the severity and probability rates changed the way a gravity based penalty is determined.
- Added clarifying language relating to the minimum and maximum penalties for a serious violation.
- Added Table 7 to address gravity based penalties for general violations. Also added language relating to first time general violations.

WAC 296-900-14015 Base penalty adjustments.

- Changed the word "WISHA" to "DOSH" throughout this section when not related to the actual act.
- Added a minimum penalty amount of two thousand five hundred dollars for violations issued when contributing to a fatality.
- Added language in the note referencing Tables 12 through 14.
- Deleted current Table 5.
- Added Table 8 relating to employer inspection history. No changes were made to these percentages from current WAC to the proposed rule. Added clarifying language.
- Added language after Table 8 stating that no reduction would be given if the violations are classified as willful, repeat, failure to abate, or violations contributing to an inpatient hospitalization with an assigned gravity of six or nine or any violations contributing to a fatality.
- Added Table 9 relating to good faith. The reduction for excellent good faith (35%) was removed.
- Added clarifying language on how to determine an employer's good faith.
- Added language after Table 9 stating that no reduction would be given if the violations are classified as willful, repeat, or failure to abate.
- Added Table 10 relating to an abatement quick-fix reduction (15%).
- Added language after Table 10 stating that no reduction would be given if the violations are classified as willful, repeat, failure to abate, or contributing to an inpatient hospitalization or fatality. Also added language that no reduction would be given for blatant violations that are easily corrected or abated.
- Added Table 11 relating to an employer's size of workforce. The size of workforce was broken out into:
 - 1 - 10 employees (70% reduction)
 - 11 - 25 employees (60% reduction)
 - 26 - 100 employees (40% reduction)
 - 101 - 250 employees (20% reduction)
 - 251 or more employees (No reduction)

WAC 296-900-14020 Increases to adjusted base penalties.

- Changed the word "WISHA" to "DOSH" throughout this section when not related to the actual act.
- Added language to reference Tables 12 through 14.
- Deleted current Table 6.

- Added Table 12 relating to repeat violations. Repeat violations were broken out into:
 - 1st time repeat x 2
 - 2nd time repeat x 5
 - 3rd time repeat x 8
 - 4th time repeat x 12
 - 5th time repeat x 15
- Added language about the maximum statutory penalty.
- Added a note clarifying that when there is a repeat willful violation the repeat adjustment is taken after the willful assessment.
- Added Table 13 relating to willful violations.
- Added Table 14 relating to failure to abate violations.
- Added Table 15 relating to egregious violations.
- Added Table 16 relating to the penalty calculation method clarifying that all penalty adjustments factors are summed.

WAC 296-900-180 Definitions.

- Changed "WISHA services" to "division of occupational safety and health (DOSH)" in the definition of "assistant director."
- Added definitions for base penalty, division/DOSH, gravity, inpatient hospitalization and severity.
- Changed the probability rate definition to "ranging from 1 (lowest) to 3 (highest)."

Citation of Existing Rules Affected by this Order:
Amending 6 - see Purpose above.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 15-04-115 on February 3, 2015; and continuance of comment period filed in WSR 15-08-089 on March 31, 2015.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following sections are being changed as indicated below:

CHANGES TO THE RULES (proposed rule versus rule actually adopted):

WAC 296-900-140 Monetary penalties.

- Removed the word "rate" from the definition of "probability."

WAC 296-900-14010 Base penalties.

- Clarified the language in Table 7. Removed "gravity based penalty" from the title and added the word "penalty" at the end of the title. Also removed "gravity based" and added "base penalty" within the table.
- Clarified the language after Table 7, it now reads, "A penalty is not applied to first time general violations. The base penalty is used to calculate the penalty for willful, repeat, or failure to abate general violations."

WAC 296-900-14015 Base penalty adjustments.

- Clarified the language in Table 8, added the word "previous" in the first and third row of the table.

- Clarified the language in the first bullet after Table 8, it now reads, "History is based on the prior three years statewide."

WAC 296-900-14020 Increases to adjusted base penalties.

- Clarified the language after Table 12, it now reads, "History is based on the prior three years."
- Removed the word "adjustment" from Table 13 and replaced it with the word "reduction."
- Added the words "The adjusted base penalty may be increased as follows:" in Table 15.

WAC 296-900-180 Definitions.

- Removed the word "rate" from the definition of "probability."

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Date Adopted: June 9, 2015.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-140 Monetary penalties.

Summary:

Employer responsibility:

To pay monetary penalties if assessed.

Contents:

Reasons for monetary penalties

WAC 296-900-14005.

Base penalties

WAC 296-900-14010.

Base penalty adjustments

WAC 296-900-14015.

Increases to adjusted base penalties

WAC 296-900-14020.

Definitions:

• "Base penalty" means that penalty amount calculated for a violation by considering either specific statutory penalty amounts or the gravity of the violation.

• "Division" or "DOSH" means the division of occupational safety and health, Washington state department of labor and industries.

• "Gravity" for purposes of calculating a penalty, means the amount calculated by multiplying a violation's severity rate by its probability rate.

• "Inpatient hospitalization" means formal admission to the inpatient service of a hospital or an equivalent medical facility on an emergent basis for a work-related injury, or illness.

• "Monetary penalties" are fines assessed against an employer for violations of safety and health requirements.

• "Probability" means a number that describes the likelihood that an injury, illness, or disease will occur ranging from 1 (lowest) to 3 (highest).

• "Severity" for purposes of calculating a penalty, means the most serious injury, illness, or disease that could be reasonably expected to occur, ranging from 1 (lowest) to 3 (highest), because of a hazardous condition.

• "WISHA" means the Washington Industrial Safety and Health Act.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-14005 Reasons for monetary penalties.

• ((~~WISHA~~)) DOSH may assess monetary penalties when a citation and notice is issued for any violation of safety and health rules or statutes.

• ((~~WISHA~~)) DOSH will assess monetary penalties under the following conditions:

- When a citation and notice is issued for a serious, willful, or egregious violation.

- When civil penalties are specified by statute as described in RCW 49.17.180.

Note: In addition to penalties specified by WISHA, there are penalties specified by other statutes, such as:

• Asbestos construction projects, RCW 49.26.016.

• Right to know (RTK)—MSDS, RCW 49.70.190.

• Right to know—Penalty for late payment, RCW 49.70.177.

• The minimum civil penalties assessed by ((~~WISHA~~)) DOSH are:

- One hundred dollars for any penalty.

- Two thousand five hundred dollars per violation for violations contributing to a fatality.

- Five thousand dollars per violation for all willful violations.

- Two hundred fifty dollars per day for asbestos good faith inspection (RCW 49.26.016 and 49.26.013).

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-14010 Base penalties.

• ((~~WISHA~~)) DOSH calculates the base penalty for a violation by considering the following:

- Specific amounts that are dictated by statute;

OR

- By assigning a weight to a violation, called "gravity." Gravity is calculated by multiplying a violation's severity rate by its probability rate. Expressed as a formula:

Gravity = Severity x Probability

Note: Most base penalties are calculated by the gravity method.

Severity and probability are established in the following ways:

Severity:

- Severity rates are based on the most serious injury, illness, or disease that could be reasonably expected to occur because of a hazardous condition.

- Severity rates are expressed in whole numbers and range from 1 (lowest) to ((6)) 3 (highest). ((Violations with a severity rating of 4, 5, or 6 are considered serious.

~~WISHA uses))~~ - Tables 3((, Severity Rates,)) and 4 are used to determine the severity rate for a violation.

**Table 3
Severity ((Rates)) - Serious Violations**

((Severity	Most serious injury, illness, or disease from the violation is likely to be:
((6)) 3	<ul style="list-style-type: none"> • Death • Injuries involving permanent ((severe)) disability • Chronic, irreversible illness
((5)) 2	<ul style="list-style-type: none"> • ((Permanent)) Disability of a limited ((or less severe)) nature • Injuries or reversible illnesses resulting in hospitalization
((4)) 1	<ul style="list-style-type: none"> • Injuries or temporary, reversible illnesses resulting in serious physical harm • May require removal from exposure or supportive treatment without hospitalization for recovery
((3	<ul style="list-style-type: none"> • Would probably not cause death or serious physical harm, but have at least a major impact on and indirect relationship to serious injury, illness, or disease • Could have direct and immediate relationship to safety and health of employees • First aid is the only medical treatment needed
2	<ul style="list-style-type: none"> • Indirect relationship to nonserious injury, illness, or disease • No injury, illness, or disease without additional violations
1	<ul style="list-style-type: none"> • No injury, illness, disease • Not likely to result in injury even in the presence of other violations))

**Table 4
Severity - General Violations**

General violation
<ul style="list-style-type: none"> • <u>Conditions that could cause injury or illness to an employee but would not result in serious physical harm</u>

Probability:

Definition:

A probability rate is a number that describes the likelihood ((of)) that an injury, illness, or disease ((occurring)) will occur ranging from 1 (lowest) to ((6)) 3 (highest). See Table 5.

- When determining probability, ((WISHA)) DOSH considers a variety of factors, depending on the situation, such as:

- Frequency and amount of exposure.
- Number of employees exposed.
- Instances, or number of times, the hazard is identified in the workplace.
- How close an employee is to the hazard, i.e., the proximity of the employee to the hazard.
- Weather and other working conditions.
- Employee skill level and training.
- Employee awareness of the hazard.
- The pace, speed, and nature of the task or work.
- Use of personal protective equipment.
- Other mitigating or contributing circumstances.

**Table 5
Probability**

<u>3</u>	• <u>If the factors considered indicate the likelihood of injury or illness would be relatively high.</u>
<u>2</u>	• <u>If the factors considered indicate the likelihood of injury or illness would be moderate.</u>
<u>1</u>	• <u>If the factors considered indicate an injury or illness could occur, but the likelihood would be relatively low.</u>

- ((WISHA uses Table 4, Gravity Based Penalty,)) Table 6 is used to determine the dollar amount for each gravity-based penalty, unless otherwise specified by statute.

**((Table 4
Gravity Based Penalty**

Gravity	Base Penalty
1	\$100
2	\$200
3	\$300
4	\$400
5	\$500
6	\$1000
8	\$1500

Gravity	Base Penalty
9	\$2000
10	\$2500
12	\$3000
15	\$3500
16	\$4000
18	\$4500
20	\$5000
24	\$5500
25	\$6000
30	\$6500
36	\$7000))

Table 6
Gravity-Based Penalty - Serious Violations
Severity x Probability = Gravity

9 <u>High</u>	<u>\$7,000</u>
6	<u>\$6,000</u>
4	<u>\$4,000</u>
3	<u>\$3,000</u>
2	<u>\$2,000</u>
1 <u>Low</u>	<u>\$1,000</u>

The minimum penalty for a serious violation = \$100.

(A penalty is required by statute for a serious violation; where adjustments would result in a penalty below the minimum, the minimum will be applied.)

The maximum statutory penalty for a serious violation = \$7,000.

Table 7
General Violations Penalty

General violation (first time nonstatutory)	\$0
General violation base penalty	\$200

A penalty is not applied to first time general violations. The base penalty is used to calculate the penalty for willful, repeat, or failure to abate general violations.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-14015 Base penalty adjustments.

• ((WISHA may adjust base penalties. Table 5, Adjusted Base Penalties;)) Tables 8 through 11 describe((s)) the various factors ((WISHA)) DOSH considers when adjusting a base penalty, and the effect on the fine.

- The minimum adjusted base penalty for any violation carrying a penalty is one hundred dollars.

- The minimum adjusted penalty for serious violations contributing to a fatality is two thousand five hundred dollars.

- The minimum penalty for willful violations is five thousand dollars.

- The maximum adjusted base penalty for a violation is seven thousand dollars.

• No adjustments are made to minimum penalty amounts specified by statute.

Note: Repeat, willful, egregious, or failure-to-abate (failure to correct) penalty adjustments can exceed seven thousand dollars. See ((Increases to adjusted base penalties;)) Tables 12 through 14 in WAC 296-900-14020((;)) for those penalties.

((Table 5
Adjusted Base Penalties

For this type of adjustment:	WISHA will consider:	The base penalty will be adjusted as follows:
Good faith effort	<ul style="list-style-type: none"> • Awareness of act • Effort before an inspection to provide a safe and healthful workplace for employees • Effort to follow a requirement they have violated • Cooperation during an inspection, measured by a desire to follow the cited requirement and immediately correct identified hazards 	<p>Excellent rating = 35% reduction</p> <p>Good rating = 20% reduction</p> <p>Average rating = No adjustment</p> <p>Poor rating = 20% increase</p>
Size of workforce	<ul style="list-style-type: none"> • Work force size at all sites in Washington state 	<p>1-25 employees = 60% reduction</p> <p>26-100 employees = 40% reduction</p> <p>101-250 employees = 20% reduction</p> <p>More than 250 employees = No adjustment</p>

For this type of adjustment:	WISHA will consider:	The base penalty will be adjusted as follows:
Employer history	<ul style="list-style-type: none"> History of previous safety and health violations in Washington state and injury and illness rates for that employer 	Good history = 10% reduction Average history = No adjustment Poor history = 10% increase))

**Table 8
Employer Inspection History**

<u>History Assessment</u>	<u>Penalty Adjustment</u>
<u>Above Average:</u> Previous inspections with less than one serious violation on average and no willful, repeat, or failure to abate violations.	-10%
<u>Average:</u> No previous inspections or inspections with less than two serious violations on average.	None
<u>Below Average:</u> Previous inspections with willful, repeat, or failure to abate violations or inspections with two or more serious violations on average.	+10%

- History is based on the prior three years statewide.
- No reduction is given for violations classified as willful, repeat, failure to abate, or violations contributing to an inpatient hospitalization with an assigned gravity of 6 or 9 or any violations contributing to a fatality.

**Table 9
Good Faith**

<u>Good Faith</u>	<u>Penalty Adjustment</u>
<u>Good</u>	-20%
<u>Average</u>	None
<u>Below Average</u>	+20%

- Based on:
- Evidence of an overall safety and health program, including a written accident prevention program (APP), other required written programs, training, etc.
 - Efforts to fully communicate safety and health policies.
 - Employees are clearly involved in the safety and health programs.
 - Management's commitment at all levels is apparent.
 - Employer's injury and illness rate.

No reduction is given for violations classified as willful, repeat, or failure to abate.

**Table 10
Abatement Quick-Fix Reduction**

<u>Immediate correction of hazard provided such corrective action is substantial and not temporary or superficial</u>	-15%
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- No reduction is given for:
- Violations classified as willful, repeat, or failure to abate.
 - Violations contributing to an inpatient hospitalization or fatality, or to any incidents resulting in serious injuries to employees.
 - Blatant violations that are easily corrected or "abated" due to the short-term duration of work at a specific location.

**Table 11
Size of Workforce**

<u>Number of Employees</u>	<u>Penalty Adjustment</u>
<u>1 - 10</u>	-70%
<u>11 - 25</u>	-60%
<u>26 - 100</u>	-40%
<u>101 - 250</u>	-20%
<u>251 or more</u>	None

Based on workforce size nationwide.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-900-14020 Increases to adjusted base penalties.

- ((WISHA may increase an adjusted base penalty in certain circumstances. Table 6, Increases to Adjusted Base Penalties;)) Tables 12 through 14 describe((s)) circumstances where an increase may be applied by DOSH to an adjusted base penalty.

**((Table 6
Increases to Adjusted Base Penalties**

For this circumstance:	The adjusted base penalty may be increased as follows:
Repeat violation When the employer has been previously cited for a substantially similar hazard, with a final order for the previous violation dated no more than 3 years prior to the employer committing the violation being cited.	<ul style="list-style-type: none"> • Multiplied by the total number of citations with violations involving similar hazards, including the current inspection. <p>Note: The maximum penalty can't exceed seventy thousand dollars for each violation.</p>

For this circumstance:	The adjusted base penalty may be increased as follows:
<p>Willful violation</p> <p>An act committed with the intentional, knowing, or voluntary disregard for the WISHA requirements or with plain indifference to employee safety.</p>	<ul style="list-style-type: none"> Multiplied by ten with at least the statutory minimum penalty of five thousand dollars <p>Note: The maximum penalty can't exceed \$70,000 for each violation.</p>
<p>Egregious violation</p> <p>If the violation was willful and at least one of the following:</p> <ul style="list-style-type: none"> The violations resulted in worker fatalities, a worksite catastrophe, or a large number of injuries or illnesses. The violations resulted in persistently high rates of worker injuries or illnesses. The employer has an extensive history of prior violations. The employer has intentionally disregarded its safety and health responsibilities. The employer's conduct taken as a whole amounts to clear bad faith in the performance of his/her duties. The employer has committed a large number of violations so as to undermine significantly the effectiveness of any safety and health program that might be in place. 	<ul style="list-style-type: none"> With a separate penalty issued for each instance the employer fails to follow a specific requirement.
<p>Failure to abate (FTA)</p> <p>Failure to correct a cited WISHA violation on time.</p>	<ul style="list-style-type: none"> Based on the facts at the time of reinspection, will be multiplied by:

For this circumstance:	The adjusted base penalty may be increased as follows:
<p>Reference: For how to certify corrected violations, go to Certifying violation corrections, WAC 296-900-15005 through 296-900-15030.</p>	<ul style="list-style-type: none"> At least five, but up to ten, based on the employer's effort to comply. The number of calendar days past the correction date, with a minimum of five days. <p>Note: The maximum penalty can't exceed seven thousand dollars per day for every day the violation is not corrected.)</p>

Table 12

Repeat Violations

(increases the adjusted base penalty, after willful assessment)

<u>1st time x 2</u>
<u>2nd time x 5</u>
<u>3rd time x 8</u>
<u>4th time x 12</u>
<u>5th time x 15</u>

- History is based on the prior three years
- Maximum statutory penalty = \$70,000

Note: For repeat willful violations the repeat adjustment is applied after the willful assessment.

Table 13

Willful Violations

<u>Multiply the adjusted based penalty by 10.</u>
• <u>No reduction is given for good faith, history, or abatement quick-fix.</u>

Minimum statutory penalty = \$5,000
Maximum statutory penalty = \$70,000

Table 14

Failure to Abate

<u>Increases the adjusted base penalty:</u>
<u>Adjusted base penalty is multiplied by the number of calendar days past the correction date, with a minimum of five days.</u>
• <u>No reduction in the base penalty is given for good faith, history, or abatement quick-fix.</u>

Maximum statutory penalty cannot exceed \$7,000 per day if violation is not corrected.

Table 15
Egregious Violation

<p><u>If the violation was willful and at least one of the following:</u></p> <ul style="list-style-type: none"> • <u>The violations resulted in worker fatalities, a worksite catastrophe, or large number of injuries or illnesses.</u> • <u>The violation resulted in persistently high rates of worker injuries or illnesses.</u> • <u>The employer has an extensive history of prior violations.</u> • <u>The employer has intentionally disregarded its safety and health responsibilities.</u> • <u>The employer's conduct taken as a whole amounts to clear bad faith in the performance of his/her duties.</u> • <u>The employer has committed a large number of violations so as to undermine significantly the effectiveness of any safety and health program that might be in place.</u> 	<ul style="list-style-type: none"> • <u>The adjusted base penalty may be increased as follows:</u> <p><u>With a separate penalty issued for each instance, the employer fails to follow a specific requirement.</u></p>
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Table 16
Penalty Calculation Method

<p><u>All penalty adjustments factors are summed.</u></p> <ul style="list-style-type: none"> • <u>History: Up to a 10% reduction</u> • <u>Good Faith: Up to a 20% reduction</u> • <u>Quick-Fix: Up to a 15% reduction</u> • <u>Size: Up to a 70% reduction</u>
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AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-180 Definitions.

Affected employees

Employees who could be one of the following:
((-)) • Exposed to unsafe conditions or practices.

((-)) • Affected by a request for, or change in, a variance from WISHA requirements.

Assistant director

The assistant director for the (~~WISHA services~~) division of occupational safety and health (DOSH) at the department of labor and industries or his/her designated representative.

Base penalty

The penalty amount calculated for a violation by considering either specific statutory penalty amounts or the gravity of the violation.

Board

The board of industrial insurance appeals.

Certification

An employer's written statement describing when and how a citation violation was corrected.

Citation

See citation and notice.

Citation and notice

Issued to an employer for any violation of WISHA safety and health requirements. Also known as a citation and notice of assessment, or simply citation.

Correction action plans

Your written plans for correcting a WISHA violation.

Correction date

The date by which you must meet the WISHA requirements listed on either a:

- Citation and notice (C&N);

OR

- A Corrective notice of redetermination (CNR).

Corrective notice of redetermination (CNR)

Issued by WISHA after WISHA has reassumed jurisdiction over an appealed citation and notice.

Designated representative

Any of the following:

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written employee authorization.
- The legal representative of a deceased or legally incapacitated employee.

Division or DOSH

The division of occupational safety and health, Washington state department of labor and industries.

Documentation

Material that an employer submits to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and labor.

Failure to abate (FTA)

A violation that was cited previously which the employer has not fixed.

Final order

Any of the following (unless an employer or other party files a timely appeal):

- Citation and notice.
- Corrective notice of redetermination.
- Decision and order from the board of industrial insurance appeals.
- Denial of petition for review from the board of industrial insurance appeals.

- Decision from a Washington state superior court, court of appeals, or the state supreme court.

Final order date

The date a final order is issued.

Gravity

For purposes of calculating a penalty means the amount calculated by multiplying a violation's severity rate by its probability rate.

Hazard

Any condition, potential or inherent, which can cause injury, death, or occupational disease.

Imminent danger violation

Any violation resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

Inpatient hospitalization

Formal admission to the inpatient service of a hospital or an equivalent medical facility on an emergent basis for a work-related injury, or illness.

Interim order

An order allowing an employer to vary from WISHA requirements until a permanent or temporary variance is granted.

Monetary penalties

Fines assessed against an employer for violations of safety and health requirements.

Movable equipment

A hand-held or nonhand-held machine or device that:

- Is powered or nonpowered.
- Can be moved within or between worksites.

Must

Means mandatory.

Permanent variance

Allows an employer to vary from WISHA requirements when an alternate means, that provides equal protection to workers, is used.

Probability ((rate))

A number that describes the likelihood of an injury, illness, or disease occurring, ranging from 1 (lowest) to ((6)) 3 (highest).

Reassume jurisdiction

WISHA has decided to provide the employer with an informal conference to discuss their appeal.

Repeat violation

A violation where the employer has been cited one or more times previously for a substantially similar hazard, and the prior violation has become a final order no more than three years prior to the employer committing the violation being cited.

Serious violation

When there is a substantial probability that death or serious physical harm could result from one of the following in the workplace:

((-)) 2 A condition that exists.

((-)) 2 One or more practices, means, methods, operations, or processes that have been adopted or are in use.

Severity

For purposes of calculating a penalty means the most serious injury, illness, or disease that could be reasonably expected to occur, ranging from 1 (lowest) to 3 (highest), because of a hazardous condition.

Temporary variance

Allows an employer to vary from WISHA requirements under certain circumstances.

Variance

Provides an approved alternative to WISHA requirements to protect employees from a workplace hazard. Variances can be permanent or temporary.

WAC

An acronym for Washington Administrative Code, which are rules developed to address state law.

WISHA

This is an acronym for the Washington Industrial Safety and Health Act.

You

An employer.

Sample Tag for Cited Moveable Equipment

<p>WARNING: EQUIPMENT HAZARD</p> <p>Cited by the Department of Labor and Industries</p>

Equipment cited:
Hazard cited:
For detailed information, see L&I citation posted at:

<p>WARNING: EQUIPMENT HAZARD</p> <p>See reverse side</p>
--

This tag or similar tag or a copy of the citation must remain attached to this equipment until the criteria for removal in WAC 296-900-15035 are met.
The tag/citation copy must not be altered, defaced, or covered by other material.

WSR 15-13-053
PERMANENT RULES
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed June 10, 2015, 9:13 a.m., effective July 11, 2015]

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

Purpose: The agency amended these rules to make routine housekeeping changes, correct citations, clarify language, and to remove broken links and outdated references to Title 388 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 182-504-0020, 182-510-0001, 182-510-0005, and 182-510-0010.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-10-026 on April 27, 2015.

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

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

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

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

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

Date Adopted: June 10, 2015.

Wendy Barcus
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 ((Title 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 Washington 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 15-13-061

PERMANENT RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2014-02—Filed June 10, 2015, 3:43 p.m., effective July 11, 2015]

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

Purpose: This rule adds new definitions and processes to chapter 284-17 WAC for continuing education, and amends and removes some existing sections of chapter 284-17 WAC to provide increased clarity and to bring the rules in line with current office of insurance commissioner procedures.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-17-244, 284-17-246 and 284-17-274; amending WAC 284-17-200, 284-17-210, 284-17-220, 284-17-224, 284-17-226, 285-17-250, 284-17-254, 284-17-256, 284-17-262, 284-17-264, 284-17-270, 284-17-272, 284-17-278, 284-17-282, 284-17-284, 284-17-286, 284-17-292, 284-17-294, 284-17-296, 284-17-302, 284-17-304 and 284-17-306; and new WAC 284-17-273, 284-17-277, 284-17-279, 284-17-281, 284-17-297, 284-17-299, and 284-17-303.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.005, and 48.17.150(1).

Other Authority: RCW 48.01.030.

Adopted under notice filed as WSR 15-10-102 on May 6, 2015.

A final cost-benefit analysis is available 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.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 7, Amended 22, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, Amended 22, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 7, Amended 22, Repealed 3.

Date Adopted: June 10, 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 contrac-

tor 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 variable 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.

~~((1))~~ 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; ~~((or))~~ 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~~ f))each classroom((:)) course((s;

~~(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 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 ~~(*)~~ 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 ~~(*)~~ 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) ~~((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 15-13-074**PERMANENT RULES****DEPARTMENT OF CORRECTIONS**

[Filed June 12, 2015, 8:25 a.m., effective July 13, 2015]

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

Purpose: To reflect changes in agency policy on the treatment of contraband sent to offenders through the mail.

Citation of Existing Rules Affected by this Order: Amending WAC 137-36-040.

Statutory Authority for Adoption: RCW 72.01.090.

Adopted under notice filed as WSR 15-10-053 on April 30, 2015.

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

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

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

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

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

Date Adopted: June 11, 2015.

Dan Pacholke
Deputy 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 dis-

claims 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 15-13-075
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES

[Filed June 12, 2015, 11:02 a.m., effective August 1, 2015]

Effective Date of Rule: August 1, 2015.

Purpose: Revise the filing and recording fee surcharge for survey maps to appropriately fund the public land survey office (PLSO) program within the department of natural resources.

Citation of Existing Rules Affected by this Order: Amending WAC 332-150-030.

Statutory Authority for Adoption: RCW 58.24.070.

Adopted under notice filed as WSR 15-06-043 on June 5 [February 27], 2015.

Changes Other than Editing from Proposed to Adopted Version: None.

WAC 332-150-030 Filing and recording fees.

Each county auditor shall collect the fee of ~~forty-six~~ sixty-four dollars per instrument in addition to any other fees required by law, as a condition precedent to the filing and recording of any surveys, subdivision plats, short plats or condominium surveys, plats or maps.

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

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

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

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

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

Date Adopted: June 5, 2015.

Kyle Blum
Deputy Supervisor
for State Uplands

AMENDATORY SECTION (Amending WSR 02-15-126, filed 7/19/02, effective 8/19/02)

WAC 332-150-030 Filing and recording fees. (~~Effective August 19, 2002,;~~) Each county auditor shall collect the fee of (~~forty-six~~) sixty-four dollars per instrument in addition to any other fees required by law, as a condition precedent to the filing and recording of any surveys, subdivision plats, short plats or condominium surveys, plats or maps.

WSR 15-13-079
PERMANENT RULES
HORSE RACING COMMISSION

[Filed June 12, 2015, 2:02 p.m., effective July 13, 2015]

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

Purpose: Amends the approved threshold level for xylazine, a recognized medication for treatment of a race horse that does not impact a horse's performance.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-630.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 15-09-009 on April 3, 2015.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

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

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

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

Date Adopted: June 12, 2015.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 14-13-074, filed 6/13/14, effective 7/14/14)

WAC 260-70-630 Threshold levels. (1) Permitted medications.

(a) The following quantitative medications and/or metabolites are permissible in test samples up to the stated concentrations in urine:

Acepromazine - 25 ng/ml
Albuterol - 1 ng/ml
Bupivacaine - 5 ng/ml
Detomidine - 1 ng/ml
Mepivacaine - 10 ng/ml
Omeprazole - 1 ng/ml

Promazine - 25 ng/ml
 Pyrilamine - 25 ng/ml

(b) The following quantitative medications and/or metabolites are permissible in test samples up to the stated concentrations in serum or plasma:

Betamethasone - 10 pg/ml
 Butorphanol - 2 ng/ml
 Clenbuterol - 25 pg/ml
 Dantrolene - 100 pg/ml
 Dexamethasone - 1 ng/ml
 Diclofenac - 5 ng/ml
 DMSO - 10 mc/ml
 Firocoxib - 40 ng/ml
 Glycopyrrrolate - 3 pg/ml
 Isoflupredone - 100 pg/ml
 Lidocaine - 20 pg/ml
 Methocarbamol - 1 ng/ml
 Methylprednisolone - 1.3 ng/ml
 Prednisolone - 1 ng/ml
 *Procaine penicillin - 25 ng/ml
 Triamcinolone - 100 pg/ml
 Xylazine - ((~~0-01~~)) 0.2 ng/ml

* Administration of procaine penicillin to those horses entered must be reported to the commission and may require surveillance up to six hours prior to post time.

(c) The official urine or blood test sample may not contain more than one of the above substances, including their metabolites or analogs, and may not exceed the concentrations established in this rule.

(2) Environmental substances.

(a) Certain substances can be considered "environmental" in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination or exposure during the cultivation, processing, treatment, storage, or transportation phases. Certain drugs are recognized as substances of human use and could therefore be found in a horse. The following substances are permissible in test samples up to the stated concentrations:

Arsenic - 0.3 mc/ml urine
 Caffeine - 100 ng/ml serum or plasma
 Benzoyllecgonine - 50 ng/ml urine
 Estranediol - 0.045 mc/ml free + conjugated (5a-estrane-3 β ,17a-diol), in male horses, other than geldings
 Hydrocortisone - 1 mc/ml urine
 Methoxytyramine - 4 mc/ml, free + conjugated urine
 Morphine Glucuronides - 50 ng/ml urine
 Salicylate salicylic acid - 750 mc/ml serum or plasma
 Theobromine - 2 mc/ml urine

(b) If a preponderance of evidence presented shows that a positive test is the result of environmental substance or inadvertent exposure due to human drug use, that evidence should be considered as a mitigating factor in any disciplinary action taken against the trainer.

(3) Androgenic-anabolic steroids.

(a) The following androgenic-anabolic steroids are permissible in test samples up to the stated concentrations:

Boldenone (Equipose) - 15 ng/ml urine in intact males. No level is permitted in geldings, fillies or mares.

Nandrolone (Durabolin) - 1 ng/ml urine in geldings, fillies, and mares, and for nandrolone metabolite (5a-estrane-3 β ,17a-diol) - 45 ng/ml urine in intact males.

Testosterone - 20 ng/ml urine in geldings. 55 ng/ml urine in fillies and mares. Samples from intact males will not be tested for the presence of testosterone.

(b) All other androgenic-anabolic steroids are prohibited in race horses.

WSR 15-13-080
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed June 12, 2015, 2:10 p.m., effective July 13, 2015]

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

Purpose: The department is adopting the revised rules to incorporate legislative changes, to remove outdated language, to ensure consistency with the corresponding statutes in chapter 84.12 RCW, and to more clearly explain and distinguish the annual reports from the apportionment reports, including the required information and filing deadlines.

Citation of Existing Rules Affected by this Order: Amending WAC 458-50-020 Annual reports—Duty to file, 458-50-030 Annual reports—Contents, 458-50-060 Failure to make report—Default valuation—Penalty—Estoppel, 458-50-110 Apportionment reports, and 458-50-130 Taxing district boundary changes—Estoppel.

Statutory Authority for Adoption: RCW 84.08.010(2) and 84.12.390.

Adopted under notice filed as WSR 15-09-089 on April 17, 2015.

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

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

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

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

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

Date Adopted: June 12, 2015.

Dylan Waits
 Rules Coordinator

AMENDATORY SECTION (Amending Order PT 75-2, filed 3/19/75)

WAC 458-50-020 Annual reports—Duty to file. Each company doing an inter-county or interstate business in this

state ~~((shall))~~ must make and file an annual report with the department. At the time of making such report, each company ~~((shall))~~ must if directed by the department also file with the department:

(1) Annual reports of the board of directors or other officers to the stockholders of the company.

(2) Duplicate copies of the annual reports made to the federal regulatory agency or agencies exercising jurisdiction over the company.

(3) Duplicate copies of the annual reports made to the Washington state utilities and transportation commission or other Washington state regulatory agency exercising jurisdiction over the company.

(4) Duplicate copies of such other annual or special reports as the department may, from time to time, direct each company to make.

AMENDATORY SECTION (Amending Order PT 75-2, filed 3/19/75)

WAC 458-50-030 Annual reports—Contents. The annual report ~~((s shall be made on forms furnished by the department, and shall))~~ must be completed on the template furnished on the department's web site at: <http://www.dor.wa.gov>. The annual report must contain such information as is required to enable the department to determine the true and fair value of a company's operating property in the state ~~(;)~~ and the apportionment thereof to the several counties and taxing districts as part of the apportionment report discussed in WAC 458-50-110. The annual report ~~((shall))~~ must be signed by the president, treasurer or other responsible official of the company.

(1) In determining what types of information ~~((shall be))~~ are required to be included in the annual report, the department may take into account, among other factors, the necessity and worth of such information in valuing, allocating ~~((or)),~~ apportioning, or assessing operating property; whether such information is of the type customarily maintained by the industry for internal accounting or regulatory agency purposes; and the cost and difficulty of obtaining or maintaining such information. The department's determination ~~((shall be))~~ is final, and no company ~~((shall be))~~ is excused from providing such information except upon a clear showing that undue hardship would result.

(2) On or before December 1st of the year preceding the calendar year to be covered by the annual report, the department ~~((shall))~~ must notify the companies of the types of information required to be included in the annual report for such forthcoming year ~~((: Provided, That the foregoing requirement shall not be applicable for calendar year 1975))~~.

AMENDATORY SECTION (Amending Order PT 75-2, filed 3/19/75)

WAC 458-50-060 Failure to make report—Default valuation—Penalty—Estoppel. (1) If any company fails to materially comply with the provisions of RCW 84.12.230 and WAC 458-50-020, the department will add to the assessed value a penalty of five percent for every thirty days or fraction thereof, not to exceed ten percent, that the company fails to comply.

(2) If any company, or any of its officers or agents ~~((shall))~~ refuses or neglects to make any report required by law or by the department, or ~~((shall))~~ refuses to permit an inspection and examination of its records, books, accounts, papers or property requested by the department, or ~~((shall))~~ refuses or neglects to appear before the department in obedience to a subpoena, the department ~~((shall))~~ will proceed, in such manner as it ~~((may))~~ deems best, to obtain facts and information upon which to base its valuation, assessment, allocation, and apportionment of such company.

~~((2))~~ (3) Willful failure to file with the department any report required by the department within the time fixed by law, including any extension granted by the department, ~~((shall))~~ constitutes refusal or neglect to make a report, and the department may proceed in accordance with subsection ~~((1))~~ (2) of this rule to value, assess, allocate, and apportion the property of such company as if no report had been made.

~~((3) Penalty.)~~ (4) When the department has ascertained the assessed value of the property of such company in accordance with subsection ~~((s (1) or (2), it shall))~~ (2) or (3) of this rule, it must add to the assessed value so ascertained twenty-five percent as a penalty. Such penalty will be in lieu of the penalty provided for in subsection (1) of this rule.

~~((4))~~ (5) Where the department has proceeded in accordance with subsection ~~((s (1) or))~~ (2) or (3) of this rule, such company ~~((shall be))~~ is estopped to question or impeach the valuation, assessment, allocation, or apportionment made by the department in any administrative or judicial proceeding thereafter.

(6) The department will waive or cancel the penalty imposed under subsection (1) of this rule for good cause shown.

(7) The department will waive or cancel the penalty imposed under subsection (1) of this rule when the circumstances under which the failure to materially comply with the provisions of RCW 84.12.230 do not qualify for waiver or cancellation under subsection (5) of this rule if:

(a) The company fully complies with the reporting provisions of RCW 84.12.230 within thirty days of the due date or any extension granted by the department; and

(b) The company has timely complied with the provisions of RCW 84.12.230 for the previous two calendar years. The requirement that a company has timely complied with the provisions of RCW 84.12.230 for the previous two calendar years is waived for any calendar year in which the company was not required to comply with the provisions of RCW 84.12.230.

AMENDATORY SECTION (Amending Order PT 75-2, filed 3/19/75)

WAC 458-50-110 Apportionment reports. (1) On or before ~~((April 15 of each year))~~ December 1st of the year preceding the calendar year to be covered by the apportionment report the department ~~((shall))~~ will furnish ~~((taxing district maps and))~~ apportionment report forms or make available a hyperlink on its web site where the company may provide the same information (hereinafter referred to as "apportionment reports") to each railroad, pipeline, telegraph, telephone, electric light and power, and gas company.

(2) Each company (~~(furnished an apportionment report shall)~~) described in subsection (1) of this rule must complete and submit such apportionment report to the department on or before June 1st of the assessment year. Since all apportionment reports must be ~~((i#)) received by the ~~((department's hands by))~~ department no later than June 1st in order to permit adequate opportunity to properly apportion operating property in accordance with WAC 458-50-100, an extension of time for filing such reports will be granted only upon a showing of undue hardship.~~

(3) Apportionment reports must contain sufficient information to allow the department to identify the operating property's cost (historical or original), miles, use, and location within a county or taxing district and apportion value in accordance with WAC 458-50-100. Location may be identified by a variety of methods including, but not limited to, the tax parcel number, address, section/township/range, latitude and longitude, or geospatial coordinates.

(4) If any company, or any of its officers or agents refuses or neglects to make the apportionment report, the department will proceed, in such manner as it deems best, to obtain facts and in-formation upon which to base its apportionment of such company in accordance with RCW 84.12.260 and WAC 458-50-060 (2), (3), and (5).

AMENDATORY SECTION (Amending Order PT 75-2, filed 3/19/75)

WAC 458-50-130 Taxing district boundary changes—Estoppel. (1) In accordance with RCW 84.09.030 and WAC 458-12-140, the county assessor is required on or before ~~((March 1))~~ August 31st to transmit certain documents and maps setting forth taxing district boundary changes to the department of revenue, property tax division.

(2) The department (~~(shall)~~) will prepare taxing district maps based upon information submitted to it on or before ~~((March 1))~~ August 31st. Such maps (~~(shall be))~~ must be used to fix taxing district boundaries for purposes of apportioning the operating property of each company among the various counties and taxing districts. Any county or taxing district not having submitted the documents and maps as required by WAC 458-12-140 (~~(shall be))~~ is estopped from questioning the validity of any apportionment of value to it as determined by the department to the extent that such challenge is based upon taxing district boundaries different than as shown on the department's maps.

WSR 15-13-081

PERMANENT RULES DEPARTMENT OF

FISH AND WILDLIFE

[Order 15-177—Filed June 12, 2015, 2:24 p.m., effective July 13, 2015]

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

Purpose: Amend rules for recreational salmon fishing based on 2015 North of Falcon recommendations. Rules for recreational salmon fishing change year to year to reflect resource availability and achieve conservation goals. Amend-

ments to recreational fishing in coastal freshwater waterbodies (WAC 220-310-180) will occur under a separate filing.

Citation of Existing Rules Affected by this Order: Amending WAC 220-55-220, 220-55-230, 220-56-105, 220-56-180, 220-56-282, 220-310-175, 220-310-185, 220-310-190, 220-310-195, 220-310-200, 232-28-620, and 232-28-621.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047.

Adopted under notice filed as WSR 15-10-097 on May 6, 2015.

Changes Other than Editing from Proposed to Adopted Version: **The following corrections were made for language consistency, clarification or as a result of public response during the North of Falcon sport fishing process.**

WAC 220-55-220 Two-pole endorsement.

1. Two-pole fishing was added or adjusted for the following rivers and lakes:

a. Lake Wenatchee (Chelan Co.): Two-pole fishing was previously not allowed on this lake.

b. Drano Lake (Skamania Co.): The date was incorrectly changed for the first season to end on March 15 in the CR-102 filing. This date was changed back to what it was originally in the permanent rule, which is April 30.

c. Chehalis River (Grays Co.) from Highway 101 Bridge in Aberdeen to South Elma Bridge (Wakefield Road) from July 1 through November 30. Two-pole fishing was previously not allowed here.

d. Willapa River (Pacific Co.) from the city of South Bend boat launch to the 2nd bridge on Camp One Road from August 1 through January 31. Two-pole fishing was previously not allowed here.

e. Wind River (Skamania Co.): The date was incorrectly changed for the first season to end on March 16 in the CR-102 filing. This date was changed back to what it was originally in the permanent rule, which is May 1.

f. Port Susan and Port Gardner marine area dates changed. Previously the dates were May 29 through September 21 and now they are May 1 through September 30.

2. Two-pole fishing was initially added to the Tacoma-Vashon Island marine area in the CR-102 filing. This provision allowing two-pole fishing was removed to revert back to what is currently in the permanent rule. Two-pole fishing will not be permissible in the Tacoma-Vashon Island marine area as a result of this change.

WAC 220-56-105 River mouth definitions.

The Entiat River mouth definition changed from Highway 97 to Railroad Bridge.

WAC 220-56-180 Salmon statewide rules.

The provision, "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," was removed.

WAC 220-310-175 Freshwater exceptions to statewide rules—General rules.

The following provisions were removed:

1. 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.

2. 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.

WAC 220-310-185 Freshwater exceptions to statewide rules—Southwest.

1. Elochoman River from the mouth to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack: Salmon and steelhead retention language was revised for clarity and consistency.

2. Lewis River (Clark County) from the mouth of East Fork to Colvin Creek and from the mouth of Colvin Creek to the overhead powerlines at Merwin Dam: Salmon retention language was revised for clarity and consistency.

WAC 220-310-190 Freshwater exceptions to statewide rules—Puget Sound.

1. Green (Duwamish) River (King County):

a. From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge:

i. The single-point hook requirement was specified as "measuring 1/2 inch or less from point to shank," and the trout minimum length was set at 14 inches.

ii. The odd year gamefish and salmon fishery from August 20 through December 31 was clarified.

b. Salmon retention language was changed from "no more than" to "only."

2. Nisqually River (Pierce County):

a. The closure dates were changed. Previously, the closed dates were August 11 through August 13, August 18 through August 20, August 25 through August 27, September 3 through September 5, September 15 through September 16, September 22 through September 23, and September 29 through September 30. The closed dates were changed to August 3 through August 5, August 10 through August 12, August 17 through August 19, August 24 through August 26, August 31 through September 2, September 14 through September 16, September 21 through September 23, and September 28 through September 29.

b. The language, "July 1 through October 31: Leaders must measure 48 inches or less in length," was removed.

c. Salmon retention language was changed from "no more than" to "only."

3. Puyallup River (Pierce County):

a. From the mouth to Freeman Road:

i. The open date for gamefish and salmon was changed from August 16 to August 10.

ii. The closure dates were changed. Previously, the closed dates were 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. The closed dates were changed to

August 30 through August 31, September 6 through September 8, September 13 through September 15, September 20 through September 23, September 27 through September 30, October 4 through October 7, and October 11 through October 14.

iii. A closure within 400 feet of the mouth of Clarks Creek was added.

iv. The start date of the season August 16 through November 30 was changed to August 10.

v. The requirement that leaders must measure 48 inches or less in length was removed.

b. From Freeman Road to the East Main Avenue Bridge:

i. The closure dates were changed. Previously, the closed dates were 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. The closed dates were changed to August 9, August 30 through August 31, September 6 through September 8, September 13 through September 15, September 20 through September 23, and September 27 through September 30.

ii. The requirement that leaders must measure 48 inches or less in length was removed.

c. From the East Main Avenue Bridge to Carbon River: The requirement that leaders must measure 48 inches or less in length was removed.

4. Sammamish Lake (King County): The salmon season was removed.

5. Skagit River (Skagit/Whatcom counties):

a. The selective gear rule requirement was clarified to state, "... except anglers fishing for sturgeon must use bait."

b. The salmon retention language was clarified to be consistent with the rest of the document.

c. From the Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

i. The anti-snagging rule was clarified to state, "... except anglers fishing for sturgeon must use bait."

ii. The seasons were changed from June 1 through June 13 and June 30 through August 31 to June 1 through June 15 and July 16 through July 31.

iii. The hook size requirement was clarified to state, "... except anglers fishing for sturgeon may use single-point barbless hooks of any size."

iv. The salmon retention language was clarified to be consistent with the rest of the document.

d. From Gilligan Creek to The Dalles Bridge at Concrete:

i. The night closure is in effect only from August 16 through November 30.

ii. The salmon retention language was clarified to be consistent with the rest of the document.

iii. From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport: The salmon retention and night closure language were clarified to be consistent with the rest of the document.

e. From the Highway 530 Bridge at Rockport to the Cascade River Road:

i. The anti-snagging rule is now in effect from June 1 through July 15 as well as from September 1 through November 30.

ii. The salmon retention and night closure language were clarified to be consistent with the rest of the document.

6. Skokomish River (Mason County):

a. The geographic description "Tacoma powerlines" was clarified and is now described as "the City of Tacoma PUD overhead distribution lines."

b. The requirement that leaders must measure 48 inches or less in length was removed.

c. Salmon retention language was rewritten for consistency and clarity.

d. From the mouth of Purdy Creek to the Highway 101 Bridge: The start date when terminal gear may not be within 25 feet of tribal gillnets was changed from September 15 to July 24.

7. Skykomish River (Snohomish County): Salmon retention language was rewritten for consistency and clarity.

8. Snohomish River (Snohomish County): The language for the anti-snagging rule was clarified by removing "however" and replacing it with "except."

9. Stillaguamish River (Snohomish County):

a. The language for the anti-snagging rule was clarified by removing "however" and replacing it with "except."

b. The salmon season from September 1 through December 31 was changed so that the end date is now November 30.

c. Salmon retention language for years ending in odd numbers was changed. The retention of 2 additional pink was removed.

WAC 220-310-195 Eastside.

1. Chelan River (Chelan County): The geographic description "From Alternate Highway 97 Bridge" was changed to "from the railroad bridge."

2. Entiat River (Chelan County):

a. The geographic description, "Railroad Bridge" was changed from a proper noun to a common noun, "railroad bridge."

b. A salmon season was added to the geographic area "From the mouth (railroad bridge) to the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery) as follows: Salmon open July 25 through September 30. (A) Minimum length 12 inches. (B) Limit 2 hatchery Chinook salmon. (C) Selective gear rules apply. (D) Night closure in effect.

c. The geographic area of the whitefish area was expanded to include "From mouth (railroad bridge) to Entiat Falls."

d. The salmon fishery listed for the, "Entiat River and all tributaries above Entiat Falls" was removed.

3. Okanogan River (Okanogan County): The following two-pole fishery language was added from Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott: "It is permissible to fish two poles from July 1 through October 15 so long as the angler possesses a two-pole endorsement."

4. Similkameen River (Okanogan County): Sockeye retention was increased from 4 to 6 fish.

5. Wenatchee Lake (Chelan County):

a. The salmon season end date was changed from August 30 to August 31.

b. The requirement that kokanee be released and the kokanee/sockeye length description language were removed.

WAC 220-310-200 Columbia.

1. For clarity and consistency, all geographic descriptors were put in bold font.

2. From the I-5 Bridge to Bonneville Dam, the rule, "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," was added.

3. From the Interstate 182 Bridge to the Old Hanford townsite wooden powerline towers, in Sec. 30, T13N, R28E: The requirement to "Release all steelhead with a radio tag wire protruding from the mouth, or with a disk or floy tag attached near the dorsal fin," was removed.

4. From Priest Rapids Dam to Rock Island Dam: The closed water descriptions were changed so that instead of saying, "Closed waters: 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," it now states, "Closed waters: (A) Wanapum Dam, between the upstream line of Wanapum Dam to the boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder. (B) Rock Island Dam, between the upstream line of Rock Island Dam to boundary markers 400 feet downstream of the fish ladders."

5. From Rock Island Dam to Wells Dam: The closed waters description was changed from, "At Rocky Reach Dam and Rock Island Dam ...," to "At Rocky Reach Dam ...".

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits.

1. Willapa Bay (Catch Record Card Area 2-1):

a. The closure end date changed from May 30 to May 29.

b. The first season changed from May 31 through July 31 to May 30 through July 15.

c. The second season changes are:

i. Start date changes from August 1 to July 16.

ii. The limit of adult salmon that may be retained changes from 3 to 4.

iii. The provision, "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," is removed.

2. Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line): The closure end date changes from August 15 to July 31.

3. Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):

a. The closure period changed from August 11 through April 30 to August 10 through May 29.

b. The season changed from May 31 through August 10 to May 30 through August 9.

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.

1. Catch Record Card Area 5:

a. During the first season, from July 1 through August 15:

i. Sockeye salmon are removed from the retention limit for odd years.

ii. The language, "In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit," is added.

b. The second season end date is changed from September 18 to September 11. The retention season during odd years for pink or sockeye salmon is changed to include the entire season and reflect the new season end date.

c. The third season start date is changed from September 15 to September 12. The language, "Release wild coho salmon September 15 through September 18, September 22 through September 25, and September 28 through September 30," is added.

2. Catch Record Card Area 6:

a. The first season odd number year sockeye season is removed. The language, "In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit," is added.

b. During the second season, the odd number year pink or sockeye salmon retention limit is changed to include the entire season.

c. The language, "In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit," is added.

d. The fourth season end date is changed from April 30 to April 10.

e. Fishing is closed April 11 through April 30.

f. The clarification, "For years ending in odd numbers," is added to the July 16 through August 15 season for the waters of Dungeness Bay that are open.

3. Catch Record Card Area 7:

a. During the first season, the retention of one wild Chinook is allowed.

b. For years ending in odd numbers, the retention of sockeye is removed.

c. The language, "In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit," is added.

d. The language, "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)," is added.

e. The retention season during odd years for pink or sockeye salmon is changed to include the entire season.

f. The language, "In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit," is added.

4. Catch Record Card Area 8-2: The opening dates of 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 changed:

a. From May 29 through June 12 to May 27 through June 10; and

b. From June 14 through July 31 to June 12 through July 31.

5. Catch Record Card Area 9:

a. During the second season the language, "Chinook must be released from August 16 through August 31," is added.

b. The following section is added: (iv) Closed south of a line from Foulweather Bluff to Olele Point through August

15, 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.

6. Catch Record Card Area 10:

a. The end date for the season beginning July 1 is changed to August 31 (originally July 15) and chum must be released.

b. The season July 16 through August 31 is removed.

c. A closure is added for the, "Waters of Shilshole Bay southeast of a line from Meadow Point to West Point," from July 1 through August 31.

7. Catch Record Card Area 12:

a. The end date for the season beginning July 1 is changed to October 15 (originally August 15).

b. Hatchery Chinook may not be retained.

c. The language, "July 1 through July 31: Bait prohibited, and only one single-point barbless hook measuring one-half inch or less from point to shank may be used," is added.

d. The season August 16 through October 15 is removed.

e. The free-flowing freshwater closure is expanded to include downstream of the mouth of the Dewatto, Dosewallips, Duckabush, and Hamma Hamma rivers and a season for the closure is added, from July 1 through October 15.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 12, Repealed 0.

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

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

Date Adopted: June 12, 2015.

J. W. Unsworth, Director
Fish and Wildlife Commission

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
Para-juvenile Lake	Adams
Headgate Pond	Asotin
Columbia Park Pond	Benton
Blackbird Island Pond	Chelan
((Lake Wenatchee	Chelan))

Water Body	County		Water Body	County	
Aldwell Lake	Clallam		Cowlitz Falls Reser- voir	Lewis	
Beaver Lake	Clallam		Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam.
Carrie Blake Pond	Clallam		Packwood Lake	Lewis	
Dickey Lake	Clallam		Scanewa Lake	Lewis	Cowlitz Falls Reservoir.
Lake Pleasant	Clallam		Walupt Lake	Lewis	
Lincoln Pond	Clallam		Willame Lake	Lewis	
Sutherland Lake	Clallam		Cady Lake	Mason	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Rail- road from Columbia River drawbridge near Vancouver downstream to Lewis River.	Cushman Reservoir	Mason	
			Prices Lake	Mason	
			Stump Lake	Mason	
Big Four Lake	Columbia		Silvernail 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	
			Wapato Lake	Pierce	
Merrill Lake	Cowlitz		Granite Lakes	Skagit	Near Marblemount.
Silver Lake	Cowlitz		Northern State Hospi- tal Pond	Skagit	
Pit Lake	Douglas		Pass Lake	Skagit	
Ping Pond	Grant		Vogler Lake	Skagit	
Mill Creek Pond	Grays Harbor		Drano Lake	Skamania	January 1 through April 30 and July 1 through September (+4) 30.
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano.	Swift Reservoir	Skamania	From dam to Eagle Cliff Bridge.
Vance Creek Pond #1	Grays Harbor		Ebey Lake	Snohomish	Little Lake.
Gibbs Lake	Jefferson		Fortson Mill Pond #2	Snohomish	
Horseshoe Lake	Jefferson		Jennings Park Pond	Snohomish	
Teal Lake	Jefferson		Monte Cristo Lake	Snohomish	
Lake Sammamish	King		North Gissburg Pond	Snohomish	
Lake Union	King		Spada Lake	Snohomish	
Lake Washington	King	Including that portion of Sam- mamish River from 68th Ave. NE bridge downstream.	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	
Kachess Lake	Kittitas		Lake Whatcom	Whatcom	
Keechelus Lake	Kittitas		Ross Lake	Whatcom	
Kiwanis Pond	Kittitas		Squalicum Lake	Whatcom	
Naneum Pond	Kittitas		Garfield Juvenile Pond	Whitman	
			Clear Lake	Yakima	
			Leech Lake	Yakima	White Pass area.
			Mud Lake	Yakima	

Water Body	County
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
<u>Chehalis</u>	<u>Grays Harbor</u>	<u>From Highway 101 Bridge in Aberdeen to South Elma Bridge (Wakefield Road): July 1 through November 30.</u>
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. 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.
Cowlitz	Lewis	Lexington Bridge Drive in Kelso upstream to the ((Highway 505 Bridge in Toledo)) <u>barrier dam.</u>
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.
<u>Willapa</u>	<u>Pacific</u>	<u>From the city of South Bend boat launch to the 2nd bridge on Camp One Road: August 1 through January 31.</u>
Wind	Skamania	Salmon and steelhead: Mouth (boundary line/markers) to ((Burlington-Northern Railroad)) <u>the Highway 14 Bridge: May 1 through June 30.</u>
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)) <u>1</u> through September ((24)) <u>30</u> .
Seattle/Bremerton Area	Sinclair Inlet: July 1 through September 30.
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 Speneer 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
- (~~((g))~~) (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~~) Railroad 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) 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) 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) 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.~~

~~(l))~~ (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) "Lead jig" means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method.

(8) "Lead weight" means material constructed of lead and applied to a fishing line or lure and designed to help keep the hook, bait, or lure underwater.

(9) "Unmarked salmon" means salmon without either a clipped ventral fin or a clipped adipose fin as evidenced by a healed scar.

(10) Kokanee/sockeye definition~~((s:~~

~~((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)(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) 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) 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.

(iii) 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; up to 3 may be hatchery adult Chinook or hatchery steelhead, and no more than 2 may be salmon.

(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))~~; only 2 adult hatchery Chinook may be retained.

(C) From ~~((October 1))~~ September 16 through December 31: Limit 6 Chinook or hatchery coho ~~((, of which no more than))~~; only 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))~~; only 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))~~; only 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.~~

~~((i+)) (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.~~

~~((i+)) (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.~~

~~((+)) (vii) Open year-round.~~

~~((+)) (viii) Trout:~~

~~(A) Open November 1 through March 15.~~

~~(B) Release all trout except anglers may retain up to 3 hatchery steelhead.~~

~~((+)) (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.~~

~~((+)) (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) (Suittle 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) (Suiattle 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 measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(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:

~~(B))~~ open for gamefish and salmon August 20 through December 31.

(vi) Salmon:

(A) In years ending in odd numbers:

(I) Open August 20 through December 31.

(II) Limit 6 salmon; no more than 3 may be any combination of adult coho and adult chum.

~~((H))~~ (III) Release Chinook.

(B) In years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 6 ((salmon; no more than)); only 3 adults may be retained.

~~((H))~~ (III) 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))~~ only 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))~~ only 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~~) only 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~~) only 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) **Illahee 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 ~~((44))~~ 3 through August ~~((43))~~ 5, August ~~((48))~~ 10 through August ~~((20))~~ 12, August ~~((25))~~ 17 through August ~~((27, September 3))~~ 19, August 24 through August 26, August 31 through September ~~((5))~~ 2, September 8 through September 10, September ~~((45))~~ 14 through September 16, September ~~((22))~~ 21 through September 23, and September ~~((29))~~ 28 through September ~~((30))~~ 29.

(ii) July 1 through January 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) Barbless hooks are required.

(iii) Open July 1 through January 31:

(A) From July 1 through November 30: Trout minimum length 14 inches.

(B) From December 1 through January 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

(iv) Salmon open July 1 through January 31.

(A) In years ending in even numbers, from July 1 through October 31:

(I) Limit 6; no more than 3 adults may be retained, and only 2 adults may be any combination of chum and coho.

(II) Release wild Chinook.

(B) In years ending in odd numbers, from July 1 through October 31:

(I) Limit 6; no more than ~~((4))~~ 3 adults may be retained ~~((of which only))~~ plus one pink salmon; no more than 2 adults may be any combination of ~~((Chinook))~~ chum ~~((s))~~ and coho.

(II) Release wild Chinook.

(C) From November 1 through January 31:

(I) Limit 6; ~~((no more than))~~ only 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 ~~((+6))~~ 10 through December 31.(ii) Closed August ~~((3+))~~ 30 through ~~((September +))~~ August 31, September ~~((7))~~ 6 through September ~~((9))~~ 8, September ~~((+4))~~ 13 through September ~~((+6))~~ 15, September ~~((2+))~~ 20 through September ~~((24))~~ 23, September ~~((28))~~ 27 through ~~((October +))~~ September 30, October ~~((5))~~ 4 through October ~~((8))~~ 7, and October ~~((+2))~~ 11 through October ~~((+5))~~ 14.

(iii) Closed within 400 feet of the mouth of Clarks Creek.

~~(iv) August ((+6)) 10 through November 30:~~~~(A) Anti-snagging rule applies.~~~~(B) Night closure in effect.~~~~(C) Barbless hooks are required.~~~~((+v)) (v) Trout: Minimum length 14 inches.~~~~((+vi)) (vi) 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 ~~((+4))~~ 1 through December 31.(ii) Closed August ~~((3+ through September +))~~ 9. August 30 through August 31, September ~~((7))~~ 6 through September ~~((9))~~ 8, September ~~((+4))~~ 13 through September ~~((+6))~~ 15, September ~~((2+))~~ 20 through September ~~((24))~~ 23, and September ~~((28))~~ 27 through September 30.(iii) August ~~((+4))~~ 1 through November 30:~~(A) Anti-snagging rule applies.~~~~(B) Night closure in effect.~~~~(C) Barbless hooks are required.~~~~(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.

(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 ((Chilliwack)) Chilliwack 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, including trout, March 1 through May 31.

(ii) March 1 through ~~((August))~~ July 31:

(A) Selective gear rules apply, except anglers fishing for sturgeon must use bait.

(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))~~ only 2 wild coho ((as part of the limit)) may be retained.

(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, except anglers fishing for sturgeon must use bait.

(B) Night closure in effect.

(C) June 1 through June ~~((13 and June 30))~~ 15 and July 16 through ((August)) July 31:

(I) Selective gear rules apply, except for sturgeon.

~~((D) June 1 through June 13 and June 30 through August 31:))~~ (II) 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 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))~~ only 2 wild coho ((as part of the limit)) may be retained.

(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 August 16 through November 30.

(C) From June 1 through August ~~((34))~~ 15:

(I) Selective gear rules apply.

~~((D) From June 1 through August 31:))~~ (II) 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))~~ only 2 wild coho ((as part of the limit)) may be retained.

~~((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:

(I) Selective gear rules apply.

~~((D) June 1 through August 31:))~~ (II) 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))~~ only 2 wild coho ((as part of the limit)) may be retained.

(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) June 1 through July 15 and September 1 through November 30: Anti-snagging rule applies.

(B) Night closure in effect.

(C) July 16 through August 31:

(I) Selective gear rules apply.

~~((D) July 16 through August 31:))~~ (II) 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))~~ only 2 wild coho ((as part of the limit)) may be retained.

(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 city of Tacoma PUD overhead distribution lines: Closed.

(b) From the ~~((mouth))~~ city of Tacoma PUD overhead distribution lines 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) 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 July 31: Bait or lure must be suspended below a float.

(v) 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))~~ provided they are legal to retain.

(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:

(I) Limit 6; no more than 4 adults may be retained.

(II) Release Chinook; release chum through October 15.

~~((C))~~ (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.

(ii) July 24 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: 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.

(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.

(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) 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; except 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; except 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))~~
November 30.

(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))~~
November 30.

(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) **Tokol 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.

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):

(a) Selective gear rules apply.

(b) 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):

(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.

(33) Blue Lake (Grant County): Open the fourth Saturday in April through September 30.

(34) Blue Lake (near Sinlahekin) (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(e) Trout: Limit one.

(35) Blue Lake (near Wannacut Lake) (Okanogan County):

(a) Open the Fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(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:

(a) Open the Saturday before Memorial Day through October 31.

(b) Bass: No limit and no size restrictions.

(c) Channel catfish: No limit.

(d) Walleye: No limit and no size restrictions.

(38) Bonaparte Lake (Okanogan County):

(a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(b) Trout: It is unlawful to retain more than one trout over twenty inches in length.

(39) Boulder Creek and tributaries (Okanogan County):

(a) From the mouth to the barrier falls at river mile 1.0:

(i) Open the Saturday before Memorial Day through August 15:

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) From barrier falls at river mile 1.0 upstream, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31:

(ii) Eastern brook trout: Limit 10; eastern brook trout do not count toward the trout limit.

(c) Cutthroat: Limit 2.

(40) Bowman Creek (Klickitat County): From Canyon Creek upstream to source: Trout limit 5.

(41) 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.

(42) Browns Creek (Pend Oreille County):

(a) Open the Saturday before Memorial Day until October 31.

(b) Fly fishing only.

(43) Browns Lake (Pend Oreille County):

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Trout: It is unlawful to retain more than one trout greater than 11 inches in length.

(44) Buck Creek and tributaries (Chelan County):

(a) Open the Saturday before Memorial Day through October 31 from the mouth of Buck Creek upstream.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(45) Bumping Lake (Reservoir) (Yakima County):

(a) It is permissible to fish 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 towards the trout limit.

(46) Bumping River (Yakima County):

(a) It is permissible to fish up to the base of Bumping Dam.

(b) From the mouth to Bumping Reservoir, including all tributaries except American River:

(i) Selective gear rules apply.

(ii) Trout minimum size ten inches.

(c) From Bumping Lake upstream, including all tributaries except Deep Creek: Open the Saturday before Memorial Day through October 31.

(47) Burbank Slough (Walla Walla County): It is unlawful to fish from any floating device in the area east and north of Highway 12, except for the channel east of Highway 12 up to the fish screen at the Number 3 Pumping Station.

(48) Burke Lake (Grant County): Open March 1 through July 31.

(49) Buttermilk Creek (Okanogan County), including all tributaries:

(a) Open the Saturday before Memorial Day through August 15.

(b) Catch and release only.

(c) Selective gear rules apply.

(50) Buzzard Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) Trout: Limit one.

(51) Caldwell Lake (Pend Oreille County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit two; minimum length twelve inches.

(52) Caliche Lakes, 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 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 steel-head.

(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 Hvas 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 Hvas 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:~~

~~(i) Open December 1 through March 31 for whitefish only.~~

~~(ii))~~ the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery): Salmon open July 25 through September 30.

(i) Minimum length 12 inches.

(ii) Limit 2 hatchery Chinook salmon.

(iii) Selective gear rules apply.

(iv) Night closure in effect.

(b) From mouth (railroad bridge) to Entiat Falls: Whitefish open December 1 through March 31; Whitefish gear rules apply.

~~((b))~~ (c) 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))~~ (d) Entiat River and all tributaries above Entiat Falls:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) 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.

~~((+))~~ (B) Daily limit 3 trout of which no more than 2 may be other than hatchery steelhead.

~~((+))~~ (C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((+))~~ (ii) Whitefish open December 1 through March 31: Whitefish gear rules apply.

~~((+))~~ (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) It is permissible to fish two poles from July 1 through October 15 so long as the angler possesses a two-pole endorsement.

(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 mainstem.

(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) **Scooteney 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)) 6 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 31.

(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:

((+)) 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)) 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.

((e)) (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 Sunny-side 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.

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 ((+)) 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 ~~((Buoy [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.

(III) Open for salmon when the adjacent mainstem Columbia or Washougal rivers are open for salmon.

(IV) 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 Esquatel 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))~~ (vi) Bass: No limit and no size restrictions.

~~((viii))~~ (vii) Channel catfish: No limit.

~~((ix))~~ (viii) Walleye: No limit and no size restrictions.

~~((x))~~ (ix) 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. ~~((h))~~ 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))~~:

(A) Wanapum Dam, between the upstream line of Wanapum Dam to the boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder.

(B) Rock Island Dam, between the upstream line of Rock Island Dam to boundary markers 400 feet downstream of the fish ladders.

(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.

~~((n))~~ (o) **Above Chief Joseph Dam:** See Rufus Woods Lake in WAC 220-310-195.

~~((e))~~ (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))~~ 29: Closed.

(b) May ~~((31))~~ 30 through July ~~((31))~~ 15: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) ~~((August 1))~~ July 16 through January 31:

(i) Daily limit of 6 salmon; no more than ~~((3))~~ 4 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))~~ July 31: 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.~~

~~((d))~~ September 16 through November 30:

(i) Daily limit of 3 salmon.

(ii) Release Chinook.

(iii) 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.

~~((e))~~ (d) December 1 through April 30: Closed.

~~((f))~~ (e) Notwithstanding the provisions of this subsection, the Westport Boat Basin and Ocean Shores Boat Basin 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 10 through May 29: Closed.

(b) May ~~((31))~~ 30 through August ~~((10))~~ 9: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

~~((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 ((42)) 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 ((46)) 15 through May ((47)) 16, May ((23)) 22 through May ((24)) 23, and May ((34)) 30 through June ((43)) 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 ((44)) 13 through September ((24)) 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, 2 additional pink salmon may be retained as part of the daily limit.

(iv) In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit.

(c) August 16 through September ((48)) 11:

(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 September 11 may be retained as part of the daily limit.

(d) September ((49)) 12 through September ((25)) 30:

(i) Daily limit of 2 salmon.

(ii) Release chum and Chinook.

(iii) Release wild coho salmon September 15 through September 18, September 22 through September 25, and September 28 through September 30.

~~(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 ((40)) 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, 2 additional pink salmon may be retained as part of the daily limit.

(v) In years ending in even numbers, 2 additional 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 may be retained as part of the daily limit.

(iv) In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit.

(d) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through October 31.

(e) October 1 through October 31:

(i) Daily limit of 2 salmon(~~(, 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:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(h) April 11 through April 30: Closed.

(i) 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) For years ending in odd numbers, 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 Chinook salmon.

(ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iii) In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit.

(iv) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(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 may be retained as part of the daily limit.

(iv) In years ending in even numbers, any combination of 2 additional sockeye salmon may be retained as part of the daily limit.

(v) 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.

(ii) 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)) 27 through June ((42)) 10 and June ((44)) 12 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 ((4)) 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 ((24)) 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 through August 15, 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))~~ August 31:
 - (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.
 - (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))~~ (e) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed July 1 through August 31.
- ~~((g))~~ (f) 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.
- ~~((h))~~ (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.
- ~~((i))~~ (h) October 1 through January 31:
 - (i) Daily limit of 2 salmon.
 - (ii) Release wild Chinook.
- ~~((j))~~ (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.
- ~~((k))~~ (j) February 1 through April 30: Closed.
- ~~((l))~~ (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.
- ~~((m))~~ (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)~~ October 15, in waters north of Ayock Point: ~~((Closed.~~
- ~~(d) August 16 through October 15:~~
~~(i) Waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula, and south of a line true east from Broad Spit: Daily limit 4 coho salmon. Release all salmon except coho.~~
- ~~((ii))~~ (i) Daily limit of 4 salmon.
- (ii) Release chum and Chinook.
- (iii) July 1 through July 31: Bait prohibited, and only one single-point barbless hook measuring one-half inch or less from point to shank may be used.
- (iv) Waters north of a line true east from Broad Spit: Closed September 16 through October 15.
- ~~((iii))~~ All other waters north of Ayock Point:
- ~~(A) August 16 through August 31: Closed.~~
- ~~(B) September 1 through October 15: Daily limit of 4 coho salmon. Release all salmon except coho.~~
- ~~(e))~~ (d) October 16 through December 31:

- (i) Waters north of a line true east from Broad Spit - Closed.
- (ii) All other waters except Hoodspout Hatchery Zone:
 (A) Daily limit of 4 salmon; no more than 2 may be Chinook salmon.
 (B) Release wild Chinook.
- ~~((f))~~ (e) January 1 through January 31: Closed.
- ~~((g))~~ (f) February 1 through April 30:
 (i) Daily limit of 2 salmon.
 (ii) Release wild Chinook.
- ~~((h))~~ (g) July 1 through December 31, the Hoodspout Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.
- (h) July 1 through October 15: Free-flowing freshwater is closed downstream of the mouth of the Dewatto, Dosewal-lips, Duckabush, Hamma Hamma, and Skokomish rivers.
- (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.
- (ii) ~~((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 15-13-084
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)

[Filed June 15, 2015, 8:32 a.m., effective July 16, 2015]

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

Purpose: The amendments adopted in WAC 460-44A-502 (4)(d) remove a reference to a now outdated North American Securities Administrators Association guideline regarding cover legends, and include the suggested text of the guideline directly in the text of the rule.

Citation of Existing Rules Affected by this Order: Amending WAC 460-44A-502.

Statutory Authority for Adoption: RCW 21.20.450, 21.20.320 (9) and (17).

Adopted under notice filed as WSR 15-08-077 on March 31, 2015.

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

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

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

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

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

Date Adopted: June 15, 2015.

Scott Jarvis
Director

AMENDATORY SECTION (Amending WSR 14-11-005, filed 5/7/14, effective 6/7/14)

WAC 460-44A-502 General conditions to be met. The following conditions shall be applicable to offers and sales made under WAC 460-44A-504 or 460-44A-505:

(1) "Integration." All sales that are part of the same offering under these rules must meet all of the terms and conditions of these rules. Offers and sales that are made more than six months before the start of an offering or are made more

than six months after completion of an offering, will not be considered part of that offering, so long as during those six month periods there are no offers or sales of securities by or for the issuer that are of the same or a similar class as those offered or sold under these rules, other than those offers or sales of securities under an employee benefit plan.

Note: The term "offering" is not defined in the securities acts. If the issuer offers or sells securities for which the safe harbor rule in WAC 460-44A-502(1) is unavailable, the determination as to whether separate sales of securities are part of the same offering (i.e., are considered "integrated") depends on the particular facts and circumstances. Generally, transactions otherwise meeting the requirements of an exemption will not be integrated with simultaneous offerings being made outside the United States in compliance with Securities and Exchange Commission Regulation S.

The following factors should be considered in determining whether offers and sales should be integrated for purposes of the exemptions under these rules:

- (a) Whether the sales are part of a single plan of financing;
- (b) Whether the sales involve issuance of the same class of securities;
- (c) Whether the sales have been made at or about the same time;
- (d) Whether the same type of consideration is received; and
- (e) Whether the sales are made for the same general purpose.

See Securities and Exchange Commission Release No. 33-4552 (November 6, 1962).

(2) Information requirements.

(a) When information must be furnished.

If the issuer sells securities under WAC 460-44A-505 to any purchaser that is not an accredited investor, the issuer shall furnish the information specified in WAC 460-44A-502 (2)(b) to such purchaser a reasonable time prior to sale. The issuer is not required to furnish the specified information to purchasers when it sells securities under WAC 460-44A-504, or to any accredited investor.

Note: When an issuer provides information to investors pursuant to WAC 460-44A-502 (2)(a), it should consider providing such information to accredited investors as well, in view of the anti-fraud provisions of the federal and state securities laws.

(b) Type of information to be furnished.

(i) If the issuer is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, at a reasonable time prior to the sale of securities the issuer shall furnish to the purchaser the following information, to the extent material to an understanding of the issuer, its business, and the securities being offered:

(A) Nonfinancial statement information. If the issuer is eligible to use Regulation A, the same kind of information as would be required in Part II of Form 1-A, 17 C.F.R. Sec. 239.90. If the issuer is not eligible to use Regulation A, the same kind of information as required in Part I of a registration statement filed under the Securities Act on the form that the issuer would be entitled to use.

(B) Financial statement information.

(I) Offerings up to \$2,000,000. The information required in Article 8 of Regulation S-X, 17 C.F.R. Sec. 210.8, except that only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited.

(II) Offerings up to \$7,500,000. The financial statement information required in Form S-1, 17 C.F.R. Sec. 239.10. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

(C) If the issuer is a foreign private issuer eligible to use Form 20-F, the issuer shall disclose the same kind of information required to be included in a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use. The financial statements need be certified only to the extent required by (2)(b)(i)(B)(I) or (II) of this subsection, as appropriate.

(ii) If the issuer is subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, at a reasonable time prior to the sale of securities the issuer shall furnish to the purchaser the information required by Securities and Exchange Commission Regulation D, Rule 502 (b)(2)(ii) as appropriate.

(iii) Exhibits required to be filed with the administrator of securities or the securities and exchange commission as part of a registration statement or report, other than an annual report to shareholders or parts of that report incorporated by reference in a Form 10-K and Form 10-KSB report, need not be furnished to each purchaser that is not an accredited investor if the contents of material exhibits are identified and such exhibits are made available to a purchaser, upon his written request, a reasonable time prior to his purchase.

(iv) At a reasonable time prior to the sale of securities to any purchaser that is not an accredited investor in a transaction under WAC 460-44A-505, the issuer shall furnish to the purchaser a brief description in writing of any material written information concerning the offering that has been provided by the issuer to any accredited investor but not previously delivered to such unaccredited purchaser. The issuer shall furnish any portion or all of this information to the purchaser, upon his written request a reasonable time prior to his purchase.

(v) The issuer shall also make available to each purchaser at a reasonable time prior to his purchase of securities in a transaction under WAC 460-44A-505 the opportunity to ask questions and receive answers concerning the terms and conditions of the offering and to obtain any additional information which the issuer possesses or can acquire without unreasonable effort or expense that is necessary to verify the accuracy of information furnished under WAC 460-44A-502 (2)(b)(i) or (ii).

(vi) For business combinations or exchange offers, in addition to information required by Form S-4, 17 C.F.R. Sec. 239.25, the issuer shall provide to each purchaser at the time the plan is submitted to security holders, or, with an exchange, during the course of the transaction and prior to sale, written information about any terms or arrangements of the proposed transactions that are materially different from those for all other security holders. For purposes of this subsection, an issuer which is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 may satisfy the requirements of Part I.B. or C. of Form S-4 by compliance with (b)(i) of this subsection.

(vii) At a reasonable time prior to the sale of securities to any purchaser that is not an accredited investor in a transaction under WAC 460-44A-505, the issuer shall advise the purchaser of the limitations on resale in the manner contained in subsection (4)(b) of this section. Such disclosure may be contained in other materials required to be provided by this paragraph.

(3) Limitation on manner of offering. Neither the issuer nor any person acting on its behalf shall offer or sell the securities by any form of general solicitation or general advertising, including, but not limited to, the following:

(a) Any advertisement, article, notice or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio; and

(b) Any seminar or meeting whose attendees have been invited by any general solicitation or general advertising:

Provided, however, that publication by an issuer of a notice in accordance with 17 C.F.R. Sec. 230.135c or filing with the Securities and Exchange Commission by an issuer of a notice of sales on Form D (17 C.F.R. 239.500) in which the issuer has made a good faith and reasonable attempt to comply with the requirements of such form, shall not be deemed to constitute general solicitation or general advertising for purposes of this section: Provided further, that, if the requirements of 17 C.F.R. Sec. 230.135e are satisfied, providing any journalist with access to press conferences held outside of the United States, to meetings with issuer or selling security holder representatives conducted outside of the United States, or to written press-related materials released outside the United States, at or in which a present or proposed offering of securities is discussed, will not be deemed to constitute general solicitation or general advertising for purposes of this section.

(4) Limitations on resale. Securities acquired in a transaction under WAC 460-44A-501 through 460-44A-505 shall have the status of restricted securities acquired in a nonpublic offering transaction under section 4 (a)(2) of the Securities Act of 1933 and RCW 21.20.320(1) and cannot be resold without registration under the Securities Act of Washington or an exemption therefrom. The issuer shall exercise reasonable care to assure that the securities are restricted and that the purchasers of the securities are not underwriters within the meaning of section 2 (a)(11) of the Securities Act of 1933, which reasonable care may be demonstrated by the following:

(a) Reasonable inquiry to determine if the purchaser is acquiring the securities for himself or for other persons;

(b) Written disclosure to each purchaser prior to sale that the securities have not been registered under the Securities Act of 1933, and the Washington administrator of securities has not reviewed or recommended the offering or offering circular and the securities have not been registered under the Securities Act of Washington, chapter 21.20 RCW, and, therefore, cannot be resold unless they are registered under the Securities Act of 1933 and the Securities Act of Washington chapter 21.20 RCW or unless an exemption from registration is available; and

(c) Placement of a legend on the certificate or other document that evidences the securities stating that the securities have not been registered under the Securities Act of 1933 and the Securities Act of Washington chapter 21.20 RCW and setting forth or referring to the restrictions on transferability and sale of the securities.

(d) A written disclosure or legend will be deemed to comply with the provisions of WAC 460-44A-502 (4)(b) or (c) if it (~~complies with the North American Securities Administrators Association Uniform Disclosure Guidelines on Legends, NASAA Reports CCH Para. 1352 (1989))~~ states:

(i) These securities have not been registered under the Securities Act of 1933 or applicable state securities laws;

(ii) These securities have not been approved or disapproved by the Securities and Exchange Commission or any state securities commission nor has the Securities and Exchange Commission or any state securities commission passed upon the accuracy or adequacy of the prospectus or any alternative document. Any representation to the contrary is a criminal offense;

(iii) These securities are subject to restrictions on transferability and resale and may not be transferred or resold except as permitted under the Securities Act of 1933, as amended, and the applicable state securities laws, pursuant to registration or exemption therefrom;

(iv) Investors should be aware that they will be required to bear the financial risks of this investment for an indefinite period of time.

While taking these actions will establish the requisite reasonable care, it is not the exclusive method to demonstrate such care. Other actions by the issuer may satisfy this provision. In addition, WAC 460-44A-502 (2)(b)(vii) requires the delivery of written disclosure of the limitations on resale to investors in certain instances.

WSR 15-13-086

PERMANENT RULES

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed June 15, 2015, 11:18 a.m., effective July 16, 2015]

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

Purpose: The pharmacy quality assurance commission (commission) amended WAC 246-887-020 and repealed WAC 246-887-030 to clarify the electronic prescription and dispensing requirements for Schedule II through Schedule V controlled substances. These changes make the rules consis-

tent with state and federal law. The commission is also changing references to the "board of pharmacy" to the "pharmacy quality assurance commission."

Citation of Existing Rules Affected by this Order: Repealing WAC 246-887-030; and amending WAC 246-887-020.

Statutory Authority for Adoption: RCW 18.64.005.

Other Authority: SSB 5416 (chapter 276, Laws of 2013) and HB 1609 (chapter 19, Laws of 2013).

Adopted under notice filed as WSR 14-24-076 on November 26, 2014.

Changes Other than Editing from Proposed to Adopted Version: The commission withdrew the amendments it initially proposed to WAC 246-870-020, 246-870-030, 246-870-050, 246-870-060, 246-870-070, 246-870-080, and 246-870-090 in WSR 14-24-076. The commission is considering alternative options to amending chapter 246-870 WAC. The only change made to the language in WAC 246-887-020 is the addition of (commission) after the first reference to the pharmacy quality assurance commission.

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

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

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

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

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

Date Adopted: January 29, 2015.

A. J. Linggi, R.PH, MBA, Chair
Pharmacy Quality Assurance Commission

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-887-020 Uniform Controlled Substances Act. (1) Consistent with the concept of uniformity where possible with the federal regulations for controlled substances (21 C.F.R.), the federal regulations are specifically made applicable to registrants in this state by virtue of RCW 69.50.306. Although those regulations are automatically applicable to registrants in this state, the (~~board~~) pharmacy quality assurance commission (commission) is nevertheless adopting as its own regulations the existing regulations of the federal government published in the Code of Federal Regulations revised as of April 1, 1991, and all references made therein to the director or the secretary shall have reference to the (~~board of pharmacy~~) commission, and the following sections are not applicable: Section 1301.11-.13, section 1301.31, section 1301.43-.57, section 1303, section 1308.41-.48, and section 1316.31-.67. The following specific rules shall take precedence over the federal rules adopted herein by

reference, and therefore any inconsistencies shall be resolved in favor of the following specific rules.

(2) A separate registration is required for each place of business (as defined in section 1301.23) where controlled substances are manufactured, distributed or dispensed. Application for registration must be made on forms supplied by the ~~((pharmacy board))~~ commission, and all information called for thereon must be supplied unless the information is not applicable, in which case it must be indicated. An applicant for registration must hold the appropriate wholesaler, manufacturer or pharmacy license provided for in chapter 18.64 RCW.

(3) Every registrant shall be required to keep inventory records required by section 1304.04 (of the federal rules which have been adopted by reference by Rule 1) and must maintain said inventory records for a period of two years from the date of inventory. Such registrants are further required to keep a record of receipt and distribution of controlled substances. Such record shall include:

(a) Invoices, orders, receipts, etc. showing the date, supplier and quantity of drug received, and the name of the drug;

(b) Distribution records; i.e., invoices, etc. from wholesalers and manufacturers and prescriptions records for dispensers;

(c) In the event of a loss by theft or destruction, two copies of DEA 106 (report of theft or loss of controlled substances) must be transmitted to the federal authorities and a copy must be sent to the ~~((board))~~ commission;

(d) For transfers of controlled substances from one dispenser to another, a record of the transfer must be made at the time of transfer indicating the drug, quantity, date of transfer, who it was transferred to and from whom. Said record must be retained by both the transferee and the transferor. These transfers can only be made in emergencies pursuant to section 1307.11 (federal rules).

(4) The records must be maintained separately for Schedule II drugs. The records for Schedule III, IV and V drugs may be maintained either separately or in a form that is readily retrievable from the business records of the registrant. Prescription records will be deemed readily retrievable if the prescription has been stamped in red ink in the lower right hand corner with the letter "C" no less than one inch high, and said prescriptions are filed in a consecutively numbered prescription file which includes prescription and noncontrolled substances.

(5) A federal order form is required for each distribution of a Schedule I or II controlled substance, and said forms along with other records required to be kept must be made readily available to authorized employees of the ~~((board))~~ commission.

(6) Schedule II drugs require that a dispenser have a signed prescription in his possession prior to dispensing said drugs. An exception is permitted in an "emergency." An emergency exists when the immediate administration of the drug is necessary for proper treatment and no alternative treatment is available, and further, it is not possible for the physician to provide a written prescription for the drug at that time. If a Schedule II drug is dispensed in an emergency, the practitioner must deliver a signed prescription to the dis-

penser within 72 hours, and further he must note on the prescription that it was filled on an emergency basis.

(7) A prescription for a substance included in Schedule II may not be refilled.

(8) A prescription for a substance included in Schedule II may not be filled more than six months after the date the prescription was issued.

(9) Except when dispensed directly by a practitioner authorized to prescribe or administer a controlled substance, other than a pharmacy, to an ultimate user, a substance included in Schedule III, IV, or V, which is a prescription drug as determined under RCW 69.04.560, may not be dispensed without a written, oral, or electronically communicated prescription of a practitioner. Any oral prescription must be promptly reduced to writing. The prescription for a substance included in Schedule III, IV, or V may not be filled or refilled more than six months after the date issued by the practitioner or be refilled more than five times, unless the practitioner issues a new prescription.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-887-030 Dispensing Schedule V controlled substances.

WSR 15-13-090

PERMANENT RULES

HIGHLINE COLLEGE

[Filed June 15, 2015, 3:10 p.m., effective July 16, 2015]

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

Purpose: Highline College is repealing the student conduct code and discipline procedures that are currently codified under chapter 132I-120 WAC, Student rights and responsibilities, and adopting a new student conduct code and discipline procedures that will be codified in chapter 132I-125 WAC, Student conduct code.

Reasons Supporting Proposal: The new student conduct code and discipline procedures will, among other things, meet requirements imposed by Title IX of the Civil Rights Act of 1964 and the Campus Sexual Violence Elimination Act, and Washington's law against discrimination. The proposed changes will also add new provisions to the student conduct code that are currently not adequately addressed in the current code. These new provisions include prohibitions against cyberbullying and the use of marijuana on campus, and restrictions on the use of electronic cigarettes. Changes to the discipline procedures will streamline discipline proceedings and provide victims of sexual assault additional procedural protections and guarantees.

Citation of Existing Rules Affected by this Order: Repealing chapter 132I-120 WAC.

Statutory Authority for Adoption: RCW 28B.50.140 (13).

Adopted under notice filed as WSR 15-09-013 on April 6, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 5, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 20, Amended 0, Repealed 32.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 20, Amended 0, Repealed 32.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 20, Amended 0, Repealed 32.

Date Adopted: June 11, 2015.

Toni Castro
Vice-President for
Student Services

Chapter 132I-125 WAC

STUDENT CONDUCT CODE

NEW SECTION

WAC 132I-125-010 Statement of jurisdiction. The student conduct code applies to student conduct that occurs on college premises, to conduct that occurs at or in connection with college sponsored activities, or to off-campus conduct that in the judgment of the college adversely affects the college community or the pursuit of its objectives. Jurisdiction extends to, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, online education, practicums, supervised work experiences or any other college-sanctioned social or club activities. Students are responsible for their conduct from the date of admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The college has sole discretion on a case-by-case basis to determine whether the student conduct code will be applied to conduct that occurs off-campus.

NEW SECTION

WAC 132I-125-020 General policies. (1) Highline College is an agency of the state of Washington and adheres to all local, state, and federal laws. The college is obligated to demonstrate respect for the laws by cooperating in their enforcement.

(2) Highline College cannot and will not establish regulations which would abridge constitutional rights.

(3) Proper procedures are established to maintain conditions conducive to the effective performance of the function of the college, to protect students from unfair imposition of penalties and to assure due process. Highline College is granted the right by law to adopt rules deemed necessary to govern its operations.

(4) If these rules are broken, the college has the right and the obligation to take action that is in the best interest of the college and that is commensurate with the constitutional rights of the individual.

(5) Highline College reserves the right to impose the provisions of this chapter and provide further sanctions before or after law enforcement agencies, courts or other agencies have imposed penalties or otherwise disposed of a case. College proceedings are not subject to challenge on the ground that criminal or civil charges involving the same incident have been dismissed or reduced or in which the defendant has been found not guilty or not liable. In addition, the college reserves the right to refer incidents to the appropriate civilian authorities or law enforcement agencies.

(6) The associated students of Highline College have the right to participate in the formulation and review of all policies pertaining to student rights and responsibilities and its enforcement as described in the student code of conduct.

(7) Rules of conduct and procedures of enforcement shall be made available to all students via the internet.

NEW SECTION

WAC 132I-125-030 Authority and responsibility for discipline. (1) The board of trustees, acting pursuant to RCW 28B.50.140(14), delegates to the president of the college the authority to administer disciplinary action.

(2) Administration of the disciplinary procedures is the responsibility of the vice-president for student services or designee. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.

(a) The administrator or delegate in charge of any college office, department or facility is responsible for student conduct that takes place in that area, but outside a classroom setting. The administrator or delegate may remove a student from the area within their control if they reasonably believe that the student conduct substantially and materially disrupts college operations and such removal is necessary to protect the learning environment and/or to ensure the safety and well-being of members of the college community and/or to protect property or facilities belonging to the college or members of the college community. Staff directing the removal of a student must report the student's conduct to their administrator in charge at the earliest opportunity. The administrator in charge must report the incident in writing to the student conduct officer at the earliest opportunity.

(b) The instructor or advisor is responsible for student conduct in the classroom or at any college-related activity or event. The instructor or advisor is authorized to remove the student from a single class or college-sponsored event in which the student's conduct materially and substantially disrupts the educational environment. When such behavior results in removal, the instructor or advisor must report the

student's conduct in writing to the student conduct officer at the earliest opportunity.

(c) In all cases involving disruption, the student conduct officer or designee will proceed with the investigation and/or disciplinary proceedings at the earliest opportunity consistent with the procedural requirements established in this chapter.

NEW SECTION

WAC 1321-125-050 Definitions. The following definitions shall apply for the purpose of this student conduct code:

(1) "Business day" means a weekday, excluding weekends and college holidays.

(2) "College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment and other property owned, used or controlled by the college.

(3) "Conduct review officer" is the vice-president for student services or designee who is responsible for receiving and for reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code. The president is authorized to reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(4) "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(5) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ten instructional days or from a dismissal are heard by the student conduct committee. Appeals of all other appealable disciplinary action are reviewed through brief adjudicative proceedings, unless the case is referred to the committee by the student conduct officer or the conduct review officer.

(6) "Filing" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) Sending the document by e-mail and either intercampus mail or first class mail to the specified college official's office and college e-mail address.

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official.

(7) "Respondent" is the student against whom disciplinary action is initiated.

(8) "Service" is the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) Sending the document by e-mail and by certified mail or first class mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is e-mailed and deposited in the mail.

(9) "Student" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been admitted for admission are considered "students."

(10) "Student conduct officer" is a college administrator designated by the vice-president for student services to be responsible for implementing and enforcing the student conduct code. The vice-president for student services is authorized to reassign any and all of the student conduct officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(11) "The president" is the president of the college. The president is authorized to delegate any of his or her responsibilities as set forth in this chapter as may be reasonably necessary.

NEW SECTION

WAC 1321-125-100 Prohibited student conduct. The college may impose sanctions against a student who commits, attempts to commit, aids, abets, incites, encourages or assists another person to commit any act(s) of misconduct which include, but are not limited to, the following:

(1) Academic dishonesty. Any act of academic dishonesty including, but not limited to, cheating, plagiarism, fabrication, collusion or academic misconduct.

(a) Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

(d) Collusion includes assisting another to commit an act of academic dishonesty, such as paying or bribing someone to acquire a test or assignment, or to increase the score on a test or assignment; taking a test or doing an assignment for someone else; allowing someone to do these things for one's own benefit.

(e) Academic misconduct includes intentionally violating college policies, such as altering grades, misrepresenting one's identity, failing to report known incidents of academic dishonesty or participating in obtaining or distributing any part of a test or any information about a test.

(2) Other dishonesty. Any other acts of dishonesty. Such acts include, but are not limited to:

(a) Forgery, alteration, submission of falsified documents or misuse of any college document, record or instrument of identification;

(b) Tampering with an election conducted by or for college students; or

(c) Furnishing false information, or failing to furnish correct information in response to the request or requirement of a college officer or employee.

(3) Obstruction or disruption. Obstruction or disruption of:

(a) Any instruction, research, administration, disciplinary proceeding or other college activity, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or

(b) Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

(4) Assault, intimidation, harassment. Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, stalking or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this subsection:

(a) Bullying is severe or pervasive physical or verbal abuse involving a power imbalance between the aggressor and victim.

(b) Stalking is intentional and repeated following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated or harassed, even if the perpetrator lacks such an intent.

(5) Cyber misconduct. Cyberstalking, cyberbullying or online harassment. Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's e-mail communications directly or through spyware, posting or sending threatening messages, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's electronic identity, nonconsensual recording of sexual activity and nonconsensual distribution of a recording of sexual activity.

(6) Property violation. Damage to, or theft or misuse of real or personal property or money of:

(a) The college or state;

(b) Any student or college officer, employee or organization;

(c) Any other member of the college community or organization; or

(d) Possession of such property or money after it has been stolen.

(7) Failure to comply with directive. Failure to comply with the direction of a college officer or employee who is acting in the legitimate performance of his or her duties, including failure to properly identify oneself to such a person when requested to do so.

(8) Weapons. Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife

or other cutting or stabbing instrument, club, explosive device or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

(a) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties;

(b) A student with a valid concealed weapons permit may store a pistol in his or her vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view; or

(c) The president may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.

(d) This policy does not apply to the possession and/or use of disabling chemical sprays when used for self-defense.

(9) Hazing. Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm to any student.

(10) Alcohol, drug, and tobacco violations.

(a) Alcohol. The use, possession, delivery, sale or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(b) Marijuana. The use, possession, delivery, sale or being observably under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(c) Drugs. The use, possession, delivery, sale or being observably under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

(d) Tobacco, electronic cigarettes, and related products. The use of tobacco, electronic cigarettes, and related products in any building owned, leased or operated by the college or in any location where such use is prohibited, including twenty-five feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. The use of tobacco, electronic cigarettes, and related products on the college campus is restricted to designated smoking areas. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, and snuff.

(11) Lewd conduct. Conduct which is lewd or obscene.

(12) Discriminatory conduct. Discriminatory conduct which harms or adversely affects any member of the college community because of her/his race; color; national origin; sensory, intellectual or physical disability; use of a service animal; gender including pregnancy; marital status; age; religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(13) Sexual misconduct. The term "sexual misconduct" includes sexual harassment, sexual intimidation and sexual violence.

(a) Sexual harassment. The term "sexual harassment" means unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, and that does deny or limit, based on sex, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile or offensive environment for other campus community members.

(b) Sexual intimidation. The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) Sexual violence. "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence and stalking are all types of sexual violence.

(i) Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(ii) Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(iii) Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

(iv) Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

(v) Stalking means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated or harassed, even if the perpetrator lacks such intent.

(vi) Consent: Knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

(vii) A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless,

asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct.

(viii) Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(14) Harassment. Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "sexual misconduct," subsection (13) of this section for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic.

(15) Retaliation. Retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating or addressing allegations or violations of federal, state or local law, or college policies including, but not limited to, student conduct code provisions prohibiting discrimination and harassment.

(16) Misuse of electronic resources. Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

(a) Unauthorized use of such resources or opening of a file, message, or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display or print an obscene or abusive message, text or image;

(f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

(h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or

(i) Failure to comply with the college's electronic use policy.

(17) Unauthorized access. Unauthorized possession, duplication, or other use of a key, keycard or other restricted means of access to college property, or unauthorized entry onto or into college property.

(18) Safety violations. Safety violation includes any non-accidental conduct that interferes with or otherwise compromises any college policy, equipment or procedure relating to the safety and security of the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems.

(19) Violation of other laws or policies. Violation of any federal, state or local law, rule or regulation or other college rules or policies, including college traffic and parking rules.

(20) Ethical violation. The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

NEW SECTION

WAC 1321-125-125 Disciplinary sanctions and terms and conditions. (1) The following disciplinary sanctions may be imposed upon students found to have violated the student conduct code.

(a) Disciplinary warning. A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.

(b) Written reprimand. Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

(c) Disciplinary probation. Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.

(d) Disciplinary suspension. Dismissal from the college and from the student status for a stated period of time. There will be no refund of tuition or fees for the quarter in which the action is taken.

(e) Dismissal. The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.

(2) Disciplinary terms and conditions that may be imposed alone or in conjunction with the imposition of a disciplinary sanction include, but are not limited to, the following:

(a) Restitution. Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of monetary reimbursement, appropriate service or other compensation.

(b) Professional evaluation. Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

(c) Not in good standing. A student may be deemed "not in good standing" with the college. If so the student shall be subject to the following restrictions:

(i) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.

(ii) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

(d) No contact order. An order directing a student to have no contact with a specified student, college employee, a member of the college community or a particular college facility.

NEW SECTION

WAC 1321-125-200 Initiation of disciplinary action. (1) All disciplinary action will be initiated by the student conduct officer. If that officer is the subject of a complaint initiated by the respondent, the vice-president for student services shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.

(2) The student conduct officer shall initiate disciplinary action by serving the respondent with written notice directing him or her to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s) and specify the time and location of the meeting. At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting after proper service of notice the student conduct officer may take disciplinary action based upon the available information.

(3) Within ten business days of the initial disciplinary meeting and after considering the evidence in the case, including any facts or argument presented by the respondent,

the student conduct officer shall serve the respondent with a written decision setting forth the facts and conclusions supporting his or her decision, the specific student conduct code provisions found to have been violated, the sanctions imposed (if any) and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal.

(4) The student conduct officer may take any of the following disciplinary actions:

(a) Exonerate the respondent and terminate the proceedings.

(b) Impose disciplinary sanction(s) outlined in this chapter.

(c) Impose disciplinary terms and conditions alone or in conjunction with a disciplinary sanction including, but not limited to, disciplinary terms and conditions identified in WAC 132I-125-125(2).

(d) Refer the matter directly to the student conduct committee for such disciplinary action as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the student conduct committee, with a copy served on the respondent.

NEW SECTION

WAC 132I-125-220 Appeal from disciplinary action.

(1) The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one days of service of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.

(2) The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(3) The parties to an appeal shall be the respondent and the conduct review officer.

(4) A respondent who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has the right to a prompt, fair and impartial hearing as provided for in these procedures.

(5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a disciplinary sanction by a preponderance of the evidence.

(6) Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.

(7) The student conduct committee shall hear appeals from:

(a) The imposition of disciplinary suspensions in excess of ten instructional days;

(b) Dismissals; and

(c) Discipline cases referred to the committee by the student conduct officer or the conduct review officer.

(8) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Written reprimands; and

(d) Any disciplinary conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(9) Except as provided elsewhere in these rules, disciplinary warnings and exonerations are final actions and are not subject to appeal.

NEW SECTION

WAC 132I-125-230 Brief adjudicative proceedings—Initial hearing.

(1) Brief adjudicative proceedings shall be conducted by a conduct review officer. The conduct review officer shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(2) Before taking action, the conduct review officer shall conduct an informal hearing and provide each party:

(a) An opportunity to be informed of the agency's view of the matter; and

(b) An opportunity to explain the party's view of the matter.

(3) The conduct review officer shall serve an initial decision upon both the parties within ten business days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within twenty-one days of service of the initial decision, the initial decision shall be deemed the final decision.

(4) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

NEW SECTION

WAC 132I-125-240 Brief adjudicative proceedings—Review of an initial decision.

(1) An initial decision is subject to review by the vice-president for student services or designee, provided the respondent files a written request for review with the conduct review officer within twenty-one days of service of the initial decision.

(2) The vice-president for student services or designee shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(3) During the review, the vice-president for student services or designee shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty days of the initial decision or of the request for review, whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to

have been denied if the vice-president for student services or designee does not make a disposition of the matter within twenty days after the request is submitted.

(5) If the vice-president for student services or designee upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

NEW SECTION

WAC 1321-125-260 Student conduct committee. (1)

The student conduct committee shall consist of five members:

(a) Two full-time students appointed by the student government;

(b) Two faculty members appointed by the faculty senate;

(c) One faculty member or administrator (other than an administrator serving as a student conduct or conduct review officer) appointed by the vice-president for student services at the beginning of the academic year.

(2) The faculty member or administrator appointed on a yearly basis shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.

(3) Hearings may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.

(4) Members of the student conduct committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

NEW SECTION

WAC 1321-125-270 Appeals to the student conduct committee. (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, and by the Model rules of procedure, chapter 10-08 WAC. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

(2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven business days in advance of the hearing date, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause shown.

(3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.

(4) Upon request filed at least five business days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third business day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.

(5) The committee chair may provide to the committee members in advance of the hearing copies of:

(a) The conduct officer's notification of imposition of discipline (or referral to the committee); and

(b) The notice of appeal (or any response to referral) by the respondent.

If doing so, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(7) The student conduct officer, upon request, shall provide reasonable assistance to the respondent in obtaining relevant and admissible evidence that is within the college's control.

(8) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(9) Each party may be accompanied at the hearing by a nonattorney assistant of his/her choice. A respondent may elect to be represented by an attorney at his or her own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

NEW SECTION

WAC 1321-125-280 Student conduct committee hearings—Presentations of evidence. (1) Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either:

(a) Proceed with the hearing and issuance of its decision; or

(b) Serve a decision of default in accordance with RCW 34.05.440.

(2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the

proceedings, the chair may exclude that person from the hearing room.

(3) The chair shall cause the hearing to be recorded by a method that he/she selects, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to any party upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by any party. Other recording shall also be permitted in accordance with WAC 10-08-190.

(4) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.

(5) The student conduct officer (unless represented by an assistant attorney general) shall present the case for imposing disciplinary sanctions.

(6) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

NEW SECTION

WAC 132I-125-290 Student conduct committee—

Initial decision. (1) At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusions and/or a proposed decision for its consideration.

(2) Within twenty-one days following the latter of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

(3) The committee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions, if any, as authorized in the student code. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction(s) or conditions as authorized herein.

(4) The committee chair shall cause copies of the initial decision to be served on the parties and their legal counsel of record. The committee chair shall also promptly transmit a copy of the decision and the record of the committee's proceedings to the vice-president for student services.

NEW SECTION

WAC 132I-125-300 Appeal from student conduct committee initial decision. (1) A respondent who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal the committee's initial

decision to the president by filing a notice of appeal with the president's office within twenty-one days of service of the committee's initial decision. Failure to file a timely appeal constitutes a waiver of the right and the initial decision shall be deemed final.

(2) The notice of appeal must identify the specific findings of fact and/or conclusions of law in the initial decision that are challenged and must contain argument why the appeal should be granted. If necessary to aid review, the president may ask for additional briefing from the parties on issues raised on appeal. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the notice of appeal.

(3) The president shall provide a written decision to all parties within forty-five days after receipt of the notice of appeal. The president's decision shall be final.

(4) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

NEW SECTION

WAC 132I-125-350 Summary suspension. (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible while an investigation and/or formal disciplinary procedure is pending.

(2) The student conduct officer may impose a summary suspension if there is probable cause to believe that the respondent:

(a) Has violated any provision of the code of conduct; and

(b) Presents an immediate danger to the health, safety or welfare of members of the college community; or

(c) Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of Summary Suspension" and shall include:

(a) The reasons for imposing the summary suspension, including a description of the conduct giving rise to the summary suspension and reference to the provisions of the student conduct code or the law allegedly violated;

(b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and

(c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the

student conduct officer or conduct review officer, or to attend a disciplinary hearing.

(5) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.

(a) During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(b) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

(c) If the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.

(d) As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.

(e) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices who may be bound or protected by it.

DISCIPLINE PROCEDURES FOR CASES INVOLVING ALLEGATIONS OF SEXUAL MISCONDUCT

NEW SECTION

WAC 132I-125-400 Supplemental sexual misconduct procedures. (1) Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

(2) Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct by a student. In such cases, these procedures shall supplement the student disciplinary procedures in WAC 132I-125-010 through 132I-125-300. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

NEW SECTION

WAC 132I-125-410 Supplemental definitions. The following supplemental definitions shall apply for purposes of student conduct code proceedings involving allegations of sexual misconduct by a student:

(1) A "complainant" is an alleged victim of sexual misconduct, as defined in subsection (2) of this section.

(2) "Sexual misconduct" has the meaning ascribed to this term in WAC 132I-125-100(13).

NEW SECTION

WAC 132I-125-420 Supplemental complaint process. The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.

(1) The college's Title IX coordinator or designee shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the findings of the investigation shall be reported to the student conduct officer within sixty days.

(2) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

(3) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety and welfare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.

(4) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(5) The student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

NEW SECTION

WAC 132I-125-430 Supplemental appeal rights. (1) The following actions by the student conduct officer may be appealed by the complainant:

(a) The dismissal of a sexual misconduct complaint; or
 (b) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.

(2) A complainant may appeal a disciplinary decision by filing a notice of appeal with the conduct review officer within twenty-one days of service of the notice of the discipline decision provided for in WAC 132I-125-420(5). The notice of appeal may include a written statement setting forth the grounds of appeal. Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall be deemed final.

(3) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to intervene as a party to the appeal.

(4) Except as otherwise specified in this supplemental procedure, a complainant who timely appeals a disciplinary decision or who intervenes as a party to respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

(5) An appeal by a complainant from the following disciplinary actions involving allegations of sexual misconduct against a student shall be handled as a brief adjudicative proceeding:

- (a) Exoneration and dismissal of the proceedings;
- (b) Disciplinary warning;
- (c) Written reprimand;
- (d) Disciplinary probation;
- (e) Suspensions of ten instructional days or less; and/or
- (f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(6) An appeal by a complainant from disciplinary action imposing a suspension in excess of ten instructional days or an expulsion shall be reviewed by the student conduct committee.

(7) In proceedings before the student conduct committee, respondent and complainant shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair, and with copies to the respondent and the student conduct officer.

(8) In proceedings before the student conduct committee, complainant and respondent shall not directly question or cross examine one another. All questions shall be directed to the committee chair, who will act as an intermediary and pose questions on the parties' behalf.

(9) Student conduct hearings involving sexual misconduct allegations shall be closed to the public, unless respondent and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, respondent and their respective nonattorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct committee.

(10) The chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights.

(11) Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

(12) The president, on the same date that the final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132I-120-010 Purpose.
- WAC 132I-120-020 General policies.
- WAC 132I-120-030 Definitions.
- WAC 132I-120-100 College community expectations.
- WAC 132I-120-101 Student code of conduct.
- WAC 132I-120-102 Academic honesty.
- WAC 132I-120-105 Student rights.
- WAC 132I-120-315 Right of assembly.
- WAC 132I-120-330 Rights of ownership of works.
- WAC 132I-120-340 Right to be interviewed.
- WAC 132I-120-350 Student nonacademic complaints against college employees.
- WAC 132I-120-400 Authority and responsibility for discipline.
- WAC 132I-120-410 Definition of disciplinary action.
- WAC 132I-120-415 Authority to request identification.
- WAC 132I-120-421 Initial disciplinary proceedings.
- WAC 132I-120-424 Purpose of summary suspension.
- WAC 132I-120-426 Summary suspension proceedings.
- WAC 132I-120-427 Procedures of summary suspension hearing.
- WAC 132I-120-428 Posthearing decision by the chief student affairs officer.
- WAC 132I-120-429 Notice of suspension.
- WAC 132I-120-431 Suspension for failure to appear.
- WAC 132I-120-432 Appeals from summary suspension hearing.
- WAC 132I-120-435 Discipline committee.
- WAC 132I-120-441 Appeals of disciplinary action.
- WAC 132I-120-442 Hearing procedures before the discipline committee.
- WAC 132I-120-443 Evidence admissible in hearings.
- WAC 132I-120-444 Decision by the discipline committee.
- WAC 132I-120-450 Final appeal.
- WAC 132I-120-500 Review of rules.

WAC 132I-120-510 Membership of review committee.
 WAC 132I-120-520 Function of the review committee.
 WAC 132I-120-530 Jurisdiction.

WSR 15-13-091
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed June 15, 2015, 3:17 p.m., effective see below]

Effective Date of Rule: Sections effective thirty-one days after filing: WAC 246-358-001, 246-358-010, 246-358-015, 246-358-025, 246-358-027, 246-358-028, 246-358-0280, 246-358-040, 246-358-045, 246-358-055, 246-358-065, 246-358-090, 246-358-145, 246-358-165, 246-358-175 and 246-358-990; and sections effective January 1, 2016: WAC 246-358-029, 246-358-050, 246-358-070, 246-358-075, 246-358-077, 246-358-080, 246-358-093, 246-358-095, 246-358-100, 246-358-125, 246-358-135, 246-358-155, 246-359-001, 246-359-005, 246-359-010, 246-359-020, 246-359-030, 246-359-040, 246-359-050, 246-359-060, 246-359-070, 246-359-080, 246-359-090, 246-359-100, 246-359-110, 246-359-120, 246-359-130, 246-359-140, 246-359-150, 246-359-160, 246-359-180, 246-359-250, 246-359-300, 246-359-350, 246-359-510, 246-359-530, 246-359-540, 246-359-550, 246-359-560, 246-359-565, 246-359-570, 246-359-575, 246-359-580, 246-359-590, 246-359-600, 246-359-650, 246-359-710, 246-359-720, 246-359-740, 246-359-760, 246-359-800, 246-359-990, 246-361-001, 246-361-010, 246-361-020, 246-361-025, 246-361-030, 246-361-035, 246-361-045, 246-361-055, 246-361-065, 246-361-070, 246-361-075, 246-361-080, 246-361-090, 246-361-095, 246-361-100, 246-361-125, 246-361-135, 246-361-145, 246-361-155, 246-361-165, 246-361-175, and 246-361-990.

Purpose: Chapter 246-358 WAC, Temporary worker housing (TWH); chapter 246-359 WAC, TWH construction standard, and chapter 246-361 WAC, Cherry harvest camps. Clarifying terms, standards, conditions and inspection frequencies, implementing program efficiencies, improving health and safety standards, ensuring consistency with federal standards, and making housekeeping changes. Repealing chapter 246-361 WAC and incorporating its content into chapters 246-358 and 246-359 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-358-100, 246-361-001, 246-361-010, 246-361-020, 246-361-025, 246-361-030, 246-361-035, 246-361-045, 246-361-055, 246-361-065, 246-361-070, 246-361-075, 246-361-080, 246-361-090, 246-361-095, 246-361-100, 246-361-125, 246-361-135, 246-361-145, 246-361-155, 246-361-165, 246-361-175 and 246-361-990; and amending WAC 246-358-001, 246-358-010, 246-358-025, 246-358-027, 246-358-029, 246-358-070, 246-358-075, 246-358-040, 246-358-045, 246-358-055, 246-358-065, 246-358-090, 246-358-095, 246-358-125, 246-358-135, 246-358-145, 246-358-155, 246-358-165, 246-358-175, 246-358-990, 246-359-001, 246-359-005, 246-359-010, 246-359-020, 246-359-030, 246-359-040, 246-359-050, 246-359-060, 246-359-070, 246-359-080, 246-359-090, 246-359-100, 246-359-110, 246-359-120, 246-359-130, 246-359-140, 246-359-150, 246-359-160, 246-359-180, 246-359-250, 246-359-300, 246-359-350, 246-359-510, 246-359-530, 246-359-540, 246-359-550, 246-359-560, 246-359-565, 246-359-570, 246-359-575, 246-359-580, 246-359-590, 246-359-600, 246-359-710, 246-359-720, 246-359-740, 246-359-760, 246-359-800, and 246-359-990.

Statutory Authority for Adoption: Chapter 70.114A RCW.

Other Authority: RCW 43.70.334 through 43.70.340.

Adopted under notice filed as WSR 14-24-107 on December 2, 2014.

Changes Other than Editing from Proposed to Adopted Version:

WAC 246-358-029, Table 1 toilet ratios.

Proposed language: WAC 246-358-029 Table 1:

Facility Type	Toilets		Handwash Sinks	
	Male	Female	Male	Female
Common Facilities	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 6 occupants	2 minimum, 1 per 6 occupants
Each Family Shelter	1, if provided		1	

Adopted language: WAC 246-358-029 Table 1:

Floor Space Requirements	<u>Sleeping room only</u>		<u>Sleeping room with kitchen</u>			
	50 square feet per occupant		100 square feet per temporary worker			
Facility requirements	Toilets		Handwash Sinks		Bathtubs or Showers	
	Male	Female	Male	Female	Male	Female
Common Facility, Single Sex	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 6 occupants	2 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants

Floor Space Requirements	<u>Sleeping room only</u>				<u>Sleeping room with kitchen</u>	
	50 square feet per occupant				100 square feet per temporary worker	
Facility requirements	Toilets		Handwash Sinks		Bathtubs or Showers	
	Male	Female	Male	Female	Male	Female
Common Facility: Male/Female	1 minimum, 1 per 15 occupants	1 minimum, 1 per 15 occupants	1 per 6 occupants	1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Each Family Shelter	1, if provided		1		1, if provided	

The department received comments about providing a minimum of two toilets per common men's and women's toilet facilities. The department changed its interpretation of the federal rule to a two-toilet minimum includes both genders' facilities. Proposed rule language that required a two-toilet minimum per gender was removed.

WAC 246-359-560, Table 1 toilet ratios.

Proposed language: WAC 246-359-560 Table 1:

Common Facility	Water Closets		Handwash Sinks		Bathtubs or Showers	
	Male	Female	Male	Female	Male	Female
	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	1 per 10 occupants	1 per 10 occupants
Each Family Shelter	1 per 8 occupants, if provided		1 per 8 occupants, if toilet provided		1 per 10 occupants, if provided	

Adopted language: WAC 246-359-560 Table 1:

Facility Type	Water Closets		Handwash Sinks		Bathtubs or Showers	
	Male	Female	Male	Female	Male	Female
Common Facilities, Single Sex	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 6 occupants	2 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Common Facilities: Male/Female	1 minimum, 1 per 15 occupants	1 minimum, 1 per 15 occupants	1 minimum, 1 per 6 occupants	1 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Each Family Shelter	1, if provided		1		1, if provided	

The department received comments about providing a minimum of two toilets per common men's and women's toilet facilities. The department changed its interpretation of the federal rule to a two-toilet minimum includes both genders' facilities. The rule language that required a two-toilet minimum per gender was changed.

WAC 246-358-050(1) and 246-358-145(5), emergency services access.

Proposed language: WAC 246-358-050 (No language proposed.)

WAC 246-358-145(5) Provide a means of communication on the TWH site so occupants can contact the first-aid trained person or emergency services within a reasonable amount of time.

Adopted language: WAC 246-358-050 (1)(a)(ii) A plan for contacting a first-aid trained person or emergency services within a reasonable amount of time; and

WAC 246-358-145(5) (Proposed language is removed.)

The department received feedback about requiring a means of reaching emergency services. The department believes that it is important for occupants to have this ability, but the requirement is better placed in the TWH management plan section. Therefore, the proposed rule language was removed from WAC 246-358-145, and rule language was added to WAC 246-358-050 requiring a plan to provide a means for occupants to contact emergency services.

WAC 246-358-055(5), handwash water temperature.

Proposed language: (5) Provide an adequate supply of hot and cold running water under pressure in bathing, food-handling, handwashing, and laundry facilities.

(6) Provide an automatically controlled hot water supply of 100 to 120 degrees Fahrenheit in bathing, food-handling, handwashing, and laundry facilities.

Adopted language: (5) Provide an adequate supply of hot and cold running water under pressure in bathing, food-handling, and laundry facilities.

(6) Provide an automatically controlled hot water supply of 100 to 120 degrees Fahrenheit in bathing, food-handling, and laundry facilities.

The department received comments about adding a requirement for hot water for handwashing. The evidence indicates that use of soap, cool water, and friction (rubbing hands together) can be as effective as hot water for successful handwashing. Therefore, the term "handwashing" is removed from the proposed rule.

WAC 246-358-075(1), shelter.

Proposed language: (No language proposed.)

Adopted language: (a) Protect against the elements;

The department received comments about requiring that bathing facilities must be protected from the elements. This is already in current WAC 246-358-075, but needs clarification. Therefore, the department added language to WAC 246-358-075 to clarify that TWH dwelling units and common facilities must be protected against the elements.

WAC 246-358-075, door locks.

Proposed language: (4) Provide locking mechanisms on:

- (a) Exterior doors;
- (b) Bedroom doors;
- (c) Bathroom doors;
- (d) Toilet and shower stall doors.
- (5) (No proposed language.)
- (6) (No language proposed.)

Adopted language: (4) Provide a locking mechanism on the exterior door(s) of each family shelter. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(5) Provide a locking mechanism on all bedroom doors, excluding doors to bedrooms housing more than fifteen occupants. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(6) Provide a locking mechanism on:

- (a) Each toilet stall door, if provided; and
- (b) Each shower stall door, if provided.

WAC 246-359-510, door locks.

Proposed language: (3) Provide locking mechanisms on:

- (a) Exterior doors;
- (b) Bedroom doors;
- (c) Bathroom doors;
- (d) Toilet and shower stall doors.
- (4) (No proposed language.)
- (5) (No language proposed.)

Adopted language: (3) Provide a locking mechanism on the exterior door(s) of each family shelter. The mechanism must not prevent egress, and must be easily opened from the inside without use of a key or special knowledge.

(4) Provide a locking mechanism on all bedroom doors, excluding doors to common sleeping areas. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(5) Provide a locking mechanism on:

(a) Each toilet stall door, if provided; and

(b) Each shower stall door, if provided.

Stakeholder commented about adding a requirement for door locks on bedroom doors and toilet and shower stall doors. Therefore, the proposed language about door locks was changed to clarify and address exterior doors on family shelters, and toilet and shower stall doors in both chapters 246-358 and 246-359 WAC.

WAC 246-358-075(7), lead-based paint.

Proposed language: (7) Prohibit the use of lead-based paint on any part of the TWH.

Adopted language: (9) Comply with all applicable state and federal laws and rules for lead-based paint.

WAC 346-359-530(6), lead-based paint.

Proposed language: (6) Do not use lead-based paint on any part of a TWH building or within the TWH site.

Adopted language: (6) Comply with all applicable state and federal laws and rules for lead-based paint.

The department received comments addressing the issue of lead-based paint in the TWH rules. The department believes it important to address lead-based paint in TWH. Therefore, the proposed rule language was changed in both chapters 246-358 and 246-359 WAC to clarify the requirement.

WAC 246-358-075(13), one hundred square feet.

Proposed language: (a) Has at least one hundred square feet of floor space per temporary worker;

Adopted language: (b)(i) Has at least one hundred square feet of floor space per temporary worker.

(ii) For a family shelter constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, one hundred square feet of floor space per temporary worker is required by January 1, 2019. Upon the operator's request, the department of health may grant an extension(s) for up to three additional years. Requests must:

(A) Include a schedule and work plan for achieving compliance;

(B) Be on a form provided by the department of health; and

(C) Be submitted to the department of health prior to January 1, 2019.

The department received comments about the one hundred square foot per temporary worker in rooms with cooking and sleeping that it would be a hardship to comply with the rule for existing housing and that time is needed to comply. Therefore, the department changed the proposed rule language in WAC 246-358-075 to implement delayed implementation for compliance.

WAC 246-358-075, heating.

Proposed language: (16) Provide every dwelling unit and common facility with equipment capable of maintaining a temperature of at least seventy degrees Fahrenheit during cold weather.

Adopted language: (18) Provide habitable rooms with equipment capable of maintaining a temperature of at least seventy degrees Fahrenheit during cold weather.

WAC 246-359-580 (1) and (2), heating.

Proposed language: (1) When the dwelling unit temperature will fall below seventy degrees Fahrenheit during occupancy, the TWH dwelling unit must provide adequate heating systems to maintain a temperature at or above seventy degrees Fahrenheit during occupancy. Heating systems must be permanent, installed, and comply with DOSH and chapter 246-358 WAC.

(2) Provide adequate heating in sleeping facilities, including bathrooms, if used during cold weather.

Adopted language: (1) When the temperature in habitable rooms will fall below seventy degrees Fahrenheit, the TWH common facility must provide adequate heating systems to maintain a temperature of seventy degrees Fahrenheit. Heating systems must be permanent, installed, and comply with DOSH and chapter 246-358 WAC.

(2) (Proposed language is removed. Remaining subsections renumbered.)

The department received comments about providing the ability to maintain seventy degrees in dwelling units. The department changed the proposed language regarding seventy degrees in habitable room[s] in WAC 246-358-075 and 246-359-580 to clarify the heating requirement.

WAC 246-358-080(3), fire extinguishers.

Proposed language: An operator shall provide properly working fire extinguishers that are:

Adopted language: An operator shall provide properly working fire extinguishers in dwelling units where occupants sleep if the dwelling unit does not have a second means of emergency egress. Fire extinguishers must be:

The department received comments about requiring fire extinguishers in every dwelling unit. The department changed the proposed rule language in WAC 246-358-080 to only require fire extinguishers in dwelling units that have sleeping areas and do not have a second emergency exit.

WAC 246-358-093 (5)(e) and (f), toilet partitions.

Proposed language: (e) Separate toilets by partitions or walls. Partitions and walls must ensure privacy;

(f) Provide toilet room walls and partitions with smooth, cleanable, and nonabsorbent surfaces;

Adopted language: (e) Separate toilets by partitions or walls. For the purposes of this section, partitions do not include curtains.

(i) Partitions and walls must ensure privacy and must have smooth, cleanable, and nonabsorbent surfaces.

(ii) For a common toilet facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.

The department received comments about a requirement to provide partitions between toilets in common facilities for privacy. Based on these comments, the department changed the proposed rule language regarding toilet partitions for clarification, and added language making the requirement effective January 1, 2017.

WAC 246-359-560, toilet partitions.

Proposed language: (No language proposed.)

Adopted language: (3)(a)(iii) ... Toilets must be separated by partitions or walls. For the purposes of subsection (3)(a)(iii) of this section, partitions do not include curtains. Partitions or walls must ensure privacy and must have smooth, cleanable, and nonabsorbent surfaces.

The department received comments about a requirement to provide partitions between toilets in common facilities for privacy. The department added rule language regarding toilet partitions in the new construction rules.

WAC 246-358-095 (2)(d), bathing partitions.

Proposed language: Shower room walls and partitions must be smooth and nonabsorbent;

Adopted language: (d) Separate showers with partitions or walls.

(i) Partitions and walls must ensure privacy and be smooth, cleanable and nonabsorbent.

(ii) For a bathing facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.

WAC 246-359-560, bathing partitions.

Proposed language: (No language proposed.)

Adopted language: (3)(c) ... Showers must be separated by partitions or walls. Partitions or walls must ensure privacy and must have smooth, cleanable and nonabsorbent surfaces;

The department received comments about a requirement to provide partitions between showers in common facilities. The department changed the proposed rule language to require shower partitions in WAC 246-358-095 and provide a delayed implementation date. The department also added rule language to require shower partitions in new construction under WAC 246-359-560.

WAC 246-358-125(2), cooking and eating areas.

Proposed language: (a) Enclosed or screened cooking and food-handling facilities ...

(b) Enclosed or screened eating facilities with tables and seating for a minimum of seventy percent of the occupants;

Adopted language: (a) Covered and enclosed or screened cooking and food-handling facilities for all occupants.

(b) Covered and enclosed or screened eating facilities with adequate tables and seating for the occupants;

WAC 246-359-565, cooking and eating areas.

Proposed language: (No language proposed.)

Adopted language: (2) Common food handling facilities must:

(a) Be covered and enclosed or screened;

(3) Common eating facilities must be covered and enclosed or screened with adequate tables and seating for the occupants.

The department received comments asking for clarification that enclosed and screened structures are roofed. The

department changed the rule language in WAC 246-358-125 for clarification.

The department received feedback about requiring seating and tables for eating for seventy percent of the occupants. The department believes that the current language addresses the need. Therefore, the department removed the proposed language from WAC 246-358-125. The department also added rule language to WAC 246-359-565 for clarification.

WAC 246-358-125 (3)(c), burners.

Proposed language: An operable cook stove or electric hot plate with four cooking surfaces for every ten occupants through any combination of cooking surfaces, burners, or one foot in length of burner surface.

Adopted language: An operable cook stove or electric hot plate with four cooking surfaces for every ten occupants through any combination of cooking surfaces including burners, one foot in length of burner surface, microwave ovens, stove ovens, or convection ovens.

The department received comments to consider other cooking devices to be counted in the required burner ratio. Microwaves and some other ovens are viable cooking surface options. Therefore, the department added language in WAC 246-358-125 that lists additional cooking appliances that will count in the burner ratio.

WAC 246-358-135 (1) and (8)(c), beds, cots, mattresses, and rails.

Proposed language: (1) Provide beds, cots, or bunks furnished with ... for operator-supplied housing, except that cots may only be used in tents for cherry harvest camps.

(8)(c) Provide safety railing on each exposed side of top bunks designed to prevent the occupant from falling out;

Adopted language: (1) Provide beds, cots, or bunks furnished with ... for operator-supplied housing.

(8)(c) (The proposed language is removed.)

The department received comments from stakeholders about the use of cots for tents only. The federal standards mention a broad use of cots. The department removed the proposed rule language that limited cots to tents.

The department also received comments about a requirement to provide bunk beds with rails on the top bunks. Comments indicated installation of rails on existing bunk beds may not be feasible. Therefore, the department removed the proposed rule language requiring top bunk rails.

WAC 246-358-135(9), personal storage.

Proposed language: (9) Provide all occupants suitable storage space, including personal storage space ... located in the occupant's room used for sleeping. All or a portion of the storage space provided each temporary worker must be enclosed and lockable, such as a wall locker or floor locker.

Adopted language: (9) Provide all occupants suitable storage space including personal storage space ... located in the occupant's room used for sleeping.

(10) Effective January 1, 2017, for each temporary worker housed in a common sleeping facility, provide suitable storage space that must:

(a) Ensure all or a portion of the storage space is enclosed and lockable;

(b) Be anchored in a manner which adequately prevents the storage space from being removed from the building; and
(c) Be accessible to the temporary worker.

The department received concerns about the feasibility and costs of lockable storage. Exterior door locks are required on family shelters and bedroom locks are required on sleeping rooms with fifteen or fewer occupants, which secures the occupant's personal storage. To help secure personal storage for workers in other facilities, the department added rule language requiring lockable storage for workers housed in facilities of more than fifteen occupants.

WAC 246-359-560 Flush toilets.

Proposed language: (No language proposed.)

Adopted language: (3)(a)(i) Provide flush toilets unless chemical toilets are approved by the department of health according to chapter 246-272A WAC.

The department received feedback requesting clarification in chapter 246-359 WAC of the requirement for flush toilets. The department agrees that the flush toilet requirement should be made more clear in chapter 246-359 WAC. Therefore, the department added rule language in WAC 246-359-560 to clarify the requirement for flush toilets.

Chapter 246-361 WAC, Cherry harvest camps.

No changes; all sections of this chapter are repealed as proposed.

A final cost-benefit analysis is available by contacting Debra Fisher, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2942, fax (360) 236-2321, e-mail debra.fisher@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 46, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, Amended 13, Repealed 23.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 8, Amended 59, Repealed 23.

Date Adopted: June 15, 2015.

Dennis E. Worsham
Deputy Secretary
for John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-001 Purpose and applicability. (1) Purpose. This chapter is adopted by the Washington state department of health to implement the provisions of chapter 70.114A RCW and RCW 43.70.334 through 43.70.340, and

establish minimum health and safety requirements for temporary worker housing and cherry harvest camps.

(2) Applicability.

(a) This chapter applies only to operators of temporary worker housing ~~((Operators using tents within the cherry harvest season must refer to WAC 296-307-16300, Part L-1, or chapter 246-361 WAC.))~~, including cherry harvest camps, provided by agricultural employers or operators in the state of Washington; and

(b) Operators ~~((with ten or more occupants are required to be licensed under this chapter. Operators with nine or less employees are not required to be licensed, but must comply with these standards))~~ of temporary worker housing shall be licensed under this chapter if the housing meets the criteria identified in WAC 246-358-025.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-010 Definitions. ~~((For the purposes of this chapter,))~~ The following ((words and phrases will have the following meanings)) definitions apply throughout this chapter unless the context clearly indicates otherwise:

(1) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(2) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes, but is not limited to, the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(3) "Bathing facility" means an enclosed area provided by the operator for occupants to bathe or shower, and may be located within a family shelter or a common facility.

(4) "Building" means any structure used or intended by the operator to be used by occupants for ~~((supporting or sheltering any use or occupancy that may include))~~ cooking, eating, sleeping, ~~((and))~~ sanitation, or other facilities.

~~((4))~~ "Common food-handling facility" means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.

(5) "Current certificate (first aid)" means a first-aid training certificate that has not expired.

(6) "Department" means the Washington state department of health and/or the department of labor and industries.) (5) "Cherry harvest camp" means a place where housing and related facilities are provided to agricultural employees by agricultural employers or TWH operators for their use while employed for the harvest of cherries in the state of Washington.

(6) "Common" means a shared facility provided by the operator for all occupants of the TWH.

(7) "Dining hall" means a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

(8) "Drinking fountain" means a fixture equal to a nationally recognized standard or a designed-to-drain faucet which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

(9) "Dwelling unit" means a shelter, tent, building, or portion of a building, ~~((that))~~ which may include cooking and eating facilities, ~~((which))~~ that is:

(a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

(b) Physically separated from other sleeping and ~~((common-use))~~ common areas. As used in this subsection, "physically separated" means a physical wall separating rooms.

(10) "Family shelter" means a dwelling unit with sleeping facilities for up to fifteen occupants that may include toilet or cooking facilities. If services such as bathing, food-handling, or toilet facilities are provided in the family shelter, they are for the sole use of the occupants of the family shelter.

(11) "First-aid ((qualified)) trained" means ~~((that))~~ the person holds a current certificate of first-aid training ~~((from the American Red Cross or another course with equivalent content or hours)).~~

~~((11))~~ (12) "Floor space" means the area within a dwelling unit with a minimum ceiling height of seven feet.

(13) "Food-handling facility" means ~~((a designated,))~~ an enclosed area ~~((for preparation of))~~ provided by the operator for occupants to prepare their own food, and may be within a family shelter or common facility.

~~((12))~~ (14) "Group A public water system" means a public water system ~~((and includes community and noncommunity water systems.~~

~~((a))~~ A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents.

(b) A noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

(i) Nontransient (NTNC) water system that provides service opportunity to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.

(ii) Transient (TNC) water system that serves:

(A) Twenty-five or more different people each day for sixty or more days within a calendar year;

(B) Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or

(C) One thousand or more people for two or more consecutive days within a calendar year.

~~((13))~~ as defined under WAC 246-290-020.

(15) "Group B public water system" means a public water system ~~((Constructed to serve less than fifteen residential services regardless of the number of people; or constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a cal-~~

endar year; or any number of people for less than sixty days within a calendar year.

~~((14))~~ that is not a Group A public water system, and is defined under WAC 246-291-005.

~~(16)~~ "Habitable room" means a room or space in a structure ~~((with a minimum seven-foot ceiling))~~ used for living, sleeping, eating, or cooking. ~~((Bathrooms))~~ Bathing facilities, toilet ((compartments)) facilities, closets, halls, storage or utility space, and similar areas are not considered habitable ((space)) rooms.

~~((15))~~ "Health officer" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

~~(16))~~ (17) "Livestock" means horses, cows, pigs, sheep, goats, poultry, etc.

~~((17))~~ "Livestock operation" means any place, establishment, or facility consisting of pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.

~~(18)~~ "MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

~~(19))~~ (18) "Occupant" means a temporary worker or a person who resides with a temporary worker at the ~~((housing site))~~ TWH.

~~((20))~~ (19) "Operating license" or "license" means a document issued annually by the department ~~((of))~~ of health ~~((officer authorizing the use of temporary worker housing))~~.

~~((21))~~ (20) "Operator" means a person holding legal title to the land on which ~~((temporary worker housing))~~ the TWH is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the ~~((temporary worker housing))~~ TWH.

~~((22))~~ (21) "Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

(a) Built on a single chassis, mounted on wheels;

(b) Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; ~~((and))~~

(c) Certified by the manufacturer as complying with ~~((ANSI))~~ American National Standards Institute standards A119.5; and

(d) Compliant with chapter 296-150P WAC.

~~((23))~~ (22) "Recreational vehicle" means a vehicular type unit that is compliant with chapter 296-150R WAC and primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but does not include pickup trucks with camper shells, canopies, or other similar coverings.

~~((24))~~ (23) "Refuse" means solid wastes, rubbish, or garbage.

~~((25))~~ (24) "Temporary worker" or "worker" means an agricultural employee employed intermittently and not residing year-round at the same TWH site.

(25) "Tent" means an enclosure or shelter used at a cherry harvest camp that is constructed of fabric or pliable material composed of rigid framework to support a tensioned membrane that provides a weather barrier.

(26) "Temporary worker housing (TWH)" or "housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees for temporary, seasonal occupancy. TWH includes cherry harvest camps.

(27) ~~((("WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.))~~ "Worker-supplied housing" means housing provided by the worker and made available to the same worker on the operator's TWH site. Worker-supplied housing includes recreational park trailers, recreational vehicles, tents, or other structures that meet the requirements of this chapter.

NEW SECTION

WAC 246-358-015 Technical assistance—Notice of violation. (1) The department of health or the department of labor and industries may provide technical assistance to assist in compliance with this chapter if requested by an operator.

(2) The department of health may charge a fee for construction review technical assistance in accordance with WAC 246-359-990.

(3) During a technical assistance visit or within a reasonable time thereafter, the department of health shall inform the operator of the TWH on any violations of law or agency rules as follows:

(a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department of health requires compliance to be achieved; and

(d) Notice of the means to contact any technical assistance services provided by the department of health or other sources of technical assistance.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-025 ((Operating license.)) Licensure. ~~((The operator.))~~ (1) ~~((Must request a))~~ Any operator providing TWH shall apply for a TWH operating license from the department of health ((or health officer)) when:

(a) ~~((Housing))~~ The TWH consists of:

(i) Five or more dwelling units; or

(ii) Any combination of dwelling units, or spaces that house ten or more occupants;

(b) Compliance with ((MSPA)) the Migrant and Seasonal Agricultural Worker Protection Act (96 Sta. 2583; 29 U.S.C. Sec. 1801 et. seq.) requires a license; or

(c) ~~((Construction of camp buildings requires a license under))~~ The operator provides housing consisting of four or fewer dwelling units or any combination of dwelling units or spaces that house nine or fewer occupants and elects to comply with chapter 246-359 WAC((Temporary worker housing construction standard)).

(2) ~~((Must apply for an operating license))~~ The operator shall submit to the department of health a completed application that:

(a) Is on a form provided by the department of health;

(b) Identifies the maximum number of occupants during the period of licensure. This number must not exceed the maximum capacity as determined by WAC 246-358-029;

(c) Proves the TWH is permitted for occupancy by the department of health or the local government building department with jurisdiction;

(d) Proves that the water system(s) serving the TWH is in compliance with chapter 246-290 or 246-291 WAC, or local board of health rules. Operators using a Group B public water system must also provide water quality test results from a certified laboratory accredited under chapter 173-50 WAC with an official scope of accreditation for drinking water analytical parameters. Water quality test results must document compliance with the following water quality standards and frequency on a form produced by the laboratory conducting the test:

(i) Satisfactory coliform within the previous twelve months; and

(ii) Ten milligrams per liter or less nitrate within the previous three years; and

(e) Includes a fee as specified in WAC 246-358-990.

(3) The operator will receive a TWH license for the maximum number of occupants identified in the application. This number must not exceed the maximum capacity as determined by WAC 246-358-029.

(4) The operator will receive a TWH license when:

(a) The application requirements from subsections (2) and (5) of this section are met;

(b) The TWH is in compliance with this chapter as demonstrated by:

(i) A precensure inspection completed by the department of health; or

(ii) Except as provided for in subsection (10) of this section, a self-survey completed by the operator and approved by the department of health; and

(c) The operator complies with any corrective action plan established by the department of health.

(5) The operator shall submit the documentation in subsection (2) of this section:

(a) For a new TWH site, by at least forty-five days prior to ((either the use of housing or the expiration of an existing operating license by submitting to the department of health or health officer:

(a) ~~A completed application on a form provided by the department or health officer;~~

(b) Proof water system is current with all water tests required by chapter 246-290 or 246-291 WAC; and

(e) ~~A fee as specified in WAC 246-358-990.~~

(3) ~~Will receive an operating license for the maximum number of occupants as determined by WAC 246-358-029 when:~~

(a) ~~The application requirements from subsection (2) of this section are met;~~

(b) ~~The housing is in compliance with this chapter as demonstrated by:~~

(i) ~~A licensure survey completed by the department of health; or~~

(ii) ~~A self-survey completed by the operator and approved by the department of health; and~~

(e) ~~The operator complies with the corrective action plan established by the department.~~

(4) ~~the new TWH site operation date; or~~

(b) For a previously licensed TWH site, by February 28th of the year the operator intends to operate the TWH.

(6) Except as provided for in subsection (10) of this section, the department of health may allow the use of ((housing)) TWH without a renewed license when all of the following conditions exist:

(a) The operator timely applied for renewal of an operating license in accordance with ((subsection (2) of)) this section ((at least forty-five days before occupancy,)) as evidenced by the post mark;

(b) The department of health ((or health officer)) has not inspected the ((housing)) TWH or issued an operating license;

(c) Other local, state, or federal laws, rules, or codes do not prohibit use of the ((housing)) TWH; and

(d) The operator provides and maintains ((housing)) the TWH in compliance with this chapter.

~~((5) Must post the operating license in a place readily accessible to occupants of the housing.~~

~~(6) Must notify the department of health or health officer of a transfer of ownership.~~

~~(7) Must cooperate with the department or health officer during on-site inspections.)) (7) An operating license is not transferable.~~

(8) The operator shall post the operating license or a copy of the operating license in a place readily accessible to occupants of the TWH.

(9) The operator will receive an annual occupancy inspection completed and approved by the department of health.

(10) For licensure and operation of cherry harvest camps:

(a) Subsections (4)(b)(ii) and (6) of this section do not apply;

(b) A TWH license to operate a cherry harvest camp is limited to one week before the start through one week following the conclusion of the cherry harvest.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-027 Requirements for self-survey program. ~~((If a licensed))~~ Except for an operator of a cherry harvest camp, an operator ((meets)) meeting the requirements provided in this section((, then the operator)) may participate

in the self-survey program. ~~((This means an operator is allowed to conduct a self-survey for two years. On the third year the department of health will conduct an on-site verification survey to assure compliance with this chapter and determine if the temporary worker housing still meets the requirements of the self-survey program.))~~

(1) The cycle of the self-survey program is as follows:

(a) The operator may qualify to conduct self-surveys for up to two consecutive years.

(b) During the third year, the department of health will conduct an on-site inspection(s) to ensure compliance with this chapter.

(c) If the department of health determines the TWH site still meets the requirements of the self-survey program after the on-site inspection, the operator shall be eligible for a new self-survey program cycle as described in this subsection.

~~(2) To be in the self-survey program the operator ((must)) shall:~~

~~(a) Meet the requirements of WAC 246-358-025;~~

~~(b) ((Not have had any valid complaints;~~

~~(e) Have had)) Be licensed for two consecutive years without any deficiencies ((or have had very minor deficiencies (for example one or two screens torn, missing a few small trash cans, etc.); and~~

~~(d) Be recommended by the health surveyor.~~

~~(2) For a licensed operator)).~~

~~(3) To remain in the self-survey program the ((licensed)) operator ((must)) shall:~~

~~(a) Continue to comply with subsections (1) and (2) of this section;~~

~~(b) ((Continue to not have any deficiencies or very minor deficiencies)) Complete the department of health self-survey form and return the completed form to the department of health prior to temporary worker occupancy;~~

~~(c) Remain free from all deficiencies;~~

~~(d) Ensure modifications to any building or structure on the TWH made during the self-survey period meets the conditions of this chapter; and~~

~~((e)) (e) Not have a change in ownership.~~

~~((3)) (4) When a licensed ((temporary worker housing)) TWH changes ownership, the new ((licensed)) operator ((must)) shall comply with the requirements of subsection ((4)) (2) of this section before being eligible to be on the self-survey program.~~

~~(5) A TWH licensee who qualifies for the self-survey program shall pay a reduced fee as specified in WAC 246-358-990.~~

~~(6) The department of health or department of labor and industries are authorized to conduct inspections based on complaints or to verify compliance with this chapter.~~

NEW SECTION

WAC 246-358-028 Enforcement. Any violation of this section will be cause for the department of health to proceed with legal action, to assess a civil fine, or modify, suspend, or revoke the license.

(1) An operator shall comply with all applicable laws and regulations.

(2) When the department of health finds an operator out of compliance with any applicable law or regulation, the department of health will send the operator a notice of correction according to RCW 43.05.100 with an attestation of correction form. For purposes of this section, a "notice of correction" will include:

(a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable law or rule;

(b) A brief statement of what is required to achieve compliance;

(c) The date by which the department of health requires compliance be achieved;

(d) Notice of the means to contact any technical assistance services provided by the department of health or other sources of technical assistance; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department of health.

(3) For purposes of this section, an "attestation of correction form" means a form developed by the department of health and completed, signed, and dated by the operator stating that the operator:

(a) Has or will correct each cited deficiency; and

(b) Will maintain correction of each cited deficiency.

(4) On each attestation of correction form, the operator shall give a date, approved by the department of health, showing when and how the cited deficiency has been or will be corrected.

(5) The operator shall sign and return the completed attestation of correction form to the department of health on or before the date required by the department of health.

(6) Upon request of the department of health the operator shall show proof that for each deficiency cited the operator has corrected or is correcting each deficiency.

(7) If the operator fails to correct the deficiencies by the required date, the department of health may proceed with legal action to assess a civil fine and to modify, suspend, or revoke the license.

(8) An operator may contest a department of health decision or action according to the provisions of RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(9) The operator shall fully cooperate with the department of health in, and shall in no way impede, its administration and enforcement of all applicable laws and regulations.

NEW SECTION

WAC 246-358-0280 Operating without a license—Investigation of complaints—Penalties. (1) The department of health shall investigate complaints concerning unlicensed operation of TWH when a valid operating license is required under RCW 43.70.335(1) and this chapter.

(2) The department of health may assess a civil fine for failure or refusal to obtain a license prior to occupancy of TWH. Proceedings to assess a civil fine shall be governed by the provisions of RCW 43.70.095, chapter 34.05 RCW, and chapter 246-10 WAC. Civil fines under this section shall not exceed twice the cost of the license plus the cost of the initial on-site inspection for the first violation of this section, and

shall not exceed ten times the cost of the license plus the cost of the initial on-site inspection for second and subsequent violations within any five-year period.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-029 Maximum ((housing occupancy)) TWH capacity. (1) ((The maximum occupancy for)) Operator-supplied ((housing)) dwelling unit capacity will be based on:

(a) The square footage of the ((housing facility)) floor space in habitable rooms provided for sleeping purposes as described in WAC 246-358-075 (12) and (13) and Table 1 of this section; and

(b) The number of bathing, food-handling, handwashing, laundry, and toilet facilities as described in WAC 246-358-090 through 246-358-125.

(2) ((The maximum occupancy for)) Worker-supplied housing capacity will be based on((:

(a)) the number of spaces designated by the operator for worker-supplied housing ((by the operator; and

(b) The number of bathing, food-handling, handwashing, laundry, and toilet facilities in excess of those facilities required for operator-supplied housing)).

((Note: Worker-supplied housing includes recreational park trailers, recreational vehicles, OSHA-compliant tents or other structures that meet the requirements of this chapter.))

(3) Operators may take into consideration the services provided by the worker-supplied housing to ensure all ratios for services required by this chapter are met for all occupants.

Table 1
TWH Maximum Capacity

Floor space requirements	Sleeping room only		Sleeping room with kitchen			
	50 square feet per occupant		100 square feet per temporary worker			
Facility requirements	Toilets		Handwash sinks		Bathtubs or showers	
	Male	Female	Male	Female	Male	Female
Common facility, single sex	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 6 occupants	2 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Common facility: Male/female	1 minimum, 1 per 15 occupants	1 minimum, 1 per 15 occupants	1 per 6 occupants	1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Each family shelter	1, if provided		1		1, if provided	

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-040 Variance and procedure. (1) Conditions may exist in operations that a state standard will not have practical use. The operator may request a variance. The director of the department of labor and industries may issue a variance from the requirements of the standard when another means of providing equal protection is provided.

The substitute means must provide equal protection in accordance with the requirements of chapters 49.17 RCW and ((chapter 296-350)) 296-900 WAC, ((variances)) administrative rules.

(2) A temporary variance may be requested under chapter 296-900 WAC, administrative rules, when an operator cannot comply with new requirements by the effective date(s) in this chapter because:

(a) The construction or alteration to a building cannot be completed in time;

(b) Materials or equipment are not available; or

(c) Professional or technical assistance is not available.

(3) Applications for variances will be reviewed and may be investigated by the department of labor and industries and the department of health. Variances granted will be limited to the specific case or cases covered in the application and may

be revoked for cause. The variance ((shall)) must remain prominently posted on the premises while in effect.

(4) Requests for variances from safety and health standards shall be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625.

(5) Variance application forms may be obtained upon request from the department of labor and industries((P.O. Box 44625, Olympia, Washington 98504-4625)) or the department of health((P.O. Box 47852, Olympia, Washington 98504-7852, upon request. Requests for variances from safety and health standards shall be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625. (Reference RCW 49.17.080 and 49.17.090.))).

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-045 Temporary worker housing sites. The operator ((must)) shall:

(1) To prevent a health or safety hazard, locate and operate a TWH site ((to prevent a health or safety hazard)) that is:

(a) Adequately drained and any drainage from and through the ~~((housing))~~ TWH must not endanger any domestic or public water supply;

(b) Free from periodic flooding and depressions in which water may become a nuisance;

(c) At least two hundred feet from a swamp, pool, sink hole, or other surface collection of water unless there is a mosquito prevention program for those areas; and

(d) Large enough to prevent overcrowding of necessary structures.

~~(2) Ensure the principal ((housing)) TWH area for sleeping and for food preparation and eating ((must be)) are at least five hundred feet from where livestock are kept(, ~~and~~ ~~(e) The~~) or congregate.~~

~~(3) Ensure the TWH grounds and open areas surrounding the ((shelters must be)) buildings are kept in a clean and sanitary condition free from refuse.~~

~~((2) Must develop and implement a temporary worker housing management plan and rules for operators with ten or more occupants, to assure that the housing is operated in a safe and secure manner and is kept within the approved capacity. Additionally, the licensed operator must:~~

~~(a) Inform occupants of the rules, in a language the occupant understands by providing individual copies of the rules to each occupant or posting the rules in the housing area;~~

~~(b)) (4) Ensure all worker-supplied housing is maintained in good working condition.~~

~~(5) Restrict the number of occupants in the ((temporary worker housing)) TWH to the capacity as determined by the department of health.~~

~~((3)) (6) When closing housing permanently or for the season(, complete the following):~~

~~(a) Dispose of all refuse to prevent nuisance(;~~

~~(b) Fill all abandoned toilet pits with earth)); and~~

~~((e)) (b) Leave the grounds and buildings in a clean and sanitary condition.~~

NEW SECTION

WAC 246-358-050 TWH management plan. (1) An operator shall develop and implement a written TWH management plan that must include:

(a) A safety plan that includes the following:

(i) Emergency information, including site name and address, emergency contact phone numbers, location of local emergency services, and the department of health bilingual TWH complaint line;

(ii) A plan for contacting a first-aid trained person or emergency services within a reasonable amount of time; and

(iii) Those designated actions operators and occupants must take to ensure occupant safety from fire and other emergencies, including the following:

(A) Emergency escape procedures and emergency escape route assignments;

(B) Procedures to account for all occupants after emergency evacuation has been completed;

(C) The preferred means of reporting fires and other emergencies; and

(D) Names or regular job titles of those who can be contacted for further information or explanation of duties under the plan.

(iv) A requirement to designate and train a sufficient number of people to assist in the safe and orderly emergency evacuation of occupants; and

(v) A requirement to regularly and properly maintain, according to established procedures, equipment and systems installed on heat producing equipment to prevent accidental ignition of combustible materials.

(b) Residency rules that describe to the occupants expectations for maintaining a safe and orderly TWH.

(2) The operator shall make available:

(a) A written copy of the TWH management plan, in English and the native language(s) of the occupants, to the department of health or the department of labor and industries upon request; and

(b) A written copy of the residency rules to occupants, in the occupant's native language(s) by:

(i) Posting it in a central location visible to the occupants; and

(ii) Providing individual copies to each occupant, if requested.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-055 Water supply. The operator ~~((must))~~ shall:

(1) Provide a safe and reliable supply of drinking water from an approved Group A or Group B public water system ~~((that is:~~

~~(a) Approved as a Group A public water system in compliance with chapter 246-290 WAC if the water system supplies fifteen or more connections or twenty-five or more people at least sixty days per year or provide proof the camp receives water from an approved Group A public water system or provide proof the temporary worker housing receives water from an approved Group A public water system; or~~

~~(b) Approved as a Group B water system in compliance with chapter 246-291 WAC if the water system supplies less than fifteen connections and does not supply twenty-five or more people at least sixty days per year.~~

Note: A "same farm exemption" applies to a public water system with four or fewer connections all of which serve residences on the same farm. "Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.

	Avg. daily population of less than 25 people	Avg. daily population of 25 or more people
At least 60 days or more	Group B	Group A TNC
59 days or less	Group B	Group B

Note: If a system has fifteen or more connections, regardless of the population, it is a Group A water system.

~~(2) Provide an adequate and convenient hot and cold water supply for drinking, cooking, bathing, and laundry purposes.~~

Note: An "adequate water supply" means the storage capacity of the potable water system must meet the requirements of ASHRAE 1999 Applications Handbook, chapter 48, Water Systems.

~~(3)) meeting the requirements of:~~

~~(a) WAC 246-358-025 (2)(d) and chapter 246-290 WAC, or chapter 246-291 WAC; or~~

~~(b) Local board of health rules.~~

~~(2) Ensure that the distribution lines are able to maintain the working pressure of the water piping system at not less than ~~((fifteen))~~ twenty pounds per square inch after allowing for friction and other pressure losses.~~

~~((4)) (3) When water is not piped to each dwelling unit, provide cold, potable, running water under pressure within one hundred feet of each dwelling unit.~~

~~((5)) (4) When water sources are not available in each ~~((individual))~~ dwelling unit(-);~~

~~(a) Provide one or more drinking fountains for each one hundred occupants or fraction thereof(-); and~~

~~(b) Prohibit the use of common drinking cups or containers from which water is dipped or poured.~~

~~((6)) (5) Provide an adequate supply of hot and cold running water under pressure in bathing, food-handling, and laundry facilities.~~

~~(6) Provide an automatically controlled hot water supply of 100 to 120 degrees Fahrenheit in bathing, food-handling, and laundry facilities.~~

~~(7) When water located within 100 feet of a dwelling unit is unsafe for drinking purposes and accessible to occupants, post a sign by ~~((the))~~ each nonpotable water source ~~((reading))~~ that:~~

~~(a) Reads "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD.";~~

~~(b) Is printed in English and in the native language(s) of the ~~((persons occupying the housing or))~~ occupants; and~~

~~(c) Is marked with ~~((easily-understood))~~ easily understood pictures or symbols.~~

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-065 Sewage disposal. The operator ~~((must))~~ shall:

(1) Provide sewage disposal systems in accordance with local health jurisdictions.

(2) Connect all drain, waste, and vent systems from buildings to:

(a) Public sewers, if available; or

(b) Approved on-site sewage disposal systems that are designed, constructed, and maintained as required in chapters ~~((246-272))~~ 246-272A and 173-240 WAC, and local ordinances.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-070 Electricity and lighting. The operator ~~((must))~~ shall ensure that:

(1) Electricity is supplied to all dwelling units ~~((kitchen facilities, shower/bathroom facilities, common areas, and laundry facilities))~~ and common facilities, except chemical toilets.

(2) All electrical wiring, fixtures, and electrical equipment must:

~~(a) Comply with the electrical standards of the department of labor and industries regulations, chapter 19.28 RCW, chapter 296-46B WAC, and local ordinances((-); and~~

~~(b) Be maintained in a safe condition.~~

~~(3) Each habitable room must have at least:~~

~~(a) One ceiling-type light fixture; and~~

~~(b) At least one separate floor-type or wall-type convenience outlet.~~

~~(4) Laundry, ~~((shower/bathroom facilities;))~~ toilet ~~((rooms and rooms where people congregate))~~ facilities, and bathing facilities have at least one ceiling-type or wall-type light fixture.~~

~~(5) General lighting and task lighting within all facilities is adequate to carry on normal daily activities.~~

~~(6) Adequate lighting is provided for safe passage for occupants to handwashing sinks and toilets. Lighting requirements may be met by natural or artificial means.~~

~~(7) Lighting provided for tents is compliant with WAC 246-358-077.~~

((Note: Lighting requirements may be met by natural or artificial means.))

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-075 Building requirements and maintenance. An operator ~~((must))~~ shall:

~~(1) ~~((Construct buildings to provide protection against the elements and comply with:~~~~

~~(a)) Provide TWH dwelling units, including common facilities, that meet the following requirements:~~

~~(a) Protect against the elements;~~

~~(b) The State Building Code, chapter 19.27 RCW or the ~~((Temporary worker housing))~~ TWH construction standard, chapter 246-359 WAC; and~~

~~((b)) (c) State and local ordinances, codes, and regulations when applicable((-and~~

~~(e) This chapter. Any shelter meeting these requirements is acceptable)).~~

~~(2) Prevent condensation in dwelling units and common facilities to the degree that it does not contribute to a health risk or safety issue to occupants.~~

~~(3) Prevent mold in dwelling units and common facilities.~~

~~(4) Provide a locking mechanism on the exterior door(s) of each family shelter. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.~~

~~(5) Provide a locking mechanism on all bedroom doors, excluding doors to bedrooms housing more than fifteen occupants. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.~~

~~(6) Provide a locking mechanism on:~~

(a) Each toilet stall door, if provided; and

(b) Each shower stall door, if provided.

(7) Identify each dwelling unit and space used for shelter by posting a number at each site.

~~((3))~~ (8) Maintain buildings in good repair and sanitary condition.

~~((4))~~ (9) Comply with all applicable state and federal laws and rules for lead-based paint.

(10) Provide exits that are unobstructed and remain free of any material or matter where its presence would obstruct or render the exit hazardous.

~~((5))~~ (11) Provide ((a ceiling height of at least seven feet for each habitable room. If a building has a sloped ceiling, no portion of the room measuring less than seven feet from the finished floor to the finished ceiling will be included in any computation of the minimum floor space.

(6) Provide at least seventy square feet of floor space for the first occupant and at least fifty square feet of floor space for each additional occupant in each dwelling unit.

(7) Provide)) habitable rooms with:

(a) Windows that equal at least one-tenth of the total floor space; and

(b) At least one-half of each window which can be opened to the outside for ventilation; or

(c) Mechanical ventilation in accordance with applicable standards from the American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE).

(12) Ensure each room used for sleeping purposes ((with)) has:

(a) At least fifty square feet of floor space for each occupant((-

(8) Provide floors in accordance with the State Building Code, chapter 19.27 RCW, or the Temporary worker housing construction standard, chapter 246-359 WAC, that are tightly constructed and in good repair.

(9)) not including any floor space in any portion of a room less than seven feet from the finished floor to the finished ceiling; and

(b) Windows that equal at least one-tenth of the floor space within the surrounding walls of the sleeping room.

(13) Ensure each room in a family shelter used for sleeping and cooking purposes:

(a) Meets the requirements of subsection (12)(b) of this section; and

(b)(i) Has at least one hundred square feet of floor space per temporary worker.

(ii) For a family shelter constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, one hundred square feet of floor space per temporary worker is required by January 1, 2019. Upon the operator's request, the department of health may grant an extension(s) for up to three additional years. Requests must:

(A) Include a schedule and work plan for achieving compliance;

(B) Be on a form provided by the department of health; and

(C) Be submitted to the department of health prior to January 1, 2019.

(14) Ensure wooden floors are at least one foot above ground-level, or meet the requirements in the State Building

Code, chapter 19.27 RCW or temporary worker housing construction standard, chapter 246-359 WAC.

~~((10) Provide habitable rooms that have:~~

~~(a) Windows covering a total area equal to at least one-tenth of the total floor area and at least one-half of each window can be opened to the outside for ventilation; or~~

~~(b) Mechanical ventilation in accordance with applicable ASHRAE standards.~~

~~((11))~~ (15) Provide sixteen-mesh screening on all exterior openings ((and)).

(16) Provide and maintain screen doors ((with)) on all exterior entrances that:

(a) Have self-closing devices; and

(b) Close without gaps that would allow entry of pests.

~~((12))~~ (17) Install all heating, cooking, and water heating equipment according to state and local ordinances, codes, and regulations and maintain in a safe condition.

~~((13))~~ (18) Provide ((adequate heating equipment if habitable rooms, including bathrooms, are used during cold weather.

~~((14))~~ habitable rooms with equipment capable of maintaining a temperature of at least seventy degrees Fahrenheit during cold weather.

(19) Ensure that all recreational vehicles and park trailers meet the requirements ((of)) as defined in this chapter ((296-150P or 296-150R WAC)).

NEW SECTION

WAC 246-358-077 Tent requirements and maintenances. (1) Only cherry harvest camps may use tents as TWH.

(2) Each tent must be constructed to sleep no more than fifteen occupants.

(3) Tents must provide protection from the elements, insects, and animals.

(4) Structural stability and floors.

(a) Tents and their supporting framework must be adequately braced and anchored to prevent weather related collapse. The operator shall provide documentation of the structural stability to the department of health, if requested.

(b)(i) Floors must be smooth, sloped from a raised center towards the lower outer edges.

(ii) Floors must be without breaks or holes to provide a hard, stable walking surface.

(iii) Nonridged flooring supported by grass, dirt, soil, gravel or other uneven surface is not acceptable.

(iv) Floors that are constructed of wood or concrete must comply with the building code, chapter 19.27 RCW, and this chapter.

(c) Floor systems must be designed to prevent the entrance of snakes, rodents, and other nuisances.

(5) Flame-retardant treatments.

(a) The sidewalls, drops, and tops of tents shall be composed of flame-resistant material or treated with a flame retardant in an approved manner.

(b) Floor coverings, which are integral to the tent, and the bunting shall be composed of flame-resistant material or treated with a flame retardant in an approved manner and in accordance with Uniform Building Code, Standard 31.1.

(c) All tents must have a permanently affixed label bearing the following information:

- (i) Identification of tent size and fabric or material type;
- (ii) For flame-resistant materials, the necessary information to determine compliance with this section and National Fire Protection Association Standard 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films;
- (iii) For flame retardant materials, the date that the tent was last treated with an approved flame retardant;
- (iv) The trade name and type of flame retardant used in the flame-retardant treatment; and
- (v) The name of the person and firm that applied the flame retardant.

(6) Means of egress.

(a) Tents must have a primary entrance door. At least one door must lead to the outside of the tent. The door must not be obstructed in any manner and must remain free of any material or matter where its presence would obstruct or render the exit hazardous.

(b) If food-handling facilities are provided in tents, or the tent occupancy capacity is for ten or more occupants, a window allowing egress must be located opposite the door and must have a means to open the window or provide an easily openable space, for example, a zipper which opens downward to the floor, must be provided.

(7) Floor area. The operator must:

- (a) If food-handling facilities are provided in the tent, provide an additional twenty square feet of floor space;
- (b) Provide at least fifty square feet of floor space for each occupant in rooms used for sleeping purposes.

(8) Ceiling height.

(a) A ceiling height of at least seven feet is required in fifty percent of the total floor area.

(b) No portion of the tent measuring less than six feet from the flooring to the ceiling will be included in any computation of the floor area.

(9) Windows and ventilation.

(a) The operator shall provide a window area equal to one-tenth of the total floor area in each habitable room which opens at least halfway or more directly to the outside for cross-ventilation and has a minimum of sixteen-mesh screens on all exterior openings.

(b) The windows must have weather-resistant flaps, which will cover the window area and a means of fastening the flaps to provide protection from the elements and allow privacy for the occupants.

(10) Electrical and lighting. The operator shall ensure that:

(a) Electricity is supplied to all tents used as habitable room.

(b) All electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the department of labor and industries regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.

(c) Each tent used as habitable room has at least one ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet.

(d) If cooking is provided in the tent, appropriate wiring and electrical equipment is provided.

NEW SECTION

WAC 246-358-080 Carbon monoxide alarms, smoke detectors, and fire extinguishers. (1) An operator shall provide and maintain working carbon monoxide alarms that are:

(a) Located in each dwelling unit with a sleeping area; and

(b) Installed in accordance with the manufacturer's recommendations and in compliance with the building code, WAC 51-51-0315.

(2) An operator shall provide and maintain working smoke detectors that:

(a) Are located in each sleeping area;

(b) Are located on each level of dwelling units with a sleeping area;

(c) Are located in each cooking facility area;

(d) Emits a signal when the batteries are low;

(e) Are placed on the ceiling or wall, but not on the wall above any door; and

(f) Are in compliance with the manufacturer's recommendations and the building code, WAC 51-51-0314.

(3) An operator shall provide properly working fire extinguishers in dwelling units where occupants sleep if the dwelling unit does not have a second means of emergency egress. Fire extinguishers must be:

(a) A minimum 2A:10BC;

(b) Installed and maintained according to the manufacturer's instructions;

(c) Installed in accordance with local ordinances, codes, and regulations when applicable.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-090 Laundry facilities. An operator ~~((must))~~ shall:

(1) Provide laundry facilities that include:

(a) One laundry tray or tub or one mechanical washing machine for every thirty ~~((persons-~~

~~(2) Provide))~~ occupants;

(b) Adequate facilities for drying clothes(~~(-~~

~~(3) Provide))~~; and

(c) Sloped, coved floors of nonslip impervious materials with screened floor drains.

~~((4))~~ (2) Maintain laundry facilities in a clean and sanitary condition.

NEW SECTION

WAC 246-358-093 Toilet facilities. The operator shall:

(1) Provide toilet facilities adequate for the maximum capacity of the TWH according to Table 1 of WAC 246-358-029.

(2) Not provide or allow the use of pit privies.

(3) Fill all abandoned pit privies with earth.

(4) Meet the following general requirements for all toilet facilities:

(a) Provide flush toilets unless chemical toilets are specifically approved by the department of health according to requirements in chapter 246-272A WAC;

(b) Flush toilets, chemical toilets, and urinals must not be located in any sleeping room, dining room, cooking or food-handling facility, or any tent;

(c) Toilet rooms must be provided with:

(i) Handwashing sinks located in or immediately adjacent to the toilet room;

(ii) Either a window of at least six square feet opening directly to the outside or adequate ventilation;

(iii) Sixteen-mesh screens on all outside openings;

(iv) Fixtures maintained in good working order, including toilet(s) and sink(s); and

(v) Drains maintained in good working order, including floor drains with screens.

(d) When chemical toilets are approved, they must be:

(i) Located at least fifty feet from any dwelling unit or food-handling facility;

(ii) Maintained by a licensed waste disposal company;

(iii) Compliant with local ordinances; and

(iv) Located immediately adjacent to a handwash sink(s).

(e) When urinals are provided:

(i) There must be one urinal or two linear feet of urinal trough for each twenty-five men;

(ii) The floors and walls surrounding a urinal and extending out at least fifteen inches on all sides, must be constructed of materials which will not be adversely affected by moisture; and

(iii) The urinal must have an adequate water flush.

(5) Meet the following requirements for common toilet facilities:

(a) Provide the number of toilets for each sex based on the maximum number of occupants of that sex which the TWH is designed to house at any one time in the ratio of one toilet for every fifteen occupants, with a minimum of two toilets according to Table 1 of WAC 246-358-029;

(b) Locate toilet rooms so that:

(i) Toilets are within two hundred feet of the door of each sleeping room; and

(ii) No person has to pass through a sleeping room to reach a toilet room;

(c) Maintain toilets in a clean and sanitary condition, cleaned at least daily;

(d) Provide each toilet compartment with an adequate supply of toilet paper at all times;

(e) Separate toilets by partitions or walls. For the purposes of this section, partitions do not include curtains.

(i) Partitions and walls must ensure privacy and must have smooth, cleanable, and nonabsorbent surfaces.

(ii) For a common toilet facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.

(f) Ensure the area surrounding common toilet facilities are adequately lighted; and

(g) When common facilities will be used for both men and women:

(i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex and meet the required ratio as defined in (a) of this subsection;

(ii) Identify each room for "men" and "women" with signs printed in English and in the native language(s) of the

persons occupying the TWH, or identified with easily understood pictures or symbols; and

(ii) Separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building.

(6) Meet the following requirements for family shelters if common toilet facilities are not provided:

(a) One toilet for each individual family shelter;

(b) Ensure toilet facilities are cleaned prior to occupancy; and

(c) Request occupants to maintain the facilities in a clean and sanitary condition.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-095 Handwashing and bathing facilities. An operator (~~((must))~~) shall:

(1) Provide (~~((one handwash sink for each family dwelling unit or for every six persons in centralized facilities. Handwash sinks must be adjacent to toilets))~~) handwashing and bathing facilities adequate for the maximum capacity of the TWH according to Table 1 of WAC 246-358-029.

(2) (~~((Provide))~~) Meet the following general requirements for all handwashing and bathing facilities:

(a) Provide cleanable, nonabsorbent waste containers;

(b) Provide all showers, baths, or shower rooms with screened floor drains, to remove wastewater;

(c) Maintain fixtures and drains in good working order;

(d) Separate showers with partitions or walls.

(i) Partitions and walls must ensure privacy and be smooth, cleanable, and nonabsorbent.

(ii) For a bathing facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.

(e) All showers separated by partitions must ensure privacy.

(3) Meet the following requirements for common facilities:

(a) One handwash sink for every six occupants. Of these handwash sinks, locate one handwash sink adjacent to each toilet.

(b) Provide one showerhead (~~((for each family dwelling unit or))~~) for every ten (~~((persons in centralized facilities.~~

~~((3) Provide))~~ occupants;

(c) Provide one "service sink" in each building used for (~~((centralized))~~) common laundry, hand washing, or bathing(~~((4) Provide))~~);

(d) Provide sloped, coved floors of nonslip impervious materials with floor drains(~~((~~

~~((5) Ensure shower room walls are smooth and nonabsorbent to the height of four feet. If used, partitions must be smooth and nonabsorbent to the height of four feet.~~

~~((6) Provide all showers, baths, or shower rooms with floor drains to remove wastewater.~~

~~((7) Provide cleanable, nonabsorbent waste containers.~~

~~((8))~~);

(e) Shower and bathing facilities must provide privacy from the opposite sex and the public;

(f) Maintain ~~((centralized))~~ common bathing and hand-washing facilities in a clean and sanitary condition, cleaned at least daily~~((~~

~~9))~~; and

(g) Bathing and shower facilities be available at all times during operation of the TWH.

(4) Meet the following requirements for family shelters:

(a) At least one handwash sink per family shelter. If an operator provides a family shelter with a toilet, the handwash sink must be located in the toilet room or immediately adjacent to the toilet room; and

(b) Request occupants of family ~~((dwelling units))~~ shelters to maintain bathing and handwashing facilities in a clean and sanitary condition.

~~((10) Ensure shower facilities provide privacy from the opposite sex and the public.~~

~~((11) Make showers and bathing facilities available when needed.))~~

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-125 Cooking and food-handling facilities. The operator ~~((must))~~ shall:

(1) Provide sanitary facilities for storing and preparing food.

(2) Provide all food-handling facilities with:

(a) Covered and enclosed or screened cooking and food-handling facilities for all occupants~~((The operator must provide adequate tables and seating for occupants.~~

(1) If cooking facilities are located in dwelling units, the operator must provide:

(a) An operable cook stove or hot plate with at least one cooking surface for every two occupants~~))~~);

(b) Covered and enclosed or screened eating facilities with adequate tables and seating for the occupants;

(c) If provided, hotplates that are compliant with WAC 296-307-16140(2);

(d) A sink with hot and cold running potable water under pressure;

~~((e))~~ (e) At least two ~~((2))~~ cubic feet of dry food storage space per occupant;

~~((f))~~ (f) Nonabsorbent~~((s))~~ and easily cleanable food preparation ~~((counters))~~ surfaces situated off the floor;

~~((g))~~ (g) Mechanical refrigeration conveniently located and able to maintain a temperature of ~~((forty-five))~~ forty degrees Fahrenheit or below, with at least two ~~((2))~~ cubic feet of storage space per occupant;

~~((h))~~ (h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

~~((g))~~ (i) Nonabsorbent, easily cleanable floors; ~~((and~~

~~((h))~~ (j) Adequate ventilation for cooking facilities; and

(k) Cooking facilities, including fixtures and drains, maintained in good working order.

~~((2))~~ (3) In common food-handling facilities, ~~((the operator must))~~ provide:

(a) A room ~~((or))~~, building, or space within a building, adequate in size, separate from any sleeping quarters, for occupants to prepare and cook their own food;

(b) No direct openings to living or sleeping areas from the common food-handling facility;

(c) An operable cook stove or electric hot plate with ~~((at least one cooking surface for every four occupants, or four cooking surfaces for every two families;~~

(d) Sinks with hot and cold running potable water under pressure;

(e) At least two (2) cubic feet of dry food storage space per occupant;

(f) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(g) Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least two (2) cubic feet of storage space per occupant;

(h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

(i) Nonabsorbent, easily cleanable floors; and

(j) Adequate ventilation for cooking facilities.

(3) The operator must) four cooking surfaces for every ten occupants through any combination of cooking surfaces including burners, one foot in length of burner surface, microwave ovens, stove ovens, or convection ovens.

(4) In family shelter food-handling facilities, provide an operable cook stove or electric hotplate with four cooking surfaces through any combination of cooking surfaces including burners, one foot in length of burner surface, microwave ovens, stove ovens, or convection ovens.

(5) Ensure that ~~((centralized))~~ common dining hall facilities comply with chapter 246-215 WAC, Food service.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-135 Cots, beds, bedding, and personal storage. The operator ~~((must))~~ shall:

(1) Provide beds, cots, or bunks furnished with clean mattresses in good condition for the maximum occupancy approved by the department of health ~~((or health officer))~~ for operator-supplied housing.

(2) Ensure cots are sturdy and stable and without:

(a) Mold;

(b) Rips or tears;

(c) Insect infestation;

(d) Stains from bodily fluids; or

(e) Rodents or rodent droppings.

(3) In TWH other than cherry harvest camps, provide beds and bunks with clean mattresses in good repair and without:

(a) Mold;

(b) Rips or tears;

(c) Insect infestation;

(d) Stains from bodily fluids; or

(e) Rodents or rodent droppings.

(4) Maintain bedding, if provided by the operator, in a clean and sanitary condition.

(5) Locate all beds and bedding at least thirty-six inches from cooking surfaces.

~~((3))~~ (6) Provide ~~((sufficient))~~ a minimum of twelve inches of clearance between each bed ~~((or))~~, bunk, or cot and

the floor ~~((or provide a commercially available cot, bed or bunk)).~~

~~((4))~~ (7) Allow space to separate beds or cots laterally and end to end by at least thirty-six inches when single beds or cots are used.

~~((5))~~ (8) Meet the following requirements when bunk beds are used:

(a) Allow space to separate beds laterally and end to end by at least forty-eight inches;

(b) Maintain a minimum space of twenty-seven inches between the upper and lower bunks; and

(c) Prohibit triple bunks.

~~((6))~~ (9) Provide all occupants suitable storage space including personal storage ((facilities)) space for clothing and personal articles ((in each room used for sleeping)). Storage space must be located in the occupant's room used for sleeping.

(10) Effective January 1, 2017, for each temporary worker housed in a common sleeping facility, provide suitable storage space that must:

(a) Ensure all or a portion of the storage space is enclosed and lockable;

(b) Be anchored in a manner which adequately prevents the storage space from being removed from the building; and

(c) Be accessible to the temporary worker.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-145 First aid and safety. The operator ~~((must))~~ shall:

(1) Comply with chapters 15.58 and 17.21 RCW, chapter 16-228 WAC, chapter 296-307 WAC, Parts I and J, and pesticide label instructions when using pesticides in and around the ~~((housing))~~ TWH.

(2) Prohibit, in the ~~((housing))~~ TWH area, the use, storage, ~~((and))~~ or mixing of flammable, volatile, or toxic substances other than those intended for household use.

(3) Provide readily accessible first-aid equipment.

(4) Ensure that a first aid ~~((qualified))~~ trained person is readily accessible to administer first aid at all times.

(5) Store or remove unused refrigerator units or other appliances to prevent access by children.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-155 Refuse disposal. The operator ~~((must))~~ shall:

(1) Comply with local sanitation codes for removing and disposing of refuse from ~~((housing))~~ TWH areas.

(2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse.

(3) Store refuse in fly-tight, rodent-tight, impervious, and cleanable containers, or in single-use containers.

(4) Keep refuse containers clean.

(5) Provide ~~((a))~~ at least one container ~~((on a wooden, metal, or concrete stand))~~ for each dwelling unit that is:

(a) Located within one hundred feet of each dwelling unit;

(b) Placed on a solid, flat and level stand made of wood, metal, or concrete; and

(c) Secured to prevent falling over or spilling.

(6) Empty refuse containers at least twice each week, and when full.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-165 Insect and rodent control. The operator ~~((must))~~ shall take effective measures to prevent and control insect and rodent infestation.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-175 Disease prevention and control. The operator ~~((must))~~ shall:

(1) Report immediately to the local health officer the name and address of any occupant known to have or suspected of having a communicable disease.

(2) Report immediately to the local health officer:

(a) Suspected food poisoning;

(b) Unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; ~~((or))~~

(c) Productive cough~~((;))~~;

(d) When weight loss is a prominent symptom among occupants.

(3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, food-stuffs, or materials in dining halls.

AMENDATORY SECTION (Amending WSR 14-12-049, filed 5/30/14, effective 7/1/14)

WAC 246-358-990 Fees. (1) **Licensing fee.** An operator shall submit to the department of health a licensing fee according to Table 1 of this section prior to the department of health issuing a ~~((temporary worker housing (-))~~ TWH(+)) operating license. Except as provided in subsections (2) and (3) of this section, the licensing fee consists of two portions:

(a) An administrative portion according to Table 1 of this section; and

(b) A facility portion, based on the maximum occupancy of the TWH, according to Table 1 of this section. For purposes of this section, maximum occupancy is the greatest number of occupants that reside in the TWH during the calendar year.

(2) **Self-survey program.** If an operator is a participant of the self-survey program described in WAC 246-358-027, the operator may pay the administrative portion only of the licensing fee according to Table 1 of this section. The operator may pay this fee only during the years the operator is approved to conduct the self-survey.

(3) **Minimum licensing fee.** The minimum licensing fee is ninety dollars.

~~((3))~~ (4) **Late fees.** The department of health may charge a late fee according to Table 1 of this section in addition to the licensing fee when:

(a) For a new license, the application and licensing fee are not received by the department of health at least forty-five days prior to the new TWH opening operation date;

(b) For a previously licensed TWH, the application and licensing fee are not received by the department of health by February twenty-eighth of the year the operator intends to operate the TWH.

~~((4))~~ **(5) Occupancy increase adjustment.**

(a) If, at any time, the operator or the department of health determines there are more occupants than the maximum occupants identified on the application for an operating license according to WAC 246-358-025, the operator shall submit additional funds to the department of health in the amount of four dollars for each additional occupant.

(b) Funds must be submitted to the department of health within thirty calendar days of the operator being made aware of the discrepancy.

(c) Additional occupants accounted for in this subsection may not contribute to exceeding the maximum capacity of the TWH according to WAC 246-358-029.

(6) Refunds.

(a) ~~The department of health will refund fees paid by the operator if:~~

~~(i))~~ The operator shall submit ~~((s))~~ a written request to the department of health for ~~((a))~~ any refund; and

~~((ii))~~ (b) If the operator provides documentation to the department of health that the TWH was not occupied during the license period(-

~~(b))~~, the department of health shall refund fees paid by the operator according to the following conditions:

(i) The department of health will refund ~~((two-thirds of))~~ the licensing fees paid, less a fifty dollar processing fee, if an application has been received but no ~~((preoccupancy))~~ prelicensure inspection has been performed by the department of health(-

~~(e))~~; or

(ii) The department of health will refund ~~((one-third))~~ two-thirds of the licensing fees paid, less a fifty dollar processing fee, if an application has been received and a ~~((preoccupancy))~~ prelicensure inspection has been performed by the department of health.

~~((d))~~ (c) The department of health will not refund applicant licensing fees under ~~((the following conditions))~~ subsection (1)(b) of this section if:

(i) The department of health has performed more than one on-site inspection for any purpose; or

(ii) One year has elapsed since a license application was received by the department of health, but no license was issued because the applicant failed to complete requirements for licensure.

~~((5))~~ **Technical assistance fee.** The department of health may charge an operator for each technical assistance visit conducted by the department of health when requested or approved by the operator or their designee. This fee will be charged according to WAC 246-359-990, Table 1.

~~((6))~~ (d) If the operator provides documentation to the department of health of fewer occupants than the maximum occupants identified on the application for an operating license according to WAC 246-358-025, the department of

health shall refund fees paid by the operator according to following conditions:

(i) The department of health will refund the amount of four dollars for every occupant fewer than the maximum number of occupants identified on the application, if an application has been received and no prelicensure inspection has been conducted;

(ii) The department of health will refund the amount of two dollars for every occupant fewer than the maximum number of occupants identified on the application, if an application has been received and a prelicensure inspection has been conducted; or

(iii) The department of health will not refund any amount under subsection (1)(b) of this section if the department of health has performed more than one on-site inspection for any purpose.

(7) **TWH civil fine.** The department of health may assess an operator a civil fine according to RCW 43.70.335.

**Table 1
Fees, ~~((Regular))~~ Temporary Worker Housing**

Fee Type	Administrative Portion	Facility Portion
Licensing	\$50	\$4 per occupant, at maximum annual occupancy
	(\$90 minimum total fee)	
<u>License Self-Survey Program</u>	<u>\$50</u>	<u>\$0</u>
Late	\$100 (Late fees are in addition to licensing fees)	

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-358-100 Toilet facilities.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-001 Purpose and scope. (1) Purpose. The purpose of this chapter is to provide minimum requirements to safeguard the health and general welfare of occupants of temporary worker housing (TWH) by regulating and controlling the design, construction, materials, location and maintenance of all buildings and structures within the authority of chapter 246-358 WAC (the ~~((temporary worker housing))~~ TWH rules) and this chapter.

(2) **Scope.** This chapter implements the requirements established by RCW 70.114A.081 and 43.70.337 to provide minimum construction requirements for new, relocated, existing or altered buildings and structures or portions thereof intended for use as ~~((temporary worker housing))~~ TWH. Such buildings and structures must be licensed by the Washington state department of health under chapter 246-358 WAC and

designated as "temporary worker housing (~~(occupancies)~~)." Buildings and structures which are not licensed, inspected and approved by the department of health must meet the provisions of the state building code under the local authority having jurisdiction and local ordinances.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-005 Applicability. (1) This chapter applies only to temporary worker housing as ~~(:~~

~~(a))~~ defined in RCW 43.70.334 through 43.70.340 and chapter 70.114A RCW ~~(; and~~

~~(b) Licensed under chapter 246-358 WAC (temporary worker housing rules) according to RCW 43.70.340 (Farm-worker housing inspection fund fee on labor camp operating license)).~~

(2) TWH meeting the requirements of subsection (1) of this section must:

(a) Be located on a rural worksite; and

(b) Comply with:

(i) Chapter 246-358 WAC (TWH rules); and

(ii) The electrical code, chapter 296-46B WAC.

(3) Existing structures built as nonresidential buildings, according to the state building code, may be licensed as ~~(temporary worker housing)~~ TWH by complying with the specific requirements of WAC 246-359-600, alternate construction, and approved under the authority of this chapter.

~~((3))~~ (4) Alterations to residential housing constructed according to the state building code and approved by the authority having jurisdiction must ~~(apply to)~~ comply with:

(a) The authority having jurisdiction for issuing building permits; ~~(or)~~ and

(b) ~~(The department in compliance with)~~ This chapter.

~~((4) Temporary worker housing meeting the requirements of subsection (1) of this section must:~~

(a) Be located on a rural worksite; and

(b) Comply with:

(i) WISHA labor camp provisions;

(ii) Chapter 246-358 WAC (temporary worker housing rules); and

(iii) The electrical code, chapter 296-46 WAC.)

(5) ~~(temporary worker housing)~~ TWH built in compliance with this chapter is exempt from state building code accessibility laws, RCW 19.27.031(5).

(6) Temporary worker housing built in compliance with this chapter which is subsequently converted to another use becomes subject to all local requirements for such use as enforced by the authority having jurisdiction.

(7) This chapter does not apply to:

(a) Housing built for use by the general public which is governed by chapter 59.18 RCW (Residential Landlord-Tenant Act) or chapter 59.20 RCW (Mobile Home Landlord-Tenant Act);

(b) Factory assembled structures as defined in this chapter, except for the requirements in subsection (8) of this section; and

(c) The construction of structures governed by the state building code and enforced by the authority having jurisdiction.

(8) This chapter is limited to issuing a construction permit for factory assembled structures to meet the following requirements:

(a) On-site installation; and

(b) Inspection of the site, foundation, and hook-ups, including, but not limited to: Potable water, sewage disposal systems, or gas connections.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-010 Definitions. ~~(For the purposes of this chapter,)~~ The following ~~(words and phrases will have the following meanings)~~ definitions apply throughout this chapter unless the context clearly indicates otherwise:

(1) "Alter" or "alteration" means any change, major repair, addition or modification in construction.

(2) "Architect" means an individual licensed by chapter 18.08 RCW to practice in the state of Washington.

(3) "Cherry harvest camp" means a place where housing and related facilities are provided to agricultural employees by agricultural employers or TWH operators for their use while employed for the harvest of cherries in the state of Washington.

(4) "Common" means a shared facility provided by the operator for all occupants of the TWH.

(5) "Construction permit" means a permit issued by the department of health which allows the applicant to construct structures according to this chapter.

~~((4))~~ (6) "Construction standard" means temporary worker housing construction code as defined in RCW 70.114A.081.

~~((5) "Department" means the Washington state department of health.~~

~~(6) "Dormitory" means a building or portion of a building, designed to provide group sleeping accommodations for temporary workers.)~~

(7) "Dining hall" means a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

(8) "DOSH" means division of occupational safety and health, chapter 49.17 RCW administered by the department of labor and industries.

(9) "Dwelling unit" means a shelter, tent, building, or portion of a building, ~~(for a family that)~~ which may include cooking ~~(;)~~ and eating ~~(; sleeping and sanitation)~~ facilities ~~(and)~~, that is:

(a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

(b) Physically separated from other ~~(nonsleeping)~~ sleeping areas and ~~(common-use)~~ common areas. As used in this subsection, "physically separated" means a physical wall separating rooms.

~~((8))~~ (10) "Engineer" means an individual licensed by chapter 18.43 RCW to practice in the state of Washington.

~~((9))~~ (11) "Factory assembled structures" or "FAS" means those structures under the authority of chapter 43.22 RCW and chapters 296-150F through 296-150T WAC including:

(a) Mobile and manufactured homes;
 (b) ~~((Commercial coaches;~~
 (e)) Recreational vehicles;
~~((d))~~ (c) Recreational park trailers; and
~~((e))~~ (d) Factory-built housing which is any structure designed for human occupancy other than a manufactured or mobile home, where the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

~~((10))~~ (10) "Family" means two or more persons related by blood or marriage or a group of persons living together in a dwelling unit.

~~((11))~~ (12) "Family shelter" means a dwelling unit with sleeping facilities for up to fifteen occupants that may include toilet or cooking facilities. If services such as bathing, food-handling, or toilet facilities are provided in the family shelter, they are for the sole use of the occupants of the family shelter.

(13) "Floor area" or "floor space" is the area included within the surrounding exterior walls of a building or portion thereof with a minimum of seven foot ceilings.

~~((12))~~ (14) "Food-handling facility" means an enclosed area provided by the operator for occupants to prepare their own food, and may be within a family shelter or common facility.

(15) "Habitable room" or "habitable space" is a room or space in a structure ~~((with a minimum seven foot ceiling))~~ used for living, sleeping, eating, or cooking. ~~((Bathrooms, toilet compartments))~~ Bathing facilities, toilet facilities, closets, halls, storage or utility space, and similar areas, are not considered habitable ~~((space))~~ rooms.

~~((13))~~ (16) "Jurisdiction having authority" means, a local county or city building or health or zoning or public works department or state department of health or ecology or labor and industries, etc.

~~((14))~~ "Labor camp" means the temporary labor camp requirements of WAC 296-307-160 of the Washington Industrial Safety and Health Act of 1993, chapter 49.17 RCW as amended September 10, 1994.

(15)) (17) "Livestock" means horses, cows, pigs, sheep, goats, poultry, etc.

(18) "Occupant" means a temporary worker or a person who resides with a temporary worker at ~~((a housing site))~~ the TWH.

~~((16))~~ "State building code" means the building code, plumbing code, mechanical code, and fire code as referenced under RCW 19.27.031.

(17) "Special inspector" means a person paid at the applicant's expense to conduct special inspections when the department determines the required inspections are not sufficient.

~~((18))~~ (19) "Operator" means a person holding legal title to the land on which the TWH is located. If the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the TWH.

(20) "Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

(a) Built on a single chassis, mounted on wheels;

(b) Having a gross trailer area not exceeding four hundred square feet (37.15 square meters) in the set-up mode;

(c) Certified by the manufacturer as complying with American National Standards Institute (ANSI) standard A119.5; and

(d) Compliant with chapter 296-150P WAC.

(21) "Recreational vehicle" means a vehicular type unit that is compliant with chapter 296-150R WAC and primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but do not include pickup trucks with camper shells, canopies, or other similar coverings.

(22) "Special inspector" means a person paid at the applicant's expense to conduct special inspections when the department determines the required inspections are not sufficient.

(23) "State building code" means the building code, plumbing code, mechanical code, and residential and fire code as referenced under RCW 19.27.031.

(24) "Temporary worker" means a person employed intermittently and not residing year-round at the same site.

~~((19))~~ (25) "Temporary worker housing (TWH)" or "~~((TWH))~~ housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy ~~((and includes "labor camps" under RCW 70.54.110.~~

(20) "Temporary worker housing (TWH) occupancies" means buildings, structures or portions thereof used for occupancy by temporary workers.

(21) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW administered by the state of Washington department of labor and industries. Temporary labor camp requirements of WAC 296-307-16001 are in force for temporary labor camps). THW includes cherry harvest camps.

(26) "Tent" means an enclosure or shelter used at a cherry harvest camp and constructed of fabric or pliable material composed of rigid framework to support a tensioned membrane that provides a weather barrier.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-020 Powers and duties of the department of health. The department of health:

(1) Is authorized and directed to enforce all the provisions of this chapter, according to the laws as enacted by the Washington state legislature.

(2) Has the power to issue written interpretations of this chapter as long as the interpretations are in conformance with the intent and purpose of this chapter and the regulated community is informed of these interpretations.

(3) May adopt and enforce rules and supplemental regulations to clarify the application of the provisions of this chapter consistent with the intent and purpose of this chapter.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-030 Cooperation with the department of health—Right of entry. (1) **Department of health authority.** The department has authority to enter any building or area used for (~~temporary worker housing~~) TWH, at reasonable times to:

(a) Inspect the site for compliance with this chapter and related standards; and

(b) Determine, based on reasonable cause, if a building or condition on the premises is unsafe, dangerous or hazardous.

(2) **Refusal of entry.** When the (~~owner or person having lawful control or supervision authority~~) operator refuses entry or has required a warrant, the department of health will seek remedies provided by law to secure entry to the (~~temporary worker housing~~) TWH site.

(3) **Occupied (~~temporary worker housing~~) TWH.** The department of health must present credentials to the occupant and request the right to enter a (~~dormitory or~~) dwelling unit when (~~temporary workers~~) occupants are in residence.

(4) **Unoccupied (~~temporary worker housing~~) TWH.** When a (~~dormitory or~~) dwelling unit does not have (~~temporary workers~~) occupants in residence, the department of health must make a reasonable effort to locate the (~~owner or person having lawful control or supervision~~) operator of the (~~temporary worker housing~~) TWH to request entry.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-040 Appeals. (1) The department of health may deny, suspend, modify, or revoke a permit in any case in which it finds that there has been a failure or refusal to comply with the requirements of chapter 70.114A RCW or this chapter.

(2) The (~~department's~~) department of health's notice of a denial, suspension, modification, or revocation of a license will be consistent with RCW 43.70.115. An applicant or license holder has the right to an adjudicative proceeding to contest a decision.

(3) An applicant (~~who contests a~~) may request a hearing to contest the department of health permit decision (~~must, within twenty eight days of receipt of the decision:~~

(a) ~~File a written application for an adjudicative proceeding by a method showing proof of receipt with the Administrative Hearings Unit, Department of Health, PO Box 47879, Olympia, WA 98504-7879; and~~

(b) ~~Include in or with the application:~~

(i) ~~A specific statement of the issue or issues and law involved;~~

(ii) ~~The grounds for contesting the department decision; and~~

(iii) ~~A copy of the contested department decision).~~ The request must meet the following requirements:

(a) Be in writing;

(b) State the basis for contesting the permit decision;

(c) Include a copy of the department of health's notice of denial;

(d) Be served on and received by the department within twenty-eight days of the applicant or operator receiving the denial; and

(e) Be served in a manner which shows proof of receipt at the following address:

Adjudicative Clerk Office

310 Israel Rd. S.E.

Olympia, WA 98504-7879.

(4) The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW, this chapter, and chapters 246-08 and 246-10 WAC. If a provision in this chapter conflicts with chapter 246-08 or 246-10 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-050 Minor variances to the (~~temporary worker housing~~) TWH construction standard. An applicant may apply for a minor variance from the requirements of this chapter by filing a written request with the department of health. As used in this section, a minor variance means an alternative method of construction or design that must achieve the same result as the requirements of this chapter and protects the health and safety of the occupants.

(1) **Responsibilities of applicant.** If requesting a minor variance, an applicant must:

(a) Submit the following information in writing:

(i) The specific requirement or requirements from which the variance is requested;

(ii) Adequate justification that the variance is needed to obtain a beneficial use of the housing or to prevent a practical difficulty; and

(iii) How the variance will achieve the same result as the requirement and any specific alternative measures to be taken to protect the health and safety of the occupants(;-).

(b) Pay a fee set by the department of health according to WAC 246-359-990, Table I; and

(c) Follow the process stated in WAC 246-359-060, alternate construction, when applicable.

(2) **Department of health response.** The department of health will provide a written response to the applicant within forty-five days of receipt of the minor variance request. The written response will state the acceptance or denial of the variance, including the reasons for the (~~department's~~) department of health's decision. At a minimum the department of health will make its decision based on:

(a) The applicant's request as described in subsection (1) of this section;

(b) Research into the variance request; and

(c) Expert advice.

(3) **Applicant's response to denials.** According to chapter 34.05 RCW the applicant has twenty-one days after receiving the (~~department's~~) department of health's written denial, of the variance request, to contest the decision.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-060 Architect or engineer of record and plan submittal responsibilities. (1) The department of health will require construction documents to be prepared by an architect or engineer for any construction described under:

- (a) WAC 246-359-600, alternate construction;
- (b) WAC 246-359-710, installation requirements for factory assembled structures;
- (c) WAC 246-359-720, installation requirements for manufactured homes.

(2) The applicant must provide the name of the architect or engineer of record on the construction permit application.

(3) The applicant is responsible to notify the department of health, in writing, when the architect or engineer of record changes or is no longer able to review and coordinate all the necessary submittal documents for compatibility with the design of the building.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-070 Application and construction documents required for plan review. (1) To have construction documents reviewed the applicant must submit to the department of health:

(a) A completed and signed application, on a form provided by the department of health, for each structure (individual building);

(b) The required plan review fee, according to WAC 246-359-990;

(c) Two sets of construction documents, on substantial paper, including:

- (i) Plans and diagrams drawn to scale;
- (ii) Specifications;
- (iii) Computations; and
- (iv) Other documents needed to determine if the provisions of this chapter and related state rules are being met, for example solid waste disposal management plan or soil testing;

(d) When applicable, manufacturer's installation instructions as required for factory assembled structures, WAC 246-359-710, and manufactured homes, WAC 246-359-720;

(e) Proof of an adequate approved potable water supply to meet the intended use of the ~~((temporary worker housing))~~ TWH and which meets the requirements of chapters 246-290 and 246-291 WAC (water rules) and ~~((WISHA))~~ WAC 296-307-16130;

(f) Copy of the on-site sewage system permit from the jurisdiction having authority;

(g) Proof of a water right permit from the department of ecology, when required;

(h) Proof of current approval from the department of labor and industries, when required, for factory assembled structures; and

(i) Proof the project meets zoning requirements as established for height, setback and road access under the authority having jurisdiction.

(2) The plans and specifications must clearly identify in detail the location, nature and extent of the work proposed.

(3) The department of health will only begin plan review when:

(a) All the documents required in this section are submitted; and

(b) The plan review fee is received.

(4) The department of health can refund up to eighty percent of the plan review fee if the applicant submits a written request to stop the project before the plan review process is complete. Refunds are based on the plan review fee paid as required by Table I in WAC 246-359-990 and the amount of plan review completed as determined by the department.

(5) The department of health will charge an additional plan review fee according to Table I in WAC 246-359-990, when:

(a) Site inspections determine the project has not been built according to the approved construction documents and an additional plan review is required; or

(b) Revised construction documents are submitted after approval of the initial construction documents.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-080 Plan review approval and expiration of plan approval. (1) The department of health will notify the applicant in writing:

(a) With a "plan review approval letter" when the construction documents meet the requirements of this chapter; or

(b) With a "not approved letter" when the construction documents do not meet the requirements of this chapter and a resubmission of plans or documents is required by the department of health for approval.

(2) The applicant has a period of one year from the date of the plan review approval letter to submit the construction permit fee or the plan review approval will expire.

(3) The department of health will destroy all construction documents related to the project when the plan review approval expires.

(4) To renew action on an expired plan review the applicant must resubmit the construction documents and pay a new plan review fee to the department of health as required in WAC 246-359-990.

(5) Construction documents modified after the department of health issues approval must be resubmitted for approval with an additional fee as specified in WAC 246-359-070.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-090 Issuing and maintaining a construction permit. (1) The department of health will issue a construction permit when:

(a) Construction documents are approved according to WAC 246-359-080; and

(b) Permit and inspection fees are paid according to WAC 246-359-990.

(2) Construction can begin after the applicant is issued a construction permit by the department of health;

(3) The following conditions, at a minimum, must be met during construction:

(a) The "inspection record card" must be posted in a visible location at the worksite and be readily accessible to the inspector at the worksite; and

(b) The approved plans must be readily available to the inspector during all scheduled inspections.

(4) The department of health will void the permit and the applicant's right to continue construction when:

(a) The plans are changed, modified or altered without prior approval by the department of health as specified in WAC 246-359-080;

(b) Any deviation in construction or design is made from the approved plans; and

(c) The inspection record card and the approved plans are not readily and easily available to the inspector.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-100 Expiration and extension of construction permits. (1) **Permit expiration.** The permit will be considered null and void one year from the date the permit was issued if the applicant:

(a) Has not initiated the work authorized by the permit;

(b) Suspends or abandons the authorized work at any time after the work has begun by not calling for the next required inspection within one year after a required inspection;

(c) Has not applied for a time extension according to the requirements in subsection (2) of this section.

(2) **Permit extension.** The applicant can apply for a one time only extension when the request is made in writing to the department of health:

(a) Before the permit expires;

(b) Stating reasons satisfactory to the department of health;

(c) The original plans and specifications will be used and no changes have been made or are planned to be made; and

(d) The applicable standards have not changed.

(3) Any applicant who does not apply for an extension according to the requirements in this section cannot resume work unless the applicant:

(a) Resubmits plans according to WAC 246-359-070; and

(b) Pays full plan review and permit fee according to WAC 246-359-990.

(4) The department of health can refund up to eighty percent of the construction permit fee if the applicant submits a written request before construction starts. The refund will be determined by the department of health based on the permit fee paid as required by Table I in WAC 246-359-990.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-110 Construction without a permit.

(1) Construction of ((~~temporary worker housing~~)) TWH allowed by this chapter can only begin after a construction permit has been issued by the department of health as described in WAC 246-359-090.

(2) A person who begins any work without a construction permit will be subject to an investigation and an investi-

gation fee as described in WAC 246-359-990 whether or not a permit is then or subsequently issued. An investigation and investigation fee will be in addition to any other "additional" inspections or fees described in WAC 246-359-990.

(3) The department of health will determine if the person initiating building or work without a required construction permit is:

(a) Under the authority of this chapter and must follow the construction permit process defined in this chapter; or

(b) Found to be outside the authority of this chapter and must be reported to the jurisdiction having authority and the prosecuting attorney of that jurisdiction.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-120 Required inspections. The department of health or its designee, when notified by the applicant in writing has authority to conduct all of the inspections described in this section.

(1) **Site/foundation inspection.** To be made after excavations for footings are complete, and after any required forms and reinforcing steel are in place, **but** before any concrete has been placed.

(2) **Concrete slab or under-floor inspection.** To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, **but** before any concrete is placed or floor sheathing installed, including the subfloor.

(3) **Framing/rough-in inspection.** To be made after the roof, all framing, wall, and roof members are in place including fire blocking and bracing, heating, and rough electrical and plumbing has been installed.

(4) **Final inspection.** To be made after finish grading and the building is completed and ready for occupancy.

(5) **Additional inspections.** To be made after the applicant has received notification that an additional inspection or inspections are necessary. The department of health will conduct the following additional inspections to:

(a) Assure the requirements of this chapter are being met, specifically to verify:

(i) Stop work orders, WAC 246-359-130, are adhered to;

(ii) Approved plans, according to WAC 246-359-080, have not been altered without prior department of health approval; and

(iii) A construction permit has been issued according to WAC 246-359-090;

(b) Determine compliance with other required laws or ordinances necessary to enforce this chapter; and

(c) Determine if an approved variance is being followed, when verification cannot be determined through the inspections described in subsections (1) through (4) of this section.

(6) **Special inspections.** To be made by a special inspector when the applicant is building to the alternate construction standards and the inspections required in subsections (1) through (5) of this section are not sufficient to determine compliance with the alternate construction methods.

(7) **Reinspections.** Reinspections will be conducted and a reinspection fee charged for each reinspection conducted for the following reasons:

- (a) Work for which an inspection is requested and is not complete;
- (b) Required corrections called for have not been made;
- (c) The inspection record card is not posted or readily available at the worksite;
- (d) The approved plans are not readily available to the inspector; and
- (e) The inspector's request for equipment or information was not provided at the site preventing the inspector from conducting the scheduled inspection.

(8) FAS inspections.

(a) Inspections of FAS site foundations will be conducted at the following events, where applicable:

(i) After excavation for footings or after foundation stem walls are completed;

(ii) After required forms and reinforcing steel are in place for footings and foundation stem walls;

(iii) Before concrete has been poured; and

(iv) At the following stages during concrete slab or under-floor inspection:

(A) After all slab, runner, or under-floor building service material, such as conduit, piping, accessories and other ancillary equipment items are in place; and

(B) Before any concrete has been cured or floor sheathing installed, including the subfloor.

(b) Inspections of unit settings, anchoring and hook-ups include, but are not limited to, potable water, sewage disposal systems, or gas connections. Inspections will be conducted:

(i) After the FAS unit(s) has been delivered; and

(ii) Include bracing, anchoring, any below floor ducting installation, and rough electrical and plumbing.

(c) Final inspections will be conducted after finish grading and the building is completed and ready for occupancy. Final inspections will determine if required ventilation, water, septic, electrical, and, if installed, gas systems are installed, connected, and operable.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-130 Stop work orders. (1) The department of health, upon notifying the applicant in writing, will order work to be stopped when the work being done is found to be contrary to:

- (a) The approved plans;
- (b) The requirements of this chapter; or
- (c) Other laws or ordinances required and necessary to enforce this chapter at a minimum as stated in WAC 246-359-005(4), applicability.

(2) If the department of health finds work being done contrary to subsection (1) of this section the department of health, in addition to notifying the applicant in writing, will post a "stop work order" on the construction site.

(3) The applicant is prohibited from continuing any work or causing any work to be performed until solutions to rectify the conditions causing the stop work order have been approved by the department of health.

(4) The department of health will document removal of the stop work order by:

(a) Providing the applicant written authorization to proceed with the work; and

(b) Removing or causing the "stop work order" to be removed.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-140 Certificate of completion. (1) The department of health will issue a "certificate of completion" when:

(a) The inspector determines the project is completed in compliance with the approved construction documents;

(b) The department of health determines the project is in compliance with this chapter and related rules including:

(i) Proof the potable water supply is approved and adequate to meet the requirements of chapters 246-290 and 246-291 WAC (water rules) and ((WISHA)) DOSH;

(ii) Proof the sewage disposal system has been approved by the jurisdiction having authority, for example, city or county health or public works department, state department of health or state department of ecology; and

(iii) Proof the electrical system has been approved by the jurisdiction having authority, for example, Washington state department of labor and industries or the city building or planning departments.

(2) ((~~Approved to apply~~)) **Applying for a license.** The applicant ((~~can~~)) may apply for a ((~~temporary worker housing~~)) TWH license according to chapter 246-358 WAC at any time after receiving a certificate of completion from the department of health. The applicant must receive a TWH operating license prior to operating the TWH site.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-150 Site requirements. (1) The site used for ((~~temporary worker housing~~)) TWH must be:

(a) Adequately drained and not subject to periodic flooding;

(b) Located a distance of at least two hundred feet from all surface water;

(c) Located so the drainage from and through the ((~~temporary worker housing~~)) TWH will not endanger any domestic or public water supply;

(d) Graded, ditched, and made free from depressions which allow water to become a nuisance;

(e) Adequate in size to prevent overcrowding of necessary structures; and

(f) Located on a slope which is not more than one unit (inches, feet, etc.) vertical per twenty units horizontal.

(2) Any structure used for sleeping or preparing and serving food must be located at least five hundred feet from any area in which livestock is kept.

(3) All ((~~temporary worker housing~~)) TWH structures must be located a minimum of ten feet from any other structure or building.

(4) The TWH must have adequate lighting to provide safe passage for occupants to travel between TWH facilities.

(5) Common toilet facilities must meet the following:

(a) When a toilet is in a separate building from the sleeping room, the toilet room must be not more than two hundred feet from the door of each dwelling unit;

(b) No person has to pass through a sleeping room to reach common toilet facilities;

(c) Comply with the toilet ratios identified in WAC 246-359-560;

(d) If the TWH will provide for occupancy by both sexes, there must be separate toilet rooms for each sex that meet the required ratio as defined in Table 1 of WAC 246-358-093 and separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building; and

(e) Common toilet facilities used for both men and women must:

(i) Have separate and distinct entrances on separate walls;

(ii) Must be separated by at least twenty feet; and

(iii) Locate the women's entrance to be visible from and oriented toward the majority of the TWH dwelling units.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-160 ((Temporary worker housing) TWH minimum floor area and ceiling height. (1) Rooms used for sleeping purposes (~~only~~) must have a minimum of fifty square feet of floor space for each occupant.

(2) Rooms used for cooking, living, and sleeping must have a minimum of (~~seventy~~) one hundred square feet (~~for the first occupant and fifty square feet for each additional occupant~~) per temporary worker. Sanitary facilities shall be provided for storing and preparing food.

(3) All habitable rooms and spaces including halls(~~;~~ ~~bathrooms~~) and toilet (~~compartments~~) rooms must have at least a seven foot clear height from the floor to the ceiling or exposed ceiling framing.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-180 Concrete footings and foundations for wood framed construction. (1) Concrete used for footings and foundations must have a minimum compressive strength of two thousand pounds per square inch (psi). Concrete must be mixed and delivered in accordance with the requirements of ASTM C94 (Ready-Mix Concrete), or may be field mixed. Field mixed concrete will be subject to independent compressive strength testing and special inspection.

(2) Concrete footings must be placed on firm, undisturbed soil.

(3) Concrete footings must be continuous, be a minimum of twelve inches wide by six inches thick, be reinforced with a minimum of two No. 4 continuous rebar, and be at least eighteen inches below finished grade measured from the bottom of the footing.

(4) Concrete foundations must be a minimum of six inches thick, be reinforced with a minimum of (~~two~~) one continuous horizontal No. 4 (~~at~~) rebar within twelve inches from the top, and one continuous horizontal No. 4 rebar near mid-height, be reinforced vertically with No. 4 at (~~twenty-~~

~~four~~) forty-eight inches on center, extend at least six inches above the finished grade, and have a total height of not greater than forty-eight inches.

(5) Concrete foundation(~~s~~) stem walls that are formed by a thickened concrete slab edge as part of a slab on grade floor must be reinforced with (~~two~~) one piece(~~s~~) of No. 4 rebar in the upper part and (~~two~~) one piece(~~s~~) of No. 4 rebar in the lower part of the foundation. The concrete floor will be reinforced according to WAC 246-359-430. The thickened concrete slab edge must extend at least eighteen inches below finished grade, be at least twelve inches in width, and provide a slab height of at least six inches above finished grade.

(6) Where the walls are of wood construction, the treated foundation plates or sills must be bolted to the foundation or foundation wall with not less than one-half inch nominal diameter steel bolts embedded at least seven inches into the concrete and spaced not more than seventy-two inches apart. There must be a minimum of two bolts per piece with one bolt located within twelve inches of each end of each piece. A properly sized nut and washer must be tightened on each bolt to secure the place.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-250 Roof framing for wood framed construction and concrete masonry units (CMU). (1) Roof framing must have a minimum slope of three units vertical to twelve units horizontal, and must be framed with one of the following methods:

(a) Factory built trusses. Installed per manufacturer's directions and spaced not more than twenty-four inches on center. Roof trusses must be supported laterally at points of bearing by solid blocking to prevent rotation and lateral displacement;

(b) Rafter spans. Allowable rafter spans for Hem-Fir #2 or better must be in accordance with the spans and load conditions listed in Tables 250-A, 250-B or 250-C;

(c) Rafters. Rafters must be framed directly opposite each other at the ridge. There must be a ridge board at least one inch nominal thickness at all ridges and not less in depth than the cut end of the rafter;

(d) Notching at the ends of rafters cannot exceed one fourth the depth. Notches in the top or bottom must not exceed one sixth the depth and must not be located in the middle one third of the span;

(e) Holes bored in rafters must not be within two inches of the top or bottom and their diameter must not exceed one third the depth of the rafter; and

(f) Rafters must be supported laterally at points of bearing by solid blocking of the same material to prevent rotation and lateral displacement.

Table 250-A Western Wood Products Table for Hem-Fir #2 Rafter (L/240 Deflection Limit) 30# Snow Load and 10# Dead Load		
Rafter Size	Spacing—inches on center	Span—feet- inches
2 x 6	12	12-7
2 x 6	16	11-5
2 x 6	24	9-7
2 x 8	12	16-7
2 x 8	16	14-11
2 x 8	24	12-2
2 x 10	12	21-0
2 x 10	16	18-2
2 x 10	24	14-10
2 x 12	12	24-4
2 x 12	16	21-1
2 x 12	24	17-3

Table 250-B Western Wood Products Table for Hem-Fir #2 Rafter (L/240 Deflection Limit) 40# Snow Load and 10# Dead Load		
Rafter Size	Spacing—inches on center	Span—feet- inches
2 x 6	12	11-5
2 x 6	16	10-5
2 x 6	24	8-7
2 x 8	12	15-1
2 x 8	16	13-4
2 x 8	24	10-10
2 x 10	12	18-9
2 x 10	16	16-3
2 x 10	24	13-3
2 x 12	12	21-9
2 x 12	16	18-10
2 x 12	24	15-5

Table 250-C Western Wood Products Table for Hem-Fir #2 Rafter (L/240 Deflection Limit) 60# Snow Load and 10# Dead Load		
Ceiling Joist Size	Spacing—inches on center	Span—feet- inches
2 x 8	12	13-0
2 x 8	16	11-3
2 x 8	24	9-2

Table 250-C Western Wood Products Table for Hem-Fir #2 Rafter (L/240 Deflection Limit) 60# Snow Load and 10# Dead Load		
Ceiling Joist Size	Spacing—inches on center	Span—feet- inches
2 x 10	12	15-10
2 x 10	16	13-9
2 x 10	24	11-3
2 x 12	12	18-5
2 x 12	16	15-11
2 x 12	24	13-0
2 x 14	12	20-7
2 x 14	16	17-10
2 x 14	24	14-6

(2) The department of health will allow site built trusses accompanied by structural calculations prepared by a structural engineer or architect.

(3) Trimmer and header rafters must be doubled when the span of the header exceeds four feet. The ends of the header rafters more than six feet long must be supported by framing anchors or rafter hangers unless bearing on a beam, partition, or wall.

(4) Rafters must be nailed to adjacent ceiling joists to form a continuous tie between exterior walls when such joists are parallel to the rafters. Where not parallel, rafters must be nailed to minimum one-by-four cross ties.

(5) Rafter cross ties must be spaced not more than four feet on center, located immediately above the ceiling joists.

(6) Rafter and truss ties must be installed per (~~manufacturer's~~) manufacturer's instructions.

(7) Roof assembly must have rafter and truss ties to the wall below and spaced not more than four feet on center.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-300 Ceiling framing for wood framed construction and concrete masonry units (CMU). (1) Notching at the ends of ceiling joists must not exceed one fourth the depth. Notches in the top or bottom must not exceed one sixth the depth and must not be located in the middle one third of the span.

(2) Holes bored in ceiling joists must not be within two inches of the top or bottom and their diameter must not exceed one third the depth of the rafter.

(3) Ceiling joists must be supported laterally at points of bearing by solid blocking to prevent rotation and lateral displacement.

(4) Allowable ceiling joist spans for Hem-Fir #2 or better must be in accordance with the spans and load conditions listed in Table 300-A.

(5) The department of health will allow spans using other wood species or grade or other load conditions when accompanied by structural calculations prepared by a structural engineer or architect.

Table 300-A Western Wood Products Table for Hem-Fir #2 Ceiling Joists 10# Dead Load		
Ceiling Joist Size	Spacing—inches on center	Span—feet- inches
2 x 6	12	14-5
2 x 6	16	12-8
2 x 6	24	10-4
2 x 8	12	18-6
2 x 8	16	16-0
2 x 8	24	13-1
2 x 10	12	22-7
2 x 10	16	19-7
2 x 10	24	16-0
2 x 12	12	26-3
2 x 12	16	22-8
2 x 12	24	18-6

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-350 Roof connections for concrete masonry units (CMU). (1) Framing members must bear on a two-inch nominal thickness pressure treated plate anchored to the CMU wall with one-half inch diameter bolts. The anchor bolts must be spaced at maximum of six feet on center and a minimum of twelve inches from end of each plate member, and must be embedded into the top of the wall bond beam a minimum of four inches.

(2) Each roof framing member must be secured to the treated plate by installation of a metal tie as approved by the department of health.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-510 Door requirements. (~~Temporary worker housing~~) TWH habitable structures:

(1) Must have a primary entrance, which is at a minimum, three foot-by-six foot eight-inch exit door made of solid core wood or other material designed for use as an exterior door.

(2) Must have at least two exit doors when accommodating ten or more occupants. When two exit doors are required, the doors must be placed a distance apart equal to at least one-half of the length of the maximum overall diagonal dimension of the building area used.

(3) Provide a locking mechanism on the exterior door(s) of each family shelter. The mechanism must not prevent egress, and must be easily opened from the inside without use of a key or special knowledge.

(4) Provide a locking mechanism on all bedroom doors, excluding doors to common sleeping areas. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(5) Provide a locking mechanism on all bedroom doors, excluding doors to bedrooms housing more than fifteen occupants.

(6) Provide a locking mechanism on:

(a) Each toilet stall door, if provided; and

(b) Each shower stall door, if provided.

(7) Must have all exterior door openings screened with sixteen-mesh material self-closing screen doors, including toilet facilities.

~~((4))~~ (8) With a calculated occupant load of fifty occupants or more must have a screen door which swings in the direction of exiting.

~~((5))~~ (9) With latched screen doors must have a roller type latch.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-530 Interior finishes. (1) Floors must be finished to provide an easily cleanable surface. Acceptable finishes are paint, sheet vinyl, tile, or other materials designed for use as a finished floor surface. All materials must be installed per manufacturer's instructions.

(2) Walls and ceilings must be finished to prevent any injury to an occupant, for example, no protruding nails or other fasteners or any wires.

(3) In toileting and kitchen areas, walls must be finished to provide an easily cleanable surface impervious to moisture.

(4) If material to provide a finished surface for the walls is to be installed, then material such as one-half inch minimum thickness gypsum board (GB) must be secured to the wall structural members by fasteners approved for such attachment such as glue, nails, or screws. If GB is installed, then the joints must be fire taped and the wall surface sealed with paint or covered with another wall finish material.

(5) If materials are installed to provide a finished surface for the ceiling, then material such as five-eighths inch minimum thickness GB must be secured to the ceiling structural members by fasteners approved for such attachment such as nails or screws. If GB is installed, then the joints must be fire taped and the ceiling surface sealed with paint.

(6) Comply with all applicable state and federal laws and rules for lead-based paint.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-540 Lighting and electrical. (1) The installation of electrical systems and wiring must comply with the state electrical code, chapter 246-46 WAC, as administered by the department of labor and industries and according to the number of outlets or light fixtures required in subsection (2) of this section.

(2) Outlets and light fixtures provided in (~~temporary worker housing~~) TWH must comply with the requirements of subsection (1) of this section and WISHA requirements, including:

- (a) Each habitable room must have:
 - (i) One ceiling light fixture. Additional ceiling light fixtures will be required to comply with the foot candle requirements of chapter 246-358 WAC; and
 - (ii) One separate floor or wall outlet. Additional outlets will be required as determined by the department of health to prevent safety hazards when the housing is occupied;
- (b) Laundry and toilet rooms, and rooms where people congregate must have at least one ceiling or wall light fixture. Additional ceiling or wall light fixtures will be required:
 - (i) ~~((To comply))~~ With ((the)) at least twenty foot candles ~~((requirements of chapter 246-358 WAC))~~ thirty inches from the floor; and
 - (ii) As determined by the department of health to prevent safety hazards when the housing is occupied.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-550 Smoke detectors and carbon monoxide detectors. (1) ~~((Temporary worker housing))~~ TWH must be provided with approved smoke detectors installed according to the manufacturer's instructions.

- (2) Smoke detectors must:
 - (a) Be installed in each sleeping room;
 - (b) Be installed at a central point in a corridor or area which gives access to each separate sleeping room; and
 - (c) Emit a signal when the batteries are low.
- (3) In new construction, required smoke detectors must:
 - (a) Receive their primary power from the building wiring, when the wiring is served from a commercial source; and

- (b) Be equipped with a battery backup.
- (4) Smoke detector wiring must be permanent and without a disconnecting switch except as required for overcurrent protection.
- (5) Battery operated smoke detectors will be accepted:
 - (a) In existing buildings;
 - (b) In buildings without commercial power; or
 - (c) During when alteration, repairs or additions are being conducted to a building.
- (6) An approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units or one on each level of the dwelling. The approved carbon monoxide alarms must be installed in accordance with the manufacturer's recommendations in compliance with the building code, WAC 51-51-0315 and 246-358-080.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-560 Plumbing. (1) The installation of plumbing systems, fixtures, and fittings must comply with the ~~((Uniform))~~ Plumbing Code ~~((and Uniform Plumbing Code Standards))~~ as adopted by the state building code council, chapters 51-46 and 51-47 WAC, except for the following parts of the plumbing code which do not apply:

- (a) The provisions for "water conservation performance standards";
- (b) The minimum plumbing facilities and requirements for minimum numbers of fixtures ~~((, instead the following ratios will apply:))~~

Minimum Number of Required Plumbing Fixtures					
	Water Closets		Lavatory Sinks		Bathtubs or Showers
Dwelling Units	±		±		±
	Male	Female	Male	Female	
Shared Facilities, not in individual dwelling units:	1 per 15 or fraction thereof, with a minimum of 2. (See Note)	1 per 15 or fraction thereof, with a minimum of 2.	1 per 6 or fraction thereof.	1 per 6 or fraction thereof.	1 showerhead for every 10 persons or fraction thereof, for both male and female showers.

Note: Where urinals are provided in addition to water closets, the urinals must be provided in a 1:25 ratio.

- (2) ~~The applicant must comply with the following WISHA requirements:~~
 - (a) ~~When a toilet is in a separate building from the sleeping room, the toilet room must be at least one hundred feet but not more than two hundred feet from the door of each dormitory unit;~~
 - (b) ~~Laundry sinks must be provided on a ratio of one to thirty;~~
 - (c) ~~When handwashing sinks and bathing facilities are not provided in individual dwelling units the following ratios apply:~~
 - (i) ~~Handwashing sinks must be provided on a ratio of one to every six; and~~
 - (ii) ~~Bathing facilities must be provided on a ratio of one to every ten).~~

(2) Provide an adequate supply of hot and cold running water under pressure in bathing, food-handling, and laundry facilities.

(3) The following minimum number of plumbing fixtures must be installed in the TWH:

- (a) Toilet facilities. Provide toilet facilities adequate for the maximum capacity of the TWH, according to the following requirements:
 - (i) Provide flush toilets unless chemical toilets are approved by the department of health according to chapter 246-272A WAC;
 - (ii) Provide toilet facilities adequate for the maximum capacity of the TWH, according to Table 1 of this section;
 - (iii) Where common toilet facilities are provided, the number of toilets for each sex shall be based on the maximum number of people of that sex which the camp is designed to house at any one time, in the ratio of one such toilet to each

fifteen people, with a minimum of two toilets according to Table 1 of this section. Toilets must be separated by partitions or walls. For the purposes of subsection (3)(a)(iii) of this section, partitions or walls do not include curtains. Partitions or walls must ensure privacy and must have smooth, cleanable, and nonabsorbent surfaces;

(iv) Where common toilet facilities and family shelter toilets are provided, the family shelter toilets do not count towards the total number of toilets for the TWH camp; and

(v) When urinals are provided there must be one urinal or two linear feet of urinal trough for each twenty-five men.

(b) Handwashing sinks. Provide handwashing sinks adequate for the maximum capacity of the TWH, according to the following requirements:

(i) Handwash sinks must operate with a single faucet;

(ii) One handwash sink for every six occupants within the TWH site;

(iii) Of these handwash sinks, locate at least one handwash sink for every toilet in common toilet facilities adjacent to toilet(s); and

(iv) If a toilet is installed in a family shelter, locate at least one handwashing sink for every eight people in the family shelter adjacent to the toilet.

(c) Bathing facilities. Provide bathing facilities adequate for the maximum capacity of the TWH, with one showerhead for every ten occupants. Showers must be separated by partitions or walls. Partitions or walls must ensure privacy and must have smooth, cleanable, and nonabsorbent surfaces.

(d) One "service sink" in each common building used for laundry or bathing.

(e) Laundry facilities. Laundry facilities must be plumbed for one laundry tray or tubs or mechanical washing machine for every twenty-five occupants.

(f) Provide single faucets for all handwashing and food-handling sinks.

(g) All common food-handling facilities must provide one sink per eight burners.

((3)) (4) Water and septic systems must be approved by the jurisdiction having authority, including installation or modification.

(5) All TWH potable water systems must be sufficient to meet the requirements of WAC 246-358-055. Ensure that the distribution lines are able to maintain the working pressure of the water piping system at not less than thirty pounds per square inch after allowing for friction and other pressure losses.

Table 1
Minimum Required Plumbing Fixtures

Facility type	Water closets		Handwash sinks		Bathtubs or showers	
	Male	Female	Male	Female	Male	Female
Common facility, single sex	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 6 occupants	2 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Common facility: Male/female	1 minimum, 1 per 15 occupants	1 minimum, 1 per 15 occupants	1 minimum, 1 per 6 occupants	1 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Each family shelter	1, if provided		1		1, if provided	

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-565 ((Cooking)) Food-handling and eating facilities. (1) ((Individual dwelling units. Cooking)) All food-handling and eating facilities ((in individual dwelling units)) must ((be sufficient to)) meet the requirements of WAC 246-358-125((- temporary worker housing cooking and foodhandling facilities;)).

(2) Common ((use cooking)) food-handling facilities. ((Cooking facilities separate from sleeping units and used by multiple individuals or families must:

(a) Meet the requirements of WAC 246-358-125, temporary worker housing cooking and foodhandling facilities;

(b) Comply with WAC 296-307-160, WISHA;

(c) Be located within one hundred feet of the dormitory structure; and

(d) Have)) Common food-handling facilities must:

(a) Be covered and enclosed or screened;

(b) Provide mechanical ventilation in all enclosed food-handling facilities installed with a one hundred cubic feet per

minute (CFM) intermittent fan or a twenty-five CFM continual fan, vented to the outside for each cooking unit. Fan intakes must be located directly above or behind each cooking unit; and

(c) Provide one sink per eight burners.

(3) Common eating facilities must be covered and enclosed or screened with adequate tables and seating for the occupants.

(4) Dining halls ((with cooking facilities)). ((Cooking)) Food-handling facilities which are to be provided by the licensed operator for temporary workers residing in the ((temporary worker housing)) TWH must comply with:

(a) WAC 246-358-125((3)), dining hall rules for ((temporary worker housing)) TWH; and

(b) ((WAC 296-307-160; and

(e))) Chapter 246-215 WAC, food service sanitation rules.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-570 Mechanical installations. The installation of heating, ventilating, cooling, refrigeration systems, and other miscellaneous heat producing equipment must meet the requirements of the ~~((uniform))~~ mechanical code as adopted by the state building code council, chapter ~~((51-42))~~ 51-52 WAC, except as exempted in WAC 246-359-575.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-575 Energy and ventilation and indoor air quality requirement exemptions. ~~((Temporary worker housing))~~ TWH as defined in this chapter are exempt from all versions of the Washington state energy code and the ventilation and indoor air quality code.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-580 Heating ~~((and)), insulation, and air conditioning.~~ ~~((1) When the temporary worker housing is occupied from October 1st through May 1st:~~

~~(a) Department approved heat producing equipment must:~~

~~(i) Be available or installed; and~~

~~(ii) Comply with WISHA and chapter 246-358 WAC.~~

~~(b) A minimum of R-11 insulating material must be used to insulate ceilings and exterior walls.~~

~~(2) When insulation is used it must be covered with material which is safe and sturdy and sufficient to protect the building occupants from the insulating material.)~~ (1) When the temperature in habitable rooms will fall below seventy degrees Fahrenheit, the TWH must provide heating systems to maintain a temperature of seventy degrees Fahrenheit. Heating systems must be permanent, installed, and comply with DOSH and chapter 246-358 WAC.

(2) Insulation must be installed with a minimum of R-15 insulating material to insulate ceilings and exterior walls. When insulation is used, it must be covered with material which is safe and sturdy and sufficient to protect the building occupants from the insulating material. When insulation is installed in the ceiling, provide a minimum of one inch air space between insulation and roof sheathing and baffle.

(3) When the TWH dwelling unit temperature can rise above ninety degrees Fahrenheit during occupancy, the TWH dwelling unit must provide a coolant system to maintain a temperature at or below ninety degrees Fahrenheit.

(4) TWH buildings containing dwelling units must be provided with a one hundred cubic feet per minute (CFM) building ventilation fan capable of operating intermittently. Where an intermittent fan is installed in dwelling units with food-handling facilities, an additional building ventilation fan is not required.

(5) This section does not apply to cherry harvest camps.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-590 Liquid petroleum gas (LP-gas) storage tanks. Installed LP-gas, such as propane, propylene, butane, normal butane or isobutane, and butylenes, must comply with ~~((uniform))~~ the state fire code ((article 82 and uniform fire code standard 82-1)) and fuel gas code, as adopted by the state building code council.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-600 Alternate construction. (1) The department of health will allow alternate construction to the requirements stated in WAC ~~((246-359-200))~~ 246-359-180 through 246-359-440 of this chapter when the plans are designed and stamped by an engineer or architect licensed to practice in the state of Washington, and meet applicable sections of the state building code as adopted by the state building code council or other code as approved by the department of health.

(2) Any changes in the structural design must be stamped by an engineer including:

(a) Fixed construction, which cannot be dismantled and stored. Such fixed construction must comply with the structural requirements of the state building code, for example, wind forces, seismic forces, snow load, live load, and dead load.

(b) Nonfixed construction which can be dismantled and stored for use when ice or snow exceed the snow loads stated in this chapter. Such nonfixed construction must comply with the structural requirements of the state building code, for example, wind forces, seismic forces, live load, and dead load with the exception of snow loads.

(3) To determine compliance with this section the department may require a special inspector to conduct special inspections.

NEW SECTION

WAC 246-359-650 Tents. (1) Each tent must be constructed to sleep no more than fifteen occupants.

(2) Tents must provide protection from the elements, insects, and animals.

(3) Structural stability and floors.

(a) Tents and their supporting framework must be adequately braced and anchored to prevent weather related collapse. The operator shall provide documentation of the structural stability to the department of health, if requested.

(b) Floors must be smooth, sloped from a raised center towards the lower outer edges. Floors must be without breaks or holes to provide a hard, stable walking surface. Nonridged flooring supported by grass, dirt, soil, gravel or other uneven surface is not acceptable. Floors that are constructed of wood or concrete must comply with the building code, chapter 19.27 RCW and this chapter.

(c) Floor systems must be designed to prevent the entrance of snakes, rodents, and other nuisances.

(4) Flame-retardant treatments.

(a) The sidewalls, drops, and tops of tents shall be composed of flame-resistant material or treated with a flame retardant in an approved manner.

(b) Floor coverings, which are integral to the tent, and the bunting shall be composed of flame-resistant material or treated with a flame retardant in an approved manner and in accordance with Uniform Building Code, Standard 31.1.

(c) All tents must have a permanently affixed label bearing the following information:

(i) Identification of tent size and fabric or material type;

(ii) For flame-resistant materials, the necessary information to determine compliance with this section and National Fire Protection Association Standard 701, Standard Methods of Fire Tests for Flame-resistant Textiles and Films;

(iii) For flame-retardant materials, the date that the tent was last treated with an approved flame-retardant;

(iv) The trade name and type of flame-retardant used in the flame-retardant treatment; and

(v) The name of the person and firm that applied the flame-retardant.

(5) Means of egress.

(a) Tents must have a primary entrance door. At least one door must lead to the outside of the tent. The door must not be obstructed in any manner and must remain free of any material or matter where its presence would obstruct or render the exit hazardous.

(b) If food-handling facilities are provided in tents, or the tent occupancy capacity is for ten or more occupants, a window allowing egress must be located opposite the door and must have a means to open the window or provide an easily openable space, for example, a zipper which opens downward to the floor, must be provided.

(6) Floor area. The operator must:

(a) If food-handling facilities are provided in the tent, provide an additional twenty square feet of floor space;

(b) Provide at least fifty square feet of floor space for each occupant in rooms used for sleeping purposes.

(7) Ceiling height.

(a) A ceiling height of at least seven feet is required in fifty percent of the total floor area.

(b) No portion of the tent measuring less than six feet from the flooring to the ceiling will be included in any computation of the floor area.

(8) Windows and ventilation.

(a) The operator shall provide a window area equal to one-tenth of the total floor area in each habitable room which opens at least halfway or more directly to the outside for cross-ventilation and has a minimum of sixteen-mesh screens on all exterior openings.

(b) The windows must have weather-resistant flaps, which will cover the window area and a means of fastening the flaps to provide protection from the elements and allow privacy for the occupants.

(9) Electrical and lighting. The operator shall ensure that:

(a) Electricity is supplied to all tents used as habitable room.

(b) All electrical wiring, fixtures, and electrical equipment must comply with the electrical standards of the depart-

ment of labor and industries regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.

(c) Each tent used as habitable room has at least one ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet.

(d) If cooking is provided in the tent, appropriate wiring and electrical equipment is provided.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-710 Installation of factory assembled structures (FAS)—Except for manufactured homes. The department of health will approve the installation of all FAS except for manufactured homes (see WAC 246-359-720) when the following requirements are met:

(1) New and relocated FAS must be installed according to the manufacturer's written instructions;

(2) If the manufacturer's written instructions are unavailable or insufficient to address safe installation the department of health will require installation instructions for FAS to be submitted by an engineer or architect;

(3) The department of health will inspect FAS installation to determine if the site is properly prepared and the FAS is anchored according to the:

(a) Manufacturer's installation instructions; or

(b) Design of either an engineer or an architect.

(4) The requirements stated in WAC 246-359-720 (5) through (8) apply to FAS installation.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-720 Installation requirements for manufactured homes. The department of health will use the following criteria for approving the installation of manufactured homes:

(1) New and relocated manufactured homes must be installed according to the manufacturer's written installation instructions;

(2) If the manufacturer's installation instructions are unavailable for manufactured homes, the department of health will accept the following:

(a) American National Standards Institute (ANSI) A225.1, 1994 edition, section 3; or

(b) The installation instructions of an engineer or architect licensed in Washington.

(3) The department of health will inspect the installation to determine if the manufactured home is placed on a properly prepared site and anchored according to the:

(a) Manufacturer's installation instructions;

(b) ANSI A225.1, 1994 edition, section 3; or

(c) Design of an engineer or architect licensed in Washington.

(4) The department of health will require, at a minimum, specific instructions be obtained from a licensed engineer or architect when a manufactured home is to be installed on a site where the specific soil bearing capacity is not addressed in the manufacturer's instructions.

(5) The department of health may review, at a minimum, the following installation requirements:

(a) Heat duct crossovers, except that heat duct crossovers supported above the ground by strapping or blocking to avoid standing water and to prevent compression and sharp bends to minimize stress at the connections are also accepted;

(b) Dryer vents exhausted to the exterior side of the wall or skirting, when installed; and

(c) Hot water tank pressure relief lines. These lines must be exhausted to the exterior side of the exterior wall or skirting and downward.

(6) Water lines, waste lines, gas lines and electrical systems must be installed according to the requirements of this chapter.

(7) When skirting is used the skirting must:

(a) Be made of a material suitable for ground contact including all metal fasteners which must be made of galvanized, stainless steel or other corrosion resistant material;

(b) Be recessed behind the siding or trim and attached in such a manner to prevent water from being trapped between the skirting and siding or trim; and

(c) Have vent openings located close to corners which:

(i) Provide cross-ventilation on at least two opposite sides;

(ii) Are designed to prevent the entrance of rodents by covering the vent openings with corrosion-resistant wire mesh with mesh opening of one-fourth inch in dimension; and

(iii) Have a net area of not less than one square foot for each one hundred fifty square feet of under floor area.

(8) Provide access to the under floor area of the manufactured home so that all areas under the home are available for inspection. The opening must not be less than eighteen inches by twenty-four inches. The cover must be of metal, pressure treated wood or vinyl.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-740 Drain connector to factory assembled structures (FAS). (1) A FAS containing plumbing fixtures must be connected to the drain inlet by a drain connector:

(a) Approved by the department of health;

(b) Consisting of pipe not less than Schedule 40 with appropriate fittings and connectors; and

(c) Not less in size than the FAS outlet.

(2) The fitting connected to the drain inlet must be a directional fitting to discharge the flow into the drain inlet.

(3) A drain connector must be:

(a) Installed and maintained with a grade not less than one-fourth inch per foot;

(b) Gas-tight and no longer than necessary to make the direct connection between the mobile home outlet and drain inlet at the site.

(4) Each drain inlet must be maintained gas-tight when not in use.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-760 Gas connections to factory assembled structures (FAS). (1) A FAS, when using gas for heat-

ing or cooking purposes, must be connected to the gas outlet by an approved mobile or manufactured home connector. Gas connectors must be of adequate size to supply the total demand of the connected FAS and have a maximum length of six feet.

(2) A shutoff valve controlling the flow of gas to the entire gas piping system must be:

(a) Installed for each FAS;

(b) Readily accessible;

(c) Identified as the "shutoff valve"; and

(d) Installed near the point of connection to the service piping or supply connection of the liquified petroleum gas (LP-gas) tank.

(3) The installation and size of each section of LP-gas piping is determined by the ~~((uniform))~~ mechanical code as adopted by the state building code council.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-800 ~~((WISHA))~~ DOSH requirements affecting building ~~((temporary worker housing))~~ TWH.

(1) A separate sleeping area must be provided for the husband and wife in all family units in which one or more children over six years of age are housed.

(2) If a camp is used during cold weather, adequate heating equipment must be provided.

~~((Note: All heating, cooking, and water heating equipment must be installed according to state and local ordinances and codes regulating installations.))~~

(3) All heating, cooking and water heating equipment must be installed according to state and local ordinances and codes regulating installations.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-990 Fees. (1) **General fee information.**

(a) The plan review fee and permit or inspection fees for:

(i) Wood framed construction and concrete masonry units will be charged based on square footage and the time required to complete the work, according to Table I, Parts A through C;

(ii) The installation of factory assembled structures will be based on Table I, Part D~~((and))~~.

(b) Each fee must be received before the department of health will:

(i) Conduct plan review of construction or installation documents;

(ii) Issue a construction permit; or

(iii) Conduct any on-site inspection.

(2) **Plan review fee for construction and installation documents.** The plan review fee is:

(a) A separate and additional fee from the construction permit fees or inspection fees~~((;))~~.

(b) Based on the initial plan review and assumes all documents required by WAC 246-359-070, application process and WAC 246-359-080, required documents for plan review, have been submitted.

(c) An additional plan review fee will be charged as stated in Table I, Part E when:

- (i) The documents submitted are incomplete;
- (ii) Plans previously reviewed and approved have been changed;
- (iii) The department of health has determined, by inspection, that the approved plans were not followed during construction.

(3) **Variance requests.** Written variance requests must be accompanied by a fee as stated in Table I, Part E.

(4) **Construction permit fee, includes required inspections.** The construction permit fee:

- (a) Is a separate and additional fee from the plan review fee;
- (b) Includes the required inspections as stated in WAC 246-359-120 (1) through (4);
- (c) Is based on the time required to conduct an inspection and assumes all of the requirements for application and plan review as required by subsection (2) of this section have been met and the plans are approved.

(5) **Additional inspections.** When the department of health determines additional inspections are necessary to determine compliance with this chapter the additional inspection fee will be charged according to Table I, Part F.

(6) **Investigation inspections.** If the department of health finds a person has initiated building or work without a permit, a fee will be charged according to Table I, Part F for the time taken to investigate.

(7) **Special inspections.** When an applicant is building to alternate construction standards and the required inspections in this chapter are not deemed sufficient by the department of health to determine compliance with this chapter, special inspections may be required including the cost of the health inspector. The applicant must pay the full cost of the special inspections. The department of health will notify the applicant what is required and the reasons for requiring a special inspection.

(8) The department of health will provide on-site technical assistance at the applicant's request. A fee will be charged according to Table I, Part G.

Table I, Fee Table

Square footage of project review		Construction plan review fee	Construction permit or inspection fee
Part A.	Up to 1000 square feet	\$330	\$550
Part B.	For each additional 100 square feet or fraction thereof	\$ 15	\$ 30
Part C.	Preapproved plans	\$ 66	\$550
	For each additional 100 square feet or fraction thereof	\$ 3	\$ 30
Part D.	Factory Assembled Structures, for example, manufactured homes, park trailers, modular buildings	\$ 66	\$550
		\$ 3	\$ 30
Part E.	Additional plan reviews, conducted after initial approval; and Variance requests	\$47 per hour (two hour minimum)	
Part F.	Additional and investigation inspections	\$47 per hour (two hour minimum)	
Part G.	On-site technical assistance visits	\$47 per hour (two hour minimum)	

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 246-361-001 Cherry harvest camps—Purpose and applicability.
- WAC 246-361-010 Definitions.
- WAC 246-361-020 Technical assistance.
- WAC 246-361-025 Operating license.
- WAC 246-361-030 Maximum camp occupancy.
- WAC 246-361-035 Variance and procedure.

- WAC 246-361-045 Cherry harvest camp sites.
- WAC 246-361-055 Water supply.
- WAC 246-361-065 Sewage disposal.
- WAC 246-361-070 Electricity and lighting.
- WAC 246-361-075 Tents.
- WAC 246-361-080 Recreation vehicles.
- WAC 246-361-090 Laundry facilities.
- WAC 246-361-095 Handwashing and bathing facilities.
- WAC 246-361-100 Toilet facilities.

WAC 246-361-125	Cooking and food-handling facilities.
WAC 246-361-135	Cots, beds, bedding, and personal storage.
WAC 246-361-145	First aid and safety.
WAC 246-361-155	Refuse disposal.
WAC 246-361-165	Insect and rodent control.
WAC 246-361-175	Disease prevention and control.
WAC 246-361-990	Fees for cherry harvest camps.

WSR 15-13-092**PERMANENT RULES****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed June 15, 2015, 3:21 p.m., effective see below]

Effective Date of Rule: Sections effective thirty-one days after filing: WAC 296-307-161, 296-307-16101, 296-307-16103, 296-307-16104, 296-307-16120, 296-307-16125, 296-307-16130, 296-307-16135, 296-307-16150, 296-307-16175, 296-307-16190 and 296-833-100; and sections effective January 1, 2016: WAC 296-307-16115, 296-307-16127, 296-307-16140, 296-307-16145, 296-307-16147, 296-307-16149, 296-307-16155, 296-307-16160, 296-307-16165, 296-307-16170, 296-307-16180, 296-307-16105, 296-307-16110, 296-307-163, 296-307-16301, 296-307-16303, 296-307-16305, 296-307-16310, 296-307-16315, 296-307-16320, 296-307-16325, 296-307-16330, 296-307-16335, 296-307-16340, 296-307-16345, 296-307-16350, 296-307-16355, 296-307-16360, 296-307-16365, 296-307-16370, 296-307-16375, 296-307-16380, 296-307-16385, 296-307-16390, and 296-307-16395.

Purpose: The purpose of the rule making was to rewrite and clarify existing requirements in chapter 296-307 WAC, Part L, Temporary worker housing and L-1, Cherry harvest camps and WAC 296-833-100, temporary housing for workers, scope. The department of labor and industries (L&I) and the department of health (DOH) have joint rules for licensing, operation and inspection of temporary worker and cherry harvest housing as required by RCW 70.114A.065 and 49.17-310 to enforce these rules. L&I consolidated the cherry harvest camp requirements in with temporary worker housing for cohesive purposes. Also, references, formatting and minor housekeeping changes were made throughout the chapters listed above.

Citation of Existing Rules Affected by this Order: New Sections: WAC 296-307-16104 Technical assistance—Notice of violation, 296-307-16127 TWH management plan, 296-307-16147 Tents, and 296-307-16149 Carbon monoxide alarms, smoke detectors and fire extinguishers.

Amended Sections:

- WAC 296-307-161 Temporary worker housing.
- Added "and cherry harvest camps" to the WAC title.
 - Above this section added a note "For licensing requirements, see WAC 246-358-025 Licensure."

WAC 296-307-16101 Purpose and applicability.

- Added "and cherry harvest camps" to subsection (1).
- Added "This part applies to" to subsection (2).
- Deleted "This part applies only to operators of" from subsection (2)(a).
- Added "including cherry harvest camps, provided by agricultural employers or operators in the state of Washington; and" to subsection (2)(a).
- Deleted "operators using tents within cherry harvest season must refer to WAC 296-307-163 Part L-1 or chapter 246-361 WAC." from subsection (2)(a).
- Added "of temporary worker housing shall be licensed under this chapter if the housing meets the criteria identified in WAC 296-307-161." to subsection (2)(b).
- Deleted "with ten or more occupants are required to be licensed under this part. Operators with nine or less employees are not required to be licensed, but must comply with these standards." from subsection (2)(b).
- Changed reference to WAC 246-358-025 in subsection (2)(c).

WAC 296-307-16103 Definitions.

- Deleted "For the purpose of this part" and "words and phrases will have the following meanings" from opening paragraph in section.
- Added "definitions apply throughout this chapter" in the opening paragraph.
- Added definition of "bathing facility."
- Updated definition of "building" to read: "Any structure used or intended by the operator to be used by workers for cooking, eating, sleeping, sanitation, or other facilities."
- Added new definition for "cherry harvest camp."
- Added new definition for "common" and it reads: "A shared facility provided by the operator for all workers of the TWH."
- Added new definition for "common areas."
- Deleted definition of "common food-handling facility."
- Deleted definition of "department."
- Updated "occupants" to "workers" in definition of "dining hall."
- Updated definition of "dwelling unit" and it reads: "A shelter, building, or portion of a building, ((that)) which may include cooking and eating facilities, that are:
 - (a) Provided and designated by the operator as either a sleeping area, living area, or both, for workers; and
 - (b) Physically separated from other sleeping and common-use areas. As used in this subsection, "physically separated" means a physical wall separating rooms." Deleted bullets in this definition and replaced them with letters (a) and (b).
- Added new definition of "family shelter."
- Updated definition of "first-aid qualified" to "first-aid trained" and deleted "from American Red Cross or another course with equivalent content or hours" from the definition.
- Added new definition of "floor space."
- Updated definition of "food-handling facility" and it reads: "An enclosed area provided by the operator for workers to prepare their own food, and may be within a family shelter or common facility."

- Added "public" to title of "Group A public Water system" and updated the definition to read: "A public water system as defined and referenced under WAC 246-290-020." and deleted language from the definition.
- Added "public" to title of "Group B public Water system" and updated the definition to read: "A public water system that is not a Group A public water system, and is defined and referenced under WAC 246-290-005." and deleted language from the definition.
- Updated definition of "habitable room" and it reads: "A room or space in a structure used for living, sleeping, eating, or cooking. Bathing facilities, toilet facilities, closets, halls, storage or utility space, and similar areas are not considered habitable rooms."
- Deleted definition of "health officer."
- In the definition of "occupant," deleted "worker" and added "employee," deleted "housing" and added "TWH," and added "or campsite."
- Added "or license" to title of definition of "operating license" and updated the definition to read: "A document issued annually by the department of health."
- In the definition of "operator," deleted "temporary worker housing" and added "the TWH camp."
- In definition of "recreational park trailers," changed bullets to numbers and added "(d) Chapter 296-150P WAC."
- Added "TWH" to definition of "temporary worker."
- Added "TWH" to title of definition of "temporary worker housing or housing."
- Added definition of "tent."
- Added definition of "worker-supplied housing."
- Deleted quotations and "means" from definitions.

WAC 296-307-16115 Maximum housing occupancy.

- Deleted "housing occupancy" and added "capacity for TWH workers" in the WAC title.
- Deleted "The maximum occupancy for" and "housing" and added "dwelling unit capacity" in subsection (1).
- In subsection (1)(a), added "floor space in habitable rooms provided for sleeping purposes as described in WAC 296-307-16145 (10) and (11) and Table 1 of this section."
- In subsection (1)(b), added "as described in WAC 296-307-16150 through 296-307-16165."
- Added to subsection (3) "Operators may take into consideration the services provided by the worker-supplied housing to ensure all ratios for services required by this chapter are met for all workers. If the ratios for services are not met, then the operator must provide common facility capacity for."
- Added Table 1 TWH maximum capacity.
- Deleted note under Table 1.

WAC 296-307-16120 Variance and procedure.

- Changed "shall" to "must."

WAC 296-307-16125 Temporary worker housing sites.

- Added "and cherry harvest campsites" to WAC title.
- Added new subsection (2) and it reads: "Ensure the principal TWH area for sleeping and for food preparation and eating are at least five hundred feet from where livestock are kept or congregate."

- Added new subsection (3) and it reads: "Ensure the TWH grounds and open areas surrounding the buildings are kept in a clean and sanitary condition free from refuse."
- Added to subsection (4) "Ensure all worker-supplied housing is maintained in good working condition."
- Changed "occupants" to "workers" in subsection (5).
- Deleted "Fill all abandoned toilet pits with earth" from subsection (6)(b) and changed subsection (c) to (b).

WAC 296-307-16130 Water supply.

- Added "safe and reliable supply of drinking," "from an approved Group A or Group B public water," and "meeting requirements of" to subsection (1).
- Added new subsection (1)(a) and (b) and they read: "(a) WAC 246-358-025 (2)(d), chapters 246-290 and 246-291 WAC; or (b) Local board of health rules."
- Changed numbering.
- New subsection (5) reads: "Provide an adequate supply of hot and cold running water under pressure in bathing, food-handling, handwashing, and laundry facilities."
- New subsection (6) reads: "Provide an automatically controlled hot water supply of 100 to 120 degrees Fahrenheit in bathing, food-handling, handwashing, and laundry facilities."
- Added "within the camp and within one hundred feet of the TWH" to subsection (7).
- Added "is printed on material colored to indicate unsafe" to subsection (7)(c).

WAC 296-307-16135 Sewage disposal.

- Updated reference to chapter 246-172A WAC, added the "A."

WAC 296-307-16140 Electricity and lighting.

- Added "family shelters and common facilities, except chemical toilets" to subsection (1).
- Changed numbering and lettering.
- Added "lighting provided inside bathing facilities during operation must be adequate" to subsection (5).
- Added "lighting requirements may be met by natural or artificial means" to subsection (7).
- Deleted note below subsection (7).
- Added "For lighting requirements in tents, please see WAC 296-307-16147" to subsection (8).

WAC 296-307-16145 Building requirements and maintenance.

- Added "construct, if provided TWH dwelling units, including common facilities, which must meet the following requirements" to subsection (1).
- Deleted "This part. Any shelter meeting these requirements is acceptable" from subsection (1)(c).
- Added "Prevent condensation in dwelling units and common facilities to the degree that it does not contribute to a health risk or safety issue to employees" to subsection (2).
- Added "Prevent mold in dwelling units and common facilities." to subsection (3).
- Added "Provide locking mechanisms on doors" to subsection (4).
- Changed numbering and lettering.

- Added "Prohibit use of lead based paint on any part of the TWH" to subsection (7).
- Added to subsection (9)(a): "Windows covering a total area equal to at least one-tenth of the total floor space; and."
- Added to subsection (9)(b): "At least one-half of each window can be opened to the outside for ventilation; or."
- Added to subsection (9)(c): "Mechanical ventilation in accordance with applicable standards from the American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE)."
- Added to subsection (10)(a): "not including any floor space in any portion of a room less than seven feet from the finished floor to the finished ceiling; and" and changed "occupant" to "worker."
- Added to subsection (10)(b): "(b) Windows covering a total area equal to at least one-tenth of the floor space within the surrounding walls of the sleep room."
- Added to subsection (11): "Provide each room used for sleeping and cooking purposes:"
- Added to subsection (11)(a): "At least 100 square feet of floor space per temporary worker;"
- Added to subsection (11)(b): "Meet the requirements of subsection (10) of this section."
- Added to subsection (14): "Provide and maintain on all exterior entrances with screen doors that:"
- Added to subsection (14)(a): "Have self-closing devices; and."
- Added to subsection (14)(b): "Close without gaps that would allow entry of pests."
- Added to subsection (16): "the ability to maintain inside dwelling unit temperature of at least 70 degrees Fahrenheit during occupancy."

WAC 296-307-16150 Laundry facilities.

- Changed numbering and lettering.
- Added "laundry facilities that include" to subsection (1).
- Changed "persons" to "workers" in subsection (1)(a).
- Changed "provide" to "adequate" in subsection (1)(b).
- Added "screened" to subsection (1)(c).

WAC 296-307-16155 Handwashing and bathing facilities.

- Added to subsection (1): "handwashing and bathing facilities adequate for the maximum capacity of the TWH according to Table 1 of WAC 296-307-16160."
- Added to subsection (2): "Meet the following general requirements for all handwashing and bathing facilities:"
- Added to subsection (2)(a): "(a) Provide cleanable, non-absorbent waste containers;"
- Added to subsection (2)(b): "Provide all showers, baths, or shower rooms with screened floor drains to remove waste water;"
- Added to subsection (2)(c): "Maintain fixtures and drains in good working order;"
- Added to subsection (2)(d): "Shower room walls and partitions must be smooth and nonabsorbent; and."
- Added to subsection (2)(e): "All showers separated by partitions must ensure privacy."
- Added to subsection (3): "Meet the following requirements for common facilities:"

- Added to subsection (3)(a): "One handwash sink for every six workers. Of these handwash sinks, locate adjacent to toilets at least one handwash sink for every fifteen workers;"
- Changed numbering and lettering.
- Deleted "each family dwelling unit or for" and "persons in centralized facilities" from subsection (3)(b).
- Deleted "provide" from subsection (3)(b), (c) and (d).
- Added to subsection (3)(e): "Shower and bathing facilities must provide privacy from the opposite sex and the public."
- Changed "centralized" to "common" in subsection (3)(f).
- Added to subsection (3)(g): "Bathing and shower facilities must be available at all times during operation of the TWH."
- Added to subsection (4): "Meet the following requirements for family shelters:"
- Added to subsection (4)(a): "At least one handwash sink per family shelter. If an operator provides a family shelter with toilet facilities, at least one handwash sink located in the toilet room or immediately adjacent to the toilet room; and."
- Deleted "dwelling units" and changed it to "shelters."

WAC 296-307-16160 Toilet facilities.

- Added to subsection (1): "Provide toilet facilities adequate for the maximum capacity of the TWH according to Table 1 of this section."
- Added to subsection (2): "Not provide or allow the use of pit privies."
- Added to subsection (3): "Fill abandoned pit privies with earth."
- Updated subsection (4) to read: "Meet the following general requirements for all toilet facilities:"
- Deleted "operators must," "or pit privies," "or health officer" and "and ensure the following" from subsection (4)(a).
- Added to subsection (4)(c): "Toilet rooms must be provided with:"
- Added to subsection (4)(c)(i): "Handwashing sinks located in or immediately adjacent to the toilet room;"
- Added to subsection (4)(c)(ii): "Either a window of at least six square feet opening directly to the outside or adequate ventilation;"
- Added to subsection (4)(c)(iii): "Sixteen-mesh screens on all outside openings;"
- Added to subsection (4)(c)(iv): "Fixtures maintained in good working order, including toilet(s) and sink(s);"
- Added to subsection (4)(c)(v): "Drains maintained in good working order, including floor drains with screens;"
- Changed numbering and lettering.
- Added to subsection (4)(d)(iv): "Located immediately adjacent to a handwash sink(s);"
- Added to subsection (5)(a): "the number of toilets for each sex must be based on the maximum number of workers of that sex which the camp is designed to house at any one time, in the ratio of one such toilet for every fifteen workers, with a minimum of two toilets according to Table 1 of this section;"

- Added to subsection (5)(e): "Separate toilets by partitions or walls. Partitions and walls must ensure privacy;"
- Added to subsection (5)(f): "Provide toilet room walls and partitions with smooth, cleanable, and nonabsorbent surfaces;"
- Added to subsection (5)(g): "Ensure the area surrounding common toilet facilities are adequately lighted;"
- Added to subsection (5)(h): "When common facilities will be used for both men and women."
- Added to subsection (6): "Meet the following requirements for family shelters if common toilet facilities are not provided."
- Added Table 1 Minimum Number of Required Fixtures.

WAC 296-307-16165 Cooking and food-handling facilities.

- Added to subsection (1): "sanitary facilities for storing and preparing food."
- Added to subsection (2): "Provide all food-handling facilities with:"
- Changed numbering and lettering.
- Added to subsection (2)(b): "Enclosed or screened eating facilities with tables and seating for a minimum of seventy percent of the occupants" and deleted "The operator must provide adequate tables and seating for occupants."
- Added to subsection (2)(c): "If provided, hotplates that meet WAC 296-307-16140(2)."
- Deleted "occupant" and changed it to "worker" in subsection (2)(e) and (g).
- Added to subsection (2)(k): "Cooking facilities, including fixtures and drains, maintained in good working order."
- Added "or space within a building," and "or tent for workers to prepare and cook their own food" to subsection (3)(a).
- Added to subsection (3)(c): "An operable cook stove or electric hotplate with four cooking surfaces for every ten workers through any combination of cooking surfaces, burners, or one foot in length of burner surface."
- Added to subsection (4): "In family shelter food-handling facilities, the operator shall provide an operable cook stove or electric hotplate with four cooking surfaces for every ten workers through any combination of cooking surfaces, burners, or one foot in length of burner surface."
- Changed "centralized" to "common" in subsection (5).

WAC 296-307-16170 Cots, beds, bedding and personal storage.

- Added to subsection (2): "Provide furnished beds and bunks with clean mattresses in good repair and without:"
- Added to subsection (2)(a): "Mold or indication of mold;"
- Added to subsection (2)(b): "Rips or tears;"
- Added to subsection (2)(c): "Insects or indication of insect infestation;"
- Added to subsection (2)(d): "Stains from bodily fluids; or."
- Added to subsection (2)(e): "Rodents or indication of rodents."
- Changed numbering and lettering.

- Added "a minimum of twelve inches of" to subsection (4), and deleted "and the floor or a commercially available cot, bed or bunk."
- Added to subsection (7): "Locate cots, beds, or bunks at least thirty inches or more from cooking surfaces."
- Added to subsection (8): "Provide cots only for cherry harvest camps;"
- Added to subsection (9): "Cots must be sturdy and stable;"
- Added to subsection (10): "each temporary worker with suitable storage space including personal" and "such as a wall locker or floor locker, that must be:"
- Added to subsection (10)(a): "Enclosed and lockable; and."

WAC 296-307-16175 First aid and safety.

- Changed "housing" to "TWH" in subsections (1) and (2).
- Changed "qualified" to "trained" in subsection (4).
- Added to subsection (5): "Provide a means of communication on the TWH site so workers can contact the first-aid trained person or emergency services within a reasonable amount of time; and."
- Changed numbering.

WAC 296-307-16180 Refuse disposal.

- Changed "housing" to "TWH" in subsection (1).
- Changed numbering and lettering.
- Deleted "on a wooden, metal or concrete stand" from subsection (5) and added "for each dwelling unit that is."
- Added to subsection (5)(b): "Placed on a solid, flat, and level stand made of wood, metal, or concrete; and."
- Added to subsection (5)(c): "Secured to prevent falling over or spilling."

WAC 296-307-16190 Disease prevention and control.

- Deleted "or" from subsection (2)(b).
- Changed "occupants" to "workers" in subsection (2)(d).

WAC 296-833-100 Scope.

- Deleted "WAC 296-307-163" and made "and cherry harvest camps" part of the title in the same sentence referring to WAC 296-307-161.

Repealed Sections: WAC 296-307-16105 Licensure, 296-307-16110 Requirements for self-survey program, 296-307-163 Cherry harvest camps, 296-307-16301 Purpose and applicability, 296-307-16303 Definitions, 296-307-16305 Technical assistance, 296-307-16310 Operating license, 296-307-16315 Maximum camp occupancy, 296-307-16320 Variance and procedure, 296-307-16325 Cherry harvest campsites, 296-307-16330 Water supply, 296-307-16335 Sewage disposal, 296-307-16340 Electricity and lighting, 296-307-16345 Tents, 296-307-16350 Recreational vehicles, 296-307-16355 Laundry facilities, 296-307-16360 Handwashing and bathing facilities, 296-307-16365 Toilet facilities, 296-307-16370 Cooking and food-handling facilities, 296-307-16375 Cots, beds, bedding and personal storage, 296-307-16380 First aid and safety, 296-307-16385 Refuse disposal, 296-307-16390 Insect and rodent control, and 296-307-16395 Disease prevention and control.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 14-24-108 on December 2, 2014.

Changes Other than Editing from Proposed to Adopted Version:

WAC 296-307-16101 Purpose and applicability.

- Added a note that states:
Note: The requirements in this part only apply to residents of the TWH facility who are also employees of the TWH facility owner. Requirements that would apply to other TWH residents, such as family members, who are not employees of the TWH facility owner, are in (title of the rule) chapter 246-358 WAC.

WAC 296-307-16103 Definitions.

- Removed "and tents" from the "TWH, temporary worker housing or housing" definition.

WAC 296-307-16115 Maximum housing occupancy.

- Updated "(10)" and "(11)" to "(13)" in subsection (1)(a).
- Updated the content and format of Table 1.

WAC 296-307-16120 Variance and procedure.

- Updated "chapter 296-901 WAC" to "900."
- Added subsections (1)-(4).
- Added new language about temporary variances being issued.

WAC 296-307-16127 TWH management plan.

- Updated subsection (1)(a)(ii) to read: "A plan for contacting a first-aid trained person or emergency services within a reasonable amount of time; and."
- Updated subsection lettering.
- "Employee" was changed to "occupant" throughout the entire section.
- In subsection (2)(a), updated "proposed" to "written copy of the."

WAC 296-307-16130 Water supply.

- Deleted handwashing in subsections (5) and (6).

WAC 296-307-16145 Building requirements and maintenance.

- Updated subsection (1)(a) to read: "Protect against the elements."
- Updated subsection lettering.
- Updated "employees" to "occupants" in subsection (2).
- Updated subsection (4) to read: "Provide a locking mechanism on the exterior door(s) of each family shelter. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge."
- Updated subsection (5) to read: "Provide a locking mechanism on all bedroom doors, excluding doors to bedrooms housing more than fifteen occupants. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge."
- Updated subsection (6) to read: "Provide a locking mechanism on:
 - Each toilet stall door, if provided; and
 - Each shower stall door, if provided."

- Updated subsection (9) to read: "Comply with all applicable state and federal laws and rules for lead based paint. For more information on lead, go to <http://www.lni.wa.gov/safety/topics/atoz/lead/default.asp>."
- Updated subsection (13) lettering and added new language to subsection (c) with implementation dates for coming into compliance with the updated requirements, as well as information about what the requests should include and when they need to be received by.
- Updated sentence structure in subsection (16).
- Updated subsection (18) to read: "Provide habitable rooms with equipment capable of maintaining a temperature of at least seventy degrees Fahrenheit during cold weather."
- Updated numbering throughout this section.

WAC 296-307-16149 Carbon monoxide alarms, smoke detectors, and fire extinguishers.

- Updated subsection (3) and it reads: "An operator must provide properly working fire extinguishers in dwelling units where occupants sleep if the dwelling unit does not have a second means of emergency egress. Fire extinguishers must be:"

WAC 296-307-16155 Handwashing and bathing facilities.

- Updated WAC reference in subsection (1).
- Added new language in subsection (2)(d) and it reads: "Separate showers with partitions or walls."
- Added subsection (2)(d)(i) and it reads: "Partitions and walls must ensure privacy and be smooth, cleanable and nonabsorbent."
- Added new language to subsection (2)(d)(ii) with implementation dates for coming into compliance with the updated requirements.

WAC 296-307-16160 Toilet facilities.

- Updated WAC references in subsections (1) and (5)(a).
- Added "For the purposes of this section, partitions do not include curtains," and added subsection lettering in subsection (5)(e).
- Added new language to subsection (5)(e)(ii) with implementation dates for coming into compliance with the updated requirements.
- Updated "employees" to "occupants" in subsection (6)(c) and deleted Table 1.

WAC 296-307-16165 Cooking and food-handling facilities.

- Added "covered" to subsection (2)(a) and (b), and updated the sentence structure of subsection (b).
- Added new language to subsections (3)(c) and (4) about additional types of cooking surfaces that can be used.

WAC 296-307-16170 Cots, beds, bedding, and personal storage.

- Removed language from subsection (1) about cots only being used in tents for cherry harvest camps.
- Added new language in subsection (3) regarding clean mattresses on beds and bunks, and subsequently renumbered the rest of the section.
- Removed language in subsection (8) and renumbered the subsection lettering.

- Added new language in subsection (10) with an implementation date for employers to come into compliance with the updated requirements.

WAC 296-307-16175 First aid and safety.

- Removed language from subsection (5) regarding providing a means of communication - it was moved up to the TWH management plan section and subsequently renumbered.

A final cost-benefit analysis is available by contacting Tari Enos, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5541, fax (360) 902-5619, e-mail tari.enos@lni.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 4, Amended 19, Repealed 24; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 4, Amended 19, Repealed 24.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 19, Repealed 24.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 19, Repealed 24.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 19, Repealed 24.

Date Adopted: June 15, 2015.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-161 Temporary worker housing and cherry harvest camps.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16101 Purpose and applicability. (1) Purpose. This part is adopted by the Washington state department of labor and industries to implement the provisions of chapter 49.17 RCW and establish minimum health and safety requirements for temporary worker housing and cherry harvest camps.

(2) Applicability.

This part applies to:

(a) (~~This part applies only to operators of~~) Temporary worker housing(~~—Operators using tents within the cherry harvest season must refer to WAC 296-307-163, Part L-1, or chapter 246-361 WAC.~~), including cherry harvest camps, provided by agricultural employers or operators in the state of Washington; and

(b) ~~Operators (with ten or more occupants are required to be licensed under this part. Operators with nine or less employees are not required to be licensed, but must comply with these standards)~~ of temporary worker housing shall be

licensed under this chapter if the housing meets the criteria identified in WAC 296-307-161.

~~((e) For department of health licensing, on-site survey, water test fees, etc., see WAC 246-358-990.)) For licensing requirements, see WAC 246-358-025, Licensure. For self-survey requirements, see WAC 246-358-027, Requirements for self-survey program. For enforcement requirements, see WAC 246-358-028, Enforcement.~~

Note: The requirements in this part only apply to residents of the TWH facility who are also employees of the TWH facility owner. Requirements that would apply to other TWH residents, such as family members, who are not employees of the TWH facility owner, are in chapter 246-358 WAC, Temporary worker housing.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16103 Definitions. (~~For the purposes of this part,~~) The following ((words and phrases will have the following meanings)) definitions apply throughout this chapter unless the context clearly indicates otherwise:

((“))Agricultural employee((“—means)). Any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

((“))Agricultural employer((“—means)). Any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes, but is not limited to, the planting, transplanting, tubing, pre-commercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

Bathing facility. An enclosed area provided by the operator for workers to bathe or shower, and may be located within a family shelter or a common facility.

((“))Building((“—means)). Any structure used or intended by the operator to be used by workers for ((supporting or sheltering any use or occupancy that may include) cooking, eating, sleeping, ((and)) sanitation, or other facilities.

~~**((“Common food handling facility” means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies)).**~~

Cherry harvest camp. A place where housing and related facilities are provided to agricultural employees by agricultural employers or TWH operators for their use while employed for the harvest of cherries in the state of Washington. Cherry harvest camps are the only TWH site allowing tents.

Common. A shared facility provided by the operator for all workers of the TWH.

Common areas. Housing areas shared or used by one or more families or unrelated individuals.

((“))Current certificate (first aid)((“—means)). A first-aid training certificate that has not expired.

~~**((“Department” means the Washington state department of health and/or the department of labor and industries.**~~

((“))Dining hall((“—means)). A cafeteria-type eating place with food furnished by and prepared under the direction of

the operator for consumption, with or without charge, by ~~((occupants))~~ workers.

~~(())~~ **Drinking fountain**~~(("means"))~~. A fixture equal to a nationally recognized standard or a designed-to-drain faucet, which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

~~(())~~ **Dwelling unit**~~(("means"))~~. A shelter, building, or portion of a building, ~~((that))~~ which may include cooking and eating facilities, ~~((which is))~~ that are:

~~(())~~ **(a)** Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

~~(())~~ **(b)** Physically separated from other sleeping and ~~((common use))~~ common areas. "Physically separated" means a physical wall separating rooms.

Family shelter. A dwelling unit with sleeping facilities for up to fifteen workers that may include toilet or cooking facilities. If services such as bathing, food-handling, or toilet facilities are provided in the family shelter, they are for the sole use of the occupants of the family shelter.

~~(())~~ **First-aid** ~~(("qualified" means that))~~ trained. The person holds a current certificate of first-aid training ~~((from the American Red Cross or another course with equivalent content or hours))~~.

Floor space. The area within a dwelling unit with a minimum ceiling height of seven feet.

~~(())~~ **Food-handling facility**~~(("means a designated,))~~. An enclosed area ~~((for preparation of food))~~ provided by the operator for workers to prepare their own food, and may be within a family shelter or common facility.

~~(())~~ **Group A public water system**~~(("means"))~~. A public water system ~~((and includes community and noncommunity water systems))~~.

~~((a))~~ A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents.

~~((b))~~ A noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

~~((i))~~ Nontransient (NTNC) water system that provides service opportunity to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.

~~((ii))~~ Transient (TNC) water system that serves:

~~(())~~ Twenty-five or more of the same people each day for sixty or more days within a calendar year;

~~(())~~ Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or

~~(())~~ One thousand or more people for two or more consecutive days within a calendar year)) as defined and referenced under WAC 246-290-020.

~~(())~~ **Group B public water system**~~(("means"))~~. A public water system(=

~~((a))~~ Constructed to serve less than fifteen residential services regardless of the number of people; or

~~((b))~~ Constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or

~~((c))~~ Any number of people for less than sixty days within a calendar year)) that is not a Group A public water system, and is defined and referenced under WAC 246-291-050.

~~(())~~ **Habitable room**~~(("means"))~~. A room or space in a structure ~~((with a minimum seven-foot ceiling))~~ used for living, sleeping, eating, or cooking. ~~((Bathrooms))~~ Bathing facilities, toilet ~~((compartments))~~ facilities, closets, halls, storage or utility space, and similar areas are not considered habitable ~~((space))~~ rooms.

~~(())~~ **Health officer**~~(("means"))~~. The individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

~~(())~~ **Livestock**~~(("means"))~~. Horses, cows, pigs, sheep, goats, poultry, etc.

~~(())~~ **Livestock operation**~~(("means"))~~. Any place, establishment, or facility consisting of pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.

~~(())~~ **MSPA**~~(("means"))~~. The Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

~~(())~~ **Occupant**~~(("means"))~~. A temporary ~~((worker))~~ employee or a person who resides with a temporary worker at the ~~((housing site))~~ TWH or camp.

~~(())~~ **Operating license**~~(("means"))~~ or license. A document issued annually by the department of health ~~((or contracted health officer authorizing the use of temporary worker housing))~~.

~~(())~~ **Operator**~~(("means"))~~. A person holding legal title to the land on which ~~((temporary worker housing))~~ the TWH or camp is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the ~~((temporary worker housing))~~ TWH.

~~(())~~ **Recreational park trailers**~~(("means"))~~. A trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

~~(())~~ **(a)** Built on a single chassis, mounted on wheels;

~~(())~~ **(b)** Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; ~~((and~~

~~(())~~ **)**

~~((c))~~ Certified by the manufacturer as complying with ANSI A119.5; and

~~((d))~~ Chapter 296-150P WAC.

~~(())~~ **Recreational vehicle**~~(("means"))~~. A vehicular-type unit that is compliant with chapter 296-150R WAC and primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Rec-

reational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but does not include pickup trucks with camper shells, canopies, or other similar coverings.

~~((=))~~Refuse~~((= means))~~. Solid wastes, rubbish, or garbage.

~~((=))~~Temporary worker~~((= means))~~or worker. An agricultural employee employed intermittently and not residing year-round at the same TWH site.

~~((=))~~TWH, temporary worker housing~~((=))~~ or ~~((=))~~housing~~((= means))~~. A place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees for temporary, seasonal occupancy. TWH includes cherry harvest camps.

Tent. An enclosure or shelter constructed of fabric or pliable material composed of rigid framework to support tensioned membrane that provides the weather barrier.

~~((=))~~WISHA~~((= means))~~. The Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

Worker-supplied housing. Housing owned by the worker and made available to the same worker on the operator's TWH site. Worker-supplied housing includes recreational park trailers, recreational vehicles, tents, or other structures that meet the requirements of this chapter.

NEW SECTION

WAC 296-307-16104 Technical assistance—Notice of violation. (1) The department of health or the department of labor and industries may provide technical assistance to assist in compliance with this chapter if requested by an operator.

(2) The department of labor and industries will only provide technical assistance to cherry harvest camps if requested by an operator.

(3) During a consultative technical assistance visit, or within a reasonable time thereafter, the department shall inform the owner or operator of the TWH on any violations of law or agency rules as follows:

(a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the agency requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the agency or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16115 Maximum ~~((housing occupancy))~~ capacity for TWH occupants. (1) ~~((The maximum occupancy for))~~ Operator-supplied ~~((housing))~~ dwelling unit capacity will be based on:

(a) The square footage of the ~~((housing facility))~~ floor space in habitable rooms provided for sleeping purposes as described in WAC 296-307-16145(13) and Table 1 of this section; and

(b) The number of bathing, food handling, handwashing, laundry, and toilet facilities as described in WAC 296-307-16150 through 296-307-16165.

(2) ~~((The maximum occupancy for))~~ Worker-supplied housing will be based on(~~(=~~

~~(a))~~ the number of spaces designated by the operator for worker-supplied housing (~~(by the operator, and~~

~~(b) The number of)~~).

(3) Operators may take into consideration the services provided by the worker-supplied housing to ensure all ratios for services required by this chapter are met for all occupants. If the ratios for services are not met, then the operator must provide common facility capacity for bathing, food handling, handwashing, laundry, and toilet facilities (~~(in excess of those facilities required for operator-supplied housing))~~).

(Note: Worker-supplied housing includes recreational park trailers, recreation vehicles, OSHA compliant tents, or other structures that meet the requirements of this part.)

Table 1
TWH Maximum Capacity

<u>Floor space requirements</u>	<u>Sleeping room only</u>		<u>Sleeping room with kitchen</u>			
	50 square feet per occupant		100 square feet per temporary worker			
<u>Facility requirements</u>	<u>Toilets</u>		<u>Handwash sinks</u>		<u>Bathtubs or showers</u>	
	Male	Female	Male	Female	Male	Female
<u>Common facilities, single sex</u>	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 6 occupants	2 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
<u>Common facilities: Male/female</u>	1 minimum, 1 per 15 occupants	1 minimum, 1 per 15 occupants	1 per 6 occupants	1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
<u>Each family shelter</u>	1, if provided		1		1, if provided	

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16120 Variance and procedure. (1)

Conditions may exist in operations that a state standard will not have practical use. The director of the department of labor and industries may issue a variance from the requirements of the standard when another means of providing equal protection is provided. The substitute means must provide equal protection in accordance with the requirements of chapter 49.17 RCW and chapter ~~((296-350 WAC, variances))~~ 296-900 WAC, Administrative rules.

(2) A temporary variance may be requested under chapter 296-900 WAC, Administrative rules, when an operator cannot comply with new requirements by the effective date(s) of this chapter because:

(a) The construction or alteration to a building cannot be completed in time;

(b) Materials or equipment are not available; or

(c) Professional or technical assistance is not available.

(3) Applications for variances will be reviewed and may be investigated by the department of labor and industries and the department of health. Variances granted will be limited to the specific case or cases covered in the application and may be revoked for cause. The variance ~~((shall))~~ must remain prominently posted on the premises while in effect.

(4) Variance application forms may be obtained from the Department of Labor and Industries, P.O. Box ~~((44625))~~ 44650, Olympia, Washington ~~((98504-4625))~~ 98504-4650 or the Department of Health, P.O. Box 47852, Olympia, Washington 98504-7852, upon request. Requests for variances from safety and health standards shall be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box ~~((44625))~~ 44650, Olympia, Washington ~~((98504-4625))~~ 98504-4650. (Reference RCW 49.17.080 and 49.17.090.)

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16125 Temporary worker housing sites and cherry harvest campsites. The operator must:

(1) Locate and operate a TWH site to prevent a health or safety hazard that is:

(a) Adequately drained and any drainage from and through the ~~((housing))~~ TWH must not endanger any domestic or public water supply;

(b) Free from periodic flooding and depressions in which water may become a nuisance;

(c) At least two hundred feet from a swamp, pool, sink hole, or other surface collection of water unless there is a mosquito prevention program for those areas;

(d) Large enough to prevent overcrowding of necessary structures. The principal housing area for sleeping and for food preparation and eating must be at least five hundred feet from where livestock are kept; and

(e) The grounds and open areas surrounding the shelters must be in a clean and sanitary condition.

~~((Must develop and implement a temporary worker housing management plan and rules for operators with ten or more occupants, to assure that the housing is operated in a~~

~~safe and secure manner and is kept within the approved capacity. Additionally, the licensed operator must:~~

~~((a) Inform occupants of the rules, in a language the occupant understands by providing individual copies of the rules to each occupant or posting the rules in the housing area;~~

~~((b)) Ensure the principal TWH area for sleeping and for food preparation and eating are at least five hundred feet from where livestock are kept or congregate.~~

(3) Ensure the TWH grounds and open areas surrounding the buildings are kept in a clean and sanitary condition free from refuse.

(4) Ensure all worker-supplied housing is maintained in good working condition.

(5) Restrict the number of occupants in the ~~((temporary worker housing))~~ TWH to the capacity as determined by the department of health.

~~((3))~~ (6) When closing housing permanently or for the season~~((, complete the following))~~:

~~((a) Dispose of all refuse to prevent nuisance~~((;~~~~

~~((b) Fill all abandoned toilet pits with earth)); and~~

~~((e))~~ (b) Leave the grounds and buildings in a clean and sanitary condition.

NEW SECTION

WAC 296-307-16127 TWH management plan. (1)

The operator licensed under this chapter must develop and implement a written TWH management plan that must include:

(a) A safety plan that includes the following:

(i) Emergency information, including site name and address, emergency contact phone numbers, location of local emergency services, and the department of health bilingual TWH complaint line;

(ii) A plan for contacting a first-aid trained person or emergency services within a reasonable amount of time; and

(iii) Those designated actions operators and occupants must take to ensure occupant safety from fire and other emergencies, including the following:

(A) Emergency escape procedures and emergency escape route assignments;

(B) Procedures to account for all occupants after emergency evacuation has been completed;

(C) The preferred means of reporting fires and other emergencies; and

(D) Names or regular job titles of those who can be contacted for further information or explanation of duties under the plan.

(iv) Training. Designate and train a sufficient number of occupants to assist in the safe and orderly emergency evacuation of occupants; and

(v) Maintenance. Regularly and properly maintain, according to established procedures, equipment and systems installed on heat producing equipment to prevent accidental ignition of combustible materials.

(b) Camp residency rules that describe to the occupants expectations for maintaining a safe and orderly TWH.

(2) The operator shall make available:

(a) A written copy of the TWH management plan, in English and the native language of the occupants, to the

department of health or the department of labor and industries upon request; and

(b) A written copy of the rules for review to occupants, in the occupant's native language, by:

- (i) Posting it in a central location accessible to the occupants; or
- (ii) Providing individual copies to each occupant if requested.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16130 Water supply. The operator must:

(1) Provide a safe and reliable supply of drinking water from an approved Group A or Group B public water system ~~((that is))~~ meeting the requirements of:

(a) ~~((Approved as a Group A public water system in compliance with chapter 246-290 WAC if the water system supplies fifteen or more connections or twenty-five or more people at least sixty days per year or provide proof the temporary worker housing receives water from an approved Group A public water system; or~~

~~(b) Approved as a Group B water system in compliance with chapter 246-291 WAC if the water system supplies less than fifteen connections and does not supply twenty-five or more people at least sixty days per year.~~

~~Note: A "same farm exemption" applies to a public water system with four or fewer connections all of which serve residences on the same farm. "Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.~~

	Avg. of less than 25 people	Avg. of 25 or more people
At least 60 days or more	Group B	Group A TNC
59 days or less	Group B	Group B

~~Note: If a system has fifteen or more connections, regardless of the population, it is a Group A water system.~~

~~(2) Provide an adequate and convenient hot and cold water supply for drinking, cooking, bathing, and laundry purposes.~~

~~Note: An "adequate water supply" means the storage capacity of the potable water system must meet the requirements of ASHRAE 1999 Applications Handbook, chapter 48, Water Systems.~~

~~((3))~~ WAC 246-358-025 (2)(d), chapters 246-290 and 246-291 WAC; or

(b) Local board of health rules.

(2) Ensure that the distribution lines are able to maintain the working pressure of the water piping system at not less than ~~((fifteen))~~ twenty pounds per square inch after allowing for friction and other pressure losses.

~~((4))~~ (3) When water is not piped to each dwelling unit, provide cold, potable, running water under pressure within one hundred feet of each dwelling unit.

~~((5))~~ (4) When water sources are not available in each individual dwelling unit or tent, provide one or more drinking fountains for each one hundred occupants or fraction thereof. ~~((Prohibit))~~ The use of common drinking cups or containers from which water is dipped or poured is prohibited.

(5) Provide an adequate supply of hot and cold running water under pressure in bathing, food-handling, and laundry facilities.

(6) Provide an automatically controlled hot water supply of one hundred to one hundred twenty degrees Fahrenheit in bathing, food-handling, and laundry facilities.

~~((6))~~ (7) When water within one hundred feet of a dwelling unit is unsafe for drinking purposes and accessible to ~~((occupants))~~ workers, post a sign by ~~((the source reading))~~ each nonpotable water source that:

(a) Reads "Do not drink. Do not use for washing. Do not use for preparing food,";

(b) Is printed in English and in the native language of the ~~((persons occupying the housing, or))~~ workers;

(c) Is printed on material colored to indicate unsafe; and

(d) Is marked with easily understood pictures or symbols.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16135 Sewage disposal. The operator must:

(1) Provide sewage disposal systems in accordance with local health jurisdictions.

(2) Connect all drain, waste, and vent systems from buildings to:

(a) Public sewers, if available; or

(b) Approved on-site sewage disposal systems that are designed, constructed, and maintained as required in chapters ~~((246-272))~~ 246-272A and 173-240 WAC, and local ordinances.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16140 Electricity and lighting. The operator must ensure that:

(1) Electricity is supplied to all dwelling units, ~~((kitchen facilities, shower/bathroom facilities, common areas, and laundry facilities))~~ family shelters, and common facilities, except chemical toilets;

(2) All electrical wiring, fixtures, and electrical equipment must:

(a) Comply with the electric standards of the department of labor and industries regulations, chapter 19.28 RCW, chapter 296-46B WAC, and local ordinances((;)); and

(b) Be maintained in a safe condition((;));

(3) Each habitable room must have at least:

(a) One ceiling-type light fixture; and

(b) At least one separate floor-type or wall-type convenience outlet((;)).

(4) Laundry, toilet ~~((rooms, shower/bathroom))~~ facilities, and bathing facilities ~~((, and rooms where people congregate))~~ have at least one ceiling-type or wall-type light fixture;

(5) General lighting and task lighting within all facilities is adequate to carry on normal daily activities;

(6) Adequate lighting is provided for safe passage for ~~((occupants))~~ workers to handwashing sinks and toilets. ~~((Note: Lighting requirements may be met by natural or artificial means.))~~ Lighting requirements may be met by natural or artificial means:

(7) For lighting requirements in tents, please see WAC 296-307-16147.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16145 Building requirements and maintenance. An operator must:

(1) Construct ~~((buildings to provide protection against the elements and comply with)), if provided TWH dwelling units, including common facilities, which must meet the following requirements:~~

(a) Protect against the elements:

(b) The State Building Code, chapter 19.27 RCW, or ((Temporary worker housing)) TWH construction standard, chapter 246-359 WAC; and

~~((b))~~ (c) State and local ordinances, codes, and regulations ~~(; and~~

~~(e) This part. Any shelter meeting these requirements is acceptable)).~~

(2) Prevent condensation in dwelling units and common facilities to the degree that it does not contribute to a health risk or safety issue to occupants.

(3) Prevent mold in dwelling units and common facilities.

(4) Provide a locking mechanism on the exterior door(s) of each family shelter. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(5) Provide a locking mechanism on all bedroom doors, excluding doors to bedrooms housing more than fifteen occupants. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(6) Provide a locking mechanism on:

(a) Each toilet stall door, if provided; and

(b) Each shower stall door, if provided.

(7) Identify each dwelling unit and space used for shelter by posting a number at each site.

~~((3))~~ (8) Maintain buildings in good repair and sanitary condition.

~~((4))~~ (9) Comply with all applicable state and federal laws and rules for lead based paint. For more information on lead, go to <http://www.lni.wa.gov/Safety/Topics/AtoZ/Lead/Default.asp>.

(10) Provide exits that are unobstructed and remain free of any material or matter where its presence would obstruct or render the exit hazardous.

~~((5))~~ (11) Provide ((a ceiling height of at least seven feet for each habitable room. If a building has a sloped ceiling, no portion of the room measuring less than seven feet from the finished floor to the finished ceiling will be included in any computation of the minimum floor space.

~~(6) Provide at least seventy square feet of floor space for the first occupant and at least fifty square feet of floor space for each additional occupant in each dwelling unit.~~

~~(7)) habitable rooms with:~~

~~(a) Windows covering a total area equal to at least one-tenth of the total floor space; and~~

~~(b) At least one-half of each window can be opened to the outside for ventilation; or~~

~~(c) Mechanical ventilation in accordance with applicable standards from the American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE).~~

~~(12) Provide each room used for sleeping purposes with:~~

~~(a) At least fifty square feet of floor space for each ((occupant.~~

~~(8) Provide floors in accordance with the State Building Code, chapter 19.27 RCW, or Temporary worker housing construction standard, chapter 246-359 WAC, that are tightly constructed and in good repair.~~

~~(9)) worker, not including any floor space in any portion of a room less than seven feet from the finished floor to the finished ceiling; and~~

~~(b) Windows covering a total area equal to at least one-tenth of the floor space within the surrounding walls of the sleep room.~~

~~(13) Provide each room used for sleeping and cooking purposes:~~

~~(a) Meet the requirements of subsection (12) of this section;~~

~~(b) At least one hundred square feet of floor space per temporary worker; and~~

~~(c) For a family shelter constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, one hundred square feet of floor space per temporary worker is required by January 1, 2019. Upon the operator's request, the department of health may grant an extension(s) for up to three additional years. Requests must:~~

~~(i) Include a schedule and work plan for achieving compliance;~~

~~(ii) Be on a form provided by the department of health; and~~

~~(iii) Be submitted to the department of health prior to January 1, 2019.~~

~~(14) Ensure wooden floors are at least one foot above ground level or meet the requirements in the State Building Code, chapter 19.27 RCW or Temporary worker housing construction standard, chapter 246-359 WAC.~~

~~((10) Provide habitable rooms that have:~~

~~(a) Windows covering a total area equal to at least one-tenth of the total floor area and at least one-half of each window can be opened to the outside for ventilation; or~~

~~(b) Mechanical ventilation in accordance with applicable ASHRAE standards.~~

~~((11)) (15) Provide sixteen-mesh screening on all exterior openings and screen doors with self-closing devices.~~

~~((12)) (16) Provide and maintain screen doors on all exterior entrances that:~~

~~(a) Have self-closing devices; and~~

~~(b) Close without gaps that would allow entry of pests.~~

(17) Install all heating, cooking, and water heating equipment according to state and local ordinances, codes, and regulations and maintain in a safe condition.

~~((13))~~ (18) Provide ~~((adequate heating equipment if habitable rooms, including bathrooms, are used))~~ habitable rooms with equipment capable of maintaining a temperature of at least seventy degrees Fahrenheit during cold weather.

~~((14))~~ (19) Ensure that all recreational vehicles and park trailers meet the requirements ~~((of))~~ as defined in this chapter((s 296-150P and 296-150R WAC)).

NEW SECTION

WAC 296-307-16147 Tents. (1) Each tent must be constructed to sleep no more than fifteen workers.

(2) Tents must provide protection from the elements, insects, and animals.

(3) Structural stability and floors.

(a) Tents and their supporting framework must be adequately braced and anchored to prevent weather related collapse. Documentation of the structural stability must be furnished to the department of health.

(b) Floors must be smooth, sloped from a raised center towards the lower outer edges. Floors must be without breaks or holes to provide a hard, stable walking surface. Nonridged flooring supported by grass, dirt, soil, gravel, or other uneven surfaces is not acceptable. Floors that are constructed of wood or concrete must comply with the building code, chapter 19.27 RCW and this chapter.

(c) Floor systems must be designed to prevent the entrance of snakes, rodents, and other nuisances.

(4) Flame-retardant treatments.

(a) The sidewalls, drops, and tops of tents shall be composed of flame-resistant material or treated with a flame-retardant in an approved manner.

(b) Floor coverings, which are integral to the tent, and the bunting, shall be composed of flame-resistant material or treated with a flame retardant in an approved manner and in accordance with Uniform Building Code, Standard 31.1.

(c) All tents must have a permanently affixed label bearing the following information:

(i) Identification of tent size and fabric or material type;

(ii) For flame-resistant materials, the necessary information to determine compliance with this section and National Fire Protection Association Standard 701, Standard Methods of Fire Tests for Flame-resistant Textiles and Films;

(iii) For flame-retardant materials, the date that the tent was last treated with an approved flame-retardant;

(iv) The trade name and type of flame-retardant used in the flame-retardant treatment; and

(v) The name of the person and firm that applied the flame-retardant.

(5) Means of egress.

(a) Tents must have a primary entrance door. At least one door must lead to the outside of the tent. The door must not be obstructed in any manner and must remain free of any material or matter where its presence would obstruct or render the exit hazardous.

(b) The area designated for refuge must be accessible and remain clear of storage materials or hazards.

(c) If food-handling facilities are provided in tents, or the tent occupancy capacity is for ten or more workers, a window must be located opposite the door and must have a means to open the window or provide an easily opened space, for example, a zipper which opens downward to the floor, must be provided.

(6) Floor area. The operator must:

(a) If food-handling facilities are provided in the tent, provide an additional twenty square feet of floor space;

(b) Provide at least fifty square feet of floor space for each worker in rooms used for sleeping purposes.

(7) Ceiling height.

(a) A ceiling height of at least seven feet is required in fifty percent of the total floor area.

(b) No portion of the tent measuring less than six feet from the flooring to the ceiling will be included in any computation of the floor area.

(8) Windows and ventilation.

(a) Provide a window area equal to one-tenth of the total floor area in each habitable room which opens at least half-way or more directly to the outside for cross-ventilation and has a minimum of sixteen-mesh screens on all exterior openings.

(b) The windows must have weather-resistant flaps, which will cover the window area and a means of fastening the flaps to provide protection from the elements and allow privacy for the workers.

(9) Electrical and lighting. The operator must ensure that:

(a) Electricity is supplied to all tents used as habitable room.

(b) All electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the department of labor and industries regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.

(c) Each tent used as a habitable room has at least one ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet.

(d) If cooking is provided in the tent, appropriate wiring and electrical equipment is provided.

NEW SECTION

WAC 296-307-16149 Carbon monoxide alarms, smoke detectors, and fire extinguishers. (1) An operator must provide and maintain working carbon monoxide alarms that are:

(a) Located in each dwelling unit with a sleeping area; and

(b) Installed in accordance with the manufacturer's recommendations in compliance with the building code, WAC 51-51-0315.

(2) An operator must provide and maintain working smoke detectors that:

(a) Are located in each sleeping area;

(b) Are located on each level of dwelling units with a sleeping area;

(c) Are located in each cooking facility area;

(d) Emits a signal when the batteries are low;

(e) Are placed on the ceiling or wall, but not on the wall above any door; and

(f) Are in compliance with the building code, WAC 51-51-0314.

(3) An operator must provide properly working fire extinguishers in dwelling units where occupants sleep if the dwelling unit does not have a second means of emergency egress. Fire extinguishers must be:

(a) A minimum 2A:10BC;

(b) Installed and maintained according to the manufacturer's instructions; and

(c) Installed in accordance with local ordinances, codes and regulations when applicable.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16150 Laundry facilities. An operator must:

(1) Provide laundry facilities that include:

(a) One laundry tray or tub or one mechanical washing machine for every thirty ((persons)) occupants;

~~((2) Provide)~~ (b) Adequate facilities for drying clothes; and

~~((3) Provide)~~ (c) Sloped, coved floors of nonslip impervious materials with screened floor drains(;

~~(4))~~;

(2) Maintain laundry facilities in a clean and sanitary condition.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16155 Handwashing and bathing facilities. An operator must:

(1) Provide ~~((one handwash sink for each family dwelling unit or for every six persons in centralized facilities. Handwash sinks must be adjacent to toilets;~~

~~(2) Provide)~~ handwashing and bathing facilities adequate for the maximum capacity of the TWH according to Table 1 of WAC 296-307-16115.

(2) Meet the following general requirements for all handwashing and bathing facilities:

(a) Provide cleanable, nonabsorbent waste containers;

(b) Provide all showers, baths, or shower rooms with screened floor drains to remove waste water;

(c) Maintain fixtures and drains in good working order;

(d) Separate showers with partitions or walls.

(i) Partitions and walls must ensure privacy and be smooth, cleanable, and nonabsorbent.

(ii) For a bathing facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.

(e) All showers separated by partitions must ensure privacy.

(3) Meet the following requirements for common facilities:

(a) One handwash sink for every six occupants. Of these handwash sinks, locate adjacent to toilets at least one handwash sink for every fifteen occupants;

~~(b) One showerhead for ((each family dwelling unit or for)) every ten ((persons in centralized facilities)) occupants;~~

~~((3) Provide)~~ (c) One "service sink" in each building used for ((centralized)) common laundry, handwashing, or bathing;

~~((4) Provide)~~ (d) Sloped, coved floors of nonslip impervious materials with floor drains;

~~((5) Ensure shower room walls are smooth and nonabsorbent to the height of four feet. If used, partitions must be smooth and nonabsorbent to the height of four feet;~~

~~(6) Provide all showers, baths, or shower rooms with floor drains to remove wastewater;~~

~~(7) Provide cleanable, nonabsorbent waste containers))~~ (e) Shower and bathing facilities must provide privacy from the opposite sex and the public;

~~((8))~~ (f) Maintain ((centralized)) common bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily; ((9)) and

(g) Bathing and shower facilities must be available at all times during operation of the TWH.

(4) Meet the following requirements for family shelters:

(a) At least one handwash sink per family shelter. If an operator provides a family shelter with toilet facilities, at least one handwash sink located in the toilet room or immediately adjacent to the toilet room; and

(b) Request occupants ((of)) in family ((dwelling units)) shelters to maintain bathing and handwashing facilities in a clean and sanitary condition(;

~~(10) Ensure shower facilities provide privacy from the opposite sex and the public; and~~

~~(11) Make showers and bathing facilities available when needed)).~~

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16160 Toilet facilities. The operator must:

(1) Provide toilet facilities adequate for the maximum capacity of the TWH according to Table 1 of WAC 296-307-16115.

(2) Not provide or allow the use of pit privies.

(3) Fill abandoned pit privies with earth.

(4) Meet the following general ((toilet)) requirements((- Operators must)) for all toilet facilities:

(a) Provide flush toilets unless chemical toilets ((or pit privies)) are specifically approved by the department of health ((or health officer)) according to requirements in chapter 246-272 WAC ((and ensure the following:

~~(a))~~;

(b) Flush toilets, chemical toilets, and urinals must not be located in any sleeping room, dining room, cooking or food-handling facility((-

~~(b)) or in any tent;~~

(c) Toilet rooms must be provided with:

(i) Handwashing sinks located in or immediately adjacent to the toilet room;

(ii) Either a window of at least six square feet opening directly to the outside or adequate ventilation;

(iii) Sixteen-mesh screens on all outside openings;

(iv) Fixtures maintained in good working order, including toilet(s) and sink(s); and

(v) Drains maintained in good working order, including floor drains with screens.

(d) When chemical toilets are approved, they must be:

(i) Located at least fifty feet from any dwelling unit or food-handling facility;

(ii) Maintained by a licensed waste disposal company; ~~(and)~~

(iii) Comply with local ordinances; ~~((e))~~ and

(iv) Located immediately adjacent to a handwash sink(s); and

(e) When urinals are provided:

(i) There must be one urinal or two linear feet of urinal trough for each twenty-five men;

(ii) The floors and the walls surrounding a urinal and extending out at least fifteen inches on all sides must be constructed of materials which will not be adversely affected by moisture; and

(iii) The urinal must have an adequate water flush ~~((where water under pressure is available; and~~

(iv) Urinal troughs are prohibited in pit privies.

(d) When pit privies are approved they must be:

(i) At least one hundred feet away from any sleeping room, dining room, cooking, or food-handling facilities; and

(ii) Constructed to exclude insects and rodents from the pit).

~~((2) Centralized)) (5) Meet the following requirements for common toilet facilities ~~((The operator must meet the following requirements when centralized))~~:~~

(a) Where common toilet facilities are provided ~~((:~~

(a) Provide toilet rooms with:

(i) One toilet for every fifteen persons;

(ii) One handwashing sink for every six persons;

(iii) Either a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated; and

(iv) All outside openings screened with sixteen-mesh material), the number of toilets for each sex must be based on the maximum number of occupants of that sex which the camp is designed to house at any one time, in the ratio of one such toilet for every fifteen occupants, with a minimum of two toilets according to Table 1 of WAC 296-307-16115;

(b) Locate toilet rooms so that:

(i) Toilets are within two hundred feet of the door of each sleeping room; and

(ii) No person has to pass through a sleeping room to reach a toilet room.

(c) Maintain toilets in a clean and sanitary condition, cleaned at least daily;

(d) Provide each toilet compartment with an adequate supply of toilet paper at all times;

(e) ~~((When shared facilities will be used for both men and women:))~~ Separate toilets by partitions or walls. For the purposes of this section, partitions do not include curtains.

(i) Partitions and walls must ensure privacy, and must have smooth, cleanable, and nonabsorbent surfaces;

(ii) For a common toilet facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.

(f) Ensure the area surrounding common toilet facilities are adequately lighted; and

(g) When common facilities will be used for both men and women:

(i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex and meet the required ratio as defined in (a) of this subsection;

(ii) Identify each room for "men" and "women" with signs printed in English and in the native language of the persons occupying the camp, or identified with easily understood pictures or symbols; and

(iii) Separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building.

~~((3) Individual family/unit dwelling toilet requirements. If providing flush toilets in individual cabins, apartments, or houses, the operator must)) (6) Meet the following requirements for family shelters if common toilet facilities are not provided:~~

(a) ~~((Provide))~~ One toilet for each individual family ~~((dwelling unit or fifteen persons))~~ shelter;

(b) ~~((Provide one handwashing sink for each six persons. The sink must be located in the toilet room or immediately adjacent;~~

(c) Provide a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated;

(d) Ensure all outside openings screened with sixteen-mesh material;

(e) Ensure toilet facilities are cleaned prior to occupancy; and

(f) Request occupants to maintain the facilities in a clean and sanitary condition.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16165 Cooking and food-handling facilities. The operator must:

(1) Provide sanitary facilities for storing and preparing food;

(2) Provided all food-handling facilities with:

(a) Covered and enclosed or screened cooking and food-handling facilities for all occupants ~~((The operator must provide adequate tables and seating for occupants.~~

(1) If cooking facilities are located in dwelling units, the operator must provide:

(a) An operable cook stove or hot plate with at least one cooking surface for every two occupants);

(b) Covered and enclosed or screened eating facilities with adequate tables and seating for the occupants;

(c) If provided, hotplates that meet WAC 296-307-16140(2);

(d) A sink with hot and cold running potable water under pressure;

~~((e))~~ (e) At least two ~~((2))~~ cubic feet of dry food storage space per occupant;

~~((f))~~ (f) Nonabsorbent, and easily cleanable food preparation ~~((counters))~~ surfaces situated off the floor;

~~((g))~~ (g) Mechanical refrigeration conveniently located and able to maintain a temperature of ~~((forty-five))~~ forty

degrees Fahrenheit or below, with at least two ~~((2))~~ cubic feet of storage space per occupant;

~~((h))~~ (h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

~~((g))~~ (i) Nonabsorbent, easily cleanable floors; ~~(and~~

~~(h))~~ (j) Adequate ventilation for cooking facilities; and

(k) Cooking facilities, including fixtures and drains, maintained in good working order.

~~((2))~~ (3) In common food-handling facilities, the operator must provide:

(a) A room ~~((or))~~, building, or space within a building adequate in size, separate from any sleeping quarters or tent for workers to prepare and cook their own food;

(b) No direct openings to living or sleeping areas from the common food-handling facility;

(c) An operable cook stove or ~~(hot plate with at least one cooking surface for every four occupants, or four cooking surfaces for every two families;~~

~~(d) Sinks with hot and cold running potable water under pressure;~~

~~(e) At least two (2) cubic feet of dry food storage space per occupant;~~

~~(f) Nonabsorbent, easily cleanable food preparation counters situated off the floor;~~

~~(g) Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least two (2) cubic feet of storage space per occupant;~~

~~(h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;~~

~~(i) Nonabsorbent, easily cleanable floors; and~~

~~(j) Adequate ventilation for cooking facilities.~~

~~(3))~~ electric hotplate with four cooking surfaces for every ten workers through any combination of cooking surfaces including burners, one foot in length of burner surface, microwave ovens, stove ovens, or convection ovens.

(4) In family shelter food-handling facilities, the operator shall provide an operable cook stove or electric hotplate with four cooking surfaces for every ten workers through any combination of cooking surfaces including burners, one foot in length of burner surface, microwave ovens, stove ovens, or convection ovens.

(5) The operator must ensure that ~~((centralized))~~ common dining hall facilities comply with chapter 246-215 WAC, Food service.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16170 Cots, beds, bedding, and personal storage. The operator must:

(1) Provide beds, cots, or bunks ~~((furnished with clean mattresses))~~ in good condition for the maximum occupancy approved by the department of health ~~((or health officer))~~ for operator-supplied housing;

(2) Allow the use of cots in tents for cherry harvest camps only. Cots must be sturdy and stable and without:

(a) Visible mold;

(b) Rips or tears;

(c) Insect infestation;

(d) Stains from bodily fluids; and

(e) Rodents or rodent droppings.

(3) In TWH other than cherry harvest camps, provide beds and bunks with clean mattresses in good repair and without:

(a) Mold;

(b) Rips or tears;

(c) Insect infestation;

(d) Stains from bodily fluids; or

(e) Rodents or rodent droppings.

(4) Maintain bedding, if provided by the operator, in a clean and sanitary condition;

~~((3))~~ (5) Locate all beds, cots, and bedding at least thirty-six inches from cooking surfaces;

(6) Provide ~~((sufficient))~~ a minimum of twelve inches of clearance between each cot, bed or bunk and the floor ~~((or a commercially available cot, bed, or bunk));~~

~~((4))~~ (7) Allow space to separate beds or cots laterally and end-to-end by at least thirty-six inches when single beds or cots are used;

~~((5))~~ (8) Meet the following requirements when bunk beds are used:

(a) Allow space to separate beds laterally and end-to-end by at least forty-eight inches;

(b) Maintain a minimum space of twenty-seven inches between the upper and lower bunks; and

(c) Prohibit triple bunks~~((; and~~

~~(6))~~.

(9) Provide all occupants suitable storage space for clothing and personal articles. Storage ~~((facilities for clothing and personal articles in each room used for sleeping))~~ space must be located in the occupant's room used for sleeping;

(10) Effective January 1, 2017, for each temporary worker housed in a common sleeping facility, provide suitable storage space that must:

(a) Ensure all or a portion of the storage space is enclosed and lockable;

(b) Be anchored in a manner which adequately prevents the storage space from being removed from the building; and

(c) Be accessible to the temporary worker.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16175 First aid and safety. The operator must:

(1) Comply with chapters 15.58 and 17.21 RCW and chapters 16-228 and 296-307 WAC, Parts I and J, and pesticide label instructions when using pesticides in and around the ~~((housing))~~ TWH;

(2) Prohibit, in the ~~((housing))~~ TWH area, the use, storage, ~~((and))~~ or mixing of flammable, volatile, or toxic substances other than those intended for household use;

(3) Provide readily accessible first-aid equipment;

(4) Ensure that a first-aid ~~((qualified))~~ trained person is readily accessible to administer first aid at all times;

(5) ~~((Store or))~~ Remove unused refrigerator units or other appliances to prevent access by children.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16180 Refuse disposal. The operator must:

- (1) Comply with local sanitation codes for removing and disposing of refuse from ~~((housing))~~ TWH areas;
- (2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse;
- (3) Store refuse in fly-tight, rodent-tight, impervious, and cleanable or reusable containers or in single-use containers;
- (4) Keep refuse containers clean;
- (5) Provide ~~((a))~~ at least one reusable container ~~((on a wooden, metal, or concrete stand))~~ for each dwelling unit that is:
 - (a) Located within one hundred feet of each dwelling unit;
 - (b) Placed on a solid, flat, and level stand made of wood, metal, or concrete; and
 - (c) Secured to prevent falling over or spilling.
- (6) Empty refuse containers at least twice each week, and when full.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16190 Disease prevention and control. The operator must:

- (1) Report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease;
- (2) Report immediately to the local health officer:
 - (a) Suspected food poisoning;
 - (b) An unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; ~~((or))~~
 - (c) Productive cough~~((;))~~; or
 - (d) When weight loss is a prominent symptom among ~~((occupants;))~~ workers.
- (3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, food-stuffs, or materials in dining halls.

~~((Part L-1~~

~~Cherry Harvest Camps))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-307-16105 Operating license.
- WAC 296-307-16110 Requirements for self-survey program.
- WAC 296-307-163 Cherry harvest camps.
- WAC 296-307-16301 Purpose and applicability.
- WAC 296-307-16303 Definitions.

- WAC 296-307-16305 Technical assistance.
- WAC 296-307-16310 Operating license.
- WAC 296-307-16315 Maximum camp occupancy.
- WAC 296-307-16320 Variance and procedure.
- WAC 296-307-16325 Cherry harvest campsites.
- WAC 296-307-16330 Water supply.
- WAC 296-307-16335 Sewage disposal.
- WAC 296-307-16340 Electricity and lighting.
- WAC 296-307-16345 Tents.
- WAC 296-307-16350 Recreational vehicles.
- WAC 296-307-16355 Laundry facilities.
- WAC 296-307-16360 Handwashing and bathing facilities.
- WAC 296-307-16365 Toilet facilities.
- WAC 296-307-16370 Cooking and food-handling facilities.
- WAC 296-307-16375 Cots, beds, bedding, and personal storage.
- WAC 296-307-16380 First aid and safety.
- WAC 296-307-16385 Refuse disposal.
- WAC 296-307-16390 Insect and rodent control.
- WAC 296-307-16395 Disease prevention and control.

AMENDATORY SECTION (Amending WSR 02-23-073, filed 11/19/02, effective 1/1/03)

WAC 296-833-100 Scope. This chapter applies to all employers who provide or require their employees to live in temporary housing.

Exemption:

This rule does not apply to the agriculture industry.

For agriculture employers, see WAC 296-307-161, Temporary worker housing~~((;))~~ and ~~((WAC 296-307-163;))~~ cherry harvest camps.

WSR 15-13-097

**PERMANENT RULES
DEPARTMENT OF**

LABOR AND INDUSTRIES

[Filed June 16, 2015, 8:22 a.m., effective August 3, 2015]

Effective Date of Rule: August 3, 2015.

Purpose: It is necessary that the division of occupational safety and health (DOSH) update its rules in order to comply with the occupational safety and health administration (OSHA) mandate and remain as-effective-as OSHA in light of their adoption of the United Nations Globally Harmonized System of Classification and Labeling Chemicals, effective May 25, 2012 (29 C.F.R. 1910.1200, Hazard Communication, Toxic and Hazardous Substances). OSHA has stipulated a staggered implementation period ending June 1, 2016, by which point the necessary amendments to affected DOSH rules must be adopted.

This adoption, which constitutes Phase 1 of 2, will amend the following sections in order to clarify to whom, when, and how the new rule changes apply during the staggered implementation period ending June 1, 2016: WAC 296-307-006 What does this chapter cover?, 296-307-550 Employer chemical hazard communication—Introduction, 296-307-560 Scope, 296-800-17005 Develop, implement, maintain, and make available a written chemical hazard communication program, and 296-839-100 Scope.

WAC 296-307-006 What does this chapter cover?

- In subsection (2), corrected title of chapter 296-62 WAC by changing "general occupational health rules" to "general occupational health standards," and immediately following added, "and chapter 296-901 WAC, Globally harmonized system for hazard communication."

WAC 296-307-550 Employer chemical hazard communication—Introduction.

- In the first note of this section added a third bullet containing the following language and table:

WAC 296-307-550, Part Y-1, Employer Chemical Hazard Communication, has been changed and replaced by WAC 296-901-140 Hazard communication. However, there a [are] several implementation dates which are listed below and during the transitions employers can comply with this chapter or WAC 296-901-140 Hazard communication, until completion of each effective date.

Effective Completion Date	Requirement(s)	Who
June 1, 2014	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	Chemical manufacturers, importers, distributors and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly	Employers

Effective Completion Date	Requirement(s)	Who
	identified physical or health hazards.	
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: Chapter 296-307 WAC, Part Y-1, Employer Chemical Hazard Communication. Chapter 296-307 WAC, Part Y-2, Material Safety Data Sheets and Label Preparation. WAC 296-901-140 Hazard communication.	Chemical manufacturers, importers, distributors, and employers

WAC 296-307-560 Scope.

- In the note added a third bullet containing the following language and table:
WAC 296-307-560, Part Y-2, Material Safety Data Sheets and Label Preparation, has been changed and replaced by WAC 296-901-140 Hazard communication. However, there a [are] several implementation dates which are listed below and during this transition employer[s] can comply with this chapter or WAC 296-901-140 Hazard communication, until completion of each effective date.

Effective Completion Date	Requirement(s)	Who
June 1, 2014	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	Chemical manufacturers, importers, distributors and employers

Effective Completion Date	Requirement(s)	Who
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: Chapter 296-307 WAC, Part Y-1, Employer Chemical Hazard Communication (Agriculture). Chapter 296-307 WAC, Part Y-2, Material Safety Data Sheets and Label Preparation. WAC 296-901-140 Hazard communication.	Chemical manufacturers, importers, distributors, and employers

WAC 296-800-17005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

- Added a note at the bottom of this section containing the following language and table:

WAC 296-800-170, Employer chemical hazard communication rule has been changed and replaced by WAC 296-901-140 Hazard communication. However, there are several implementation dates which are listed below and during this transition employer[s] can comply with this chapter or WAC 296-901-140 Hazard communication, until completion of each effective date.

Effective Completion Date	Requirement(s)	Who
June 1, 2014	Train employees on the new label elements and safety data sheet (SDS) format.	Employers

June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	Chemical manufacturers, importers, distributors and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: WAC 296-800-170, Employer chemical hazard communication. Chapter 296-839 WAC, Content and Distribution of Material Safety Data Sheets (MSDSs) and Label Information. WAC 296-901-140 Hazard communication.	Chemical manufacturers, importers, distributors, and employers

WAC 296-839-100 Scope.

- Added a second bullet to the note containing the following language and table:

Chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDS) and label information, has been updated to WAC 296-901-140 Hazard communication. During the transition of the implementation dates below, employers can comply with this chapter or WAC 296-901-140 Hazard communication, until completion of each effective date.

Effective Completion Date	Requirement(s)	Who
June 1, 2014	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	Chemical manufacturers, importers, distributors and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: WAC 296-800-170, Employer chemical hazard communication. Chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDSs) and label information. WAC 296-901-140 Hazard communication.	Chemical manufacturers, importers, distributors, and employers

Citation of Existing Rules Affected by this Order: Amending 5 [WAC 296-307-006, 296-307-550, 296-307-560, 296-800-17005, and 296-839-100].

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Other Authority: Chapter 49.17 RCW.

Adopted under notice filed as WSR 15-08-072 on March 31, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 5, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: June 16, 2015.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-006 What does this chapter cover? (1)

Chapter 296-307 WAC applies to all agricultural operations with one or more employees covered by the Washington Industrial Safety and Health Act (WISHA), chapter 49.17 RCW.

"Agricultural operations" means farming and ranching, including, but not limited to:

- (a) Cultivating and tilling the soil;
- (b) Dairy farming;
- (c) Producing, cultivating, growing, and harvesting of any agricultural or horticultural commodity;
- (d) Raising livestock, bees, fur-bearing animals, or poultry; and
- (e) Any practices performed by a farmer or on a farm, incident to or in connection with such farming operations, including but not limited to preparation for market and delivery to:

- (i) Storage;
- (ii) Market; or
- (iii) Carriers for transportation to market. Agricultural operations include, but are not limited to, all employers in one or more of the following standard industrial classification (SIC) codes:

- 0111 Wheat
- 0115 Corn
- 0119 Cash grains not elsewhere classified, barley, peas, lentils, oats, etc.
- 0133 Sugar cane and sugar beets
- 0134 Irish potatoes—all potatoes except yams

- 0139 Field crops—hay, hops, mint, etc.
- 0161 Vegetables and melons, all inclusive
- 0171 All berry crops
- 0172 Grapes
- 0173 Tree nuts
- 0175 Deciduous tree fruits
- 0179 Tree fruits or tree nuts not elsewhere classified
- 0181 Ornamental floriculture and nursery products
- 0182 Food crops grown under cover
- 0191 General farms, primarily crops
- 0211 Beef cattle feedlots
- 0212 Beef cattle except feedlots—cattle ranches
- 0213 Hogs
- 0214 Sheep and goats
- 0219 General livestock except dairy and poultry
- 0241 Dairy farms
- 0251 Broiler, fryer, and roaster chickens
- 0252 Chicken eggs
- 0253 Turkeys and turkey eggs
- 0254 Poultry hatcheries
- 0259 Poultry and eggs not elsewhere classified
- 0271 Fur bearing animals and rabbits
- 0272 Horses
- 0273 Animal aquaculture
- 0279 Animal specialties not elsewhere classified
- 0291 General farms, primarily livestock and animal specialties
- 0711 Soil preparation services
- 0721 Crop planting, cultivating, and protecting
- 0722 Crop harvesting, primarily by machine
- 0751 Livestock services, except veterinary
- 0761 Farm labor contractors
- 0811 Timber tracts, Christmas tree growing, tree farms
- 0831 Forest nurseries
- 0851 Forestry services—reforestation

"Agricultural operations" do not include a farmer's processing for sale or handling for sale a commodity or product grown or produced by a person other than the farmer or the farmer's employees.

(2) Chapter 296-24 WAC does not apply to agricultural operations.

(3) All agricultural operations are also covered by the requirements of chapter 296-62 WAC, General occupational health ((rules)) standards, and chapter 296-901 WAC, Globally harmonized system for hazard communication.

(4) Occasionally, employees engaged in agricultural operations may also be covered by the safety standards of

other industries. Following are excerpts from four industry standards that may help you determine if these other standards also apply:

Chapter 296-54 WAC Safety standards—Logging operations

WAC 296-54-501 Scope and application.

This standard establishes safety practices, means, methods and operations for all types of logging, regardless of the end use of the wood. These types of activities include, but are not limited to, pulpwood and timber harvesting and the logging of sawlogs, veneer bolts, poles, pilings and other forest products. The requirements herein contained do not apply to log handling at sawmills, plywood mills, pulp mills or other manufacturing operations governed by their own specific safety standards.

Chapter 296-99 WAC Safety standards for grain handling facilities

WAC 296-99-015 What grain-handling operations does this chapter cover?

(1) WAC 296-99-010 through 296-99-070 apply to:

- Dry grinding operations of soycake;
- Dry grinding operations of soybean;
- Dust pelletizing plants;
- Feed mills;
- Flour mills;
- Flat storage structures;
- Grain elevators;
- Rice mills; and
- Soybean flaking operations.

(2) WAC 296-99-075, 296-99-080, and 296-99-085 apply only to grain elevators.

(3) Chapter 296-99 WAC does not apply to alfalfa storage or processing operations if they do not use grain products.

Chapter 296-78 WAC Safety standards for sawmills and woodworking operations

WAC 296-78-500 Foreword.

The chapter 296-78 WAC shall apply to and include safety requirements for all installations where the primary manufacturing of wood building products takes place. The installations may be a permanent fixed establishment or a portable operation. These operations shall include but are not limited to log and lumber handling, sawing, trimming and planing, plywood or veneer manufacturing, canting operations, waste or residual handling, operation of dry kilns, finishing, shipping, storage, yard and yard equipment, and for power tools and affiliated equipment used in connection with such operation. WAC 296-78-450 shall apply to shake and shingle manufacturing. The provisions of WAC 296-78-500 through 296-78-84011 are also applicable in shake and shingle manufacturing except in instances of conflict with the requirements of WAC 296-78-705.

Chapter 296-155 WAC Safety standards for construction work

WAC 296-155-005 Purpose and scope.

The standards included in this chapter apply throughout the state of Washington, to any and all work places subject to the Washington Industrial Safety and Health Act (chapter 49.17 RCW), where construction, alteration, demolition,

related inspection, and/or maintenance and repair work, including painting and decorating, is performed. These standards are minimum safety requirements with which all industries must comply when engaged in the above listed types of work.

(5) If rules in this chapter conflict with rules in another chapter of Title 296 WAC, this chapter prevails.

AMENDATORY SECTION (Amending WSR 05-01-166, filed 12/21/04, effective 4/2/05)

WAC 296-307-550 Employer chemical hazard communication—Introduction. Important:

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer.

The employer chemical hazard communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

- Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.
- Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

Note:

- If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must comply with Material safety data sheets and label preparation, WAC 296-307-560 through 296-307-56050.
- You may withhold trade secret information under certain circumstances, see Trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.
- WAC 296-307-550, Part Y-1, Employer Chemical Hazard Communication, has been changed and replaced by WAC 296-901-140, Hazard communication. However, there are several implementation dates which are listed below and during the transitions employers can comply with this chapter or WAC 296-901-140, Hazard communication until completion of each effective date.

<u>Effective Completion Date</u>	<u>Requirement(s)</u>	<u>Who</u>
June 1, 2014	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label	Chemical manufacturers, importers, distributors, and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers

<u>Effective Completion Date</u>	<u>Requirement(s)</u>	<u>Who</u>
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: Chapter 296-307 WAC, Part Y-1, Employer Chemical Hazard Communication. Chapter 296-307 WAC, Part Y-2, Material Safety Data Sheets and Label Preparation. WAC 296-901-140, Hazard communication.	Chemical manufacturers, importers, distributors, and employers

EXEMPTIONS:

- For the purposes of this employer hazard communication rule, if you are engaged in agricultural production of crops or livestock, "employee" does not mean:
 - Immediate family members of the officers of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation.
- Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-307-55055 at the end of this rule to get complete information about these exemptions:
 - Any hazardous waste or substance
 - Tobacco or tobacco products
 - Wood or wood products that are not chemically treated and will not be processed, for example, by sawing and sanding
 - Food or alcoholic beverages
 - Some drugs, such as retail or prescription medications
 - Retail cosmetics
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer ((♦)) ■ Retail products used in offices in the same manner and frequency used by consumers can be termed "consumer products." Consumer products include things such as: Correction fluid, glass cleaner, and dishwashing liquid.

Example: If you use a household cleaner in your workplace in the same way that a consumer would use it when cleaning their house, the exposure should be the same as the consumer's. ("In the same way" means using the household cleaner in the same manner and frequency.) A janitor using a household cleaner, such as bleach, throughout the day, is not considered to be consumer use.

- Manufactured items that remain intact are exempt for this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	sawed or cut in half	used whole or intact
Pipe	cut by a torch	bent with a tube bender
Nylon rope	burning the ends	tying a knot

- Manufactured items that are fluids or in the form of particles are not exempt for this rule.

Your responsibility:

To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:

- Making a list of the hazardous chemicals present in your workplace
- Preparing a written Chemical Hazard Communication Program for your workplace
- Informing your employees about this rule and your program
- Providing training to your employees about working in the presence of hazardous chemicals
- Getting and keeping the material safety data sheets (MSDSs) for the hazardous chemicals
- Making sure that labels on containers of hazardous chemicals are in place and easy to read

You must:

Develop, implement, maintain, and make available a written Chemical Hazard Communication Program

WAC 296-307-55005

Identify and list all the hazardous chemicals present in your workplace

WAC 296-307-55010

Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used

WAC 296-307-55015

Make sure that material safety data sheets (MSDSs) are readily accessible to your employees

WAC 296-307-55020

Label containers holding hazardous chemicals

WAC 296-307-55025

Inform and train your employees about hazardous chemicals in your workplace

WAC 296-307-55030

Follow these rules for laboratories using hazardous chemicals

WAC 296-307-55035

Follow these rules for handling chemicals in factory sealed containers

WAC 296-307-55040

The department must:

Translate certain chemical hazard communication documents upon request

WAC 296-307-55045

Attempt to obtain a material safety data sheet (MSDS) upon request

WAC 296-307-55050

Exemption: Items or chemicals exempt from the rule, and exemptions from labeling

WAC 296-307-55055

Definitions

WAC 296-307-55060

AMENDATORY SECTION (Amending WSR 05-01-166, filed 12/21/04, effective 4/2/05)

WAC 296-307-560 Scope. This chapter sets minimum requirements for content and distribution of material safety data sheets (MSDSs) and labels for hazardous chemicals.

- This chapter applies when you do **one or more** of the following:
 - Import, produce, or repackage chemicals, including manufactured items (such as bricks, welding rods, and sheet metal) that are not exempt as articles

- Sell or distribute hazardous chemicals to manufacturers, distributors or employers
- Choose not to rely on material safety data sheets (MSDSs) provided by the importer, manufacturer or distributor.

Note:

- You are not required to evaluate chemicals or create MSDSs for chemicals you did not produce or import. If you decide to evaluate chemicals or create MSDSs, then the requirements of this chapter will apply to you.
- Use Table 2 to determine which sections in this chapter apply to your workplace.
- WAC 296-307-560, Part Y-2, Material Safety Data Sheets and Label Preparation, has been changed and replaced by WAC 296-901-140, Hazard communication. However, there are several implementations dates which are listed below and during this transition employer can comply with this chapter or WAC 296-901-140, Hazard communication until completion of the each effective date.

<u>Effective Completion Date</u>	<u>Requirement(s)</u>	<u>Who</u>
June 1, 2014	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label	Chemical manufacturers, importers, distributors and employers
December 1, 2015		
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: <u>Chapter 296-307 WAC, Part Y-1, Employer Chemical Hazard Communication (Agriculture).</u> <u>Chapter 296-307 WAC, Part Y-2, Material Safety Data Sheets and Label Preparation.</u> <u>WAC 296-901-140, Hazard communication.</u>	Chemical manufacturers, importers, distributors, and employers

Exemptions:

- All of the following are **always** exempt from this chapter:
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Tobacco and tobacco products
- The chemicals and items listed in Table 1 are exempt from this chapter **under the conditions specified.**

Table 1
Conditional Exemptions From
This Chapter

This chapter does NOT apply to	When
<ul style="list-style-type: none"> • Alcoholic beverages OR • Foods 	<ul style="list-style-type: none"> • Sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, bar, or tavern)
<ul style="list-style-type: none"> • An article (manufactured item) 	<ul style="list-style-type: none"> • It is not a fluid or particle AND • It is formed to a specific shape or design during manufacture for a particular end use function¹ AND • It releases only trace amounts of a hazardous chemical during normal use AND does not pose a physical or health risk to employees
<ul style="list-style-type: none"> • Consumer products - Produced or distributed for sale meeting the definition of "consumer products" in the Consumer Product Safety Act (see U.S. Code, Title 15, Chapter 47, section 2052²) OR • Hazardous household products - Meeting the definition of "hazardous substances" in the Federal Hazardous Substance Act (see U.S. Code, Title 15, Chapter 30, section 1261²) 	<ul style="list-style-type: none"> • Both criteria apply: - They are used in the workplace for the same purpose as intended by the manufacturer or importer - The duration and frequency of an employee's exposure is no more than the range of exposures that consumers might reasonably experience
<ul style="list-style-type: none"> • Cosmetics 	<ul style="list-style-type: none"> • Packaged and sold in retail establishments
<ul style="list-style-type: none"> • Drugs - Meeting the definition for "drugs" in the Federal Food, Drug, and Cosmetic Act (see U.S. Code, Title 21, Chapter 9, Subchapter II, section 321²) 	<ul style="list-style-type: none"> • In solid, final form (for example, tablets, or pills) for direct administration to the patient <p>OR</p>

This chapter does NOT apply to	When
	<ul style="list-style-type: none"> • Packaged and sold in retail establishments (for example, over-the-counter drugs) OR • Intended for employee consumption while in the workplace (for example, first-aid supplies)
<ul style="list-style-type: none"> • Hazardous solid wastes - Meeting the definition of "hazardous wastes" in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (see U.S. Code, Title 42, Chapter 82, Subchapter I, section 6903²) 	<ul style="list-style-type: none"> • Subject to the United States Environmental Protection Agency (EPA) regulations³
<ul style="list-style-type: none"> • Hazardous substances - Released into the environment, meeting the definition of "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see U.S. Code, Title 42, Chapter 103, Subchapter I, section 9601²) 	<ul style="list-style-type: none"> • They are the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations (Title 40 of the Code of Federal Regulations (C.F.R.))³
<ul style="list-style-type: none"> • Hazardous wastes - Meeting the definition of "dangerous wastes" in the Hazardous Waste Management Act (see chapter 70.105 RCW⁴) 	<ul style="list-style-type: none"> • Subject to department of ecology regulations, chapter 173-303 WAC⁵, that address the accumulation, handling and management of hazardous waste, and describe all of the following: - Safety - Labeling - Personnel training - And other related requirements
<ul style="list-style-type: none"> • Solid wood OR 	<ul style="list-style-type: none"> • All of the following apply: - The material is not treated with hazardous chemicals

This chapter does NOT apply to	When
<ul style="list-style-type: none"> Wood products (for example, lumber, and paper) 	<ul style="list-style-type: none"> The only hazard is potential flammability or combustibility The product is not expected to be processed (for example, by sanding or sawing)

- End use is dependent in whole, or in part, upon maintaining the item's original shape or design. If the item will be significantly altered from its original form, it can no longer be considered a manufactured item.
- This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/uscmmain.html>.
- EPA regulations are included in the Code of Federal Regulations (C.F.R.). See <http://www.epa.gov>.
- This state act is included in the Revised Code of Washington (RCW). The RCW compiles all permanent laws of the state. See <http://www.leg.wa.gov/wsladm/default.htm>.
- See <http://www.ecy.wa.gov>.

Use Table 2 to find out which sections of this part apply to you. For example, if you import AND sell hazardous chemicals ALL sections apply. WAC 296-307-56050 applies to all employers covered by the scope of this part.

Table 2
Section Application

If you	Then the sections marked with an "X" apply			
	56010 - 56015	56025	56030 - 56035	56045
<ul style="list-style-type: none"> Import or produce chemicals 	X	X		
<ul style="list-style-type: none"> Sell or distribute hazardous chemicals to - Manufacturers OR - Distributors OR - Employers (includes retail or wholesale transactions) 			X	X
<ul style="list-style-type: none"> Choose to NOT rely on MSDSs provided by the importer, manufacturer or distributor 	X	X		

AMENDATORY SECTION (Amending WSR 04-10-026, filed 4/27/04, effective 8/1/04)

WAC 296-800-17005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

You must:

- Develop, implement, maintain, and make available a written Chemical Hazard Communication Program specific to your workplace. The Chemical Hazard Communication Program must, at a minimum, include:

- A list of hazardous chemicals known to be present in your workplace.
- Procedures for making sure all containers are properly labeled.
- A description of how you are going to obtain and maintain your material safety data sheets (MSDSs).
- A description of how you are going to train and inform your employees about hazardous chemicals in their workplace.

- A description of how you are going to inform your employees about:

- ◆ Chemical hazards used during nonroutine tasks.
- ◆ The hazards associated with chemicals contained in unlabeled pipes in employee work areas.

You must:

- Make your Chemical Hazard Communication Program available to your employees.

Note: • WAC 296-800-170, Employer chemical hazard communication rule has been changed and replaced by WAC 296-901-140, Hazard communication. However, there are several implementation dates which are listed below and during this transition employer can comply with this chapter or WAC 296-901-140, Hazard communication until completion of each effective date.

<u>Effective Completion Date</u>	<u>Requirement(s)</u>	<u>Who</u>
<u>June 1, 2014</u>	<u>Train employees on the new label elements and safety data sheet (SDS) format.</u>	<u>Employers</u>
<u>June 1, 2015</u>	<u>Compliance with all modified provisions of this final rule, except:</u>	<u>Chemical manufacturers, importers, distributors and employers</u>
<u>December 1, 2015</u>	<u>The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.</u>	
<u>June 1, 2016</u>	<u>Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.</u>	<u>Employers</u>
<u>Transition period to the effective completion dates noted above.</u>	<u>May comply with the applicable requirements in the following rules:</u> <u>WAC 296-800-170, Employer chemical hazard communication.</u>	<u>Chemical manufacturers, importers, distributors, and employers</u>

<u>Effective Completion Date</u>	<u>Requirement(s)</u>	<u>Who</u>
	Chapter 296-839 WAC, <u>Content and distribution of material safety data sheets (MSDSs) and label information.</u> WAC 296-901-140, <u>Hazard communication.</u>	

- (Notes)**
- You must make the written Chemical Hazard Communication Program available, upon request, to employees, their designated representatives, the department and NIOSH, in accordance with the requirements of chapter 296-802 WAC, Employee medical and exposure records.
 - Where employees must travel between workplaces during a workshift, that is, if their work is carried out at more than one geographical location, the written Chemical Hazard Communication Program may be kept at the primary workplace facility.

AMENDATORY SECTION (Amending WSR 03-01-096, filed 12/17/02, effective 6/1/03)

WAC 296-839-100 Scope. This chapter sets minimum requirements for content and distribution of material safety data sheets (MSDSs) and labels for hazardous chemicals.

- This chapter applies when you do **one or more** of the following:
 - Import, produce, or repackage chemicals, including manufactured items (such as bricks, welding rods, and sheet metal) that are not exempt as articles
 - Sell or distribute hazardous chemicals to manufacturers, distributors or employers
 - Choose to develop material safety data sheets (MSDSs) for a product you do not import or manufacture.

Reference:

See WAC 296-800-170, the Employer chemical hazard communication rule, for MSDSs, label, and other requirements that apply when hazardous chemicals are used in your workplace.

- Note:**
- Use Table 2 to determine which sections in this chapter apply to your workplace.
 - Chapter 296-839 WAC, Content and Distribution of Material Safety Data Sheets (MSDSs) and Label Information, has been updated to WAC 296-901-140, Hazard communication. During the transition of the implementation dates below, employers can comply with this chapter or WAC 296-901-140, Hazard communication, until completion of the each effective date.

<u>Effective Completion Date</u>	<u>Requirement(s)</u>	<u>Who</u>
June 1, 2014	Train employees on the new <u>label elements and safety data sheet (SDS) format.</u>	Employers
June 1, 2015	Compliance with all modified provisions of this final rule, except:	Chemical manufacturers, importers, distributors and employers
December 1, 2015	The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	

<u>Effective Completion Date</u>	<u>Requirement(s)</u>	<u>Who</u>
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: WAC 296-800-170, Employer chemical hazard communication. Chapter 296-839 WAC, <u>Content and distribution of material safety data sheets (MSDSs) and label information.</u> WAC 296-901-140, <u>Hazard communication.</u>	Chemical manufacturers, importers, distributors, and employers

Exemptions:

- All of the following are **always** exempt from this chapter:
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Tobacco and tobacco products
- The chemicals and items listed in Table 1 are exempt from this chapter **under the conditions specified.**

Table 1
Conditional Exemptions from this Chapter

This chapter does NOT apply to	When
<ul style="list-style-type: none"> Alcoholic beverages OR Foods 	<ul style="list-style-type: none"> Sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, bar, or tavern)
<ul style="list-style-type: none"> An article (manufactured item) 	<ul style="list-style-type: none"> It is not a fluid or particle AND It is formed to a specific shape or design during manufacture for a particular end use function¹ AND It releases only trace amounts of a hazardous chemical during normal use AND does not pose a physical or health risk to employees

This chapter does NOT apply to	When
<ul style="list-style-type: none"> • Consumer products - Produced or distributed for sale meeting the definition of "consumer products" in the Consumer Product Safety Act (see U.S. Code, Title 15, Chapter 47, section 2052²) OR • Hazardous household products - Meeting the definition of "hazardous substances" in the Federal Hazardous Substance Act (see U.S. Code, Title 15, Chapter 30, section 1261²) 	<ul style="list-style-type: none"> • Both criteria apply: - They are used in the workplace for the same purpose as intended by the manufacturer or importer - The duration and frequency of an employee's exposure is no more than the range of exposures that consumers might reasonably experience
<ul style="list-style-type: none"> • Cosmetics 	<ul style="list-style-type: none"> • Packaged and sold in retail establishments
<ul style="list-style-type: none"> • Drugs - Meeting the definition for "drugs" in the Federal Food, Drug, and Cosmetic Act (see U.S. Code, Title 21, Chapter 9, Subchapter II, section 321²) 	<ul style="list-style-type: none"> • In solid, final form (for example, tablets, or pills) for direct administration to the patient OR • Packaged and sold in retail establishments (for example, over-the-counter drugs) OR • Intended for employee consumption while in the workplace (for example, first-aid supplies)
<ul style="list-style-type: none"> • Hazardous solid wastes - Meeting the definition of "hazardous wastes" in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (see U.S. Code, Title 42, Chapter 82, Subchapter I, section 6903²) 	<ul style="list-style-type: none"> • Subject to the United States Environmental Protection Agency (EPA) regulations³

This chapter does NOT apply to	When
<ul style="list-style-type: none"> • Hazardous substances - Released into the environment, meeting the definition of "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see U.S. Code, Title 42, Chapter 103, Subchapter I, section 9601²) 	<ul style="list-style-type: none"> • They are the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations (Title 40 of the Code of Federal Regulations (C.F.R.)³)
<ul style="list-style-type: none"> • Hazardous wastes - Meeting the definition of "dangerous wastes" in the Hazardous Waste Management Act (see chapter 70.105 RCW⁴) 	<ul style="list-style-type: none"> • Subject to department of ecology regulations, chapter 173-303 WAC⁵, that address the accumulation, handling and management of hazardous waste, and describe all of the following: - Safety - Labeling - Personnel training - And other related requirements
<ul style="list-style-type: none"> • Solid wood OR • Wood products (for example, lumber, and paper) 	<ul style="list-style-type: none"> • All of the following apply - The material is not treated with hazardous chemicals - The only hazard is potential flammability or combustibility - The product is not expected to be processed (for example, by sanding or sawing)

1 End use is dependent in whole, or in part, upon maintaining the item's original shape or design. If the item will be significantly altered from its original form, it can no longer be considered a manufactured item

2 This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/uscmmain.html>

3 EPA regulations are included in the Code of Federal Regulations (C.F.R.). See <http://www.epa.gov>

4 This state act is included in the Revised Code of Washington (RCW). The RCW compiles all permanent laws of the state. See <http://www.leg.wa.gov/wsladm/default.htm>

5 See <http://www.ecy.wa.gov>

Use Table 2 to find out which sections of this chapter apply to you. For example, if you import AND sell hazardous chemicals ALL sections apply. WAC 296-839-500 applies to all employers covered by the scope of this chapter.

**((TABLE)) Table 2
Section Application**

If you	Then the sections marked with an "X" apply			
	20005 - 20010	30005	30010 - 30015	40005
• Import or produce chemicals	X	X		
• Sell or distribute hazardous chemicals to - Manufacturers OR - Distributors OR - Employers (includes retail or wholesale transactions)			X	X
• Choose to develop MSDSs for a product you do not import or manufacture	X	X		

WSR 15-13-109

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed June 16, 2015, 11:25 a.m., effective July 17, 2015]

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

Purpose: Rule 24001 explains the deferral program established in chapter 82.60 RCW and applies to eligible investment projects for sales and use taxes imposed on construction, expansion, or renovation of qualified buildings or acquisition of qualified machinery and equipment.

The rule has been reorganized to present the information in a more useful manner, moving definitions found throughout to subsection (2). The definition of "initiation of construction" has been revised to match the statutory definition. Information on amending an application or certificate has been added (subsection (11)), and additional information explaining the process for an investment project has been included (subsection (12)).

Citation of Existing Rules Affected by this Order: Amending 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.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Other Authority: Chapter 82.60 RCW.

Adopted under notice filed as WSR 15-10-051 on April 30, 2015.

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

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

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

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

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

Date Adopted: June 16, 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 building 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 "indus-

trial 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 information 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)(c) 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 defer-

erals 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 lessor 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 build-

ing 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 pre-

ceding 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 qualified 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%.

$$\frac{8,000 \text{ qualifying square feet}}{10,000 \text{ total square feet}} = 80 \text{ percent of the building is eligible}$$

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 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.

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%

Repayment Year	Percentage of Deferred Tax Waived
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.

(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 15-13-123
PERMANENT RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed June 16, 2015, 4:36 p.m., effective July 17, 2015]

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

Purpose: Amendments to reflect the centralization of security operations including title changes and protocol for parking enforcement appeals.

Citation of Existing Rules Affected by this Order:
Amending WAC 132Q-20-060, 132Q-20-090, 132Q-20-110, 132Q-20-130, 132Q-20-150, 132Q-20-160, 132Q-20-170, 132Q-20-180, 132Q-20-200, 132Q-20-210, 132Q-20-220, 132Q-20-240, 132Q-20-260, and 132Q-20-265.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 15-09-097 on April 20, 2015.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 14, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 14, Repealed 0.

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

Date Adopted: June 16, 2015.

Kathleen Roberson
Executive Assistant
to the CFO

AMENDATORY SECTION (Amending WSR 11-23-162, filed 11/22/11, effective 12/23/11)

WAC 132Q-20-060 Valid permit. A valid CCS parking permit is:

(1) An unexpired student or employee parking permit registered and properly displayed; or

(2) A visitor or special parking permit authorized by the ~~((appropriate vice president))~~ chief administration officer or designee, and properly displayed; or

(3) An invited guest or vendor parking permit issued by the sponsoring department and authorized by the ~~((appropriate vice president))~~ chief administration officer or designee, and properly displayed.

AMENDATORY SECTION (Amending WSR 11-23-162, filed 11/22/11, effective 12/23/11)

WAC 132Q-20-090 Permit revocation. Parking permits are the property of CCS and may be recalled by the ~~((appropriate vice president))~~ chief administration officer or designee for any of the following reasons:

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

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

(3) Falsification on a parking permit application; or

(4) Continued violations of parking regulations; or

(5) Counterfeiting or altering a parking permit.

AMENDATORY SECTION (Amending WSR 11-23-162, filed 11/22/11, effective 12/23/11)

WAC 132Q-20-110 Right to appeal permit revocation/refusal. When a student parking permit has been recalled pursuant to WAC 132Q-20-090, or has been refused in accordance with WAC 132Q-20-100, or when a fine or penalty has been levied against a violator of the rules set forth in this chapter, such action by the ~~((appropriate vice president))~~ chief administration officer or designee, may be appealed pursuant to WAC 132Q-108-050. Employees of Community Colleges of Spokane shall appeal permit revocations, refusals to grant permits, and fines or penalties levied for violations to the ~~((appropriate vice president))~~ chief administration officer whose decision on the matter is final.

AMENDATORY SECTION (Amending WSR 11-23-162, filed 11/22/11, effective 12/23/11)

WAC 132Q-20-130 Designation of parking spaces. The parking spaces available on campus shall be designated and allocated by the ~~((appropriate vice president))~~ chief administration officer or designee, in such a manner that best achieves the objectives of the rules in this chapter.

(1) Faculty, staff, student, and visitor spaces are designated for their use; and

(2) Parking spaces for the exclusive use by persons of disability are designated;

(3) A CCS parking permit along with an official state disabled parking permit allows the permit holder to park in any designated employee or disabled parking space;

(4) Other special use spaces may be designated; and

(5) Parking at metered parking requires payment.

AMENDATORY SECTION (Amending WSR 11-23-162, filed 11/22/11, effective 12/23/11)

WAC 132Q-20-150 Parking hours. Parking permits are required to park at CCS facilities between the hours of 6:30 a.m. and 5:00 p.m. Monday through Friday. The rules and regulations pertaining to the use of certain parking permits in specific areas are contained in WAC 132Q-20-130. Students and employees may park in any of the spaces or stalls designated in WAC 132Q-20-140 (~~(except visitor's areas)~~) on a first-come, first-served basis after 3:30 p.m. Custodial and authorized employees may park on campus from 10:00 p.m. to 6:30 a.m., and are required to follow regular parking regulations and obtain parking permits.

AMENDATORY SECTION (Amending WSR 00-14-007, filed 6/26/00, effective 7/27/00)

WAC 132Q-20-160 Overnight parking. Overnight parking is prohibited except when approval is granted by the (~~(appropriate vice president)~~) chief administration officer or designee.

AMENDATORY SECTION (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)

WAC 132Q-20-170 Regulatory signs and directions. The (~~(appropriate vice president)~~) chief administration officer or designee is authorized to erect signs, barricades and other structures and to paint marks or other directions upon the entry ways and streets on campus and upon the various parking lots owned, leased or operated by the colleges. Such signs, barricades, structures, markings, and directions, shall be made and placed to best achieve the objectives stated in WAC 132Q-20-010 and the rules and regulations contained in this chapter.

Drivers of vehicles shall observe and obey the signs, barricades, structures, markings and directions erected pursuant to this section. Drivers shall also comply with the directions given them by the campus patrol in the control and regulation of traffic.

AMENDATORY SECTION (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)

WAC 132Q-20-180 Speed limit. No vehicle shall be operated on the campuses at a speed in excess of the posted speed limit or such slower speed as is reasonable and prudent in the circumstances. No person operating a vehicle of any type shall at any time use the campus parking lots for testing, racing, or other unauthorized activities unless authorized by the (~~(appropriate vice president)~~) chief administration officer or designee.

AMENDATORY SECTION (Amending WSR 03-18-021, filed 8/25/03, effective 9/25/03)

WAC 132Q-20-200 Special traffic and parking regulations and restrictions authorized. When special occasions create additional and/or heavy traffic and during emergencies, the (~~(appropriate vice president)~~) chief administration

officer or designee, is authorized to impose additional traffic and parking regulations and restrictions to achieve the objectives specified in WAC 132Q-20-010.

AMENDATORY SECTION (Amending WSR 11-23-162, filed 11/22/11, effective 12/23/11)

WAC 132Q-20-210 Two-wheeled motor bikes or bicycles. (1) All two-wheeled vehicles powered by a motor shall park in a space designated for *motorcycles only*.

(2) Only vehicles authorized by the (~~(appropriate vice president)~~) chief administration officer or designee may be driven or ridden on campus sidewalks.

(3) Skateboards and roller blades/skates are not permitted on campus.

AMENDATORY SECTION (Amending WSR 12-04-024, filed 1/25/12, effective 2/25/12)

WAC 132Q-20-220 Report of accidents. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or *total of claimed damage to either or both vehicles exceeding the reporting threshold for property damage accidents pursuant to state patrol WAC 446-85-010*, shall immediately report the accident to the (~~(appropriate vice president)~~) chief administration officer or designee, and shall within twenty-four hours after such accident, file a state of Washington motor vehicle accident report if required.

AMENDATORY SECTION (Amending WSR 11-23-162, filed 11/22/11, effective 12/23/11)

WAC 132Q-20-240 Enforcement. (1) Enforcement of the parking rules is continuous throughout the year.

(2) The (~~(appropriate vice president)~~) chief administration officer or designee shall be responsible for the enforcement of the rules contained in this chapter.

AMENDATORY SECTION (Amending WSR 11-23-162, filed 11/22/11, effective 12/23/11)

WAC 132Q-20-260 Fines and penalties violations. (1) Fines may be levied by the (~~(appropriate vice president)~~) chief administration officer or designee for all violations of the rules contained in this chapter. A current schedule of fines is available from the campus safety office.

(2) Violators have the right to due process and may appeal to the college parking appeals board created in WAC 132Q-20-265, whose decision is final.

(3) Vehicles parked on any campus in violation of any of the rules contained in this chapter, may be impounded or detained by use of mechanical devices at the discretion of the campus safety office. If a vehicle is impounded, it may be taken to such place for storage as the (~~(appropriate vice president)~~) chief administration officer or designee selects. The expenses of such impounding and storage shall be the sole responsibility of the owner or operator of the vehicle. CCS shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(4) At the discretion of the ~~((appropriate vice-president))~~ chief administration officer or designee, an accumulation of traffic violations by a student may be cause for disciplinary action, pursuant to chapter 132Q-30 WAC. In the case of students, failure to pay fines shall be grounds for the college, in addition to disciplinary action, to deny admission to CCS, registration, official transcripts, graduation or other administrative action. Failure to pay fines may result in the refusal to issue a permit.

(5) For students and employees, refusal to pay a fine still existing after exhaustion of the appellate process shall be grounds for disciplinary action.

AMENDATORY SECTION (Amending WSR 13-15-150, filed 7/23/13, effective 8/23/13)

WAC 132Q-20-265 Appeals. (1) ~~((Each college))~~ CCS shall establish a parking appeals board consisting of no less than ~~((three))~~ seven members ~~((appointed by the president))~~. The appeals board membership shall ~~((be evenly balanced among faculty, students and classified staff))~~ consist of one faculty, one student and one classified staff from each college as appointed by that college's president, as well as one non-campus employee appointed by the chancellor.

(2) The parking appeals boards shall use criteria on which to fairly judge appeals including, but not limited to:

- (a) Did an institutional error occur?
- (b) Were there extenuating circumstances that caused the error to occur?
- (c) Did the person make a good faith effort to comply with the parking rules?