

ERRATUM

Due to an inadvertent clerical error the published version of WSR 18-05-029 did not include the amendments to WAC 230-06-100 which had been included on the agency's official filing. The effective date remains July 1, 2018. The CR-103P form and the amendment to WAC 230-06-100 are shown below.

WSR 18-05-029
PERMANENT RULES
GAMBLING COMMISSION

[Filed February 9, 2018, 1:29 p.m., effective July 1, 2018]

Effective Date of Rule: July 1, 2018.

Purpose: The purpose of the rule changes in this second package are as follows:

- Deleted references to the term "classes." While the current fee structure is based on a "classes" system, the new proposed system is based primarily on gross gambling receipts. Therefore, approximately twenty rules need to be changed to delete references to "classes."
- Established new due dates for activity reports. All licensees will begin reporting their activity quarterly beginning with the third quarter July 1 through September 30.
- Added the process (brief adjudicative proceeding) staff will use if licensees don't submit their quarterly license reports and/or quarterly license fees.

Citation of Rules Affected by this Order: New WAC 230-06-081, 230-06-082, 230-06-176, 230-13-152, 230-17-151 and 230-17-152; and amending WAC 230-03-085, 230-06-046, 230-06-083, 230-06-100, 230-06-110, 230-06-112, 230-06-124, 230-06-150, 230-06-170, 230-07-090, 230-07-125, 230-07-140, 230-09-056, 230-09-115, 230-09-125, 230-10-045, 230-10-055, 230-10-065, 230-10-070, 230-10-075, 230-10-085, 230-10-090, 230-10-120, 230-10-125, 230-10-275, 230-10-330, 230-10-350, 230-10-385, 230-10-395, 230-10-420, 230-10-425, 230-10-435, 230-10-451, 230-11-095, 230-11-100, 230-13-075, 230-13-155, 230-13-160, 230-14-250, 230-14-280, 230-14-284, 230-15-005, 230-15-080, 230-15-100, 230-15-110, 230-15-120, 230-15-135, 230-15-200, 230-15-205, 230-16-130, 230-16-220, 230-17-150, and 230-17-155.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 17-23-198 on November 22, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 6, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 53, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 6, Amended 53, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 9, 2018.

Brian J. Considine
Legal and Legislative Manager

AMENDATORY SECTION (Amending WSR 06-17-132, filed 8/22/06, effective 1/1/08)

WAC 230-06-100 Changing business locations.
(((+))) Licensees must apply to us and pay a fee to change the location of their licensed business premises. Licensees must receive our approval before changing the business location.

(((2)) ~~Commercial amusement game licensees may add or delete from the list of locations for which we issued their license without paying a fee.~~)

WSR 18-05-021
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Services and Enterprise Support Administration)

[Filed February 9, 2018, 9:18 a.m., effective March 12, 2018]

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

Purpose: The department is amending chapter 388-01 WAC in order to comply with new statutes and add rule language to clarify, update, and ensure clear policies for responding to public records requests under chapter 42.56 RCW. These changes include repeal of WAC 388-01-040 and creation of a new definition section, WAC 388-01-005.

Citation of Rules Affected by this Order: New WAC 388-01-005; repealing WAC 388-01-040; and amending WAC 388-01-010, 388-01-015, 388-01-020, 388-01-030, 388-01-050, 388-01-060, 388-01-070, 388-01-080, 388-01-090, 388-01-100, 388-01-110, 388-01-120, 388-01-130, 388-01-140, 388-01-150, 388-01-160, 388-01-170, 388-01-180, 388-01-190, and 388-01-200.

Statutory Authority for Adoption: RCW 42.56.040.

Adopted under notice filed as WSR 18-01-100 on December 19, 2017.

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 1, Amended 20, Repealed 1.

Number of Sections Adopted at the Request of a Non-governmental 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 1, Amended 20, Repealed 1.

Date Adopted: February 9, 2018.

Katherine I. Vasquez
Rules Coordinator

NEW SECTION

WAC 388-01-005 What definitions apply to this chapter? The following definitions apply to this chapter:

(1) "Authorization" means a detailed document that gives DSHS permission to use or disclose confidential information and records for specified purposes.

(2) "Business days" means Monday through Friday, excluding legal holidays.

(3) "Client" means a person who receives services or benefits from DSHS. Clients include but are not limited to, consumers, recipients, applicants, residents of DSHS facilities or institutions, patients, parents and children involved with child welfare services, juveniles involved with the juvenile justice system, parents receiving support enforcement services, persons who previously received services or benefits, and persons applying for benefits or services.

(4) "DSHS" means the department of social and health services

(5) "Public records coordinator" means a person designated to respond to public records requests within an organizational unit or who are appointed as responsible for a local office, unit, region, program, or facility.

(6) "Public records officer" means the person designated as the public records officer for the DSHS under RCW 42.56.580. The DSHS public records officer has primary responsibility for management, oversight, and monitoring of DSHS's public records request process.

(7) "Redact" means deleting or marking out exempt information from a public record.

(8) "Third party notice" means notifying affected persons or entities of a public records request to allow the opportunity to enjoin disclosure of the records under RCW 42.56.540.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-010 What are the purposes of this chapter? The purposes of this chapter are to:

(1) Describe the organization of the department of social and health services (DSHS); and

(2) ~~((Ensure that DSHS complies with laws governing the disclosure (release) of public records; and~~

~~(3)))~~ Explain how an individual or organization ~~((can))~~ may obtain public records.

AMENDATORY SECTION (Amending WSR 02-15-119, filed 7/18/02, effective 8/18/02)

WAC 388-01-015 Does any provision in this title create a ~~((right or))~~ cause of action ~~((, or compel DSHS to establish a program or entitlement))~~? Except where otherwise provided, no provision in Title 388 WAC:

(1) Creates or is intended to create any right or cause of action ~~((, or))~~;

(2) Adds to or intends to add to any existing right or cause of action ~~((, nor may anything in Title 388 WAC be relied upon to compel))~~; or

(3) Compels the establishment of any program or special entitlement.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-020 ~~((What is DSHS and))~~ How is DSHS organized? (1) ~~((DSHS was created to unite related statewide social and health service programs within a single agency. DSHS programs are designed to protect the general public, as well as persons who are unable to fully care for themselves or meet their basic needs))~~ DSHS's current organizational structure can be located at the following link: <https://www.dshs.wa.gov/strategic-planning/organizational-chart>.

(2) ~~((It is organized into seven administrations plus the secretary's and deputy secretary's offices:~~

~~(a) Aging and adult services,~~

~~(b) Children's services,~~

~~(c) Economic services,~~

~~(d) Health and rehabilitative services,~~

~~(e) Juvenile rehabilitation,~~

~~(f) Management services, and~~

~~(g) Medical assistance.~~

(3) To request an organizational chart, contact: DSHS, Office of the Secretary, P.O. Box 45010, Olympia, WA 98504-5010, or telephone number (360) 902-7800.

(4) ~~DSHS has offices in the community to serve clients. Local DSHS offices have various names, such as community services office (CSO), regional offices, home and community services (HCS), division of child support (DCS), children's services, division of developmental disabilities (DDD) field service offices, and facilities))~~ You may also request organizational charts by writing to:

DSHS, office of the secretary

P.O. Box 45010

Olympia, WA 98504-5010.

AMENDATORY SECTION (Amending WSR 03-17-014, filed 8/12/03, effective 9/12/03)

WAC 388-01-030 ~~((DSHS))~~ public records are available? (1) DSHS prepares and keeps public records that relate to the programs it administers. All records DSHS uses to conduct business are public records.

DSHS public records may include ~~((;))~~ documents, audio and video recordings, pictures, email, computer disks, and electronic data.

(2) DSHS public records are available to the public unless a law exempts them from disclosure. Some DSHS records ~~((contain))~~ are confidential ~~((information that is))~~ and not available to everyone. Records exempt from public disclosure are listed under chapter 42.56 RCW, WAC 388-01-020, and other federal and state laws applicable to DSHS.

(3) ~~((You))~~ Clients, or someone authorized to act for ~~((you or by you))~~ a client, may ~~((have))~~ access ~~((to))~~ confidential records about ~~((you))~~ the client that ~~((would otherwise~~

be) are exempt from disclosure to the public unless specifically prohibited by law.

(4) Upon ~~((you))~~ request, DSHS may ~~((give you))~~ provide access to records such as rules, policies, indexes, interpretive statements, pamphlets, forms, and other publications at cost under WAC 388-01-180 without using the public records ~~((disclosure))~~ request process.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-050 Who should be contacted to request a public record? ~~((An individual should contact the public disclosure coordinators at DSHS offices to request a public record. Public disclosure coordinators are located at local community service offices (CSO), regional offices, home and community services (HCS), division of child support (DCS), children's services, DDD field services offices, DSHS facilities, and within each DSHS administration))~~ Requests for public records may be sent to the DSHS public records officer using the following contact information:

DSHS public records officer
Services and enterprise support administration
Information governance unit
P.O. Box 45135
Olympia, WA 98504-5135
Telephone: (360) 902-8484
Fax: (360) 902-7855
Email: DSHSPublicDisclosure@dshs.wa.gov.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-060 How ~~((can))~~ may an individual request a public record? (1) An individual ~~((can))~~ may request a public record orally or in writing. DSHS ~~((encourages))~~ prefers that all public record requests be in writing on ~~((a))~~ the "request for ~~((disclosure of))~~ DSHS records" form, DSHS 17-041(X). Individuals may ~~((request this form from DSHS, Forms and Records Management Services, P.O. Box 45805, Olympia, WA 98504-5805, (360) 664-6120, or email at DSHSFormsRecordsMgmt@dshs.wa.gov))~~ locate this form on the DSHS website at <https://www.dshs.wa.gov/fsa/forms> or request it from:

DSHS public records officer
Services and enterprise support administration
Information governance unit
P.O. Box 45135
Olympia, WA 98504-5135
Telephone: (360) 902-8484
Fax: (360) 902-7855
Email: DSHSPublicDisclosure@dshs.wa.gov.

(2) If ~~((the form is not used))~~ an individual does not use the DSHS form, the written public record request should include the following information:

- (a) The requester's name, organization, mailing address, telephone number, fax number, and email address;
- (b) The date of the request;

(c) A detailed description of the identifiable public record being requested;

(d) The email or mailing address where DSHS should send copies of the ~~((record are to be mailed))~~ records, or if the requester wants to ~~((examine))~~ inspect the record at DSHS; and

(e) The requester's signature ~~((of the requester))~~.

(3) An individual ~~((can))~~ may fill out a record request at a DSHS office~~(s)~~ or send it by regular mail, ~~((electronic mail))~~ email, or fax to the public ~~((disclosure coordinator at the appropriate DSHS office))~~ records officer listed in WAC 388-01-050.

(4) Requests by third parties for confidential client records must be accompanied by a valid authorization as set forth in WAC 388-01-150.

(5) DSHS may ask an individual requesting a public record for personal identification when the law makes a record disclosable to a specific person.

(6) DSHS may deny a "bot" request, which is one of multiple requests from a requester within a twenty-four period, if responding to multiple requests would cause excessive interference with other essential DSHS functions.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-070 When ~~((can))~~ may a public record be ~~((examined))~~ inspected? (1) Individuals ~~((can examine))~~ may inspect public records during DSHS office hours. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, ~~((except for))~~ excluding legal holidays. Contact the public ~~((disclosure))~~ records coordinator in the appropriate office to arrange a time to ~~((examine))~~ inspect the public record.

(2) In order to preserve the record or prevent interference in the performance of departmental duties, DSHS reserves the right to restrict an individual's ability to ~~((examine))~~ inspect or copy public records. This does not prevent DSHS from providing copies of the public record by mail or email.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-080 Does DSHS charge for ~~((examining))~~ inspecting or ~~((copying))~~ providing public records? (1) There is no fee for ~~((examining))~~ inspecting public records.

(2) ~~((DSHS charges one or more of the following fees for copies of public records:~~

(a) Up to fifteen cents per page for black and white photocopies of a record;

(b) The actual cost of manuals, blueprints, and other non-printed materials such as audio or video tapes; and

(c) The cost of postage, when items are mailed (see RCW 42.17.260)) Pursuant to RCW 42.56.120 (2)(b), DSHS does not calculate the actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) DSHS does not have the resources to conduct a study to determine all of its actual copying costs; and

(b) To conduct such a study would interfere with other essential agency functions.

(3) ((Government agencies, or DSHS clients involved in an administrative hearing procedure, may receive public records reasonably related to the hearing free of charge)) DSHS may do one or more of the following:

(a) Charge for copies of records according to the default fees in RCW 42.56.120 (2)(b), (c) and (d);

(b) Charge for customized services pursuant to RCW 42.56.120(3);

(c) Charge other copy fees authorized by statutes outside of chapter 42.56 RCW;

(d) Enter into an alternative fee agreement with a requester under RCW 42.56.120(4).

(4) DSHS may waive copying ((and postage)) fees ((if) in one or more of the following circumstances:

(a) ((Providing a copy of the record assists in managing a program)) Clients receiving the first copy of their file; ((or))

(b) ((The expense of billing exceeds the copying and postage costs)) Producing records assists in managing a program;

(c) The expense of billing exceeds the cost of producing records.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-090 When and how must DSHS respond to a public record request? (1) Within five business days after ((receiving the)) DSHS receives a public record request, DSHS must ((review the public record and must)):

((1) Provide the)) (a) Produce responsive public records; ((or

(2)) (b) Acknowledge receipt of the request((;)) and ((give the DSHS)) provide an estimated date for first response; ((or

(3)) (c) Provide an internet address and link to the specific records requested;

(d) Seek clarification of an unclear request; or

(e) Deny the request in writing, noting the reason(s) for denial.

(2) DSHS may produce records in installments, as appropriate.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-100 When ((might)) may DSHS need to extend the time to respond to a public record request? (1) DSHS ((might need to)) may extend ((the time to respond to a public record request)) its estimated response time to:

(a) Locate and gather ((the information requested)) responsive records;

(b) Notify an individual or organization identified in or affected by the request; ((and/or)

(c) Determine whether ((the information)) requested ((is)) records are exempt and whether all or part of the ((public record requested can)) records may be released; ((and/or)

(d) Contact the ((individual requesting the public record)) requester to clarify the intent, scope, or specifics of the request.

(2) If ((the individual requesting the public record fails to)) a requester does not clarify ((the)) an unclear request under subsection (1)(d) of this section, DSHS does not have to respond to the unclear parts of the request.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-110 What if ((an individual thinks DSHS is unreasonably delaying the release of a public record)) a requester disputes production time estimates? If ((an individual requesting a public record)) a requester thinks ((DSHS)) DSHS's time estimate for producing records under chapter 42.56 RCW is ((unreasonably delaying the release of a public record)) unreasonable, the ((individual)) requester may:

(1) Petition the public ((disclosure)) records coordinator to ((release the public record before the date indicated on DSHS response (see WAC 388-01-090))) reduce the time estimate; or

(2) File a lawsuit in superior court ((to require DSHS to release the public record)) under RCW 42.56.550(2).

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-120 What if the public record ((that is requested)) contains information that is exempt from public disclosure? (1) ((If the requested public record contains information that is exempt from public disclosure, DSHS may:

(a) Release the nonexempt portion, explaining what exemption applies to the deleted portion of the record; or

(b) Deny release of the entire record, sending a written explanation citing the exemption that applies to the denial)) Public records and information may be exempt from disclosure or production under chapter 42.56 RCW or other state or federal laws. Commonly applicable exemptions include, but are not limited to, the following:

(a) Under RCW 42.56.230(1), personal information in files maintained for welfare recipients and patients or clients of public institutions or public health agencies. Personal information includes, but is not limited to:

(i) Names;

(ii) Telephone numbers;

(iii) Fax numbers;

(iv) Email addresses;

(v) Social security numbers;

(vi) Medical record numbers;

(vii) Health plan beneficiary numbers;

(viii) Account numbers;

(ix) Certificate or license numbers;

(x) Vehicle identifiers and serial numbers, including license plate numbers;

(xi) Device identifiers and serial numbers;

(xii) Web universal resource locators (URLs);

(xiii) Internet protocol (IP) address numbers;

(xiv) Biometric identifiers, including finger and voice prints;

(xv) Full face photographic images and any comparable images;

(xvi) Any other unique identifying number, characteristic, or code;

(xvii) All geographic subdivisions smaller than a state, including street address, mailing address, city, county, precinct, geocodes, and zip code, except for the initial three digits of a zip code; and

(xviii) All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death.

(b) Under RCW 74.04.060 and related federal laws, information and records about applicants and recipients of public assistance and other services provided and received under Title 74 RCW.

(c) Under chapter 13.50 RCW and related federal laws, information and records about juvenile offender and child welfare cases.

(d) Under chapter 26.23 RCW and related federal laws, information and records about child support enforcement.

(e) Under chapter 26.33 RCW and related federal laws, information and records about adoption.

(f) Under chapter 70.02 RCW and related federal laws, protected health care information and medical records.

(g) Under RCW 74.34.095, information and records about alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(h) Under RCW 42.56.230(3), personal information in files maintained for DSHS employees or elected officials to the extent that disclosure would violate their right to privacy.

(i) Under RCW 42.56.250, the following information from personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency:

(A) Residential addresses;

(B) Residential phone numbers;

(C) Personal wireless telephone numbers;

(D) Personal email addresses;

(E) Social security numbers;

(F) Driver's license numbers;

(G) Identocard numbers;

(H) Emergency contact information; and

(I) Names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.

(j) Under RCW 42.56.640 and 43.17.410, sensitive personal information of vulnerable individuals and in-home caregivers for vulnerable populations, except as allowed under subsection (3) of this section.

(2) ((DSHS may release information to law enforcement officers and United States immigration officials to the extent authorized by RCW 74.04.062)) If the requested public record contains information that is exempt from public disclosure, DSHS may:

(a) As appropriate, release the nonexempt portion, explaining what exemptions apply to redacted portions of the record;

(b) As appropriate, deny release of the entire record, sending a written explanation and citing the exemption that applies to the denial; or

(c) Neither confirm or deny the existence of the requested records and provide the legal basis for confidentiality as if the responsive records existed, when a denial would reveal information that is confidential and must not be disclosed.

(3) Sensitive personal information under subsection (1)(j) of this section may be disclosed or produced if DSHS determines that the requester:

(a) Meets the criteria under RCW 42.56.645; and

(b) Has complied with any procedures developed by DSHS to protect the confidentiality of the information.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-130 What are ((an individual's)) a requester's options if DSHS denies a public record request? ((H)) (1) After DSHS ((denies)) takes final action to deny all or a portion of a public record request, ((an individual)) a requester may do any one or more of the following:

((H)) (a) Petition for ((a)) agency review ((of the denied request from)) by the denying public ((disclosure)) records coordinator or ((a director)) an approved designee. ((Contact DSHS to obtain a petition form (DSHS 17-062(X)) at: DSHS Forms and Records Management Services, P.O. Box 45805, Olympia, WA 98504-5805, (360) 664-6120, or email DSHSFormsRecordsMgmt@dshs.wa.gov. DSHS has two business days after receiving the petition to respond. If DSHS upholds the denial, the decision is considered final; or

((2)) The written request must specifically refer to the written statement by the public records coordinator that constituted or accompanied the denial.

(b) Ask the office of the attorney general to review the public record request.

((a)) (i) Send a copy of the denied public record request and the DSHS written denial to:

Office of the attorney general

Public records review

P.O. Box 40100

Olympia WA 98504-0100.

((b)) (ii) The office of the attorney general will review the request and DSHS denial. The office of the attorney general issues a written opinion as to whether the requested public record is excluded from disclosure.

((3)) (c) File a lawsuit for ((release of a public record)) judicial review under the Public Records Act in superior court in the county where the public record is located.

((a) DSHS must establish that its denial of a public record is legal.

(b) If the DSHS denial is reversed, the court may require DSHS to pay costs and attorney fees. DSHS may be fined five dollars to one hundred dollars a day for each day they denied the public record)) (2) "Final action" occurs when

DSHS indicates that it will not provide responsive records. When DSHS produces installments of records, final action occurs when DSHS produces its last installment or indicates that it will not reconsider a denial. Before DSHS produces its last installment, DSHS may cure deficiencies within prior installments. DSHS encourages requesters to contact the public records coordinator with questions or concerns about installments prior to final action.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-140 ~~If a public record ((contains personal information that)) identifies or pertains to an individual or organization, other than the ((subject of the record)) requester, is that individual or organization notified?~~ (1) ~~If ((a public record contains personal information that identifies)) records responsive to a public records request identify or pertain directly to an individual or organization other than the ((subject of the requested public record)) requester, DSHS may notify ((that)) the named individual or organization about the request.~~

~~(2) ((DSHS may send a written notice to the individual or organization if releasing the personal information could damage the individual or organization, or government operations, or is not in the best interest of the public. The notice should)) DSHS's third party notice may include:~~

~~(a) ((The record being requested)) A copy of the original request;~~

~~(b) ((The date DSHS intends to release the record)) If appropriate, the records that identify or pertain to the third party; ((and))~~

~~(c) ((How the individual or organization can prevent release of the record (see RCW 42.17.330)) The date DSHS intends to release the record; and~~

~~(d) A statement that the third party may prevent release of the record by agreement or by bringing a lawsuit and getting an injunction against DSHS and the requester under RCW 42.56.540 prior to the intended release date.~~

~~(3) DSHS may ((also send a written notice to the record)) inform the requester ((notifying them)) that:~~

~~(a) ((The individual or organization whose personal information is contained in the requested public record has been)) A third party has been notified of the request;~~

~~(b) DSHS ((expects a response from the individual or organization regarding)) provided the third party with a due date for objecting to disclosure ((of their personal information by a specified date)); and~~

~~(c) ((Disclosure may be denied)) In the absence of an agreement with the requester, the third party may bring a lawsuit against the requester and DSHS under RCW 42.56.540 to stop disclosure.~~

~~((4) DSHS releases the record by the specified date if no one objects or the contacted party does not respond by the specified date.~~

~~(5) DSHS must notify the office of the attorney general when an individual or organization, other than the subject of a record, files a lawsuit to prevent release of the record;))~~

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-150 ~~((Can an individual's record be requested by his or her representative))~~ **May a third party request a client's record?** (1) ~~((An individual's))~~ A third party, such as a DSHS client's attorney((, legal guardian,)) or lay representative ((can request the individual's record with a signed written release)), may access confidential records about a DSHS client with a valid authorization.

~~(2) The ((written release must include)) authorization should:~~

~~(a) ((The identity of the individual(s) or organization(s) authorized to receive the records)) Identify the client;~~

~~(b) ((An identification of the record(s), or part of the record, that the individual wants released)) Identify the individual(s) or organization(s) authorized to receive the records; ((and))~~

~~(c) ((The date the release expires)) State that DSHS may disclose the information to the requester;~~

~~(d) Identify the record(s) that the client wants DSHS to release;~~

~~(e) State the date the authorization expires or an expiration event that relates to the client or the purpose of the use of disclosure;~~

~~(f) State the reason for disclosure;~~

~~(g) State the right to revoke;~~

~~(h) State the potential for redisclosure;~~

~~(i) As appropriate, include specific language authorizing DSHS to release any one or more of the following to the requester: chemical dependency records, HIV or STD records, or mental health records; and~~

~~(j) Include a dated verified signature of the individual with legal authority to authorize the release of records.~~

~~(3) DSHS may ask for ((identification verifying)) additional proof to verify the ((representatives's relationship to the individual)) third party's authority to access confidential records.~~

~~(4) In general, a parent may access confidential records about a child under age eighteen. But a child must consent to disclosure of the following confidential records:~~

~~(a) At any age, birth control or abortion records (see RCW 9.02.100);~~

~~(b) If over age thirteen, chemical dependency or mental health records (see RCW 70.96A.230 and RCW 71.34.530);~~

~~(c) If over age fourteen, sexually transmitted disease records (see RCW 70.24.110); and~~

~~(d) If over age eighteen, all client records held by DSHS.~~

~~(5) Legal guardians authorized by court order to act on behalf of a client are not considered to be a third party request.~~

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-160 **Is DSHS required to create public records for requesters?** (1) DSHS is only required to provide access to existing, identifiable public records in its possession at the time of the request (see RCW ((42.17.270)) 42.56.080).

(2) DSHS is not required to collect information to create a public record that does not exist at the time ~~((of))~~ the public record request is received.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-170 ~~((Can))~~ May DSHS release information or public records ~~((to its offices and to))~~ outside ~~((agencies))~~ of the Public Records Act? (1) ~~((For the purposes of this chapter, outside agencies include, but are not limited to, group homes, mental health centers, drug and alcohol agencies, and other state agencies))~~ A request for information is not a Public Records Act request.

(2) ~~((DSHS may release public records to its offices and to outside agencies when the information relates to the administration of DSHS programs unless exempt by 45 C.F.R. 205.50 or other law))~~ A request to access records under authority other than the Public Records Act is not a Public Records Act request, including but not limited to the following examples:

(a) Requests by current employees to access their personnel files under RCW 49.12.240;

(b) Requests by employees and labor unions to access employment records under collective bargaining agreements;

(c) Requests by qualified individuals and organizations to access confidential juvenile offender and child welfare records under chapter 13.50 RCW and related federal laws;

(d) Requests by qualified individuals or organizations to access confidential child support enforcement records under chapter 26.23 RCW and related federal laws;

(e) Requests by qualified individuals or organizations to access confidential adoption records under RCW 26.33.340;

(f) Requests for public access to confidential child welfare records under RCW 74.13.500 through RCW 74.13.525;

(g) Requests by qualified individuals and organizations to access confidential health care information and medical records under chapter 70.02 RCW and related federal laws;

(h) Requests for records pursuant to a contract; and

(i) A legal subpoena for DSHS records.

~~((3))~~ If an outside agency requests a public record for reasons other than information that relates to the administration of DSHS programs, the outside agency must have the individual's written authorization.

~~((4))~~ Outside agencies receiving information are subject to applicable disclosure confidentiality laws.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-180 Who should ~~((be contacted))~~ an individual contact to review or get a copy of an interpretive or policy statement index ~~((or to get a copy of the documents))~~? DSHS issues administrative policy statements that apply to the whole department. Administrations may issue policies and interpretive statements that relate to their own programs. (See RCW 34.05.010).

(1) To receive a copy of a DSHS administrative policy, send a written request to:

Office of ~~((Legal Affairs,))~~ policy and external relations
Rules and policies assistance unit~~((s))~~
P.O. Box 45850~~((s))~~
Olympia, ~~((Washington))~~ WA 98504-5850.

(2) To receive a copy or review a specific administration's policies or interpretive statements, send a written request to the administration.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-190 How can an individual get an index of DSHS significant decisions? (1) The DSHS board of appeals reviews and selects orders and creates an index of significant decisions that substantially affect DSHS performance (see RCW ~~((42.17.260))~~ 42.56.070).

(2) The index:

(a) Is divided into program categories;

(b) Contains a copy or synopsis of the order; and

(c) Is updated, as needed.

(3) An individual can ~~((inspect or request a copy of))~~ view the index on the boards of appeals website at <https://www.dshs.wa.gov/node/4060/board-appeals> or inspect or request a copy by contacting the board of appeals ~~((located))~~ at:

~~((Board of Appeals))
Blake Office Park
4500—10th Avenue Southeast
Lacey, WA 98503-5803
(360) 664-6100~~

~~Mailing address:
Board of Appeals
P.O. Box 45803
Olympia, WA 98503-5803))~~

Board of appeals
1115 Washington ST SE
Olympia, WA 98504-5803
Telephone: (360) 664-6100

Mailing address:
Board of appeals
P.O. Box 45803
Olympia, WA 98504-5803.

(4) An individual may ask the board of appeals to index an order as a significant decision by sending a written request with a copy of the order to the mailing address.

AMENDATORY SECTION (Amending WSR 99-15-065, filed 7/19/99, effective 8/19/99)

WAC 388-01-200 How ~~((are petitions))~~ may an individual file a petition for declaratory ~~((orders filed))~~ order by DSHS? An individual may file a petition for declaratory order by DSHS as follows:

(1) ~~((First,))~~ Read the information on declaratory orders in RCW 34.05.240 and WAC 10-08-250, 10-08-251, and 10-08-252~~((s))~~; and

(2) (~~Next~~) File the petition with the DSHS rules and policies assistance unit at:

DSHS(~~rules and policies assistance unit~~)
P.O. Box 45850(~~)~~
Olympia, WA 98504-5850.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-01-040 What public records are available for release?

WSR 18-06-001

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed February 21, 2018, 1:44 p.m., effective March 24, 2018]

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

Purpose: Western Washington University has implemented license enabled permitting and transferred authority of parking services to another unit. Existing rules must be updated to conform to current processes and reporting structure. The university also reviewed the complete chapter and made other revisions.

Citation of Rules Affected by this Order: New WAC 516-12-472; and amending WAC 516-12-400, 516-12-430, 516-12-440, 516-12-450, 516-12-460, 516-12-470, and 516-12-480.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Adopted under notice filed as WSR 18-01-135 on December 20, 2017.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 7, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 7, 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 1, Amended 7, Repealed 0.

Date Adopted: February 21, 2018.

Jennifer L. Sloan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-15-021, filed 7/9/10, effective 8/9/10)

WAC 516-12-400 Definitions. As used in this chapter, the following words and phrases mean:

(1) (~~"All lot permit assignment." A parking lot assignment that allows the driver access to campus from a majority of all university parking lots with exceptions. Exceptions are identified on the guidelines issued and are subject to change annually, unless impact to the lot or the campus warrants an earlier change.~~)

~~(2) "~~**Accessible parking space.** A parking space identified with a sign bearing the international symbol of accessibility that is restricted at all hours for use by vehicles associated with a valid university parking permit and displaying a valid state disability placard.~~"~~

~~(2) "~~**All lot permit (AL).** A parking permit used in conjunction with a valid university parking permit that allows the vehicle access to specific lots on campus. The specific lots are identified on the application.~~"~~

~~(3) "~~**Appeals board.**(~~" The board")~~ The committee that hears citation and notice of infraction appeals for parking, impoundment, bicycle, and skateboard violations.

~~((3) "~~**Area designator.** A tag affixed to a permit indicating a parking lot assignment for a vehicle.~~)~~

~~(4) ("~~Authorized valid payment.~~" Any payment accepted by parking services, including the online mobile application and pay stations.~~

~~(5) "~~**Assistant director of the student business office and parking services.** The person appointed assistant director of the university's student business office and parking services.~~"~~

~~(6) "~~**Automobile.**(~~" Any licensed motorized vehicle typically having ((four)) three or more wheels not classified as a motorcycle.~~

~~((5) "~~~~(7) "~~**Board.**(~~" The board of trustees of Western Washington University.~~

~~((6) "~~~~(8) "~~**Business day.** Any day, Monday through Friday (excluding holidays), during which university offices are open or any day until 9:00 p.m. through parking services' web site.~~"~~

~~(9) "~~**Campus.**(~~" All state owned or leased lands ((devoted to the educational or research activities of)) utilized by the university.~~

~~((7) "~~**Disability space.** A parking space identified with a sign bearing the international disability symbol that is restricted at all hours to use by vehicles displaying both a valid WWU parking permit and WWU disability parking permit.~~"~~

~~(8) "~~~~Electric personal assistive mobility device (EPAMD)." A self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system with an average power of seven hundred fifty watts (one horsepower) having a maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator weighing one hundred seventy pounds, of less than twenty miles per hour. This term is intended to include other similar devices as defined in RCW 46.04.304 as now or hereafter amended.~~

~~(9) "~~~~(10) "~~**Citation.** Formal written notice of a parking violation.~~"~~

~~((11))~~ **Department of public safety.** The office consisting of university police.

~~((12))~~ **Employee.**((^u)) Any individual appointed to the faculty, staff, or administration of the university.

~~((10))~~ **(13) Fee.** Charge for permits and impoundment.

~~((14))~~ **Fine.** Monetary penalty for a parking violation.

~~((15))~~ **Guest.** Individual invited to the university and hosted by a department or university official.

~~((16))~~ **Habitual offender.**((^u)~~The~~) A driver ((~~of a~~)) associated with vehicle license numbers or permit numbers accruing eight or more paid or unpaid parking citations within a twelve-month period.

~~((11))~~ **(17) Holiday**((^u) or ((^u))**university holiday.**((^u)) A day designated by the university as a holiday or university holiday. Intersession or quarter breaks are not considered holidays. See definition of intersession.

~~((12))~~ **(18) Impoundment.**((^u)) The status of a vehicle that has been seized and kept in legal custody by either being immobilized with a wheel lock device or towed from campus.

~~((13))~~ **(19) Intersession.**((^u)) A period of time in which classes or final exams are not in session. University business offices are open during this time, except during holidays.

~~((14))~~ **(20) License plate recognition (LPR).** Technology that uses optical character recognition to automatically read license plate characters.

~~((21))~~ **Loading zone.**((^u)) A space in which parking is allowed for a specific time period and which is identified by signage as a loading zone.

~~((15))~~ **"Meter feeding."** Purchase of additional time beyond the time limit posted on the parking meters. This practice is prohibited since use of meters is intended to serve short-term parking needs.

~~((16))~~ **"Metered parking."** A parking space where drivers pay to park for a specified time period. Drivers pay to park in the space for a length of time by purchasing time at a meter or pay box.

~~((17))~~ **(22) Motor vehicle**((^u)) or ((^u))**vehicle.**((^u)) Every vehicle that is self-propelled; for example cars, trucks, and motorcycles. Motor vehicle includes a neighborhood electric vehicle as defined in RCW 46.04.357. Motor vehicle also includes a medium-speed electric vehicle as defined in RCW 46.04.295. Electric personal assistive mobility devices (EPAMD) defined in RCW 46.04.1695 and power wheelchairs are not considered motor vehicles.

~~((18))~~ **(23) Motorcycle.**((^u)) A motor vehicle designed to travel on not more than three wheels in contact with the ground on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but excluding a farm tractor, a power wheelchair, an electric personal assistive mobility device (EPAMD) defined in RCW 46.04.1695, and a moped. Refer to chapter 516-13 WAC for further information.

~~((19))~~ **(24) Parking services.**((^u)) A unit of the ((~~public safety department~~)) student business office responsible for the university parking ((~~on campus property~~)) system.

~~((20))~~ **"Pass."** An event parking pass issued by the university, a university bus pass issued by Whatcom transporta-

tion authority and distributed by the university, or other valid parking pass issued by parking services.

~~((21))~~ **"Pay station."** An automatic kiosk that issues parking permits from a free standing, unattended machine.

~~((22))~~ **(25) Parking space.** An area specifically marked as a parking space, designated by a sign, wheel stop, painted lines, and/or traffic buttons.

~~((26))~~ **Pay station.** A parking services deployed and managed machine that issues virtual permits for designated lots.

~~((27))~~ **Pedestrian.**((^u)) Any person who is afoot or who is using a wheelchair, a powered wheelchair, or ((~~a powered seater~~)) other mobility device for persons with disabilities.

~~((23))~~ **"Permit."** An unexpired parking permit)) ~~((28))~~ **Permit.** An authorization to park issued by parking services and ((~~properly displayed on a vehicle~~)) associated with a vehicle's license plate number.

~~((24))~~ **(29) President.**((^u)) The president of Western Washington University.

~~((25))~~ **(30) Prohibited areas.**((^u)) Areas other than those designated for parking or a roadway.

~~((26))~~ **"Public safety department."** The office consisting of parking services, university police, lockshop, and sustainable transportation.

~~((27))~~ **(31) Public safety director.**((^u)) The person appointed ((~~public safety director of the university by the president or designee~~)).

~~((28))~~ **director of the university's department of public safety.**

~~((32))~~ **Registered volunteer.**((^u)) An individual who is registered with the university's human resources department to perform assigned or authorized volunteer duties as determined by a department of the university.

~~((29))~~ **(33) Short-term parking space.** Parking spaces that are restricted to hourly or daily limits.

~~((34))~~ **Student.**((^u)) Any person enrolled in the university as a student.

~~((30))~~ **(35) Student business office.** The university's centralized office for financial billing and payments, including parking services.

~~((36))~~ **University.**((^u)) Western Washington University.

~~((31))~~ **(37) University business ((assignment)) permit (UB).**((^u)) A parking ((assignment)) permit used in conjunction with a valid university parking permit that allows the ((~~driver~~)) vehicle access to specific lots on campus. The specific lots are identified on the ((~~guidelines issued and are subject to change annually, unless impact to the lot warrants a change~~)) application.

~~((32))~~ **"Visitors."** People physically)) ~~((38))~~ **Visitor.** Individual present on campus who ((~~are~~)) is not an employee((s)), guest, registered volunteer((s)), or student((s)).

~~((33))~~ **(39) Walk zone.**((^u)) Any area designated by signs or symbols as a place where bicycles, skateboards, and other regulated devices cannot be ridden during specified periods.

~~((34))~~ **"Wheelstop."** A cement or metal)) ~~((40))~~ **Wheel stop.** A barrier used to ((define)) ensure a vehicle stops at a proper location in a parking space.

AMENDATORY SECTION (Amending WSR 10-15-021, filed 7/9/10, effective 8/9/10)

WAC 516-12-425 Administrative responsibility. The administration of parking regulations and moving violations is the joint responsibility of the public safety director and the assistant director of the student business office and parking services.

(1) The ~~((public safety director))~~ assistant director of the student business office and parking services is authorized to:

(a) Issue and sell parking permits to employees, students, guests, visitors, and others when necessary, and to provide ~~((special))~~ parking for individuals with disabilities.

~~(b) ((Impose or suspend traffic and parking regulations and restrictions when appropriate to the mission of the university, such as commencement.~~

~~(c) Erect signs, barricades, and other structures to designate the various parking or no parking areas on campus; and to paint markers and other directions for the regulation of traffic and parking.~~

~~((d))~~ Establish procedures to govern the purchase and ~~((distribution))~~ allocation of annual, academic year, quarterly permits and other permits, and to assign parking spaces.

~~((e)) Change or close, either temporarily or permanently, any campus parking area. Notice of change will be provided whenever practical.~~

~~(2))~~ (c) Maintain records of all permit holders and transactions.

(d) Determine parking lot and space assignments.

(2) The public safety director is authorized to:

(a) Impose or suspend traffic and parking regulations, and restrictions when appropriate to the mission of the university, such as commencement.

(b) Change or close, either temporarily or permanently, any campus parking area.

(3) The public safety director and the assistant director of the student business office and parking services are jointly authorized to erect signs, barricades, and other structures to designate the various parking or no parking areas on campus; and to paint markers and other directions for the regulation of traffic and parking.

(4) The authority of the public safety director and the assistant director of the student business office and parking services under this chapter may be delegated to other personnel ((within the public safety department)).

AMENDATORY SECTION (Amending WSR 10-15-021, filed 7/9/10, effective 8/9/10)

WAC 516-12-430 General regulations. (1) All regulations in this chapter and all motor vehicle and other traffic laws of the state of Washington apply on the campus.

(2) The traffic code of the city of Bellingham applies on city streets which cross the campus.

(3) All vehicles, attended or unattended, must ~~((display))~~ be associated with a valid ~~((Western Washington))~~ university parking permit ((or pass)) when parked on the campus, unless the vehicle is:

(a) Parked in a ~~((metered))~~ short-term parking space with ((meter)) authorized valid payment;

(b) Parked in a loading zone in compliance with posted limits; ~~((or))~~

(c) Parked in a lot that does not require a permit during specified times as posted; or

(d) An emergency vehicle.

(4) The person who obtains a permit and the registered owner of the vehicle are responsible for assuring that the vehicle, regardless of who drives it, is parked in conformance with these regulations.

(5) If a parking permit holder cannot locate a parking space in the assigned lot, the holder may park in the next nearest parking lot and then must call parking services for reassignment.

(6) Motorcycle permit holders must park in areas designated for motorcycles.

(7) The ~~((university))~~ student business office reserves the right to ~~((refuse))~~ deny or revoke parking privileges to anyone who has:

(a) Had a permit revoked.

(b) Falsified a parking application or registration.

~~((Counterfeited or altered an area designator or permit.~~

~~((d))~~ Failed to pay outstanding citations.

~~((e))~~ (d) Been identified as a habitual offender.

~~((f)) Been found to be in possession of or using a lost or stolen permit.~~

~~((g))~~ (e) Removed a wheel lock without authorization ~~((of parking services)).~~

~~((h))~~ (f) Been trespassed from campus.

~~((i))~~ (g) Failed to comply with parking services directions.

~~((j))~~ (h) Damaged university property while driving or parking on campus.

~~((k))~~ (i) Verbally abused or assaulted staff.

(8) The speed limit on campus is ten miles per hour or as posted. Drivers must operate vehicles in a careful and prudent manner at all times and must comply with established speed limits.

(9) Drivers of vehicles must obey all regulatory signs and comply with directions given by parking services and public safety staff and their designees.

(10) Drivers of vehicles must yield the right of way to pedestrians within the campus. This includes, but is not limited to, pedestrians crossing streets, roadways, and parking areas within the campus. Operators must also yield to pedestrians at intersections, clearly marked crosswalks, or city streets which cross the campus.

(11) ~~((Government-owned))~~ Nonuniversity owned government vehicles ~~((bearing government license plates))~~ may be parked in nonreserved spaces for a maximum of ~~((four))~~ eight hours while the driver is on university business. Long-term parking is not permitted, nor is any parking allowed in reserved spaces except when a space is designated for that specific vehicle. ~~((Such vehicles may be parked in metered spaces provided that meter regulations are observed.))~~ Violations incurred ~~((will be))~~ are the responsibility of the driver. ~~((All operators of these or other government-owned vehicles will abide by all traffic and parking regulations.))~~

(12) No person may utilize any vehicle parked on campus as a living unit without specific approval from the public safety director. Violators will be cited or towed.

(13) Vehicles are to be maintained in operating condition at all times on university property, except those in a garage, research facility, or automotive shop designated for parking such vehicles by the public safety director. Vehicle repairs or maintenance will not be made on campus unless authorization has been received in advance from the public safety director or designee.

(14) A vehicle which appears to be abandoned, with or without a current parking permit (~~pass~~) or license plates, may be impounded after an attempt is made to locate and notify the owner of the impending action.

(15) ~~((The university rents space to individuals who wish to park on campus and who are issued a parking permit or pass.))~~ The university assumes no responsibility or liability under any circumstances for vehicles or bicycles parked on campus nor does it assume any ~~((personal))~~ liability in connection with its parking program. No bailment of any sort is created by the issuance of a permit ~~((or pass))~~.

AMENDATORY SECTION (Amending WSR 10-15-021, filed 7/9/10, effective 8/9/10)

WAC 516-12-440 Parking areas. (1) Parking is prohibited in any area not specifically marked as a parking space, designated by a sign, wheelstop, whitepainted lines, and/or white traffic buttons.

(2) Vehicles may ~~((not be parked in any parking area without a parking permit or pass for that area))~~ park only where assigned by permit except as provided in WAC 516-12-430 (3) or (11) ~~((Each parking area is posted to indicate the type of permit required and the times they are required.))~~

(3) Parking in loading zones is limited to the time posted.

(4) Visitors may park only where assigned by permit, pass, or in metered areas with meter payment.

(5) Vehicles displaying valid permits or passes may park in metered spaces with meter payment.

(6) ~~Meters are available to serve short-term parking needs. "Feeding" meters is prohibited. That is, additional time cannot be purchased beyond the time limit posted on the meter.~~

~~((7))~~ (3) Spaces designated for specific use are restricted for that designated purpose.

(a) Parking in loading zones is limited to the time posted.

(b) Motorcycles must only be parked in designated "M" lots or at ~~((metered))~~ short-term spaces with payment. Motorcycles may not use space assigned to automobiles or bicycles, unless parked at a ~~((meter))~~ short-term space with authorized valid payment.

~~((8))~~ (c) Automobiles ~~((must not be parked))~~ are prohibited from parking in areas assigned to motorcycles.

~~((9))~~ (d) Bicycles must only be parked as provided in chapter 516-13 WAC, Bicycles, mopeds, and other powered devices.

~~((10))~~ Personal notes or business cards left on vehicles describing reasons for parking without a valid permit or for parking in an unauthorized manner will not be accepted.

~~((11))~~ Spaces designated for specific use are restricted for that designated purpose or to assigned vehicles.

~~((12))~~ (e) Resident student "R" lots are restricted to permit holders as assigned ~~((24))~~ twenty-four hours per day unless otherwise posted.

~~((13))~~ Vehicles must not use more than one space when parking.

~~((14))~~ The violation of any parking regulation by other vehicles does not constitute a valid excuse for violating these regulations.

AMENDATORY SECTION (Amending WSR 10-15-021, filed 7/9/10, effective 8/9/10)

WAC 516-12-450 Permits. (1) ~~((Except as otherwise provided in this chapter, permits may be issued only to students, employees, and other members of the university community.))~~ Persons wishing to obtain parking permits are required to complete a registration ~~((form provided))~~ process established by parking services and pay the corresponding fee. ~~((Ownership of the parking permit remains with the university. Individuals are not allowed to transfer ownership.))~~

(2) ~~The loss or theft of a parking permit should be reported to parking services immediately. Upon recovery, all permits reported lost or stolen should be returned immediately to parking services. Possession or use of a lost, stolen, or forged permit will result in a fine, the vehicle being wheel locked or towed, and loss of parking privileges.~~

(3) ~~A stolen permit will be replaced the first time at no cost, provided a theft report has been filed with parking services. A fee will be charged for the replacement of subsequent stolen or lost permits.~~

(4) ~~A valid permit means an unexpired parking permit issued by parking services and properly displayed on a vehicle. Parking permits are to be displayed according to instructions provided by parking services.~~

(5) ~~Motorcycle permits must be affixed and easily visible from the rear fender.~~

(6) Annual permits are valid for twelve months, academic permits are valid for nine months, and quarterly permits are valid from the first day of the quarter for which issued, except for fall quarter which may coincide with the contracted faculty start date, to the first day of the following quarter. Quarterly permits may be renewed on or before the first day of the winter, spring, and/or summer quarters.

(2) A license plate must be associated with a valid permit. Vehicle license plates must be exposed to the lane of travel and be clearly visible, unobstructed, and able to be read by license plate recognition (LPR).

(3) To enhance the business and operation of the university, all lots (AL) or university business (UB) permits may be issued and renewed by the ~~((public safety director))~~ assistant director of the student business office and parking services. Initial requests for ~~((all lots))~~ AL and ~~((university business))~~ UB permits require a completed application and the signature of the dean, director, or chairperson of the department with whom the person is associated. The approved arrangement may be renewed until the employee's job position or duties change. Issuance requires purchase of a ~~((WWU))~~ university parking permit. ~~((All lots))~~ AL and ~~((university business))~~

UB permits are valid for brief periods of time only when on university business and are ~~((not))~~ valid only in ~~((metered lots, reserved spaces, or small capacity))~~ lots as assigned on the AL or UB permit application.

~~((7))~~ (4) Persons with a temporary or permanent physical disability who require ~~((special))~~ parking consideration must obtain a state disability parking ~~((permit))~~ placard, as well as a valid ~~((WVU))~~ university disability parking permit.

~~((8-All))~~ (5) Permits ~~((are the property of the university and))~~ may be ~~((recalled))~~ revoked by the ~~((public safety director))~~ assistant director of the student business office and parking services under the following circumstances:

(a) When the purpose for which they were issued changes or ceases to exist.

(b) Falsification of an application or registration for parking.

(c) Violations of the regulations in this chapter.

(d) ~~((Counterfeiting or altering a permit.~~

~~((e))~~ Failure to comply with a judgment of the appeals board.

~~((f))~~ (e) Failure to pay outstanding citations.

~~((g-Removed))~~ (f) Removal of a wheel lock without authorization of parking services.

~~((h))~~ (g) For an unauthorized permit transfer.

~~((9))~~ The public safety director determines parking lot and space assignments.

(a) Annual permits are valid for twelve months.

(b) Academic permits are valid for nine months.

(c) Quarterly permits are valid from the first day of the quarter for which issued. Permits must be renewed on or before the first day of the quarter.

(d) Those persons seeking to consecutively renew a quarterly permit for winter, spring, and summer quarters to the same parking lot as assigned for fall quarter may do so during the two weeks prior to finals week. Permits may not be renewed for fall quarter.

(10) Special permits may include, but are not limited to, guests, services, vendors, temporary assignments, visitors, and loading permits authorized by the public safety director.

(11) (6) University departments that sponsor functions such as athletic events, conferences, seminars, and dinners may arrange parking for their guests on a space available basis. Departments have the option of paying for guest parking; otherwise, their guests will be responsible for the parking fee. ~~((Departments may also collect parking fees to facilitate prepaid parking with the prior approval of parking services.~~

(12) Faculty, staff, or students who have purchased a parking permit but forget to place it on the vehicle they are driving to campus must obtain a temporary permit from parking services. Those who have not purchased a permit must obtain a temporary permit from parking services. Temporary permits are issued for the lot assigned or, if no permit has been purchased, for available spaces.

(13) Emergency temporary permits may be issued for staff to park temporarily in locations where emergency call out requires attendance. Parking services))

(7) The director of public safety may suspend enforcement during emergencies as declared by the president ~~((vice president of business and financial affairs,))~~ or designee.

~~((14))~~ (8) Faculty, staff, or students who purchase an annual, academic, or quarterly parking permit may use the permit on any vehicle they drive but may not transfer ownership of the permit. The individual to whom a permit is issued is jointly responsible with the registered owner for parking violations by any vehicle bearing the permit.

AMENDATORY SECTION (Amending WSR 10-15-021, filed 7/9/10, effective 8/9/10)

WAC 516-12-460 Permit fee(s). (1) Permit fee ~~((and citation))~~ schedules will be approved by the president or ~~((his/her))~~ designee and ~~((will))~~ be posted ~~((in a public area of parking services and available))~~ on ~~((its))~~ parking services' web site.

(2) Cost of permits will be prorated throughout the year according to type and date purchased.

(3) Refunds will be made based on the valid time remaining according to the parking services refund schedule. ~~((Refunds may be made if unpaid fines and fees have been paid.))~~ The balance of any fees and fines owed will be deducted from any refund due.

(a) ~~((The permit holder must return the permit to parking services before a refund will be authorized or a payroll deduction be terminated.~~

~~((b))~~ No refund will be made for a permit after the first thirty calendar days of any quarter. Unused quarters may be refunded in whole at respective rates.

~~((e))~~ (b) Refunds will not be made upon permit revocation by the ~~((public safety director))~~ assistant director of the student business office and parking services.

(4) ~~((A service charge will be assessed for:~~

(a) Change of permit when a lot transfer is requested by the permit holder and approved by the public safety director.

(b) Any permit returned for a refund.

(c) Change in hours issued on a part-time permit.

(5) Salaried employees have the option of paying for parking through payroll deduction.

~~((6))~~ (5) The proper fee must be paid for all vehicles parked in ~~((metered))~~ short-term lots unless otherwise authorized.

~~((7))~~ For fees regarding lost or stolen permits, see WAC 516-12-450(3).))

AMENDATORY SECTION (Amending WSR 10-15-021, filed 7/9/10, effective 8/9/10)

WAC 516-12-470 Enforcement. ~~((1))~~ General:

(a) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community or their property, state property, and prevents a person having a valid permit from parking in their designated parking area, will be impounded on the first violation.

(b) Upon receiving two unpaid parking citations outstanding for more than seventy-two hours, a vehicle is subject to impound.

(c) A student with unpaid parking citations may not receive his or her class registration and/or transcript until citations are paid.

(d) Parking permits will not be issued until all outstanding citations and fees are paid.

(e) After identifying the registered owner of any vehicle without a parking permit or a permit number which has one or more unpaid citations, parking services will contact the owner in writing that payment is required. If payment for outstanding citations is not made by the date required, the matter will be referred to the appropriate collection agent and/or civil court for resolution.

(f) The permit holder and registered owner(s) of a vehicle which is involved in a violation of the university's parking regulations are jointly and severally responsible for the violation.

(g) Enforcement measures are cumulative; using one or more enforcement measures will not prohibit the use of additional measures.

(2) When regulations are in effect.

(a) Except as stated in (b) and (c) of this subsection, parking regulations are subject to enforcement throughout the calendar year but will not be enforced on official university holidays unless otherwise posted. For purposes of this section, intersession is not considered a university holiday.

(b) A vehicle which is parked in a manner which endangers or potentially endangers members of the university or their property or state property will be impounded on the first violation regardless of when the violation occurs.

(c) Intersession regulations will be determined and published by the public safety director as required.

(d) All lots have restrictions, which are posted on regulatory signs at lot entrances.

(e) Should there be a conflict between these regulations, parking maps, and on-site posted signs regarding parking information and instructions, the on-site sign takes precedence.

(3) Citations. A vehicle which is in violation of the university's parking regulations will be issued a citation.

(4)) (1) Parking regulations are subject to enforcement throughout the calendar year unless otherwise posted.

(a) All parking lots have restrictions, which are posted on regulatory signs at lot entrances and within the lots. When there is a conflict, parking services' authorized on-site signs take precedence over other regulations, parking maps, or verbal or written instruction regarding parking information.

(b) Intersession regulations will be determined and published by the assistant director of the student business office and parking services as required.

(c) Enforcement measures are cumulative; using one or more enforcement measures will not prohibit the use of additional measures.

(d) The violation of any parking regulation by other vehicles does not constitute a valid excuse for violating these regulations.

(2) Citations. It is prohibited to park and citations may be issued to vehicles:

(a) Without a valid permit;

(b) Double parked;

(c) Parked in more than one parking space;

(d) In a reserved space without a proper permit;

(e) In a no parking area;

(f) In an accessible parking space without a proper permit and state issued placard;

(g) In fire lanes, service roads, fire exits or within fifteen feet of a fire hydrant;

(h) In service entrances, construction sites, spaces reserved for maintenance vehicles, disability access areas, dumpster access;

(i) On lawns, sidewalks, walk zones, crosswalks, parking lot driveways, straddling painted lines or buttons, or angle parking where prohibited;

(j) Exceeding time in loading zones or short-term spaces;

(k) In areas where a permit is not valid;

(l) Against the flow of traffic;

(m) In areas or spaces closed by barricades or other control devices;

(n) With a license plate that is not exposed to the lane of travel, is not clearly visible, or is obstructed.

(3) Continued violations. A vehicle which remains in violation of any regulation may receive additional citations for every four hours of the violation.

((5)) (4) Impoundment by towing or wheel lock:

(a) All violators are subject to having their vehicles impounded through the use of towing or the wheel lock device at their own risk and expense.

(b) Any vehicle may be towed away if the vehicle:

(i) Has been immobilized by wheel lock for more than twenty-four hours; ((or))

(ii) Is parked in such a manner as to endanger or potentially endanger the university community or their property or state property; ((or))

(iii) Is parked in a fire lane blocking traffic or other posted tow-away zone; ((or))

(iv) Is parked so as to deprive a permit holder of space in ((his/her)) their assigned lot, reserved space, or ((disability)) accessible parking space without a proper permit; ((or))

(v) Is left under circumstances which indicate it has been abandoned; ((or

(vi) ~~Is found displaying a forged, reported lost or stolen permit; or~~

(vii)) (vi) Cannot be ((impounded)) immobilized with the wheel lock device; ((or

(viii))

(vii) When a university police officer has probable cause to believe the vehicle is stolen; ((or

(ix))

(viii) When a university police officer has probable cause to believe that the vehicle contains or constitutes evidence of a crime, and in the police officer's judgment impoundment is necessary to obtain or preserve such evidence; ((or

(x))

(ix) When a driver is arrested and/or deprived of the right to leave with the driver's vehicle, and the university police are responsible for the "safekeeping" of the vehicle; or

((xi)) (x) Is parked at any time on campus when parking privileges have been revoked.

(c) Any vehicle may be immobilized by use of a wheel lock device if the vehicle:

(i) Has an accumulation of two or more unpaid parking tickets, regardless of appeal status, (the second of which has been outstanding for more than seventy-two hours); or

(ii) ~~((Is parked at any time on campus when))~~ Has parking privileges ~~((have been))~~ revoked.

(d) ~~((The operator/owner of the impounded vehicle must pay all outstanding citations at parking services (or university public safety department when parking services is closed) and complete the required paperwork before a vehicle release is authorized.~~

(e) ~~A fee will be assessed on vehicles immobilized by the wheel lock device.~~

(f) ~~Any vehicle which remains immobilized by wheel lock for more than twenty-four hours in an area where towing is not practical or possible will be assessed a fee for each day or portion thereof over the twenty-four hours.~~

(g) ~~An impound fee is charged if the driver of the tow truck or the wheel lock operator has performed any labor prior to the vehicle operator/owner returning to the vehicle before the impoundment is completed.~~

(h) ~~An impounded vehicle shall be released to the operator/owner of the vehicle when:~~

(i) ~~Positive identification and proof of ownership of the vehicle is provided;~~

(ii) ~~All unpaid fines against the impounded vehicle or any other vehicle registered to the violator are paid at parking services (or university public safety department when parking services is closed);~~

~~(iii) A wheel lock fee is paid; and/or~~

~~(iv) All towing and storage fees are paid.~~

(i) ~~The operator/owner of the towed vehicle must present an authorized release form to the towing company and pay all towing charges including any storage fees incurred.~~

(j)) ~~The university assumes no responsibility or liability for damages which may result from use of the wheel lock device, towing, storage, or attempts to move a vehicle with a wheel lock device installed.~~

~~((k) A person wishing to challenge the validity of the impound or any fines or fees imposed under these rules may appeal through the process provided in this chapter. However, in order to secure release of the vehicle, the driver or owner must pay the amount of fines and/or fees as a bond which will be refunded to the extent the appeal is approved.~~

~~(6) It is prohibited to park and citations may be issued to vehicles:~~

~~(a) Without a valid permit;~~

~~(b) Double parked;~~

~~(c) In reserved spaces without a proper permit;~~

~~(d) In no parking areas;~~

~~(e) In a disability space without a proper permit;~~

~~(f) In fire lanes, service roads, fire exits or within fifteen feet of a fire hydrant;~~

~~(g) In loading zones exceeding the time limit;~~

~~(h) In service entrances, construction sites, spaces reserved for maintenance vehicles, disability access areas, dumpster access;~~

~~(i) On lawns, sidewalks, walk zones, crosswalks, parking lot driveways, straddling painted lines or buttons, or angle parking where prohibited;~~

~~(j) Exceeding time in loading zones or metered spaces;~~

~~(k) In areas where a permit is not valid;~~

~~(l) Over or adjacent to yellow lines or curbs;~~

~~(m) Against the flow of traffic;~~

~~(n) In areas or spaces closed by barricades or other control devices.~~

~~(7) Payment of fine is due upon receipt of citation.)~~

NEW SECTION

WAC 516-12-472 Payment of parking fine and impoundment fee. (1) Parking fine. Fine schedules will be approved by the president or designee and posted on parking services' web site.

(a) Payment of fine is due upon receipt of citation.

(b) If any citation has neither been paid nor appealed after fourteen days beginning with and including the date of the citation, the university shall impose additional fines and may:

(i) Withhold the violator's degree, transcript, or grades until all fines are paid.

(ii) Delay registration for future terms.

(iii) Withhold parking privileges.

(c) After identifying the registered owner of any vehicle which has unpaid fines, parking services will contact the registered owner in writing that payment is required. If payment for outstanding fines is not made by the date required, the matter will be referred to the appropriate collection agency.

(d) The permit holder and registered owner(s) of a vehicle which is involved in a violation of the university's parking regulations are jointly and severally responsible for the violation.

(2) Impoundment fee. Fee schedules will be approved by the president or designee and posted on parking services' web site.

(a) The operator/owner of the impounded vehicle must pay all outstanding fines and fees online through parking services' payment portal or at the student business office.

(b) A fee will be assessed on vehicles immobilized by the wheel lock device.

(c) Any vehicle which remains immobilized by wheel lock for more than twenty-four hours in an area where towing is not practical or possible will be assessed a fee for each day or portion thereof over the twenty-four hours.

(d) An impound fee is charged if the driver of the tow truck or the wheel lock operator has performed any labor prior to the vehicle operator/owner returning to the vehicle before the impoundment is completed.

(e) An impounded vehicle shall be released to the operator/owner of the vehicle when all of the following are satisfied:

(i) Positive identification and proof of ownership of the vehicle is provided;

(ii) All unpaid fines against the impounded vehicle or any other vehicle associated with the violator are paid;

(iii) A wheel lock fee is paid;

(iv) All towing and storage fees are paid; and

(v) All associated documentation is completed.

(3) A person wishing to challenge the validity of the impound or any fines or fees imposed under these rules may appeal through the process provided in this chapter.

AMENDATORY SECTION (Amending WSR 10-15-021, filed 7/9/10, effective 8/9/10)

WAC 516-12-480 Appeals and appeals board. Any person who wishes to appeal a citation must, within seven days from the date of the citation, complete an appeal ~~((form))~~ at the ~~((parking services))~~ student business office or ~~((appeal))~~ online ~~((at www.ps.wvu.edu))~~ through parking services' web site. The person who appeals will be referred to as the appellant.

(1) Payment of a parking fine will not constitute a waiver of the right to an appeal with regard to the underlying violation. The right to ~~((a hearing))~~ an appeal is forfeited seven days from the date of the citation.

(2) The appeal ~~((form))~~ must ~~((include a full))~~ provide the complete explanation of the basis for the appeal. The only ~~((proper))~~ valid basis for an appeal is a contention that the cited regulations were not violated.

(3) The ~~((public safety director))~~ assistant director of the student business office and parking services or designee will review the appeal and issue a decision to the appellant within fourteen days of review. The ~~((public safety director))~~ assistant director of the student business office and parking services or designee may deny the appeal or grant the appeal in whole or in part by dismissing or reducing the citation.

(4) ~~((If dismissal or reduction is not granted, appellant may request the appeal be sent to the appeals board for review upon payment of the fine and the completion of an appeals board review request form. The public safety director has the authority to waive completion of the appeals board review request form and authorize delay of payment of the fine, pending review.~~

~~((5) Requests for an appeals board review must be made in writing within fourteen calendar days of the decision made by the public safety director or designee.~~

~~((6) The citation(s) must be paid in full before an appeals board review request form may be filled out as a form of appeals bond and can only be delayed by written authority of the public safety director.~~

~~((7) Payment of a parking fine will not constitute a waiver of the right to a hearing with regard to the underlying violation.~~

~~((8) An))~~ Any appellant who wishes to appeal the decision of the assistant director of the student business office and parking services or designee must pay the full amount of the fine and complete the appeals board review request at the student business office or online through parking services' web site. Appeals must be received within fourteen calendar days of the date the decision was issued.

~~((5) The appeals board ((has been established composed of one administrator, one faculty member, one staff member, and four students. Representation must be by the administrators)) is composed of five members. Appointments will be made by professional staff organization (one member), faculty union (one member), staff unions (one member), and associated students (two members). Each member ((may be reappointed)) is appointed for a term of one year and may be reappointed for one additional term. The appeals board will choose its own chairperson from its members.~~

~~((9))~~ (6) The appeals board will meet throughout the academic year dependent upon the volume of appeals. If an

appeals board member has been notified of a meeting at least three days in advance and does not appear ~~((to participate))~~, the other appeals board members may proceed with their duties in reviewing appeals. At least three appeals board members are required to conduct a review.

~~((10))~~ (7) The appeals board has jurisdiction to hear and decide only those cases involving alleged violations of Western Washington University's regulations, chapters 516-12, 516-13, 516-15 WAC.

~~((11) Moving violations, violations of the motor vehicle and other traffic laws of the state of Washington, and traffic code of the city of Bellingham are referred to the appropriate court.~~

~~((12))~~ (8) The appeals board will consider appeals as follows:

(a) Should a personal appearance before the appeals board be desired it should be indicated on the appeals board review request form, otherwise the citation will be adjudicated on the basis of the written submission only.

(b) If a personal appearance is requested, and the appellant cannot appear on the date scheduled, the appellant must notify parking services in writing at least ~~((twenty-four hours))~~ one business day before the scheduled time and request a new date. Only one such rescheduling is permitted. If the appellant does not appear at a scheduled hearing without notification, the appeal will be reviewed on the basis of the written appeal only.

(c) The appeals board operates according to the rights of due process of law. If desired, the appellant has the right to be represented by another person, the right to cross-examine witnesses, and the right to an open and impartial hearing.

(d) Parking services has the right to be represented at hearings and to cross-examine witnesses.

(e) The appeals board may examine witnesses for either side.

(f) At the conclusion of a hearing, and in an open session, the appeals board will specify the charge(s) against the appellant, declare judgment for each charge, and include a reason for each judgment. The appeals board has the authority to deny the appeal, waive, void or refund charge(s) in part or in full, according to the judgment.

(g) The decision of the appeals board will be ~~((in writing))~~ final. Formal notification will be sent ((immediately)) to the appellant and parking services ~~((, and will be final))~~ within three business days.

~~((h) ((Failure to comply with a decision of the appeals board constitutes a ground for revocation of campus parking privileges. Any unpaid fine will be deducted from any refund due as a result of revocation of parking privileges or a judgment of the appeals board.~~

~~((i))~~ A written record of the judgment, reason, and fine imposed, if any, shall be furnished to parking services by the appeals board chairperson. These records will then be maintained by parking services.

~~((j))~~ (i) The appellant may appeal the appeals board decision to parking services as delegated by the public safety director within ten days after the final decision has been issued. Parking services shall immediately forward documents to the district court which has jurisdiction to hear the appeal de novo. The appellant is responsible for all associated

fees. No appeal may be taken unless the citation has been contested as provided in these rules.

~~((13))~~ (9) The appeals board chairperson may submit written recommendations about the parking system to the vice president for business and financial affairs by May 31st of each year.

WSR 18-06-006
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed February 22, 2018, 4:06 p.m., effective March 25, 2018]

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

Purpose: The purpose of the proposal is to comply with the changes made in ESSB 6040 passed during the 2014 legislative session. The proposal updates terms to existing rules and adds new rules to chapter 220-640 WAC.

Citation of Rules Affected by this Order: New WAC 220-640-060, 220-640-070, 220-640-080, 220-640-090, 220-640-100, 220-640-110, 220-640-120 and 220-640-130; and amending WAC 220-640-010, 220-640-020, 220-640-030, 220-640-040, and 220-640-050.

Statutory Authority for Adoption: RCW 77.04.090 and 77.04.130.

Adopted under notice filed as WSR 17-22-134 on November 1, 2017.

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 8, Amended 5, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: February 22, 2018.

Joe Stohr
Director

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-640-010 ((Nonnative)) Aquatic invasive species—Provisions. The following provisions apply to all nonnative aquatic species except nonnative species in ballast water, which are provided for in chapter ~~((220-370))~~ 220-650 WAC. The definitions of invasive species, prohibited aquatic animal species~~((s))~~ and regulated aquatic animal species~~((s))~~ and ~~unregulated aquatic animal species, unlisted aquatic animal~~

~~species and aquatic plant species))~~ as used in this section are the same as in RCW ~~((77-08-010))~~ 77.135.010.

~~((1))~~ Request for designation of unlisted aquatic animal species prior to release. Unlisted nonnative aquatic animal species must be reviewed and designated for classification by the commission as either regulated aquatic animal species or unregulated aquatic animal species prior to approval for release into state waters. A request for classification of an unlisted nonnative aquatic animal species shall be treated as a petition to amend WAC 220-640-040, and made on the OFM-01 form. Upon receipt of a petition, the department shall initially classify the species as a prohibited species until the review is complete. In addition to the OFM-01 form, a person requesting classification must provide the following information in order to present a complete request for designation for classification:

(a) ~~Common and scientific name, reason for release, source of the animals proposed for release, and number of animals proposed for release.~~

(b) ~~Native range of the species, assessment of potential positive and negative impacts of the release, citation of available scientific literature on release of the species in other non-native locales, known potential for displacement of native species, hybridization with or predation upon native species, and disease or parasite transmission.~~

(c) ~~Estimate of technical and economic feasibility of eradicating or controlling spread of the species once it is introduced into state waters.~~

(2) ~~Provisions applying to prohibited aquatic animal species:~~

(a) ~~Zebra mussels: It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra mussel free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.~~

(b) ~~Scientific research or display: The director may authorize, by prior written permit, a person to possess prohibited aquatic animal species for scientific research or display, provided:~~

(i) ~~Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of prohibited aquatic animal species into a natural watercourse, and specimens are inaccessible to wildlife or other animals that could transport prohibited aquatic animal species.~~

(ii) ~~Specimens are not transferred to any other facility without written approval by the director or designee.~~

(iii) ~~All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are disinfected. All other prohibited aquatic animal species must be killed at the conclusion of the project and either chemically preserved or disposed of in a landfill.~~

(iv) ~~The permittee provides an annual report to the department, no later than January 31 of the following year, on~~

a form provided by the department, describing the number, size and location of prohibited aquatic animal species enclosures and general nature of the research.

(e) Monitoring and control programs: The director may authorize persons working within the scope and supervision of a department sponsored monitoring and control program to capture, possess and destroy prohibited aquatic animal species, provided:

(i) The persons have completed a mandatory training program and are certified by the department;

(ii) The persons have a permit authorized by the director or designee in possession;

(iii) All prohibited aquatic animal species are disposed of in accordance with the monitoring and control program; and

(iv) Participants submit a report to the department within thirty days of any monitoring or control activity in accordance with the specifications outlined in the monitoring and control program.

(d) Capture of prohibited species in state waters. Prohibited aquatic animal species that are captured in state waters and not immediately returned to the water from which they were captured must be killed before removing the prohibited aquatic animal species from within the riparian perimeter of the body of water.

(e) It is lawful to possess dead vertebrate prohibited aquatic animal species taken from state waters, and it is lawful to possess chemically preserved nonvertebrate prohibited aquatic animal species from any source. No permit is required for possession under this subsection.

(f) Prohibited aquatic animals held in commercial and personal possession prior to classification. A person who possessed a prohibited aquatic animal species prior to the time the species was classified as prohibited may continue to hold the animal or animals for the life of the animals, provided:

(i) The person must maintain proof of possession prior to the classification.

(ii) The animals may not be transferred to another owner within the state.

(iii) The person must comply with all provisions of this section.

(iv) The animals must be prevented from reproducing, or if prevention is impracticable, the progeny must be destroyed.

(3) Infested waters.

(a) The following bodies of waters are infested with invasive aquatic plants or prohibited aquatic animal species. In these waters:

(i) It is unlawful to use aquatic animals from these waters for bait in the infested waters or any other waters.

(ii) All aquatic vegetation must be removed from lines, nets, motors, and all other equipment when the equipment is removed from the infested waters.

(iii) It is unlawful to transport water from these bodies of water, and bait containers, live wells, and bilges must be emptied before leaving the riparian perimeter of the body of water, except:

(A) Water may be transported in emergencies, such as a fire emergency.

(B) Water may be withdrawn and used under a water appropriation or public waters work permit issued by the department of ecology.

(b) List of infested waters:

Adams County: Herman and Hutchison lakes.

Chelan County: Chelan, Cortez, Domke, Fish, Roses and Wapato lakes.

Clallam County: Sutherland Lake.

Clark County: Battleground, and Lacamas lakes, Kline-line Pond, Caterpillar Slough, Columbia River adjacent to Ridgefield National Wildlife Refuge.

Columbia, Franklin and Walla Walla counties: Herbert G. West Lake, Snake River.

Cowlitz County: Kress and Silver lakes, Soho and Willow Grove sloughs.

Ferry County: Twin Lake.

Franklin County: Kahlotus and Sacajawea lakes, Seoteny Reservoir, Snake River.

Grant County: Babcock Ridge, Banks, Billy Clapp, Burke, Caliche, Canal, Corral, Corral Southwest, Moses, Priest Rapids, Quincy, Stan Coffin, Warden, and Windmill lakes, unnamed potholes at Dodson Frenchman and Frenchman Hills Nos. 1 through 4, Evergreen and Potholes reservoirs, Rocky Ford Creek and Winchester Wasteway.

Grays Harbor County: Duck and Failor lakes, Grays Harbor.

Island County: Crockett and Lone lakes.

Jefferson County: Crocker and Leland lakes.

King County: Alice, Angle, Bass, Desire, Fenwick, Geneva, Green, Killarney, Lucerne, Meridian, Nielson (Holm), Otter (Spring), Phantom, Pine, Pipe, Sannamish, Sawyer, Shadow, Shady, Spring, Steel, Twelve, Union, Washington, and Wilderness lakes.

Kitsap County: Buck, Horseshoe, Long, Mission, Square, Tahuya, and Wye lakes.

Kittitas County: Lavendar and Mattoon lakes.

Klickitat County: Celilo, Horsethief, and Spearfish lakes, Columbia River.

Lewis County: Carlisle, Mayfield, Plummer, and Riffe lakes, Swofford Pond, Chehalis and Cowlitz rivers and the Interstate Avenue Slough.

Mason County: Isabella, Island, Limerick, Mason, Spencer, and Trails End (Prickett) lakes.

Okanogan County: Conceonully, Green, Osooyoos, Palmer, Pearygin, and Whitestone lakes, Okanogan River.

Pacific County: Black, Island, Loomis, and O'Neil lakes, Willapa Bay.

Pend Oreille County: Davis, Diamond, Fan, Horseshoe, Mashall, Nile, and Saheem lakes, Little Spokane and Pend Oreille rivers.

Pierce County: Bay, Clear, Harts, Hidden, Ohop, Rapjohn, Spanaway, Tapps, and Whitman lakes.

San Juan County: Sportsman Lake.

Skagit County: Beaver, Big, Campbell, Clear, Eric, Heart, Memurray, and Sixteen lakes.

Skamania County: Coldwater and Drano lakes, Columbia River.

Snohomish County: Goodwin, Meadow, Nina, Roesiger, Shoecraft, Silver, Stevens, and Swartz lakes.

Spokane County: Eloika, Liberty, Long, Newman, and Silver lakes.

Stevens County: Black, Deep, Gillette, Heritage, Loon, McDowell, Sherry, Thomas, and Waitts lakes, Long Lake Reservoir.

Thurston County: Capitol, Hicks, Long, Munn, Scott, and Ski lakes, Black and Chehalis rivers.

~~Wahkiakum County: Columbia River and Brooks Slough.~~

~~Walla Walla County: Snake River.~~

~~Wheateam County: Terrell and Wheateam lakes.~~

~~Whitman County: Bryan and Lower Granite lakes, Snake River.~~

Yakima County: Buena, Byron, Dog, and Freeway (Rotary) lakes, unnamed ponds at 12N 19E 20, Yakima River.

(4) Aquaculture provisions. It is unlawful to fail to comply with the following provisions regarding aquaculture and waters containing prohibited aquatic animal species or invasive aquatic plant species.

(a) When a natural body of water is designated by rule as infested, ongoing aquaculture operations in that body of water are restricted from transferring product, equipment or associated materials until such time as the operator of the aquaculture operation submits to the department a plan to prevent the spread of invasive aquatic plants and prohibited aquatic animal species, and has received approval from the department of such plan.

(b) Artificial water basins found to be infested with prohibited aquatic animal species are required to have the water sterilized before continuing aquaculture operations, and any private sector cultured products in such waters must be killed before sale or transfer.

(c) By permit from the department, water from bodies of water infested with invasive aquatic plants may be used in artificial water basins for aquaculture, provided that the water is treated to eliminate invasive aquatic plants prior to use.

(5) Violations of this section involving invasive aquatic animal species is punishable under RCW 77.15.809 or 77.15.811.

(6) Violations of this section involving invasive aquatic plants is punishable under RCW 77.15.290.)

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-640-020 ((Aquatic nuisance species))
Reserved—Deleterious exotic wildlife. Reserved.**

(1) The following ((species)) animals are hereby designated as deleterious exotic wildlife ((and aquatic nuisance species)):

((a) Zebra mussels, including *Dreissena polymorpha* and other species commonly known as quagga;

(b) The European green crab, *Carcinus maenas*; and

(c) Chinese mitten crabs, including all members of the genus *Eriocheir*.

(2) It is unlawful to intentionally import into the state or possess aquatic nuisance species except as provided in this section.

(3) Zebra mussels: It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra mussel-free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.

(4) Scientific research: The director may authorize, by prior written permit, a person to possess aquatic nuisance species for scientific research, provided:

(a) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of aquatic nuisance species or any form of aquatic nuisance species larvae, is not a natural watercourse, and is inaccessible to wildlife or other animals that could transport aquatic nuisance species.

(b) Specimens are not transferred to any other facility without written approval by the director or designee.

(c) All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are disinfected. All other aquatic nuisance species must be killed at the conclusion of the project and either chemically preserved or disposed of in a landfill.

(d) The permittee provides an annual report to the department, no later than January 31 of the following year, on a form provided by the department, describing the number, size and location of aquatic nuisance species enclosures and general nature of the research.

(5) Monitoring and control programs: The director may authorize persons working within the scope and supervision of a department sponsored monitoring and control program to capture, possess and destroy aquatic nuisance species, provided:

(a) The persons have completed a mandatory training program and are certified by the department;

(b) The persons have a permit authorized by the director or designee in possession;

(c) All aquatic nuisance species are disposed of in accordance with the monitoring and control program; and

(d) Participants submit a report to the department within thirty days of any monitoring or control activity in accordance with the specifications outlined in the monitoring and control program.

(6) Abatement. Except as provided for in subsection (4) of this section, the department may take action to prevent or abate introduced aquatic nuisance species as a public nuisance, including but not limited to chemical treatment of the water containing the aquatic nuisance species or object to which an aquatic nuisance species is attached, heat treatment of such object, or other abatement measures as are appropriate. The possessor of aquatic nuisance species may be responsible for costs incurred by the department in abating an aquatic nuisance species infestation.) (a) Birds: In the family Anatidae, the mute swan (*Cygnus olor*).

(b) Mammals:

(i) In the family Viverridae, the mongoose (all members of the genus Herpestes).

(ii) In the family Suidae, the wild boar (Sus scrofa and all wild hybrids).

(iii) In the family Tayassuidae, the collared peccary (javelina) (Tayassu tajacu).

(iv) In the family Bovidae, all members and hybrids of the following genera: Rupicapra (Chamois); Hemitragus (Tahr); Capra (goats, ibexes except domestic goat Capra (hircus)); Ammotragus (Barbary sheep or Aoudad); Ovis (sheep), except domestic sheep Ovis aries; Damaliscus (Sassabies); Alcelaphus buselaphus (Hartebeest); and Connochaetes (Wildebeests).

(v) In the family Cervidae, the European red deer (Cervus elaphus elaphus), all nonnative subspecies of Cervus elaphus, and all hybrids with North American elk; Fallow deer (Dama dama), Axis deer (Axis axis), Rusa deer or Sambar deer (Cervus unicolor, Cervus timorensis, Cervus mariannus and Cervus alfredi), Sika deer (Cervus Nippon), Reindeer (all members of the genus Rangifer except Rangifer tarandus caribou), and Roedeer (all members of the genus Capreolus).

(2) It is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of deleterious exotic wildlife, their gametes and/or embryo, except as provided under subsection (3), (4), (5), (6), or (7) of this section, and as provided in WAC 220-640-020.

(3) Scientific research or display: The director may authorize, by written approval, a person to import into the state, hold, possess, and propagate live specimens of deleterious exotic wildlife for scientific research or for display by zoos or aquariums who are accredited institutional members of the association of zoos and aquariums (AZA), provided:

(a) The specimens are confined to a secure facility;

(b) The specimens will not be transferred to any other location within the state, except to other AZA-accredited facilities with written director approval or as otherwise authorized in writing by the director;

(c) The specimens will be euthanized and all parts incinerated at the end of the project, except for federally listed endangered or threatened species, which may be retained or transferred where in compliance with federal law;

(d) The person will keep such records on the specimens and make such reports as the director may require; and

(e) The person complies with other requirements of this section.

(4) Retention or disposal of existing specimens lawfully in captivity:

(a) Specimens lawfully in captivity prior to January 18, 1991: A person holding exotic wildlife specimens in captivity that were classified by the fish and wildlife commission as deleterious exotic wildlife on or before January 18, 1991, may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to January 18, 1991, provided such person complies with subsection (4)(c) through (h) hereunder and the other requirements of this section;

(b) Specimens lawfully in captivity prior to June 20, 1992: A person holding the following deleterious exotic wildlife specimens in captivity that were classified by the fish

and wildlife commission as deleterious exotic wildlife by operation of emergency rule filed June 19, 1992, (in the family Bovidae, Sassabies (all members of the genus Damaliscus), Hartebeest (Alcelaphus buselaphus), Wildebeests (all members of the genus Connochaetes), Markhor (Capra falconeri), and Marcopolo sheep (Ovis ammon); and in the family Cervidae, Fallow deer (Dama dama), Axis deer (Axis axis), Sika deer (Cervus Nippon), and Rusa deer or Sambar deer (Cervus unicolor, Cervus timorensis, Cervus mariannus and Cervus alfredi)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to June 20, 1992, and the lawful progeny thereof, provided such person complies with (c) through (h) of this subsection and the other requirements of this section and except as provided under subsection (7) of this section;

(c) The person reported to the director, in writing, the species, number, and location of the specimens, as required;

(d) The specimens are confined to a secure facility at the location reported;

(e) Live specimens are not propagated, except at AZA-accredited facilities with the written permission of the director or as otherwise authorized in writing by the director;

(f) Live specimens shall be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AZA-accredited facilities with the written permission of the director;

(g) Live specimens are not released; and

(h) Live specimens are not sold or transferred, except:

(i) Live specimens in lawful possession may be permanently removed from the state of Washington or transported directly to slaughter where in accordance with other applicable law;

(ii) Federally listed endangered or threatened species may be transferred to AZA-accredited facilities where in compliance with federal law;

(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided that all other requirements are satisfied and the total number of locations where animals are held is not increased; and

(iv) AZA facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(5) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding exotic wildlife specimens in captivity that are newly classified by the fish and wildlife commission as deleterious exotic wildlife by operation of this rule (Reindeer (all members of the genus Rangifer, except Rangifer tarandus caribou), and Roedeer (all members of the genus Capreolus)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens; and

(b) The person complies with subsection (4)(d) through (h) of this section and the other requirements of this section.

(6) The provisions of this section shall not prohibit the importation, possession, propagation, sale, transfer, or

release of live specimens of federally listed threatened or endangered species, their gametes and/or embryo, where in compliance with federal law.

(7) Notwithstanding the provisions of subsection (2) of this section, Fallow deer (*Dama dama*) and reindeer (all members of the genus *Rangifer*, except *Rangifer tarandus caribou*) may be imported into the state, held, possessed, propagated, offered for sale, sold, and/or transferred, provided:

(a) The person complies with subsection (4)(c) through (g) of this section and the other requirements of this section, except for subsection (4)(e), (f), and (h) of this section; and

(b) The person complies with the department of agriculture per WAC 16-54-180 as now or hereafter amended, except:

Animals that have resided at any time east of a line drawn through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and the 100th Meridian where it passes through Texas, or that have had contact with or shared common ground with animals which have resided at any time east of such line, shall not be imported into the state of Washington unless specifically authorized in writing by the director of the department of agriculture and the department of fish and wildlife:

(c) No specimens affected with any infectious or communicable disease shall be imported into the state unless in compliance with all applicable laws and regulations and unless written permission is obtained from the directors of the department of agriculture and the department of fish and wildlife:

(d) The specimens are confined to a secure facility; and

(e) Reindeer may not be imported into, held, or possessed in Ferry, Stevens, or Pend Oreille counties or that portion of Spokane County north of Spokane River.

(8) Escaped animals:

(a) Escaped deleterious exotic wildlife, including Fallow deer (*Dama dama*) and reindeer (all members of the genus *Rangifer*, except *Rangifer tarandus caribou*) will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy deleterious exotic wildlife that have escaped the possessor's control. The former possessor shall be responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Escapes of deleterious exotic wildlife must be reported immediately to the department.

(c) The recapture or death of escaped deleterious exotic wildlife must be reported immediately to the department.

(9) Secure facility:

(a) All deleterious exotic wildlife will be held in a secure facility. For the purpose of this rule, a secure facility is an enclosure so constructed as to prevent danger to the environment or wildlife of the state, including escape of deleterious exotic wildlife specimens or ingress of resident wildlife ungulates (hoofed animals). The adequacy of the facility shall be determined by the director or agents of the director.

(b) For deleterious exotic wildlife listed in subsection (1)(b)(iv) and (v) of this section, the "secure facility" must comply with the fencing requirements in subsection (10) of

this section, unless otherwise authorized by the director in writing.

(10) Fencing requirements:

(a) Perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and deleterious exotic wildlife from escaping. Supplemental wire required to attain a height of eight feet may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of eight feet.

(c) Perimeter fences must be at least 12-1/2 gauge woven wire, 14-1/2 gauge high-tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

If the wire used is not a full eight feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with two locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of deleterious exotic wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), five-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than twenty-four feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least eight feet above ground level; and

(iv) Have corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent deleterious exotic wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing deleterious exotic wildlife must immediately supplement the fence to prevent continued passage.

(h) For any fence existing prior to February 13, 1993, a person may petition the director in writing for a variance from the above fencing requirements. Any such petition must be filed no later than May 31, 1993, and must identify all aspects in which the existing fence does not meet the fencing requirements contained herein. On approval of the director, such person may maintain such existing fence with normal repair. However, any extension or relocation of existing fence must meet the fencing requirements contained herein.

(11) Marking requirements:

(a) All live specimens of deleterious exotic wildlife, except those listed in subsection (1)(a) and (b) of this section, shall be permanently and individually identified by methods approved by the director.

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) All specimens of deleterious exotic wildlife identified in subsection (1)(b)(iv) and (v) of this section must be individually identified by the methods specified below:

(i) All live specimens of such deleterious exotic wildlife shall be marked with USDA official ear tags or with ear tags supplied or approved by the department. Tags shall be applied in sequential order; and

(ii) All live specimens of such deleterious exotic wildlife shall be marked with a tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(d) All lawful progeny of deleterious exotic wildlife must be tagged and tattooed by December 31st of the year of birth or upon leaving the holding facility, whichever is earlier.

(e) Where allowed, if an animal is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor shall not renumber the animal.

(f) Where allowed, live specimens of deleterious exotic wildlife shall be marked prior to importation.

(g) No unmarked deleterious exotic wildlife may be sold or otherwise transferred from the holding facility.

(12) Testing of specimens:

(a) Where allowed, prior to entry into the state of Washington, a person importing any member of the genus Cervus, which is identified in subsection (1)(b)(v) of this section, must submit records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex Cervus elaphus not indigenous to the state of Washington). Such testing shall be at the possessor's expense. Animals that are deemed by department of wildlife biologists upon examination to exhibit either: Behavioral (vocalization), morphological (size, rump patch, color), or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) The director may require a person currently possessing any member of the genus Cervus that are identified in subsection (1)(b)(v) of this section to submit records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex Cervus elaphus not indigenous to the state of Washington) for each individual cervid to the department. Such testing shall be at the possessor's expense. The director may require that any animal identified as a red deer or having nonindigenous genetic influence be destroyed, removed from the state, or neutered.

(c) The director may require that all specimens of deleterious exotic wildlife lawfully in captivity be tested for brucellosis (brucella abortus), tuberculosis (mycobacterium bovis and mycobacterium tuberculosis), meningeal worm (Paralophostrongylus tenuis), and muscle worm (Elaphostrongylus cervis) in accordance with the procedures specified in department of agriculture per WAC 16-54-180 as now or hereafter

amended and/or for other disease or parasites determined to pose a risk to wildlife. The results of such tests shall be filed with the director as required.

(13) Reporting:

(a) A person holding deleterious exotic wildlife in captivity shall submit a completed report no later than March 30, 1993, and then no later than January 31st of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing deleterious exotic wildlife must notify the director within ten days of any change of such persons' address and/or location of the holding facility.

(14) Inspection:

(a) All holding facilities for deleterious exotic wildlife located in the state are subject to inspection for compliance with the provisions of this section.

(b) Such inspections shall be conducted at reasonable times.

(15) Notification and disposition of diseased animals:

(a) Any person who has reason to believe that deleterious exotic wildlife being held pursuant to this rule have or have been exposed to a dangerous or communicable disease or parasite shall notify the department immediately.

(b) Upon having reason to believe that deleterious exotic wildlife held pursuant to this rule have been exposed to or contracted a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian or inspection agent. Inspection shall be at the expense of the possessor.

(c) The director shall determine when destruction of animals, quarantine, or disinfection is required at any facility holding deleterious exotic wildlife, pursuant to this rule. If the director determines that destruction, quarantine, or disinfection is required, a written order shall be issued to the possessor describing the procedure to be followed and the time period for carrying out such actions. Such activities shall be at the expense of the possessor.

(16) Quarantine area:

(a) Any facility holding deleterious exotic wildlife must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington:

(i) An approved quarantine facility is one that meets criteria set by the Washington state department of agriculture;

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) Should the imposition of a quarantine become necessary, the possessor must provide an on-site quarantine facility or make arrangements at such possessor's expense to transport the animals to the approved quarantine facility named in the quarantine action plan.

(17) Seizure:

(a) The department of wildlife may seize any unlawfully possessed deleterious exotic wildlife.

(b) The cost of any seizure and/or holding of deleterious exotic wildlife may be charged to the possessor of such animals.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-640-030 ((Deleterious exotic wildlife.))
Prohibited level 1 aquatic animal species. ((1) The following animals are hereby designated as deleterious exotic wildlife:

- (a) **Birds:**
In the family Anatidae, the mute swan (*Cygnus olor*).
 - (b) **Mammals:**
 - (i) In the family Viverridae, the mongoose (all members of the genus *Herpestes*).
 - (ii) In the family Suidae, the wild boar (*Sus scrofa* and all wild hybrids).
 - (iii) In the family Tayassuidae, the collared peccary (javelina) (*Tayassu tajacu*).
 - (iv) In the family Bovidae, all members and hybrids of the following genera: *Rupicapra* (Chamois); *Hemitragus* (Tahr); *Capra* (goats, ibexes except domestic goat *Capra hircus*); *Ammotragus* (Barbary sheep or Aoudad); *Ovis* (sheep); except domestic sheep *Ovis aries*; *Damaliscus* (Sassabies); *Alelaphus buselaphus* (Hartebeest); and *Connochaetes* (Wildebeests).
 - (v) In the family Cervidae, the European red deer (*Cervus elaphus elaphus*), all nonnative subspecies of *Cervus elaphus*, and all hybrids with North American elk; Fallow deer (*Dama dama*), Axis deer (*Axis axis*), Rusa deer or Sambar deer (*Cervus unicolor*, *Cervus timorensis*, *Cervus mariannus* and *Cervus alfredi*), Sika deer (*Cervus Nippon*), Reindeer (all members of the Genus *Rangifer* except *Rangifer tarandus caribou*), and Roedeer (all members of the Genus *Capreolus*).
- (2) It is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of deleterious exotic wildlife, their gametes and/or embryo, except as provided under subsection (3), (4), (5), (6), or (7) of this section, and as provided in WAC 220-640-020.
- (3) Scientific research or display: The director may authorize, by written approval, a person to import into the state, hold, possess, and propagate live specimens of deleterious exotic wildlife for scientific research or for display by zoos or aquariums who are accredited institutional members of the Association of Zoos and Aquariums (AZA), provided:
- (a) The specimens are confined to a secure facility;
 - (b) The specimens will not be transferred to any other location within the state, except to other AZA accredited facilities with written director approval or as otherwise authorized in writing by the director;
 - (c) The specimens will be euthanized and all parts incinerated at the end of the project, except for federally listed endangered or threatened species, which may be retained or transferred where in compliance with federal law;
 - (d) The person will keep such records on the specimens and make such reports as the director may require; and
 - (e) The person complies with other requirements of this section.
- (4) Retention or disposal of existing specimens lawfully in captivity:
- (a) Specimens lawfully in captivity prior to January 18, 1991: A person holding exotic wildlife specimens in captivity that were classified by the fish and wildlife commission as deleterious exotic wildlife on or before January 18, 1991,

may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to January 18, 1991, provided such person complies with subsections (4)(e) through (4)(h) hereunder and the other requirements of this section;

- (b) Specimens lawfully in captivity prior to June 20, 1992: A person holding the following deleterious exotic wildlife specimens in captivity that were classified by the fish and wildlife commission as deleterious exotic wildlife by operation of emergency rule filed June 19, 1992 (in the family Bovidae, *Sassabies* (all members of the Genus *Damaliscus*), *Hartebeest* (*Alelaphus buselaphus*), *Wildebeests* (all members of the Genus *Connochaetes*), *Markhor* (*Capra falconeri*), and *Mareopolo sheep* (*Ovis ammon*); and in the family Cervidae, *Fallow deer* (*Dama dama*), *Axis deer* (*Axis axis*), *Sika deer* (*Cervus Nippon*), and *Rusa deer* or *Sambar deer* (*Cervus unicolor*, *Cervus timorensis*, *Cervus mariannus* and *Cervus alfredi*)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to June 20, 1992, and the lawful progeny thereof, provided such person complies with subsection (4)(e) through (h) of this section and the other requirements of this section and except as provided under subsection (7) of this section;

- (c) The person reported to the director, in writing, the species, number, and location of the specimens, as required;

- (d) The specimens are confined to a secure facility at the location reported;

- (e) Live specimens are not propagated, except at AZA-accredited facilities with the written permission of the director or as otherwise authorized in writing by the director;

- (f) Live specimens shall be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AZA-accredited facilities with the written permission of the director;

- (g) Live specimens are not released; and

- (h) Live specimens are not sold or transferred, except:

- (i) Live specimens in lawful possession may be permanently removed from the state of Washington or transported directly to slaughter where in accordance with other applicable law;

- (ii) Federally listed endangered or threatened species may be transferred to AZA-accredited facilities where in compliance with federal law;

- (iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided that all other requirements are satisfied and the total number of locations where animals are held is not increased; and

- (iv) AZA facilities may sell and/or transfer live specimens within the state with the written permission of the director.

- (5) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding exotic wildlife specimens in captivity that are newly classified by the fish and wildlife commission as deleterious exotic wildlife by operation of this rule (*Reindeer* (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*), and *Roedeer* (all members of the Genus *Capreolus*)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens; and

(b) The person complies with subsection (4)(d) through (h) of this section and the other requirements of this section.

(6) The provisions of this section shall not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes and/or embryo, where in compliance with federal law.

(7) Notwithstanding the provisions of subsection (2) of this section, Fallow deer (*Dama dama*) and reindeer (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*) may be imported into the state, held, possessed, propagated, offered for sale, sold, and/or transferred, provided:

(a) The person complies with subsection (4)(c) through (g) of this section and the other requirements of this section, except for subsection (4)(e), (f), and (h) of this section; and

(b) The person complies with the department of agriculture WAC 16-54-180 as now or hereafter amended, except:

Animals that have resided at any time east of a line drawn through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and the 100th Meridian where it passes through Texas, or that have had contact with or shared common ground with animals which have resided at any time east of such line, shall not be imported into the state of Washington unless specifically authorized in writing by the director of the department of agriculture and the department of fish and wildlife;

(c) No specimens affected with any infectious or communicable disease shall be imported into the state unless in compliance with all applicable laws and regulations and unless written permission is obtained from the directors of the department of agriculture and the department of fish and wildlife;

(d) The specimens are confined to a secure facility; and

(e) Reindeer may not be imported into, held, or possessed in Ferry, Stevens, or Pend Oreille counties or that portion of Spokane County north of Spokane River.

(8) Escaped animals:

(a) Escaped deleterious exotic wildlife, including Fallow deer (*Dama dama*) and Reindeer (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*) will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy deleterious exotic wildlife that have escaped the possessor's control. The former possessor shall be responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Escapes of deleterious exotic wildlife must be reported immediately to the department.

(c) The recapture or death of escaped deleterious exotic wildlife must be reported immediately to the department.

(9) Secure facility:

(a) All deleterious exotic wildlife will be held in a secure facility. For the purpose of this rule, a secure facility is an enclosure so constructed as to prevent danger to the environment or wildlife of the state, including escape of deleterious

exotic wildlife specimens or ingress of resident wildlife ungulates (hoofed animals). The adequacy of the facility shall be determined by the director or agents of the director.

(b) For deleterious exotic wildlife listed in subsection (1)(b)(iv) and (v) of this section, the "secure facility" must comply with the fencing requirements in subsection (10) of this section, unless otherwise authorized by the director in writing.

(10) Fencing requirements:

(a) Perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and deleterious exotic wildlife from escaping. Supplemental wire required to attain a height of eight feet may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of eight feet.

(c) Perimeter fences must be at least 12-1/2 gauge woven wire, 14-1/2 gauge high tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

If the wire used is not a full eight feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with two locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of deleterious exotic wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), five-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than twenty four feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least eight feet above ground level; and

(iv) Have corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent deleterious exotic wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing deleterious exotic wildlife must immediately supplement the fence to prevent continued passage.

(h) For any fence existing prior to February 13, 1993, a person may petition the director in writing for a variance from the above fencing requirements. Any such petition must be filed no later than May 31, 1993, and must identify all aspects in which the existing fence does not meet the fencing requirements contained herein. On approval of the director, such person may maintain such existing fence with normal repair. However, any extension or relocation of existing fence must meet the fencing requirements contained herein.

(11) Marking requirements:

(a) All live specimens of deleterious exotic wildlife, except those listed in subsection (1)(a) and (b) of this section, shall be permanently and individually identified by methods approved by the director.

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) All specimens of deleterious exotic wildlife identified in subsection (1)(b)(iv) and (v) of this section must be individually identified by the methods specified below:

(i) All live specimens of such deleterious exotic wildlife shall be marked with USDA Official ear tags or with ear tags supplied or approved by the department. Tags shall be applied in sequential order; and

(ii) All live specimens of such deleterious exotic wildlife shall be marked with a tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(d) All lawful progeny of deleterious exotic wildlife must be tagged and tattooed by December 31 of the year of birth or upon leaving the holding facility, whichever is earlier.

(e) Where allowed, if an animal is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor shall not renumber the animal.

(f) Where allowed, live specimens of deleterious exotic wildlife shall be marked prior to importation.

(g) No unmarked deleterious exotic wildlife may be sold or otherwise transferred from the holding facility.

(12) Testing of specimens:

(a) Where allowed, prior to entry into the state of Washington, a person importing any member of the Genus Cervus, which is identified in subsection (1)(b)(v) of this section herein, must submit records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex Cervus elaphus not indigenous to the state of Washington). Such testing shall be at the possessor's expense. Animals that are deemed by department of wildlife biologists upon examination to exhibit either: Behavioral (vocalization), morphological (size, rump patch, color), or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) The director may require a person currently possessing any member of the Genus Cervus that are identified in subsection (1)(b)(v) of this section to submit records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex Cervus elaphus not indigenous to the state of Washington) for each individual cervid to the department. Such testing shall be at the possessor's expense. The director may require that any animal identified as a red deer or having nonindigenous genetic influence be destroyed, removed from the state, or neutered.

(c) The director may require that all specimens of deleterious exotic wildlife lawfully in captivity be tested for brucel-

losis (brucella abortus), tuberculosis (mycobacterium bovis and mycobacterium tuberculosis), meningeal worm (Paralophostongylus tenuis), and muscle worm (Elaphostongylus cervis) in accordance with the procedures specified in department of agriculture WAC 16-54-180 as now or hereafter amended and/or for other disease or parasites determined to pose a risk to wildlife. The results of such tests shall be filed with the director as required.

(13) Reporting:

(a) A person holding deleterious exotic wildlife in captivity shall submit a completed report no later than March 30, 1993, and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing deleterious exotic wildlife must notify the director within ten days of any change of such persons' address and/or location of the holding facility.

(14) Inspection:

(a) All holding facilities for deleterious exotic wildlife located in the state are subject to inspection for compliance with the provisions of this section.

(b) Such inspections shall be conducted at reasonable times.

(15) Notification and disposition of diseased animals:

(a) Any person who has reason to believe that deleterious exotic wildlife being held pursuant to this rule have or have been exposed to a dangerous or communicable disease or parasite shall notify the department immediately.

(b) Upon having reason to believe that deleterious exotic wildlife held pursuant to this rule have been exposed to or contracted a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian or inspection agent. Inspection shall be at the expense of the possessor.

(c) The director shall determine when destruction of animals, quarantine, or disinfection is required at any facility holding deleterious exotic wildlife, pursuant to this rule. If the director determines that destruction, quarantine, or disinfection is required, a written order shall be issued to the possessor describing the procedure to be followed and the time period for carrying out such actions. Such activities shall be at the expense of the possessor.

(16) Quarantine area:

(a) Any facility holding deleterious exotic wildlife must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington state department of agriculture.

(ii) The quarantine area must meet the tests of isolation; separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) Should the imposition of a quarantine become necessary, the possessor must provide an on-site quarantine facility or make arrangements at such possessor's expense to transport the animals to the approved quarantine facility named in the quarantine action plan.

(17) Seizure:

(a) The department of wildlife may seize any unlawfully possessed deleterious exotic wildlife.

(b) The cost of any seizure and/or holding of deleterious exotic wildlife may be charged to the possessor of such animals.) The following species are classified as prohibited level 1 aquatic animal species:

(1) Molluscs: Family Dreissenidae: Zebra mussels: All members of the genus *Dreissena* and all species known as quagga.

(2) Crustaceans:

(a) Family Grapsidae: Mitten crabs: All members of the genus Erochier.

(b) Family Portunidae: European green crab, *Carcinus maenas*.

(3) Fish:

(a) Family Channidae: China fish, snakeheads: All members of the genus Channa.

(b) Family Clariidae: All members of the walking catfish family.

(c) Family Cyprinidae:

(i) Carp, Bighead, *Hypophthalmichthys nobilis*.

(ii) Carp, Black, *Mylopharyngodon piceus*.

(iii) Carp, Silver, *Hypophthalmichthys molitrix*.

(iv) Carp, Largescale Silver, *Hypophthalmichthys harmandi*.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-640-040 ((Classification—Nonnative) Prohibited level 2 aquatic animal species. ((1) Prohibited aquatic animal species. The following species are classified as prohibited aquatic animal species:

(a) Amphibians:

(i) In the family Hylidae: Cricket frog, in the genus *Hyla* species in the group *Arborea* including: *Hyla annectans*, *Hyla arborea*, *Hyla chinensis*, *Hyla hallowellii*, *Hyla immaeulata*, *Hyla japonica*, *Hyla meridionalis*, *Hyla sanchiangensis*, *Hyla simplex*, *Hyla suweonensis*, *Hyla tsinlingensis*, *Hyla ussuriensis*, and *Hyla zhaopingensis*.

(ii) In the family Pelobatidae, spadefoots, all species of the genus *Pelobates* including *P. cultripes*, *P. fuscus*, *P. syriacus*, and *P. varaldii*. All species of the genus *Scaphiopus* including: *S. couchii*, *S. holbrookii*, and *S. hurterii*. All species of the genus *Spea* including: *S. hurterii*, *S. bombifrons*, *S. hammondii*, and *S. multiplicata* with the exception of the native species: *Spea intermontana* the great basin spadefoot.

(iii) In the family Pipidae: African clawed frog, all members of the genera *Silurana*, and *Xenopus*.

(iv) In the family Ranidae:

(A) Bull frog, *Rana catesbeiana*.

(B) Holoartctic brown frogs and Palearctic green frogs of the genus *Rana*, including the following: *Rana arvalis* group (*R. arvalis*, *R. chaochiaensis*, *R. chevronta*); *Rana chensinensis* group (*R. altaica*, *R. chensinensis*, *R. dybowskii*, *R. kukunoris*, *R. kunyuensis*, *R. ornativentris*, *R. pirica*); *Rana graeca* group (*R. graeca*, *R. italica*); *Rana japonica* group (*R. amurensis*, *R. aragonensis*, *R. japonica*, *R. omeimontis*, *R. zhenhaiensis*); the subgenus *Rugosa* (*Rana rugosa*, *Rana*

emeljanovi, *Rana tientaiensis*); *Rana tagoi* group (*R. sakuraii*, *R. tagoi*); *Rana temporaria* group (*R. asiatica*, *R. dalmatina*, *R. honnorate*, *R. huanrenensis*, *R. iberica*, *R. latastei*, *R. macrocnemis*, *R. okinavana*, *R. pyrenaica*, *R. tsushimensis*, *R. zhengi*); and in the *Rana Pelophylax* section, the subgenus *Pelophylax* (*R. bedriagae*, *R. bergeri*, *R. eerigensis*, *R. chosonenica*, *R. eretensis*, *R. demarchii*, *R. epeirotica*, *R. fukiensis*, *R. graffii*, *R. hubeiensis*, *R. lateralis*, *R. lessonae*, *R. nigrolineata*, *R. nigromaculata*, *R. perezi*, *R. planeyi*, *R. porosa*, *R. ridibunda*, *R. saharica*, *R. shqipericica*, *R. shuchinae*, *R. terentievi*, *R. tenggerensis*); and the *Rana ridibunda*–*Rana lessonae* hybridogenetic complex species *R. esculenta* and *R. hispanica*.

(v) In the family Ambystomatidae: Mole salamanders. In the genus *Ambystomata*: *A. californiense*, *A. laterale*, *A. opacum*, *A. rosaceum*, *A. tigrinum*, except for the native species *A. tigrinum mavortium* Western tiger salamander, and *A. tigrinum melanostictum* Tiger salamander.

(vi) In the family Amphiumidae one, two, and three toed salamanders or congo eels: All members of the genus *Amphiuma*.

(vii) In the family Cryptobranchidae: Giant salamanders and hellbenders, all members of the genera *Andrias* and *Cryptobranchus*.

(viii) In the family Dicamptodontidae, American giant salamanders, all members of the genus *Dicamptodon*, except for the native species: *Dicamptodon tenebrosus*, Pacific giant salamander, and *Dicamptodon copei*, Cope's giant salamander.

(ix) In the family Hynobiidae: Mountain salamanders, all members of the genera *Batrachuperus*, *Hynobius*, *Liua*, *Onychodaetylus*, *Pachyhynobius*, *Pseudohynobius*, *Ranodon*, and *Salamandrella*.

(x) In the family Plethodontidae, subfamily Desmognathinae: All members of the genus *Desmognathus*, dusky salamander.

(xi) In the family Plethodontidae, subfamily Plethodontinae: All members of the genera *Aneides* (climbing salamanders); *Batrachoseps* (slender salamanders); *Eurycea* (American brook salamanders); *Gyrinophilus* (cave salamanders); *Hemidaetylium* (four-toed salamanders); *Hydromantes* (web-toed salamanders); *Plethodon* (woodland and slimy salamanders); *Pseudotriton* (mud or red salamanders), and *Speleomantes* (European salamanders).

(xii) In the family Proteidae, mudpuppies, all members of the genus *Necturus* and *Proteus*.

(xiii) In the family Salamandridae: Newts, all members of the genera *Chioglossa*; *Eichinotriton* (mountain newts); *Euproctus* (European mt. salamander); *Neurergus* (Kurdistan newts); *Notophthalmus* (red spotted newts); *Pachytriton* (Chinese newts); *Paramesotriton* (warty newts); *Salamandrina* (speckled salamander); *Taricha* except for the native species *Taricha granulosa granulosa* the Northern rough-skinned newt, and *Triturus* (alpine newts).

(xiv) In the family Sirenidae, sirens, all species of the genera *Pseudobranchius* and *Siren*.

(b) Reptiles:

(i) In the family Chelydridae, snapping turtles, all species:

- (ii) In the family Emydidae:
- (A) Chinese pond turtles, all members of the genus *Chinemys*.
- (B) Pond turtles, all members of the genus *Clemmys*.
- (C) European pond turtle, *Emys orbicularis*.
- (D) Asian pond turtle, all members of the genus *Mauremys*.
- (iii) In the family Trionychidae, American soft shell turtles, all members of the genus *Apalone*.
- (e) Crustaceans:
- (i) Family Cereopagidae:
- (A) Fish hook water flea, *Cercopagis pengoi*.
- (B) Spiny water flea, *Bythotrephes cederstroemi*.
- (ii) Family Grapsidae: Mitten crabs: All members of the genus *Erochier*.
- (iii) Family Cambaridae: Crayfish: All genera, except a person may possess and transport dead prohibited crayfish species obtained under the department's recreational crayfishing rules (WAC 220-330-090 and 220-330-100). There is no daily limit, size limit, or sex restriction for prohibited crayfish species. All nonnative crayfish must be kept in a separate container from native crayfish. Release of any live crayfish species into waters other than the water being fished is prohibited.
- (iv) Family Parastacidae: Crayfish: All genera except *Engaeos*, and except the species *Cherax quadricarinatus*, *Cherax papuanus*, and *Cherax tenuimanus*.
- (v) Family Portunidae: European green crab, *Carcinus maenas*.
- (vi) Family Spheromatidae: Burrowing isopod, *Sphaeroma quoyanum*.
- (d) Fish:
- (i) Family Amiidae: Bowfin, grinnel, or mudfish, *Amia calva*.
- (ii) Family Channidae: China fish, snakeheads: All members of the genus *Channa*.
- (iii) Family Characidae: Piranha or caribe: All members of the genera *Pygocentrus*, *Roseveltella*, and *Serrasalmus*.
- (iv) Family Clariidae: Walking catfish: All members of the family.
- (v) Family Cyprinidae:
- (A) Fathead minnow, *Pimephales promelas*.
- (B) Carp, Bighead, *Hypophthalmichthys nobilis*.
- (C) Carp, Black, *Mylopharyngodon piceus*.
- (D) Carp, Grass (in the diploid form), *Ctenopharyngodon idella*.
- (E) Carp, Silver, *Hypophthalmichthys molitrix*.
- (F) Ide, silver orfe or golden orfe, *Leuciscus idus*.
- (G) Rudd, *Scardinius erythrophthalmus*.
- (vi) Family Gobiidae: Round goby, *Neogobius melanostomus*.
- (vii) Family Esocidae: Northern pike, *Esox lucius*: A person may possess and transport dead prohibited Northern pike obtained under the department's recreational sport fishing rules (WAC 220-300-160 and 220-310-110). There is no minimum size, no daily limit, and no possession limit. Release of any live Northern pike into water other than the water being fished is prohibited.
- (viii) Family Lepisosteidae: Gar pikes: All members of the family.

- (e) Mammals:
- Family Myocastoridae: Nutria, *Myocastor coypu*.
- (f) Molluses:
- (i) Family Dreissenidae: Zebra mussels: All members of the genus *Dreissena* and all species known as quagga.
- (ii) Family Gastropoda: New Zealand mud snail, *Potamopyrgus antipodarum*.
- (2) Regulated aquatic animal species: The following species are classified as regulated aquatic animal species:
- (a) Crustaceans: All nonnative crustaceans classified as shellfish.
- (b) Fish:
- (i) All nonnative fish classified as food fish and game fish.
- (ii) Family Cichlidae: Tilapia: All members of the genera *Tilapia*, *Oreochromis*, and *Sartheradon*.
- (iii) Family Clupeidae: Alewife, *Alosa pseudoharengus*.
- (iv) Family Cyprinidae:
- (A) Common carp, koi, *Cyprinus carpio*.
- (B) Goldfish, *Carassius auratus*.
- (C) Tench, *Tinca tinca*.
- (D) Grass carp (in the triploid form), *Ctenopharyngodon idella*.
- (v) Family Poeciliidae: Mosquito fish, *Gambusia affinis*.
- (e) Molluses:
- (i) All nonnative molluses classified as shellfish.
- (ii) Family Psammobiidae: Mahogany clam or purple varnish clam, *Nuttalia obscurata*.
- (3) Unregulated aquatic animal species:)) The following ((species)) are classified as ((unregulated)) prohibited level 2 aquatic animal species: None.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-640-050 ((Request for classification of nonnative)) Prohibited level 3 aquatic animal species. ((Any person requesting classification of a nonnative aquatic animal species as a food fish, game fish, or shellfish must follow the procedure for request for designation prior to approval for release in WAC 220-640-010(1)-)) The following species are classified as prohibited level 3 aquatic animal species:

(1) Amphibians:

(a) In the family Hylidae: Cricket frog, in the genus Hyla species in the group Arborea including: Hyla annectans, Hyla arborea, Hyla chinensis, Hyla hallowellii, Hyla immaculata, Hyla japonica, Hyla meridionalis, Hyla sanchiangensis, Hyla simplex, Hyla suweonensis, Hyla tsinlingensis, and Hyla zhaopingensis.

(b) In the family Pelobatidae, spadefoots, all species of the genus Pelobates including P. cultripes, P. fuscus, P. syriacus, and P. varaldii. All species of the genus Scaphiopus including: S. couchii, S. holbrookii, and S. hurterii. All species of the genus Spea including: S. bombifrons, S. hammondi, and S. multiplicata with the exception of the native species: Spea intermontana the great basin spadefoot.

(c) In the family Pipidae: African clawed frog, all members of the genera Silurana, and Xenopus.

(d) In the family Ranidae:

(i) American Bull frog, *Rana* (*Lithobates*) *catesbeiana*.

(ii) Holarctic brown frogs and Palearctic green frogs of the genus *Rana*, including the following: *Rana arvalis* group (*R. arvalis*, *R. chaochiaensis*, *R. chevrona*); *Rana chensinensis* group (*R. altaica*, *R. chensinensis*, *R. dybowskii*, *R. kukunoris*, *R. kunyuensis*, *R. ornativentris*, *R. pirica*); *Rana graeca* group (*R. graeca*, *R. italica*); *Rana japonica* group (*R. amurensis*, *R. aragonensis*, *R. japonica*, *R. omeimontis*, *R. zhenhaiensis*); the subgenus *Rugosa* (*Rana rugosa*, *Rana emeljanovi*, *Rana tientaiensis*); *Rana tagoi* group (*R. sakuraii*, *R. tagoi*); *Rana temporaria* group (*R. asiatica*, *R. dalmatina*, *R. honnorate*, *R. huanrenensis*, *R. iberica*, *R. latastei*, *R. macrocnemis*, *R. okinavana*, *R. pyrenaica*, *R. tsushimensis*, *R. zhengi*); and in the *Rana Pelophylax* section, the subgenus *Pelophylax* (*R. bedriagae*, *R. bergeri*, *R. cerigensis*, *R. chosonica*, *R. cretensis*, *R. demarchii*, *R. epeirotica*, *R. fukienensis*, *R. graffi*, *R. hubeiensis*, *R. lateralis*, *R. lessonae*, *R. nigrolineata*, *R. nigromaculata*, *R. perezi*, *R. plancyi*, *R. porosa*, *R. ridibunda*, *R. saharica*, *R. shqiperica*, *R. shuchinae*, *R. terentievi*, *R. tenggerensis*); and the *Rana ridibunda*-*Rana lessonae* hybridogenetic complex species *R. esculenta* and *R. hispanica*.

(e) In the family Ambystomatidae: Mole salamanders. In the genus *Ambystomata*: *A. californiense*, *A. laterale*, *A. opacum*, *A. rosaceum*, *A. tigrinum*, except for the native species *A. tigrinum mavortium* Western tiger salamander, and *A. tigrinum melanostictum* Tiger salamander.

(f) In the family Amphiumidae one, two, and three toed salamanders or congo eels: All members of the genus *Amphiuma*.

(g) In the family Cryptobranchidae: Giant salamanders and hellbenders, all members of the genera *Andrias* and *Cryptobranchus*.

(h) In the family Dicamptodontidae, American giant salamanders, all members of the genus *Dicamptodon*, except for the native species: *Dicamptodon tenebrosus*, Pacific giant salamander, and *Dicamptodon copei*, Cope's giant salamander.

(i) In the family Hynobiidae: Mountain salamanders, all members of the genera *Batrachuperus*, *Hynobius*, *Liua*, *Onychodactylus*, *Pachyhynobius*, *Pseudohynobius*, *Ranodon*, and *Salamandrella*.

(j) In the family Plethodontidae, subfamily Desmognathinae: All members of the genus *Desmognathus*, dusky salamander.

(k) In the family Plethodontidae, subfamily Plethodontinae: All members of the genera *Eurycea* (American brook salamanders); *Gyrinophilus* (cave salamanders); *Hemidactylium* (four-toed salamanders); *Hydromantes* and *Pseudotriton* (mud or red salamanders).

(l) In the family Proteidae, mudpuppies, all members of the genus *Necturus* and *Proteus*.

(m) In the family Salamandridae: Newts, all members of the genera *Chioglossa*; *Eichinotriton* (mountain newts); *Euproctus* (European mt. salamander); *Neurergus* (Kurdistan newts); *Notophthalmus* (red-spotted newts); *Pachytriton* (Chinese newts); *Paramesotriton* (warty newts); *Salamandrina* (speckled salamander); *Taricha* except for the native

species *Taricha granulosa granulosa* the Northern rough-skin newt, and *Ichthyosaura* and *Triturus* (alpine newts).

(n) In the family Sirenidae, sirens, all species of the genera *Pseudobranchius* and *Siren*.

(2) Reptiles:

(a) In the family Chelydridae, snapping turtles, all species.

(b) In the family Emydidae:

(i) Chinese pond turtles, all members of the genus *Chinemys*.

(ii) Pond turtles, all members of the genus *Clemmys*.

(iii) European pond turtle, *Emys orbicularis*.

(iv) Asian pond turtle, all members of the genus *Mauremys*.

(c) In the family Trionychidae, American soft shell turtles, all members of the genus *Apalone*.

(3) Crustaceans:

(a) Family Cercopagidae:

(i) Fish hook water flea, *Cercopagis pengoi*.

(ii) Spiny water flea, *Bythotrephes cederstroemi*.

(b) Family Cambaridae: Crayfish: All genera, except a person may possess and transport dead prohibited crayfish species obtained under the department's recreational crayfishing rules (WAC 220-56-336 (repealed) and 220-56-315 (repealed)). There is no daily limit, size limit, or sex restriction for prohibited crayfish species. All nonnative crayfish must be kept in a separate container from native crayfish. Release of any live crayfish species into waters other than the water being fished is prohibited.

(c) Family Parastacidae: Crayfish: All genera except *Engaeos*, and except the species *Cherax quadricarinatus*, *Cherax papuanus*, and *Cherax tenuimanus*.

(d) Family Spheromatidae: Burrowing isopod, *Sphaeroma quoyanum*.

(4) Fish:

(a) Family Amiidae: Bowfin, grinnel, or mudfish, *Amia calva*.

(b) Family Characidae: Piranha or caribe: All members of the genera *Pygocentrus*, *Rooseveltiella*, and *Serrasalmus*.

(c) Family Clariidae: Walking catfish: All members of the family.

(d) Family Cyprinidae:

(i) Fathead minnow, *Pimephales promelas*.

(ii) Carp, Grass (in the diploid form), *Ctenopharyngodon idella*.

(iii) Ide, silver orfe or golden orfe, *Leuciscus idus*.

(iv) Rudd, *Scardinius erythrophthalmus*.

(e) Family Gobiidae: Round goby, *Neogobius melanostomus*.

(f) Family Esocidae: Northern pike, *Esox lucius*: A person may possess and transport dead prohibited Northern pike obtained under the department's recreational sport fishing rules (WAC 220-56-100 (repealed) and 220-56-115 (repealed)). There is no minimum size, no daily limit, and no possession limit. Release of any live Northern pike into water other than the water being fished is prohibited.

(g) Family Lepisosteidae: Gar-pikes: All members of the family.

(5) Mammals: Family Myocastoridae: Nutria, *Myocastor coypu*.

(6) Molluscs: Family Gastropoda: New Zealand mud snail, *Potamopyrgus antipodarum*.

NEW SECTION

WAC 220-640-060 Prohibited level 3 aquatic animal species. The following species are classified as prohibited level 3 aquatic animal species:

(1) Amphibians:

(a) In the family Hylidae: Cricket frog, in the genus *Hyla* species in the group *Arborea* including: *Hyla annectans*, *Hyla arborea*, *Hyla chinensis*, *Hyla hallowellii*, *Hyla immaculata*, *Hyla japonica*, *Hyla meridionalis*, *Hyla sanchiangensis*, *Hyla simplex*, *Hyla suweonensis*, *Hyla tsinlingensis*, and *Hyla zhaopingensis*.

(b) In the family Pelobatidae, spadefoots, all species of the genus *Pelobates* including *P. cultripes*, *P. fuscus*, *P. syriacus*, and *P. varaldii*. All species of the genus *Scaphiopus* including: *S. couchii*, *S. holbrookii*, and *S. hurterii*. All species of the genus *Spea* including: *S. bombifrons*, *S. hammondi*, and *S. multiplicata* with the exception of the native species: *Spea intermontana* the great basin spadefoot.

(c) In the family Pipidae: African clawed frog, all members of the genera *Silurana*, and *Xenopus*.

(d) In the family Ranidae:

(i) American Bull frog, *Rana* (*Lithobates*) *catesbeiana*.

(ii) Holarctic brown frogs and Palearctic green frogs of the genus *Rana*, including the following: *Rana arvalis* group (*R. arvalis*, *R. chaochiaensis*, *R. chevronta*); *Rana chensinensis* group (*R. altaica*, *R. chensinensis*, *R. dybowskii*, *R. kukunoris*, *R. kunyuensis*, *R. ornativentris*, *R. pirica*); *Rana graeca* group (*R. graeca*, *R. italica*); *Rana japonica* group (*R. amurensis*, *R. aragonensis*, *R. japonica*, *R. omeimontis*, *R. zhenhaiensis*); the subgenus *Rugosa* (*Rana rugosa*, *Rana emeljanovi*, *Rana tientaiensis*); *Rana tagoi* group (*R. sakuraii*, *R. tagoi*); *Rana temporaria* group (*R. asiatica*, *R. dalmatina*, *R. honnorate*, *R. huanrenensis*, *R. iberica*, *R. latastei*, *R. macrocnemis*, *R. okinavana*, *R. pyrenaica*, *R. tsushimensis*, *R. zhengi*); and in the *Rana Pelophylax* section, the subgenus *Pelophylax* (*R. bedriagae*, *R. bergeri*, *R. cerigensis*, *R. chosonica*, *R. cretensis*, *R. demarchii*, *R. epeirotica*, *R. fukienensis*, *R. grafti*, *R. hubeiensis*, *R. lateralis*, *R. lessonae*, *R. nigrolineata*, *R. nigromaculata*, *R. perezi*, *R. plancyi*, *R. porosa*, *R. ridibunda*, *R. saharica*, *R. shqipericana*, *R. shuchinae*, *R. terentievi*, *R. tenggerensis*); and the *Rana ridibunda*-*Rana lessonae* hybridogenetic complex species *R. esculenta* and *R. hispanica*.

(e) In the family Ambystomatidae: Mole salamanders. In the genus *Ambystomata*: *A. californiense*, *A. laterale*, *A. opacum*, *A. rosaceum*, *A. tigrinum*, except for the native species *A. tigrinum mavortium* Western tiger salamander, and *A. tigrinum melanostictum* Tiger salamander.

(f) In the family Amphiumidae one-, two-, and three-toed salamanders or congo eels: All members of the genus *Amphiuma*.

(g) In the family Cryptobranchidae: Giant salamanders and hellbenders, all members of the genera *Andrias* and *Cryptobranchus*.

(h) In the family Dicamptodontidae, American giant salamanders, all members of the genus *Dicamptodon*, except for

the native species: *Dicamptodon tenebrosus*, Pacific giant salamander, and *Dicamptodon copei*, Cope's giant salamander.

(i) In the family Hynobiidae: Mountain salamanders, all members of the genera *Batrachuperus*, *Hynobius*, *Liua*, *Onychodactylus*, *Pachyhynobius*, *Pseudohynobius*, *Ranodon*, and *Salamandrella*.

(j) In the family Plethodontidae, subfamily Desmognathinae: All members of the genus *Desmognathus*, dusky salamander.

(k) In the family Plethodontidae, subfamily Plethodontinae: All members of the genera *Eurycea* (American brook salamanders); *Gyrinophilus* (cave salamanders); *Hemidactylium* (four-toed salamanders); *Hydromantes* and *Pseudotriton* (mud or red salamanders).

(l) In the family Proteidae, mudpuppies, all members of the genus *Necturus* and *Proteus*.

(m) In the family Salamandridae: Newts, all members of the genera *Chioglossa*; *Eichinotriton* (mountain newts); *Euproctus* (European mt. salamander); *Neurergus* (Kurdistan newts); *Notophthalmus* (red-spotted newts); *Pachytriton* (Chinese newts); *Paramesotriton* (warty newts); *Salamandrina* (speckled salamander); *Taricha* except for the native species *Taricha granulosa granulosa* the Northern rough-skin newt, and *Ichthyosaura* and *Triturus* (alpine newts).

(n) In the family Sirenidae, sirens, all species of the genera *Pseudobranchius* and *Siren*.

(2) Reptiles:

(a) In the family Chelydridae, snapping turtles, all species.

(b) In the family Emydidae:

(i) Chinese pond turtles, all members of the genus *Chinemys*.

(ii) Pond turtles, all members of the genus *Clemmys*.

(iii) European pond turtle, *Emys orbicularis*.

(iv) Asian pond turtle, all members of the genus *Mauremys*.

(c) In the family Trionychidae, American soft shell turtles, all members of the genus *Apalone*.

(3) Crustaceans:

(a) Family Cercopagidae:

(i) Fish hook water flea, *Cercopagis pengoi*.

(ii) Spiny water flea, *Bythotrephes cederstroemi*.

(b) Family Cambaridae: Crayfish: All genera, except a person may possess and transport dead prohibited crayfish species obtained under the department's recreational crayfishing rules (WAC 220-56-336 (repealed) and 220-56-315 (repealed)). There is no daily limit, size limit, or sex restriction for prohibited crayfish species. All nonnative crayfish must be kept in a separate container from native crayfish. Release of any live crayfish species into waters other than the water being fished is prohibited.

(c) Family Parastacidae: Crayfish: All genera except *Engaeos*, and except the species *Cherax quadricarinatus*, *Cherax papuanus*, and *Cherax tenuimanus*.

(d) Family Spheromatidae: Burrowing isopod, *Sphaeroma quoyanum*.

(4) Fish:

(a) Family Amiidae: Bowfin, grinnel, or mudfish, *Amia calva*.

(b) Family Characidae: Piranha or caribe: All members of the genera *Pygocentrus*, *Rooseveltiella*, and *Serrasalmus*.

(c) Family Clariidae: Walking catfish: All members of the family.

(d) Family Cyprinidae:

(i) Fathead minnow, *Pimephales promelas*.

(ii) Carp, Grass (in the diploid form), *Ctenopharyngodon idella*.

(iii) Ide, silver orfe or golden orfe, *Leuciscus idus*.

(iv) Rudd, *Scardinius erythrophthalmus*.

(e) Family Gobiidae: Round goby, *Neogobius melanostomus*.

(f) Family Esocidae: Northern pike, *Esox lucius*: A person may possess and transport dead prohibited Northern pike obtained under the department's recreational sport fishing rules (WAC 220-56-100 (repealed) and 220-56-115 (repealed)). There is no minimum size, no daily limit, and no possession limit. Release of any live Northern pike into water other than the water being fished is prohibited.

(g) Family Lepisosteidae: Gar-pikes: All members of the family.

(5) Mammals: Family Myocastoridae: Nutria, *Myocastor coypu*.

(6) Molluscs: Family Gastropoda: New Zealand mud snail, *Potamopyrgus antipodarum*.

NEW SECTION

WAC 220-640-070 Regulated Type A aquatic animal species. The following species are classified as regulated Type A aquatic animal species:

(1) Fish:

(a) All fish classified as food fish under WAC 220-300-370 and game fish WAC 220-300-380.

(b) Family Cichlidae: Tilapia: All members of the genera *Tilapia*, *Oneochromis*, and *Sartheradon*.

(c) Family Clupeidae: Alewife, *Alosa pseudoharengus*.

(d) Family Cyprinidae:

(i) Common carp, koi, *Cyprinus carpio*.

(ii) Goldfish, *Carassius auratus*.

(iii) Tench, *Tinca tinca*.

(iv) Grass carp (in the triploid form), *Ctenopharyngodon idella*.

(e) Family Poeciliidae: Mosquito fish, *Gambusia affinis*.

(2) Shellfish: All shellfish classified under WAC 220-320-010.

NEW SECTION

WAC 220-640-080 Regulated Type B aquatic animal species. The following species are classified as regulated Type B aquatic animal species: None.

NEW SECTION

WAC 220-640-090 Regulated Type C aquatic animal species. The following species are classified as regulated Type C aquatic animal species: None.

NEW SECTION

WAC 220-640-100 Scientific research/display permits and monitoring and control programs—Requirements for possession of prohibited aquatic animal species.

(1) Scientific research or display permit: The director may authorize, by prior written permit, a person to possess prohibited level 1, prohibited level 2, or prohibited level 3 species specimens for scientific research or display, provided that:

(a) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of the prohibited species to include all stages of species development and body parts;

(b) Facility is not a natural watercourse, and is also inaccessible to wildlife or other animals that could transport prohibited species to include all stages of species development and body parts;

(c) Specimens are not transferred to any other facility without written approval by the director or designee;

(d) All zebra and quagga mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are decontaminated. All other prohibited species must be killed at the conclusion of the project and either chemically preserved or disposed of in a landfill; and

(e) The permittee must provide an annual report to the department, no later than January 31st of the following year, on a form provided by the department, describing the number, size, and location of prohibited species enclosures and general nature of the research.

(2) Monitoring and control programs: The director may authorize persons working within the scope and supervision of a department-sponsored monitoring and control program to capture, possess and destroy prohibited level 1, prohibited level 2, or prohibited level 3 species specimens provided that:

(a) The persons have completed a mandatory training program and are certified by the department;

(b) The persons have a permit authorized by the director or designee in possession;

(c) All prohibited species are disposed of in accordance with the monitoring and control program; and

(d) Participants must submit a report to the department within thirty days of any monitoring or control activity in accordance with the specifications outlined in the monitoring and control program.

NEW SECTION

WAC 220-640-110 Importation of live aquatic organisms—Required certification of "zebra/quagga mussel free."

(1) It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel (*Dreissena polymorpha*)/Quagga mussel (*Dreissena rostriformis bugensis*)-free certificate issued by the department and signed by the supplier of the aquatic organisms.

(2) The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra and quagga mussel-free certificate for two years.

(3) Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who the original receiver was.

NEW SECTION

WAC 220-640-120 Capture of prohibited aquatic animals in Washington waters—Requirements. (1) Capture of prohibited species in state waters: Any Prohibited level 1, level 2, or prohibited level 3 species that are captured in state waters must be:

(a) Immediately killed and removed from within the riparian perimeter of the body of water; or

(b) Immediately returned to the water from which the species was captured.

(2) The riparian perimeter includes all boat launch, park, private residences, or commercial businesses within a quarter-mile from the edge of the state water.

(3) Any prohibited species captured (killed or released) must be reported to WDFW within forty-eight hours of the capture.

(4) It is lawful to possess the dead prohibited species taken from state waters as long as it has been reported to WDFW. No permit is required for possession under this section.

NEW SECTION

WAC 220-640-130 Allowable possession of prohibited aquatic animals if acquired prior to classification—Requirement of documentation. A person who possessed a prohibited aquatic animal species prior to the time the species was classified as prohibited may continue to hold the animal or animals for the life of the animals, provided that:

(1) The person must maintain proof of possession prior to the classification.

(2) The animals may not be transferred to another owner within the state.

(3) The person must comply with all provisions of this section.

(4) The animals must be prevented from reproducing, or if prevention is impracticable, the progeny must be destroyed.

WSR 18-06-019

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed February 27, 2018, 9:35 a.m., effective March 30, 2018]

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

Citation of Rules Affected by this Order: Amending WAC 172-10-080.

Statutory Authority for Adoption: RCW 28B.35.120 (12), 42.56.070.

Adopted under notice filed as WSR 17-21-069 on October 16, 2017.

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

Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: February 23, 2018.

Joseph Fuxa
Labor Relations Manager

AMENDATORY SECTION (Amending WSR 14-24-034, filed 11/24/14, effective 12/25/14)

WAC 172-10-080 Costs of providing copies of public records. (1) The following copy fees and payment procedures apply to requests under chapter 42.56 RCW received on or after July 23, 2017. Pursuant to RCW 42.56.120 (2)(b), Eastern Washington University is not calculating all actual costs for copying records because to do so would be unduly burdensome as the university does not have the resources to conduct a study to determine all actual copying costs, it is difficult to calculate all costs directly incident to copying records, and to conduct such a study would interfere with other essential university functions.

(2) Costs for ((paper)) copies. The university will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The university may also use any other method authorized by the Public Records Act for imposing charges for public records including, but not limited to, charging a flat fee, charging a customized service charge, or charging based on a contract or other agreement with a requestor. A copy of the university's fee schedule will be available on its public records web site.

(3) The university may waive charges assessed for records when the public records officer determines collecting a fee is not cost effective.

(4) There is no fee for inspecting public records. ((A requestor may obtain standard photocopies for fifteen cents per page.)) Before beginning to make the copies, the public records officer may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. Eastern Washington University will not charge sales tax when it makes copies of public records.

~~((2) Costs for electronic records. The cost of electronic copies of records shall be five dollars for information on a CD-ROM. The cost of scanning existing university paper or other nonelectronic records is ten cents per page. There will be no charge for emailing electronic records to a requestor, unless another cost applies such as a scanning fee.~~

~~(3))~~ (5) Costs of mailing. Eastern Washington University may also charge actual costs of mailing, including the cost of the shipping container.

~~((4))~~ (6) Payment. Payment may be made by cash, check, or money order to Eastern Washington University.

WSR 18-06-020

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed February 27, 2018, 9:37 a.m., effective March 30, 2018]

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

Purpose: The modifications to WAC 172-90-100 will add a sentence to indicate that sanctions of suspension or expulsion may be noted on a student's transcript.

Citation of Rules Affected by this Order: Amending WAC 172-90-100.

Statutory Authority for Adoption: RCW 28B.35.120 (12), 42.56.070.

Adopted under notice filed as WSR 17-21-066 on October 16, 2017.

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 the Request of a Non-governmental 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: February 23, 2018.

Joseph Fuxa
Labor Relations Manager

AMENDATORY SECTION (Amending WSR 17-11-052, filed 5/15/17, effective 6/15/17)

WAC 172-90-100 Violations and sanctions. (1) **Violations:** Violations of academic integrity involve the use or attempted use of any method or technique enabling a student to misrepresent the quality or integrity of any of his or her work. Violations of academic integrity include, but are not limited to:

(a) Plagiarism: Representing the work of another as one's own work;

(b) Preparing work for another that is to be used as that person's own work;

(c) Cheating by any method or means;

(d) Knowingly and willfully falsifying or manufacturing scientific or educational data and representing the same to be the result of scientific or scholarly experiment or research; or

(e) Knowingly furnishing false information to a university official relative to academic matters.

(2) **Classes of violations:**

(a) Class I violations are acts that are mostly due to ignorance, confusion and/or poor communication between instructor and class, such as an unintentional violation of the class rules on collaboration. Sanctions for class I offenses typically include a reprimand, educational opportunity, and/or a grade penalty on the assignment/test.

(b) Class II violations are acts involving a deliberate failure to comply with assignment directions, some conspiracy and/or intent to deceive, such as use of the internet when prohibited, fabricated endnotes or data, or copying answers from another student's test. Sanctions for class II offenses typically include similar sanctions as described for class I violations, as well as a course grade penalty or course failure.

(c) Class III violations are acts of violation of academic integrity standards that involve significant premeditation, conspiracy and/or intent to deceive, such as purchasing or selling a research paper. Sanctions for class III violations typically include similar sanctions as given for class I and II violations, as well as possible removal from the academic program and/or suspension or expulsion.

(3) **Sanctions:** A variety of sanctions may be applied in the event that a violation of academic integrity is found to have occurred. Sanctions are assigned based primarily on the class of the violation and whether or not the student has previously violated academic integrity rules. Absent extenuating circumstances, assigned sanctions are imposed without delay and are not held in abeyance during appeal actions. Sanctions may be combined and may include, but are not limited to:

(a) Verbal or written reprimand;

(b) Educational opportunity, such as an assignment, research or taking a course or tutorial on academic integrity;

(c) Grade penalty for the assignment/test;

(d) Course grade penalty;

(e) Course failure;

(f) Removal from the academic program;

(g) Suspension for a definite period of time; and

(h) Expulsion from the university.

If a student was previously found to have violated an academic integrity standard, the sanction imposed for any subsequent violations should take into account the student's previous behavior. Sanctions of suspension or expulsion may be noted on a student's transcript.

(4) **Sanctioning authorities:**

(a) Instructors may impose reprimands, educational opportunities, grade penalties, and/or course failure sanctions and may recommend more severe sanctions.

(b) The academic integrity board has the authority to impose the same sanctions as an instructor, or to modify any sanctions imposed by the instructor. In addition, the AIB may remove a student from an academic program, with the concurrence of the instructor and the department chair. The AIB may also refer the case for an AIB hearing per WAC 172-90-170 for cases where possible sanctions include suspension or expulsion.

(c) An AIB hearing panel's recommendation to suspend or expel a student will be forwarded to the director of student rights and responsibilities. The director of student rights and

responsibilities will ensure the student is provided with a full council hearing under the Student conduct code, chapter 172-121 WAC. In such cases, a member of the AIB hearing panel will serve as the "complainant" for purposes of the student conduct code process. The AIB hearing panel member will explain the hearing panel's findings and recommendations to the student discipline council. The student discipline council will make its own factual determinations and may impose a sanction of suspension or expulsion, or a lesser sanction, in accordance with the student conduct code.

WSR 18-06-021

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed February 27, 2018, 9:39 a.m., effective March 30, 2018]

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

Purpose: The modifications to WAC 172-121-210 will add two sentences to indicate that sanctions of suspension or expulsion may be noted on a student's transcript.

Citation of Rules Affected by this Order: Amending WAC 172-121-210.

Statutory Authority for Adoption: RCW 28B.35.120 (12), 42.56.070.

Adopted under notice filed as WSR 17-21-067 on October 16, 2017.

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 the Request of a Non-governmental 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: February 23, 2018.

Joseph Fuxa

Labor Relations Manager

AMENDATORY SECTION (Amending WSR 17-17-031, filed 8/9/17, effective 9/9/17)

WAC 172-121-210 Sanctions. If any student or student organization is found to have committed any of the offenses described in WAC 172-121-200, one or more of the sanctions described in this section may be imposed against the student or student organization. Imposed sanctions are effective as of the date the CRO or council issues its decision unless the decision specifically identifies an alternative date. Failure to comply with any imposed sanction may result in additional sanctions.

(1) Individual student sanctions:

(a) Admonition: An oral statement to a student that he/she has violated university rules and regulations.

(b) Warning: A notice to the student or student organization that they have violated the standards for student conduct and that any repeated or continuing violation of the same standard, within a specified period of time, may result in more severe disciplinary action. A warning may be verbal or written.

(c) Censure: A written reprimand for violation of specified regulations. A censure will also state that more severe disciplinary sanctions may be imposed if the student or student organization is found in violation of any regulation within a stated period of time.

(d) Disciplinary probation: A formal action which places one or more conditions, for a specified period of time, on the student's continued attendance. Disciplinary probation sanctions will be executed in writing and will specify the probationary conditions and the period of the probation. A disciplinary probation notice will also inform the student that any further misconduct will automatically involve consideration of suspension. Probationary conditions may include, but are not limited to:

(i) Restricting the student's university-related privileges;

(ii) Limiting the student's participation in extra-curricular activities; and/or

(iii) Enforcing a "no contact" order which would prohibit direct or indirect physical and/or verbal contact with specific individuals or groups.

(e) Restitution: Reimbursement to the university or others for damage, destruction, or other loss of property suffered as a result of theft or negligence. Restitution also includes reimbursement for medical expenses incurred due to conduct code violations. Restitution may take the form of appropriate service or other compensation. Failure to fulfill restitution requirements will result in cancellation of the student's registration and will prevent the student from future registration until restitution conditions are satisfied.

(f) Fines: The university conduct review officer and the student disciplinary council may assess monetary fines up to a maximum of four hundred dollars against individual students for violation of university rules or regulations or for failure to comply with university standards of conduct. Failure to promptly pay such fines will prevent the student from future registration. Failure to pay may also result in additional sanctions.

(g) Discretionary sanctions: Work assignments, service to the university community or other related discretionary assignments for a specified period of time as directed by the hearing authority.

(h) Loss of financial aid: In accordance with RCW 28B.30.125, a person who participates in the hazing of another forfeits entitlement to state-funded grants, scholarships or awards for a specified period of time. Loss of financial aid is subject to the processes outlined in this chapter except any such loss must also be approved by the dean of students and the vice president for student affairs before such sanction is imposed.

(i) Assessment: Referral for drug/alcohol or psychological assessment may be required. Results of the assessment

may lead to the determination that conditions of treatment and further assessment apply to either continued attendance or return after a period of suspension.

(j) Suspension: Exclusion from classes and other privileges or activities for a specified period of time. Suspensions will be executed through a written order of suspension and will state all restrictions imposed by the suspension, as well as the suspension period and what conditions of readmission, if any, are ordered. Suspension is subject to the processes outlined in this chapter except any suspension must also be approved by the dean of students and the vice president for student affairs before such sanction is imposed. Suspensions may be noted on the student's transcript during the period of time the suspension is in effect.

(k) Expulsion: Permanent separation of the student from the university with no promise (implied or otherwise) that the student may return at any future time. The student will also be barred from university premises. ~~((Expulsion actions will be accomplished by issuing both an order of expulsion and a notice against trespass. The notice against trespass may be given by any manner specified in chapter 9A.52 RCW.))~~ Expulsion is subject to the processes outlined in this chapter except any expulsion must also be approved by the dean of students and the vice president of student affairs before such sanction is imposed. Expulsions may be noted on the student's transcript.

(l) Loss of institutional, financial aid funds: Formal withholding of all or a part of institutional funds currently being received by the student or promised for future disbursement to the student for a specified period of time. Loss of financial aid is subject to the processes outlined in this chapter except any such loss must be approved by the dean of students and the vice president for student affairs before such sanction is imposed.

(m) Revocation of degree: A degree awarded by the university may be revoked for fraud, misrepresentation, or other violation of law or university standards. Revocation of a degree is subject to processes outlined in this chapter except that revocation of a degree must also be approved by the university president.

(2) Student organizations and/or group sanctions: Any of the above sanctions may be imposed in addition to those listed below:

(a) Probation: Formal action placing conditions on the group's continued recognition by or permission to function at the university. The probationary conditions will apply for a specified period of time. Violation of the conditions of probation or additional violations while under probation may result in more severe sanctions;

(b) Social probation: Prohibition of the group from sponsoring any organized social activity, party or function, or from obtaining a permission for the use of alcoholic beverages at social functions for a specified period of time;

(c) Restriction: The temporary withdrawal of university or ASEWU recognition for a group, club, society or other organization. Restriction is subject to the processes outlined in this chapter except any restriction must also be approved by the dean of students and the vice president of student affairs before such sanction is imposed;

(d) Revocation: The permanent withdrawal of university or ASEWU recognition for a group, club, society or other organization. Revocation is subject to the processes outlined in this chapter except any revocation must also be approved by the dean of students and the vice president of student affairs before such sanction is imposed;

(e) Additional sanctions: In addition to or separately from the above, any one or a combination of the following may be concurrently imposed on the group:

- (i) Exclusion from intramural competition as a group;
- (ii) Denial of use of university facilities for meetings, events, etc.;
- (iii) Restitution; and/or
- (iv) Fines.

WSR 18-06-022

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed February 27, 2018, 9:40 a.m., effective March 30, 2018]

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

Purpose: The modifications to WAC 172-122-200 are being made to update university standards and processes regarding the issuance of a notice of trespass.

Citation of Rules Affected by this Order: Amending WAC 172-122-200.

Statutory Authority for Adoption: RCW 28B.35.120 (12), 42.56.070.

Adopted under notice filed as WSR 17-22-098 on October 30, 2017.

Changes Other than Editing from Proposed to Adopted Version: In subsection (3) of WAC 172-122-200, the time frame was changed from up to one year to up to five years.

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 the Request of a Non-governmental 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: February 23, 2018.

Joseph Fuxa
Labor Relations Manager

AMENDATORY SECTION (Amending WSR 92-22-001, filed 10/21/92, effective 11/21/92)

WAC 172-122-200 Notice of trespass. (1) The president of Eastern Washington University, or ((~~it~~)) the presi-

dent's ~~((absence, the acting president, is authorized in the instance of any event that the president deems to be disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from publicly owned buildings or related facilities owned by the university, then the president acting through the executive vice president or other persons designated by the president, shall have the power and authority to:~~

~~(1) Prohibit the entry of, or withdraw the license or privilege of any person or persons, or any group of persons, to enter onto or remain on all or any portion of real property or in any building or facility thereon or attached thereto which is owned or operated by the university; or~~

~~(2) Give notice against trespass by any manner specified in chapter 9A.52 RCW to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining on all or any portion of real property or in any building or facility thereon or attached thereto, which property is owned or operated by the university; or~~

~~(3) Order any person, persons, or group of persons to leave or vacate all or a portion of real property or any building or facility thereon or attached thereto which is owned or operated by the university))~~ designee, has the authority to grant, deny, or withdraw permission for people to be on university property. Any individual who is on university property must comply with university rules. Access to university property may be limited to certain times, certain uses, or certain groups of people. People who are on university property or within a university building without permission may be ordered to leave by any university official.

(2) People who remain on university property without permission, who disrupt university activities, interfere with people's ability to access buildings, or whose conduct threatens the health, safety, or security of anyone on campus may be removed from university property and given a twenty-four-hour trespass notice by the president, the president's designee, or a member of the university police department.

(3) In the event a person's conduct continues to threaten the health, safety, or security of anyone on campus, the president or president's designee may trespass the person from university property for up to five years, except expelled students may permanently be trespassed from campus. Any prior license or privilege to be on university property is revoked by the notice of trespass.

(4) A person who is trespassed from university property shall be given a written notice of trespass identifying:

(a) The reason why the person is being trespassed;

(b) The duration and scope of the trespass;

(c) The method for appealing the notice; and

(d) A warning that failing to comply with the notice may result in the person's arrest and criminal charges under chapter 9A.52 RCW. The notice shall be delivered in the manner specified in chapter 9A.52 RCW.

(5) Appeals.

(a) If a current student is trespassed from campus, the initial trespass notice is considered an interim restriction under WAC 172-121-140 and the student will receive an emergency appeal hearing under WAC 172-121-140 with the

vice president for student affairs or designee. The authority to bar students from university property in this regulation is separate from and in addition to the authority of the dean of students or vice president for student affairs under the student conduct code, chapter 172-121 WAC. At the conclusion of the entire student conduct process, a student who is expelled may be permanently trespassed from university property in accordance with WAC 172-121-210 (1)(k).

(b) If a current employee is trespassed from a particular portion of campus the employee does not need to access to perform his or her job (e.g., ejected from Roos Field during a football game), the employee can appeal the decision under (c) of this subsection. If an employee is trespassed from all university property because his or her conduct threatens the health, safety, or security of anyone on campus, the employee will be considered to have been placed on paid administrative leave by issuance of the trespass notice and the university will follow its normal employment processes for investigating the alleged behavior and determining what level of discipline, if any, is appropriate.

(c) All other persons who have been removed or trespassed from university property may appeal the decision by submitting to the president or president's designee, by certified mail, a letter stating the reasons the person should not be barred from university property within twenty-one days of issuance of the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The president or president's designee shall review all relevant information and issue a written order affirming, modifying, or revoking the trespass order within twenty days after the request for review is received. This decision is the university's final decision.

WSR 18-06-023

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed February 27, 2018, 9:41 a.m., effective March 30, 2018]

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

Purpose: The modifications to WAC 172-122-310 will create a designated smoke-free area in the Arévalo Student Mall on the Cheney, Washington campus.

Citation of Rules Affected by this Order: Amending WAC 172-122-310.

Statutory Authority for Adoption: RCW 28B.35.120 (12), 42.56.070.

Adopted under notice filed as WSR 17-21-065 on October 16, 2017.

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 the Request of a Non-governmental 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: February 23, 2018.

Joseph Fuxa
Labor Relations Manager

AMENDATORY SECTION (Amending WSR 12-08-019, filed 3/26/12, effective 4/26/12)

WAC 172-122-310 Use of tobacco, electronic cigarettes, and related products. Eastern Washington University is committed to providing a safe and healthy environment for its employees, students and visitors. In light of the associated health risks, the use of tobacco, electronic cigarettes, and related products in or on university owned or leased property is restricted as described herein.

(1) The use of tobacco, electronic cigarettes, and related products is prohibited:

(a) Within any building or vehicle owned or leased by EWU, to include residence halls and university apartments; and

(b) Within twenty-five feet of entrances, exits, windows that open, and ventilation intakes of any building owned, leased, or operated by EWU; and

(c) Anywhere within the boundaries of the Arévalo Student Mall. The Arévalo Student Mall is enclosed by a rectangle surrounded by the southwest elevation of Patterson Hall, the northwest elevation of Tawanka Hall, the northeast elevation of JFK Library and the southeast elevation of the Pence Union Building.

(2) For the purposes of this section, "tobacco, electronic cigarettes, and related products" includes any cigarette, cigar, pipe, bidi, clove cigarette, e-cigarette/cigar/pipe, waterpipe (hookah) and smokeless or spit tobacco, dissolvable tobacco, snuff or snoose.

(3) Distribution or sale of tobacco, electronic cigarettes, or related products in or on EWU owned or leased property is prohibited. Advertising or sponsorship of tobacco, electronic cigarettes or related products is prohibited on EWU property or at University-affiliated events, including the use of brand or corporate names, trademarks, logos, symbols or mottos. EWU will neither solicit nor accept any grant or gift from a manufacturer, distributor or retailer whose principal business is tobacco, electronic cigarettes, or related products.

(4) Any person intentionally violating this section may be subject to a civil fine of up to one hundred dollars. Local law enforcement agencies may enforce this section by issuing a notice of infraction, assessed in the same manner as traffic infractions, as described under chapter 70.160 RCW. Any student, staff or faculty member who violates this section may also be subject to disciplinary action by the university.

WSR 18-06-024

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed February 27, 2018, 9:42 a.m., effective March 30, 2018]

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

Purpose: The modifications to WAC 172-191-100 remove both the student's net identification number and date and place of birth from Eastern Washington University's definition of directory information. This will further protect student directory information.

Citation of Rules Affected by this Order: Amending WAC 172-191-100.

Statutory Authority for Adoption: RCW 28B.35.120 (12), 42.56.070.

Adopted under notice filed as WSR 17-21-063 on October 16, 2017.

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 the Request of a Non-governmental 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: February 23, 2018.

Joseph Fuxa
Labor Relations Manager

AMENDATORY SECTION (Amending WSR 09-19-064, filed 9/14/09, effective 10/15/09)

WAC 172-191-100 Directory information. Directory information is defined to include: Student's name, address, email address(~~(, student net identification number)~~), telephone number, (~~(date and place of birth,)~~) participation in officially recognized activities and sports, weight, height and birth dates of athletic team members; dates of attendance at the university, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

The university may release "directory information" unless the student files a written request restricting the disclosure of the information. A student's election to opt out of directory information disclosures does not prevent the university from disclosing or requiring a student to disclose his/her name, identifier, or university email address in a class in which the student is enrolled.

WSR 18-06-025**PERMANENT RULES****EASTERN WASHINGTON UNIVERSITY**

[Filed February 27, 2018, 11:53 a.m., effective March 30, 2018]

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

Citation of Rules Affected by this Order: Amending WAC 172-10-090.

Statutory Authority for Adoption: RCW 28B.35.120 (12), 42.56.070.

Adopted under notice filed as WSR 17-21-068 on October 16, 2017.

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

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: February 23, 2018.

Joseph Fuxa
Labor Relations ManagerAMENDATORY SECTION (Amending WSR 14-24-034, filed 11/24/14, effective 12/25/14)

WAC 172-10-090 Review of denials of public records. (1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer denying the request.

(2) Consideration of petition for review. The public records officer shall promptly provide the petition and any other relevant information to the ~~((associate to the))~~ vice president for business and finance, who will immediately consider the petition and either affirm or reverse the denial within two business days following the university's receipt of the petition, or within such other time as Eastern Washington University and the requestor mutually agree to.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, if the university denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160. A requestor may initiate such a review by sending a request for review to: Public Records Review, Office of the

Attorney General, P.O. Box 40100, Olympia, Washington 98504-0100 or publicrecords@atg.wa.gov.

(4) Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

WSR 18-06-029**PERMANENT RULES****WASHINGTON STATE PATROL**

[Filed February 28, 2018, 1:31 p.m., effective March 1, 2018]

Effective Date of Rule: March 1, 2018.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Failure to update WAC 446-65-010(1) to incorporate all of the recent amendments to the Code of Federal Regulations (C.F.R.) adopted by reference therein could jeopardize grant funding to the state. Therefore, the adoption of this rule change, which brings all of the C.F.R.s incorporated by reference current to October 1, 2017, will allow enforcement of all of the federal regulations contained in WAC and will enable the uninterrupted receipt of grant funds to Washington.

Purpose: To amend WAC 446-65-010(1) to bring current the effective date of all the C.F.R.s adopted by reference in the rule.

Citation of Rules Affected by this Order: Amending WAC 446-65-010.

Statutory Authority for Adoption: RCW 46.32.020.

Other Authority: RCW 46.48.170.

Adopted under notice filed as WSR 17-23-084 on November 14, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, 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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: February 21, 2018.

John R. Batiste
ChiefAMENDATORY SECTION (Amending WSR 13-18-069, filed 9/3/13, effective 10/4/13)

WAC 446-65-010 Transportation requirements. (1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations (C.F.R.), ~~((#~~

effect on the effective date of this section)) as they exist on October 1, 2017, for motor carriers used in intrastate or interstate commerce in their entirety:

(a) Part 40 Procedures for transportation workplace drug and alcohol testing programs.

(b) Part 325 Compliance with interstate motor carrier noise emission standards.

(c) Part 350 Commercial motor carrier safety assistance program.

(d) Part 355 Compatibility of state laws and regulations affecting interstate motor carrier operations.

(e) Part 365 Rules governing applications for operating authority.

(f) Part 367 Standards for registration with states.

(g) Part 372 Exemptions, commercial zones and terminal areas.

(h) Part 373 Receipts and bills.

(i) Part 376 Lease and interchange of vehicles.

(j) Part 379 Preservation of records.

(k) Part 380 Special training requirements.

(l) Part 381 Waivers, exemptions, and pilot programs.

(m) Part 382 Controlled substances and alcohol use and testing.

(n) Part 383 Compliance with commercial driver's license program.

(o) Part 385 Safety fitness procedures.

(p) Part 387 Minimum levels of financial responsibility for motor carriers.

(q) Part 390 General.

(r) Part 391 Qualification of drivers. Provided that 49 C.F.R. 391 subpart D (Tests), and E (Physical Qualifications and Examinations) do not apply to motor carriers operating vehicles with gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating intrastate, and not used to transport hazardous materials in a quantity requiring placarding.

(s) Part 392 Driving of motor vehicles.

(t) Part 393 Parts and accessories necessary for safe operation.

(u) Part 395 Hours of service of drivers: Except if a company has drivers of commercial motor vehicle of any size, hauling logs from the point of production or driving in dump truck operations in intrastate commerce provided that:

(i) The driver must:

(A) Operate within a one hundred air-mile radius of the location where the driver reports to work and the driver must return to the work reporting location at the end of each duty tour;

(B) Have at least ten consecutive hours off duty separating each on-duty period;

(C) Not drive:

• More than twelve hours following at least ten hours off duty; or

• After the fourteenth hour after coming on duty on at least five days of any period of seven consecutive days; and

• After the sixteenth hour after coming on duty on no more than two days of any period of seven consecutive days; and

• After having been on duty for eighty hours in seven consecutive days if the employing motor carrier does not operate commercial motor vehicle every day of the week; or

• After having been on duty for ninety hours in eight consecutive days if the employing motor carrier operates commercial motor vehicle every day of the week; in any period of seven or eight consecutive days may end with the beginning of any off-duty period of twenty-four or more consecutive hours.

(ii) The motor carrier that employs the driver must maintain and retain for a period of twelve months accurate and true time recordings showing:

(A) The time the driver reports for duty each day;

(B) The total number of hours the driver is on duty each day;

(C) The total number of hours the driver drives each day;

(D) The time the driver is released from duty each day;

and

(E) The total time the driver is driving and on duty for the preceding seven days.

(v) Part 396 Inspection, repair, and maintenance.

(w) Part 397 Transportation of hazardous materials; driving and parking rules.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined as starting February 1 and ending November 30 of each year.

(3) Links to the C.F.R.s. are available on the Washington state patrol web site at www.wsp.wa.gov. Copies of the C.F.R.s. may also be ordered through the United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401.

WSR 18-06-031

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed February 28, 2018, 2:10 p.m., effective March 31, 2018]

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

Purpose: Section 2404 of the Affordable Care Act amended Section 1924 of the Social Security Act, for the five-year period beginning January 1, 2014, to require states to apply the spousal impoverishment rules to additional individuals receiving long-term services and supports under 1915(k). The agency is amending this section to end the time-limited spousal impoverishment provisions for the community first choice program.

Citation of Rules Affected by this Order: Amending WAC 182-513-1215 and 182-513-1220.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: Section 2404 of the Affordable Care Act amending Section 1924 of the Social Security Act.

Adopted under notice filed as WSR 18-03-078 on January 12, 2018.

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

Number of Sections Adopted at the Request of a Non-governmental 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 2, Repealed 0.

Date Adopted: February 28, 2018.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-23-039, filed 11/8/17, effective 1/1/18)

WAC 182-513-1215 Community first choice (CFC) —Eligibility. (1) A client who is determined functionally eligible for community first choice (CFC) services under WAC 388-106-0270 through 388-106-0295 is financially eligible to receive CFC services if the client is:

(a) Eligible for a noninstitutional Washington apple health (medicaid) program which provides categorically needy (CN) or alternative benefits plan (ABP) scope of care;

(b) Through December 31, 2018, a spousal impoverishment protections institutional (SIPI) spouse under WAC 182-513-1220; or

(c) Determined eligible for a home and community based (HCB) waiver program under chapter 182-515 WAC.

(2) A client whose only coverage is through one of the following programs is not eligible for CFC:

(a) Medically needy program under WAC 182-519-0100;

(b) Premium-based children's program under WAC 182-505-0215;

(c) Medicare savings programs under WAC 182-517-0300;

(d) Family planning program under WAC 182-505-0115;

(e) Take charge program under WAC 182-532-0720;

(f) Medical care services program under WAC 182-508-0005;

(g) Pregnant minor program under WAC 182-505-0117;

(h) Alien emergency medical program under WAC 182-507-0110 through 182-507-0120;

(i) State-funded long-term care (LTC) for noncitizens program under WAC 182-507-0125; or

(j) Kidney disease program under chapter 182-540 WAC.

(3) Transfer of asset penalties under WAC 182-513-1363 do not apply to CFC applicants, unless the client is applying for long-term services and supports (LTSS) that are available only through one of the HCB waivers under chapter 182-515 WAC.

(4) Home equity limits under WAC 182-513-1350 do apply.

(5) Post-eligibility treatment of income rules do not apply if the client is eligible under subsection (1)(a) or (b) of this section.

(6) Clients eligible under subsection (1)(a) or (b) of this section, who reside in an alternate living facility (ALF):

(a) Keep a personal needs allowance (PNA) under WAC 182-513-1105; and

(b) Pay up to the room and board standard under WAC 182-513-1105 except when CN eligibility is based on the rules under WAC 182-513-1205.

(7) A client who receives CFC services under the health care for workers with disabilities (HWD) program under chapter 182-511 WAC must pay the HWD premium in addition to room and board under WAC 182-513-1105, if residing in an ALF.

(8) Post-eligibility treatment of income rules do apply if a client is eligible under subsection (1)(c) of this section.

(9) A client may have to pay third-party resources as defined under WAC 182-513-1100 in addition to the room and board and participation.

(10) PNA, MNIL, and room and board standards are found at www.hca.wa.gov/free-or-low-cost-health-care/program-administration/program-standard-income-and-resources.

AMENDATORY SECTION (Amending WSR 17-03-116, filed 1/17/17, effective 2/17/17)

WAC 182-513-1220 Community first choice (CFC) —Spousal impoverishment protections for noninstitutional Washington apple health clients. (1) This section is effective through December 31, 2018.

(2) The agency or its designee determines eligibility for community first choice (CFC) using spousal impoverishment protections under this section, when an applicant:

(a) Is married to, or marries, a person not in a medical institution;

(b) Meets institutional level of care and eligibility for CFC services under WAC 388-106-0270 through 388-106-0295;

(c) Is ineligible for a noninstitutional categorically needy (CN) SSI-related program:

(i) Due to spousal deeming rules under WAC 182-512-0920, or due to exceeding the resource limit in WAC 182-512-0010, or both; or

(ii) In an ALF due to combined spousal resources exceeding the resource limit in WAC 182-512-0010; and

(d) Meets the aged, blindness, or disability criteria under WAC 182-512-0050.

~~((2))~~ (3) The agency or its designee determines countable income using the SSI-related income rules under chapter 182-512 WAC but uses only the applicant's or recipient's separate income and not the income of the applicant's or recipient's spouse.

~~((3))~~ (4) The agency or its designee determines countable resources using the SSI-related resource rules under chapter 182-512 WAC, except pension funds owned by the spousal impoverishment protections community (SIPC) spouse are not excluded as described under WAC 182-512-0550:

(a) For the applicant or recipient, the resource standard is \$2000.

(b) Before determining countable resources used to establish eligibility for the applicant, the agency allocates the state spousal resource standard to the SIPC spouse.

(c) The resources of the SIPC spouse are unavailable to the spousal impoverishment protections institutionalized (SIPI) spouse the month after eligibility for CFC services is established unless subsection ~~((8))~~ (9) of this section applies.

~~((4))~~ (5) The SIPI spouse has until the end of the month of the first regularly scheduled eligibility review to transfer countable resources in excess of \$2000 to the SIPC spouse.

~~((5))~~ (6) A redetermination of the couple's resources under subsection ~~((3))~~ (4) of this section is required if:

(a) The SIPI spouse has a break in CFC services of at least thirty consecutive days;

(b) The SIPI spouse's countable resources exceed the standard under subsection ~~((3))~~ (4)(a) of this section; or

(c) The SIPI spouse does not transfer the amount under subsection ~~((4))~~ (5) of this section to the SIPC spouse by the end of the month of the first regularly scheduled eligibility review.

~~((6))~~ (7) If the applicant lives at home and the applicant's separate countable income is at or below the SSI categorically needy income level (CNIL) and the applicant is resource eligible, the applicant is a SIPI spouse and is financially eligible for noninstitutional CN coverage and CFC services.

~~((7))~~ (8) If the applicant lives in an ALF, has separate countable income at or below the standard under WAC 182-513-1205(2), and is resource eligible, the applicant is a SIPI spouse and is financially eligible for noninstitutional CN coverage and CFC services.

~~((8))~~ (9) If the applicant is employed and has separate countable income at or below the standard under WAC 182-511-1060, the applicant is a SIPI spouse and is financially eligible for noninstitutional CN coverage and CFC services.

~~((9))~~ (10) Once a person no longer receives CFC services for thirty consecutive days, the agency redetermines eligibility without using spousal impoverishment protection, under WAC 182-504-0125.

~~((10))~~ (11) If the applicant's separate countable income is above the standards under subsections ~~((6), (7), and (8))~~ (7), (8), and (9) of this section, the applicant is not eligible for CFC services under this section.

~~((11))~~ (12) The spousal impoverishment protections under this section expire on December 31, 2018.

~~((12))~~ (13) Standards are found at <http://www.hca.wa.gov/free-or-low-cost-health-care/program-administration/program-standard-income-and-resources>.

Purpose: The rule needs to be expanded to reflect the changes made to RCW 28A.50.535 through the passage of SB 5640. The change allows an individual who enrolls in a technical college through the option established under RCW 28B.50.533, who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, to be awarded a diploma from the college upon written request from the student.

Citation of Rules Affected by this Order: Amending WAC 180-51-053.

Statutory Authority for Adoption: The state board for community and technical colleges has oversight of WAC 180-51-053 impacted by the changes made to RCW 28A.50-535.

Adopted under notice filed as WSR 17-24-010 on November 27, 2017.

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

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: February 8, 2017.

Beth Gordon
Executive Assistant
and Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-12-082, filed 6/1/10, effective 7/2/10)

WAC 180-51-053 Community college high school diploma programs. (1)(a) **Minimum requirements for high school diploma.** The minimum requirements and procedures for the issuance of a high school diploma by or through a community or technical college district shall be as prescribed by the state board of education in this section and chapters 180-51 and 180-56 WAC or as set forth in RCW 28B.50.535 (2) ~~((1))~~, (3) or (4).

(b) Any high school graduation diploma issued by or through a community or technical college district shall certify that the diploma is issued in compliance with high school graduation requirements established by the state board of education and procedures established by the superintendent of public instruction or as set forth in RCW 28B.50.535 (2) ~~((1))~~, (3) or (4).

(2) **Provisions governing program for persons eighteen years of age and over.**

(a) The appropriate school district, community college, or technical college education official shall evaluate the pre-

WSR 18-06-032
PERMANENT RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed February 28, 2018, 2:18 p.m., effective March 31, 2018]

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

vious educational records of the student and may provide evaluative testing to determine the student's educational level. The official shall recommend an appropriate course or courses of study and upon the successful completion of such study the student will be eligible for the high school diploma.

(b) Satisfaction of minimum course requirements may be met by one or more of the following methods with the applicable institution granting credit verifying completion of course requirements.

(i) Actual completion of courses regularly conducted in high school;

(ii) Technical college;

(iii) Community college;

(iv) Approved correspondence or extension courses;

(v) Supervised independent study; or

(vi) Testing in specific subject areas.

(c) The appropriate education official shall exercise reasonable judgment in appraising the educational experience of the student either in or out of a formal school program to determine the degree to which the student has satisfied the minimum credit requirements for completion of the high school program. Consideration may be given to work experience, vocational training, civic responsibilities discharged by the adult and other evidences of educational attainment.

(d) A high school diploma shall be granted to each individual who satisfactorily meets the requirements for high school completion. The diploma shall be issued by the appropriate school district, community college, or technical college: Records of diplomas issued under the provisions of this subsection shall be maintained by the issuing agency.

(3) Provisions governing program for persons under eighteen years of age.

(a) The high school principal shall evaluate the previous educational record of the individual and prior to his or her enrollment in courses and in cooperation with the appropriate education official of a community college or technical college shall approve the program of studies leading to the high school diploma.

(b) The student must be assigned a program supervisor.

WSR 18-06-043

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Behavioral Health Administration)

[Filed March 1, 2018, 3:20 p.m., effective April 1, 2018]

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

Purpose: The department is amending existing rules and creating new rules in chapter 388-877 WAC regarding behavioral health services to provide a single set of regulations for behavioral health agencies to follow in order to provide mental health, substance use disorder, cooccurring, and pathological and problem gambling services. The department is also proposing to repeal chapters 388-810, 388-877A, 388-877B, 388-877C WAC, and repeal specific sections of chapters 388-865 and 388-877 WAC. A crosswalk table of existing and new WAC sections is available upon request.

Citation of Rules Affected by this Order: New WAC 388-877-0110, 388-877-0342, 388-877-0425, 388-877-0515, 388-877-0700, 388-877-0702, 388-877-0704, 388-877-0706, 388-877-0708, 388-877-0710, 388-877-0712, 388-877-0714, 388-877-0716, 388-877-0718, 388-877-0720, 388-877-0722, 388-877-0724, 388-877-0726, 388-877-0728, 388-877-0730, 388-877-0732, 388-877-0734, 388-877-0736, 388-877-0738, 388-877-0740, 388-877-0742, 388-877-0744, 388-877-0746, 388-877-0748, 388-877-0750, 388-877-0752, 388-877-0754, 388-877-0800, 388-877-0805, 388-877-0810, 388-877-0815, 388-877-0820, 388-877-0900, 388-877-0905, 388-877-0910, 388-877-0915, 388-877-0920, 388-877-1000, 388-877-1005, 388-877-1010, 388-877-1015, 388-877-1020, 388-877-1025, 388-877-1100, 388-877-1102, 388-877-1104, 388-877-1106, 388-877-1108, 388-877-1110, 388-877-1112, 388-877-1114, 388-877-1116, 388-877-1118, 388-877-1120, 388-877-1122, 388-877-1124, 388-877-1126, 388-877-1128, 388-877-1130, 388-877-1132, 388-877-1134, 388-877-1136, 388-877-1138, 388-877-1140, 388-877-1142, 388-877-1144, 388-877-1146, 388-877-1148, 388-877-1150, 388-877-1152, 388-877-1154, 388-877-1156 and 388-877-1158; and repealing WAC 388-810-005, 388-810-010, 388-810-020, 388-810-030, 388-810-040, 388-810-050, 388-810-060, 388-810-070, 388-810-080, 388-810-090, 388-865-0500, 388-865-0511, 388-865-0520, 388-865-0531, 388-865-0536, 388-865-0541, 388-865-0545, 388-865-0546, 388-865-0547, 388-865-0551, 388-865-0561, 388-865-0566, 388-865-0570, 388-865-0575, 388-865-0576, 388-865-0578, 388-865-0580, 388-865-0585, 388-865-0700, 388-865-0705, 388-865-0710, 388-865-0715, 388-865-0720, 388-865-0725, 388-865-0750, 388-865-0755, 388-865-0760, 388-865-0765, 388-865-0770, 388-865-0775, 388-865-0780, 388-865-0785, 388-865-0800, 388-865-0810, 388-865-0820, 388-865-0830, 388-865-0840, 388-865-0850, 388-865-0860, 388-865-0870, 388-865-0880, 388-865-0900, 388-865-0910, 388-865-0920, 388-865-0930, 388-865-0940, 388-865-0950, 388-865-0960, 388-865-0970, 388-877-0530, 388-877-0630, 388-877A-0100, 388-877A-0110, 388-877A-0120, 388-877A-0130, 388-877A-0135, 388-877A-0138, 388-877A-0140, 388-877A-0150, 388-877A-0155, 388-877A-0170, 388-877A-0180, 388-877A-0190, 388-877A-0195, 388-877A-0197, 388-877A-0200, 388-877A-0210, 388-877A-0220, 388-877A-0230, 388-877A-0240, 388-877A-0260, 388-877A-0270, 388-877A-0280, 388-877A-0300, 388-877A-0310, 388-877A-0320, 388-877A-0330, 388-877A-0335, 388-877A-0340, 388-877A-0350, 388-877A-0360, 388-877A-0370, 388-877B-0100, 388-877B-0110, 388-877B-0120, 388-877B-0130, 388-877B-0200, 388-877B-0210, 388-877B-0220, 388-877B-0230, 388-877B-0240, 388-877B-0250, 388-877B-0260, 388-877B-0270, 388-877B-0280, 388-877B-0300, 388-877B-0310, 388-877B-0320, 388-877B-0330, 388-877B-0340, 388-877B-0350, 388-877B-0360, 388-877B-0370, 388-877B-0400, 388-877B-0405, 388-877B-0410, 388-877B-0420, 388-877B-0430, 388-877B-0440, 388-877B-0450, 388-877B-0500, 388-877B-0510, 388-877B-0530, 388-877B-0540, 388-877B-0550, 388-877B-0600, 388-877B-0610, 388-877B-0630, 388-877B-0640, 388-877B-0650, 388-877B-0660, 388-877B-0700, 388-877B-0710, 388-877B-0720, 388-877B-0730, 388-877B-0740, 388-877C-0100, 388-877C-0110, 388-877C-0120 and 388-877C-0130; and amending

WAC 388-877-0100, 388-877-0200, 388-877-0300, 388-877-0305, 388-877-0310, 388-877-0315, 388-877-0320, 388-877-0325, 388-877-0330, 388-877-0335, 388-877-0340, 388-877-0345, 388-877-0350, 388-877-0355, 388-877-0360, 388-877-0365, 388-877-0370, 388-877-0400, 388-877-0410, 388-877-0420, 388-877-0430, 388-877-0500, 388-877-0510, 388-877-0520, 388-877-0600, 388-877-0605, 388-877-0610, 388-877-0620, 388-877-0640, and 388-877-0650.

Statutory Authority for Adoption: RCW 71.24.870, 70.02.290, 70.02.340, 71.05.560, 71.24.035, 71.34.380.

Other Authority: RCW 71.24.870.

Adopted under notice filed as WSR 17-24-079 on December 5, 2017.

Changes Other than Editing from Proposed to Adopted Version: **WAC 388-877-0100 Behavioral health services—Purpose and scope**, the following was added:

"(3) The department requires all agencies and providers affected by this rule to fully comply with the applicable requirements in chapter 388-877 WAC, ~~chapter 388-877A WAC, chapter 388-877B WAC, and chapter 388-877C WAC~~ no later than ~~September 1, 2013~~ July 1, 2018."

WAC 388-877-0200 Behavioral health services—Definitions, the following definitions were changed: "agency," "behavioral health agency," and "community mental health agency" were consolidated into one definition under "behavioral health agency."

"Consultation" was clarified as follows: "Consultation" means the clinical review of recommendations by persons with appropriate knowledge and experience regarding activities or decisions of clinical staff, contracted employees, volunteers, or students.

"Mental health professional" was clarified as follows: "Mental health professional" or "MHP" means a designation given by the department to an agency staff member or an attestation by the licensed behavioral health agency that the person meets the following:

(c) ... recognized by the department or attested to by the licensed behavioral health agency.

The definitions for "patient placement criteria," "quality assurance and quality improvement," and "quality strategy" were removed.

WAC 388-877-0310 Agency licensure and certification—Deeming, was reworded for clarity: "(1) If an agency is currently accredited by a national accreditation organization that is recognized by and has a current agreement with the department, the department must deem the agency to be in compliance with state standards for licensure and certification."

WAC 388-877-0510 Personnel—Agency record requirements, was amended to add the word "annual" back in:

(1)(a) Documentation of annual training,

WAC 388-877-0515 Personnel—Agency staff requirements, was amended as follows:

(1)(c) Staff access to consultation with a psychiatrist, physician, physician assistant, advanced registered nurse practitioner (ARNP), or psychologist

WAC 388-877-0605 DBHR complaint process, was amended to remove the specific contact information for the

DBHR complaint manager and replaced with a link to the department's public web site.

WAC 388-877-0610 Clinical—Assessment, was amended as follows:

(2) The assessment must document that the clinician conducted an age-appropriate, strengths-based psychosocial assessment that considered current needs and the patient's relevant history according to best practices. Such information may include, if applicable:

WAC 388-877-0640 Clinical—Additional record content, was amended to add the credential of the staff member when noting who provided the session in the progress notes.

WAC 388-877-0706 Outpatient services—Group mental health therapy services, subsection (2) was amended to increase maximum group size from fifteen to sixteen individuals.

WAC 388-877-0710 Outpatient services—Rehabilitative case management mental health services, subsection (1) was reworded for clarity:

(1) Rehabilitative case management services support individual employment, education, and participation in other daily activities appropriate to the individual's age, gender, and culture, and assist individuals in resolving crises in the least restrictive setting.

WAC 388-877-0712 Outpatient services—Psychiatric medication mental health services and medication support, was amended to add subsection [(1)](e):

(e) Must ensure that all medications maintained by the agency are safely and securely stored, including assurance that:

(i) Medications are kept in locked cabinets within a well-lit, locked and properly ventilated room;

(ii) Medications kept for individuals on medication administration or self-administration programs are clearly labeled and stored separately from medication samples kept on site;

(iii) Medications marked "for external use only" are stored separately from oral or injectable medications;

(iv) Refrigerated food or beverages used in the administration of medications are kept separate from the refrigerated medications by the use of trays or other designated containers;

(v) Syringes and sharp objects are properly stored and disposed of;

(vi) Refrigerated medications are maintained at the required temperature; and

(vii) Outdated medications are disposed of in accordance with the regulations of the state board of pharmacy and no outdated medications are retained.

WAC 388-877-0738 Outpatient services—Level one outpatient substance use disorder services, was amended to add subsection (3):

(3) An agency certified to provide level one outpatient substance use disorder services must ensure both of the following:

(a) Group therapy services are provided with a staff ratio of one staff member for every sixteen individuals; and

(b) A group counseling session with twelve to sixteen youths includes a second staff member.

WAC 388-877-0740 Outpatient services—Level two intensive outpatient substance use disorder services, was amended to add subsection (3):

(3) An agency certified to provide level two intensive outpatient substance use disorder services must ensure both of the following:

(a) Group therapy services are provided with a staff ratio of one staff member for every sixteen individuals; and

(b) A group counseling session with twelve to sixteen youths includes a second staff member.

WAC 388-877-0754 Outpatient services—Problem and pathological gambling treatment services, subsection (3) was amended to change the maximum size of group counseling from twelve to sixteen individuals.

WAC 388-877-1000 Opioid treatment programs (OTP)—General, subsection (7)(b) was amended to change the group counseling session from "nine to twelve" to "twelve to sixteen."

WAC 388-877-1104 Secure withdrawal management and stabilization services—Adults, subsection (2) was amended to add subsection (f):

(f) Procedures to assure at least daily contact between each involuntary individual and a chemical dependency professional or a trained professional person for the purpose of:

(i) Observation;

(ii) Evaluation;

(iii) Release from involuntary commitment to accept treatment on a voluntary basis; and

(iv) Discharge from the facility to accept voluntary treatment upon referral;

And (i) was amended to add physician assistant and advanced registered nurse practitioner (ARNP) to the list of professionals that are available for consultation.

(2)(k) was amended to add "one hundred and eighty days."

(3) was amended as follows:

(3)(a) A telephone screened [screening] reviewed by a nurse, as defined in chapter 18.79 RCW, or a medical practitioner prior to admission . . .

WAC 388-877-1108 Residential substance use disorder treatment services—General, subsection (2)(j) maximum group size was changed to sixteen.

WAC 388-877-1116 Residential substance use disorder treatment services—Youth residential services, subsection (2) was amended to change "nine to twelve" youths to "twelve to sixteen" youths.

WAC 388-877-1126 Mental health inpatient services—Policies and procedures—Adult, subsection (4)(e) was amended to include physician assistant and psychiatric advanced registered nurse practitioner (ARNP).

Subsection (4)(g) was amended to add "one hundred and eighty days."

WAC 388-877-1140 Mental health inpatient services—Crisis stabilization unit—Agency facility and administrative standards, subsection (4)(f) was amended to include physician assistant and psychiatric advanced registered nurse practitioner (ARNP).

A final cost-benefit analysis is available by contacting Stephanie Vaughn, Division of Behavioral Health and Recovery, P.O. Box 45330, Olympia, WA 98504-5330,

phone 360-725-1342, fax 360-586-0341, TTY 1-800-833-6384, email stephanie.vaughn@dshs.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 78, Amended 30, Repealed 140.

Number of Sections Adopted at the Request of a Non-governmental 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 78, Amended 30, Repealed 140.

Date Adopted: March 1, 2018.

Cheryl Strange
Secretary

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 18-08 issue of the Register.

**WSR 18-06-045
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-30—Filed March 1, 2018, 4:24 p.m., effective April 1, 2018]

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

Purpose: The changes in this proposal are needed to make necessary adjustments to recreational fishing rules based on department data, public feedback, and the desire of the department to reduce complexity of the sport rules as reflected in the annual pamphlet. The department also proposes amendments for conservation purposes and to provide greater fishing opportunity. Technical changes are needed to ensure accuracy, clarity, and uniformity in the code.

Citation of Rules Affected by this Order: Amending WAC 220-300-160 Definitions—Personal-use fishing, 220-310-080 Game fish seasons—General rules, 220-310-090 Game fish possession limits and size limits, 220-312-010 Freshwater exceptions to statewide rules—General rules, 220-312-020 Freshwater exceptions to statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, 220-312-050 Freshwater exceptions to statewide rules—Eastside, and 220-312-060 Freshwater exceptions to statewide rules—Columbia River.

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

Adopted under notice filed as WSR 17-22-115 on October 31, 2017.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-310-070 was withdrawn on February 26, 2018, and filed as WSR 18-06-015.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 9, Repealed 0.

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

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

Date Adopted: January 20, 2018.

Brad Smith, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 17-16-109, filed 7/28/17, effective 8/28/17)

WAC 220-300-160 Definitions—Personal-use fishing. The following definitions apply to personal-use fishing rules in Title 220 WAC:

(1) "Anadromous game fish" means steelhead, sea-run cutthroat trout, and sea-run Dolly Varden and bull trout.

(2) "Anti-snagging rule" means:

(a) Except when fishing with a buoyant lure (with no weights added to the lure or line) or trolling from a vessel or floating device, terminal fishing gear is limited to a lure or bait with one single point hook.

(b) Only single point hooks measuring not more than 3/4 inch from point to shank may be used and all hooks must be attached to or below the lure or bait.

(c) Weights may not be attached below or less than 12 inches above the lure or bait.

(3) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(4) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(5) "Bass" means largemouth and smallmouth bass.

(6) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(7) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(8) "Buoyant lure" means a lure that floats on the surface of freshwater when no additional weight is applied to the line or lure, and when not being retrieved by a line.

(9) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(10) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(11) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(12) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(13) "Frozen" means fish or shellfish that are hard frozen throughout.

(14) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(15) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish having a clipped adipose fin or a clipped ventral fin with a healed scar at the location of the clipped fin. A hatchery salmon is a salmon having a clipped adipose fin and a healed scar at the location of the clipped fin, regardless of whether the fish is missing a ventral fin.

(16) "Hook" means one single point, double or treble hook. A "single point hook" means a hook having only one point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(17) "Hook and line" or "angling" are identical in meaning and, except as provided in WAC 220-310-110, are defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" are identical in meaning.

(18) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(19) "Juvenile" means a person under fifteen year of age.

(20) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(21) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(22) "Opening day of lowland lake season" means the fourth Saturday in April.

(23) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(24) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(25) "Steelhead license year limit" means the maximum number of steelhead trout any one angler may retain from April 1st through the following March 31st.

(26) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks and bait is prohibited. Up to three hooks may be used. Only knotless nets may be used to land fish. In waters under selective gear rules, fish may be released until the daily limit is retained.

(27) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(28) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(29) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(30) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(31) "Steelhead" means sea-run rainbow trout over twenty inches in length.

(32) "Trolling" means a method of fishing from a vessel or floating device that is underway and under power.

(33) "Unmarked salmon" means a salmon with intact adipose and ventral fins.

(34) "Trout" means brown trout, bull trout, cutthroat trout, Dolly Varden, Eastern brook trout, golden trout, grayling, (~~Kokanee (silver trout)~~), lake trout, rainbow trout (~~except steelhead~~), tiger trout, and, in WAC 220-312-010 through 220-312-060, salmon from waters designated as "landlocked salmon rules apply."

(35) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(36) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

(37) "Wild" when used to describe a salmon (Chinook, coho, chum, pink or sockeye), means a salmon with an unclipped adipose fin, regardless of whether the fish is ventral fin-clipped. A salmon with a clipped adipose fin and a healed scar at the site of the clipped fin is not a wild salmon.

(38) "Wild cutthroat release" means it is unlawful to retain any cutthroat trout that does not have a clipped adipose fin and a healed scar at the location of the clipped fin.

(39) "Wild steelhead release" means it is unlawful to retain any steelhead that does not have a clipped adipose or ventral fin and a healed scar at the location of the clipped fin.

(40) "Shoreline fishing" or "shore fishing" means fishing from shore or a structure affixed to the shore or by wading in the water.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-310-080 Game fish seasons—General rules. It is unlawful to fish for game fish except during the seasons and times below.

(1) Freshwater lakes, ponds and reservoirs: Open year-round except as provided for in WAC 220-312-010 through 220-312-060.

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

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

(b) All rivers, streams, and beaver ponds listed in WAC 220-312-010 through 220-312-060: Open the (~~(first)~~) Saturday (~~(in June)~~) before Memorial Day through October 31 except as otherwise provided for in WAC 220-312-010 through 220-312-060.

(3) Saltwater (all waters downstream and seaward of the mouths of rivers and streams generally defined in WAC 220-200-060 and specifically defined in WAC 220-300-220): Open year-round, except:

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

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

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

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

(e) Agate Pass - Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to game fish angling from January 1 through March 31; however, a person can fish with gear meeting the fly-fishing-only requirements of WAC 220-310-150 as long as he or she does not use lead-core fly line. It is unlawful to retain any fish taken during the period January 1 through March 31.

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

However, persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the ADA-access site at the Hoodsport Salmon Hatchery, as long as such persons follow all department rules that apply to the adjoining waters of Marine Area 12.

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

Species	Daily limit	Size limits
	2 from rivers, streams, and beaver ponds. The daily trout limit is 5 trout, regardless of origin ((of which not more than 2 may be steelhead)) .	<u>Wild trout 8-inch minimum ((size)) length. Hatchery trout no minimum length.</u>
Hatchery steelhead	2	20-inch minimum length.
Walleye	<u>No limit for Columbia River downstream of Chief Joseph Dam including all tributaries and their tributaries flowing into the Columbia River downstream of Chief Joseph Dam.</u> 8 from lakes, ponds, reservoirs, all other rivers, streams and beaver ponds.	<u>No size restriction.</u> 12-inch minimum size. Not more than 1 walleye greater than 22 inches in length may be retained.
Whitefish	15	No size restriction.
All other game fish	No limit.	No size restriction.

(2) Possession limit: The game fish possession limit in the field or in transit is two daily limits in fresh, frozen or processed form.

(3) Wild steelhead, Dolly Varden, and bull trout: Except as provided for in this section and WAC 220-312-010 through 220-312-060, it is unlawful to retain wild steelhead, Dolly Varden, or bull trout.

(4) Saltwater game fish retention: Game fish taken in saltwater may not be retained, except that up to two hatchery steelhead per day may be retained.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-312-010 Freshwater exceptions to state-wide rules—General rules. The following provisions and definitions apply to this section through WAC 220-312-060.

(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))~~ (4) 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))~~ (5) It is permissible to retain up to two hatchery steelhead in waters where the season is open for game fish or salmon in WAC 220-312-020 ~~((and 220-312-040))~~ through 220-312-060, unless explicitly listed as closed to hatchery steelhead in WAC 220-312-020 ~~((and 220-312-040))~~ through 220-312-060.

~~((7))~~ (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).

~~((8))~~ (7) "Lead jig" means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method.

~~((9))~~ (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.

~~((10))~~ (9) "Unmarked salmon" means salmon without either a clipped ventral fin or a clipped adipose fin as evidenced by a healed scar.

~~((11))~~ (10) Kokanee/sockeye definition 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.

~~((12))~~ (11)(a) A violation of this section through WAC 220-312-060 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 punish-

able 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.

((13)) (12) For sturgeon fishing rules, see WAC 220-316-010 Sturgeon—Areas, seasons, limits and unlawful acts.

AMENDATORY SECTION (Amending WSR 17-19-008, filed 9/7/17, effective 10/8/17)

WAC 220-312-020 Freshwater exceptions to statewide rules—Coast. (1) **Aberdeen Lake (Grays Harbor County):** ((a)) Open the fourth Saturday in April through October 31.

((b) Trout: No more than 2 trout over 15 inches in length may be retained.

~~(2) **Alder Creek (Pacific County) (Naselle River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(3) **Anderson Lake (Jefferson County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

((4)) (2) **Bear Creek (Clallam County) (Bogachiel River tributary):**

~~(a) Open the first Saturday in June through October 31.~~

((b)) It is unlawful to use anything other than one barbless hook.

((c)) (b) It is unlawful to use bait.

((d) Trout:

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

((ii)) (c) Game fish: Statewide minimum length/daily limit, except: Release wild ((unclipped)) rainbow trout.

((5)) (3) **Bear Creek (Clallam County) (Sol Duc River tributary):**

~~(a) Open the first Saturday in June through October 31.~~

((b)) It is unlawful to use anything other than one barbless hook.

((c)) (b) It is unlawful to use bait.

((d) Trout:

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

((ii)) (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild ((unclipped)) rainbow trout.

((6)) (4) **Bear River (Pacific County):**

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

((b)) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31.

((c)) (b) From August 16 through November 30: Night closure ((in effect)).

((d)) (c) From the mouth (Highway 101 Bridge) to Lime Quarry Road (approximately ((two)) 2 river miles):

((A)) (i) From August 16 through November 30:

((H)) (ii) Barbless hooks required.

((H)) (iii) Anti-snagging rule ((applies)).

~~((B) Release all fish, except anglers may retain up to 2 hatchery steelhead.~~

((C)) (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

((H)) (A) Open September 1 through January 31.

((H)) (B) Limit 6 fish; only 4 may be adults.

((H)) (C) Release wild Chinook.

((H)) (d) From the Lime Quarry Road upstream to the Longview Fiber Bridge:

((A)) (i) Selective gear rules ((apply)).

~~((B) Release all fish, except anglers may retain up to 2 hatchery steelhead.~~

((7)) (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(5) **Beaver Creek (Clallam County) (Sol Duc River tributary):**

(a) From the mouth upstream to Beaver Falls:

((i) Open the first Saturday in June through October 31.

((ii)) (b) It is unlawful to use anything other than one barbless hook.

((iii)) (c) It is unlawful to use bait.

((iv) Trout:

~~(A) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

((B)) (d) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild ((unclipped)) rainbow trout.

~~((b) From Beaver Falls upstream to Beaver Lake: Open the first Saturday in June through October 31.~~

((8)) (6) **Beaver Lake (Clallam County):** ((a)) Selective gear rules ((apply)).

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

~~(e) Trout: Maximum length 12 inches.~~

(9) **Big Creek (Grays Harbor County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

((10)) (7) **Big River (Clallam County), outside of Olympic National Park:**

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

((b)) Open the ((first)) Saturday ((in June)) before Memorial Day through October 15, and January 1 through the last day of February.

((c)) (b) Selective gear rules ((apply)).

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

~~(e) Trout:~~

((i)) (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches ((-except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

((ii) Release kokanee.

~~(11) Black Creek (Grays Harbor County) (Wynoochee River tributary):~~

- (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.

~~(12) Black Lake (Pacific County): Open the fourth Saturday in April through October 31.~~~~((13)) (8) Big River tributaries (Clallam County), outside of Olympic National Park: Open the Saturday before Memorial Day through October 15.~~~~(9) Black River (Grays Harbor/Thurston counties):~~

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

~~(b)) From the mouth to State Highway 12:~~

~~(i) ((Open the first Saturday in June through October 31.~~

~~(ii)) Selective gear rules ((apply)).~~

~~((iii)) (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow 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)).~~

~~((e)) (b) From Highway 12 to bridge on 128th Ave. S.W.:~~

~~(i) Anti-snagging rule ((applies)).~~

~~(ii) Night closure ((in effect)).~~

~~(iii) Barbless hooks ((are)) required.~~

~~(iv) ((Open for game fish the first Saturday in June through October 31; trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.)) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(v) Salmon: Open October 1 through December 31.~~

~~(A) Daily limit 6, of which 2 may be adults.~~

~~(B) Only one wild coho may be retained.~~

~~(C) Release Chinook and chum.~~

~~((d) From bridge on 128th Avenue S.W. (west of Little Rock) to Black Lake:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(14)) (10) Bogachiel Hatchery Pond, South (Clallam County): Open the fourth Saturday in April through October 31.~~~~(11) Bogachiel River (Clallam County):~~

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

~~(b) ((Release wild (unclipped) rainbow trout.~~

~~(e)) It is unlawful to use anything other than one barbless hook.~~

~~((d)) (c) From the mouth to Highway 101 Bridge:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through April 30.~~

~~(ii) It is unlawful to use bait the ((first)) Saturday ((in June)) before Memorial Day through August 31 and February 16 through April 30.~~

~~(iii) ((Trout:~~

~~(A) From the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.)) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Release wild rainbow trout.~~

~~(B) ((From April 1 through April 30:)) Cutthroat trout: Minimum length 14 inches.~~

~~(C) November 1 through last day in February: ((The limit may include one additional hatchery steelhead.)) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(iv) Salmon ((open July 1 through November 30)):~~

~~(A) From July 1 through August 31:~~

~~(I) Limit 6; no more than 2 adults may be retained.~~

~~(II) Release wild adult Chinook and wild adult coho.~~

~~(B) From September 1 through November 30: Limit 3; no more than one adult may be retained.~~

~~((e)) (d) From Highway 101 Bridge to Olympic National Park boundary:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through April 30.~~

~~(ii) It is unlawful to use bait.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Release wild rainbow trout.~~

~~(B) Cutthroat 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.~~

~~(15) Bone River (Pacific County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(16) Bunker Creek (Lewis County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(17) Butte Creek (Pacific County) (Smith River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.))~~

~~((18)) (12) Calawah River (Clallam County):~~

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

~~(b) ((Release wild (unclipped) rainbow trout.~~

~~(e)) It is unlawful to use anything other than one barbless hook.~~

~~((d)) (c) From the mouth to the Highway 101 Bridge:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through April 30.~~

~~(ii) It is unlawful to use bait the ((first)) Saturday ((in June)) before Memorial Day through August 31 and February 16 through April 30.~~

~~(iii) ((Trout:~~

~~(A) From the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(B) From April 1 through April 30: Trout minimum length 14 inches.)) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Release wild rainbow trout.~~

~~(B) Cutthroat trout: Minimum length 14 inches.~~

~~(C) From November 1 through the last day in February: ((The limit may include one additional hatchery)) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

- (iv) Salmon open July 1 through November 30:
 (A) From July 1 through August 31:
 (I) Limit 6; only 2 adults may be retained.
 (II) Release wild adult Chinook and wild adult coho.
 (B) From September 1 through November 30: Limit 3; only one adult may be retained.
 ((e)) (d) From the Highway 101 Bridge to the forks:
 (i) Open the ((first)) Saturday ((in June)) before Memorial Day through April 30.
 (ii) It is unlawful to use bait.
 (iii) Game fish: Statewide minimum length/daily limit, except:
 (A) Release wild rainbow trout.
 (B) Cutthroat 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.~~)
 (19) ~~Calawah River, North Fork (Clallam County):~~
 (a) Open the first Saturday in June through October 31.
 (b) It is unlawful to use anything other than one barbless hook.
 (c) It is unlawful to use bait.
 (d) Release wild (unclipped) rainbow trout.
 (e) 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)).
 ((20)) (13) Calawah River, North Fork (Clallam County):
 (a) It is unlawful to use anything other than one barbless hook.
 (b) It is unlawful to use bait.
 (c) Game fish: Statewide minimum length/daily limit, except:
 (i) Release wild rainbow trout.
 (ii) Cutthroat trout: Minimum length 14 inches.
 (14) Calawah River, South Fork (Clallam County):
 (a) ((It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (b) It is unlawful to use anything other than one barbless hook.
 (c) It is unlawful to use bait.
 (d) Release wild (unclipped) rainbow trout.
 (e)) From the mouth to the Olympic National Park boundary:
 ((i)) (b) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.
 ((ii)) (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) It is unlawful to use anything other than one barbless hook.
 (e) It is unlawful to use bait.
 (f) Game fish: Statewide minimum length/daily limit, except:
 (i) Release wild rainbow trout.
 (ii) Cutthroat 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)) (15) Canyon River (Grays River County): Closed waters.
 (16) Cases Pond (Pacific County): ((a)) Open ((the fourth Saturday in April through November 30)) to juvenile

anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((b) Landlocked salmon rules apply.~~

~~(22) Cedar Creek (Clallam County), outside of Olympic National Park:~~

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

~~(b) Open the first Saturday in June through October 31.~~

~~(c) Selective gear rules apply.~~

~~(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(23) Cedar Creek (Grays Harbor/Thurston counties) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(24)) (17) Cedar Creek (Jefferson County), outside Olympic National Park:~~

~~(a) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.~~

~~(b) Selective gear rules ((apply)).~~

~~(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow 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.~~

~~(25) Cedar River (Pacific County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only).~~

~~((26)) (18) Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:~~

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

~~(b)) From the mouth (Highway 101 Bridge in Aberdeen) to South Elma Bridge (Wakefield Road) including all channels, sloughs, and interconnected waterways:~~

~~(i) ((All species August 1 through November 30:~~

~~(A)) Single-point barbless hooks are required.~~

~~((B)) (ii) Anglers may fish with two poles from the mouth to the South Elma Bridge (Wakefield Road), provided they possess a valid two-pole endorsement.~~

~~((ii) Game fish:~~

~~(A)) (iii) Open the ((first)) Saturday ((in June)) before Memorial Day through April 15:~~

~~((B)) (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(~~except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).~~~~

~~((iii)) (v) Salmon:~~

~~(A) From August 1 through September 15:~~

~~(I) Limit 6.~~

~~(II) Release adult salmon.~~

~~(B) From September 16 through December 31:~~

~~(I) Limit 6; only two adults may be retained.~~

~~(II) Only one wild adult coho may be retained.~~

~~(III) Release adult Chinook.~~

~~(C) From January 1 through January 31:~~

(I) Limit 6; only two adults may be retained.

(II) Release Chinook and wild coho.

~~((e))~~ (b) From South Elma Bridge (Wakefield Road) to the confluence with Black River:

(i) All species: Single-point barbless hooks are required August 1 through November 30.

(ii) ~~((Game fish:~~

~~(A))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15.

~~((B))~~ (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

~~((iii))~~ (iv) Salmon:

(A) From September 16 through December 31:

(I) Limit 6; only two adults may be retained.

(II) Only one wild adult coho may be retained.

(III) Release Chinook.

(B) From January 1 through January 31:

(I) Limit 6; only two adults may be retained.

(II) Release Chinook and wild coho.

~~((d))~~ (c) From the confluence of Black River to the high bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek (south of Pe Ell):

(i) All species August 16 through November 30: Single-point barbless hooks are required.

(ii) ~~((Game fish:~~

~~(A))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15.

~~((B))~~ (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

~~((iii))~~ (iv) Salmon:

(A) From September 16 through December 31:

(I) Limit 6; only two adults may be retained.

(II) Only one wild coho may be retained.

(III) Release Chinook and chum.

(B) From January 1 through January 31:

(I) Limit 6; only two adults may be retained.

(II) Release Chinook, chum, and wild coho.

~~((e))~~ (d) From high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell, including all forks) upstream:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15.

(ii) Selective gear rules ~~((apply))~~.

~~((iii))~~ (iii) ~~((Release all fish, except anglers may retain up to 2 hatchery steelhead.~~

~~(27))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(19) Chehalis River, South Fork (Lewis County):
~~((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b))~~ From the mouth to County Highway Bridge near Boistfort School:

~~((i))~~ (a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15.

~~((ii))~~ (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~(c) From the County Highway Bridge near Boistfort School, upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(28) Chenois Creek (Grays Harbor County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(29) Chester Creek (Grays Harbor County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply).~~

~~((30))~~ (20) Chimacum Creek (Jefferson County):

(a) From the mouth to Ness's Corner Road:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31.

(ii) Selective gear rules ~~((apply))~~.

~~(iii) ~~((Catch and release only.))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(b) From Ness's Corner Road ~~((to headwaters))~~ upstream:~~

~~(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day~~ through October 31.

~~(ii) Selective gear rules ~~((apply))~~.~~

~~(iii) ~~((Catch and release only.~~~~

~~(31))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(21) Clallam River (Clallam County):

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

~~(b) Open the first Saturday in June through January 31.~~

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

~~(i) Selective gear rules ~~((apply from the first Saturday in June through October 31.~~~~

~~(d) From the first Saturday in June through October 31: Catch and release only.~~

~~(e) Trout: Minimum length 14 inches)).~~

~~((32))~~ (ii) Release all fish.

(b) Open from November 1 through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(22) Clearwater River (Jefferson County):

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

(b) It is unlawful to use anything other than one barbless hook.

~~(c) ~~((Release wild (unclipped) rainbow trout.~~~~

~~(d))~~ From the mouth to Snahapish River:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through September 30 and December 1 through April 15:

(ii) ~~((It is unlawful to use bait the first Saturday in June))~~
Bait is allowed September 1 through ((August 31 and February 16 through April)) February 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).

(iv) Salmon: Open September 1 through September 30:

(A) Limit 3; only one adult may be retained;

(B) Release wild coho.

~~((e))~~ From Snahapish River upstream:

(i) Open the first Saturday in June through September 30.

(ii) It is unlawful to use bait.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.

~~((33))~~ (d) From the Snahapish River upstream:

(i) Open the Saturday before Memorial Day through September 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow trout.

~~((23))~~ **Cloquallum Creek (Grays Harbor County):** ~~((a))~~ Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((b))~~ From the mouth to the outlet at Stump Lake:

~~((i))~~ (a) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.

~~((ii))~~ (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.

(c) From the outlet at Stump Lake upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

~~((34))~~ **Coal Creek (Clallam County) tributary to Ozette River, outside the Olympic National Park boundary:**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.

(ii) Release kokanee.

~~((35))~~ **Connor Creek (Grays Harbor County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((36))~~ **Cook Creek (Grays Harbor County), from the Quinault Indian Reservation boundary upstream:**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).

~~((37))~~ **(24) Copalis River (Grays Harbor County):**

(a) From the mouth to Carlisle Bridge:

(i) From the ((first)) Saturday ((in June)) before Memorial Day through last day in February((, Open for game fish)).

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

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).

(iv) Salmon: ((A)) From October 1 through December 31.

~~((B))~~ (A) Limit 6; only two adult salmon may be retained.

~~((H))~~ (B) Only one wild adult coho may be retained.

~~((H))~~ (C) Release Chinook.

(b) From Carlisle Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).

~~((38))~~ **(25) Crim Creek (Lewis County) (Chehalis River tributary):** ~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply.

~~((39))~~ **Crocker Lake (Jefferson County):** Closed.

~~((40))~~ **Crooked Creek (Clallam County) and tributaries that are outside of Olympic National Park:**

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

~~((41))~~ **Damon Lake (Grays Harbor County):** Open the first Saturday in June through October 31.) Closed waters.

~~((42))~~ **(26) Deep Creek (Clallam County) (tributary to the straits):**

(a) Open December 1 through January 31.

(b) Selective gear rules ((apply)).

(c) ((Release all fish, except mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((43))~~ **Deep Creek (Grays Harbor County) (Humptulips River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((44))~~ **Delezene Creek (Grays Harbor County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((45))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(27) Dickey River (Clallam County):

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

(b) ~~((Release wild (unclipped) rainbow trout.~~

~~((c))~~ It is unlawful to use anything other than one barbless hook.

~~((d))~~ (c) From Olympic National Park boundary upstream to the confluence of the East and West forks:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 30.

(ii) It is unlawful to use bait the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

(iv) Salmon: Open July 1 through November 30:

(A) July 1 through August 31:

(I) Limit 6; only 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) September 1 through November 30: Limit 3; only one adult may be retained.

~~((e))~~ (d) From the confluence of the East and West forks upstream (for both forks):

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat 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.~~

~~((46)) (28) Donkey Creek (Grays Harbor County):~~

~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply).

~~((47)) (28) Duck Lake (Grays Harbor County):~~

(a) Game fish: Statewide minimum length/daily limit, except: Crappie: No limit and no minimum length.

(b) Grass carp: No limit for anglers and bow and arrow fishing.

~~((48)) (29) Dungeness River (Clallam County):~~ ~~((a)) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~((b))~~ From the mouth to the forks at Dungeness Forks Campground:

~~((i))~~ (a) Open October 6 through January 31.

~~((ii))~~ (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iii))~~ (c) Salmon:

~~((A))~~ (i) Open October 16 through November 30 from the mouth to the hatchery intake pipe at river mile 11.3.

~~((B))~~ (ii) Limit 4 coho only.

~~((C))~~ (iii) Release wild coho.

~~((e))~~ From Gold Creek upstream: Open the Saturday before Memorial Day through October 31.

~~((49)) (30) East Twin River (Clallam County):~~

~~((a))~~ ~~((Open the first Saturday in June through October 31.~~

~~((b))~~ Selective gear rules ~~((apply)).~~

~~((c))~~ Catch and ~~((b))~~ Release ~~((only))~~ all fish.

~~((50) Eight Creek (Lewis County) (tributary to Elk Creek, which is a Chehalis River tributary):~~

~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply:

~~((51) Elk Creek (Clallam County), outside of Olympic National Park:~~

~~((a))~~ Open the first Saturday in June through October 15.

~~((b))~~ Selective gear rules apply.

~~((c))~~ Trout:

~~((i))~~ Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((ii))~~ Release kokanee.

~~((52)) (31) Elk Creek (Lewis County) (Chehalis River tributary):~~

~~((a))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ~~((October))~~ September 30 and January 1 through March 31.

~~((b))~~ Selective gear rules apply.

~~((53)) (32) Elk Lake (Clallam County):~~

(a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 15.

(b) Selective gear rules ~~((apply)).~~

~~((c))~~ ~~((Trout:~~

~~((i))~~ Game fish: Statewide minimum length/daily limit, except:

~~((i))~~ Trout: Daily limit 2; minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

~~((ii))~~ Release kokanee.

~~((54)) (33) Elk River (Grays Harbor County):~~

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

~~((b))~~ From the mouth (Highway 105 Bridge) to the confluence of the middle branch:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February.

(ii) From August 16 through November 30: Single-point barbless hooks are required.

~~((ii))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

(iv) Salmon: Open October 1 through November 30.

(A) Daily limit 6, of which 2 may be adults.

(B) Only one wild adult coho may be retained.

(C) Release adult Chinook.

~~((e))~~ (b) From confluence of the middle branch upstream:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February.

~~((ii))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow 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.~~

~~(55) Elkhorn Creek (Pacific County) (Smith Creek tributary):~~

- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~

~~(56) Ellis Creek (Pacific County) (Willapa River tributary):~~

- ~~(a) Open the first Saturday in June through October 15.~~
- ~~(b) Selective gear rules apply.~~

~~(57) Ellsworth Creek (Pacific County) (Naselle River tributary):~~

- ~~(a) Open the first Saturday in June through September 30.~~
- ~~(b) Selective gear rules apply.~~

~~((58)) (34) Failor Lake (Grays Harbor County):~~
~~((a)) Open the fourth Saturday in April through ((October 31)) September 15.~~

~~((b) Trout: It is unlawful to retain more than two trout over 15 inches in length per day.~~

~~(59) Fairchild Creek (Pacific County) (Wilson Creek tributary, which is a Willapa River tributary):~~

- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~

~~(60) Fall River (Pacific County) (North River tributary):~~

- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~

~~(61) Falls Creek (Pacific County) (Willapa River tributary):~~

- ~~(a) Open the first Saturday in June through October 15.~~
- ~~(b) Selective gear rules apply.~~

~~(62) Fern Creek (Pacific County) (Willapa River tributary):~~

- ~~(a) Open the first Saturday in June through October 15.~~
- ~~(b) Selective gear rules apply.~~

~~(63) Finn Creek (Pacific County) (North NemaH River tributary):~~ Open the first Saturday in June through October 31.~~(64)) (35) Fork Creek (Pacific County) (Willapa River tributary):~~

~~(a) From Forks Creek Hatchery rack upstream 500 feet at fishing boundary sign:~~

- ~~(i) Open only for anglers with lower extremity disabilities who must permanently use a medically prescribed assistive device every time for mobility as defined in WAC 220-413-150 and possess a designated harvester companion card.~~
- ~~(ii) Night closure ((in effect)).~~
- ~~(iii) From October 1 through November 30:~~
- ~~(A) Single-point barbless hooks ((are)) required.~~
- ~~(B) Stationary gear restriction ((applies)).~~

~~(iv) Open the ((first)) Saturday ((in June)) before Memorial Day through July 15 and October 1 through March 31(∓ Release all fish, except anglers may retain up to 2 hatchery steelhead).~~

~~(v) Game fish: State wide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(vi) Salmon open ((October 1 through January 31.)):~~

~~(A) From October 1 through November 30:~~

~~(I) Limit 6; only 3 adults may be retained, and only 2 may be wild coho.~~

(II) Release wild Chinook.

(B) From December 1 through January 31:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild coho.

(II) Release wild Chinook.

(b) From the fishing boundary sign 500 feet above Forks Creek Hatchery rack upstream to the source:

(i) ((Open the first Saturday in June through October 31.

(ii)) Selective gear rules ((apply)).

~~((65) Garrard Creek (Grays Harbor County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(66) Gibbs Lake (Jefferson County):~~

~~(a) Selective gear rules apply.~~

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

~~(c) Trout: Catch and release only.~~

~~(67)) (i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(36) Goodman Creek (Jefferson County), outside Olympic National Park:~~

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

~~(b)) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.~~

~~((c)) (b) Selective gear rules ((apply)).~~

~~((d)) (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow 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.~~

~~(68) Grass Creek (Grays Harbor County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~((69)) (37) Gray Wolf River (Clallam County):~~

~~(a) From the confluence with the Dungeness to the bridge at river mile 1.0: Closed waters.~~

~~(b) From the bridge at river mile 1.0, upstream:~~

~~((a) Open the first Saturday in June through October 31.~~

~~(b)) (i) Selective gear rules ((apply)).~~

~~((c) Catch and release only.~~

~~(70) Halfmoon Creek (Pacific County) (Willapa River tributary):~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(71) Halfway Creek (Lewis County) (tributary of Stillman Creek, which is a Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31 from the mouth to the second bridge crossing on Pe Ell McDonald Road:~~

~~(b) Selective gear rules apply.~~

~~(72) Hanaford Creek (Lewis County) (Skookumchuck River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(73) Harris Creek (Grays Harbor County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Trout: Selective gear rules apply.~~

~~(74)) (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(38) Hoh River (Jefferson County):~~

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

~~(b) ((Release wild (unclipped) rainbow trout.~~

~~(e)) It is unlawful to use anything other than one barbless hook.~~

~~((d)) (c) From the Olympic National Park boundary upstream to the DNR Oxbow Campground Boat Launch:~~

~~(i) It is unlawful to use bait from the Saturday before Memorial Day through September 30 and February 16 through April 15.~~

~~(ii) Open ((July 1 through August 31 and September 16)) the Saturday before Memorial Day through April 15:~~

~~((A) From July 1 through August 31 and September 16 through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(B) From April 1 through April 15:)) (iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Release wild rainbow trout.~~

~~(B) Cutthroat trout: Minimum length 14 inches.~~

~~(C) From November 1 through February 15: ((The trout limit may include one additional hatchery steelhead.~~

~~(ii) It is unlawful to use bait the first Saturday in June through September 30 and February 16 through April 15.~~

~~((iii)) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(iv) Salmon: Open September 16 through November 30: Limit 6; only 2 adults may be retained of which only one may be a Chinook.~~

~~((e)) (d) From the DNR Oxbow Campground Boat Launch to Morgans Crossing Boat Launch:~~

~~(i) Open ((July 1 through August 31 and September 16)) the Saturday before Memorial Day through April 15.~~

~~(ii) It is unlawful to use bait the Saturday before Memorial Day through October 15 and December 1 through April 15.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Release wild rainbow trout.~~

~~(B) Cutthroat trout: Minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

~~(iv) Salmon open October 16 through November 30: Limit 6; only 2 adults may be retained, of which only one may be a Chinook.~~

~~((f)) (e) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:~~

~~(i) Open ((July 1 through August 31 and September 16)) the Saturday before Memorial Day through April 15.~~

~~(ii) It is unlawful to use bait.~~

~~(iii) It is unlawful to fish from a floating device.~~

~~(iv) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Release wild rainbow trout.~~

~~(B) Cutthroat 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)).~~

~~((75)) (39) Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:~~

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

~~(b) Open ((July 1 through August 31 and September 16)) the Saturday before Memorial Day through April 15.~~

~~(c) It is unlawful to use anything other than one barbless hook.~~

~~(d) It is unlawful to use bait.~~

~~(e) ((Release wild (unclipped) rainbow trout.~~

~~(f) 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.~~

~~(76)) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Release wild rainbow trout.~~

~~(ii) Cutthroat trout: Minimum length 14 inches.~~

~~(40) Hoko River (Clallam County):~~

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

~~(b)) From the mouth to the upper Hoko Bridge:~~

~~(i) ((Closed to fishing)) From the hatchery ladder downstream 100 feet: Closed waters.~~

~~(ii) Open the ((first Saturday in June)) Saturday before Memorial Day through March 15.~~

~~(iii) From September 1 through October 31: Open to fly fishing only ((September 1 through October 31, except mandatory retention of hatchery steelhead)).~~

~~((iii)) (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length ((fourteen)) 14 inches.~~

~~((e)) (b) From the upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5):~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31 to fly fishing only((, except mandatory retention of hatchery steelhead)).~~

~~(ii) ((Release all fish except anglers may retain up to two hatchery steelhead, except mandatory retention of hatchery steelhead.~~

~~(77)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(41) Hoquiam River, including West Fork (Grays Harbor County):~~

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

~~(b)) From the mouth (Highway 101 Bridge on Simpson) to Dekay Road Bridge (West Fork):~~

~~(i) August 16 through November 30: Single-point barbless hooks ((are)) required.~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day of February:~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

- ~~((iii))~~ (iv) Salmon: Open October 1 through December 31.
- (A) Daily limit 6, of which 2 may be adults.
 (B) Only one wild coho may be retained.
 (C) Release Chinook.
~~((e))~~ (b) From Dekay Road Bridge upstream:
 (i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day of February.
 (ii) Selective gear rules ~~((apply))~~.
 (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow 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))~~.
- ~~((78))~~ **(42) Hoquiam River, East Fork (Grays Harbor County):**
 (a) ~~((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~
~~((b))~~ From the mouth to the confluence of Berryman Creek:
 (i) August 16 through November 30: Single-point barbless hooks are required.
 (ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day of February~~((;))~~.
 (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit))~~.
- ~~((iii))~~ (iv) Salmon: Open October 1 through December 31.
- (A) Daily limit 6, of which 2 may be adults.
 (B) Only one wild coho may be retained.
 (C) Release Chinook.
~~((e))~~ (b) From the confluence of Berryman Creek upstream ~~((to Youman's Road Bridge))~~:
 (i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day of February.
 (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow 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.~~
- ~~(79) Hoquiam River, Middle Fork (Grays Harbor County):~~ From the mouth upstream:
 (a) Open the first Saturday in June through last day of October.
 (b) Selective gear rules apply.
- ~~(80) Horseshoe Lake (Jefferson County):~~
 (a) Open the fourth Saturday in April through October 31.
 (b) Selective gear rules apply.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Trout: Limit one.
- ~~(81) Howe Creek (Jefferson County):~~
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Catch and release only).
~~((82))~~ (iii) Selective gear rules.

- (43) Humptulips River (Grays Harbor County):**
 (a) ~~((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~
~~((b))~~ From the mouth (Jessie Slough) to the Highway 101 Bridge, including all channels, sloughs, and interconnected waterways:
 (i) From August 16 through November 30:
 (A) Night closure ~~((in effect))~~.
 (B) Single-point barbless hooks are required.
 (ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31~~((;))~~.
 (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit))~~.
- ~~((iii))~~ (iv) Salmon ~~((open September 1 through January 31))~~:
 (A) From September 1 through October 15:
 (I) Limit 6; only 2 adults may be retained.
 (II) Release wild Chinook and wild coho.
 (B) From October 16 through October 31:
 (I) Limit 6; only 2 adults may be retained, and only one may be a Chinook.
 (II) Release wild Chinook and wild coho.
 (C) From November 1 through January 31:
 (I) Limit 6; Only two adults may be retained.
 (II) Release Chinook and wild coho.
~~((e))~~ (b) From the Highway 101 Bridge to the confluence of the East and West forks:
 (i) From December 1 through March 31: It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (ii) From August 16 through November 30:
 (A) Night closure ~~((in effect))~~.
 (B) Single-point barbless hooks are required.
 (iii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31~~((;))~~
 (A) ~~From the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~
 (B) From March 1 through March 31:
 (I) Release all fish, except anglers may retain up to 2 hatchery steelhead.
 (II) Selective gear rules apply).
 (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 (v) Salmon ~~((open September 1 through January 31))~~:
 (A) From September 1 through October 15:
 (I) Limit 6; only 2 adults may be retained.
 (II) Release wild Chinook and wild coho.
 (B) From October 16 through October 31:
 (I) Limit 6; only 2 adults may be retained, and only one may be a Chinook.
 (II) Release wild Chinook and wild coho.
 (C) From November 1 through January 31:
 (I) Limit 6; only two adults may be retained.
 (II) Release Chinook and wild coho.

~~((83))~~ **(44) Humptulips River, East Fork (Grays Harbor County):** ~~((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b) From the mouth to the concrete bridge on Forest Service Road 220:~~

~~(i) From August 16 through October 31:~~

~~(a) Anti-snagging rule (~~applies and~~).~~

~~(b) Night closure (~~in effect~~).~~

~~(ii) Open the first Saturday in June through October 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(c) From the concrete bridge on Forest Service Road 220 upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply).~~

~~((84))~~ **(45) Humptulips River, West Fork (Grays Harbor County):** ~~((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b) From the mouth to Donkey Creek:~~

~~((i)) (a) From August 16 through November 30:~~

~~(i) Anti-snagging rule (~~applies and~~).~~

~~(ii) Night closure (~~in effect~~).~~

~~((ii)) (b) Open the (~~first~~) Saturday (~~in June~~) before Memorial Day through March 31(~~:~~~~

~~(A) From the first Saturday in June through the last day in February:)).~~

~~(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(~~, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~~~

~~(B) From March 1 through March 31:~~

~~(I) Selective gear rules apply.~~

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

~~(III) Release all fish, except anglers may retain up to 2 hatchery steelhead.~~

~~(c) From Donkey Creek upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(85) Independence Creek (Grays Harbor County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(86) Jimmy Come Lately Creek (Clallam County):~~

~~(a) From the mouth to confluence with East Fork:~~

~~(i) Open the first Saturday in June through August 31.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Catch and release only.~~

~~(b) From confluence with East Fork upstream, including East Fork: Open the first Saturday in June through October 31).~~

~~((87))~~ **(46) Joe Creek (Grays Harbor County):** ~~((a)) From the mouth to Ocean Beach Road Bridge:~~

~~((i)) (a) August 16 through November 30: Single-point barbless hooks are required.~~

~~((ii)) (b) Open the (~~first~~) Saturday (~~in June~~) before Memorial Day through (~~November 30:~~) December 31.~~

~~(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(~~, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit~~)).~~

~~((iii)) (d) Salmon: Open October 1 through December 31:~~

~~((A)) (i) Limit 6; only two adults may be retained.~~

~~((B)) (ii) Only one wild adult Coho may be retained.~~

~~((C)) (iii) Release Chinook.~~

~~((b) From Ocean Beach Road Bridge upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(88))~~ **(47) Johns River (Grays Harbor County):** ~~((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b) From the mouth (Highway 105 Bridge) to Ballon Creek:~~

~~((i)) (a) August 16 through November 30: Single-point barbless hooks are required.~~

~~((ii)) (b) Open the (~~first~~) Saturday (~~in June~~) before Memorial Day through the last day in February(~~:~~).~~

~~(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(~~, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit~~)).~~

~~((iii)) (d) Salmon: Open October 1 through November 30.~~

~~((A)) (i) Daily limit 6, of which 2 may be adults.~~

~~((B)) (ii) Only one wild adult coho may be retained.~~

~~((C)) (iii) Release adult Chinook.~~

~~((e) From Ballon Creek upstream, including North and South Forks:~~

~~(i) Open the first Saturday in June through September 30 and December 1 through the last day in February.~~

~~(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(89) Jones Creek (Lewis County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(90))~~ **(48) Kalaloch Creek (Jefferson County), outside Olympic National Park:**

~~(a) ((Closed within the section posted as the Olympic National Park water supply.~~

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

~~(e)) Open the (~~first~~) Saturday (~~in June~~) before Memorial Day through the last day in February:~~

~~((i)) (b) Selective gear rules (~~apply~~).~~

~~((ii)) (c) Game fish: State wide minimum length/daily limit, except: Cutthroat trout and wild rainbow 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.~~~~

~~(91) Leland Creek (Jefferson County):~~

- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~
- ~~(c) Catch and release only.~~

~~((92)) (49) Lena Lake, Lower (Jefferson County):~~

The inlet stream (~~is closed~~) from the mouth upstream to the footbridge (about 100 feet); Closed waters.

~~((93) Lincoln Creek, including South Fork (Lewis County) (Chehalis River tributary):~~

- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~

~~(94)) (50) Lincoln Pond (Clallam County):~~ Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((95)) (51) Little Hoko River (Clallam County):~~

- ~~(a) ((Open the first Saturday in June through October 31.~~
- ~~(b)) Selective gear rules ((apply.~~
- ~~(c) Catch and release only.~~

~~(96) Little Hoquiam River (Grays Harbor County):~~

- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~

~~(97) Little North River (Grays Harbor County) (North River tributary):~~

- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~

~~(98) Little Quileene River (Jefferson County):~~

~~(a) From the mouth to the Little Quileene River Bridge on Penny Creek Road:~~

- ~~(i) Open the first Saturday in June through October 31.~~
- ~~(ii) From the mouth to Highway 101 Bridge: Open first Saturday in June through August 31.~~
- ~~(iii) Selective gear rules apply.~~
- ~~(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~
- ~~(v) Catch and release only.~~

~~(b) From Little Quileene River Bridge on Penny Creek Road upstream: Open the first Saturday before Memorial Day through October 31.~~

~~(99) Long Beach Peninsula waterways and lakes (Pacific County):~~ Open the fourth Saturday in April through October 31.

~~(100)).~~

~~(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(52) Loomis Lake (Pacific County):~~ Open the fourth Saturday in April through October 31.

~~((101) Loomis Pond (Grays Harbor County):~~ Closed.

~~(102) Lower Salmon Creek (Grays Harbor/Pacific counties) (North River tributary):~~

- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~

~~(103) Lucas Creek (Lewis County) (tributary to the Newaukum River North Fork):~~

- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~
- ~~(c) Trout: Catch and release only.~~

~~(104) Ludlow Creek (Jefferson County):~~

- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~
- ~~(c) Catch and release only.~~

~~(105) Ludlow Lake (Jefferson County):~~ Open the fourth Saturday in April through October 31.

~~(106)) (53) Lyre River (Clallam County):~~

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

~~(b)) From the mouth to falls near river mile 3:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through January 31.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~((e)) (b) From the falls to the Olympic National Park boundary:~~

~~(i) ((Open the first Saturday in June through October 31.~~

~~(ii)) Selective gear rules ((apply.~~

~~(iii) Catch and release only, except mandatory hatchery steelhead retention applies.~~

~~(107) Matheny Creek (Jefferson County) (Queets River tributary), outside Olympic National Park:~~

~~(a) Open the first Saturday in June through September 30.~~

~~(b) It is unlawful to use bait.~~

~~(c) Release wild (unmarked) rainbow trout.~~

~~(d) It is unlawful to use anything other than one barbless hook.~~

~~(e) 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.~~

~~(108)).~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(54) Matheny Creek (Jefferson County) (Queets River tributary), outside the Olympic National Park:~~

~~(a) Open the Saturday before Memorial Day through September 30.~~

~~(b) It is unlawful to use bait.~~

~~(c) It is unlawful to use anything other than one barbless hook.~~

~~(d) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Release wild rainbow trout.~~

~~(ii) Cutthroat trout: Minimum length 14 inches.~~

~~(55) McDonald Creek (Clallam County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e) Catch and release only.~~

~~(109)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(56) Middle Nemah River (Pacific County):~~

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

~~(b)) From the mouth upstream to the department of natural resources bridge on the Middle Nemah A-Line Road:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31(=: Release all fish except anglers may retain up to 2 hatchery steelhead)).~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iii) From August 1 through November 30:~~

(A) Night closure (~~(in effect)~~).

(B) Single-point barbless hooks are required.

~~((iii))~~ (iv) Salmon:

(A) Open September 1 through January 31.

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

(C) Release wild Chinook.

~~((e))~~ (b) From the department of natural resources bridge on the Middle Nemah A-Line Road upstream:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31:

~~((A))~~ (ii) Selective gear rules ~~((apply))~~.

~~((B))~~ Release all fish, except mandatory retention of hatchery steelhead.

~~((ii))~~ (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) From August 16 through November 30:

(A) Anti-snagging rule ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

~~((110))~~ **Mill Creek (Pacific County) (Willapa River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((111))~~ **Mill Creek Pond (Grays Harbor County):** Open to juvenile anglers only.

~~((112))~~ **Mitchell Creek (Lewis County) (tributary to the Newaukum River North Fork):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

~~((113))~~ (57) **Moclips River (Grays Harbor County):**

(a) ~~((Open))~~ From the mouth to the Quinalt Indian Reservation boundary ~~((from the first))~~.

(b) Open the Saturday ~~((in June))~~ before Memorial Day through the last day in February.

~~((b))~~ Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((ii))~~ (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

~~((e))~~ (e) Salmon: Open October 1 through December 31.

(i) Daily limit 6, of which 2 may be adults.

(ii) Only one wild adult coho may be retained.

(iii) Release Chinook.

~~((114))~~ (58) **Morse Creek (Clallam County):** ~~((a))~~ Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((b))~~ From the mouth to Port Angeles Dam:

~~((ii))~~ (a) Open from December 1 through January 31.

~~((ii))~~ (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((e))~~ From Port Angeles Dam upstream: Open the first Saturday in June through October 31.

~~((115))~~ (59) **Mosquito Creek (Jefferson County):** ~~((a))~~ Open) From outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge ~~((from the first))~~:

(a) Open the Saturday ~~((in June))~~ before Memorial Day through the last day in February.

(b) ~~((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead:))~~

~~((e))~~ Selective gear rules ~~((apply))~~.

~~((d))~~ (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow 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.))~~

~~((116))~~ **Mox Chehalis Creek (Grays Harbor County) (Chehalis River tributary):** Open the first Saturday in June through October 31: Selective gear rules apply).

~~((117))~~ (60) **Naselle River (Pacific/Wahkiakum counties):**

(a) ~~((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead:))~~

(b) Selective gear rules apply February 1 through April 15.

~~((d))~~ From the Highway 101 Bridge to the Highway ~~((4))~~ 401 Bridge:

(i) From August 1 through November 15:

(A) Night closure ~~((in effect))~~.

(B) Anti-snagging rule ~~((applies))~~.

(C) Barbless hooks are required.

~~((D))~~ From the South Fork upstream to the Highway 4 Bridge: Stationary gear restriction applies.)

(ii) ~~((From Highway 101 Bridge upstream to Highway 401:))~~ Anglers may fish with two poles August 1 through January 31, provided they possess a valid two-pole endorsement.

(iii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15 ~~((; Release all fish except anglers may retain up to 2 hatchery steelhead))~~.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((v))~~ Salmon ~~((open August 1 through January 31))~~:

(A) ~~((From))~~ Open August 1 through October 31:

(I) Limit 6; only 4 adults may be retained.

(II) Release wild Chinook.

(B) ~~((From))~~ Open November 1 through January 31:

(I) Limit 6; only 4 adults may be retained and only two adults may be wild coho.

(II) Release wild Chinook.

~~((d))~~ (b) From the Highway ~~((4))~~ 401 Bridge to the upstream entrance of the Naselle Hatchery Attraction Channel:

(i) ~~((Closed waters))~~ From the upstream entrance of the hatchery attraction channel downstream 300 feet: Closed waters.

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

(iii) From February 1 through April 15: Selective gear rules.

(iv) From August 16 through October 15: Bait or lure must be suspended below a float.

~~((iv))~~ (v) From August 16 through November 15:

(A) Night closure ~~((in effect))~~.

(B) Anti-snagging rule ~~((applies))~~.

(C) Barbless hooks are required.

(D) Stationary gear rules ~~((in effect))~~.

~~((v))~~ (vi) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through July 31 and September 16 through April 15 ~~((: Release all fish, except mandatory retention of hatchery steelhead))~~.

~~((vi))~~ (vii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((vii))~~ (viii) Salmon ~~((open August 16 through January 31))~~:

(A) ~~((From))~~ Open August 16 through September 15 ~~((:))~~.

(I) Limit 6; only 2 adults may be retained.

(II) Release wild Chinook.

(B) ~~((From))~~ Open September 16 through October 31 ~~((:))~~.

(I) Limit 6; only 4 adults may be retained.

(II) Release wild Chinook.

(C) ~~((From))~~ Open November 1 through January 31 ~~((:))~~.

(I) Limit 6; only 4 adults may be retained and only two may be wild coho.

(II) Release wild Chinook.

~~((e))~~ (c) From the upstream entrance of the Naselle Hatchery Attraction Channel to the Crown Mainline (Salme) Bridge:

(i) ~~((The following areas are closed:~~

~~((A))~~ From the falls in Sec. 6, T10N, R8W (Wahkiakum Co.) downstream 400 feet: Closed waters.

~~((B))~~ (ii) Downstream of the full spanning concrete diversion structure at the Naselle Hatchery: Closed waters August 1 through October 15.

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

~~((iii))~~ (iv) From August 1 through November 15:

(A) Night closure ~~((in effect))~~.

(B) Anti-snagging rule ~~((applies))~~.

(C) Barbless hooks are required.

(D) Stationary gear rules ~~((in effect))~~.

~~((iv))~~ (v) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15 ~~((: Release all fish, except mandatory retention of hatchery steelhead))~~.

~~((v))~~ (vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon ~~((open October 16 through January 31))~~:

(A) ~~((From))~~ Open October 16 through October 31 ~~((:))~~.

(I) Limit 6; only 4 adults may be retained.

(II) Release wild Chinook.

(B) ~~((From))~~ Open November 1 through January 31 ~~((:))~~.

(I) Limit 6; only 4 adults may be retained and only two may be wild coho.

(II) Release wild Chinook.

~~((f))~~ (d) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:

(i) From February 1 through April 15; selective gear rules.

(ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15 ~~((: Release all fish except anglers may retain up to 2 hatchery steelhead))~~.

~~((ii))~~ (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) From August 16 through November 30:

(A) Night closure ~~((in effect))~~.

(B) Anti-snagging rule ~~((applies))~~.

~~((g))~~ (e) Upstream from the mouth of the North Fork ~~((:))~~.

(i) ~~((Open the first Saturday in June through October 31:~~

~~((ii))~~ Selective gear rules ~~((apply))~~.

~~((iii))~~ Release all fish, except mandatory retention of hatchery steelhead:

~~((118))~~ **North Naselle River (Pacific County):**

~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply.

~~((119))~~ (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((61))~~ **South Naselle River (Pacific County):**

(a) From the mouth to Bean Creek: Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February.

(b) From the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 15: Selective gear rules ~~((apply))~~.

(c) From August 16 through November 30: Anti-snagging rule ~~((applies))~~ and night closure ~~((in effect))~~.

(d) ~~((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~((120))~~ **Neil Creek (Grays Harbor County) (Wynoochee River tributary):**

(a) Open from the mouth to USFS 22 Road from the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply.

~~((121))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((62))~~ **Newaukum River, including South Fork (Lewis County):**

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

~~((b))~~ From the mouth to Leonard Road near Onalaska:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31:

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches (, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).

~~((ii))~~ (iii) From August 16 through November 30:

(A) Night closure ~~((in effect))~~.

(B) Single-point barbless hooks are required.

~~((iii))~~ (iv) Salmon: Open October 16 through December 31:

(A) Limit 6; only two adults may be retained.

(B) Only one wild coho may be retained.

(C) Release Chinook and chum.

~~((e))~~ (b) From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31:

~~((ii))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).

~~((ii))~~ (iii) From August 16 through November 30:

(A) Night closure ~~((in effect)).~~

(B) Single-point barbless hooks are required.

~~((d))~~ From Highway 508 Bridge upstream:

~~((i))~~ Open the first Saturday in June through October 31.

~~((ii))~~ Selective gear rules apply.

~~((iii))~~ Trout: Catch and release only.

~~((iv))~~ August 16 through October 31: Night closure in effect.

~~((122))~~ (63) Newaukum River, Middle Fork (Lewis County), from the mouth to Tauscher Road Bridge:

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

~~((b))~~ Open the ~~((first))~~ Saturday ~~((in June to))~~ before Memorial Day through March 31.

~~((e))~~ (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length).

~~((123))~~ (64) Newaukum River, North Fork (Lewis County), from the mouth to 400 feet below the Chehalis city water intake:

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

~~((b))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31.

~~((e))~~ (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length.

~~((124))~~ ~~Newman Creek (Grays Harbor County) (Chehalis River tributary):~~

~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply.

~~((125))~~ ~~Newskah Creek (Grays Harbor County):~~

~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply).

~~((126))~~ (65) Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge:

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

~~((b))~~ From August 16 through November 30:

(i) Night closure ~~((in effect)).~~

(ii) Single-point barbless hooks are required.

~~((e))~~ (b) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through November 30.

~~((d))~~ (c) Salmon:

(i) Open September 1 through November 30.

~~((i))~~ (ii) Limit 6; only 2 adults may be retained.

~~((ii))~~ (iii) Release wild Chinook.

~~((127))~~ (66) North Nemah River (Pacific County):

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

~~((b))~~ From Highway 101 Bridge upstream to the bridge on Nemah Valley Road:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31.

~~((ii))~~ ~~((Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) From August 1 through November 30:

(A) Night closure ~~((in effect)).~~

(B) Stationary gear restriction ~~((applies)).~~

(C) Single-point barbless hooks are required.

(iv) Salmon: Open August 1 through January 31.

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

~~((e))~~ (b) From the bridge on Nemah Valley Road upstream to approximately 1.66 miles to the Hancock property line:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through July 31 and November 16 through March 31.

~~((ii))~~ ~~((Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) From August 16 through November 30:

(A) Anti-snagging rule ~~((applies)).~~

(B) Night closure ~~((in effect)).~~

~~((iv))~~ ~~((Selective gear rules apply))~~ From December 1 through March 31: Selective gear rules.

~~((d))~~ (c) From the Hancock property line upstream approximately 900 feet to Nemah Hatchery barrier dam:

(i) Closed from bridge at Nemah Hatchery upstream to Nemah Hatchery barrier dam, except open only for salmon for anglers that possess a senior's license ~~((70 years old or older))~~ from August 16 through November 15.

(ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through July 31 and November 16 through March 31.

~~((ii))~~ ~~((Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) From August 16 through November 30:

(A) Anti-snagging rule ~~((applies)).~~

(B) Night closure ~~((in effect)).~~

~~((v))~~ ~~((Selective gear rules apply))~~ From December 1 through March 31: Selective gear rules.

(vi) Salmon open ~~((only for anglers that possess a senior's license (70 years old or older)))~~ to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card from August 16 through November 15.

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

~~((e))~~ (d) From the Nemah Hatchery barrier dam upstream to ~~((N-700 Road))~~ Cruiser Creek:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31.

(ii) ~~((Release all game fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 16 through November 30:

(A) Night closure ~~((in effect))~~.

(B) Anti-snagging rule ~~((applies))~~.

(iv) ~~((Selective gear rules apply))~~ From December 1 through March 31: Selective gear rules.

(v) Salmon: Open October 1 through January 31:

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

~~((f))~~ From the N-700 Road upstream to Cruiser Creek:

~~(i) Open the first Saturday in June through March 31.~~

~~(ii) Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.~~

~~(iii) From August 16 through November 30:~~

~~(A) Night closure in effect.~~

~~(B) Anti-snagging rule applies.~~

~~(iv) Selective gear rules apply from December 1 through March 31.~~

~~(128))~~ (67) North River (Grays Harbor/Pacific counties):

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

~~(b))~~ From the Highway 105 Bridge to Fall River:

(i) From August 16 through November 30:

(A) Night closure ~~((in effect))~~.

(B) Single-point barbless hooks are required.

(C) Anti-snagging rule.

(ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February ~~((: Release all fish, except mandatory retention of hatchery steelhead)).~~

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through January 31(=:).

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

~~((e))~~ From Salmon Creek (located approximately 2 miles upstream from Highway 101) to Fall River:

~~(i) August 16 through November 30.~~

~~(ii) Anti-snagging rule applies.~~

~~(d))~~ (b) From Fall River to Raimie Creek:

(i) ~~((Open the first Saturday in June through October 31.~~

~~(ii))~~ Selective gear rules ((apply)).

~~((iii)) Release all fish, except mandatory retention of hatchery steelhead.~~

~~(129) Owens Pond (Pacific County):~~ The first Saturday in June through October 31 season.

~~(130))~~ (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(68) Ozette Lake tributaries and their tributaries except Big River (Clallam County):~~ Outside of Olympic National Park. Open the Saturday before Memorial Day through October 15.

~~(69) Palix River, including all forks (Pacific County):~~

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

~~(b))~~ From the Highway 101 Bridge to the mouth of the Middle Fork:

(i) From August 16 through November 30:

(A) Night closure ~~((in effect))~~.

(B) Single-point barbless hooks are required.

(ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31 ~~((: Release all fish, except mandatory retention of hatchery steelhead)).~~

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open September 1 through January 31.

(B) Limit 6; only 4 adults may be retained.

(C) Release wild Chinook.

~~((e))~~ (b) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Canon rivers:

(i) From August 16 through October 15:

(A) Anti-snagging rule ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(ii) From the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 15, and from December 16 through March 31: Selective gear rules ~~((apply))~~.

(iii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 15, and from December 16 through March 31.

~~(iv) ((Release all fish, except mandatory retention of hatchery steelhead.~~

~~(131) Palmquist Creek (Clallam County), outside of Olympic National Park:~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout:~~

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii) Release kokanee.~~

~~(132))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(70) Peabody Creek (Clallam County):~~ Open ~~((the first Saturday in June through October 31))~~ to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((133) Penny Creek (Jefferson County):~~ Open the first Saturday in June through October 31.

~~(134) Petroleum Creek (Clallam County):~~ From the Olympic National Park boundary upstream:

~~(a) Open the first Saturday in June through October 31.~~

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~(135) Pheasant Lake (Jefferson County):~~ Open the fourth Saturday in April through October 31.

~~(136) Pilchuck Creek (Clallam County) (Sooes River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~(137) Pioneer Creek (Grays Harbor County) (North River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(138)) (71) Pleasant Lake (Clallam County):~~
(Trout:))

(a) Game fish: Statewide minimum length/daily limit, except:

(b) Kokanee: Daily limit 5; minimum length ((6)) 8 inches, maximum length 18 inches.

~~((139) Porter Creek (Grays Harbor County) (Chehalis River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(140) Promised Land Pond (Grays Harbor County):~~
Open the first Saturday in June through October 31.

~~(141)) (72) Pysht River (Clallam County):~~

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

~~(b))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through January 31.

~~((c))~~ (b) Selective gear rules ~~((apply))~~.

~~((d))~~ (c) From the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31 ~~((: Catch and release only))~~.

~~((e))~~ (i) Game fish: Statewide minimum length/daily limit, except:

(ii) Release cutthroat trout and wild rainbow trout.

(d) From November 1 through January 31: ~~((Trout minimum length 14 inches.~~

~~(142))~~

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(73) Quigg Lake (Grays Harbor County):~~

(a) ~~((Open the first Saturday in June through April 15.~~

~~(b))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((c))~~ (b) Salmon:

(i) Open October 1 through January 31.

(ii) Limit 6 hatchery coho salmon; only 4 may be adult hatchery coho.

~~((143))~~ (74) Quillayute River (Clallam County), outside of Olympic National Park:

(a) Open ~~((July 1 through June 30))~~ year-round.

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

(c) ~~((Release wild (unclipped) rainbow trout.~~

~~(d))~~ It is unlawful to use anything other than one barbless hook.

~~((e) Trout:))~~

(i) ~~((From May 1 through the Friday before the first Saturday in June: Release all trout except anglers may retain up to 2 hatchery steelhead.~~

~~((ii) From the first Saturday in June through March 31:))~~

Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches~~((: except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~((iii) From April 1 through April 30: Trout minimum length 14 inches)).~~

~~((iv))~~ (ii) From November 1 through the last day in February: ~~((Anglers may retain one additional hatchery steelhead as part of the limit))~~ Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((f))~~ (d) Salmon: ~~((Open February 1 through November 30:))~~

(i) From February 1 through August 31:

(A) Limit 6; only 2 adults may be retained.

(B) Release wild adult Chinook and wild adult coho.

(ii) From September 1 through November 30: Limit 6; only 3 adults may be retained, and only one of the adults may be wild.

~~((144))~~ (75) Quinault River (Grays Harbor County): From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

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

~~(b))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15.

~~((c) Release wild (unclipped) rainbow trout.~~

~~(d) It is unlawful to use anything other than one barbless hook.~~

~~(e) It is unlawful to use bait the first Saturday in June through September 30 and February 16 through April 15.~~

~~(f) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.)~~ (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait the Saturday before Memorial Day through September 30 and February 16 through April 15.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(f) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(g) Salmon ~~((open July 1 through November 30))~~:

(i) ~~((From))~~ Open July 1 through September 30 limit 6 jack salmon only.

(ii) ~~((From))~~ Open October 1 through November 30:

(A) Limit 6; only 2 adults may be retained.

(B) Release sockeye and chum.

~~((145) Quinn Creek (Clallam County), outside of Olympic National Park):~~

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

~~(146) Radar Ponds (Pacific County): Salmon: Land-locked salmon rules apply.~~

~~(147) Rainic Creek and all forks (Pacific County) (North River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(148) Ripley Creek (Jefferson County):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~(149) Rock Creek (Grays Harbor County) (Chehalis River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(150) Rock Creek (Lewis County) (Chehalis River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(151)) (76) Rocky Brook (Jefferson County) (Dosewallips River tributary): From the ((falls 1000-foot upstream of the mouth: Open the Saturday before Memorial Day through October 31.~~

~~(152) Rue Creek, including West Fork (Pacific County) (South Fork Willapa tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(153) Salmon Creek (Grays Harbor County) (North River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

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

~~(154)) mouth upstream: Closed waters.~~

~~(77) Salmon Creek (Pacific County) (tributary of Naselle River):~~

(a) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.

(b) Selective gear rules ((apply)).

(c) ((Release all fish except anglers may retain up to 2 hatchery steelhead.

~~(155))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(78) Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:~~

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

(b) It is unlawful to use anything other than one barbless hook.

~~(c) ((Release wild (unclipped) rainbow trout.))~~ It is unlawful to use bait the Saturday before Memorial Day through August 31.

~~(d) Open the ((first)) Saturday ((in June)) before Memorial Day through ((September 30 and December 1 through)) the last day in February((:~~

~~(i) It is unlawful to use bait the first Saturday in June through August 31.~~

~~(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~((iii)).~~

~~(e) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Release wild rainbow trout.~~

~~(ii) Cutthroat trout: Minimum length 14 inches.~~

~~(iii) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.~~

~~(iv) From November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(f) Salmon: Open September 1 through September 30:~~

~~((A)) (i) Limit 6; only 2 may be adults and only one of the adults may be a Chinook.~~

~~((B)) (ii) Release wild coho.~~

~~((156)) (79) Salt Creek (Clallam County): From the mouth to the bridge on Highway 112:~~

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

~~(b)) Open the ((first)) Saturday ((in June)) before Memorial Day through January 31.~~

~~((c)) (b) Selective gear rules ((apply)).~~

~~((d) First) (c) From the Saturday ((in June)) before Memorial Day through ((October) January 31: ((Catch and release only, except mandatory retention of hatchery steelhead.~~

~~(e) November 1 through January 31: Anglers may retain up to 2 hatchery steelhead.~~

~~(157) Sand Creek (Grays Harbor County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(158) Sandys Lake (Jefferson County): Open the fourth Saturday in April through October 31.~~

~~(159) Satsop Lakes (Grays Harbor County): Open the fourth Saturday in April through October 31.~~

~~(160))~~

~~(i) Game fish: Statewide minimum length/daily limit, except:~~

~~(ii) Release cutthroat trout and wild rainbow trout.~~

(80) Satsop River and East Fork (Grays Harbor County):

(a) From the mouth to the bridge at Schafer State Park:

(i) ~~From~~ August 16 through November 30:(A) Night closure (~~in effect~~).

(B) Single-point barbless hooks are required.

(ii) Open the (~~first~~) Saturday (~~in June~~) before Memorial Day through March 31:(A) Game fish: Statewide minimum length/daily limit, except:(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches(~~, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit~~).(iii) Salmon (~~open October 1 through January 31~~):(A) (~~From~~) Open October 1 through December 31:

(I) Limit 6; only two adults may be retained.

(II) Only one wild coho may be retained.

(III) Release Chinook.

(B) (~~From~~) Open January 1 through January 31.

(I) Limit 6; only two adults may be retained.

(II) Release Chinook and wild coho.

(b) From the bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam:

(i) (~~Open the first Saturday in June through October 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.(ii) (~~Open~~) From August 16 through October 31:(A) Night closure (~~in effect~~).

(B) Single-point barbless hooks are required.

(c) From 400 feet downstream of the Bingham Creek Hatchery barrier dam upstream to the dam:

(i) Open within posted markers to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(ii) Night closure (~~in effect~~).

(iii) From August 16 through October 31: Single-point barbless hooks are required.

(iv) Open the (~~first~~) Saturday (~~in June~~) before Memorial Day through March 31:(A) Game fish: Statewide minimum length/daily limit, except:(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches(~~, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit~~).(v) Salmon (~~open October 1 through January 31~~):(A) (~~From~~) Open October 1 through December 31:

(I) Limit 6; only two adults may be retained.

(II) Only one wild coho may be retained.

(III) Release Chinook.

(B) (~~From~~) Open January 1 through January 31.

(I) Limit 6; only two adults may be retained.

(II) Release Chinook and wild coho.

(~~(d) From the Bingham Creek Hatchery dam upstream:~~)(i) ~~Open the first Saturday in June through October 31.~~(ii) ~~Selective gear rules apply.~~(iii) ~~August 16 through October 31: Night closure in effect.~~~~(161))~~ **(81) Satsop River, Middle Fork (Turnow Branch):**(a) (~~From the mouth to Cougar Smith Road:~~)(i) ~~From~~ August 16 through November 30:(~~(A))~~ (i) Anti-snagging rule (~~applies~~).(~~(B))~~ (ii) Night closure (~~in effect~~).(~~(ii))~~ (b) Open the (~~first~~) Saturday (~~in June~~) before Memorial Day through the last day in February:(i) Game fish: Statewide minimum length/daily limit, except:(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches(~~, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~(b) ~~From Cougar Smith Road upstream:~~(i) ~~Open the first Saturday in June through October 31.~~(ii) ~~Selective gear rules apply.~~(iii) ~~August 16 through October 31:~~(A) ~~Night closure in effect.~~(B) ~~Anti-snagging rule applies~~).~~(162))~~ **(82) Satsop River, West Fork:**(a) From (~~the mouth to Cougar Smith Road:~~)(i) ~~From~~ August 16 through November 30:(~~(A))~~ (i) Anti-snagging rule (~~applies~~).(~~(B))~~ (ii) Night closure (~~in effect~~).(~~(ii))~~ (b) Open the (~~first~~) Saturday (~~in June~~) before Memorial Day through the last day in February:(i) Game fish: Statewide minimum length/daily limit, except:(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches(~~, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~(b) ~~From Cougar Smith Road to USFS 2260 Road Bridge at Spoon Creek:~~(i) ~~Open the first Saturday in June through October 31.~~(ii) ~~Selective gear rules apply.~~(iii) ~~August 16 through October 31: Night closure in effect.~~(c) ~~From USFS 2260 Road Bridge at Spoon Creek upstream:~~(i) ~~Open the first Saturday in June through October 31.~~(ii) ~~Selective gear rules apply.~~(iii) ~~Eastern brook trout: No limit; no minimum size. 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.~~~~(163)~~ **Schafer Creek (Grays Harbor County) (Wynoochee River tributary):**(a) ~~From the mouth to USFS 22 Road:~~(b) ~~Open the first Saturday in June through October 31.~~(c) ~~Selective gear rules apply~~).~~(164))~~ **(83) Sekiu River (Clallam County):**(a) (~~Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~(b) ~~From the mouth to the forks:~~

~~((i))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through January 31.

~~((ii))~~ ~~(b)~~ From the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31: Selective gear rules ~~((apply))~~.

~~((iii))~~ November 1 through January 31: Catch and release only, except mandatory retention of hatchery steelhead.

~~((iv))~~ ~~(c)~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((e))~~ From the forks upstream:

~~(i)~~ Open the first Saturday in June through October 31.

~~(ii)~~ Selective gear rules apply.

~~(iii)~~ Catch and release only, except mandatory hatchery steelhead retention applies.

~~(165) Shine Creek (Jefferson County):~~

~~(a)~~ Open the first Saturday in June through October 31.

~~(b)~~ Selective gear rules apply.

~~(c)~~ Catch and release only.

~~(166) Shye Lake (Grays Harbor County):~~ Open the first Saturday in June through October 31.

~~(167))~~ ~~(84) Siebert Creek (Clallam County):~~

~~(a)~~ ~~((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply))~~.

~~((e))~~ Catch and release only.

~~(168) Silent Lake (Jefferson County):~~

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

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

~~(169) Sitkum River (Clallam County) (Calawah River tributary):~~

~~(a)~~ Open the first Saturday in June through October 31.

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

~~(c)~~ It is unlawful to use anything other than one barbless hook.

~~(d)~~ Release wild (unclipped) rainbow trout.

~~(e)~~ It is unlawful to use bait.

~~(f)~~ 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.

~~(170) Siwash Creek (Clallam County), outside of Olympic National Park:~~

~~(a)~~ Open the first Saturday in June through October 15.

~~(b)~~ Selective gear rules apply.

~~(c)~~ Trout:

~~(i)~~ Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~(ii)~~ Release kokanee.

~~(174))~~ ~~(b)~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~(85) Sitkum River (Clallam County) (Calawah River tributary)~~

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

~~(b)~~ It is unlawful to use anything other than one barbless hook.

~~(c)~~ It is unlawful to use bait.

~~(d)~~ Game fish: Statewide minimum length/daily limit, except:

~~(i)~~ Release wild rainbow trout.

~~(ii)~~ Cutthroat trout: Minimum length 14 inches.

~~(86) Skookumchuck River (Thurston County):~~ ~~((a))~~ Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~(b))~~ From the mouth to 100 feet below the outlet of the TransAlta/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:

~~((i))~~ ~~(a)~~ From August 16 through November 30:

~~((A))~~ ~~(i)~~ Night closure ~~((in effect))~~.

~~((B))~~ ~~(ii)~~ Single-point barbless hooks are required.

~~((i))~~ ~~(b)~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 30:

~~((A))~~ From the first Saturday in June through March 31, trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.)

~~(B)~~ From April 1 through April 30: Trout minimum length 14 inches.

~~((ii))~~ ~~(i)~~ Game fish: Statewide minimum length/daily limit, except:

~~(ii)~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(c)~~ Salmon: Open October 16 through December 31:

~~((A))~~ ~~(i)~~ Limit 6; only two adults may be retained.

~~((B))~~ ~~(ii)~~ Only one wild coho may be retained.

~~((C))~~ ~~(iii)~~ Release Chinook and chum.

~~((e))~~ From Skookumchuck Reservoir upstream, selective gear rules apply.

~~(172))~~ ~~(87) Smith Creek (near North River) (Pacific County):~~

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

~~(b))~~ From the mouth to the Highway 101 Bridge:

~~(i)~~ From August 16 through November 30:

~~(A)~~ Night closure ~~((in effect))~~.

~~(B)~~ Single-point barbless hooks are required.

~~(ii)~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February~~((: Release all fish except anglers may retain up to 2 hatchery steelhead))~~.

~~(iii)~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(iv)~~ Salmon: Open October 1 through December 31:

~~(A)~~ Limit 6; only 3 adults may be retained.

~~(B)~~ Release wild Chinook.

~~((e))~~ ~~(b)~~ From the Highway 101 Bridge upstream:

~~(i)~~ Selective gear rules ~~((apply))~~.

~~(ii)~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February~~((: Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(173) Smith Creek (Pacific County) (Chehalis River tributary):~~

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

~~(b)~~ Open the first Saturday in June through October 31.

~~(c)~~ Selective gear rules apply.

(174) ~~Snahapish River (Jefferson County) (Clearwater River tributary):~~

~~(a) Open the first Saturday in June through September 30.~~

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

~~(c) It is unlawful to use anything other than one barbless hook.~~

~~(d) It is unlawful to use bait.~~

~~(e) Release wild (unclipped) rainbow trout.~~

~~(f) 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).~~

~~((175)) (iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

(88) ~~Snahapish River (Jefferson County) (Clearwater River tributary):~~

~~(a) Open the Saturday before Memorial Day through September 30.~~

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

~~(c) It is unlawful to use anything other than one barbless hook.~~

~~(d) It is unlawful to use bait.~~

~~(e) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Release wild rainbow trout.~~

~~(ii) Cutthroat trout: Minimum length 14 inches.~~

(89) ~~Snow Creek and all tributaries (Jefferson County):~~ Closed waters.**(90) ~~Sol Duc River (Clallam County):~~**

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

~~(b) It is unlawful to use anything other than one barbless hook.~~

~~(c) ((Release wild (unclipped) rainbow trout.~~

~~(d) Open July 1 through June 30.~~

~~(e)) From the mouth to the concrete pump station at the Sol Duc Hatchery:~~

~~(i) It is unlawful to use bait July 1 through August 31 and February 16 through April 30.~~

~~(ii) ((Trout:~~

~~(A) May 1 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(B) The first Saturday in June through March 31: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(C) April 1 through April 30: Minimum length 14 inches.~~

~~((iii)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(iii) November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(iv) Salmon: ((Open February 1 through November 30:))~~

~~(A) From February 1 through August 31:~~

~~(I) Limit 6; only 2 adults may be retained.~~

~~(II) Release wild adult Chinook and wild adult coho.~~

~~(B) From September 1 through November 30:~~

~~(C) Limit 6; only 3 may be adults and only one adult may be wild.~~

~~((F)) (d) From the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya Campground:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through April 30.~~

~~(ii) It is unlawful to use bait.~~

~~(iii) ((Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(g) From the Highway 101 Bridge upstream of Klahowya Campground to the Olympic National Park boundary:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Release all fish, except anglers may retain up to 2 hatchery steelhead.~~

~~(iii) It is unlawful to use bait.~~

(176) ~~Solberg Creek (Clallam County) (Big River tributary):~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout:~~

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii) Release kokanee.~~

(177) ~~Solleks River (Jefferson County) (Clearwater River tributary):~~

~~(a) Open the first Saturday in June through September 30.~~

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

~~(c) It is unlawful to use anything other than one barbless hook.~~

~~(d) It is unlawful to use bait.~~

~~(e) Release wild (unclipped) rainbow trout.~~

~~(f) 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.~~

~~((178)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(c) From the Highway 101 Bridge upstream of Klahowya Campground to the Olympic National Park boundary:~~

~~(i) It is unlawful to use bait.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

(91) ~~Sol Duc River tributaries unless otherwise listed (Clallam County):~~

~~(a) Selective gear rules.~~

~~(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

(92) ~~Solleks River (Jefferson County) (Clearwater River tributary):~~

~~(a) Open the Saturday before Memorial Day through September 30.~~

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

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(93) Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation: ((A)) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.

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

~~(e) 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.~~

~~(d) From the first Saturday in June through October 31: Selective gear rules apply.~~

(179)) (94) South Bend Mill Pond (Pacific County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~(((180) South Creek (Clallam County), outside of Olympic National Park:~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout:~~

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii) Release kokanee.~~

(181)) (95) South Nemah River (Pacific County):

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

~~(b) From the mouth (Lynn Point, 117 degrees true to opposite shore) to the confluence with Middle Nemah River: ((A)) From September 1 through November 30:~~

~~(((A)) (i) Night closure ((in effect)).~~

~~(((B)) (ii) Single-point barbless hooks are required.~~

~~(((ii)) (b) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31: ((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(((iii))~~

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: ((A)) Open September 1 through January 31.

~~(((B)) (i) Limit 6; only 4 adults may be retained.~~

~~(((C)) (ii) Release wild Chinook.~~

~~(((e) From the confluence with the Middle Nemah River upstream to the second Highway 101 Bridge crossing:~~

~~(i) Open the first Saturday in June through March 31.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(182) Stearns Creek (Lewis County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(183)) (96) Stevens Creek (Grays Harbor County):~~

~~(((A)) From the mouth to the Highway 101 Bridge:~~

~~(((i) Closed)) (a) From the WDFW hatchery outlet~~

~~downstream ((400 feet)) to the cable crossing: Closed waters. ((ii)) (b) Open the ((first)) Saturday ((in June)) before Memorial Day through September 30 and December 1 through the last day in February.~~

~~(((iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(b) From the Highway 101 Bridge upstream to the Newbury Creek Road Bridge:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(184) Stillman Creek (Lewis County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31 from the mouth to water supply pipeline at Mill Creek.~~

~~(b) Selective gear rules apply.~~

~~(185) Stowe Creek (Lewis County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(186)) (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

(97) Sutherland Lake (Clallam County):

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

(b) ((Trout:)) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length ((6)) 8 inches and maximum length 18 inches.

~~(((187) Sylvia Creek (Grays Harbor County) (Wynoochee River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(188) Sylvia Lake (Grays Harbor County): It is unlawful to retain more than 2 trout over 15 inches in length.~~

(189) Tarboo Creek (Jefferson County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(190) Tarboo Lake (Jefferson County):

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

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

(191) Teal Lake (Jefferson County):

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

(b) Selective gear rules apply.

(c) Trout: Limit one.

(192) Thorndyke Creek (Jefferson County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(193)) (98) Thrash Creek (Pacific/Lewis County): Closed waters.

(99) Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):

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

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild ~~((unclipped) rainbow)~~ trout.

~~((e))~~ (ii) Cutthroat 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).~~

~~((f))~~ (c) From mouth to D2400 Road: Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 30.

~~((g))~~ (f) From D2400 Road upstream: ~~((Open the first Saturday in June through October 31.~~

~~(194) Trap Creek (Pacific County) (Willapa River tributary):~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(195) Trout Creek (Clallam County) (Big River tributary):~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout:~~

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii) Release kokanee.~~

~~(196) Twin Lake (Jefferson County): Open the fourth Saturday in April through October 31.~~

~~(197) Umbrella Creek (Clallam County), outside Olympic National Park, including tributaries:~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout:~~

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii) Release kokanee.~~

~~(198)) Open the Saturday before Memorial Day through October 31.~~

(100) Valley Creek (Clallam County): Open ((the first Saturday in June through October 31)) to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((199) Vance Creek (Grays Harbor County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(200)) (101) Vance Creek/Elma Ponds (Grays Harbor County), Pond One (Bowers Lake) and Pond Two (Lake Ines): ((a)) Pond One/Bowers Lake is open ((only)) to juvenile anglers, senior((s)) anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((b) Open the fourth Saturday in April through November 30:~~

~~(i) Anglers may not retain more than 2 trout over 15 inches in length.~~

~~(ii) Landlocked salmon rules apply.~~

~~(201)) (102) Van Winkle Creek (Grays Harbor County):~~

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

~~(b)) From August 16 through November 30:~~

~~(i) Night closure ((in effect)).~~

~~(ii) Anti-snagging rule ((applies)).~~

~~((e)) (b) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through January 31((:)).~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches (, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).~~

~~((ii)) (iii) Salmon ((open September 16 through January 31)):~~

~~(A) ((From)) Open September 16 through December 31:~~

~~(I) Limit 6; only two adults may be retained.~~

~~(II) Only one wild adult coho may be retained.~~

~~(III) Release adult Chinook.~~

~~(B) ((From)) Open January 1 through January 31.~~

~~(I) Limit 6; only two adults may be retained.~~

~~(II) Release Chinook and wild coho.~~

~~((d) From Lake Aberdeen upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(202) Vesta Creek and all forks (Grays Harbor County) (North River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(203) Ward Creek (Pacific County) (Willapa River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(204) Wentworth Lake (Clallam County): It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(205)) (103) West Twin River (Clallam County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((c) Catch and release only.~~

~~(206) Wildcat Creek (Grays Harbor County) (Cloquallum Creek tributary):~~

~~(a) Open from the mouth to the confluence of the Middle and East Forks from the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(207) Wildcat Creek, East Fork (Grays Harbor County) (Cloquallum Creek tributary):~~

~~(a) Open from the mouth to the Highway 108 Bridge (Simpson Avenue, in the town of McCleary) from the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(208)) (b) Release all fish.~~

(104) Willapa River (Pacific County):

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

~~(b))~~ From the mouth (city of South Bend boat launch) to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek:

(i) From August 1 through November 30:

(A) It is unlawful to fish from a floating device from the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles).

(B) Night closure ~~((in effect))~~.

(C) Single-point barbless hooks are required.

(D) Stationary gear restriction applies, except from the mouth of the Willapa River to the WDFW access site at the mouth of Ward/Wilson creeks.

(ii) From the City of South Bend boat launch upstream to the second bridge on Camp One Road: Anglers may fish with two poles August 1 through January 31, provided they possess a valid two-pole endorsement.

(iii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31 ~~((; release all fish except anglers may retain up to 2 hatchery steelhead))~~.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open August 1 through January 31:

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

~~((e))~~ (b) From Highway 6 Bridge to Fork Creek:

(i) From August 16 through November 30:

(A) Night closure ~~((in effect))~~.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction ~~((applies))~~.

(ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ~~((July))~~ August 15 and from September 16 through March 31: ~~((Release all fish, except anglers may retain up to 2 hatchery steelhead.))~~

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 16 through September 15:

(A) Limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

~~((iv))~~ (v) Salmon: Open September 16 through January 31:

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

~~((d))~~ (c) From Fork Creek upstream to the Highway 6 Bridge near the town of Lebam:

(i) From August 16 through October 31:

(A) Night closure ~~((in effect))~~.

(B) Single-point barbless hooks are required.

(ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ~~((October 31: Release all fish except anglers may retain up to 2 hatchery steelhead.))~~ March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through January 31:

(A) Limit 6; only 4 adults may be retained and only two may be wild coho.

(B) Release wild Chinook.

~~((e))~~ (d) From the Highway 6 Bridge near the town of Lebam upstream:

(i) From August 16 through October 31:

(A) Night closure ~~((in effect))~~.

(B) Single-point barbless hooks are required.

(ii) ~~((Open the first Saturday in June through October 31: Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~((209))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(105) Willapa River, South Fork (Pacific County):

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

~~(b))~~ From the mouth to the bridge on Pehl Road:

(i) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed waters.

(ii) From the Saturday before Memorial Day through July 31: Selective gear rules ~~((apply from the first Saturday in June through July 31))~~.

(iii) From August 1 through November 30:

(A) Night closure ~~((in effect))~~.

(B) Anti-snagging rule ~~((applies))~~.

(C) Barbless hooks are required.

~~((e))~~ (b) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February: ~~((Release all fish except anglers may retain up to 2 hatchery steelhead.))~~

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Salmon: Open August 1 through January 31:

~~((ii))~~ (A) Limit 6; only 3 adults may be retained.

~~((iii))~~ (B) Release wild Chinook.

~~((d))~~ (c) From Pehl Road upstream:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February.

(ii) ~~((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(210) Williams Creek (Pacific County) (North Nemah River tributary):~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Release all fish except anglers may retain up to two hatchery steelhead.~~

~~(211) Wilson Creek (Pacific County) (Willapa River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(212) Wilson Creek, North Fork (Pacific County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(213))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(106) Wishkah River (Grays Harbor County):

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

~~(b))~~) From August 16 through November 30: Single-point barbless hooks are required.

~~((e))~~) ~~(b)~~ From the mouth to 200 feet below the weir at the Wishkah Rearing Ponds:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches~~(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit))~~.

(iii) Salmon: Open October 1 through December 31:

(A) Limit 6; only two adults may be retained.

(B) Only one wild adult coho may be retained.

(C) Release Chinook.

(iv) From 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Open only to anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.

~~((d))~~ From the weir upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

~~(214) Wishkah River, East and West forks (Grays Harbor County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(215)) (107) Wynoochee River (Grays Harbor County):~~

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

~~(b))~~) From the mouth to the WDFW White Bridge Access Site:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches~~(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit))~~.

~~((iii))~~) ~~(iv)~~ Salmon: Open October 1 through December 31.

(A) Limit 6; only two adults may be retained.

(B) Only one wild adult coho may be retained.

(C) Release Chinook.

~~((e))~~) ~~(b)~~ From the WDFW White Bridge Access Site to the 7400 line bridge:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) From September 16 through November 30: It is unlawful to use bait.

(iii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31:

~~(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow 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))~~.

~~((d))~~) ~~(c)~~ From the 7400 line bridge to 400 feet below Wynoochee Dam, including the confluence of the reservoir upstream to Wynoochee Falls:

(i) ~~((Closed))~~ From 400 feet downstream of Wynoochee Dam and from the barrier dam near Grisdale: Closed waters.

(ii) Open the ~~((first))~~ Saturday ~~((in June through October 31 and from December 1))~~ before Memorial Day through March 31:

~~((A) From the first Saturday in June through October 31: Trout))~~ ~~(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches~~~~(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit))~~.

~~((B) From December 1 through March 31:~~

~~(H))~~) ~~(iv)~~ Selective gear rules ~~((apply))~~.

~~((H) Release all fish, except anglers may retain up to 2 hatchery steelhead.~~

~~(e) From Wynoochee Falls upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Eastern brook trout: No limit. 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.~~

~~(216)) (108) Wynoochee Reservoir (Grays Harbor County):~~

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

~~(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length ((+2)) 14 inches.~~

~~((e) Landlocked salmon rules apply.))~~

AMENDATORY SECTION (Amending WSR 17-17-029, filed 8/8/17, effective 9/8/17)

WAC 220-312-030 Freshwater exceptions to statewide rules—Southwest. (1) Abernathy Creek and ~~((all))~~ tributaries ~~((including Cameron, Slide, and Wiest creeks))~~ (Cowlitz County):

(a) From ~~((the mouth to a point))~~ 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center:

~~((i) Barbless hooks are required for salmon and steelhead.~~

~~(ii) Bass: No limit and no size restriction.~~

~~(iii) Channel catfish: No limit.~~

~~(iv) Walleye: No limit and no size restriction.~~

~~(v))~~ Closed waters.

~~(b) Open the ((first)) Saturday ((in June)) before Memorial Day through August 31 and November 1 through March 15.~~

~~((vi) 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.~~

~~(C)) (c) Selective gear rules.~~

~~(d) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(e) Salmon:~~

~~((H)) (i) Open November 1 through December 31.~~

~~((HH)) (ii) Limit 6; up to 2 may be adults.~~

~~((HHH)) (iii) Only hatchery Chinook and hatchery coho 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 Eriek and Ordway 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.)~~

~~(2) **Beaver Creek (Wahkiakum County):** Closed waters.~~

~~(3) **Blue Creek (Lewis County), from the mouth to Spencer Road:**~~

~~(a) ~~((Closed))~~ From posted sign above rearing pond outlet to Spencer Road: Closed waters.~~

~~(b) Anti-snagging rule ~~((applies))~~. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(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.~~

~~(e) Barbless hooks are required for salmon and steelhead.~~

~~(f)) Barbless hooks are required for salmon and steelhead.~~

~~(e) Open Saturday before Memorial Day through April 15.~~

~~(f) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 5; minimum length 8 inches.~~

~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(g) Salmon:~~

~~(i) Open August 1 through December 31.~~

~~(ii) Limit 6; up to 2 may be adults.~~

~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~

~~(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.)~~ Release all fish.~~

~~(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))~~ Game fish: Statewide minimum length/daily limit, except: Trout: Daily 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))~~ October 31.~~

~~(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))~~ (9) **Cedar Creek and tributaries** (tributary of N.F. Lewis) (Clark County):~~

~~(a) ~~((From the mouth to Grist Mill Bridge:~~~~

~~~~(i))~~ From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters.~~

~~(b) Selective gear rules.~~

~~(c) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day 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.~~~~

~~~~(v))~~ (d) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(e) Salmon:~~

~~~~((A))~~ (i) Open November 1 through December 31.~~

~~~~((B))~~ (ii) Limit 6; up to 2 may be adults.~~

~~((C))~~ (iii) Only hatchery Chinook and hatchery coho may be retained.

~~((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))~~ (10) Chinook River (Pacific County): From the Highway 101 Bridge upstream ~~((to source))~~:

(a) Selective gear rules ~~((apply))~~.

(b) ~~((Bass: No limit and no size restriction.~~

~~(c) Channel catfish: No limit.~~

~~(d) Walleye: No limit and no size restriction.~~

~~(15))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(11) Cispus River (Lewis County): From the mouth to the falls, not including the North Fork:

(a) Open year-round, except closed to all angling within posted "Closed Waters" signs around the adult fish release site.

(b) Barbless hooks are required for salmon and steelhead.

~~(c) ((Release all trout except anglers may retain up to 2 hatchery steelhead.~~

~~(d) Fly fishing only from the North Fork to the falls.~~

~~(e))~~ Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

~~(d)~~ Salmon:

~~((i) Open year-round.~~

~~((ii))~~ (i) Limit 6; up to 2 may be adults.

~~((iii))~~ (ii) Only hatchery Chinook and hatchery coho may be retained.

~~((16))~~ (12) Cispus River, North Fork (Lewis County): ~~((a))~~ Selective gear rules ~~((apply))~~.

~~((b))~~ Trout: Release cutthroat.

~~(17))~~ (13) Coal Creek (Cowlitz County):

(a) From the mouth to 400 feet below the falls:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 and November 1 through ~~((last day in February))~~ March 15.

(ii) Selective gear rules ~~((apply))~~.

(iii) ~~((Bass: No limit and no size restriction.~~

~~(iv) Channel catfish: No limit.~~

~~(v) 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.~~

~~(vi) Walleye: No limit and no size restriction.~~

~~(vii))~~ Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~(iv)~~ Salmon:

(A) Open November 1 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(b) From ~~((the falls to))~~ 400 feet ~~((downstream))~~ below the falls to the falls: Closed waters.

~~((c))~~ From the falls upstream to source including all tributaries: Release all fish except trout.

~~(18))~~ (14) Coldwater Lake (Cowlitz County):

(a) The Coldwater Lake inlet and outlet streams ~~((are))~~: Closed waters.

(b) Selective gear rules ~~((apply))~~.

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

~~(d))~~ Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ~~((one))~~ 1; minimum length ~~((16))~~ 18 inches.

~~((19))~~ (15) Cougar Creek (tributary to Yale Reservoir) (Cowlitz County):

(a) Selective gear rules.

(b) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31.

~~((20))~~ (16) Coweeman River and tributaries (Cowlitz County):

(a) Barbless hooks are required for salmon and steelhead.

(b) ~~((From the mouth to Baird Creek:~~

~~(i))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 and November 1 through March 15.

~~((ii))~~ (c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~(d)~~ Salmon:

~~((A))~~ (i) Open November 1 through December 31.

~~((B))~~ (ii) Limit 6; up to 2 may be adults.

~~((C))~~ (iii) Only hatchery Chinook and hatchery coho may be retained.

~~((e))~~ From Baird Creek upstream to the source, open the first Saturday in June through August 31.

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

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

~~(21))~~ (17) 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 arm ~~((s))~~.

(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) ~~Game fish: Statewide minimum length/daily limit, except:~~
- Trout:
- (i) ~~Release wild rainbow and wild cutthroat trout.~~
- (ii) ~~Daily limit 10; minimum length 8 inches.~~
- (c) ~~Salmon ((open year-round):)~~
- (i) ~~Daily limit 6; minimum length 12 inches.~~
- (ii) ~~Up to 2 may be adults.~~
- (iii) ~~Minimum length 8 inches.))~~
- (iii) ~~Only hatchery Chinook and hatchery coho may be retained.~~
- ~~((22)) (18) 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; Closed waters.~~
- (ii) ~~From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam; Closed waters.~~
- (iii) ~~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; Closed waters.~~
- (iv) ~~Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities and who have a designated harvester companion card; Closed waters.~~
- (v) ~~Barbless hooks are required for salmon, steelhead, and cutthroat trout, except from the Lexington Drive Bridge (Sparks Road Bridge) at Lexington upstream to the barrier dam from June 1 through July 31.~~
- (A) ~~From the mouth to Lexington Bridge; August 1 through August 31 release all steelhead.~~
- (B) ~~From September 1 through October 31; only one hatchery steelhead may be retained.~~
- (C) ~~From August 1 through October 31; night closure in effect for all species.~~
- (iii) ~~Game fish other than trout: Open first Saturday in June through March 31.~~
- (A) ~~Bass: No limit and no size restriction.~~
- (B) ~~Channel catfish: No limit.~~
- (C) ~~Walleye: No limit and no size restriction.~~
- (iv) ~~From the mouth to Lexington Bridge, night closure from June 16 through October 31.~~
- (v) ~~From Lexington Bridge to the barrier dam, fishing 2 poles is permissible so long as the angler possesses a valid two-pole endorsement.~~
- (vi) ~~August 1 through May 31.~~

- (vi) ~~From the mouth of Mill Creek to the Cowlitz Salmon Hatchery barrier dam:~~
- (A) ~~It is unlawful to fish from a floating device.~~
- (B) ~~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) ~~(Trout: Open year-round.~~
- (A) ~~Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~
- (B) ~~First Saturday in June through March 31:~~
- (I) ~~Limit 5; minimum length 12 inches.~~
- (II) ~~Up to 3 hatchery steelhead may be retained, except:~~
- ~~From the mouth to the Lexington Drive/Sparks Road Bridge, release all steelhead August 1 through August 31.~~
- ~~From the mouth to Lexington Drive/Sparks Road Bridge only one hatchery steelhead may be retained June 16 through July 31 and September 1 through October 31.~~
- (III) ~~Release wild cutthroat.~~
- (C) ~~April 1 through the Friday before the first Saturday in June: Release all fish, except anglers may retain up to 3 hatchery steelhead.~~
- (viii) ~~Open year-round.~~
- (viii) ~~Game fish: Statewide minimum length/daily limit, except:~~
- (A) ~~Trout.~~
- (I) ~~Release wild rainbow and wild cutthroat trout.~~
- (II) ~~The Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches.~~
- (B) ~~Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~
- (ix) ~~Salmon:~~
- (A) ~~Open year-round.~~
- (B) ~~Limit 6; up to 2 may be adults.~~
- (C) ~~Only hatchery Chinook and hatchery coho may be retained.~~
- (b) ~~From the posted PUD sign on Peters Road to the Forest Road 1270 (old Jody's Bridge):~~
- (i) ~~Barbless hooks are required for salmon and steelhead.~~
- (ii) ~~Closed to all angling within posted "Closed Waters" signs around the adult fish release site.~~
- (iii) ~~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.~~
- (iv) ~~Open year-round((Release trout except anglers may retain up to 2 hatchery steelhead)).~~
- (v) ~~Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.~~
- (vi) ~~Salmon:~~
- (A) ~~Open year-round.~~
- (B) ~~Limit 6; up to 2 may be adults.~~
- (C) ~~Only hatchery Chinook and hatchery coho may be retained.~~

~~((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)) (c) From Forest Road 1270 (old Jody's Bridge) upstream and tributaries.~~

~~(i) Selective gear rules.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.~~

~~(19) Deep River (Wahkiakum County):~~

~~(a) ((Game fish:~~

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

~~((ii) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.~~

~~(b) From mouth to town bridge:~~

~~(i) Channel catfish: No limit.~~

~~(ii) Walleye and bass: No limit and no size restriction.~~

~~(iii) Salmon:~~

~~(A) Open year-round.~~

~~(B) 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:~~

~~(C)) (b) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(c) Salmon:~~

~~(i) Limit 6(7); up to 2 may be adults.~~

~~((D)) (ii) Only hatchery Chinook and hatchery coho may be retained.~~

~~((26) Delemeter)) (20) Delameter Creek (Cowlitz County):~~

~~(a) ((Closed)) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek; Closed waters.~~

~~(b) ((Release all fish except hatchery steelhead and hatchery cutthroat. Three hatchery trout limit. Mandatory hatchery steelhead retention.~~

~~(e)) Selective gear rules ((apply)).~~

~~(c) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(d) Salmon:~~

~~(i) Open August 1 through October 31.~~

~~(ii) Limit 6; up to 2 may be adults.~~

~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~

~~((27) Dog Creek (Skamania County):~~ From the falls upstream to the source, release all fish except trout.

~~(28)) (21) Drano Lake (Skamania County):~~ 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)) January 1 through ((June 30)) March 15 and ((from October)) July 1 through ((December 31)) September 30.~~

~~(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 October 31: Night closure ((# effect)).~~

~~(e) August 1 through December 31: Anti-snagging rule ((applies)). When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(f) May 1 through June 30 and 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) April 16 through June 30: 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) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Bass: No limit and no size restriction.~~

~~((+)) (B) Channel catfish: No limit.~~

~~((k) Trout: Open January 1 through March 15;) (C) Walleye: No limit and no size restriction.~~

~~(D) Release trout((, except anglers may retain up to 2 hatchery steelhead.~~

~~(l) Walleye: No limit and no size restriction)).~~

~~((m)) (E) Steelhead: From January 1 through March 15; daily limit 2 hatchery steelhead; minimum length 20 inches.~~

~~(ii) Salmon and steelhead: Open March 16 through December 31:~~

~~((i) From)) (A) March 16 through ((June 15)) July 31: Limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each. Release all other salmon.~~

~~((ii) From June 16 through July 31: Limit one hatchery steelhead or 2 hatchery Chinook, or one of each.~~

~~(iii) From)) (B) August 1 through ((September 30)) December 31: Limit 6; no more than 3 adult ((salmon, release all steelhead.~~

~~(iv) From October 1 through October 31: Limit 6; no more than 3 adults, of which only one hatchery steelhead may be retained.~~

~~(v) From November 1 through December 31: Limit 6; no more than 3 adults, of which only 2 hatchery steelhead may be retained.~~

~~(29)) salmonids, of which no more than 2 hatchery steelhead may be retained.~~

~~(22) Elochoman River (Wahkiakum County):~~

~~(a) ((The following areas are closed:~~

~~(+)) 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; Closed waters.~~

~~((f))~~ (b) September 1 through October 31: From 200 feet above the temporary weir upstream to the Elochoman Hatchery Bridge; Closed waters.

~~((h))~~ (c) From the mouth to West Fork:

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through March 15.~~

~~(ii) August 1 through October 31: Anti-snagging rule, night closure, and stationary gear restriction ((apply)). When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(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.~~

~~(e) From the mouth to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack:~~

~~(i) Open the last Saturday in May through the Friday before the first Saturday in June for bass, channel catfish, salmon, steelhead, and walleye.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Bass: No limit and no size restriction.~~

~~(iv) Channel catfish: No limit.~~

~~(v) Walleye: No limit and no size restriction.~~

~~(vi) Salmon and steelhead:~~

~~(A) Limit 6; up to 3 may be hatchery adult Chinook or hatchery steelhead, and no more than 2 may be salmon.~~

~~(B) Release wild Chinook salmon.~~

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

~~(vii) Salmon:~~

~~(A) Open the first Saturday in June through December 31.~~

~~(B) Limit 6; up to 2 may be adults.~~

~~(C) Only hatchery Chinook or hatchery coho may be retained.~~

~~(d)) August 1 through the Friday before Memorial Day.~~

~~(iv) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(v) Salmon:~~

~~(A) Daily limit 6; up to 2 may be adults.~~

~~(B) Only hatchery Chinook and hatchery coho may be retained.~~

~~(d) From the mouth to the Beaver Creek hatchery bridge: Salmon and steelhead:~~

~~(i) Open April 16 through the Friday before Memorial Day.~~

~~(ii) Minimum length 12 inches; daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.~~

~~(c) 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.~~

~~(iii));~~

(i) Game fish: Statewide minimum length/daily limit, except: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Salmon:

~~(A) ((Open the first Saturday in June through October 31.~~

~~(B)) Limit 6; up to 2 may be adults.~~

~~((C)) (B) Only hatchery Chinook and hatchery coho may be retained.~~

~~((30) Falls Creek (Cowlitz County):~~

~~(a) Selective gear rules apply.~~

~~(b) Bass: No limit and no size restriction.~~

~~(c) Channel catfish: No limit.~~

~~(d) Walleye: No limit and no size restriction.~~

~~(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)) (23) Franz Lake (Skamania County): Closed waters.~~

~~((33)) (24) Germany Creek (Cowlitz County) and all tributaries ((including John and Loper creeks)):~~

~~(a) Open the ((first Saturday in June)) Saturday before Memorial Day through August 31 and November 1 through March 15.~~

~~(b) Selective gear rules ((apply)).~~

~~(c) ((Bass: No limit and no size restriction.~~

~~(d) Channel catfish: No limit.~~

~~(e) 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.~~

~~(f) Walleye: No limit and no size restriction.~~

~~(g)) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(d) Salmon:~~

~~(i) Open November 1 through December 31.~~

~~(ii) Limit 6; up to 2 may be adults.~~

~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~

~~((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) Open the first Saturday in June through August 31 and November 1 through March 15.~~

~~(b) Release all fish except anglers may retain up to 3 hatchery steelhead.~~

~~(c) Selective gear rules apply.~~

~~(d) Salmon:~~~~(i) Open November 1 through December 31.~~~~(ii) Limit 6; up to 2 may be adults.~~~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~~~(36)) (25) 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))~~ Saturday before Memorial Day 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; Closed waters.(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.

(iii) When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

~~(c) ((Game fish:~~~~(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.~~~~(iii) From the mouth to Highway 4 Bridge:~~~~(A) Bass: No limit and no size restriction.~~~~(B) Channel catfish: No limit.~~~~(C) Walleye: No limit and no size restriction.~~~~(f) From South Fork upstream to source, selective gear rules apply.)~~ Selective gear rules January 1 through March 15.(f) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(g) Salmon:

(i) From the mouth to the Highway 4 Bridge: Open the ~~((first Saturday in June))~~ Saturday before Memorial Day through December 31.

(A) Limit 6; up to 2 may be adults.

(B) Only hatchery Chinook or hatchery coho may be retained.

(C) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(ii) From the Highway 4 Bridge to the South Fork: Open the ~~((first Saturday in June))~~ Saturday before Memorial Day through October 15 and December 1 through December 31.

(A) Limit 6; up to 2 may be adults.

(B) Only hatchery Chinook or hatchery coho may be retained.

(C) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

~~((37))~~ (h) From South Fork upstream:(i) Selective gear rules.(ii) Open the Saturday before Memorial Day through March 15.(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.(iv) Salmon:(A) Open the Saturday before Memorial Day through December 31.(B) Daily limit 6; minimum length 12 inches. Up to 2 adults may be retained.(C) Only hatchery Chinook and hatchery coho may be retained. All Chinook must be adipose and/or ventral fin clipped to be retained.(26) Grays River tributaries (unless otherwise listed) (Wahkiakum County):(a) Selective gear rules.(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.(27) 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.(d)) Open the Saturday before Memorial Day through October 31.(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.(d) Salmon:(i) Open the ((first Saturday in June)) Saturday before Memorial Day through October 31.(ii) Limit 6; up to 2 may be adults.(iii) Only hatchery Chinook and hatchery coho may be retained.(iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.((38)) (28) Grays River, East Fork tributaries (unless otherwise listed) (Wahkiakum County):(a) Selective gear rules.(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.(29) 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)).((d)) (b) Open the Saturday before Memorial Day through October 31.(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.(d) Salmon:(i) Open the ((first Saturday in June)) Saturday before Memorial Day through October 31.(ii) Limit 6; up to 2 may be adults.(iii) Only hatchery Chinook and hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.((iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.(39)) (30) Grays River, South Fork tributaries (unless otherwise listed) (Wahkiakum County):  
(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(31) Grays River, West Fork (Wahkiakum County):**

(a) ((Downstream from the hatchery intake/footbridge:

(i)) Barbless hooks are required for salmon and steelhead.

((ii)) (b) Open the ((first Saturday in June)) Saturday before Memorial Day 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)) December 31.

((iii)) (c) August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction ((apply)). When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

((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)) (d) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(e) Salmon: Open ((from first Saturday in June)) the Saturday before Memorial Day through December 31.

((A)) (i) Limit 6; up to 2 may be adults.

((B)) (ii) Only hatchery Chinook or hatchery coho may be retained((-

(C) Effective August 1,); all Chinook must be adipose and/or ventral fin clipped to be kept.

((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.

(e) Selective gear rules apply.

(d) Salmon:

(i) Open the first Saturday in June through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(40)) (32) **Grays River, West Fork tributaries (unless otherwise listed) (Wahkiakum County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(33) 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)) 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: Closed waters.

(ii) 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: Closed waters.

(iii) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(iv) Barbless hooks required for salmon and steelhead August 1 through November 30.

(v) Selective gear rules from the Saturday before Memorial Day through July 31 and December 1 through March 15.

(vi) Open the Saturday before Memorial Day through March 15. Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vii) Salmon:

(A) Open August 1 through November 30.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(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)) (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(34) Green River tributaries (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(35) Grizzly Lake (Skamania County): Closed waters.**

**((42)) (36) Hamilton Creek (Skamania County):**

(a) Tributaries downstream from the Highway 14 Bridge: Closed waters.

(b) Selective gear rules ((apply)).

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

(e) Channel catfish: No limit.

~~(d) 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.~~~~(e) Walleye: No limit and no size restriction.~~~~(f) All tributaries downstream from the Highway 14 Bridge: Closed.~~~~(g)) (c) Game fish: Statewide minimum length/daily limit, except:~~~~(i) Trout: Daily limit 2; minimum length 14 inches.~~~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~~~(d) Salmon:~~~~(i) Open August 1 through October 31.~~~~(ii) Limit 6; up to 2 may be adults.~~~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~~~((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)) (37) Horsethief Lake (Klickitat County): Open the fourth Saturday in April through October 31.~~~~(38) Indian Heaven Wilderness Lakes (Skamania County): Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ((3)) 2; minimum length 8 inches.~~~~((47)) (39) Johnson Creek (Lewis County) (Cowlitz River tributary): ((a)) Selective gear rules ((apply)).~~~~((b) Trout: Minimum length 10 inches.~~~~(48)) (40) Kalama River (Cowlitz County):~~~~(a) From boundary markers at the mouth upstream to 1,000 feet ((above)) below 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: Closed waters.~~~~(ii) From the railroad bridge below I-5 to the intake at the lower salmon hatchery: From April 1 through October 31:~~~~(A) Night closure.~~~~(B) Anti-snagging rule. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~~~(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Modrow Bridge.~~~~(iv) Barbless hooks are required for salmon and steelhead.~~~~((iii) Game fish:~~~~(A) Release all fish except bass, channel catfish, trout, hatchery steelhead, and walleye.~~~~(B) Bass: No limit and no size restriction.~~~~(C) Channel catfish: No limit.~~~~(D) Trout:~~~~(I) Mandatory hatchery steelhead retention.~~~~(II) No catch and release of hatchery steelhead.~~~~(E) Walleye: No limit and no size restriction.~~~~(iv) April 1 through October 31: Anti-snagging rule applies and night closure in effect from the railroad bridge below I-5 to the intake at the lower salmon hatchery. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~~~(v) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Modrow Bridge.~~~~(vi) Open September 1 through October 31 for fly fishing only from the natural gas pipeline crossing to the posted deadline at the intake to the lower salmon hatchery.~~~~(vii) From March 16 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 3 hatchery steelhead.~~~~(viii) 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.~~~~(ix)) (v) 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.~~~~(vi) Open year-round.~~~~(vii) Game fish: Statewide minimum length/daily limit, except:~~~~(A) Trout: Daily limit 2; minimum length 14 inches.~~~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~~~(viii) Salmon:~~~~(A) Open year-round.~~~~(B) Limit 6; up to 2 may be adults.~~~~(C) Only hatchery Chinook and hatchery coho may be retained.~~~~(b) From 1,000 feet below to 1,000 feet above the fishway at upper salmon hatchery: Closed waters.~~~~(c) From 1,000 feet above the fishway at the upper salmon hatchery, upstream to Summers Creek and all tributaries:~~~~(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.~~~~(e) 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 sear 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)) (iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(d) From Summers Creek upstream to 6420 Road:~~

~~(i) Barbless hooks are required for salmon and steelhead.~~

~~(ii) Open year-round:~~

~~(A) Fly fishing only.~~

~~(B) Game fish: Statewide minimum length/daily limit, except:~~

~~(I) Trout: Daily limit 2; minimum length 14 inches.~~

~~(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(e) 6420 Road Bridge to Jack Creek and tributaries:~~

~~(i) Selective gear rules.~~

~~(ii) Open the Saturday before Memorial Day through November 30.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(f) From Jack Creek to Kalama Falls and tributaries: Closed waters.~~

~~(41) Klickitat River (Klickitat County):~~

~~(a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:~~

~~(i) April 1 to the Friday before Memorial Day open only for salmon and steelhead on Mondays, Wednesdays, and Saturdays only:~~

~~(A) Anti-snagging rule and night closure. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(B) Limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.~~

~~(C) Release wild Chinook.~~

~~(D) Barbless hooks required for salmon and steelhead.~~

~~(ii) Open Saturday before Memorial Day through July 31.~~

~~(A) Game fish: Statewide minimum length/daily limit, except:~~

~~(I) Trout: Daily limit 2; minimum length 14 inches.~~

~~(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(B) Salmon: Daily limit 6; no more than 2 adults may be retained: Release wild Chinook.~~

~~(C) Barbless hooks required for salmon and steelhead.~~

~~(iii) Open August 1 through January 31.~~

~~(A) Anti-snagging rule and night closure. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(B) Game fish: Statewide minimum length/daily limit, except:~~

~~(I) Trout: Daily limit 2; minimum length 14 inches.~~

~~(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(C) Salmon: Daily limit 6; no more than 3 adults may be retained.~~

~~(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, 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) Open the Saturday before Memorial Day through November 30:~~

~~(A) Game fish: Statewide minimum length/daily limit, except:~~

~~(B) Trout: Daily limit 2; minimum length 14 inches.~~

~~(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(iii) Whitefish:~~

~~(A) Open December 1 through the last day in February for Whitefish only.~~

~~(B) Whitefish gear rules.~~

~~(iv) Salmon:~~

~~(A) Saturday before Memorial Day through July 31:~~

~~(I) Limit 6 fish; no more than 2 adults may be retained.~~

~~(II) Release wild Chinook.~~

~~(B) August 1 through November 30: Limit 6 fish; no more than 3 may be adults, of which only 2 may be coho.~~

~~(d) From the boundary markers above Klickitat Salmon Hatchery to the Yakama Indian Reservation boundary:~~

~~(i) Game fish open the Saturday before Memorial Day through November 30.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

(iii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(iv) Barbless hooks are required for salmon and steelhead.

(42) Lacamas Creek (Clark County):

(a) From the mouth to the footbridge at the lower falls:

(i) Open the ~~((first Saturday in June))~~ Saturday before Memorial Day 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.))~~ Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(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))~~ (43) Lacamas Creek, tributary of Cowlitz River (Lewis County):

(a) Selective gear rules ~~((apply))~~.

(b) Game fish: Statewide minimum length/daily limit, except:

~~((i) Trout: ((Limit 3-~~

~~((e) Release all trout except anglers may retain hatchery steelhead and hatchery cutthroat.))~~ Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((d))~~ (c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

~~((55))~~ (44) Lewis River (Clark County):

(a) Mouth to the mouth of Colvin Creek:

~~((i) Open year-round ((except the following areas are closed:~~

~~((A))~~.

(ii) From Johnson Creek upstream May 1 through May 31: Closed waters.

~~((B))~~ (iii) Those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder: Closed waters.

~~((C))~~ (iv) Barbless hooks are required for salmon and steelhead.

~~((D))~~ (iii) Fishing 2 poles is permissible from Railroad Bridge near Kuhns Road upstream to Johnson Creek, so long as the angler possesses a two-pole endorsement.

~~((E))~~ (v) 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.

~~((F))~~ (v) From mouth of Lewis River to the mouth of the East Fork Lewis River, night closure in effect June 16 through October 31 for all species.

~~((G))~~ (vi) Trout:

~~((H))~~ (A) Release all trout except anglers may retain up to 3 hatchery steelhead, except:

~~((I))~~ (I) From the mouth of the Lewis River to the mouth of the East Fork Lewis River, release all steelhead August 1 through August 31.

~~((J))~~ (II) From the mouth of the Lewis River to the mouth of the East Fork Lewis River, only one hatchery steelhead may be retained from June 16 through July 31 and September 1 through October 31.

~~((K))~~ (B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((L))~~ (vi) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(vii) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; only one may be an adult.

(B) Open August 1 through the fourth Friday in September:

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open the fourth Saturday in September through December 31:

(I) Limit 6; up to 2 may be adults.

(II) Only Chinook and hatchery coho may be retained.

~~((viii) Bass: No limit and no size restriction.~~

~~((ix) Channel catfish: No limit.~~

~~((x) Walleye: No limit and no size restriction.))~~

(b) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open June 1 through October 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) ((Bass: No limit and no size restriction.~~

~~((v) Channel catfish: No limit.~~

~~((vi) Trout:~~

~~((A))~~ (A) Release all fish except anglers may retain up to 3 hatchery steelhead.

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

~~((vii) Walleye: No limit and no size restriction.~~

~~((viii))~~ (viii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.



(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(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; only one may be an adult.

(C) ~~((From))~~ August 1 through the fourth Friday in September:

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(D) ~~((From))~~ The fourth Saturday in September through October 31 and December 16 through December 31:

(I) Limit 6; up to 2 may be adults.

(II) Only Chinook and hatchery coho may be retained.

(c) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed waters.

(d) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

(e) From the old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse ~~((and Lewis River Power Canal upstream to fishing pier))~~: Closed waters.

(f) ~~((Within))~~ Lewis River Power Canal ~~((from the fishing pier to the access road at Swift Dam))~~:

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

(ii) It is unlawful to fish from a floating device.

(iii) Game fish: Statewide minimum length/daily limit, except:

(iv) Trout: Daily limit 5; no minimum ((size)) length.

~~((A))~~ (g) From Eagle Cliff Bridge to ~~((the lower falls))~~ Muddy River, including ~~((all))~~ tributaries:

(i) Selective gear rules ~~((apply))~~.

(ii) Open the Saturday before Memorial Day through July 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(iv) Trout:

(A) Daily limit 10; minimum length 8 inches.

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

(C) ~~Catch and release only.~~

~~((g))~~ Release wild trout.

(h) From Muddy River to the lower falls ~~((upstream))~~ and ~~((all))~~ tributaries ~~((including Copper, Alee, 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))~~:

(i) Selective gear rules.

(ii) Release all fish.

(45) **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: Closed waters.

~~((ii))~~ (b) From 400 feet below to 400 feet above Moulton Falls: Closed waters.

~~((iii))~~ (c) From 400 feet below Horseshoe Falls upstream, including ~~((all))~~ tributaries above Horseshoe Falls: Closed waters.

~~((b))~~ (d) 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 salmon and 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.

~~((e))~~ Open the Saturday before Memorial Day through July 15 and September 16 through March 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

~~((i))~~ (A) Open ~~((August 1))~~ September 16 through December 31.

~~((ii))~~ (B) Limit 6; up to 2 may be adults.

~~((iii))~~ (C) Only hatchery Chinook and hatchery coho may be retained.

~~((d))~~ 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))~~ (e) Tributaries from the mouth to 400 feet below Horseshoe Falls:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(46) **Little Klickitat River (Klickitat County):** Within Goldendale city limits:

(a) Open the fourth Saturday in April through the Friday before Memorial Day to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Open the Saturday before Memorial Day through October 31 to all anglers.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; no minimum length.

(47) **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))~~.

~~((d))~~ (b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

~~((59))~~ **(48) 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: Closed waters.

(b) ~~((Release all fish except trout.~~

~~(e) Trout: Limit 5.~~

~~((60))~~ Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; minimum length 8 inches.

~~((49))~~ **Love Lake (Clark County):** Closed waters.

~~((61))~~ **(50) 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 waters.

(c) ~~((Trout))~~ Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 10; 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) wild rainbow trout and wild cutthroat trout.

(d) Salmon:

(i) Open September 1 through December 31:

~~((+))~~ (ii) Daily limit 6; minimum length ((8)) 12 inches.

~~((ii))~~ Limit 6; (iii) No more than 2 may be adults.

~~((iii))~~ (iv) Only hatchery Chinook and hatchery coho may be retained.

~~((62))~~ **(51) 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))~~ Release all fish.

**(52) 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))~~ **(53) Mill Creek (Cowlitz County):**

(a) Open the ~~((first Saturday in June))~~ Saturday before Memorial Day through August 31 and November 1 through March 15.

(b) Selective gear rules ((apply)).

(c) ~~((Bass: No limit and no size restriction.~~

~~(d) Channel catfish: No limit.~~

~~(e) 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.~~

~~(f) Walleye: No limit and no size restriction.~~

~~(g))~~ Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

~~((66))~~ **(54) 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))~~ Saturday before Memorial Day through October 31 and ~~((from))~~ December 1 through December 31.

(c) Anti-snagging rule ((applies and night closure in effect)) from December 1 through December 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

~~((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.~~

~~(g))~~ Night closure from December 1 through December 31.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon:

(i) Open August 1 through October 31 and December 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

~~((67))~~ **(55) Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.

~~((68))~~ **Mulholland Creek (Cowlitz County):**

(a) Open first Saturday in June through August 31 and November 1 through March 15.

~~(b) Catch and release except anglers may retain up to 3 hatchery steelhead.~~

~~(e) Selective gear rules apply.~~

~~(d) Salmon:~~

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~

~~(69) Nelson Creek (Skamania County):~~ Selective gear rules apply.

~~(70) Ohanapcoosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties):~~

~~(a) Selective gear rules apply.~~

~~(b) Trout: Minimum length 12 inches.~~

~~(71)) (56) 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; Closed waters.~~

~~(b) ((Trout: Limit 3.~~

~~(e) 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.~~

~~(f)) Selective gear rules.~~

~~(c) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(d) Salmon:~~

~~(i) Open August 1 through October 31.~~

~~(ii) Limit 6; up to 2 may be adults.~~

~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~

~~((72)) (57) Ostrander Creek (Cowlitz County):~~

~~(a) Selective gear rules ((apply)).~~

~~((73)) (b) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(58) Outlet Creek (Silver Lake) (Cowlitz County):~~

~~(a) ((First Saturday in June)) From the Saturday before Memorial Day 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.~~

~~(e)) Selective gear rules ((apply)).~~

~~(c) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(d) Salmon:~~

~~(i) Open August 1 through November 30.~~

~~(ii) Limit 6; up to 2 may be adults.~~

~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~

~~((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.~~

~~(e) 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)) (59) Rainey Creek (Lewis County):~~

~~(a) ((Open from the)) From 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)) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 5; minimum length 8 inches.~~

~~(ii) Release wild rainbow and cutthroat trout.~~

~~(60) Riffe Lake (Reservoir) (Lewis County):~~

~~(a) Open from Mossyrock Dam to Cowlitz Falls Dam((; except closed));~~

~~(b) From Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam: Closed waters.~~

~~((b)) (c) It is permissible to fish up to the base of Swoford Pond Dam.~~

~~((e)) (d) Landlocked salmon rules ((apply)).~~

~~((78) Riffe Lake (Reservoir) tributaries (Lewis County) (excluding Rainey Creek), including Sulphur, Simons, Swigert, Shelton, Steel Canyon, Indian, Sand, Landers, Peterson, Goat, and Tumwater creeks: Statewide season, minimum size, and limits apply.~~

~~(79)) (61) 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.~~

~~(62) Rock Creek (Skamania County): ((a) Open) From the mouth to the falls at approximately river mile one((; (i) From));~~

~~(a) Barbless hooks are required for salmon and steelhead.~~

~~(b) Open the ((first Saturday in June)) Saturday before Memorial Day through March 15.~~

~~((ii) Bass: No limit and no size restriction.~~

~~(iii) Channel catfish: No limit.~~

~~(iv) Walleye: No limit and no size restriction.~~

~~(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.~~

~~(b) Barbless hooks are required for salmon and steelhead.)~~

~~(c) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

(d) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

~~((d)) From the falls upstream to source/headwaters and all tributaries including Spring Creek, Hot Springs, Budweiser Creek, Forest Creek, Steep Creek, North Fork Roek Creek, and Snag Creek: Statewide seasons, minimum size, limits apply.~~~~((80)) (63) Rowland Lake, North (Klickitat County): Open the fourth Saturday in April through March 31.~~~~((64) Salmon Creek (Clark County): From the mouth to 182nd Avenue Bridge:~~~~(a) Barbless hooks are required for salmon and steelhead.~~~~(b) Open the ((first Saturday in June)) Saturday before Memorial Day through March 15.~~~~((b) Bass: No limit and no size restriction.~~~~(c) Channel catfish: No limit.~~~~(d) Walleye: No limit and no size restriction.~~~~(e) 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.~~~~(f) Barbless hooks are required for salmon and steelhead.~~~~((g)) (c) Game fish: Statewide minimum length/daily limit, except:~~~~(i) Trout: Daily limit 2; minimum length 14 inches.~~~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~~~(d) Salmon:~~~~(i) Open August 1 through December 31.~~~~(ii) Limit 6; up to 2 may be adults.~~~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~~~((81)) (65) 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)).~~~~((e)) (b) Game fish: Statewide minimum length/daily limit, except:~~~~(i) Trout: Daily limit 2; minimum length 14 inches.~~~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~~~(c) Salmon:~~~~(i) Open August 1 through October 31.~~~~(ii) Limit 6; up to 2 may be adults.~~~~(iii) Only hatchery Chinook or hatchery coho may be retained.~~~~((82)) (66) Silver Lake (Cowlitz County): ((Crappie limit 10; minimum length 9 inches)) Game fish: Statewide minimum length/daily limit, except:~~~~(a) Crappie: Daily limit 10; minimum length 9 inches.~~~~(b) Grass carp: No daily limit; no minimum length.~~~~((83)) (67) 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)) (68) Skamokawa Creek (Wahkiakum County):~~~~(a) Selective gear rules.~~~~(b) Open the ((first Saturday in June)) Saturday before Memorial Day through August 31 and November 1 through March 15.~~~~((b) Bass: No limit and no size restriction.~~~~(c) Channel catfish: No limit.~~~~(d) Walleye: No limit and no size restriction.~~~~(e) 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.~~~~(f) Selective gear rules apply.~~~~((g)) (c) Game fish: Statewide minimum length/daily limit, except:~~~~(i) Trout: Daily limit 2; minimum length 14 inches.~~~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~~~(d) Salmon:~~~~(i) Open November 1 through December 31.~~~~(ii) Limit 6; up to 2 may be adults.~~~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~~~((85)) (69) 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)) (70) Spearfish Lake (Klickitat County): Open the fourth Saturday in April through March 31.~~~~(71) Spirit Lake (Skamania County): Closed waters.~~~~((88)) (72) Spring Creek (Klickitat County): From Hill Road upstream to the Goldendale Hatchery: Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; minimum length 8 inches.~~~~(73) 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)).~~~~(b) Game fish: Statewide minimum length/daily limit, except:~~~~(i) Trout: Daily limit 2; minimum length 14 inches.~~~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~~~(c) Salmon:~~~~(i) Open August 1 through October 31.~~~~(ii) Limit 6; up to 2 may be adults.~~~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~

~~((89)) (74) Swift Reservoir (Skamania County):~~

~~(a) From dam to posted markers approximately 3/8 mile below Eagle Cliff Bridge:~~

~~(i) Open the ~~((first Saturday in June))~~ Saturday before Memorial Day through November 30.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Trout:~~

~~(A) Daily limit 10; minimum length 8 inches.~~

~~(B) Release wild trout.~~

~~(iii) Salmon:~~

~~(A) Open the Saturday before Memorial Day through November 30.~~

~~(B) Landlocked salmon rules.~~

~~(C) Maximum length 15 inches.~~

~~(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.~~~~

~~(e)) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge:~~

~~(i) 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)) (ii) Open the Saturday before Memorial Day through July 15.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Trout:~~

~~(A) Daily limit 10; minimum length 8 inches.~~

~~(B) Release wild trout.~~

~~(iv) Salmon:~~

~~((i)) (A) Open the ~~((first Saturday in June))~~ Saturday before Memorial Day through ~~((November 30))~~ July 31.~~

~~((ii)) (B) Landlocked salmon rules ~~((apply))~~.~~

~~((iii)) (C) 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)) (75) Tilton River (Lewis County): From the mouth to the West Fork:~~

~~(a) ~~((Open year-round from the mouth to the West Fork, except closed to all angling))~~ Within posted "Closed Waters": Signs around the adult fish release site; Closed waters.~~

~~(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))~~ from September 1 through October 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~((e) Release all trout except 2 hatchery steelhead may be retained.~~

~~(f)) (d) Night closure from September 1 through October 31.~~

~~(e) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.~~

~~(f) Salmon:~~

~~(i) Open year-round.~~

~~(ii) Limit 6; up to 2 may be adults.~~

~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~

~~((93)) (76) Tilton River, East, North, South and West Forks (Lewis County): ~~((a))~~ Selective gear rules ~~((apply))~~.~~

~~((b) Trout: Minimum length 12 inches.~~

~~(94)) (77) 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. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(c) Barbless hooks are required for salmon and steelhead.~~

~~(d) Game fish:~~

~~(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)):~~

~~(a) Barbless hooks required for salmon and steelhead.~~

~~(b) Open the Saturday before Memorial Day through March 15.~~

~~(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.~~

~~(d) Salmon open August 1 through November 30:~~

~~(i) Limit 6; up to 2 may be adults.~~

~~(ii) Only hatchery Chinook and hatchery coho may be retained.~~

~~((95)) (78) Toutle River tributaries (unless otherwise listed) (Cowlitz County):~~

~~(a) Selective gear rules.~~

~~(b) Game fish: Statewide minimum length/daily limit, except: Release wild trout.~~

~~(79) Toutle River, North Fork (Cowlitz County):~~

~~(a) From the mouth to the posted deadline below the fish collection facility:~~

~~(i) Open the Saturday before Memorial Day through March 15.~~

~~(ii) September 1 through October 15: Anti-snagging rule and night closure on the North Fork from the confluence with the South Fork to the mouth of Green River. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(iii) Barbless hooks are required for salmon and steelhead.~~

~~(iv) Selective gear rules the Saturday before Memorial Day through July 31 and December 1 through March 15.~~

~~(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(vi) Salmon open August 1 through Nov 30:~~

~~(A) Daily limit 6; up to 2 may be adults.~~

(B) Only hatchery Chinook and hatchery coho may be retained.

(b) From the posted deadline downstream of the fish collection facility upstream and tributaries: Closed waters.

(80) Toutle River, North Fork tributaries from the mouth to the posted deadline below the fish collection facility (unless otherwise listed) (Cowlitz County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(81) 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 salmon and steelhead from August 1 through November 30.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(e)) From the mouth to 4700 Road Bridge:

(i) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Release trout.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Open the Saturday before Memorial Day through November 30:

(A) Barbless hooks are required for salmon and steelhead from August 1 through November 30.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Open December 1 through March 15:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Salmon:

((i)) (I) Open August 1 through November 30.

((ii)) (II) Limit 6; up to 2 may be adults.

((iii)) (III) Only hatchery Chinook and hatchery coho may be retained.

((d) 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.

(e) 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.

(f)) (b) From ~~((4100))~~ 4700 Road Bridge upstream ~~((to source))~~:

(i) Barbless hooks are required for salmon and steelhead from August 1 through November 30.

(ii) Open the ~~((first Saturday in June))~~ Saturday before Memorial Day through ~~((November 30.~~

~~(96) Tunnel Lake (Skamania County): It is unlawful to retain more than 2 trout 20 inches or more in length.~~

~~(97))~~ March 15.

(ii) From December 1 through March 15: Selective gear rules.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon:

(A) Open August 1 through November 30.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(82) 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))~~ Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(83) Walupt Lake (Lewis County): ~~((a))~~ All inlet streams ~~((are))~~: Closed waters.

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

(e) Selective gear rules apply.

(d) Trout: Minimum length 10 inches.

~~(99))~~ (84) Washougal River (Clark County):

(a) From the mouth to the ~~((bridge at Salmon Falls))~~ Mount Norway Bridge:

~~((a) Closed)~~ (i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.

~~((b))~~ (ii) Night closure.

(iii) Anti-snagging rule from July 1 through October 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(iv) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Release all trout.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 15.

~~((e))~~ (A) Barbless hooks are required for salmon and steelhead.

~~((d) Night closure in effect:~~

~~(i) Year round from the mouth to Mount Norway Bridge.~~

~~(ii) 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) 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) Bass: No limit and no size restriction.~~

~~(g) Channel catfish: No limit.~~

~~(h) 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.~~

~~(i) Walleye: No limit and no size restriction.~~

~~(j) Open from April 16 through the Friday before the first Saturday in June:~~

~~(i) Selective gear rules apply.~~

~~(ii) Bass: No limit and no size restriction.~~

~~(iii) Channel catfish: No limit.~~

~~(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) Walleye: No limit and no size restriction.~~

~~(k)) (B) Game fish: Statewide minimum length/daily limit, except:~~

~~(I) Trout: Daily limit 2; minimum length 14 inches.~~

~~(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(vi) Salmon:~~

~~((+)) (A) Open August 1 through December 31.~~

~~((+)) (B) Limit 6; up to 2 may be adults.~~

~~((+)) (C) Only hatchery Chinook and hatchery coho may be retained.~~

~~((+0)) (b) From the Mount Norway Bridge to the bridge at Salmon Falls:~~

~~(i) Anti-snagging rule from August 1 through October 31. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(ii) Night closure from August 1 through October 31.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(iv) Salmon:~~

~~(A) Open August 1 through December 31.~~

~~(B) Limit 6; up to 2 may be adults.~~

~~(C) Only hatchery Chinook and hatchery coho may be retained.~~

~~(c) From the bridge at Salmon Falls upstream and tributaries: Closed waters.~~

**(85) Washougal River, West (North) Fork (Clark/Skamania counties):**

(a) From the mouth to the water intake at the department hatchery: Closed waters.

(b) From the intake at the department hatchery ~~((to the source))~~ upstream:

~~(i) Barbless hooks are required for salmon and steelhead.~~

~~(ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 15.~~

~~((+)) (iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) 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.~~

~~(e)) Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(iv) Salmon:~~

~~((+)) (A) Open August 1 through December 31.~~

~~((+)) (B) Limit 6; up to 2 may be adults.~~

~~((+)) (C) Only hatchery Chinook and hatchery coho may be retained.~~

~~((d) Barbless hooks are required for salmon and steelhead.~~

**(101) Willame Lake (Lewis County):**

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

~~(b) Selective gear rules apply.~~

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

(d) Trout: Limit 2; minimum length 15 inches.

~~((+2)) (86) 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) Open year-round.

(iii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat.

(iv) August 1 through December 31: Anti-snagging rule. When the anti-snagging rule is in effect, fish must be hooked inside the mouth to be retained.

(v) August 1 through October 31: Night closure in effect for all species.

(vi) Salmon and steelhead open year-round:

(A) 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) 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) Salmon: Only hatchery Chinook and hatchery coho may be retained.

(b) From the county road bridge below the former location of the powerhouse upstream to the Northwestern Road Bridge:

(i) Open April 1 through October 31:

(A) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Selective gear rules.

(ii) Salmon and steelhead:

(A) April 1 through July 31:

(I) Daily limit 2 fish.

(II) Release wild Chinook.

(B) August 1 through October 31: Limit 6; up to 2 may be adults.

(c) From the Northwestern Road Bridge upstream to Big Brother Falls (river mile 16):

(i) From Big Brother Falls downstream 400 feet: Closed waters.

(ii) Selective gear rules.

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

(iv) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(v) Salmon and steelhead: August 1 through October 31: Limit 6, and up to 2 may be adults.

(87) Wind River (Skamania County):

(a) From the mouth to ((400 feet above Shipherd Falls:

(i) Barbless hooks are required for salmon and steelhead except from March 16 through June 30.

(ii) Closed from 400 feet below to 100 feet above Shipherd Falls fish ladder, including all tributaries.

(iii) June 16 through October 31: Night closure in effect.

(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.

(vi) May 1 through June 30:

(A) Anti-snagging rule applies from 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.

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

(vii) Open year-round.

(viii) Bass: No limit and no size restriction.

(ix) Channel catfish: No limit.

(x) Trout:

(A) Open November 1 through March 15:

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

(xi) Salmon and steelhead:

(A) Open March 16 through June 15:

(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 June 16 through July 31:

(I) Limit 2; no more than 2 salmon, or one adult salmon and one hatchery steelhead, may be retained.

(II) Release wild Chinook.

(C) 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) From August 1 through August 31: Limit 6; up to 2 adult salmon may be retained. Release all steelhead.

(III) From September 1 through October 31: Limit 6; up to 2 adult salmon or one adult salmon and one hatchery steelhead may be retained.

(IV) Only hatchery Chinook or hatchery coho may be retained.

(xii) Walleye: No limit and no size restriction.

(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) Night closure in effect.

(iii) 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)) the Highway 14 Bridge:

(i) Open year-round.

(ii) Barbless hooks are required for salmon and steelhead except from March 16 through June 30.

(iii) March 16 through June 30: Night closure.

(iv) March 16 through June 30: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(v) March 16 through June 30: Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(vi) 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.



(vii) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(viii) Salmon and steelhead:

(A) Open March 16 through October 31:

(B) Daily limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(C) Release wild Chinook and wild coho.

(b) From the Highway 14 Bridge to 400 feet below Shipherd Falls:

(i) Open year-round.

(ii) Barbless hooks are required for salmon and steelhead from July 1 through March 15.

(iii) March 16 through June 30: Night closure.

(iv) Anti-snagging rule from May 1 through June 30 and August 1 through October 31. Only fish hooked inside the mouth may be retained when anti-snagging rule is in effect.

(v) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(vi) Salmon and steelhead:

(A) Open March 16 through October 31.

(B) Daily limit 6; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(C) Release wild Chinook and wild coho.

(c) From 400 feet below to 100 feet above Shipherd Falls fish ladder: Closed waters.

(d) From 100 feet above Shipherd Falls fish ladder to 400 feet below the Coffer Dam:

(i) Anti-snagging rule. Only fish hooked inside the mouth may be retained.

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules.

(iv) Salmon and steelhead:

(A) Open May 1 through June 30.

(B) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(e) From 400 feet below the Coffer Dam to 100 feet above the Coffer Dam: Closed waters.

(f) From 100 feet above the Coffer Dam to 800 yards downstream from Carson National Fish Hatchery:

(i) Anti-snagging rule. Only fish hooked inside the mouth may be retained.

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules.

(iv) Salmon and steelhead open May 1 through June 30: Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(g) From 800 yards downstream from Carson National Fish Hatchery upstream to Moore Bridge:

(i) Open September 16 through November 30.

(ii) Release all fish.

(iii) Selective gear rules.

(h) From Moore Bridge upstream: Closed waters.

(88) Wind River tributaries (Skamania County): Closed waters.

(89) 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, Wildeat, Chinook, and Calamity creeks: Statewide season, minimum size and limits apply.~~

~~((106)) (90) Yellowjacket Creek (tributary to Cispus River) (Lewis County): ~~((a)) Selective gear rules ((apply- (b) Trout: Minimum length 12 inches)).~~~~

AMENDATORY SECTION (Amending WSR 17-16-109, filed 7/28/17, effective 8/28/17)

**WAC 220-312-040 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): Open the fourth Saturday in April through October 31.~~

~~((5)) (4) Alexander Lake (Kitsap County): Closed waters.~~

~~((6) All Creek (Skagit County) (Suitttle River tributary):~~

~~(a) Open the first Saturday in June through July 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)) (5) American Lake (Pierce County):~~

~~(a) Chumming is permissible.~~

~~((9)) (b) Combined daily limit of trout and kokanee is 5, any length.~~

~~(6) 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)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~~~(7) 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 August 15.~~~~(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)) (8) 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)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~~~(9) Baker Lake (Whatcom County):~~~~(a) ((Chumming is permissible.~~~~(b)) Closed waters within a ((two hundred)) 200 foot radius around the pump discharge at the south end of the lake.~~~~(b) Chumming is permissible.~~~~(c) Open the fourth Saturday in April through October 31((s)).~~~~(d) Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches and maximum length 18 inches.~~~~(e) Salmon: Open July 8 through September 7.~~~~(i) Sockeye: Daily limit 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)) (10) Baker River (Skagit/Whatcom County):~~~~From the ((Baker River fish barrier dam to the headwaters: Open the first Saturday in June through August 31.~~~~(17) Baker River: All tributaries and their tributaries, except Channel Creek, from the Baker River fish barrier dam to the headwaters including Shannon and Baker lakes: Open the first Saturday in June through October 31.~~~~(18) Barnaby Slough (Skagit County): Closed.~~~~(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)) mouth to the Lower Baker Dam: Closed waters.~~~~(11) Benson Lake (Mason County): Open the fourth Saturday in April through October 31.~~~~((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)) (12) 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)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~~~(13) Big Beef Creek (Kitsap County):~~~~(a) From Seabeck Highway Bridge to Lake Symington:~~~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through August 31.~~~~(ii) Selective gear rules ((apply)).~~~~(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~~~(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~~~((iv) Catch and release only.)~~~~(v) From August 1 through August 31: Closed waters within 100 feet of the Seabeck Highway N.W. Bridge.~~~~(b) From Lake Symington upstream:~~~~(i) ((Open the first Saturday in June through October 31.~~~~(ii)) Selective gear rules ((apply)).~~~~((iii) Trout: Catch and release only.~~~~(27) Big Creek (Skagit County) (Suitttle River tributary):~~~~(a) From TeePee Falls to the source: Open the first Saturday in June through October 31.~~~~(b) Selective gear rules apply.~~~~(28)) (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~~~(14) Big Lake (Skagit County): Landlocked salmon rules.~~~~(15) 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.~~~~(29)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~~~(16) Big Quilcene River (Jefferson County):~~~~(a) From the mouth to Rodgers Street: ((+)) Open the ((first)) Saturday ((in June)) before Memorial Day through August 15.~~~~((ii)) (i) 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.) (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

(b) From Rodgers Street to the Highway 101 Bridge:  
 (i) ~~((Open the first Saturday in June through October 31.~~  
 (ii) ~~Catch and release only.~~  
 (iii) ~~From the first Saturday in June through August 15:~~  
 (A) ~~Selective gear rules ((apply)).~~  
 ((~~B~~)) (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.  
 (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (iv) ~~From August 16 through October 31:~~  
 (A) ~~Night closure ((in effect)).~~  
 (B) ~~Anti-snagging rules ((applies)).~~  
 (v) ~~Salmon:~~  
 (A) ~~Open August 16 through October 31.~~  
 (B) Daily limit 4 coho only; minimum length 12 inches.  
 ((~~vi~~)) ~~Closed waters~~) (c) From the Highway 101 Bridge to the weir at Quilcene National Fish Hatchery: Closed waters.  
 ((~~e~~)) ~~From the weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:~~  
 (i) ~~Open the first Saturday in June through October 31.~~  
 (ii) ~~Selective gear rules apply.~~  
 (iii) ~~Catch and release only.~~  
 (d) ~~From the upper boundary of Falls View campground upstream: Open the Saturday before Memorial Day through October 31.~~  
 (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)) (d) From the weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:  
 (i) Selective gear rules.  
 (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.  
 (17) **Big Soos Creek (King County):** From the mouth to the hatchery rack: ((~~a~~)) Open ((for game fish the first Saturday in June)) the Saturday before Memorial Day through August 31.  
 ((~~b~~)) Trout: Minimum length 14 inches, daily limit 2.  
 (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)) (18) **Black Lake (Thurston County):** Game fish: Statewide minimum length/daily limit, except:  
 (a) Crappie: Daily limit 10; minimum length 9 inches.  
 ((~~35~~)) **Black Lake Ditch (Thurston County):** From the confluence with Percival Creek upstream to Black Lake:  
 (a) Selective gear rules apply.  
 (b) Open the first Saturday in June through October 31.  
 (c) Trout: Minimum size 14 inches.  
 (d) Open November 1 through the Friday before the first Saturday in June: Catch and release only.  
 (36)) (b) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(19) **Blackjack Creek (Kitsap County):**  
 (a) ~~((Open the first Saturday in June through October 31.~~  
 (b)) Selective gear rules ((apply)).  
 ((~~e~~)) Trout: Minimum size 14 inches.  
 (37) **Blackman's Lake (Snohomish County):** Trout limit 5; no more than 2 over 15 inches in length.  
 (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)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.  
 (20) **Boise Creek (King County) (White River tributary):** ~~((Open the first Saturday in June through October 31 upstream of the Highway 410 crossing.~~  
 (40)) From the mouth to the Highway 410 crossing: Closed waters.  
 (21) **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 August 15.~~  
 (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 June 30.~~  
 (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)) (22) **Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):** From the mouth to Boulder Falls:  
 (a) Selective gear rules.  
 (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.  
 (23) **Bradley Lake (Pierce County):** ((~~a~~)) Open ((May 15 through the last day of free fishing weekend, as defined in WAC 220-220-230;)) to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card 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) (Suiattle River tributary):~~

(a) Open the first Saturday in June through July 31 from the upstream boundary of Buck Creek campground.

(b) Selective gear rules apply.

~~(48)) (24) Buck Lake (Kitsap County):~~ Open the fourth Saturday in April through October 31.

~~((49)) (25) Burley Creek (Kitsap County):~~

(a) ~~((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply))~~.

~~((e) Trout: Minimum length 14 inches.~~

~~(50)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(26) Cady Lake (Mason County):~~

(a) ~~((Open to))~~ Fly fishing only.

(b) Release all fish.

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

~~((e) Catch and release only.~~

~~(51)) (27) Cain Lake (Whatcom County):~~ Open the fourth Saturday in April through October 31.

~~((52) California Creek (Whatcom County):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(53)) (28) Calligan Lake (King County):~~ ~~((a) Open June 1 through October 31.~~

(b) All tributary streams and the upper third of the outlet are closed.

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

~~((54) Camp Creek (Snohomish County) (Whitechuck River tributary):~~

(a) Open the first Saturday in June through July 31.

(b) Selective gear rules apply.

~~(55)) (29) Campbell Creek (Mason County):~~

(a) ~~((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply))~~.

~~((e) Trout: Catch and release only.~~

~~(56)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(30) Campbell Lake (Skagit County):~~ Grass carp: No daily limit for anglers and bow and arrow fishing allowed.

~~((57) Canyon Creek (Snohomish County) (Suiattle River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(58)) (31) Canyon Creek (Snohomish County) (S.F. Stillaguamish River):~~

(a) From the mouth to the forks (North Fork and South Fork).

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ~~((June 30 from the mouth to the forks))~~ January 31.

~~((b))~~ (ii) Selective gear rules ~~((apply))~~.

~~((e) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(59) Canyon Creek (Whatcom County) (North Fork Nooksack River):~~

(a) Open the Saturday before Memorial Day through October 31 from Canyon Creek Road Bridge upstream, including tributaries.

(b) Selective gear rules apply.

~~(60)) (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(b) From the forks (North Fork and South Fork) upstream: Closed waters.~~

~~(32) Capitol Lake (Thurston County):~~ Closed waters.

~~((61)) (33) 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:

~~(A) Night closure ((in effect and)),~~

~~(B) Anti-snagging rules ((applies)).~~

~~((iii) Trout:~~

~~(A)) (ii) Open September 1 through November 30 ((Minimum length 14 inches)).~~

~~((B) From)) (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iv) Open December 1 through January 15:~~

~~((H)) (A) Selective gear rules ((apply)).~~

~~((H) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(iv)) (B) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(v) Salmon:~~

(A) Open September 1 through November 30.

(B) Daily limit 6 fish of which no more than 2 may be adult hatchery Chinook, minimum length 12 inches.

(C) Release chum and wild adult Chinook salmon.

(b) From Voight Creek to the Highway 162 Bridge:

(i) Open from December 1 through January 15.

(ii) Selective gear rules ~~((apply))~~.

~~(iii) ((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(62)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(34) Carney Lake (Pierce County):~~

(a) Open the fourth Saturday in April through ~~((June 30 and September 1 through November 30))~~ October 31.

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

~~(e))~~ Salmon: Landlocked salmon rules ~~((apply))~~.

~~((63) Carson Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~(64)) (35) Cascade Creek (San Juan County):~~

(a) ~~((Open the first Saturday in June through October 31 from the mouth to Cascade Lake.~~

~~(b))~~ From the mouth to Mountain Lake.

(b) Selective gear rules ~~((apply))~~.

(c) ~~((Release all fish except anglers may retain eastern brook trout.~~

~~(65)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

(36) Cascade Lake (San Juan County): Open the fourth Saturday in April through October 31.

~~((66))~~ (37) Cascade River (Skagit County):

(a) From the mouth to the Rockport-Cascade Road Bridge:

(i) Open June 1 through July 15 and ~~((December 15))~~ September 16 through January 31:

(A) June 1 through July 15: Anti-snagging rules ~~((applies))~~ and night closure ~~((in effect June 1 through July 15))~~.

(B) ~~((Trout: Limit 2; minimum length 14 inches. Anglers may retain))~~ Game fish: Statewide minimum length/daily limit, except:

(I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(II) 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 ~~((:))~~.

(B) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults; minimum length 12 inches.

(C) Release all other salmon.

(b) From the Rockport-Cascade Road Bridge upstream:

(i) Open ~~((the first Saturday in))~~ June 1 through ~~((July 15 and December 15 through))~~ January 31.

(ii) Selective gear rules ~~((apply))~~.

(iii) ~~((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~((67))~~ 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) Release all fish except hatchery steelhead.

~~((68))~~ (38) Cavanaugh Lake (Skagit County): Chumming is permissible.

~~((69))~~ Cayada Creek (Pierce County) (Carbon River tributary): Open the first Saturday in June through September 30.

~~((70))~~ Cedar Creek (Mason County): Open the Saturday before Memorial Day through October 31.

~~((71))~~ (39) Cedar River (King County):

(a) From the mouth to Landsburg Road:

(i) Open ~~((for game fish))~~ the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 ~~((from the mouth to Landsburg Road)).~~

~~((i))~~ Trout: Catch and release only.

~~((ii))~~ Other game fish: Statewide minimum size/daily limit.

~~((b))~~ (ii) Selective gear rules ~~((apply and))~~.

~~((iii))~~ Night closure.

~~((e))~~ (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

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

~~((72))~~ (b) From Landsburg Bridge upstream to the falls: Closed waters.

(40) Chain Lake (Snohomish County):

(a) Selective gear rules ~~((apply))~~.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((73))~~ (41) Chambers Creek (Pierce County):

(a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam ~~((Pierce County))~~:

(i) Selective gear rules ~~((apply))~~, except bait is permissible September 1 through October 15.

(ii) Open ~~((July 1))~~ the Saturday before Memorial Day through November 15 for game fish and salmon.

(iii) Night closure ~~((in effect and))~~.

~~((iv))~~ Anti-snagging rules ~~((applies))~~.

~~((iv))~~ Trout: Catch and release.

~~((v))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((vi))~~ Salmon:

(A) Limit 6 fish of which no more than 4 may be adult salmon; minimum length 12 inches.

(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.

~~((74))~~ (ii) Night closure.

~~((ii))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(42) Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):

(a) Selective gear rules ~~((apply))~~.

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

~~((c))~~ Trout: Catch and release only.

~~((75))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(43) Channel Creek ((Skagit) Whatcom County) (Baker River tributary): Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31.

~~((76))~~ (44) Chaplain Creek (Snohomish County) (Sultan River tributary): ~~((a))~~ Above the falls near the mouth to the inlet to the beaver pond (Grass Lake) below the water filtration plant gate, including tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

~~((b))~~ Waters adjacent to the water filtration plant, from the inlet to the beaver pond (Grass Lake) below the water filtration plant gate to the waterfall approximately .4 miles upstream: Closed waters.

~~((c))~~ Above the waterfall located approximately .4 miles upstream of the water filtration plant gate, including tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

~~((77))~~ Chaplain Lake (Snohomish County): Closed.

~~((78))~~ (45) Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River): ~~((Open the Saturday before Memorial Day through October 31 above Cherry Creek Falls (located at river mile 9.3, approximately 1 mile upstream of Stossel/Kelly Rd), including all tributaries and beaver ponds.~~

~~(79) **Chilliwaek River (Whatcom County):** Open the first Saturday in June through October 31, including all tributaries and their tributaries.~~

~~(80)) From the mouth to Cherry Creek Falls: Selective gear rules.~~

**(46) Chico Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~(47) **Church Creek (Mason County):** ((Open the Saturday before Memorial Day through October 31 upstream of the bridge on U.S. Forest Service Road #2361.~~

~~(81) **Clarks Creek (Pierce County):**~~

~~(a) Open the first Saturday in June through August 31 from the mouth to 12th Avenue S.W.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout: Limit 2; minimum length 14 inches.~~

~~(82) **Clear Creek (Snohomish County) (Sauk River tributary):** Open the Saturday before Memorial Day through October 31 above Asbestos Creek Falls.~~

~~(83)) From the mouth to the bridge on U.S. Forest Service Road #2361: Closed waters.~~

**(48) Clear Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(49) Clear Lake (Pierce County):**

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

(b) Chumming is permissible.

~~((e) Kokanee: Limit 10; no size restrictions.~~

~~(d) Salmon: Landlocked salmon rules apply.~~

~~(84)) **(50) Clear Lake (Thurston County):** Open the fourth Saturday in April through October 31.~~

~~((85)) **(51) Clearwater River (Pierce County):**~~

~~(a) ((Open July 1 through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e) Trout: Minimum length 14 inches.~~

~~(86)) **(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.**~~

~~(52) **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.~~

~~(87) **Coal Creek (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 to juvenile anglers only.~~

~~(88) **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.~~

~~(89) **Copper Creek (Snohomish County) (Clear Creek tributary, a tributary of Sauk River):** Open the Saturday before Memorial Day through October 31.~~

~~(90)) From the mouth upstream to Steilacoom Lake: Closed waters.~~

~~(53) **Cottage Lake (King County):** Open the fourth Saturday in April through October 31.~~

~~((91)) **(54) Coulter Creek (Kitsap/Mason counties):**~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e) Trout: Catch and release only.~~

~~(92)) **(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.**~~

~~(55) **County Line Ponds (Skagit County):** Closed waters.~~

~~((93)) **(56) Crabapple Lake (Snohomish County):**~~

~~Open the fourth Saturday in April through October 31.~~

~~((94)) **(57) Cranberry Creek (Mason County):**~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e) Trout: Catch and release only.~~

~~(95)) **(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.**~~

~~(58) **Crescent Creek (Kitsap County):**~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e) Trout: Minimum size 14 inches.~~

~~(96)) **(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.**~~

~~(59) **Crescent Lake (Pierce County):** Open the fourth Saturday in April through October 31.~~

~~((97) **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.~~

~~(98)) **(60) Crocker Lake (Jefferson County):** Closed to trout fishing.~~

~~(61) **Dakota Creek (Whatcom County):** From the mouth to Giles Road Bridge.~~

~~(a) Open the ((first)) Saturday ((in June)) before Memorial Day 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) Daily limit 2 salmon; minimum length 12 inches.~~

~~(iii) Release wild Chinook and wild coho.~~

~~((99)) **(62) De Coursey Pond (Pierce County):** ((a)) Open the fourth Saturday in April through ((November 30))~~

~~October 31 to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((b) Salmon: Landlocked salmon rules apply.~~

~~(100) **Decker Creek (Mason County) (Satsop River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(101)) **(63) Deer Creek (Mason County):**~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e) Trout: Catch and release only.~~

~~(102)) **(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.**~~

~~(64) Deer Creek (Snohomish/Skagit counties) (Tributary to the N.F. Stillaguamish) and all tributaries:~~ Closed waters.

~~(65) Deer Lake (Island County):~~ Open the fourth Saturday in April through October 31.

~~((103)) (66) Deer Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~((104) Dempsey Creek (Thurston County) (Black River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(105)) (67) 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.)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(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)) (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(iii) Salmon:~~

~~(A) Open July 1 through October 15.~~

~~(B) Limit 6; no more than 2 adult salmon may be retained.~~

~~(C) Release coho.~~

~~((106)) (68) Devreux Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~((107)) (69) Dewatto River (Mason County):~~

~~(a) From the mouth to Dewatto-Holly Road Bridge:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day 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)) (iv) Game fish: ((Catch and release only.~~

~~(vi)) Statewide minimum length/daily limit, except:~~

~~(A) Release cutthroat trout and wild rainbow trout.~~

~~(B) No steelhead retention.~~

~~((vii)) (v) Salmon:~~

~~(A) Open October 1 through October 31.~~

~~(B) Limit 2 coho only.~~

~~(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.~~

~~(108) Diobsud Creek (Skagit County):~~

~~(a) Open the first Saturday in June through August 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(109)) (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(70) Dogfish Creek (Kitsap County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum ((size)) length 14 inches.~~

~~((110)) (71) Don Lake (also known as "Clara Lake") (Mason County):~~ Open the fourth Saturday in April through October 31.

~~((111)) (72) Dosewallips River (Jefferson County):~~

~~(a) From the mouth to Highway 101 Bridge:~~

~~(i) Open the ((first)) Saturday ((in June)) 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) Release all game fish.~~

~~(v)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(iv) 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)) 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) Release all game fish.~~

~~(112) Downey Creek (Snohomish County) (Suittle River tributary):~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(113)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(73) Duckabush River (Jefferson County):~~

~~(a) From the mouth to Mason County PUD #1 overhead distribution line:~~

~~(i) Open the ((first)) Saturday ((in June)) 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) Release all game fish.~~

~~(v) No steelhead retention.~~

~~(vi)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(iv) Salmon:~~

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

~~(B) Daily 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))~~ 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) Catch and release only.~~

~~(114) 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.~~

~~(115) Eaton Creek (Thurston County) (Lake St. Clair tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(116)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(74) Echo Lake (Snohomish County): Open the fourth Saturday in April through October 31.~~

~~((117)) (75) 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.~~

~~(118)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(76) Elson Creek (Thurston County): Closed waters.~~

~~(77) Erie Lake (Skagit County): Open the fourth Saturday in April through October 31.~~

~~((119) Evans Creek (Pierce County) (Carbon River tributary): Open the first Saturday in June through September 30 from Carbon River Fairfax Road upstream.~~

~~(120) Falls Creek (Snohomish County) (Sauk River tributary): From the falls located 0.4 mile upstream from the mouth to the headwaters: Open the Saturday before Memorial Day through October 31.~~

~~(121)) (78) 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.~~

~~(122)) (79) 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.~~

~~((123)) (80) Finney Creek (Skagit County) ((including all tributaries from upstream of)): From the mouth up to the USFS 17 road bridge: ((Open the Saturday before Memorial Day through October 31)) Closed waters.~~

~~((124)) (81) Fisher Creek Slough ((Snohomish) Skagit 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.~~

~~(125) Fishtrap Creek (Whatcom County): Open from Kok Road to Bender Road from the first Saturday in June through October 31 for juvenile anglers only.~~

~~(126) Fiske Creek (Pierce County) (Puyallup River tributary): Open upstream from Fiske Road from the first Saturday in June through August 31 and October 16 through October 31.~~

~~(127)) From the mouth to the I-5 Bridge: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(82) Fortson Mill Pond #2 (Snohomish County): Open the fourth Saturday in April through October 31 for juvenile anglers only.~~

~~((128) Found Creek (Skagit County) (Cascade River tributary):~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(129) Fox Creek (Pierce County) (Puyallup River tributary): Open upstream from Fiske Road East from the first Saturday in June through August 31 and October 16 through October 31.~~

~~(130) Friday Creek (Whatcom County) (Samish River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(131)) (83) 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)) (a) Selective gear rules ((apply)).~~

~~((iii) Catch and release only.~~

~~(b) From the falls at river mile 0.8 upstream: Open the Saturday before Memorial Day through October 31.~~

~~(132) 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.~~

~~(133) Gamble Creek (Kitsap County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(134)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(84) Geneva Lake (King County): Open the fourth Saturday in April through October 31.~~

~~((135)) (85) Gibbs Lake (Jefferson County):~~

~~(a) Selective gear rules.~~

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

~~(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.~~

~~(86) Gissberg Pond, North (Snohomish County): Open for juvenile anglers only.~~

~~((136) Gissberg Ponds (Snohomish County): Channel catfish limit 2; no minimum size.~~

~~(137)) (87) Goldsborough Creek and tributaries (Mason County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((c) Trout: Catch and release only.~~

~~(138) Goodell Creek (Skagit County):~~

~~(a) Open the first Saturday in June through August 15.~~

~~(b) Selective gear rules apply.~~



(e) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~(139) Goodman Creek (Skagit County) above the Mountain Loop Highway: Open Saturday before Memorial Day through October 31.~~

~~(140)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(88) Goodwin Lake (Snohomish County): Chumming is permissible.~~

~~((141)) (89) Goss Lake (Island County): Open the fourth Saturday in April through October 31.~~

~~((142) Grade Creek (Snohomish County) (Suittle River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(143)) (90) Gorst Creek (Kitsap County):~~

~~(a) Selective gear rules.~~

~~(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(91) Granite Lakes (near Marblemount) (Skagit County): ((Grayling: Catch and release only.~~

~~(144)) Game fish: Statewide minimum length/daily limit, except: Release Grayling.~~

~~(92) Grass Lake (Mason County): Open the fourth Saturday in April through October 31.~~

~~((145)) (93) Green (Duwamish) River (King County):~~

~~(a) From an east-west line extending through the southernmost tip of Harbor Island to the First Avenue South Bridge:~~

~~(i) Open for game fish the ((first)) Saturday ((in June)) before Memorial Day through July 31((: Trout minimum length 14 inches, daily limit 2)).~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:~~

~~(A) Anti-snagging rules ((applies)).~~

~~(B) Night closure ((in effect)).~~

~~(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.~~

~~(I) Release Chinook.~~

~~(II) Salmon minimum length 12 inches.~~

~~(III) ((Trout minimum length 14 inches, daily limit 2)) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~((iii)) (iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:~~

~~(A) Anti-snagging rules ((applies)).~~

~~(B) Night closure ((in effect)).~~

~~(C) Daily limit 6 salmon of which no more than 3 adults may be retained.~~

~~(I) Release Chinook.~~

~~(II) Salmon minimum length 12 inches.~~

~~(III) ((Trout minimum length 14 inches, daily limit 2)) Game fish: Statewide minimum length/daily limit, except:~~

Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99:

(i) Open for game fish the ((first)) Saturday ((in June)) before Memorial Day through July 31((: Trout minimum length 14 inches, daily limit 2)).

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:

(A) Anti-snagging rules ((applies)).

(B) Night closure ((in effect)).

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon minimum length 12 inches.

(III) ((Trout minimum length 14 inches, daily limit 2:)) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(D) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(I) Anti-snagging rules ((applies)).

(II) Night closure ((in effect)).

(III) Daily limit 6 salmon of which no more than 3 adults may be retained.

((iii)) (iv) Release Chinook.

((iv)) (v) Salmon minimum length 12 inches.

((v) Trout minimum length 14 inches, daily limit 2:)) (vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge:

(i) Open for game fish the ((first)) Saturday ((in June)) before Memorial Day through July 31((: Trout minimum length 14 inches, daily limit 2)).

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) In years ending in odd numbers: Open for salmon and game fish August 20 through December 31:

(A) Anti-snagging rules ((applies)).

(B) Night closure ((in effect)).

((iii)) (iv) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:

(A) Anti-snagging rules ((applies)).

(B) Night closure ((in effect)).

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

((iv)) (v) August 20 through August 31: Release Chinook.

((v)) (vi) September 1 through December 31: Only one Chinook may be retained.

(A) Salmon minimum length 12 inches.

(B) ((Trout: Minimum length 14 inches, daily limit 2.

~~(vi))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(vii)~~ In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 adults may be retained.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

~~(III) ((Trout: Minimum length 14 inches, daily limit 2-))~~  
Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From the Interstate 405 Bridge to South 277th Street Bridge in Auburn:

(i) Open for game fish the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through July 31. ~~((Trout: Minimum length 14 inches, daily limit 2-))~~

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(iii)~~ In years ending in odd numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

~~(D) ((Trout: Minimum length 14 inches, daily limit 2-))~~  
~~((iii))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(iv)~~ In years ending in even numbers, open for game fish and salmon October 1 through December 31:

(A) Anti-snagging rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 adults may be retained.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

~~(D) ((Trout: Minimum length 14 inches, daily limit 2-))~~  
Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(e) From the South 277th Street Bridge to the Auburn-Black Diamond Road Bridge:

(i) Open for game fish the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 15~~((: Trout: Minimum length 14 inches, daily limit 2-))~~.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(iii)~~ In years ending in odd numbers, open for game fish and salmon September 16 through December 31:

(A) Anti-snagging rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

~~(D) ((Trout: Minimum length 14 inches, daily limit 2-))~~

~~((iii))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(iv)~~ In years ending in even numbers, open for game fish and salmon October 16 through December 31:

(A) Anti-snagging rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 adults may be retained.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

~~(D) ((Trout: Minimum length 14 inches, daily limit 2-))~~  
Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(f) 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) Open for game fish the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through September 15~~((: Trout: Minimum length 14 inches, daily limit 2-))~~.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(iv)~~ Open for game fish and salmon November 1 through December 31:

(A) Anti-snagging rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

~~(D) ((Trout: Minimum length 14 inches, daily limit 2-))~~  
Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(g) 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) ((Open for game fish the first Saturday in June through October 31: Trout: Minimum length 14 inches, daily limit 2-))~~

~~((iii))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(iii)~~ Open for game fish and salmon November 1 through December 31:

(A) Anti-snagging rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

(D) ~~((Trout: Minimum length 14 inches, daily limit 2.))~~

Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(h) From Friday Creek upstream, including all tributaries and their tributaries: ~~((†))~~ Open for game fish the Saturday before Memorial Day through October 31.

~~((ii) Trout: Statewide minimum size/daily limit.~~

~~(146)) (94) Greenwater River (King County): ((†))~~

From the mouth to Greenwater Lakes:

~~((†)) (a) Open ((November))~~ December 1 through ((January 31)) last day in February for whitefish only.

~~((ii) Release all fish except whitefish.~~

~~((iii)) (b) Whitefish gear rules ((apply)).~~

~~((b) From Greenwater Lakes upstream: Open the first Saturday in June through August 31 and October 16 through October 31.~~

~~(147)) (95) 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.~~

~~(148)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(96) Hamma Hamma River (Mason County): ((†))~~

From the mouth to 400 feet below the falls:

~~((†)) (a) Open the ((first)) Saturday ((in June)) before Memorial Day through August 31.~~

~~((†)) (b) 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 Saturday before Memorial Day through October 31.~~

~~(149)) (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(97) Hancock Lake (King County): ((†) 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.~~

~~((150) Hansen Creek (Skagit County): Including all tributaries and their tributaries:~~

~~(a) Open the first Saturday in June through August 31.~~

~~(b) Selective gear rules apply.~~

~~(151) Harrison Slough (Skagit County): Open the first Saturday in June through October 31.~~

~~(152) Hatchery Lake (Mason County): Open the fourth Saturday in April through October 31.~~

~~(153)) (98) Harvey Creek (Snohomish County): Closed waters.~~

~~(99) Haven Lake (Mason County): Open the fourth Saturday in April through October 31.~~

~~((154)) (100) Heart Lake (near Anacortes) (Skagit County): Open the fourth Saturday in April through October 31.~~

~~((155)) (101) Heins Lake (Kitsap County): Closed waters.~~

~~((156)) (102) Hicks Lake (Thurston County): Open the fourth Saturday in April through October 31.~~

~~((157) Hilt Creek (Skagit County) (Sauk River tributary) and all connected tributaries and beaver ponds above the falls (located 0.2 miles above the Highway 530 crossing): Open the Saturday before Memorial Day through October 31.~~

~~(158)) (103) Horseshoe Lake (Jefferson County):~~

~~(a) Selective gear rules.~~

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

~~(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.~~

~~(104) Horseshoe Lake (Kitsap County): ((†)) Open the fourth Saturday in April through October 31.~~

~~((b) Salmon: Landlocked salmon rules apply.~~

~~(159) 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.~~

~~(160)) (105) Howard Lake (Snohomish County): Open the fourth Saturday in April through October 31.~~

~~((161)) (106) Howell Lake (Mason County): Open the fourth Saturday in April through October 31.~~

~~((162)) (107) 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.~~

~~((163) 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.~~

~~(164) Hlabot Creek (Skagit County):~~

~~(a) Open the first Saturday in June through August 15.~~

~~(b) Selective gear rules apply.~~

~~(165)) (108) 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.~~

~~(166)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(109) Issaquah Creek (King County): Open the ((first)) Saturday ((in June)) before Memorial Day through August 31 ((for juvenile anglers only).~~

~~(167) Jackman Creek (Skagit County): Open the Saturday before Memorial Day through October 31 from the falls located 0.7 miles above Highway 20 upstream)).~~

~~((168)) (110) Jackson Lake (Pierce County): Open the fourth Saturday in April through October 31.~~

~~((169) Jefferson Creek (Mason County): Open the Saturday before Memorial Day through October 31.~~

~~(170)) (111) Jennings Park Pond (Snohomish County): Open ((the fourth Saturday in April through October 31)) for juvenile anglers ((only)), senior anglers and anglers with a disability who possess a designated harvester companion card.~~

~~((171)) (112) Jimmy-come-lately Creek (Clallam County): From the mouth to the confluence with East Fork. Open the Saturday before Memorial Day through August 31.~~

~~(113) Johns Creek (Mason County):~~

~~(a) ((Open the first Saturday in June through October 31. (b))) Selective gear rules ((apply)).~~

~~((e) Trout: Catch and release only.~~

~~(172) Johnson Creek (Thurston County) (Skookumchuck River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(173) 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.~~

~~(174) Jones Creek (Skagit County): Open the Saturday before Memorial Day through October 31 above the falls located 0.6 miles above Highway 20 upstream.~~

~~(175) Jordan Creek (Skagit County) (Cascade River tributary):~~

~~(a) Open the first Saturday in June through August 15.~~

~~(b) Selective gear rules apply.~~

~~(176) Jorsted Creek (Mason County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(177) Kelsey Creek (tributary of Lake Washington) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.~~

~~(178)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(114) Kendall Creek (Whatcom County) (N.F. Nooksack tributary): ((Open the Saturday before Memorial Day through October 31 above the hatchery grounds.~~

~~(179)) From the mouth through the hatchery to the hatchery boundary fence: Closed waters.~~

~~(115) Kennedy Creek (Mason County):~~

~~(a) From the mouth to Highway 101 Bridge:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.~~

~~(ii) October 1 through December 31:~~

~~(A) Anti-snagging rules ((applies)).~~

~~(B) Night closure ((in effect)).~~

~~(iii) ((Trout minimum length 14 inches.)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(iv) Salmon:~~

~~(A) Open October 1 through November 30.~~

~~(B) Limit 6; no more than 2 adults may be retained.~~

~~(C) Release wild coho.~~

~~(b) From Highway 101 Bridge ((to 400 feet below the falls)) upstream:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through October 31.~~

~~(ii) Selective gear rules ((apply)).~~

~~(iii) ((Trout: Catch and release only.)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(iv) October 1 through October 31:~~

~~(A) Anti-snagging rules ((applies)).~~

~~(B) Night closure ((in effect)).~~

~~((e) 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.~~

~~(180) Kennedy Creek Pond (Thurston County): Open the fourth Saturday in April through October 31.~~

~~(181)) (116) Ki Lake (Snohomish County): Open the fourth Saturday in April through October 31.~~

~~((182) 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.~~

~~(183) Kindy Creek (Skagit County) (Cascade River tributary):~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(184) King's Creek (Pierce County) (Puyallup River tributary): Open the first Saturday in June through August 31 and October 16 through October 31.~~

~~(185)) (117) Kings Lake Bog (King County): Closed waters.~~

~~((186) 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.~~

~~(187)) (118) Kitsap Creek (Kitsap County):~~

~~(a) Selective gear rules.~~

~~(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(119) 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.~~

~~(188) Ladder Creek (Skagit County):~~

~~(a) Open the first Saturday in June through August 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(189)) Release all fish.~~

~~(120) Langlois Lake (King County): Open the fourth Saturday in April through October 31.~~

~~((190)) (121) LeBar Creek (Mason County): ((Open the Saturday before Memorial Day through October 31 from the falls at river mile one upstream.~~

~~(191) Lena Creek (Mason County): Open the Saturday before Memorial Day through October 31.~~

~~(192)) From the mouth to the falls at river mile 1: Closed waters.~~

(122) Lilliwaup River (Mason County): ~~((a))~~ From the mouth to 200 feet below the falls:

~~((b))~~ (a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31.

~~((ii))~~ (b) 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 Saturday before Memorial Day through October 31.

~~(193) Lime Creek (Snohomish County) (Suittle River tributary):~~

~~(a)~~ Open the first Saturday in June through July 31.

~~(b)~~ Selective gear rules apply.

~~(194))~~ (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(123) Limerick Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((195) Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties):~~ Open the first Saturday in June through August 31 for juvenile anglers only.

~~(196) 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.

~~(197))~~ (124) Little Quilcene River (Jefferson County): From the mouth to the Little Quilcene River Bridge on Penny Creek Road:

(a) From the mouth to the Highway 101 Bridge: Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(125) Little Scandia Creek (Kitsap County):

~~((Open the first Saturday in June through October 31.~~

~~((b))~~ Selective gear rules ~~((apply))~~.

~~((c))~~ Trout: Minimum size 14 inches.

~~(198))~~ (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(126) 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) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

~~((d))~~ (ii) Grass carp: No limit for anglers and bow and arrow fishing.

~~((199))~~ (127) Long's Pond (Thurston County): Open for juvenile anglers ~~((only.~~

~~(200) Lyle Creek (King County) (White River tributary):~~ Open the first Saturday in June through August 31 and October 16 through October 31.

~~(201))~~, senior anglers and anglers with a disability who possess a designated harvester companion card only.

(128) Maggie Lake (Mason County): Open the fourth Saturday in April through ~~((November 30))~~ October 31.

~~((202))~~ (129) 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.

~~(203) Maple Creek (Whatcom County) (N.F. Nooksack tributary) above Maple Falls:~~ Open the Saturday before Memorial Day through October 31.

~~(204) Marble Creek (Skagit County) (Cascade River tributary):~~

(a) Open the first Saturday in June through July 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~(205))~~ (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(130) Margaret Lake (King County): Open the fourth Saturday in April through October 31.

~~((206) Marsh Creek (Snohomish County) (Sultan River tributary):~~ Open the Saturday before Memorial Day through October 31 above the falls, including tributaries and beaver ponds.

~~(207))~~ (131) Martha Lake (Alderwood Manor) (Snohomish County): Open the fourth Saturday in April through October 31.

~~((208))~~ (132) Martha Lake (Warm Beach) (Snohomish County):

(a) Selective gear rules ~~((apply))~~.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((209) May Creek (tributary of Lake Washington) (King County):~~ Open the first Saturday in June through August 31 for juvenile anglers only.

~~(210))~~ (133) Mashel River (Pierce County): Closed waters.

(134) McAllister Creek (Thurston County):

(a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ~~((September 30 and November 16 through))~~ November 30.

(b) ~~((Selective gear rules apply.~~

~~((c))~~ Trout: Minimum length 14 inches.

~~((d))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((c))~~ Salmon:

(i) Open July 1 through ~~((September 30 and November 16 through))~~ November 30.

(ii) Limit 6; of which no more than 2 may be adults.

(iii) Release coho.

~~((211))~~ (135) McLane Creek (Thurston County):

(a) ~~((Open the first Saturday in June through October 31.~~

~~((b))~~ Selective gear rules ~~((apply))~~.

~~((c))~~ Catch and release.

~~((d))~~ (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((c))~~ Night closure ~~((in effect))~~.

~~((212) McLane Creek Ponds (Thurston County):~~ Open the fourth Saturday in April through October 31.

~~(213))~~ (136) McMurray Lake (Skagit County): ~~((a))~~ Open the fourth Saturday in April through October 31. ~~((b))~~ Landlocked salmon rules ~~((apply))~~.

~~((214))~~ (137) Melbourne Lake (Mason County):  
Open the fourth Saturday in April through October 31.

~~((215) Mercer Slough (tributary of Lake Washington) (King County):~~ Open the first Saturday in June through August 31 for juvenile anglers only.

~~(216) Milk Creek (Snohomish County) (Suittle River tributary):~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(217))~~ (138) Mill Creek (Mason County):

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply))~~.

~~((e))~~ (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((218))~~ (139) 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.~~

~~(219) Mima Creek (Thurston County) (Black River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(220))~~, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(140) Minter Creek (Pierce/Kitsap counties): From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

(a) Open for salmon November 1 through December 31.

(b) Night closure ~~((in effect))~~.

(c) Daily limit 4 chum; release all other salmon.

~~((221))~~ (141) Mission Lake (Kitsap County): Open the fourth Saturday in April through October 31.

~~((222))~~ (142) Monte Cristo Lake (Snohomish County):

(a) Open ~~((the first Saturday in))~~ June 1 through August 31.

(b) Selective gear rules ~~((apply))~~.

(c) Release all fish except ~~((anglers may retain up to 2))~~ hatchery steelhead.

~~((223) Mountain Lake (San Juan County):~~ It is unlawful to retain more than one trout over 18 inches in length.

~~(224))~~ (143) Mud Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((225))~~ (144) 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.~~

~~(226) New Pond Creek (Pierce County) (South Prairie Creek tributary):~~ Open the first Saturday in June through October 31.

~~(227) Newhalem Creek (Whatcom County):~~ Open the Saturday before Memorial Day through October 31 above the power facility.

~~(228) Newhalem Ponds (Whatcom County):~~ Closed.

~~(229))~~ Release all fish.

(145) Nisqually River (Pierce County):

(a) From the mouth to Military Tank Crossing Bridge:

(i) Anti-snagging rules ~~((applies))~~.

(ii) Night closure ~~((in effect))~~.

(iii) Barbless hooks are required.

(iv) Open July 1 through November 15 ~~((= Trout minimum length 14 inches))~~.

(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon: Open July 1 through November 15.

(A) Daily limit 6; no more than 2 adults may be retained.

(B) Release wild Chinook and chum.

(b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:

(i) Open ~~((July 1 through September 30))~~ the Saturday before Memorial Day through October 31.

(ii) Selective gear rules ~~((apply))~~.

(iii) ~~((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(e) From Alder Reservoir upstream including all tributaries to mainstem and reservoir:~~

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

~~(ii) Selective gear rules apply.~~

~~(iii) Trout minimum length 14 inches.~~

~~(230) Nookachamps Creek (Skagit County):~~

~~(a) Open the first Saturday in June through August 31, including all tributaries and their tributaries.~~

~~(b) Selective gear rules apply.~~

~~(231))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(146) Nisqually River tributaries downstream of Alder Dam not otherwise listed (Pierce County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(147) 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))~~ before Memorial Day through January 31.

(ii) From the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through November 30:

(A) Anti-snagging rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(iii) ~~((Trout: Minimum length 14 inches.))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open September 1 through December 31:

(I) Daily limit 2, plus 2 additional hatchery coho; release wild coho.

(II) Release wild Chinook September 1 through September 30.

(B) In odd-numbered years, open July 16 through August 31:

(I) Daily limit 4 pink salmon.

(II) It is unlawful to use bait.

(III) It is unlawful to use anything other than single-point barbless 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 rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(iii) ~~((Trout: Minimum length 14 inches.))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

~~((A))~~ Open October 1 through December 31:

~~((A))~~ (B) Daily limit 2, plus anglers may retain 2 additional hatchery coho.

~~((B))~~ (C) Release wild coho and wild Chinook.

~~((232))~~ (148) Nooksack River, North Fork (Whatcom County):

(a) From the mouth to Maple Creek:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through February 15.

(ii) From the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through November 30:

(A) Anti-snagging rules ~~((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.))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

~~((A))~~ Open October 1 through November 30(±).

~~((B))~~ Daily limit 2 salmon, plus anglers may retain 2 additional hatchery coho; release wild coho.

(b) From Maple Creek to Nooksack Falls:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day 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.))~~

~~((e))~~ The waters above Nooksack Falls, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

~~((233))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((149))~~ Nooksack River, Middle Fork (Whatcom County): ~~((a))~~ Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((b))~~ From the mouth to the city of Bellingham diversion dam:

~~((i))~~ (a) November 1 through January 31: It is unlawful to use motors.

~~((ii))~~ (b) Open the ((first)) Saturday ((in June)) before Memorial Day through January 31.

~~((iii))~~ (c) Selective gear rules ((apply)).

~~((iv))~~ Trout: Minimum size 14 inches.

~~((e))~~ The waters above the diversion dam, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

~~((234))~~ (d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((150))~~ Nooksack River, South Fork (Skagit/Whatcom counties):

~~((a))~~ (Release all fish except mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((b))~~ From the mouth to Skookum Creek:

(i) Open October 1 through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iii))~~ Only one single-point hook allowed.

~~((iv))~~ From October 1 through November 30: Night closure ((in effect)).

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

~~((iv))~~ (vi) Salmon open October 1 through December 31:

(A) Daily limit 2; plus anglers may retain 4 additional hatchery coho.

(B) Release chum and wild coho.

(C) Release wild Chinook October 1 through October 15.

~~((D))~~ In years ending in odd numbers, release pink salmon. (b) From Skookum Creek upstream to Wanlick Creek: Closed waters.

(c) 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 except mandatory hatchery steelhead retention.

~~((235))~~ North Creek (Snohomish/King counties) (tributary of Sammamish River): Open the first Saturday in June through August 31 for juvenile anglers only.

~~((236))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((151))~~ North Lake (King County): Open the fourth Saturday in April through October 31.

~~((237))~~ (152) Northern State Hospital Pond (Skagit County): Open ((the fourth Saturday in April through October 31)) for juvenile anglers only.

~~((238))~~ Ohop Creek (Pierce County):

(a) Open July 1 through September 30.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((239))~~ Ohop Lake (Pierce County): There are no size restrictions for kokanee.

~~((240))~~ (153) 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.

~~((241))~~ (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(154) Old Fishing Hole Pond (Kent, King County): Open ~~((the fourth Saturday in April through October 31 for))~~ to juvenile anglers ~~((only)), senior anglers, and anglers with a designated harvester companion card.~~

~~((242) 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.~~

~~(243) Olson Creek (Skagit County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(244)) (155) Osborne Lake (Mason County): Open the fourth Saturday in April through October 31.~~

~~((245) 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.~~

~~(246) Outlet Creek (Mason County) (Satsop River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(247) Owl Creek (Snohomish County) (Whitechuck River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(248)) (156) 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.~~

~~(249) Panhandle Lake (Mason County): Open the fourth Saturday in April through October 31.~~

~~(250)) (157) Panther Lake (Kitsap/Mason counties): Open the fourth Saturday in April through October 31.~~

~~((251)) (158) 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.~~

~~(252) 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.~~

~~(253)) All motors prohibited.~~

~~(c) Release all fish.~~

(159) Perry Creek (Thurston County): From the mouth to the falls:

~~(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~~

~~(254)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

(160) Phillips Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((255)) (161) Pilchuck Creek (Snohomish County): ~~((a))~~ From the mouth to the ~~((Highway 9 Bridge)) Pilchuck Falls:~~~~

~~((i))~~ (a) Open the ~~((first))~~ Saturday ~~((in June through June 30.~~

~~((ii) From the first Saturday in June through June 30:))~~ before Memorial Day through January 31.

~~(b) From the Saturday before Memorial Day through November 30: selective gear rules ~~((apply)).~~~~

~~((iii) Trout: minimum length 14 inches.~~

~~(b) From the Highway 9 Bridge to Pilehuck Falls:~~

~~(i) Open the first Saturday in June through June 30.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Trout: Minimum length 14 inches.~~

~~(c) From Pilehuck Falls upstream, including all tributaries and their tributaries, and all tributaries to Lake Cavanaugh: Open the Saturday before Memorial Day through October 31.~~

~~(256)) (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

(162) Pilchuck River (Snohomish County):

(a) From the mouth to 500 feet downstream from the Snohomish City diversion dam:

(i) Open from December 1 through January 31 ~~((from the mouth to 500 feet downstream from the Snohomish City diversion dam)).~~

~~((b)) (ii) It is unlawful to fish from any floating device.~~

~~((c) Trout: Minimum length 14 inches.~~

~~(257) Pine Creek (Mason County): Open the Saturday before Memorial Day through October 31.~~

~~(258)) (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

(b) From 500 feet downstream from the Snohomish City diversion dam upstream: Closed waters.

(163) Pine Lake (King County): Open the fourth Saturday in April through October 31.

~~((259) Pine Lake (Mason County): Open the fourth Saturday in April through October 31.~~

~~(260)) (164) Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.~~

~~((261) 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.~~

~~(262) 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.~~

~~(263) 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.~~

~~(264)) (165) Pipers Creek (King County) and tributaries: Closed waters.~~

(166) Portage Creek (Snohomish County): Closed waters.

(167) 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)) Release all fish.~~

~~((265) Pugh Creek (Snohomish County) (White Chuck River tributary):~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(266)) (168) Puyallup River (Pierce County):~~

~~(a) From the 11th Street Bridge to ((Freeman Road))~~

Carbon River:

(i) Open for game fish August 15 through December 31.

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

(iii) August 15 through November 30:

(A) Anti-snagging rules ((applies)).

(B) Night closure ((in effect)).

(C) Barbless hooks are required.

(iv) ~~((Trout: Minimum length 14 inches.))~~ Game fish: statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Daily limit 6. No more than 2 adults may be retained.

(B) Release wild adult Chinook.

(b) ~~((From Freeman Road to the Carbon River:~~

~~(i) Open for game fish August 10 through December 31.~~

~~(ii) August 10 through November 30:~~

~~(A) Anti-snagging rule applies.~~

~~(B) Night closure in effect.~~

~~(C) Barbless hooks are required.~~

~~(iii) Trout: Minimum length 14 inches.~~

~~(iv) Salmon:~~

~~(A) Limit 6. No more than 2 adults may be retained.~~

~~(B) Release wild adult Chinook.~~

~~(e)) From Carbon River upstream:~~

~~(i) Open ((October 16)) the Saturday before Memorial Day through January 15.~~

~~(ii) Selective gear rules ((apply)).~~

~~(iii) ((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(267) Pyramid Creek (King County) upstream of Forest Service Road 7000: Open the first Saturday in June through October 31.~~

~~(268) Racehorse Creek (Whatcom County) (N.F. Nooksack tributary) above the falls located 0.2 miles above the North Fork Road: Open the Saturday before Memorial Day through October 31.~~

~~(269)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(169) Raging River (King County): ((a)) From the mouth to the Highway 18 Bridge:~~

~~((+)) (a) Open the ((first)) Saturday ((in June through August 31 and November 1)) before Memorial Day through January 31.~~

~~((ii) Trout: Minimum length 14 inches.~~

~~(b) From Highway 18 Bridge upstream: Open the first Saturday in June through August 31.~~

~~(270)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(170) Rapjohn Lake (Pierce County): Open the fourth Saturday in April through October 31.~~

~~((271)) (171) 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.~~

~~(e)) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.~~

~~((272)) (172) Ravensdale Lake (King County):~~

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

~~(b)) Selective gear rules ((apply)).~~

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

~~(d)) (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length ((+2)) 14 inches.~~

~~((273) Red Creek (King County) (White River tributary): Open the first Saturday in June through October 31.~~

~~(274) Rendsland Creek (Mason County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(275)) (173) Riley Lake (Snohomish County): Open the fourth Saturday in April through October 31.~~

~~((276) Roaring Creek (Whatcom County): Open the Saturday before Memorial Day through October 31 upstream from the confluence with Deer Creek, including all tributaries.~~

~~(277)) (174) Robbins Lake (Mason County): Open the fourth Saturday in April through October 31.~~

~~((278)) (175) 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.~~

~~(279) Roesiger Lake (Snohomish County): Crappie limit 10; minimum length 9 inches.~~

~~(280) Rose Lake (Mason County): Open the fourth Saturday in April through October 31.~~

~~(281)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat and wild rainbow trout.~~

~~(176) Roesiger Lake (Snohomish County): Game fish: statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.~~

~~(177) Ross Lake (Reservoir) (Whatcom County):~~

~~(a) Open July 1 through October 31((:)).~~

~~(b) Selective gear rules ((apply)).~~

~~(c) ((Trout, except eastern brook trout: Limit 1; minimum length 16 inches.~~

~~(d) Eastern brook trout: Limit 5; no minimum length.~~

~~(282)) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout except eastern brook trout: Daily limit 1; minimum length 16 inches.~~

~~(ii) Eastern brook trout: Daily limit 5; no minimum size.~~

~~(178) Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County): ((+)) 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.~~

~~(283) 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.~~

~~(284)) (179) Ruby Creek (Whatcom County): Closed waters.~~~~(180) Ruby Creek tributaries (Whatcom County): Open July 1 through October 31.~~~~(181) Salmon Creek and all forks (Jefferson/Clallam counties): Closed waters.~~~~(182) 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.~~
- ~~(285)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(183) Samish Lake (Whatcom County): Game fish: Statewide minimum length/daily limit, except: Cutthroat trout; Daily limit 2; minimum length 14 inches.~~~~((286)) (184) Samish River (Skagit County):~~

- ~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~
- ~~(b)) From the mouth to the I-5 Bridge:~~
  - ~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through November 30.~~
  - ~~(ii) ((From the first Saturday in June through November 30: Trout minimum length 14 inches.)) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow 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) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.))~~

- ~~(v) Salmon:~~
  - ~~(A) Open August 1 through November 30.~~
  - ~~(B) Daily limit 2; anglers may only retain fish hooked inside the mouth.~~

~~((c)) (b) From the I-5 Bridge to the Old Highway 99 Bridge:~~

- ~~(i) Closed waters from the Old Highway 99 Bridge to the WDFW salmon rack.~~
- ~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through August 30((:)).~~

- ~~(iii) Selective gear rules ((apply)).~~
- ~~(iv) ((Release all fish except mandatory hatchery steelhead retention.~~

~~((d)) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~~~(c) From the WDFW hatchery rack to Hickson Bridge ((upstream)):~~

- ~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through November 30.~~
- ~~(ii) Selective gear rules ((apply)).~~
- ~~(iii) ((Release all fish except mandatory hatchery steelhead retention.~~

~~(e) From Hickson Bridge upstream:~~

- ~~(i) Open the first Saturday in June through October 31.~~
- ~~(ii) Selective gear rules apply.~~
- ~~(iii) Mandatory hatchery steelhead retention.~~
- ~~(287)) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(185) Sammamish Lake (King County):~~

- ~~(a) ((Open for game fish year-round.~~
- ~~(b)) Closed ((to fishing)) waters within 100 yards of the mouth of Issaquah Creek August 16 through November 30.~~
- ~~((c) Kokanee: Catch and release only.~~
- ~~((d)) (b) Game fish: Statewide minimum length/daily limit, except: Release all kokanee.~~

~~(c) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.~~

- ~~((e)) (d) Landlocked salmon rules apply for December 1 through May 31. Hatchery coho only may be retained as part of the trout daily limit under the landlocked salmon rules, ((12 inch)) minimum ((size)) length 12 inches.~~

~~((f)) (e) Open for salmon from October 1 through November 30.~~

- ~~(i) Salmon: Daily limit 4 coho only.~~
- ~~(ii) Release Chinook and sockeye.~~

~~((288)) (186) 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.~~

~~(289)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~~~(187) Sandysore Lake (Jefferson County): Open the fourth Saturday in April through October 31.~~~~(188) 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 Darrington Bridge:~~

- ~~(i) Open ((the first Saturday in)) June 1 through ((July 15 and December 15 through)) January 31.~~
- ~~(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(d) From Darrington Bridge to the mouth of the White Chuck River((:)): Open ((the first Saturday in)) June 1 through ((July 15 and December 15 through)) January 31.~~

- ~~(e) From the Whitechuck River to the headwaters, including the North Fork from mouth to North Forks Falls and the South Fork from mouth to Elliot Creek((:)): Open ((the first Saturday in)) June 1 through ((July 15)) October 31.~~

(f) In the South Fork upstream from Elliot Creek: Open ~~((the first Saturday in))~~ June 1 through August 31.

~~((290) **Sauk, North Fork, (Snohomish County):** Open the Saturday before Memorial Day through October 31 above North Fork falls including all tributaries.~~

~~(291)) (189) **Sawyer Lake (King County):** Chumming is permissible.~~

~~((292) **Scatter Creek (King County) (White River tributary):** Open the first Saturday in June through October 31.~~

~~(293) **Scatter Creek (Thurston County) (Chehalis River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(294)) (190) **Schneider Creek (Thurston County):**~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((c) Trout: Minimum size 14 inches.~~

~~(295)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(191) **Serene Lake (Snohomish County):** Open the fourth Saturday in April through October 31.~~

~~((296)) (192) **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.~~

~~(297)) (193) **Shannon, Lake (Skagit County):**~~

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

~~(b) Chumming is permissible.~~

~~(c) ((Trout)) Game fish: Statewide minimum length/daily limit, except: Kokanee; Minimum length ((6 inches and maximum length 18)) 8 inches.~~

~~((298)) (194) **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.~~

~~(299) **Sherman Creek (Thurston County) (Chehalis River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(300)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(195) **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.~~

~~(301)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(196) **Sherwood Creek Mill Pond (Mason County):**~~

~~((a) Open the first Saturday in June through October 31.~~

~~(b)) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.~~

~~((302)) (197) **Shoe Lake (Mason County):** Open the fourth Saturday in April through October 31.~~

~~((303) **Silesia Creek (Chilliwack River tributary) (Whatcom County):** Open the first Saturday in June through October 31.~~

~~(304) **Silver Creek (Skagit County) (Samish River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(305) **Silver Creek (Whatcom County) (Nooksack River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(306)) (198) **Silent Lake (Jefferson County):** Open the fourth Saturday in April through October 31.~~

~~(199) **Silver Lake (Pierce County):** Open the fourth Saturday in April through October 31.~~

~~((307)) (200) **Silver Lake (Whatcom County):** Open the fourth Saturday in April through October 31.~~

~~((308)) (201) **Sixteen Lake (Skagit County):** Open the fourth Saturday in April through October 31.~~

~~((309)) (202) **Skagit River (Skagit/Whatcom counties):**~~

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

~~(b)) From the mouth to Highway 530 Bridge at Rockport: ((Trout: Minimum length 14 inches, except anglers may retain)) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(ii) Dolly Varden/Bull Trout ((with a)): Minimum length of 20 inches as part of the trout limit.~~

~~((c)) (b) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):~~

~~(i) Open March 1 through ((July 15 and December 15 through)) January 31((, except closed waters June 28 and 29, July 6, 7, and 11)).~~

~~(ii) March 1 through July 15:~~

~~(A) Selective gear rule((s 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.~~

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

~~(i) Open June 1 through ((July 15 and December 15 through)) January 31((, except closed waters June 28 and 29, July 6, 7, and 11)).~~

~~(A) Night closure ((in effect)): June 1 through July 15.~~

~~(B) June 1 through June 10:~~

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

~~(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.~~

~~(ii) Salmon: Open June 11 through July 15; daily limit 3 sockeye only.~~

~~((e)) (d) From Gilligan Creek to The Dalles Bridge at Concrete:~~

~~(i) Open June 1 through ((July 15 and December 15 through)) January 31((, except closed waters June 28 and 29, July 6, 7, and 11)).~~

~~(ii) From June 1 through July 15:~~

- (A) Selective gear rules (~~(apply)~~).
- (B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.
- (C) Night closure (~~(in effect)~~).
- ~~((f))~~ (e) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:
- (i) Open June 1 through ~~((July 15 and December 15 through))~~ January 31 (~~(; except closed waters June 28 and 29, July 6, 7, and 11)~~).
- (ii) June 1 through July 15: Closed waters 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 July 15:
- (A) Night closure (~~(in effect)~~).
- (B) Selective gear rules (~~(apply)~~).
- (C) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.
- ~~((g))~~ (f) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):
- (i) Open June 1 ~~((through July 15 and December 15))~~ through January 31:
- (A) ~~((Trout catch and release only, except mandatory hatchery steelhead retention;~~
- ~~(B))~~ June 1 through July 15; anti-snagging rules (~~(applies)~~).
- ~~((C))~~ (B) June 1 through July 15; night closure (~~(in effect)~~).
- (C) Selective gear rules and it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.
- (ii) Salmon: Open June 1 through July 15:
- (A) Daily limit 4 hatchery Chinook only.
- (B) Only 2 adult hatchery Chinook may be retained as part of the limit.
- ~~((h))~~ (g) From Cascade River Road to the Gorge Pow-erhouse:
- (i) Open June 1 ~~((through July 15 and December 15))~~ 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.~~
- ~~(i) Gorge and Diablo lakes' tributary streams and their tributaries, except Stetattle Creek: Open the first Saturday in June through October 31.~~
- ~~(310))~~ Release all fish except hatchery steelhead.
- (203) Skokomish River (Mason County):**
- (a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed waters.
- (b) From the city of Tacoma PUD overhead distribution lines to the Bonneville Transmission lines west of Highway 101: Closed waters.
- (c) From the Bonneville Transmission lines west of Highway 101 to the forks:
- (i) ~~((Open the first Saturday in June through October 31.~~
- ~~(ii))~~ Selective gear rules (~~(apply)~~).
- ~~((iii) Catch and release only.~~
- ~~(iv) No steelhead retention.~~

- ~~(311))~~ (ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.
- (204) Skokomish River, North Fork (Mason County):**
- (a) From the mouth to the lower dam:
- (i) 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))~~ (ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.
- (b) Above Lake Cushman, from the mouth to Olympic National Park boundary:
- (i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31.
- ~~((312))~~ (ii) Selective gear rules.
- (iii) Release all fish.
- (205) 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.~~
- ~~(v) No steelhead retention.~~
- (b) From the mouth of Rule Creek to the headwaters:
- (i) Open the Saturday before Memorial Day through October 31.
- (ii) Selective gear rules apply.
- (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- ~~(iv) Trout: Minimum length 12 inches.~~
- ~~(313))~~ (ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.
- (b) From LeBar Creek to Rule Creek: Closed waters.
- (206) 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.~~
- ~~(314) Skookum Creek (Whatecom County):~~ From the mouth of Arlecho Creek upstream, including Arlecho Creek and all other tributaries: Open the Saturday before Memorial Day through October 31.
- ~~(315) Skookumchuck Reservoir (Thurston County):~~
- (a) Open the first Saturday in June through October 31.
- (b) Trout: Daily limit 2; minimum length 12 inches.
- ~~(316))~~ (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (207) Skykomish River (Snohomish County):**
- (a) ~~((Trout: Minimum length 14 inches, except anglers may retain))~~ Game fish: Statewide minimum length/daily limit, except:
- (i) Cutthroat trout, and wild rainbow trout: Minimum length 14 inches.
- (ii) Dolly Varden/Bull trout ((with a)): Minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the mouth of Wallace River:  
 (i) Open ~~((June 1))~~ the Saturday before Memorial Day through January 31.

(ii) From August 1 through November 30:

~~(A) Anti-snagging rules ((applies and)).~~

~~(B) Night closure ((in effect August 1 through November 30)).~~

(iii) From 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) Salmon:

(A) Open ~~((June 1))~~ the Saturday before Memorial Day through July 31: Limit 4 hatchery Chinook; no more than 2 of which may be adults.

(B) For years ending in odd numbers:

(I) Open August 16 through December 31 from the mouth to Lewis Street Bridge in Monroe.

(II) Open September 1 through December 31 from the Lewis Street Bridge to Wallace River.

(III) Daily limit 3 salmon; release Chinook and chum.

(c) From the mouth of the Wallace River to the forks:

(i) Open ~~((June 1))~~ the Saturday before Memorial Day through ~~((January 31))~~ February 15.

(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:

~~(A) Anti-snagging rules ((applies and)).~~

~~(B) Night closure ((in effect from Wallace River to the forks)).~~

~~((iv June 1))~~ (ii) From the Saturday before Memorial Day 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.

~~((iv))~~ (iv) Salmon: For years ending in odd numbers:

(A) Open September 1 through December 31.

(B) Daily limit 3 salmon; release Chinook and chum.

~~((317))~~ **(208) 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 August 31 and November 1)) before Memorial Day 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.~~

~~((318))~~ From 1000 feet downstream of Bear Creek Falls to Deer Falls and all tributaries: Closed waters.

**(209) 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 August 31 and November 1)) before Memorial Day through January 31.

(ii) From August 1 through ((August 31 and November 1 through)) November 30:

(A) Anti-snagging rules ~~((applies)).~~

(B) Night closure ~~((in effect)).~~

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 600 feet downstream of Sunset Falls fishway to Sunset Falls: Closed waters.

~~(c) From Sunset Falls to the source((, including all tributaries and their tributaries)):~~

(i) Open the ~~((first))~~ Saturday ((in June)) before Memorial Day through ~~((August 31))~~ the last day in February.

(ii) From the Saturday before Memorial Day through November 30: 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.~~

~~(319) **Smith Creek (Whatcom County) (Nooksack River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(320))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) All tributaries and their tributaries above Sunset Falls:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Selective gear rules.

**(210) 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) Sturgeon catch and release is permissible ~~((July 1 through June 30))~~ year-round.

(ii) August 1 through November 30:

(A) Anti-snagging rules ~~((applies));~~ except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure ~~((in effect)).~~

(iii) ~~((Game fish:~~

~~(A))~~ Open the ~~((first))~~ Saturday ((in June)) before Memorial Day through January 31.

~~((B) Trout: Minimum length 14 inches, except anglers may retain))~~ (iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout ((with a)): Minimum length of 20 inches as part of the trout limit.

~~((iv))~~ (v) Salmon, for years ending in odd numbers:

(A) Open August 1 through December 31.

(B) Daily limit 3 salmon; release Chinook and chum.

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers ~~((f))~~ and all channels((b)):

(i) Open the ~~((first))~~ Saturday ((in June)) before Memorial Day through January 31.

- (ii) August 1 through November 30:
  - (A) Anti-snagging rules ~~((applies))~~.
  - (B) Night closure ~~((in effect))~~.
- (iii) ~~((Trout: Minimum length 14 inches, except anglers may retain))~~ Game fish: Statewide minimum length/daily limit, except:
  - (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
  - (B) Dolly Varden/Bull trout ((with a)): Minimum length of 20 inches as part of the trout limit.
- (iv) Salmon, for years ending in odd numbers:
  - (A) Open August 16 through December 31.
  - (B) Limit 3; release Chinook and chum.
- ~~((321))~~ **(211) 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))~~ before Memorial Day through November 30: Selective gear rules ~~((apply))~~.
    - ~~((iii))~~ (ii) From September 1 through November 30: Night closure ~~((in effect))~~.
    - ~~((iv))~~ (iii) From the mouth to the boat ramp at the Plum access: Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through January 31.
    - ~~((v))~~ (iv) From the boat ramp at the Plum access to the falls: Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through February 15.
    - ~~((vi))~~ (v) 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))~~ (vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
  - (vii) Salmon, for years ending in odd numbers:
    - (A) Open September 1 through December 31.
    - (B) Daily limit 3 salmon; release Chinook and chum.
  - (b) From Snoqualmie Falls upstream, including the North ~~((and))~~ Fork, South Fork((s)), all tributaries except Middle Fork and tributaries to the Middle Fork:
    - (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 Memorial Day: ~~((Catch and release only.))~~ Release all fish.
    - (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. From November 1 through the Friday before Memorial Day: Catch and release only.~~
    - (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.))~~ Release all fish.
- ~~((212))~~ **(212) South Prairie Creek (Pierce County):** ~~((Open the Saturday before Memorial Day through August 31 and October 16 through October 31))~~ From the mouth to the city of Buckley diversion dam ~~((upstream))~~: Closed waters.
- ~~((323))~~ **(213) 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) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; maximum length 12 inches.
- ~~((324))~~ **(214) Spada Lake (Reservoir) tributaries (Snohomish County):** Closed waters.
- ~~((325))~~ **(215) Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County):** Open year-round.
- ~~((326))~~ **~~Squalicum Creek (Whatcom County):~~**
  - ~~(a) Open the first Saturday in June through October 31.~~
  - ~~(b) Selective gear rules apply.~~
- ~~((327))~~ **(216) Squalicum Lake (Whatcom County):**
  - (a) ~~((Open for))~~ Fly fishing only.
  - (b) ~~((It is unlawful to fish from a floating device equipped with a motor.))~~ All motors prohibited.
  - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- ~~((328))~~ **~~Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):~~**
  - ~~(a) Open the first Saturday in June through June 30.~~
  - ~~(b) Selective gear rules apply.~~
  - ~~(c) Release all fish except anglers may retain up to 2 hatchery steelhead.~~
- ~~((329))~~ **(217) Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):**
  - (a) Selective gear rules.
  - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (218) Steel Lake (King County):** Open the fourth Saturday in April through October 31.
- ~~((330))~~ **(219) Stetattle Creek (Whatcom County):** ~~((Open the first Saturday in June through October 31 above))~~ From the mouth ~~((of))~~ to Bucket Creek ~~((approximately 1.5 miles upstream))~~: Closed waters.
- ~~((331))~~ **(220) Stevens, Lake (Snohomish County):** ~~((a))~~ Chumming is permissible.
- ~~((b))~~ ~~Kokanee: Limit 10; kokanee do not count toward the trout limit.~~
- ~~((332))~~ **(221) Steves Lake (Stevens Lake) (Mason County):** Open the fourth Saturday in April through October 31.
- ~~((333))~~ **(222) Stickney Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((334))~~ (223) Stillaguamish River (Snohomish County):

(a) From the mouth to Marine Drive, including all sloughs:

- (i) Open year-round.
- (ii) Night closure ~~((in effect))~~.

(iii) From August 1 through November 30: Anti-snagging rules ~~((applies))~~, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) ~~((Trout: Minimum length 14 inches:))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed waters.

(ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ~~((June))~~ November 30.

(A) Selective gear rules ~~((apply))~~.

(B) Release all fish except ~~((anglers may retain up to 2))~~ hatchery steelhead.

~~((335))~~ (iii) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(224) Stillaguamish River, North Fork (Snohomish County):

(a) From the North Fork mouth to the mouth of French Creek:

(i) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(ii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(iii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ~~((July 31))~~ November 30:

(A) Fly fishing only.

(B) ~~((Release all fish except anglers may retain up to 2 hatchery steelhead:))~~ From August 1 through November 30: night closure.

(C) Release all fish except hatchery steelhead.

(iv) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) ~~((Open the first Saturday in June through July 31:~~

(A) Fly fishing only.

~~((B) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~((ii) Open December 1 through January 31:~~

~~((A) Fly fishing only.~~

~~((B) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~((c) From Swede Heaven Bridge to North Forks Falls approximately one mile upstream of Cascade Creek:~~

~~((i) Open the first Saturday in June through June 30.~~

~~((ii) Selective gear rules apply.~~

~~((iii) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~((d) Upstream of North Fork Falls, approximately one mile upstream of Cascade Creek including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.~~

~~((336))~~ From August 1 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(ii) Open the Saturday before Memorial Day through November 30:

(A) Fly fishing only.

(B) Release all fish except hatchery steelhead.

(iii) Open from December 1 through February 15. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From Swede Heaven Bridge to North Forks Falls approximately one mile upstream of Cascade Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(225) 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))~~ before Memorial Day through ~~((June 30.~~

~~((ii) Trout: Minimum length 14 inches:))~~ January 31.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 400 feet below the Granite Falls Fishway to the Mountain Loop Highway Bridge above Granite Falls: Closed waters.

(c) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source: ~~((i) Open the first Saturday in June through September 4.~~

~~((ii) Selective gear rules apply.~~

~~((iii))~~ From August 1 through ~~((September 4))~~ October 31:

~~((A))~~ (i) Anti-snagging rules ~~((applies))~~.

~~((B))~~ (ii) Night closure ~~((in effect))~~.

~~((337) Stimson Creek (Mason County):~~

~~((a) Open the first Saturday in June through October 31.~~

~~((b) Selective gear rules apply.~~

~~((c) Catch and release only.~~

~~((338))~~ (226) Storm Lake (Snohomish County): Open the fourth Saturday in April through October 31.

~~((339) Straight Creek (Snohomish County) (Suiattle River tributary):~~

~~((a) Open the first Saturday in June through July 31.~~

~~((b) Selective gear rules apply.~~

~~((340))~~ (227) Suiattle River (Skagit/Snohomish County):

(a) ~~((Open the first Saturday in June through July 15.~~

~~((b))~~ Selective gear rules ~~((apply))~~.

~~((e) Trout: It is permissible to retain)) (b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout ((with a)): Minimum length of 20 inches as part of trout limit.~~

~~((341) Sulphur Creek (Snohomish County) (Suiattle River tributary):~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(342)) (228) Sultan River (Snohomish County): ((a)) From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:~~

~~((i)) (a) Open the ((first)) Saturday ((in June)) before Memorial Day through ((August 31 and November 1 through)) January 31.~~

~~((ii) Trout: Minimum length 14 inches, except anglers may retain)) (b) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(ii) 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.~~

~~(343) Sumas River (Whatcom County): Open the first Saturday in June through October 31, including all tributaries except Johnson Creek.~~

~~(344)) (229) Sultan River; North Fork (Snohomish County): Closed waters.~~

~~(230) Sultan River; South Fork (Snohomish County): Closed waters.~~

~~(231) 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.~~

~~(345)) (232) Susan Lake (Thurston County):~~

~~(a) Selective gear rules ((apply)).~~

~~(b) ((Catch and release only.~~

~~(346) Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Open the first Saturday in June through August 31 for juvenile anglers only.~~

~~(347)) Release all fish.~~

~~(233) Swan's Mill Pond (Stossel Creek) (King County): Open the ((first Saturday in June)) Saturday before Memorial Day through October 31.~~

~~((348)) (234) Symington Lake (Kitsap County):~~

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

~~(b) Selective gear rules ((apply)).~~

~~(c) ((Trout: Catch and release only.~~

~~(349)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(235) Tahuya River (Mason County):~~

~~(a) From the mouth to the ((steel bridge approximately 1 mile upstream of North Shore)) Belfair Tahuya Road Bridge:~~

~~(i) Open the ((first Saturday in June through August 15 and October 1 through October 31.~~

~~((ii)) Saturday before Memorial Day through August 15.~~

~~(ii) Selective gear rules ((apply)).~~

~~((iii) October 1 through October 31: Night closure in effect.~~

~~(iv) Release all game fish.) (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(b) From the ((steel bridge approximately one mile upstream of North Shore)) Belfair Tahuya 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) Catch and release only.~~

~~(350) Tanwax Creek (Thurston County):~~

~~(a) Open the first Saturday in June through September 30.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(351)) (236) Tanwax Lake (Pierce County): Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.~~

~~((352)) (237) Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within ((four hundred)) 400 feet of the screen at Dingle Basin: Open year-round.~~

~~((353) Taylor River (tributary to the Middle Fork Snoqualmie) (King County)) (238) Tarboo Creek (Jefferson County):~~

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

~~((b)) Selective gear rules ((apply)).~~

~~((c) Catch and release only.~~

~~(354) Tenmile Creek (Whatcom County) (Nooksack River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(355) Tenas Creek (Skagit County) (Suiattle River tributary):~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(356)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(239) Tarboo Lake (Jefferson County):~~

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

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

~~(240) Teal Lake (Jefferson County):~~

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

~~(b) Selective gear rules.~~

~~(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.~~

~~(241) Tenas Lake (Mason County): Open the fourth Saturday in April through October 31.~~

~~((357)) (242) Tennant Lake (Whatcom County): It is unlawful to fish from any floating device from the first Friday in October through January 27.~~



~~((358) Terrell Creek (Whatcom County):~~~~(a) Open the first Saturday in June through October 31.~~~~(b) Selective gear rules apply.~~~~(359)) (243) 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.~~~~((360) Texas Pond (Skagit County): No limit for eastern brook trout.~~~~(361) Thomas Creek (Skagit County) (Samish River tributary):~~~~(a) Open the first Saturday in June through October 31.~~~~(b) Selective gear rules apply.~~~~(362) Thompson Creek (Thurston County) (Skookumchuck River tributary):~~~~(a) Open the first Saturday in June through October 31.~~~~(b) Selective gear rules apply.~~~~(363) Thornton Creek (tributary to Lake Washington) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.~~~~(364)) (244) Thornton Creek (Whatcom County):~~~~((a) From the Highway 20 Bridge downstream to the Skagit River: Closed.~~~~(b) From the Highway 20 Bridge upstream:~~~~(i) Open the first Saturday in June through October 31.~~~~(ii) Release all fish except anglers may retain up to 2 hatchery steelhead and there is no limit on cutthroat trout.~~~~(365)) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.~~~~(245) Thornton Lake, lower (Whatcom County): Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.~~~~((366) Tibbetts Creek (tributary to Lake Sammamish) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.~~~~(367)) (246) Tiger Lake (Kitsap/Mason counties):~~~~Open the fourth Saturday in April through October 31.~~~~((368)) (247) Toad Lake (Whatcom County): Open the fourth Saturday in April through October 31.~~~~((369)) (248) Tokul Creek (King County) (Snoqualmie River tributary):~~~~(a) From the mouth to the Fish Hatchery Road Bridge:~~~~(i) Open December 1 through February 15, except closed ~~((to fishing))~~ waters from 5:00 p.m. to 7:00 a.m.~~~~(ii) Anti-snagging rules ~~((applies))~~.~~~~(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~~~(b) From Fish Hatchery Road Bridge to the posted boundary marker located ~~((approximately 400 feet))~~ downstream of the diversion dam:~~~~(i) Open January 15 through February 15, except closed ~~((to fishing))~~ waters from 5:00 p.m. to 7:00 a.m.~~~~(ii) Anti-snagging rules ~~((applies))~~.~~~~(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~~~(c) From the posted boundary marker downstream of the diversion dam to Tokul Road S.E. ~~((upstream, including all tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31)): Closed waters.~~~~~~((370)) (249) 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))~~ before Memorial Day through January 31 ~~((:))~~.~~~~(ii) Selective gear rules ~~((apply))~~.~~~~((ii)) (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~~~(b) On the North Fork, from the mouth upstream to the falls approximately 1/3 miles above the Northeast North Fork Road Bridge (Pipeline Bridge): Closed waters.~~~~(c) On the North Fork from the falls ~~((on the North Fork, located approximately 3 miles above the confluence of the North and South forks,))~~ approximately 1/3 mile above the Northeast North Fork Road Bridge (Pipeline Bridge) upstream, including all tributaries:~~~~(i) ~~((Open the Saturday before Memorial Day through October 31.~~~~~~(ii)) Selective gear rules ~~((apply))~~.~~~~((iii)) Catch and release only.~~~~(e)) (ii) Release all fish.~~~~(d) On the South Fork, from the ~~((dam))~~ mouth upstream~~((:~~~~~~(i) Open the Saturday before Memorial Day through October 31.~~~~(ii) Selective gear rules apply.~~~~(iii) Trout: Minimum length 10 inches.~~~~(371) ~~Twenty-two Lake Creek (Snohomish County):~~ Open the Saturday before Memorial Day through October 31 upstream from the falls located approximately at river mile 0.25 upstream:~~~~(372) Tye River (King County):~~~~(a) From Foss River to Alpine Falls:~~~~(i) Open the first Saturday in June through August 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:~~~~(373)) to the dam: Closed waters.~~~~(250) U Lake (Mason County): Open the fourth Saturday in April through October 31.~~~~((374)) (251) Uncle John Creek (Mason County):~~~~(a) ~~((Open the first Saturday in June through October 31.~~~~~~(b)) Selective gear rules ~~((apply))~~.~~~~((e)) Trout: Catch and release only.~~~~(375)) (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~~~(252) Union River (Mason County):~~~~(a) From the mouth to the ~~((North Shore Road Bridge))~~ lower bridge on Old Belfair Highway:~~~~(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 15.~~

- (ii) ~~((Catch and release only.))~~ Selective gear rules.  
 (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.  
 (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) ~~Catch and release only.~~  
 (e)) ~~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) ~~Catch and release only.~~  
 (376)) (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.  
 (253) **Vogler Lake (Skagit County):**  
 (a) Fly fishing only.  
 (b) ~~((Catch and release only.~~  
 (377) **Voight Creek (Pierce County):** Open the Saturday before Memorial Day through August 31 and October 16 through October 31 from the falls, approximately 4.0 river miles upstream of the mouth and under the power lines, upstream.  
 (378) ~~**Waddell Creek (Thurston County) (Black River tributary):**~~  
 (a) ~~Open the first Saturday in June through October 31.~~  
 (b) ~~Selective gear rules apply.~~  
 (379)) Release all fish.  
 (254) **Wagners Lake (Snohomish County):** Open the fourth Saturday in April through October 31.  
 ((380)) (255) **Walker Lake (King County):** Open the fourth Saturday in April through October 31.  
 ((381)) (256) **Wallace River (Snohomish County):**  
 (a) From the mouth to 363rd Ave. S.E./Reece Rd:  
 (i) Open from the ((first)) Saturday ((in June)) before Memorial Day through February 15.  
 (ii) From ((first)) the Saturday ((in June)) before Memorial Day through November 30:  
 (A) Anti-snagging rules ((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))~~ Game fish: Statewide minimum length/daily limit, except:  
 (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.  
 (B) 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 in years ending in odd numbers: Limit 3 salmon; 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 ((November 1)) September 16 through February 15.  
 (ii) ~~((November 1))~~ From September 16 through November 30:  
 (A) Anti-snagging rules ((applies)).

- (B) Night closure ((in effect)).  
 (ii) November 1 through February 15: It is unlawful to fish from any floating device.  
 (iv) ~~((Trout: Minimum length 14 inches, except anglers may retain))~~ Game fish: Statewide minimum length/daily limit, except:  
 (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.  
 (B) 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 in years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.  
 (c) From 200 feet downstream of the water intake to 200 feet upstream of the water intake: Closed waters.  
 (d) 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))~~ Game fish: Statewide minimum length/daily limit, except:  
 (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.  
 (B) 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.~~  
 (382)) (257) **Wapato Lake (Pierce County):** Open to juvenile anglers ((only)), senior anglers and anglers with a disability who possess a designated harvester companion card.  
 ((383) ~~Washington Creek (Mason County):~~ Open the Saturday before Memorial Day through October 31.  
 (384)) (258) **Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream and Mercer slough (King County):**  
 (a) ~~((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~  
 (b)) Open year-round.  
 ((c) ~~It is unlawful to fish from a floating device within 100 yards of either side of the floating bridges.~~  
 (d)) (b) Chumming is permissible.  
 ((e) ~~Trout:~~  
 (i)) (c) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.  
 (d) December 1 through the last day in February:  
 (i) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.  
 (ii) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.  
 (e) March 1 through June 30: ((A)) Game fish: Statewide minimum length/daily limit, except:  
 (i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.  
 (ii) Trout: Minimum length 12 inches.

~~((B))~~ (iii) Release steelhead and rainbow trout over 20 inches in length.

(f) Salmon:

(i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.

(ii) Daily limit 4 coho only.

~~((385))~~ (259) 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) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b) East))~~ West of the Fremont Bridge: Chumming is permissible.

~~((e))~~ (b) 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 waters.

~~((d))~~ (c) 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.~~

~~(386) Waughop Lake (Pierce County): Landlocked salmon rules apply.~~

~~(387))~~ From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(ii) December 1 through the last day in February:

(A) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.

(B) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(iii) March 1 through June 30:

(A) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Trout: Minimum length 12 inches.

(C) Release steelhead and rainbow trout over 20 inches in length.

(260) 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))~~ before Memorial Day through December 31.

(ii) August 1 through December 31:

(A) Anti-snagging rules ~~((applies)).~~

(B) Night closure ~~((in effect)).~~

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through December 31.

(A) Daily limit 6; anglers may retain up to 2 adult salmon.

(B) Release wild coho.

(C) 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 markers below the footbridge below Dupont Street in Bellingham to the footbridge below Dupont Street: Closed waters.

(c) From the footbridge below Dupont Street in Bellingham to the stone bridge at Whatcom Falls Park:

~~((Open the first Saturday in June through October 31.~~

~~((i))~~ From August 1 through October 31:

(A) Anti-snagging rules ~~((applies)).~~

(B) Night closure ~~((in effect)).~~

~~((iii) Trout: Minimum length 14 inches.~~

(e)) (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Open the fourth Saturday in April through October 31 for juvenile anglers only.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: No minimum length.

~~((388))~~ (261) Whatcom, Lake (Whatcom County):

~~((Open the fourth Saturday in April through October 31, except))~~ The waters between the Electric Avenue Bridge and the outlet dam ~~((are))~~: Closed waters.

~~((Cutthroat trout: Catch and release only.~~

~~(389))~~ Open the fourth Saturday in April through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release all cutthroat trout.

(262) Whatcom, Lake, tributaries (Whatcom County): Closed waters.

~~((390))~~ (263) White (Stuck) River (Pierce County):

(a) From ~~((the mouth to R Street Bridge in Auburn, open November 1 through January 15))~~ October 1 through October 31:

(i) Night closure ~~((in effect)).~~

(ii) Selective gear rules ~~((apply)).~~

~~((iii) Trout: Minimum length 14 inches.~~

~~(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.~~

~~((e) 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)) (b) Release all fish.

(c) Cascade Water Alliance canal, including the screen bypass channel above the screen at Dingle Basin: Closed waters.

(d) Whitefish: Open ((for whitefish only November 1 through January 31;)) December 1 through the last day in February: Whitefish gear rules ((apply)).

((394)) (264) ~~((Whitechuck))~~ **White Chuck River (Snohomish County):**

(a) ((Open the first Saturday in June through July 15.

(b)) Selective gear rules ((apply)).

((c) It is permissible to retain)) (b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout ((with a)): Minimum length of 20 inches as part of the trout limit.

((392) ~~Wildberry Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

((393)) (265) **Wildcat Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(266) **Wildcat Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

((394)) (267) **Wilderness Lake (King County):**

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

(b) Landlocked salmon rules ((apply)).

((395)) (268) **Wilkeson Creek (Pierce County)**

**(South Prairie Creek tributary) ((upstream of confluence with Gale Creek):** ((Open the first Saturday in June through August 31 and October 16 through October 31.

((396)) From the mouth to the confluence with Gale Creek: Closed waters.

(269) **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.

((397)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(270) **Wood Lake (Mason County):** Open the fourth Saturday in April through October 31.

((398)) (271) **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.

((399) ~~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.

(400)) (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(272) **Wooten Lake (Mason County):** Open the fourth Saturday in April through October 31.

((401) ~~Wye Lake (Kitsap County):~~ Open the fourth Saturday in April through October 31.

(402) ~~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 17-17-029, filed 8/8/17, effective 9/8/17)

**WAC 220-312-050 Freshwater exceptions to state-wide rules—Eastside.** (1) **Countywide freshwater exceptions to statewide rules:**

(a) Irrigation canals, wasteways, drains and the inlets and outlets of all lakes, ponds, and reservoirs ((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, Frenchman Hills Wasteway and Drains, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round, statewide lake rules apply to all species.

(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: Unless otherwise provided in this section, all tributaries to Lake Roosevelt between Grand Coulee Dam and the Canadian border are open the Saturday before Memorial Day through October 31.)

(2) **Aeneas Lake (Okanogan County):**

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

(b) Fly fishing only.

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

((c)) (d) Game fish: Statewide minimum length/daily limit, except: Trout: ((Limit one:)) Daily limit 1; minimum length 18 inches.

(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 A2800 Road Bridge at Tree Phones Campground.)

(4) **Ahtanum Creek, North Fork (Yakima County):**

(a) From the Grey Rock Trailhead Bridge crossing upstream to Shellneck Creek: Closed waters.

(b) Selective gear rules.

(5) **Ahtanum Creek, Middle Fork (Yakima County):**

(a) From the A2000 Spur Road Bridge in NE 1/4 of Section 34 upstream to the A2800 Road Bridge at Tree Phones Campground: Closed waters.

(b) Selective gear rules.

~~(6)~~ **Alta Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((5))~~ **(7) 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))~~ (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ~~((two))~~ 1; minimum length ~~((fourteen))~~ 18 inches.

~~((B))~~ Release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin.

~~((6))~~ **(8) 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))~~ Closed waters from July 16 through September 15.

**(9) Amon Wasteway (Benton County):** ~~((a))~~ Selective gear rules ~~((apply))~~.

(b) Trout minimum length ten inches).

~~((8))~~ **(10) Andrews Creek (tributary to Chewuch River) (Okanogan County):** From the mouth to the falls approximately 0.5 miles upstream: Closed waters.

**(11) 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))~~ Closed waters:

(i) South Fork from mouth upstream.

(ii) North Fork from USFS border upstream.

(b) Game fish: Statewide minimum length/daily limit, except: It is unlawful to fish for steelhead.

(c) Selective gear rules.

**(12) Aspen Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

**(13) Badger Lake (Spokane County):** Open the fourth Saturday in April through September 30.

~~((11))~~ **(14) Banks Lake (Grant County):**

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Crappie: Daily limit 10; minimum ~~((size))~~ length 9 inches.

~~((e))~~ Perch: Limit twenty-five.

~~((12))~~ (ii) Yellow perch: Daily limit 25.

**(15) Bayley Lake (Stevens County):**

(a) Inlet stream: Closed waters.

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

(c) Fly fishing only.

~~((e))~~ (d) 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))~~ (e) Release all fish.

**(16) Bear Creek (tributary to South Fork Tieton River) (Yakima County) ~~((tributary to South Fork Tieton River))~~:** ~~((Open upstream of the Bear Creek Falls, approximately 3/4 mile upstream of USFS Road 1000.~~

~~((14))~~ From the mouth to the falls (approximately 0.75 mile): Closed waters.

**(17) Bear Lake (Spokane County):** Open to juvenile anglers, ~~((licensed adults accompanied by a juvenile,))~~ senior anglers, 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))~~ **(18) Beaver Creek (tributary to Methow River) (Okanogan County):** Closed waters.

**(19) 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))~~ **(20) Beaver Lake, (Little):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

**(21) 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) Game fish: Statewide minimum length/daily limit, except: Trout: ~~((Limit one))~~ Daily limit 1; minimum length 18 inches.

~~((19))~~ **(22) 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)) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(23) Beth Lake (Okanogan County): Open the fourth Saturday in April through October 31.~~

~~((22)) (24) 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) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ((two)) 2; minimum length 14 inches.~~

~~((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)) (25) 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) Game fish: Statewide minimum length/daily limit, except: Trout: ((Limit one.~~

~~(27) Bird Creek (Klickitat County):~~

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

~~(b) Trout: Limit 5.~~

~~(28)) Daily limit 1; minimum length 18 inches.~~

~~(27) Blackbird Island Pond (Chelan County): Open July 1 through September 30 for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((29)) (28) Black Canyon Creek (tributary to Methow River) (Okanogan County): Closed waters.~~

~~(29) Black Lake (Chelan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(30) 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)) (31) 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)) (d) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(e) Game fish: Statewide minimum length/daily limit, except: Trout: ((Limit one)) Daily limit 1; minimum length 18 inches.~~

~~(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) Game fish: Statewide minimum length/daily limit, except: Trout: ((Limit one)) Daily limit 1, minimum length 18 inches.~~

~~(36) Bobcat Creek and Ponds (Adams County): Open ((April 1) the fourth Saturday in April through September 30.~~

~~(37) Bonaparte Creek (Okanogan County): From the mouth to the falls ((upstream to)) approximately 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)) Closed waters.~~

~~(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)) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(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)) Closed waters.~~

~~(40) **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 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)) From mouth (Kachess Reservoir) upstream approximately 2 miles to the 20 foot high waterfall, including that portion of the creek that flows through the dry lake bed: Closed waters.~~

~~(41) **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)) (42) **Bumping Lake (Reservoir) (Yakima County):** Chumming is permissible.~~

~~(43) **Buckskin Creek and tributaries (Yakima County):** From the mouth to the west boundary of Suntides Golf Course: Closed waters.~~

~~(44) **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); selective gear rules.~~

~~((48)) (45) **Burke Lake (Grant County):** Open March 1 through ((July 31)) September 30.~~

~~((49)) (46) **Buttermilk Creek (tributary to Twisp River) (Okanogan County), including ((all)) tributaries:**~~

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

~~(b) ((Catch and release only.)) Release all fish.~~

~~(c) Selective gear rules ((apply)).~~

~~((50)) (47) **Buzzard 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) Game fish: Statewide minimum length/daily limit, except: Trout: ((Limit one)) Daily limit 1; minimum length 18 inches.~~

~~((51)) (48) **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)) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(49) **Caliche Lakes, Upper (Grant County):** Open March 1 through ((July 31)) September 30.~~

~~((53)) (50) **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)) (51) **Campbell Lake (Okanogan County):**~~

~~(a) ((Open year-round.~~

~~(b) April 1 through August 31.~~

~~((i))~~ Selective gear rules ~~((apply))~~.  
~~((ii))~~ ~~(b)~~ It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((iii))~~ ~~Catch and release only.~~

~~(56))~~ ~~(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.~~

~~(52) Carl's Lake (Pend Oreille County):~~ Open the fourth Saturday in April through October 31.

~~((57))~~ ~~(53) Cascade Lake (Grant County):~~ Open March 1 through ~~((July 31))~~ September 30.

~~((58))~~ ~~(54) Cattail Lake (Grant County):~~ Open ~~((April 1))~~ the fourth Saturday in April through September 30.

~~((59))~~ ~~(55) Cedar Creek (tributary to Early Winters Creek) (Okanogan County):~~

~~(a) From the mouth to Cedar Falls:~~

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

~~((i))~~ ~~(ii) Selective gear rules ((apply)).~~

~~((ii))~~ ~~Catch and release only.~~ ~~(iii) Release all fish.~~

~~(b) ((Cedar Creek and all tributaries above)) From Cedar Falls upstream including tributaries: ((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))~~ ~~(56) Cedar Lake (Stevens County):~~ Open the fourth Saturday in April through October 31.

~~((62))~~ ~~(57) Chain Lake (Pend Oreille County):~~

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

~~(b) Game fish: Statewide minimum length/daily limit, except: Release kokanee.~~

~~((63))~~ ~~(58) 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))~~ ~~(59) Chelan Hatchery Creek (Chelan County):~~ Closed waters.

~~(60) 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)) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.~~

~~((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))~~ ~~(b) 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:~~

~~(1) Release wild cutthroat.~~

~~(H) Kokanee and lake trout do not count toward the trout limit.~~

~~(B) Kokanee: Limit 10.~~

~~(65))~~ ~~minimum length 15 inches.~~

~~(c) No catch record card required.~~

~~(61) 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:))~~ ~~(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.~~

~~((66))~~ ~~(62) Chelan River (Chelan County):~~ From the railroad bridge to the Chelan PUD safety barrier below the power house:

~~(a) ((Open May 15 through August 31.~~

~~(b))~~ July 1 through October ~~((15))~~ 31: Anti-snagging rule and night closure ~~((in effect.~~

~~(c) Trout: Catch and release only).~~

~~((d))~~ ~~(b) Game fish: Statewide minimum length/daily limit, except: Release trout.~~

~~(c) Salmon:~~

~~(i) Open July 1 through October ((15)) 31.~~

~~(ii) Barbless hooks required.~~

~~(iii) Minimum ((size)) length 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.~~

~~(iv) Release coho and wild adult Chinook.~~

~~((67))~~ ~~(d) From the Chelan PUD safety barrier below the power house upstream to Chelan Lake: Closed waters.~~

~~(63) 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.) Release all fish.~~

~~(b) From the mouth to Pasayten Wilderness boundary falls: Whitefish:~~

~~(i) Open December 1 through ((March 31)) the last day in February for whitefish only((;)).~~

~~(ii) 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))~~ **(64) Chiwaukum Creek ((and all tributaries from Fool Hen Creek upstream, not including Fool Hen Creek)) (Chelan County):**

(a) From the mouth to Fool Hen Creek, including Fool Hen Creek and tributaries: Closed waters.

(b) From Fool Hen Creek upstream and tributaries: 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))~~ **(65) Chiwawa River ((and all tributaries from Buck Creek upstream, including Buck Creek)) (Chelan County):**

(a) From the mouth to Buck Creek and tributaries not including Buck Creek: Closed waters.

(b) From Buck Creek upstream and tributaries (including Buck Creek): 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))~~ **(66) Chopaka Lake (Okanogan County):**

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

(b) Fly fishing only.

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

~~((e))~~ (d) Game fish: Statewide minimum length/daily limit, except: Trout: ~~((Limit one))~~ Daily limit 1; minimum length 18 inches.

~~((72))~~ **(67) 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)) Closed waters.~~

**(68) 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))~~ **Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.**

**(69) Clear Lake (Spokane County):** Open the fourth Saturday in April through October 31.

~~((76))~~ **(70) Cle Elum Lake (Reservoir) (Kittitas County):** ~~((a) Trout: Lake trout, brown trout, and eastern brook trout are not included in the trout limit.~~

~~(b))~~ **Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 9 inches and maximum length 15 inches.**

~~((77))~~ **(71) 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.)~~ **Game fish: Statewide minimum length/daily limit, except: Release rainbow trout and cutthroat trout.**

(iv) It is permissible to fish up to the base of Cle Elum Dam.

(v) Whitefish:

**(A) Open December 1 through ((January 31:)) last day in February for whitefish only.**

**(B) Whitefish gear rules ((apply)).**

(b) From above Cle Elum Lake to outlet of Hvas Lake ~~((not including Tuequala 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))~~ **Selective gear rules.**

**(72) Cliff Lake (Grant County):** Open March 1 through ~~((July 31))~~ September 30.

~~((79))~~ **(73) 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))~~ **Game fish: Statewide minimum length/daily limit, except:**

**(i) Trout: Daily limit ((one)) 1; minimum length ((eighteen)) 18 inches.**

~~((80))~~ **(ii) Crappie: Daily limit 10; minimum length 9 inches.**

**(74) 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, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((e) Trout: Limit 3; no minimum size.~~

~~(81))~~ **(75) Columbia Park Pond (Benton County):** ~~((a))~~ Open to juvenile anglers, senior 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)) (76) Conconully Lake (Okanogan County):~~

~~Open the fourth Saturday in April through October 31.~~

~~((85)) (77) Conconully Reservoir (Okanogan County):~~

~~Open the fourth Saturday in April through October 31.~~

~~((86)) (78) Conger Pond (Pend Oreille County):~~

~~Open the fourth Saturday in April through October 31.~~

~~((87)) (79) Conner Lake (Okanogan County):~~

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

~~((88)) (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(80) Cooper River (Kittitas County): From the mouth to Cooper Lake: Selective gear rules.~~

~~(81) Coot Lake (Grant County): Open the fourth Saturday in April ((+)) through September 30.~~

~~((89)) (82) Corral Creek (Benton County): ((+)) 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)) (83) Cougar Lake (Pasayten Wilderness) (Okanogan County): ((+)) Selective gear rules ((apply)).~~

~~((b) It is permissible to fish two poles so long as the angler possesses a two-pole endorsement.~~

~~(93)) (84) 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)) (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((94)) (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.~~

~~(85) Cowiche Creek (Yakima County): Selective gear rules.~~

~~(86) Coyote Creek and Ponds (Adams County): Open the fourth Saturday in April ((+)) through September 30.~~

~~((95)) (87) Crab Creek (Adams/Grant/Lincoln counties):~~

~~(a) From the mouth to Morgan Lake Road ((in Section 36)): Open ((April 1)) the Saturday before Memorial Day through September 30.~~

~~(b) From Morgan Lake Road ((in Section 36)) to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.~~

~~(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)) O'Sullivan Dam upstream to Grant County Road 7 NE: Open year-round, statewide lake rules apply to all species.~~

~~(d) From Grant County ((Rd.)) Road 7 NE upstream (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.~~

~~((96)) (88) 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)) (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(89) Crescent Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.~~

~~((98)) (90) Crystal Lake (Grant County): Open March 1 through ((July 31)) September 30.~~

~~((99)) (91) Cub Creek (tributary to Chewuch River) (Okanogan County): From mouth upstream to West Chewuch Road Bridge: Closed waters.~~

~~(92) Cup Lake (Grant County): Open March 1 through ((July 31)) September 30.~~

~~((100)) (93) Curl Lake (Columbia County):~~

~~(a) Open the ((fourth)) Saturday ((in April)) before Memorial Day through October 31.~~

~~(b) It is unlawful to fish from any floating device.~~

~~((e)) 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)) (94) Davis Lake (Ferry County): Open the fourth Saturday in April through October 31.~~

~~((103)) (95) Davis Lake (Okanogan County):~~

~~(a) ((Open year-round.~~

~~(b) April 1 through August 31.~~

~~(i)) Selective gear rules ((apply)).~~

~~((ii)) (b) 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)) (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.~~

~~(96) Dayton Pond (Columbia County): ((a)) Open to juvenile anglers, senior 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)) (97) Deadman Lake (Adams County): Open the fourth Saturday in April ((+)) through September 30.~~

~~((107)) (98) Deep Creek (tributary to Bumping Lake) (Yakima County): ((Upstream)) From the mouth to the waterfall approximately ((+3)) 0.33 mile above the second bridge crossing on USFS Road 1808 ((upstream: Open the Saturday before Memorial Day through October 31)) (approximately 3.7 miles from the junction of USFS Roads 1800 and 1808): Closed waters.~~

~~((108)) (99) Deep Lake (Grant County): Open the fourth Saturday in April through September 30.~~

~~((109)) (100) Deep Lake (Stevens County): Open the fourth Saturday in April through October 31.~~

~~((110)) (101) Deer Lake (Columbia County):~~

~~(a) Open March 1 through ((October 31)) November 30.~~

~~(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)) (102) Deer (Deer Springs) Lake (Lincoln County): Open the fourth Saturday in April through September 30.~~

~~((112)) (103) Deer Lake (Stevens County):~~

~~(a) Open March 1 through ((October 31)) November 30.~~

~~(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)) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(104) Delaney Springs (Grant County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(105) De Roux Creek (Kittitas County): From the mouth to the USFS trail 1392 (De Roux Creek Trail) stream crossing (approximately 1 river mile): Closed waters.~~

~~(106) Dog Creek (tributary to Chewuch) (Okanogan County): From mouth upstream to falls approximately 1.5 miles: Closed waters.~~

~~(107) Domerie Creek (Kittitas County): ((a)) Selective gear rules ((apply)).~~

~~((b) Trout minimum size ten inches.~~

~~((116)) (108) Downs Lake (Lincoln/Spokane counties):~~

~~(a) Open March 1 through September 30.~~

~~(b) Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit ((ten)) 10; minimum length ((nine)) 9 inches.~~

~~((117)) (109) Dry Falls Lake (Grant County):~~

~~(a) Open ((April)) 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) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ((one)) 1; minimum length 18 inches.~~

~~((118)) (110) Dune Lake (Grant County):~~

~~(a) Selective gear rules ((apply)).~~

~~(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ((one)) 1; minimum length 18 inches.~~

~~((119)) (111) 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) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ((one)) 1; minimum length 18 inches.~~

~~(112) Eagle Creek (tributary to Twisp River) (Okanogan County): From mouth upstream to the falls approximately 0.5 miles: Closed waters.~~

~~((120)) (113) Early Winters Creek (tributary to Methow River) (Okanogan County):~~

~~(a) From the mouth upstream to Forest Road 300: Closed waters.~~

~~(b) From Forest Road 300 upstream; including ((a)) tributaries except Cedar Creek:~~

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

~~((b)) (ii) 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)) (iii) Release all fish.~~

~~(114) Eightmile Creek (tributary to Chewuch River) (Okanogan County): From the mouth upstream to Forest Road 5130 Bridge: Closed waters.~~

(115) Elbow Lake (Stevens County):

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

((124)) (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(116) 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)) (117) Eloika Lake (Spokane County): Game fish: Statewide minimum length/daily limit, except: Crappie; Daily limit ((ten)) 10; minimum length ((nine)) 9 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)) (118) Empire Lake (Ferry County):~~

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

~~(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

(119) Entiat River (Chelan County):

(a) From mouth (railroad bridge) to the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery): ((Salmon)) Open July 15 through September 30 for hatchery Chinook only.

(i) Selective gear rules ((apply)).

(ii) Night closure ((in effect)).

(iii) Minimum size 12 inches; limit 2 adult hatchery Chinook salmon.

(iv) Release coho and wild adult Chinook.

(v) Open December 1 through the last day in February for whitefish only.

(vi) Whitefish gear rules.

(b) From ((mouth (railroad bridge))) the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery) to Entiat Falls:

(i) Whitefish:

(ii) Open December 1 through ((March 31;)) the last day in February for whitefish only.

(iii) Whitefish gear rules ((apply)).

(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.

((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)) (120) Ephrata Lake (Grant County): Closed waters.~~

~~((130) Empire Lake (Ferry County): Open the fourth Saturday in April through October 31.~~

~~(131)) (121) Esquatzel Coulee (Franklin County): Open year-round.~~

~~((132)) (122) Esquatzel Coulee, West Branch (Franklin County): Open year-round.~~

~~((133)) (123) Falls Creek (tributary to Chewuch River) (Okanogan County): From mouth upstream to the falls approximately 1.5 miles: Closed waters.~~

(124) 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)) (125) 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)) (126) Fiorito Lakes (Kittitas County): It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((136)) (127) 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)) Game fish: Statewide minimum length/daily limit, except: Yellow perch: Daily limit 25.~~

(128) Fish Lake (Okanogan County): Open the fourth Saturday in April through October 31.

~~((139)) (129) 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)) (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(130) Fishhook Pond (Walla Walla County): ((a) Open March 1 through October 31.~~

~~(b)) It is unlawful to fish from a floating device.~~

~~((e) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.~~

~~(141)) (131) Fishtrap Lake (Lincoln/Spokane counties): Open the fourth Saturday in April through September 30.~~

~~((142)) (132) Forde Lake (Okanogan County):~~

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

~~((143))~~ (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~(133)~~ **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.

~~((e) Trout: It is unlawful to retain more than two trout over fourteen inches in length.~~

~~(144))~~ **(134) Frank's Pond (Chelan County):**

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

(b) Open to juvenile anglers only.

~~(135)~~ **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))~~ **(136) Frenchman Hills Wasteway and Drains (Grant County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~(137)~~ **Gadwall Lake (Grant County):** Open the fourth Saturday in April ~~((4))~~ through September 30.

~~((147))~~ **(138) 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))~~ **(139) Goat Creek (tributary to Methow River) (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))~~ Closed waters.

~~(140)~~ **Gold Creek, Gold Creek Pond and outlet channel (tributary to Keechelus Lake):** Including that portion of Gold Creek that flows through the dry Keechelus Reservoir lakebed: Closed waters.

~~(141)~~ **Gold Creek (tributary to Methow River) (Okanogan County):** Closed waters.

~~(142)~~ **Goose Creek (Lincoln County), within the city limits of Wilbur:** Open ~~((year-round))~~ to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((152))~~ **(143) Goose Lake, Lower (Grant County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: It is unlawful to retain more than ~~((five))~~ 5 fish over ~~((six))~~ 6 inches in length.

~~((b) Crappie: Limit ten; minimum length nine inches.~~

~~(153))~~ **(144) 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 for game fish other than trout.~~

~~(B) September 1 through May 31: Selective gear rules apply.~~

~~(C) Trout:~~

~~(I) Minimum length 10 inches.~~

~~(II) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.~~

~~(III) From January 1 through April 15: Mandatory hatchery steelhead retention; daily limit 2, except anglers may retain up to 3 hatchery steelhead.~~

~~(IV) From April 16 through December 31: Maximum length 20 inches; steelhead catch and release only.~~

~~(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.~~

~~(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))~~ (a) From the mouth to County Road Bridge, about 2.5 miles upstream:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Selective gear rules.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead:

(A) Open January 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through December 31; release steelhead.

(b) From the County Road Bridge upstream to the Oregon state line:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Barbless hooks required.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead: Open August 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) All tributaries: Closed waters.

~~(145) Green Lakes (Lower and Upper) (Okanogan County):~~

~~(a) Open year-round.~~

~~(b) March 1 through November 30:~~

~~(i) Selective gear rules (apply).~~

~~((ii)) (b) 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)) (c) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Eastern brook trout count as part of trout daily limit.~~

~~(146) 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) Game fish: Statewide minimum length/daily limit, except: Trout: ((Limit one)) Daily limit 1; minimum length 18 inches.~~

~~((158)) (147) Halfmoon Lake (Adams County): Open the fourth Saturday in April (±) through September 30.~~

~~((159) Halfmoon Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.~~

~~(160)) (148) Hampton Lakes((±)) (Lower and Upper) (Grant County): ((±)) 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.~~

~~(161)) (149) H and H Reservoir Number One (Pascal's Pond) (Chelan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(150) Harris Lake (Grant County):~~

~~(a) Selective gear rules (apply).~~

~~(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ((one)) 1; minimum length 18 inches.~~

~~((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)) (151) Hatch Lake (Stevens County): ((±)) 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)) (152) Hays Creek and Ponds (Adams County): Open the fourth Saturday in April (±) through September 30.~~

~~((166)) (153) Headgate Pond (Asotin County): Open ((the fourth Saturday in April through October 31)) to juvenile anglers, senior((s)) anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((167)) (154) Hen Lake (Grant County): Open the fourth Saturday in April (±) 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)) (155) Hog Canyon Creek (Spokane County): From the mouth to Scroggie Road: Closed waters.~~

~~(156) Hog Canyon Lake (Spokane County): ((±)) 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)) (157) 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) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ((one)) 1; minimum length 18 inches.~~

~~((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)) (158) Hourglass Lake (Grant County): Open the fourth Saturday in April (±) through September 30.~~

~~((175) Huff Lake (Pend Oreille County): Closed.~~

~~(176)) (159) Hutchinson Lake (Adams County): ((±)) 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.~~

~~(177)) (160) I-82 Ponds, 1 through 7 (Yakima County): It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((178)) (161) Icicle River and ((all)) tributaries (Creek) (Chelan County):~~

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

~~(b)) From the mouth to 500 feet below Leavenworth National Fish Hatchery: Closed to all species except:~~

~~(i) Open for hatchery Chinook salmon only.~~

~~(ii) Open May 15 to July 31((±)).~~

~~(iii) Night closure ((in effect)).~~

~~((iii) Minimum length 12 inches.-))~~

~~(iv) Daily limit 2; minimum length 12 inches.~~

~~(v) It is unlawful to retain more than 2 hatchery Chinook.~~

(b) From 500 feet below Leavenworth National Fish Hatchery to shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort: Closed waters.

(c) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation District footbridge (approximately 750 feet upstream of the "Snow Lakes Trailhead" parking lot):

(i) ~~(Trout:~~

~~(A) Open the Saturday before Memorial Day through October 31; selective gear rules apply.~~

~~(B) Trout: Eastern brook trout: Daily 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.~~

~~(ii) ~~Salmon:~~) Closed to all species except:~~

~~(A) Open for hatchery Chinook only.~~

~~(B) Open May 15 to July 31(;).~~

~~(C) Night closure ((in effect)).~~

~~((C) Minimum length 12 inches.)~~

~~(D) Daily limit 2; minimum length 12 inches.~~

~~(ii) It is unlawful to retain more than 2 hatchery Chinook.~~

~~((iii) Other gamefish:~~

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

~~(B) Selective gear rules apply.)~~

(d) From the Icicle Irrigation Peshastin District footbridge upstream ~~((to Leland Creek)), and ((all)) tributaries ((including Leland Creek:~~

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

~~(ii); Selective gear rules ((apply)).~~

~~((iii) 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.~~

~~(e) From Leland Creek upstream, including all tributaries except 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)) (162) **Indian Creek (Yakima County):** From the mouth to the waterfall approximately six miles upstream~~

~~including that portion that flows through the dry lake bed of Rimrock Reservoir: Closed waters.~~

~~(163) **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)) From the mouth to Alpine Lakes Wilderness boundary and tributaries: Closed waters.~~

~~(164) **Jameson Lake (Douglas County):** Open the fourth Saturday in April through ((July 4 and October 1 through)) October 31.~~

~~((183)) (165) **Jasmine Creek (Okanogan County):** Open year-round to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((184)) (166) **Jefferson Park Pond (Walla Walla County):** ((a)) Open to juvenile ((fishers)) anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((b) It is unlawful to retain more than 2 trout over 13 inches in length.~~

~~(185)) (167) **Jolanda, Lake (Chelan County):** Closed waters.~~

~~((186) **Jump Off Joe Lake (Stevens County):** Open the fourth Saturday in April through October 31.~~

~~(187)) (168) **Kachess Lake (Reservoir) (Kittitas County):**~~

~~(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.~~

~~(b) Chumming is permissible.~~

~~((b) Kokanee limit ten; kokanee do not count toward the trout limit.~~

~~(c) Trout limit 2; minimum length 12 inches.~~

~~(188)) (169) **Kachess River (Kittitas County):**~~

~~(a) From ((the mouth to Kachess Dam:~~

~~(i)) Kachess Lake (Reservoir) upstream to the waterfall approximately 0.5 miles above Mineral Creek: Closed waters.~~

~~(b) It is permissible to fish up to the base of Kachess Dam.~~

~~((ii)) (c) From the mouth to Kachess Dam: 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)) (170) **Keechelus Lake (Reservoir) (Kittitas County):**~~

~~(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.~~

~~(b) Chumming is permissible.~~

~~((b) Trout limit 2; minimum length 12 inches.~~

(e) 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)) (171) Kettle Creek (tributary to American River) (Yakima County): Closed waters.~~

~~(172) 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)) (a) Selective gear rules ((apply)), except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.~~

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

~~((iv)) (c) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length ((12)) 14 inches.~~

~~((v)) (d) Whitefish:~~

~~(i) Open ((November) December 1 through ((May 31)) the last day in February for whitefish only.~~

~~(ii) Whitefish gear rules ((apply)).~~

~~((e) Tributaries to Kettle River, from Barstow Bridge upstream: Open from the Saturday before Memorial Day through October 31.~~

~~(193)) (173) Kings Lake and tributaries (Pend Oreille County): Closed waters.~~

~~((194)) (174) Kiwanis Pond (Kittitas County): Open to juvenile anglers, senior 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) Game fish open April 1 through January 31.~~

~~(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:~~

~~(C) Bass: No limit and no size restriction.~~

~~(D) Channel catfish: No limit.~~

~~(E) Walleye: No limit and no size restriction.~~

~~(ii) Barbless hooks are required for salmon and steelhead, except from September 1 through December 31.~~

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

~~(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.~~

~~(v) Salmon and steelhead: Open April 1 through May 31 on Sundays, Mondays, Wednesdays and Saturdays only:~~

~~(A) Limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.~~

~~(B) Release wild Chinook.~~

~~(vi) Salmon: Open June 1 through January 31.~~

~~(A) June 1 through July 31: Limit 6 fish; no more than 2 adults may be retained. Release wild Chinook.~~

~~(B) August 1 through January 31: Limit 6 fish, no more than 3 may be adults, of which only 2 may be coho.~~

(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:

(e) From 400 feet above #5 fishway to the boundary markers below Klickitat Salmon Hatchery:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Game fish open June 1 through November 30:

(A) Daily limit 3 trout of which only 2 may be other than hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(C) Trout minimum length twelve inches.

(iii) Whitefish open December 1 through March 31: Whitefish gear rules apply.

(iv) Salmon open June 1 through November 30:

(A) June 1 through July 31:

(I) Limit 6 fish; no more than 2 adults may be retained.

(H) Release wild Chinook.

(B) From August 1 through November 30: Limit 6 fish; no more than 3 may be adults, of which only 2 may be coho.

(d) From the boundary markers above Klickitat Salmon Hatchery to the Yakama Indian Reservation boundary:

(i) Game fish open June 1 through November 30:

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

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(C) Trout minimum length 12 inches.

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

(iii) Barbless hooks are required for salmon and steelhead.

(196)) (175) Lake Creek (Okanogan County):

(a) From the mouth to Black Lake: Closed waters.

(b) From Black Lake to Three Prong Creek: Closed waters.

~~((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 Clere 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)) (176) Ledbetter Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.~~

~~((201)) (177) Ledking Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.~~

~~((202)) (178) Leech Lake (Yakima County):~~

~~(a) ((Open for)) Ely 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))~~ Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 1; minimum length 18 inches.

~~(179)~~ **Lemna Lake (Grant County):** Open the fourth Saturday in April ~~((+))~~ through September 30.

~~((204))~~ **(180) 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) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ~~((one))~~ 1; minimum length 18 inches.

~~((205))~~ **(181) 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 waters.

(b) Open March 1 through November 30.

(c) Selective gear rules ~~((apply))~~.

~~((e))~~ 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))~~ (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

**(182) Libby Creek (tributary to Methow River) (Okanogan County):** Closed waters.

**(183) Liberty Lake (Spokane County):** Open March 1 through October 31.

~~((208))~~ **(184) 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))~~ Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

**(185) Lions Park Pond (Walla Walla County):** ~~((a))~~ Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card 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))~~ **(186) Little Bridge Creek (tributary of Twisp River) (Okanogan County):**

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

(b) Release all fish.

(c) Selective gear rules.

**(187) Little Falls Reservoir (Spokane River) (Lincoln County):** From Little Falls Dam to Long Lake Dam: Landlocked salmon rules.

**(188) Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((212))~~ **(189) Little Naches River including tributaries (Yakima County):** Selective gear rules.

**(190) Little Pend Oreille River and tributaries (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.

(e) All tributaries to the Little Pend Oreille River are open the Saturday before Memorial Day through October 31.

~~(213))~~ Selective gear rules.

**(191) Little Spokane River and tributaries (Spokane County):**

(a) ~~((Open year round from the mouth to the SR 291 Bridge.))~~ From the inlet of Chain Lake upstream 0.25 mile to the railroad crossing culvert: Closed waters.

(b) From the SR 291 Bridge upstream ~~((to the West Branch))~~:

(i) Open ~~((the fourth))~~ Saturday ~~((in April))~~ before Memorial Day through October 31.

(ii) Whitefish:

(A) Open December 1 through ~~((March 31))~~ the last day in February for whitefish only~~((;))~~.

(B) 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 Fridgeger 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))~~ **(192) 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) Game fish: Statewide minimum length/daily limit, except:

~~(i) Trout: ((Limit one)) Daily limit 1; minimum length 18 inches.~~

~~(ii) Eastern brook trout count as part of trout daily limit.~~

~~((215)) (193) Little Twin Lake (Stevens County):~~ Open the fourth Saturday in April through October 31.

~~((216)) (194) Little Wenatchee River (Chelan County):~~

~~(a) From the mouth to USFS road 6700 Bridge and tributaries: Closed waters.~~

~~(b) From the ((falls below)) USFS ((Rd.)) road 6700 Bridge upstream including tributaries: ((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)) Selective gear rules.~~

~~((217)) (195) 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)) (196) Long Lake (Okanogan County):~~ Open the fourth Saturday in April through October 31.

~~((219)) (197) Long Lake (Lake Spokane) (Spokane County): From Long Lake Dam to Nine Mile Dam, including Little Spokane River from the mouth to the SR 291 Bridge: Landlocked salmon rules ((apply)).~~

~~((220)) (198) 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.~~

~~((221)) (199) Lost Lake (Kittitas County): ((It is unlawful to retain more than one trout over 14 inches in length.~~

~~((222)) Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 2; minimum length 14 inches.~~

~~(200) 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.~~

~~((223)) (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(201) Lost River (tributary to Methow River) (Okanogan County):~~

~~(a) From the mouth to the mouth of Monument Creek: Closed waters.~~

~~(b) ((Lost River and all tributaries)) From the mouth of Monument Creek ((to the outlet of Cougar Lake, including~~

~~Monument)) including tributaries upstream to Deception 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.~~

~~((224) Lucky Duck Pond (Stevens County):~~ Open to juvenile anglers only.

~~((225)) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout: Minimum length 14 inches; daily limit 2.~~

~~(B) Dolly Varden/bull trout may be retained as part of trout daily limit.~~

~~((202) Lyman Lake (Okanogan County):~~ Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((203) 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)) From the mouth to Windy Creek, including Windy Creek and tributaries except Tillicum Creek: Closed waters.~~

~~(b) From Windy Creek upstream ((, not including Jimmy Creek: Open the Saturday before Memorial Day through October 31.~~

~~((226)) and tributaries: Selective gear rules.~~

~~((204) Manastash Creek (Kittitas County):~~ Selective gear rules.

~~((205) Marshall Lake (Pend Oreille County):~~ Open the fourth Saturday in April through October 31.

~~((227)) (206) Martha Lake (Grant County):~~ Open March 1 through ((July 31)) September 30.

~~((228)) (207) Mary Ann Lake (Okanogan County):~~ Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((208) Mattoon Lake (Kittitas County):~~ It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((229)) (209) 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.~~

~~((230)) (210) McDowell Lake (Stevens County):~~

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

~~(b) Fly fishing only.~~

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

~~((e)) Catch and release only.~~

~~(234)) (d) Release all fish.~~

(211) McManaman Lake (Adams County): Open the fourth Saturday in April ~~((4))~~ through September 30.

~~((232)) (212) Medical Lake (Spokane County):~~

(a) Open March 1 through ~~((October 31))~~ November 30.

(b) Selective gear rules ~~((apply))~~.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ~~((two))~~ 2; minimum length ~~((fourteen))~~ 14 inches.

~~((233)) (213) Medical Lake, West (Spokane County):~~ Open the fourth Saturday in April through September 30.

~~((234)) (214) 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.~~

~~(235) 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.~~

~~(236)) Selective gear rules.~~

(215) 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) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ~~((one))~~ 1; minimum length 18 inches.

~~((237)) (216) Methow River (Okanogan County):~~

(a) From mouth to County Road 1535 (Burma Road) Bridge: Closed waters.

(b) Tributaries from mouth to County Road 1535 (Burma Road) Bridge except Black Canyon Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(c) 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)) Release all fish.~~

(d) All tributaries from the County Road 1535 (Burma Road) to Gold Creek except Gold Creek:

(i) Selective gear rules.

(ii) Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(e) 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.~~

~~(e)) Release all fish.~~

(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(f) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River ~~((and))~~ Chewuch River, Libby Creek, and Beaver 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:~~

~~(A) Catch and release 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)) Release all fish, except: Eastern brook trout: No minimum length/daily limit.~~

(g) From Foghorn Dam to Weeman Bridge including tributaries:

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

(A) Release all fish.

~~((ii)) (B) 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)) (ii) Whitefish:~~

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(h) From Weeman Bridge to the falls above Brush Creek: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(i) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, ~~((and))~~ Early Winters Creek, and Wolf 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.

~~(238) 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.

~~(239)) (ii) Release all fish.~~

**(217) Mill Creek (tributary to the Walla Walla River) (Walla Walla County):**

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream ~~((=All))~~ excluding tributaries: ~~((Closed waters.~~

~~(e)) Selective gear rules ((apply)).~~

~~((d) Release steelhead.~~

~~(240) Mill Pond (Pend Oreille County): Open the fourth Saturday in April through October 31.~~

~~(241)) (c) All tributaries upstream of Bennington Dam: Closed waters.~~

**(218) Mineral Creek (tributary to upper Kachess River) (Kittitas County):** ~~((Statewide rules apply upstream of))~~ From the mouth to the Wilderness Boundary: Closed waters.

~~((242)) (219) Molson Lake (Okanogan County): ((a) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(b) Trout: Limit 2.~~

~~(243)) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

**(220) Monument Creek (Okanogan County), including tributaries:** Selective gear rules ~~((apply)).~~

~~((244)) (221) Morgan Lake (Adams County): Open the fourth Saturday in April ((+)) through September 30.~~

~~((245)) (222) Mouse Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

**(223) 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.~~

~~(246)) Game fish: Statewide minimum length/daily limit, except:~~

~~(a) Crappie: Daily limit 10; minimum length 9 inches.~~

~~(b) Bluegill: Daily limit 5; minimum length 8 inches.~~

~~(c) Yellow perch: Daily limit 25.~~

**(224) Mud Lake (Yakima County):**

(a) Selective gear rules ~~((apply)).~~

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

(c) Game fish: Statewide minimum length/daily limit, except: Trout: ~~((Limit one))~~ Daily limit 1; minimum length 18 inches.

~~((247)) (225) Mudgett Lake (Stevens County): Open the fourth Saturday in April through October 31.~~

~~((248)) (226) 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) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ~~((two))~~ 2; minimum length 14 inches.

~~((249)) (227) 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) Game fish: Statewide minimum length/daily limit, except: Trout: ~~((Limit one))~~ Daily limit 2; minimum length 14 inches.

~~((250) Myrtle Lake (Chelan County): Eastern brook trout no minimum size and no limit.~~

~~(251)) (228) Mystic Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.~~

~~((252)) (229) 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) Game fish: Statewide minimum length/daily limit, except:

~~(A) Trout: ~~((A) Minimum length twelve inches, maximum length twenty))~~ Daily limit 2; minimum length 14 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) ~~Whitefish: December 1 through ((January 31.~~

~~(ii) Only whitefish may be retained;~~

~~(iii)) the last day in February for whitefish only.~~

~~(ii) Whitefish gear rules ((apply)).~~

~~((253) Naches River tributaries except Bumping River, Tieton River and Rattlesnake Creek:~~

~~(a) Selective gear rules apply.~~

~~(b) Trout: Minimum size ten inches.~~

~~(254)) (230) Naneum Creek and tributaries (Kittitas County): ~~((a))~~ Selective gear rules ~~((apply)).~~~~

~~((b) Trout: Minimum size ten inches.~~

~~(255)) (231) Naneum Pond (Kittitas County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((256)) (232) Napeequa River ~~((and all tributaries from Twin Lakes Creek upstream))~~ (Chelan County): ~~((Open.~~~~

~~(257)) From mouth to Twin Lakes Creek (including Twin Lakes Creek and all tributaries: Closed waters.~~

(233) Nason Creek (Chelan County):

(a) ~~From the mouth to Gaynor Falls and tributaries except Whitepine Creek: Closed waters.~~

~~(b) From ((Smith Brook to Stevens Creek:~~

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

~~((ii)) Gaynor Falls (approximately 0.7 miles upstream of Whitepine Creek) upstream and tributaries: 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.~~

~~(258) Negro Creek (Whitman County): Open the fourth Saturday in April through July 15.~~

~~(259) Nile Lake (Pend Oreille County): Open the fourth Saturday in April through October 31).~~

~~((260)) (234) Nile Creek and tributaries (Yakima County): Selective gear rules.~~

~~(235) No Name Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.~~

~~((261)) (236) North Creek (tributary to Twisp River) (Okanogan County): From the mouth upstream to Twisp River Road Bridge: Closed waters.~~

(237) 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.

~~((e) Trout: Limit two.~~

~~(262) North Fork Teanaway River tributaries from mouth to Beverly Creek, including Beverly Creek:~~

~~(a) Selective gear rules apply.~~

~~(b) Trout: Minimum size ten inches.~~

~~(263)) (238) North Potholes Reserve Ponds (Grant County): ((a)) Open ((February)) March 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.~~

(264)) (239) Nunnally Lake (Grant County):

(a) The outlet stream of Nunnally Lake is closed waters.

(b) Open March 1 through November 30:

~~((+)) (c) Selective gear rules ((apply)).~~

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

~~((+)) (e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ((one)) 1; minimum length 18 inches.~~

~~((265)) (240) Oak Creek and tributaries (Yakima County): Selective gear rules.~~

(241) 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) ((Hatchery trout: Open July 1 through August 15. Minimum size 12 inches. Daily limit 10. Barbless hooks required.)) Game fish: Statewide minimum length/daily limit, except: Release trout.~~

(iv) Salmon:

(A) Open July 1 through October 15.

(B) It is permissible to fish two poles from July 1 through August 31 so long as the angler possesses a two-pole endorsement.

(C) Limit 4; no more than 2 adult hatchery Chinook 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.)) Game fish: Statewide minimum length/daily limit, except: Release trout.~~

(iv) Salmon:

(A) Open July 1 through September 15.

(B) Limit 4; no more than 2 adult hatchery Chinook may be retained.

(C) Release coho and wild adult Chinook.

(d) From the highway bridge at Malott upstream:

(i) From Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam: Closed waters.

(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.)) Game fish: Statewide minimum length/daily limit, except: Release trout.~~

(v) Salmon:

(A) Open July 1 through September 15.

(B) Limit 4; no more than 2 adult hatchery Chinook 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 trout.~~

~~(266) Outlet Creek (Klickitat County):~~

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

~~(b) Trout: Limit 5.~~

~~(267)) (ii) Game fish: Statewide minimum length/daily limit, except: Release trout.~~

~~(242) Palouse River (Whitman County): From the mouth to the base of Palouse Falls:~~

~~(a) Open year-round ((from the mouth to the base of Palouse Falls:~~

~~(b) Bass: No limit.~~

~~(c) Channel catfish: No limit)) for game fish except trout and steelhead.~~

~~((d)) (b) Trout: Open ((June 16) the Saturday before Memorial Day through ((March)) October 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)) (c) Steelhead:~~

~~(i) Open August 1 through April 15.~~

~~(ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(d) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement, except for steelhead.~~

~~((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.~~

~~(268)) (243) Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek and Hog Canyon Creek: Open year-round.~~

~~((269)) (244) 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.~~

~~(270) Para Juvenile Lake (Adams/Grant counties):~~

~~Open April 1 through September 30 to juvenile anglers only.~~

~~(271)) (245) Park Lake (Grant County): Open the fourth Saturday in April through September 30.~~

~~((272)) (246) Parker Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.~~

~~((273)) (247) 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, senior angler, and anglers with a disability who possess a designated harvester companion card only.~~

~~((e)) (b) From the city limits of Pomeroy upstream:~~

~~((f)) 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.~~

~~(274)) (248) Patterson Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(249) Pearygin Lake (Okanogan County): Open the fourth Saturday in April through October 31.~~

~~((275)) (250) Pend Oreille River (Pend Oreille County):~~

~~(a) ((In the mainstem:~~

~~(i)) Open year-round.~~

~~((f)) (b) Game fish: Statewide lake rules.~~

~~(c) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed waters.~~

~~((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.~~

~~(276)) (251) Perch Lake (Grant County): Open the fourth Saturday in April through September 30.~~

~~((277)) (252) Peshastin Creek and all tributaries ((from Ruby Creek upstream, not including Ruby))~~

~~except Ingalls 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.~~

~~(278)) Closed waters.~~

~~(253) 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.~~

~~((279))~~ (254) Phalon Lake (Stevens County): Closed waters.

~~((280) 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.~~

~~(281) Phillips Lake (Stevens County):~~ Open the fourth Saturday in April through October 31.

~~(282))~~ (255) Phillips Lake (Stevens County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(256) 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.

~~((283))~~ (257) Pillar Lake (Grant County): Open the fourth Saturday in April ((+)) through September 30.

~~((284))~~ (258) Ping Pond (Oasis Park Pond) (Grant County): ~~((a))~~ Open ~~((the third Saturday in April through Labor Day))~~ to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((b) Limit 5 game fish; no minimum size restrictions.~~

~~(285))~~ (259) Pit Lake (Douglas County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((286))~~ (260) Poacher Lake (Grant County): Open the fourth Saturday before April ((+)) through September 30.

~~((287))~~ (261) Potholes Reservoir (Grant County): Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Minimum length ~~((nine))~~ 9 inches.

(b) Crappie and bluegill: Combined limit of ~~((twenty-five))~~ 25 fish.

(c) Yellow perch: Daily limit ~~((twenty-five))~~ 25 fish.

~~((288))~~ (262) Potter's Pond (Stevens County): Open the fourth Saturday in April through October 31.

~~((289))~~ (263) Powerline Lake (Franklin County): Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((290) 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:

~~(291) Priest River tributaries (Pend Oreille County):~~ Open the Saturday before Memorial Day through October 31.

~~(292))~~ (264) 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.~~

~~(293))~~ Release all fish.

(265) 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.~~

~~(294))~~ (266) Quincy Lake (Grant County): Open March 1 through ~~((July 31))~~ September 30.

~~((295))~~ (267) Rainbow Lake (Columbia County):

(a) Open March 1 through ~~((October 31))~~ November 30.

(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.~~

~~(296) 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.~~

~~(297))~~ (268) 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.~~

~~(298) Rattlesnake Creek (Yakima County):~~

~~(a) Selective gear rules apply.~~

~~(b) Catch and release only for all species in the main stem.~~

~~(299))~~ (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(269) Rattlesnake Creek and tributaries (Yakima County):

(a) Selective gear rules ~~((apply)).~~

(b) ~~((Trout minimum size 10 inches.~~

~~(300))~~ Release all fish.

(270) Red Rock Creek (Grant County): Open ~~((April +))~~ the Saturday before Memorial Day through September 30.

~~((301))~~ (271) Reflection Pond (Okanogan County):

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

~~((302))~~ (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(272) Renner Lake (Ferry County):

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

~~((303))~~ (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(273) 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) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ~~((two))~~ 2, minimum length ~~((twelve))~~ 14 inches.

~~((304))~~ (274) 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.~~

~~(305))~~ (275) Ringold Springs Hatchery Creek (Franklin County): Closed waters.

~~(276) 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.~~

~~(306)) Closed waters.~~

~~(277) 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.~~

~~(e)) (ii) Release all fish.~~

~~(b) From the bridge on Jordan Knott Road upstream: Open year-round.~~

~~((307) Rock Creek (Chelan County):~~

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

~~(b) Selective gear rules apply.~~

~~(308) 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.~~

~~(309) 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.

~~(310)) (278) 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.~~

~~(311)) Release all fish.~~

~~(279) 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.~~

~~(312)) (280) Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):~~ Columbia River from Grand Coulee Dam to U.S. Canadian border including Hawk Creek downstream of the falls at Hawk Creek Campground, Spokane River from 400 feet downstream of Little Falls Dam, Kettle River downstream of Barstow Bridge, and Colville River downstream of S.R. 25 Bridge.

(a) The following areas are closed waters:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point(~~and~~) from March 1 through the Friday before Memorial Day.

(ii) Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

~~((ii)) (iii) The Kettle ((arm) River upstream to Barstow Bridge from ((April)) March 1 through the Friday before Memorial Day.~~

~~(b) ((Carp: It is unlawful to fish for carp with bow and arrow.~~

~~(e)) From Grand Coulee Dam to the Little Dalles power line crossing:~~

~~(i) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins ((may be retained)).~~

~~((ii) Salmon: Landlocked salmon rules apply.~~

~~(iii)) (B) Trout (except kokanee): Daily limit 5; it is unlawful to retain trout with an intact adipose fin.~~

~~((iv)) (C) Walleye: ((No size restrictions;)) Daily limit 16 fish; no size restrictions.~~

~~(ii) Salmon: Landlocked salmon rules apply.~~

~~((d)) (c) From the Little Dalles power line crossing to the Canadian border:~~

~~(i) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins ((may be retained.~~

~~(ii) Salmon: Landlocked salmon rules apply)).~~

~~((iii)) (B) Trout (except kokanee): Daily limit 2; minimum size 18 inches.~~

~~((iv)) (C) Walleye: Daily limit 16; no size restrictions((; limit 16 fish)).~~

~~((313)) (ii) Salmon: Landlocked salmon rules apply.~~

~~(281) Round Lake (Okanogan County):~~ Open the fourth Saturday in April through October 31.

~~((314) 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.

~~(315)) (282) Royal Lake (Adams County):~~ Closed waters.

~~((316)) (283) Royal Slough (including Marsh Unit IV impoundments) (Adams County):~~ Closed waters.

~~((317) 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.~~

~~(318)) (284) Rufus Woods Lake (Douglas/Okanogan counties):~~

~~(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed waters.~~

~~(b) Game fish: Statewide minimum length/daily limit, except: Trout: ((Limit 2; only uninjured trout caught using~~



artificial lures or flies with single-point barbless hooks may be released.

(e) Tributaries to Rufus Woods Lake: Open the Saturday before Memorial Day through October 31.

~~(319) Sacheen Lake (Pend Oreille County):~~ Open the fourth Saturday in April through October 31.

~~(320)) Daily limit 2; minimum length 14 inches.~~

~~(c) Sturgeon: Closed to fishing.~~

~~(285) Sacheen Lake (Pend Oreille County):~~ Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~(286) Saddle Mountain Lake (Grant County):~~ Closed waters.

~~((321)) (287) Sago Lake (Grant County):~~ Open the fourth Saturday in April ~~((+))~~ through September 30.

~~((322)) (288) Salmon Creek (~~(-mainstem)~~) (Okanogan County):~~

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

~~(b)) From the mouth to Conconully Reservoir:~~

~~(i) Selective gear rules ((apply)).~~

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

~~(d) Trout: Catch and release only.~~

~~(323) Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County):~~

~~(a) Open the Saturday before Memorial Day through October 31.) (ii) Game fish: Statewide minimum length/daily limit, except: Release trout other than eastern brook trout.~~

~~(b) From Conconully Reservoir upstream including tributaries: Selective gear rules ((apply)).~~

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

~~(324)) (289) 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) Game fish: Open year-round; statewide minimum length/daily limit, except:~~

~~(A) Open June 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:~~

~~((A)) (I) Kokanee: Daily limit 2 ((fish in addition to the trout limit; no minimum size requirement)).~~

~~((B)) (II) Trout: Daily limit 5; it is unlawful to retain trout with an intact adipose fin.~~

~~((C)) (III) Walleye: Daily limit 16; no size restrictions.~~

~~(IV) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.~~

~~(B) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.~~

~~(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.) Salmon: Open year-round; landlocked salmon rules apply.~~

~~(iii) Carp: Open year-round.~~

~~(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)) Game fish: Open year-round; statewide minimum length/daily limit, except:~~

~~(A) Kokanee: Unlawful to fish for or retain.~~

~~(B) Trout: Unlawful to fish for or retain.~~

~~(C) Open June 1 through January 31 for walleye and smallmouth bass:~~

~~(I) Walleye: Daily 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)) (II) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.~~

~~(D) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.~~

~~(ii) Salmon: Open year-round; landlocked salmon rules apply.~~

~~(iii) Carp: Open year-round; unlawful to fish for carp with bow and arrow.~~

~~(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 upstream to the northern reservation boundary are managed under the regulatory authority of the Colville Confederated Tribes ~~((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)).~~

~~((325)) (290) Sand Hollow Creek (Grant County) including ~~((all))~~ tributaries: From the mouth (State Route 243) upstream: Open ~~((April+))~~ the Saturday before Memorial Day through September 30 ~~((from State Route 243 upstream)).~~~~

~~((326)) (291) Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):~~ Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((327) 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.~~

~~(328) Seooteney Reservoir (Franklin County):~~ Walleye limit 8; minimum size 12 inches. It is unlawful to retain more than one walleye over 22 inches in length.

~~(329))~~ (292) Schallow Pond (Okanogan County):  
Game fish: Statewide minimum length/daily limit, except:  
Eastern brook trout count as part of trout daily limit.

(293) Sedge Lake (Grant County):

(a) Selective gear rules ~~((apply))~~.

(b) Game fish: Statewide minimum length/daily limit,  
except: Trout: Daily limit ~~((one))~~ 1; minimum length 18  
inches.

~~((330))~~ (294) Shellneck Creek (Yakima County):  
Closed waters.

(295) Sherman Creek (Ferry County) and ~~((all))~~ trib-  
utaries: ~~((a))~~ From the hatchery boat dock to 400 feet  
upstream of hatchery water diversion dam: Closed waters.

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

(331) Sherry Lake (Stevens County): Open the fourth  
 Saturday in April through October 31.

~~(332))~~ (296) Shiner Lake (Adams 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.

~~(333))~~ (297) Shoveler Lake (Grant County): Open the  
 fourth Saturday in April ~~((+))~~ through September 30.

~~((334) Sidley Lake (Okanogan County):~~ Trout limit  
 two.

~~(335))~~ (298) Silver Lake (Spokane County): Game  
fish: Statewide minimum length/daily limit, except: Crappie:  
Daily limit ~~((ten))~~ 10; minimum length ~~((nine))~~ 9 inches.

~~((336))~~ (299) Silver Nail Lake (Okanogan County):  
 Open to juvenile anglers, senior anglers, and anglers with a  
disability who possess a designated harvester companion  
card only.

~~((337))~~ (300) Similkameen River (Okanogan  
County):

(a) ~~((Barbless hooks required for salmon and steelhead.))~~  
 From Enloe Dam downstream 400 feet: Closed waters.

(b) From the mouth to Enloe Dam:

(i) ~~((Closed from Enloe Dam downstream 400 feet.~~

~~((ii))~~ Open July 1 through September 15:

~~((A))~~ (ii) Barbless hooks required for salmon and steel-  
head.

~~((iii))~~ Anti-snagging rule ~~((applies))~~.

~~((B))~~ (iv) Night closure ~~((in effect))~~.

~~((iii))~~ (v) Game fish: Statewide minimum length/daily  
limit, except: Release trout.

~~((vi))~~ Salmon:

(A) ~~((Open July 1 through September 15.~~

~~((B))~~ Limit 4; no more than 2 adult hatchery Chinook  
may be retained.

~~((C))~~ (B) Release coho and wild adult Chinook.

~~((iv))~~ (vii) Whitefish:

(A) Open December 1 through ~~((March 31))~~ the last day  
in February for whitefish only~~((;))~~.

~~((B))~~ 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) Whitefish:

~~((A))~~ Open December 1 through ~~((March 31))~~ the last day  
in February for whitefish only~~((;))~~.

~~((B))~~ Whitefish gear rules ~~((apply))~~.

~~((338))~~ (301) Sinlahekin Creek (Okanogan County):  
~~((a))~~ From Palmer Lake to Cecile Creek Bridge:

~~((ii))~~ (a) Open the Saturday before Memorial Day  
through August 31.

~~((iii))~~ (b) Selective gear rules ~~((apply))~~.

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

~~((iv))~~ (c) Whitefish:

~~((i))~~ Open December 1 through ~~((March 31))~~ the last day  
in February for whitefish only~~((;))~~.

~~((ii))~~ Whitefish gear rules ~~((apply))~~.

~~((b))~~ From Cecile Creek Bridge upstream, including all  
tributaries: Open the Saturday before Memorial Day through  
October 31.

~~(339))~~ (302) Skookum Lake, North (Pend Oreille  
County): Open the fourth Saturday in April through October  
 31.

~~((340))~~ (303) Skookum Lake, South (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.

~~((341) 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.

~~(342))~~ (304) Snake River:

(a) Tributaries except Palouse River, Tucannon River,  
Asotin Creek, and Grande Ronde River: Closed waters.

(b) Columbia River rules apply downstream of the Bur-  
bank-to-Pasco railroad bridge at Snake River mile 1.5.

~~((b))~~ Open year-round, except the following areas are  
closed:

~~((i))~~ (c) Within 400 feet of the base of any dam~~((;~~

~~((ii))~~ : Closed waters.

~~((d))~~ Within a 400 foot radius around the fish ladder  
entrance at Lyons Ferry Hatchery~~((;~~

~~((iii))~~ : Closed waters.

~~((e))~~ Within a 200 foot radius upstream of the fish ladder  
exit above Lower Granite Dam~~((; and~~

~~((iv))~~ : Closed waters.

~~((f))~~ 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~~((;~~

~~((e))~~ Bass: No limit and no size restrictions.

~~((d))~~ Channel catfish: No limit.

~~((e))~~ : Closed waters.

~~((g))~~ Game fish: Open year-round; statewide minimum  
length/daily limit, except:

~~((i))~~ 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) From mouth of Snake River to Bridge Street bridge in Clarkston (Blue Bridge) it is unlawful to retain more than 3 hatchery steelhead, except it is unlawful to retain more than one hatchery steelhead August 1 through March 31:

(A) August 1 through March 31 release all steelhead longer than 30 inches.

(B) Barbless hooks required for steelhead.

(v) Release all steelhead upstream of Bridge Street bridge in Clarkston (Blue Bridge):

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

~~(343))~~ Open the Saturday before Memorial Day through October 31.

(ii) Steelhead:

(A) Open the Saturday before Memorial Day through July 31; daily limit 2, barbless hooks required.

(B) Open August 1 through March 31; Daily limit 3 hatchery steelhead; barbless hooks required.

~~(305)~~ Snipe Lake (Grant County): Open the fourth Saturday in April ((+)) through September 30.

~~((344))~~ ~~(306)~~ Snipes Creek (Benton County): ((+)) Selective gear rules ((apply)).

~~((b))~~ Trout minimum length ten inches.

~~(345)~~ ~~South Salmo River (Pend Oreille County); including tributaries:~~ Open the Saturday before Memorial Day through October 31.

~~(346)~~ ~~Spearfish Lake (Klickitat County):~~ Open the fourth Saturday in April through last day in February.

~~(347))~~ ~~(307)~~ Spectacle Lake (Okanogan County): Open April 1 through September 30.

~~((348))~~ ~~(308)~~ Spokane River (Spokane County): ((+)) 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: Limit 6; no more than 2 with intact adipose fins may be retained. Kokanee does not count towards the trout limit.

(B) Salmon: Landlocked salmon rules apply.

(C) Trout: Limit 5, it is unlawful to retain trout with an intact adipose fin.

(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)) From Nine Mile Dam upstream to the ((Monroe Street Dam)) Idaho/Washington state line:

~~((i))~~ (a) Selective gear rules ((apply)).

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

~~((iii))~~ (b) Open ((June 1)) the Saturday before Memorial Day through March 15:

~~((A))~~ Salmon: Landlocked salmon rules apply.

(B) Trout:

(f) Limit one; minimum length 8 inches.

(H) 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.

~~(349))~~ (c) Game fish: Release all fish, except: Hatchery rainbow trout: Daily limit 2.

~~(309)~~ Sprague Lake (Adams/Lincoln counties):

(a) The following waters are closed waters:

(i) Cow Creek((;)).

(ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds, including Cow Creek, 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) Game fish: Statewide minimum length/daily limit except:

(i) Crappie: Minimum length ((nine)) 9 inches.

~~((d))~~ (ii) Crappie and bluegill: Combined limit of ((twenty-five)) 25 fish.

~~((e))~~ Trout: Limit 5; it is unlawful to retain more than two trout over twenty inches in length.

~~(350))~~ ~~(310)~~ Spring Creek (Benton County): ((+)) Selective gear rules ((apply)).

~~((b))~~ Trout minimum length ten inches.

~~(351)~~ ~~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.~~

~~(352))~~ ~~(311)~~ 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))~~ Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.

~~((353))~~ ~~(312)~~ Spring Lake (Columbia County): ((+)) 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.

~~(354))~~ ~~(313)~~ Spring Lakes (Upper and Lower) (Grant County): Open March 1 through ~~((July 31))~~ September 30.

~~((355) Stan Coffin Lake (Grant County): Bass: Catch and release only.~~

~~(356)) (314) Springdale Pond (Lucky Duck Pond) (Stevens County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~(315) Spruce Creek (tributary to South Fork Tieton River) (Yakima County): Closed waters.~~

~~(316) 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.~~

~~(357)) (317) Starzman Lakes (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(318) Stehekin River (Chelan County): ((a)) From the mouth ((to Agnes Creek:~~

~~(i)) (Powerline crossing) upstream and tributaries:~~

~~(a) 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;)) (b) Game fish: Statewide minimum length/daily limit, except: Release wild 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.~~

~~(358)) (319) Stratford/Brook Lake (Grant County): Open ((February)) March 1 through September 30.~~

~~((359)) (320) Sugarloaf Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(321) Sullivan Creek and tributaries (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)) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout.~~

~~(b) ((From Mill Pond upstream and tributaries:~~

~~(i)) Selective gear rules ((apply)).~~

~~((ii) Release 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.~~

~~(360)) (322) Sullivan Lake (Pend Oreille County): ((a) Kokanee: Limit ten; kokanee do not count toward the trout limit.~~

~~(b)) Game fish: Statewide minimum length/daily limit, except: Trout ((except kokanee)): Daily limit ((two trout)) 2; minimum length 14 inches.~~

~~((361) Sullivan Lake tributaries (Pend Oreille County), except as otherwise provided in this section: Open the Saturday before Memorial Day through October 31.~~

~~(362)) (323) Summit Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(324) Summit Lake (Stevens County): Open the fourth Saturday in April through October 31.~~

~~((363)) (325) 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.~~

~~((364) 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.~~

~~(365)) (326) Swauk Creek and tributaries (Kittitas County): Selective gear rules.~~

~~(327) Taneum Creek and tributaries (Kittitas County): Selective gear rules.~~

~~(328) Teal Lakes (North and South) (Grant/Adams counties): Open the fourth Saturday in April ((+)) through September 30.~~

~~((366)) (329) Teanaway River (Kittitas County), and tributaries except North Fork: ((a)) Selective gear rules ((apply)).~~

~~((b) Trout minimum length ten inches.~~

~~(367)) (330) Teanaway River, North Fork (Kittitas County):~~

~~(a) From the mouth to Beverly Creek and tributaries: including Beverly Creek:~~

~~((a)) (i) Selective gear rules ((apply)).~~

~~((b) Trout: Catch and release only.~~

~~(368)) (ii) Game fish: Statewide minimum length/daily limit, except: Release trout.~~

~~(b) From Beverly Creek to the impassable waterfall at the end of USFS Road 9737: Closed waters.~~

~~(331) Tern Lake (Grant County):~~

~~(a) Selective gear rules ((apply)).~~

~~(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit ((one)) 1; minimum length 18 inches.~~

~~((369) Thomas Lake (Stevens County): Open the fourth Saturday in April through October 31.~~

~~(370)) (332) Thirtymile Creek (tributary to Chewuch River) (Okanogan County): From mouth upstream to falls (approximately 700 feet): Closed waters.~~

~~(333) 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)) (b) 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.

~~(371)) (334) Tieton River, North Fork (Yakima County):~~

~~(a) The Clear Lake spillway channel: Closed waters.~~

~~(b) From the USFS Road 740 Bridge to Clear Lake Dam: Closed waters.~~

~~(c) The mainstem and tributaries including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream ((to the USFS Road 740 Bridge below)) of 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.~~

~~(e) All North Fork Tieton tributaries, including Clear Creek: Open the Saturday before Memorial Day through October 31.~~

~~(372)) (335) 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)) 1200 to bridge on USFS road 1070: Closed waters.~~

~~((373)) (336) Tillicum Creek (tributary to Mad River) (Chelan River):~~

~~(a) From mouth to the intersection of USFS 5800 and USFS 5808: Closed waters.~~

~~(b) From the intersection of USFS 5800 and USFS 5808 upstream (upstream 2.25 miles) including tributaries: Selective gear rules.~~

~~(337) Touchet River and tributaries (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 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 sear 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 sear 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 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)) the North and South Forks:~~

~~(i) All tributaries: Closed waters.~~

~~(ii) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:~~

~~(A) November 1 through April 15: Release all fish except steelhead.~~

~~(B) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.~~

~~(b) From the confluence of the North and South Forks upstream(=:~~

~~(A)) including both forks, Robinson Fork, and Wolf Fork:~~

~~(i) All other tributaries: Closed waters.~~

~~(ii) Open the Saturday before Memorial Day through August 31.~~

~~(iii) Selective gear rules ((apply)).~~

~~((B) Release 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 sear 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 sear 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 sear 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 sear at the location of the adipose fin.~~

~~(x) South Fork, upstream from Griffin Creek: Open the first Saturday in June through August 31.~~

~~(374) **Trapper Lake (Chelan County):** Trout: Limit two.~~

~~(375)) (338) **Trout Lake (Ferry County):** Open the fourth Saturday in April through October 31.~~

~~((376) **Trout Lake (tributary to Big White Salmon River) (Klickitat County) including all tributaries:** Open the first Saturday in June through October 31.~~

~~(377)) (339) **Tucannon River (Columbia County):**~~

~~(a) ((Unless otherwise provided in this section,)) All tributaries are closed waters, except Pataha Creek.~~

~~(b) Mouth upstream to ((Turner)) Tucannon Hatchery 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 sear at the location of the adipose fin.~~

~~(H) Steelhead: Limit 2 hatchery fish.~~

~~(HH) 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.~~

~~(e) Turner Road Bridge at Marengo to Tucannon Hatchery Bridge:~~

~~(i) First Saturday in June through August 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 sear at the location of the adipose fin.~~

~~(B) Steelhead: Limit 2 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)) (c) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:~~

~~(i) November 1 through April 15: Release all fish except steelhead.~~

~~(ii) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.~~

~~(d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed ((to fishing)) waters.~~

~~(e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:~~

~~(i) ((First)) Open the Saturday ((in June)) before Memorial Day through August 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 sear at the location of the adipose fin.~~

~~(B) Release steelhead.~~

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

~~(f) Cow Camp Bridge upstream: Closed ((to fishing)) waters.~~

~~((378)) (340) **Tucuala 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.~~

~~(379)) Statewide stream rules apply.~~

~~(341) **Twentymile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to falls (approximately 0.75 miles): Closed waters.~~

~~(342) **Twin Lakes ((Chelan County) and), tributaries, and Twin Lakes Creek (outlet stream) to ((junction)) the confluence with the Napeequa River (Chelan County):** Closed waters.~~

~~((380)) (343) **Twisp River (Okanogan County):**~~

~~(a) Mouth to War Creek:~~

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

~~((b)) (ii) 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)) (iii) Release all fish.~~

~~(b) 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)) upstream except North Creek and North Fork Twisp River:~~

~~(i) Selective gear rules ((apply)).~~

~~((iii)) (ii) 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.~~

~~(381)) (iii) Release all fish.~~

~~(c) From War Creek upstream: Closed waters.~~

~~(344) Twisp River, North Fork (Okanogan County):~~  
From mouth to falls including tributaries: Closed waters.

~~(345) Umtanum Creek (Kittitas County):~~ Selective gear rules.

~~(346) Union Creek (Yakima County):~~ ((Open upstream of the falls (approximately 1/4 mile)) From the mouth to the falls: Closed waters.

~~((382)) (347) 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.

~~(383) Vanes Lake (Pend Oreille County):~~ Open the fourth Saturday in April through October 31.

~~(384)) Release all fish.~~

~~(348) Vic Meyers (Rainbow) Lake (Grant County):~~

(a) Open the fourth Saturday in April through September 30.

~~((385) Waitts Lake (Stevens County):~~ Open the fourth Saturday in April through last day in February.

~~(386)) (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(349) 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.

~~(387) Wanapum Pool (Columbia River) tributaries (Chelan/Douglas County):~~ Open the Saturday before Memorial Day through October 31 from Wanapum Dam to Rock Island Dam.

~~(388)) From mouth to Washington/Oregon stateline:~~

(a) All tributaries except Touchet River and Mill Creek: Closed waters.

(b) Game fish: Open year-round; statewide minimum length/daily limit, except for trout and steelhead:

(i) Trout: Open the Saturday before Memorial day through October 31; statewide minimum length/daily limit.

(ii) Steelhead:

(A) Open the Saturday before Memorial Day through July 31; daily limit 2 hatchery steelhead.

(B) Open August 1 through April 15; daily limit 3 hatchery steelhead, barbless hooks required.

~~(350) Wannacut Lake (Okanogan County):~~ Open the fourth Saturday in April through October 31.

~~((389)) (351) 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.~~

~~(390)) (352) Ward Lake (Ferry County):~~

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

~~((391)) (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~(353) Warden Lake (Grant County):~~ Open the fourth Saturday in April through September 30.

~~((392)) (354) Warden Lake, South (Grant County):~~

Open the fourth Saturday in April through September 30.

~~((393)) (355) 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)) cannot be used.

~~((394)) (356) Washburn Lake (Okanogan County):~~

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

(b) Game fish: Statewide minimum length/daily limit, except: Trout: ((Limit one:)) Daily limit 1; minimum length 18 inches.

(c) Selective gear rules ((apply)).

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

~~((395)) (357) Watson Lake (Columbia County):~~

(a) Open March 1 through ((October 31)) November 30.

(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.~~

~~(396)) (358) Wenaha River tributaries ((within Washington):~~

(a) Open the ((first)) Saturday ((in June)) before Memorial Day through August 31.

(b) Selective gear rules ((apply)).

~~((e) Trout: Release steelhead.~~

~~(397)) (359) Wenas Creek (Yakima County): ((a))~~  
 From the mouth to Wenas Lake, including ~~((a))~~ 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.~~

~~(398)) (360) Wenatchee Lake (Chelan County):~~

~~(a) ((Open year round;)) Selective gear rules ((apply)).~~

~~(b) ((Release bull trout, steelhead trout, sockeye, and  
 Chinook salmon.~~

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

~~(399)) Game fish: Statewide minimum length/daily  
 limit except: Release trout.~~

~~(361) Wenatchee River (Chelan County): From the  
 mouth to ((400 feet below Dryden Dam and from the mouth  
 of Peshastin Creek (above Dryden Dam) to)) the Icicle  
 ((River)) Road Bridge:~~

~~(a) Closed waters, except:~~

~~(b) Salmon:~~

~~(i) Open August 1 through September 30.~~

~~((b)) ((ii)) Selective gear rules ((apply)).~~

~~((c)) ((iii)) Night closure ((in effect)).~~

~~((d)) ((iv)) Daily limit 4; minimum length 12 inches it is  
 unlawful to retain more than 2 adult hatchery Chinook.~~

~~((e)) ((v)) Release coho and wild adult Chinook salmon.~~

~~((f)) Minimum length 12 inches.~~

~~(400) West Evans Pond (Asotin County): It is unlawful  
 to retain more than 2 trout over 13 inches in length.~~

~~(401)) (362) Whitepine Creek (Chelan County):  
 From the mouth to Whitepine Creek Falls (1 mile upstream of  
 mouth) and tributaries: Closed waters.~~

~~(363) White River (Chelan County)((- from 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 Napeequa River.~~

~~(402) White Salmon River (Klickitat/Skamania coun-  
 ties):~~

~~(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. When the anti-snagging rule is in effect, fish must be  
 hooked inside the mouth to be retained.~~

~~(v) June 16 through October 31: Night closure in effect  
 for all species:~~

~~(vi) Bass: No limit and no size restriction.~~

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

~~(viii) Salmon and steelhead open year round:~~

~~(A) From April 1 through June 15:~~

~~(I) Limit 2; no more than 2 salmon, or 2 hatchery steel-  
 head, or one of each, may be retained.~~

~~(H) Release wild Chinook.~~

~~(B)(I) From June 16 through July 31:~~

~~(H) Limit 2; no more than 2 salmon or one hatchery  
 steelhead, or one of each, may be retained.~~

~~(C) From August 1 through March 31:~~

~~(I) From August 1 through August 31: Limit 6; no more  
 than 2 adult salmon, release all steelhead.~~

~~(H) October 1 through October 31: Limit 6; no more than  
 2 adult salmon or one hatchery steelhead and one hatchery  
 salmon.~~

~~(H) From November 1 through March 31: Limit 6; no  
 more than 2 adult salmon, or 2 hatchery steelhead, or one of  
 each, may be retained.~~

~~(IV) Salmon: Only hatchery Chinook and hatchery coho  
 may be retained.~~

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

~~(b) From the county road bridge below the former loca-  
 tion of the powerhouse upstream to 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:~~

~~(A) April 1 through July 31:~~

~~(I) Daily limit 3 fish, of which no more than 2 may be  
 salmon.~~

~~(H) Release wild Chinook.~~

~~(B) August 1 through October 31: Limit 6; up to 3 may  
 be adults of which no more than 2 may be hatchery salmon.~~

~~(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) From the first Saturday in June through July 31,  
 release all fish, except anglers may retain up to 3 hatchery  
 steelhead.~~

~~(v) Salmon and steelhead: From August 1 through Octo-  
 ber 31: Limit 6, and up to 3 may be adults of which no more  
 than 2 may be hatchery salmon.~~

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

~~(d) Big Brothers Falls upstream to the source, including  
 all tributaries: Open the first Saturday in June through Octo-  
 ber 31.~~

~~(403) Wide Hollow Creek (Yakima County): Open to  
 juvenile anglers only.~~

~~(404))): From the mouth to White River Falls and tribu-  
 taries, except Napeequa River: Closed waters.~~

~~(364) Widgeon Lake (Grant County): Open the fourth  
 Saturday in April ((+)) through September 30.~~

~~((405)) (365) Williams Lake (Spokane County):  
 Open the fourth Saturday in April through September 30.~~

~~((406)) (366) 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.~~



~~(407)) (367) Wilson Creek (Kittitas County): ((A))~~  
~~From BNSF railroad bridge upstream: Selective gear rules~~  
~~((apply)).~~

~~((B) Trout: Minimum size ten inches.~~

~~(c) Two branches within Ellensburg city limits: Open to juvenile anglers only.~~

~~(408)) (368) Winchester Wasteway (Grant County)~~  
~~(that portion within the Winchester Game Reserve): Open~~  
~~((February)) March 1 through September 30.~~

~~((409)) (369) Wolf Creek (Methow River tributary)~~  
~~(Okanogan County): Closed waters.~~

~~(370) Yakima River (Yakima County):~~

~~(a) ((General river rules:~~

~~(i) Release 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)) (b) From the Highway 240 Bridge to ((400 feet~~  
~~below)) Prosser Dam: ((A)) Open March 1 through October~~  
~~22.~~

~~((B)) (i) From ((400 feet downstream to 400 feet~~  
~~upstream of the USBR Chandler Powerhouse/Pumping Sta-~~  
~~tion: Open March 1 through August 31.~~

~~((C)) 200 feet above to 200 feet below the USBR Chan-~~  
~~dlers Powerhouse/Pumping Station: Closed waters September~~  
~~1 through October 22.~~

~~(ii) From March 1 through August 31; for all open spe-~~  
~~cies except sturgeon: It is permissible to fish with two poles~~  
~~so long as the angler possesses a valid two-pole endorsement.~~

~~((D)) (iii) Chumming is permissible.~~

~~((E) Trout: Catch and release only.~~

~~((F)) (c) From the Grant Avenue bridge in Prosser down-~~  
~~stream approximately 1.25 miles to the downstream side of~~  
~~the westbound I-82 Bridge:~~

~~(i) Fishing from a floating device is prohibited Septem-~~  
~~ber 1 through October 22.~~

~~(ii) Game fish: Statewide minimum size/daily limit,~~  
~~except: Release trout.~~

~~(iii) Salmon:~~

~~((H)) (A) Open September 1 through October 22.~~

~~((H)) (B) Night closure ((in effect)).~~

~~((III) It is unlawful to fish for salmon using anything~~  
~~other than) (C) Barbless hooks required.~~

~~((IV)) (D) 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 approxi-~~  
~~mately 1.25 miles to the downstream side of the westbound~~  
~~Interstate 82 Bridge:~~

~~((ii)) (d) From Prosser Dam to Highway 223 Bridge:~~

~~((A)) (i) Open ((May)) March 1 through October 31.~~

~~((B) Trout: Catch and release only.~~

~~((iii)) (ii) Game fish: Statewide minimum size/daily~~  
~~limit, except: Release trout.~~

~~(e) From Highway 223 Bridge to ((400 feet below Sun-~~  
~~nyside 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) 3,500 feet below Roza Dam:~~

~~(i) From Yakima Avenue-Terrace Heights Bridge~~  
~~upstream 400 feet: Closed waters.~~

~~((B)) (ii) 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)) (iii) Game fish: Statewide minimum length/daily~~  
~~limit, except: Trout: Minimum length 14 inches.~~

~~(iv) Whitefish:~~

~~(A) Open December 1 through ((January 31)) the last~~  
~~day in February for whitefish only((;)).~~

~~(B) Whitefish gear rules ((apply)).~~

~~((+)) (f) From 3,500 feet below Roza Dam to Roza~~  
~~Dam: Closed waters.~~

~~(g) From Roza Dam to 400 feet below Easton Dam;~~  
~~including the portion of Wilson Creek from the mouth~~  
~~upstream to the BNSF railroad bridge: ((A)) Open year-~~  
~~round.~~

~~((B)) (i) It is permissible to fish from floating devices~~  
~~equipped with motors only from the U.S. Bureau of Reclama-~~  
~~tion restricted area signs at Roza Dam upstream to the boat~~  
~~launch ramp on the Roza Access Area (approximately 1.3~~  
~~river miles).~~

~~((C)) (ii) Selective gear rules ((apply)).~~

~~((D) Trout: Catch and release.~~

~~((E)) (iii) Game fish: Statewide minimum length/daily~~  
~~limit, except: Release trout.~~

~~(iv) Whitefish:~~

~~(A) Open December 1 through ((January 31)) the last~~  
~~day in February for whitefish only((;)).~~

~~(B) Whitefish gear rules ((apply)).~~

~~((vi)) (h) From Easton Dam to the base of Keechelus~~  
~~Dam including Easton Lake:~~

~~((A)) (i) 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.~~

~~(410)) (ii) Game fish: Statewide minimum length/daily~~  
~~limit, except: Release rainbow and cutthroat trout.~~

~~(371) Yakima Sportsmen's Park Ponds (Yakima~~  
~~County): Open to juvenile anglers, senior anglers, and~~  
~~anglers with a disability who possess a designated harvester~~  
~~companion card only.~~

~~((411) Yellowhawk Creek (Walla Walla County):~~  
~~Closed.~~

~~(412))~~ (372) **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 17-17-029, filed 8/8/17, effective 9/8/17)

**WAC 220-312-060 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.

(iii) From June 16 through July 31, upstream of the Megler-Astoria Bridge to McNary Dam, night closure in effect for all anglers except those enrolled in the Pikeminnow Sport Reward Program fishing and targeting pikeminnow.

(iv) From August 1 through December 31, upstream to McNary Dam, night closure in effect for all anglers except those enrolled in the Pikeminnow Sport Reward Program fishing and targeting pikeminnow.

(e) Open year-round unless otherwise provided.

(f) Barbless hooks are required for salmon and steelhead.

~~((g) Walleye and bass: No limit and no size restriction.  
(h) Channel catfish: No limit.))~~

**(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. Only single point barbless hooks may be used for salmon and steelhead.

(ii) Release all trout, except anglers may retain hatchery steelhead.

(iii) 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 one adult salmon and one hatchery steelhead, may be retained.

(III) Release all salmon other than sockeye and hatchery Chinook.

(B) Open August 1 through September 4:

(I) Limit 2, of which only one Chinook and/or one hatchery steelhead may be retained except from August 1 through August 31 release all steelhead.

(II) Release all salmon except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

(C) Open September 5 through September 30:

(I) Limit 2, of which only one hatchery steelhead may be retained.

(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 one adult salmon and one hatchery steelhead, 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.

(iv) Shad open May 16 through March 31.

(v) 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) Salmon and steelhead:

(A) Open May 16 through June 15:

(I) Release all salmon except hatchery jack Chinook.

(II) Limit 6; no more than 2 hatchery steelhead may be retained.

(B) Open June 16 through July 31:

(I) Release all salmon except hatchery Chinook and sockeye.

(II) Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained.

(C) Open August 1 through September 30:

(I) Upstream of Warrior Rock line: Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained. Release all salmon except Chinook and hatchery coho. From August 1 through August 31 release all steelhead.

(II) Downstream of Warrior Rock line: Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained. Only one may be an adult Chinook. Release wild Chinook from September 8 through September 14, and release all Chinook from September 15 through September 30. From August 1 through August 31 release all steelhead.

(D) For the purpose of this subsection, "Warrior Rock line" is defined as a line projected from the Warrior Rock Lighthouse, through Red Buoy 4, to the orange marker atop the dolphin on the Washington shore.

(E) Open October 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(F) 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.

(iii) 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) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(B) Open August 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained, except August 1 through August 31 release all steelhead.

(II) Release all salmon except Chinook and hatchery coho.

(III) Closed to fishing for salmon and steelhead November 1 through December 31 from Beacon Rock to Bonneville Dam.

(v) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(vi) 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) 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 one adult salmon and one hatchery steelhead, may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(II) Limit 6; no more than 2 adult salmon, one adult salmon and one hatchery steelhead may be retained, except from August 1 through August 31 release all steelhead.

(III) Release all salmon except Chinook and coho.

(IV) Release wild coho from Bonneville Dam to Hood River Bridge.

(iv) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(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) 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 one adult salmon and one hatchery steelhead, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(II) Limit 6; no more than 2 adults, of which no more than 2 may be adult salmon or one adult salmon and one hatchery steelhead, except release all steelhead from The Dalles Dam upstream to John Day Dam September 1 through September 30 and from John Day Dam upstream to McNary Dam September 1 through October 31.

(III) Release all salmon except Chinook and coho.

(iv) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(f) **From McNary Dam to Highway 395 Bridge at Pasco:**

(i) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.

(ii) From June 16 through December 31, night closure in effect for all anglers except anglers enrolled in the Pikeminnow Reward Program fishing and targeting pikeminnow.

(iii) Release all trout except hatchery steelhead.

(iv) 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 one adult salmon and one hatchery steelhead, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(C) Open August 1 through December 31:

(I) Limit 6; no more than 2 adult salmon or one adult salmon and one hatchery steelhead may be retained, except October 1 through November 30 release all steelhead.

(II) Release all salmon except Chinook and coho.

(III) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(v) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(g) **From the Highway 395 Bridge at Pasco to the Interstate 182 Bridge:**

(i) Closed waters: Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) From October 1 through December 31, night closure in effect for all anglers except anglers enrolled in the Pike-minnow Reward Program fishing and targeting pikeminnow.

(iv) Trout:

(A) October 1 through December 31 release all trout, except one hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) January 1 through March 31 release all trout, except anglers may retain one hatchery steelhead.

(v) Salmon:

(A) Open June 16 through August 15:

(I) Limit 4; no more than one adult hatchery Chinook salmon and no more than 2 sockeye salmon may be retained.

(II) Release wild adult Chinook.

(B) Open August 16 through October 22: Limit 6; no more than 2 adult salmon may be retained. Once the adult salmon or steelhead limit is retained, anglers may not continue to fish for either 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) Closed waters:

(A) The area of the Columbia River between the markers located 100 feet upstream and 100 feet downstream of the Ringold Springs Hatchery Creek, and extending 100 feet towards the middle of the river.

(B) September 1 through November 30: West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River.

(ii) 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 one hatchery steelhead from April 1 through April 15.

(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) From October 1 through December 31, night closure in effect for all anglers except anglers enrolled in the Pike-minnow Reward Program fishing and targeting pikeminnow.

(v) Trout:

(A) October 1 through December 31 release all trout, except one hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) January 1 through March 31 release all trout, except anglers may retain one hatchery steelhead.

(vi) Salmon:

(A) Open June 16 through August 15:

(I) Limit 6; no more than 2 adult hatchery Chinook and no more than 3 sockeye salmon may be retained.

(II) Release wild adult Chinook.

(B) Open August 16 through October 22: Limit 6; no more than 2 adult salmon may be retained. Once the adult salmon or steelhead daily limit has been retained, anglers may not continue to fish for either 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) Open February 1 through October 22.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open June 16 through August 15:

(I) Limit 6; no more than 2 adult hatchery Chinook and no more than 3 sockeye salmon may be retained.

(II) Release wild adult Chinook.

(B) Open August 16 through October 22: Limit 6; no more than 2 adult salmon may be retained.

**(j) From Vernita Bridge (Highway 24) to Priest Rapids Dam:**

(i) 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 ~~((Outlet Creek; waters of the Priest Rapids Hatchery system to the outlet on the Columbia River,))~~ system; extending to midstream of the Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth of Jackson Creek.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open June 16 through August 15:

(I) Limit 6; no more than 2 adult hatchery Chinook and no more than 3 sockeye salmon may be retained.

(II) Release wild adult Chinook.

(B) Open August 16 through October 22: Limit 6; no more than 2 adult salmon may be retained.

**(k) From Priest Rapids Dam to Rock Island Dam:**

(i) 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.

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) Release all trout.

(iv) Salmon:

(A) Open July 1 through August 31:

(I) Minimum size 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.

(II) Release coho and wild adult Chinook.

(B) Open September 1 through October 22: Open for Chinook only; limit 6, no more than 3 adults may be retained.

**(l) From Rock Island Dam to Wells Dam:**

(i) Closed waters:

(A) At Rocky Reach 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).

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) Release all trout.

(iv) Salmon open July 1 through October 15:

(A) Minimum size 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.

(B) Release coho and wild adult Chinook.

**(m) From Wells Dam to Highway 173 Bridge at Brewster:**

(i) July 16 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(ii) Hatchery trout: Open July 16 through August 15. Minimum size 12 inches. Daily limit 10. Barbless hooks required.

(iii) Salmon open July 16 through August 31:

(A) Minimum size 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.

(B) Release coho and wild adult Chinook.

**(n) From Highway 173 Bridge at Brewster to Chief Joseph Dam:**

(i) 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.

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) 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.

(iv) Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(v) Salmon: Open July 1 through October 15:

(A) Minimum size 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.

(B) Release coho and wild adult Chinook.

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

(p) **Above Grand Coulee Dam:** See Lake Roosevelt in WAC 220-310-195.

### WSR 18-06-051

#### PERMANENT RULES

#### ATTORNEY GENERAL'S OFFICE

[Filed March 2, 2018, 12:05 p.m., effective April 2, 2018]

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

Purpose: The office of the attorney general is amending several advisory Public Records Act (PRA) model rules (model rules) in chapter 44-14 WAC, and is repealing one advisory model rule (WAC 44-14-07003). The purpose is to update the model rules to reflect developments in statutes, case law and technology since the rules were last revised in 2007.

Citation of Rules Affected by this Order: Repealing WAC 44-14-07003; and amending WAC 44-14-00001, 44-14-00002, 44-14-00003, 44-14-00004, 44-14-00005, 44-14-00006, 44-14-010, 44-14-01001, 44-14-01002, 44-14-01003, 44-14-020, 44-14-02001, 44-14-02002, 44-14-030, 44-14-03001, 44-14-03002, 44-14-03003, 44-14-03004, 44-14-03005, 44-14-03006, 44-14-040, 44-14-04001, 44-14-04002, 44-14-04003, 44-14-04004, 44-14-04005, 44-14-04006, 44-14-050, 44-14-05001, 44-14-05002, 44-14-05003, 44-14-05004, 44-14-05005, 44-14-06001, 44-14-06002, 44-14-070, 44-14-07001, 44-14-07004, 44-14-07005, 44-14-07006, 44-14-080, 44-14-08001, 44-14-08002, and 44-14-08004.

Statutory Authority for Adoption: RCW 42.56.570.

Adopted under notice filed as WSR 17-17-157 on August 23, 2017.

Changes Other than Editing from Proposed to Adopted Version: In adopting these final advisory model rules, the office has made several minor insubstantial changes from the proposed rules to clarify the language, correct citations or formatting, and to provide additional references to statutes and model rules.

In addition, the office made two substantial changes based on public comments.

The first change is the removal of proposed language with respect to an agency initiating and assigning a priority/category to a records request, as was proposed in WAC 44-14-040 and 44-14-04003 (and in internal references to that proposed language in other rules). This change was based on public comment received. The commenters either requested the proposed language not proceed, or had concerns if the proposed language did proceed. While the office recognizes public agencies may process requests in various

ways in order to enable them to handle simple as well as complex requests, and some local agencies have adopted a categorization approach that works for them, it was not determined to be feasible at this time to provide possible standard language in model rules. Therefore, that proposed language is not included in the final rules.

The second change is the removal of most of the judicial review discussion in WAC 44-14-08004. This removal is also based on public comment received, which described in part that the model rules do not govern court proceedings, and that many court cases describe various elements of judicial review. In addition, the office's online *Open Government Resource Manual* links to the PRA judicial review statutes RCW 42.56.550 and 42.56.540, and provides links to many of those court decisions. Therefore, like the amendments that reduce the scope of the model rules' discussion of exemptions (see amendments to WAC 44-14-06002), the discussion of judicial review is similarly significantly reduced in the final rules.

More information on comments received on the proposed amendments and the reasons for the changes in the adopted final rules is available in the concise explanatory statement, which will be made available on the office's web site on the rule-making web page at <http://www.atg.wa.gov/rulemaking-activity>.

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 44, Amended 0, Repealed 1.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 44, Amended 0, Repealed 1.

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

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

Date Adopted: March 2, 2018.

Bob Ferguson  
Attorney General

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

#### **WAC 44-14-00001 Statutory authority and purpose.**

The legislature directed the attorney general to adopt advisory model rules on public records compliance and to revise them from time to time. RCW ((42.17.348 (2) and (3))~~42.56.570 (2) and (3)~~). The purpose of the model rules is to provide information to records requestors and state and local agencies about "best practices" for complying with the Public Records Act, ((RCW 42.17.250/42.56.040 through 42.17.348/42.56.570 (c))~~chapter 42.56 RCW ("PRA" or "act")~~). The overall goal of the model rules is to establish a culture of compliance among agencies and a culture of cooperation among requestors by standardizing best practices

throughout the state. The attorney general encourages state and local agencies to adopt the model rules (but not necessarily the comments) by regulation or ordinance. The act provides that local agencies should consult the model rules when establishing local ordinances implementing the act. RCW 42.56.570(4). The act further provides that public records officer training must be consistent with the model rules. RCW 42.56.152(3).

The act applies to all state agencies and local units of government. The model rules use the term "agency" to refer to either a state or local agency. Upon adoption, each agency would change that term to name itself (such as changing references from "name of agency" to "city"). To assist state and local agencies considering adopting the model rules, an electronic version of the rules is available on the attorney general's web site, ([www.atg.wa.gov/records/modelrules](http://www.atg.wa.gov/records/modelrules)) <http://www.atg.wa.gov/model-rules-public-disclosure>.

The initial model rules ((are)) in 2006-2007 were the product of an extensive outreach project. The attorney general held thirteen public forums all across the state to obtain the views of requestors and agencies. Many requestors and agencies also provided detailed written comments ((that are contained in the rule making file)). The model rules reflect many of the points and concerns presented in those forums. For the model rules updates in 2018, the attorney general considered case law and legislative developments since 2006-2007. The attorney general sought additional comments from requestors, agencies, and others.

The model rules provide one approach (or, in some cases, alternate approaches) to processing public records requests. Agencies vary enormously in size, resources, and complexity of requests received. Any "one-size-fits-all" approach in the model rules, therefore, may not be best for requestors and agencies.<sup>1</sup>

Note: <sup>1</sup>See also *Hearst v. Hoppe*, 90 Wn.2d 123, 580 P.2d 246 (1978) (agencies "are afforded some discretion concerning the procedures whereby agency information is made available.")

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-00002 Format of model rules.** ~~((We are publishing))~~ The model rules are published with comments. The comments have five-digit WAC numbers such as WAC 44-14-04001. The model rules themselves have three-digit WAC numbers such as WAC 44-14-040.

The comments are designed to explain the basis and rationale for the rules themselves as well as provide broader context and legal guidance. To do so, the comments contain many citations to statutes, cases, and formal attorney ~~((general's))~~ general opinions. Agencies are encouraged to consult them.

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-00003 Model rules and comments are nonbinding.** The model rules, and the comments accompanying them, are advisory only and do not bind any agency. Accordingly, many of the comments to the model rules use

the word "should" or "may" to describe what an agency or requestor is encouraged to do. The use of the words "should" or "may" are permissive, not mandatory, and are not intended to create any legal duty.

The model rules and comments are a useful guide in fulfilling the requirement to publish procedures and rules for making records available for inspection and copying. RCW 42.56.040, 42.56.070(1), and WAC 44-14-01002. While the model rules and comments are nonbinding, they should be carefully considered by requestors and state agencies. ((The model rules and comments were adopted after extensive statewide hearings and voluminous comments from a wide variety of interested parties.)) Local agencies should consider them in establishing local ordinances implementing the act. RCW 42.56.570. The Washington courts have also considered the model rules in several appellate decisions.<sup>1</sup>

Note: <sup>1</sup>See, e.g., *Mechling v. City of Monroe*, 152 Wn. App. 830, 222 P.3d 808 (2009); *Mitchell v. Washington State Dep't of Corr.*, 164 Wn. App. 597, 277 P.3d 670 (2011); *Rental Hous. Ass'n of Puget Sound v. City of Des Moines*, 165 Wn.2d 525, 199 P.3d 393 (2009).

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-00004 Recodification of the act.** On July 1, 2006, the act ~~((will be recodified. Chapter 274, Laws of 2005. The act will be known as the "Public Records Act" and will be codified in chapter 42.56 RCW. The exemptions in the act are recodified and grouped together by topic.))~~ was recodified from chapter 42.17 to 42.56 RCW, and titled the "Public Records Act." The recodification ~~((does))~~ did not change substantive law. The initial model rules ((provide dual citations to the current act, chapter 42.17 RCW, and the newly codified act, chapter 42.56 RCW (for example, RCW 42.17.340/42.56.550))) and older court decisions referred to the prior codification numbers in chapter 42.17 RCW. A recodification conversion chart (from chapter 42.17 to 42.56 RCW) is on the attorney general's office web site at <http://www.atg.wa.gov/model-rules-public-disclosure>.

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-00005 Training is ((critical)) required.** The act is complicated, and compliance requires training. ~~((Training can be the difference between a satisfied requestor and expensive litigation. The attorney general's office strongly encourages agencies to provide thorough and ongoing training to agency staff on public records compliance.))~~ Training on the act is required for local elected officials, statewide elected officials, persons appointed to fill vacancies in a local or statewide office, and public records officers. RCW 42.56.150; 42.56.152. Public records officers must also receive training on electronic records. RCW 42.56.152(5). All agency employees should receive basic training on public records compliance and records retention; public records officers should receive more intensive training. Agencies are encouraged to document training for persons required to receive training. The attorney general's office has training resources including sample training documentation forms

available on its web site at <http://www.atg.wa.gov/OpenGovernmentTraining.aspx>. Training can be the difference between a satisfied requestor and expensive litigation. The courts can consider lack of training as a penalty factor in actions filed under RCW 42.56.550, the act's enforcement provision.<sup>1</sup>

Note: <sup>1</sup>*Yousoufian v. Office of Ron Sims*, 168 Wn.2d 444, 229 P.3d 738 (2010).

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-00006 Additional resources.** Several web sites provide information on the act. The attorney general office's web site on public records is (~~(www.atg.wa.gov/records/deskbook.shtml)~~) <http://www.atg.wa.gov/obtaining-records>, which also includes a link to an *Open Government Resource Manual*. The municipal research and services center, an entity serving local governments, provides ((a)) public records (~~(handbook at www.mrsc.org/Publications/prdpub04.pdf)~~) resources on its web site at <http://mrsc.org/Home.aspx>. A requestor's organization, the Washington Coalition for Open Government, has materials on its web site at [www.washingtoncog.org](http://www.washingtoncog.org). The Washington Association of Public Records Officers has resources for public records officers on its web site at <http://wapro.memberclicks.net>.

More materials are available from other organizations such as the Washington State Bar Association (~~(is publishing a twenty-two chapter deskbook on public records in 2006. It will be available for purchase at www.wsba.org)~~).

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-010 Authority and purpose.** (1) RCW (~~(42.17.260(1))~~)42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" at RCW 42.56.010(3) to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.010(3) excludes from the definition of "public record" the records of volunteers that are not otherwise required to be retained by the agency and which are held by volunteers who do not serve in an administrative capacity; have not been appointed by the agency to an agency board, commission or internship; and do not have a supervisory role or delegated authority. RCW (~~(42.17.260(2))~~)42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures (name of agency) will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the (name of agency) and establish processes for both requestors and (name of agency) staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the (name of agency) will be guided by the provisions of the act describing its purposes and interpretation.

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-01001 Scope of coverage of Public Records Act.** The act applies to an "agency." RCW (~~(42.17-260(1))~~)42.56.070(1). "'Agency' includes all state agencies and all local agencies. 'State agency' includes every state office, department, division, bureau, board, commission, or other state agency. 'Local agency' includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency." RCW (~~(42.17.020(2))~~) 42.56.010(1).

Court (~~(files and)~~) records, judges' files, and the records of judicial branch agencies are not subject to the act.<sup>1</sup> Access to these records is governed by court rules and common law. The model rules, therefore, do not address access to court or judicial branch records.

An entity which is not an "agency" can still be subject to the act when it is the functional equivalent of an agency. Courts have applied a four-factor, case-by-case test. The factors are:

- (1) Whether the entity performs a government function;
- (2) The level of government funding;
- (3) The extent of government involvement or regulation; and
- (4) Whether the entity was created by the government(~~(Op. Att'y Gen. 2 (2002))~~).<sup>2</sup>

Some agencies, most notably counties, are a collection of separate quasi-autonomous departments which are governed by different elected officials (such as a county assessor and prosecuting attorney). The act includes a county "office" as an agency. RCW 42.56.010(1). However, the act (~~(defines)~~) also includes the county as a whole as an "agency" subject to the act. (~~(RCW 42.17.020(2). An agency should coordinate responses to records requests across departmental lines. RCW 42.17.253(1))~~) *Id.* (local agency includes every county and local office). Therefore, some counties may have one public records officer for the entire county; others may have public records officers for each county official or department. The act does not require a public agency that has a records request directed to it to coordinate its response with other public agencies; however, for example, if a request is directed to an entire county, then coordination in some manner among county offices or departments may be necessary.<sup>3</sup> Regardless, public records officers must be publicly identified. RCW 42.56.580 (2) and (3) (agency's public records officer must "oversee the agency's compliance" with act).



Notes: <sup>1</sup>*Nast v. Michels*, 107 Wn.2d 300, 730 P.2d 54 (1986); *West v. Washington State Assoc. of District and Municipal Court Judges*, 190 Wn. App. 931, 361 P.3d 210 (2015). See the courts' General Rule 31 and 31.1 regarding access to court records.

<sup>2</sup>(~~See also~~) *Telford v. Thurston County Bd. of Comm'rs*, 95 Wn. App. 149, 162, 974 P.2d 886(~~(, review denied, 138 Wn.2d 1015, 989 P.2d 1143)~~) (1999); *Fortgang v. Woodland Park Zoo*, 187 Wn.2d 509, 387 P.3d 690 (2017). See also Op. Att'y Gen. 2 (2002) and Op. Att'y Gen. 5 (1991).

<sup>3</sup>*Koenig v. Pierce County*, 151 Wn. App. 221, 211 P.3d 423 (2009).

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-01002 Requirement that agencies adopt reasonable regulations for public records requests.** The act provides that state agencies are to publish a rule in the Washington Administrative Code (WAC) and local agencies are to make publicly available at the central office guidance for the public that includes where the public may obtain information and make submittals and requests. RCW 42.56.040.

The act provides: "Agencies shall adopt and enforce reasonable rules and regulations... to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency.... Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information." RCW ((42.17.290~~+~~))42.56.100. Therefore, an agency must adopt "reasonable" regulations providing for the "fullest assistance" to requestors and the "most timely possible action on requests."<sup>1</sup>

At the same time, an agency's regulations must "protect public records from damage or disorganization" and "prevent excessive interference" with other essential agency functions. Another provision of the act states that providing public records should not "unreasonably disrupt the operations of the agency." RCW ((42.17.270~~+~~))42.56.080. This provision allows an agency to take reasonable precautions to prevent a requestor from being unreasonably disruptive or disrespectful to agency staff.

The courts have held that the act requires strict compliance with its procedural provisions, but also that reasonable procedures will be sustained.<sup>2</sup>

Notes: <sup>1</sup>*Andrews v. Washington State Patrol*, 183 Wn. App. 644, 334 P.3d 94 (2014) (Court of Appeals recognized that agencies must provide fullest assistance to requestors, but also that "a flexible approach" that focuses on the thoroughness and diligence of an agency's response is most consistent with the concept of "fullest assistance.")

<sup>2</sup>*Zink v. City of Mesa*, 140 Wn. App. 328, 166 P.3d 738 (2007); *Parmelee v. Clarke*, 148 Wn. App. 748, 201 P.3d 1022 (2008).

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-01003 Construction and application of act.** The act declares: "The people of this state do not yield their sovereignty to the agencies that serve them. The people,

in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created." RCW ((42.17.251~~+~~))42.56.030. The initiative creating the act further provides: "... mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society." RCW ((42.17.010~~(11)~~)) 42.17A.001(11). The act further provides: "Courts shall take into account the policy of (the act) that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others." RCW ((42.17.340~~(3)~~))42.56.550(3).

Because the purpose of the act is to allow people to be informed about governmental decisions (and therefore help keep government accountable) while at the same time being "mindful of the right of individuals to privacy," it should not be used to obtain records containing purely personal information that has absolutely no bearing on the conduct of government.<sup>1</sup>

The act emphasizes ((~~three separate times~~)) that it must be liberally construed to effect its purpose, which is the disclosure of nonexempt public records. RCW ((42.17.010, 42.17.251~~+~~))42.56.030((, 42.17.920~~+~~)). The act places the burden on the agency of proving a record is not subject to disclosure, or that its estimate of time to provide a ((~~full~~)) response ((~~is~~)) or its estimated copy charges are "reasonable." RCW ((42.17.340~~(1) and (2)~~))42.56.550 (1) and (2). The act also encourages disclosure by awarding a prevailing requestor reasonable attorneys' fees, costs, and a possible daily penalty ((~~if the agency fails to meet its burden of proving the record is not subject to disclosure or its estimate is not "reasonable."~~ RCW 42.17.340(4)/42.56.550(4))). RCW 42.56.550.<sup>2</sup>

An additional incentive for disclosure is RCW ((42.17.258)) 42.56.060, which provides: "No public agency, public official, public employee, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record if the public agency, public official, public employee, or custodian acted in good faith in attempting to comply" with the act.

Note: <sup>1</sup>See *King County v. Sheehan*, 114 Wn. App. 325, 338, 57 P.3d 307 (2002) (referring to the ((~~three~~)) legislative intent provisions of the act as "the thrice-repeated legislative mandate that exemptions under the Public Records Act are to be narrowly construed.")((-))

The courts have repeatedly held that the purpose of the act is a strongly worded mandate to provide access to public agency records concerning the workings of government, in order for the people to hold the government accountable. *Prog. Animal Welfare Soc'y v. Univ. of Wash.*, 125 Wn.2d 243, 251, 884 P.2d 592 (1994); *Amren v. City of Kalama*, 131 Wn.2d 25, 31, 929 P.2d 389 (1997). The legislature addressed concerns about uses

of the act by prison inmates and persons residing in a civil commitment facility for sexually violent predators for purposes other than government accountability. RCW 42.56.565 (criteria for obtaining injunctions with respect to inmate requests, including requests made for the purposes of harassment); see also RCW 71.09.120(3) (persons residing in a civil commitment facility for sexually violent predators). The courts have also spoken with disfavor concerning use of the act for purposes other than government accountability. See, e.g., *Kozol v. Dept. of Corr.*, 191 Wn. App. 1034, 366 P.3d 933 (2015) (inmate "concocted a scheme in prison to make money off the Public Records Act"); *Mitchell v. Wash. State Inst. Of Pub. Policy*, 153 Wn. App. 803, 830 P.3d 280 (2009) ("Using the PRA as a vehicle of personal profit through false, inaccurate, or inflated costs is contrary to the PRA's stated purpose to keep the governed informed about their government and costs based on false, inaccurate, or inflated claims do not serve that purpose and are not reasonable.")

<sup>2</sup>See also, 182 Wn.2d 87, 343 P.3d 335 (2014) (attorneys' fees awarded for denied right to receive a response).

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-020 Agency description—Contact information—Public records officer.** (1) The (name of agency) (describe services provided by agency). The (name of agency's) central office is located at (describe). The (name of agency) has field offices at (describe, if applicable).

(2) Any person wishing to request access to public records of (agency), or seeking assistance in making such a request should contact the public records officer of the (name of agency):

Public Records Officer  
(Agency)  
(Address)  
(Telephone number)  
(fax number if relevant)  
(email)

Information is also available at the (name of agency's) web site at (web site address).

(3) The public records officer will oversee compliance with the act but another (name of agency) staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and the (name of agency) will provide the "fullest assistance" to requestors; create and maintain for use by the public and (name of agency) officials an index to public records of the (name of agency, if applicable); ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the (name of agency).

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-02001 Agency must publish its procedures.** An agency must publish its public records policies, organizational information, and methods for requestors to obtain public records. RCW ((42.17.250(1+))42.56.040(1).<sup>1</sup>

A state agency must publish its procedures in the Washington Administrative Code and a local agency must prominently display and make them available at the central office of such local agency. RCW ((42.17.250(1+))42.56.040(1). An agency should post its public records rules on its web site. An agency cannot invoke a procedure if it did not publish or display it as required (unless the party had actual and timely notice of its contents). RCW ((42.17.250(2+))42.56.040(2).

Note: <sup>1</sup>See, e.g., WAC 44-06-030 (attorney ((general office's)) general's office organizational and public records methods statement); WAC 388-01-020 (department of social and health services organizational structure rule); City of Kirkland Public Records Act Rule 020 available at [http://www.kirklandwa.gov/depart/Finance\\_and\\_Administrati on/Public\\_Records/Public\\_Records\\_Request.htm](http://www.kirklandwa.gov/depart/Finance_and_Administrati on/Public_Records/Public_Records_Request.htm) (agency description).

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-02002 Public records officers.** An agency must appoint a public records officer whose responsibility is to serve as a "point of contact" for members of the public seeking public records. RCW ((42.17.253(1+)) 42.56.580(1). The purpose of this requirement is to provide the public with one point of contact within the agency to make a request. A state agency must provide the public records officer's name and contact information by publishing it in the state register. RCW 42.56.580(2). A state agency is encouraged to provide the public records officer's contact information on its web site. A local agency must publish the public records officer's name and contact information in a way reasonably calculated to provide notice to the public, such as posting it on the agency's web site. RCW ((42.17.253(3+)) 42.56.580(3).

The public records officer is not required to personally fulfill requests for public records. A request can be fulfilled by an agency employee other than the public records officer. If the request is made to the public records officer, but should actually be fulfilled by others in the agency, the public records officer should route the request to the appropriate person or persons in the agency for processing. An agency is not required to hire a new staff member to be the public records officer.

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-030 Availability of public records. (1) Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the (name of agency), (provide hours, e.g., Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays). Records must be inspected at the offices of the (name of agency). Many public records are also available for inspection and copying on the (name of agency's) web site at any time, at no cost.

(2) **Records index.** (If agency keeps an index.) An index of public records is available for use by members of the public, including (describe contents). The index may be accessed online at (web site address). (If there are multiple indices, describe each and its availability.)

(If agency is local agency opting out of the index requirement.) The (name of agency) finds that maintaining an index is unduly burdensome and would interfere with agency operations. The requirement would unduly burden or interfere with (name of agency) operations in the following ways (specify reasons).

(3) **Organization of records.** The (name of agency) will maintain its records in a reasonably organized manner. The (name of agency) will take reasonable actions to protect records from damage and disorganization. A requestor shall not take (name of agency) records from (name of agency) offices without the permission of the public records officer or designee. A variety of records is available on the (name of agency) web site at (web site address). Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the (name of agency) should make the request in writing on the (name of agency's) request form or through an online portal, or by letter, fax (*if the agency uses a fax*), or email addressed to the public records officer at the email address publicly designated by (name of agency), or by submitting the request in person at (name of agency and address) and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any email address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to section (insert section), ((standard photocopies will be provided at (amount) cents per page)) charges for copies are provided in a fee schedule available at (agency office location and web site address).

(c) A records request form is available for use by requestors at the office of the public records officer and online at (web site address).

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

(e) If requestors refuse to identify themselves or provide sufficient contact information, the agency will respond to the extent feasible and consistent with the law.

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-03001 "Public record" defined.** ~~((Courts use))~~ For most public records, the act uses a three-part test to determine if a record is a "public record." The document must be: A "writing," containing information "relating to the conduct of government" or the performance of any governmental or proprietary function, "prepared, owned, used, or retained"

by an agency.<sup>((+))</sup> Effective July 23, 2017, records of certain volunteers are excluded from the definition. RCW 42.56.010(3) (chapter 303, Laws of 2017).

(1) **Writing.** A "public record" can be any writing "regardless of physical form or characteristics." RCW ~~((42.17.020(41)))~~ 42.56.010(3). "Writing" is defined very broadly as: "... handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation~~((s))~~ including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated." RCW ~~((42.17.020(48)))~~ 42.56.010(4). An email ~~((is a "writing"))~~, text, social media posting and database are therefore also "writings."

(2) **Relating to the conduct of government.** To be a "public record," a document must relate to the "conduct of government or the performance of any governmental or proprietary function." RCW ~~((42.17.020(41)))~~ 42.56.010(3).<sup>1</sup> Almost all records held by an agency relate to the conduct of government; however, some do not. A purely personal record having absolutely no relation to the conduct of government is not a "public record." Even though a purely personal record might not be a "public record," a record of its existence might be if its existence was used for a governmental purpose.<sup>2</sup> For example, a record showing the existence of a purely personal email sent by an agency employee on an agency computer would probably be a "public record," even if the contents of the email itself were not.<sup>((?)</sup> <sup>3</sup>

(3) **"Prepared, owned, used, or retained."** A "public record" is a record "prepared, owned, used, or retained" by an agency. RCW ~~((42.17.020(41)))~~ 42.56.010(3).

A record can be "used" by an agency even if the agency does not actually possess the record. If an agency uses a record in its decision-making process it is a "public record."<sup>((?)</sup> <sup>4</sup> For example, if an agency considered technical specifications of a public works project and returned the specifications to the contractor in another state, the specifications would be a "public record" because the agency "used" the document in its decision-making process.<sup>((+)</sup> <sup>5</sup> The agency could be required to obtain the public record, unless doing so would be impossible. An agency cannot send its only copy of a public record to a third party for the sole purpose of avoiding disclosure.<sup>((s))</sup> <sup>6</sup>

Sometimes agency employees or officials may work on agency business from home computers~~((These home computer))~~ or on other personal devices, or from nonagency accounts (such as a nonagency email account), creating and storing agency records on those devices or in those accounts. When the records are prepared, owned, used or retained within the scope of the employee's or official's employment, those records (including emails, texts and other records) were "used" by the agency and relate to the "conduct of government" so they are "public records."<sup>7</sup> RCW ~~((42.17.020(41)))~~ 42.56.010(3). However, the act does not authorize unbridled searches of agency property.<sup>((s))</sup> <sup>8</sup> If agency property is not subject to unbridled searches, then neither is the home com-

puter, or personal device or personal account of an agency employee or official. Yet, because the ~~((home computer documents))~~ records relating to agency business are "public records," they are subject to disclosure (unless exempt). Agencies should instruct employees and officials that all public records, regardless of where they were created, should eventually be stored on agency computers. Agencies should ask employees and officials to keep agency-related documents with any retention requirements on home computers or personal devices in separate folders ~~((and))~~ temporarily, until they are provided to the agency. An agency could also require an employee or official to routinely blind carbon copy ("bcc") work emails in a personal account back to ~~((the employee's))~~ an agency email account. If the agency receives a request for records that are located solely on employees' or officials' home computers or personal devices, or in personal accounts, the agency should direct the ~~((employee))~~ individual to ~~((forward))~~ search for and provide any responsive documents ~~((back))~~ to the agency, and the agency should process the request as it would if the records were on the agency's computers ~~((or))~~ or in agency-owned devices or accounts. The agency employee or official may be required by the agency to sign an affidavit describing the nature and extent of his or her search for and production of responsive public records located on a home computer or personal device, or in a non-agency account, and a description of personal records not provided with sufficient facts to show the records are not public records.<sup>2</sup>

Agencies could provide employees and officials with an agency-issued device that the agency retains a right to access. Or an agency could limit or prohibit employees' and officials' use of home computers, personal devices or personal accounts for agency business. Agencies should have policies describing permitted uses, if any, of home computers, personal devices or personal accounts for agency business. The policies should also describe the obligations of employees and officials for retaining, searching for and producing the agency's public records.<sup>10</sup>

Notes: <sup>1</sup>*Confederated Tribes of the Chehalis Reservation v. Johnson*, 135 Wn.2d 734, 748, 958 P.2d 260 (1998) ~~((For records held by the secretary of the senate or chief clerk of the house of representatives, a "public record" is a "legislative record" as defined in RCW 40.14.100. RCW 42.17.020(41))~~ (broadly interpreting the provision concerning governmental function).

<sup>2</sup>See *Mechling v. Monroe*, 152 Wn. App. 830, 867, 222 P.3d 808 (2009) ("Purely personal emails of those government officials are not public records."); *Nissen v. Pierce County*, 183 Wn.2d 863, 357 P.3d 45 (2015) (describing that an employee or official must provide the agency responsive "public records" but is not required to provide "personal records").

<sup>3</sup>*Tiberino v. Spokane County Prosecutor*, 103 Wn. App. 680, 691, 13 P.3d 1104 (2000) (record of volume of personal emails used for governmental purpose).

~~((3))~~ <sup>4</sup>*Concerned Ratepayers v. Public Utility Dist. No. 1*, 138 Wn.2d 950, 958-61, 983 P.2d 635 (1999) ~~((; Nissen, 183 Wn.2d at 882. (For a record to be "used" it must bear a nexus with the agency's decision-making process; a record held by a third party, without more, is not a public record unless an agency "uses" it.)~~

~~((4))~~ <sup>5</sup>*Concerned Ratepayers*, 138 Wn.2d 950.

<sup>(5)</sup> <sup>6</sup>See Op. Att'y Gen. 11 (1989), at 4, n.2 ("We do not wish to encourage agencies to avoid the provisions of the public disclosure act by transferring public records to private parties. If a record otherwise meeting the statutory definition were transferred into private hands solely to prevent its public disclosure, we expect courts would take appropriate steps to require the agency to make disclosure or to sanction the responsible public officers.")

<sup>(6)</sup> <sup>7</sup>*Nissen*, 183 Wn.2d at 882; *West v. Vermillion*, 196 Wn. App. 627, 384 P.3d 634 (2016). In *Nissen* the State Supreme Court held that a communication is "within the scope of employment" when the job requires it, the employer directs it, or it furthers the employer's interests. This inquiry is always case- and record-specific.

<sup>8</sup>See *Hangartner v. City of Seattle*, 151 Wn.2d 439, 448, 90 P.3d 26 (2004).

<sup>9</sup>*Nissen*, 183 Wn.2d at 886-887.

<sup>10</sup>*Id.* at 877, 886-887.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-03002 Times for inspection and copying of records.** An agency must make records available for inspection and copying for a minimum of thirty hours per week (except for weeks that include state legal holidays) during the "customary office hours of the agency." RCW ~~((42.17.280))~~ 42.56.090. If the agency is very small and does not have customary office hours of at least thirty hours per week, and while the act does not specify a particular schedule, making the records ~~((must be))~~ available from 9:00 a.m. to noon, and 1:00 p.m. to 4:00 p.m. satisfies the thirty-hour requirement. The agency and requestor can make mutually agreeable arrangements for the times of inspection and copying.

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-03003 Index of records.** State and local agencies are required by RCW ~~((42.17.260))~~ 42.56.070 to provide an index for certain categories of records. An agency is not required to index every record it creates. Since agencies maintain records in a wide variety of ways, agency indices will also vary. An agency cannot use, rely on, or cite to as precedent a public record unless it was indexed or made available to the parties affected by it. RCW ~~((42.17.260(6)))~~ 42.56.070(6). An agency should post its index on its web site.

The index requirements differ for state and local agencies.

A state agency must index only two categories of records:

(1) All records, if any, issued before July 1, 1990 for which the agency has maintained an index; and

(2) Final orders, declaratory orders, interpretive statements, and statements of policy issued after June 30, 1990. RCW ~~((42.17.260(5)))~~ 42.56.070(5).

A state agency must adopt a rule governing its index.

A local agency may opt out of the indexing requirement if it issues a formal order specifying the reasons why doing so would "unduly burden or interfere with agency operations." RCW ((42.17.260 (4)(a)))42.56.070 (4)(a). To lawfully opt out of the index requirement, a local agency must actually issue an order or adopt an ordinance specifying the reasons it cannot maintain an index.

The index requirements of the act were enacted in 1972 when agencies had far fewer records, the vast majority of records were paper, and an index was easier to maintain. However, technology allows agencies to map out, archive, and then electronically search for electronic documents. Agency resources vary greatly so not every agency can afford to utilize this technology. However, agencies should explore the feasibility of electronic indexing and retrieval to assist both the agency and requestor in locating public records. Agencies could also consider using their records retention schedules as their index, or direct requestors to the schedules as a way to describe the types of records an agency retains and for what periods of time. See chapter 40.14 RCW and WAC 44-14-03005.

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-03004 Organization of records.** An agency must "protect public records from damage or disorganization." RCW ((42.17.290))42.56.100. The secretary of state provides extensive guidance and resources on organizing, inventorying and managing records. See <https://www.sos.wa.gov/archives/recordsmanagement/>.

An agency owns public records (subject to the public's right, as defined in the act, to inspect or copy nonexempt records) and must maintain custody of them. RCW 40.14.-020; chapter 434-615 WAC. An agency's information "must be managed with great care to meet the objectives of citizens and their governments." RCW 43.105.351.<sup>1</sup> Therefore, an agency should not allow a requestor to take original agency records out of the agency's office, or alter or damage an original record. An agency may send original records to a reputable commercial copying center to fulfill a records request if the agency takes reasonable precautions to protect the records. See WAC 44-14-07001(5).<sup>2</sup>

The legislature encourages agencies to electronically store and provide public records:

Broad public access to state and local government records and information has potential for expanding citizen access to that information and for providing government services. Electronic methods of locating and transferring information can improve linkages between and among citizens((---and)), organizations, business, and governments. Information must be managed with great care to meet the objectives of citizens and their governments. ((---))

It is the intent of the legislature to encourage state and local governments to develop, store, and manage their public records and information in electronic formats to meet their missions and objectives. Further, it is the intent of the legislature for state and local governments to set priorities for mak-

ing public records widely available electronically to the public.

RCW ((43.105.250)) 43.105.351. An agency could fulfill its obligation to provide "access" to a public record by providing a requestor with a link to an agency web site containing an electronic copy of that record. RCW 42.56.520. Agencies are encouraged to do so, and requestors are encouraged to access records posted online in order to preserve taxpayer resources.<sup>3</sup> For those requestors without access to the internet, an agency ((could provide a)) is to provide copies or allow the requestor to view copies using an agency computer terminal at its office. RCW 42.56.520.

- Notes:
- <sup>1</sup>See also WAC 44-14-03001 (agency public records on non-agency devices or in nonagency accounts).
- <sup>2</sup>See also *Benton County v. Zink*, 191 Wn. App. 269, 361 P.3d 801 (2015) (agency can send records to outside vendor for copying).
- <sup>3</sup>See legislative findings in chapter 69, Laws of 2010 ("The internet provides for instant access to public records at a significantly reduced cost to the agency and the public. Agencies are encouraged to make commonly requested records available on agency web sites. When an agency has made records available on its web site, members of the public with computer access should be encouraged to preserve taxpayer resources by accessing those records online.")

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-03005 Retention of records.** An agency is not required to retain every record it ever created or used. The state and local records committees approve a general retention schedule for state and local agency records that applies to records that are common to most agencies.<sup>1</sup> Individual agencies seek approval from the state or local records committee for retention schedules that are specific to their agency, or that, because of particular needs of the agency, must be kept longer than provided in the general records retention schedule. The retention schedules for state and local agencies are available at (([www.seestate.wa.gov/archives/gs.aspx](http://www.seestate.wa.gov/archives/gs.aspx))) [www.sos.wa.gov/archives/](http://www.sos.wa.gov/archives/) (select "Records Management").

Retention schedules vary based on the content of the record. For example, documents with no value such as internal meeting scheduling emails can be destroyed when no longer needed, but documents such as periodic accounting reports must be kept for a period of years. Because different kinds of records must be retained for different periods of time, an agency is prohibited from automatically deleting all emails after a short period of time (such as thirty days). While many of the emails (like other public records) could be destroyed when no longer needed, many others must be retained for several years. Indiscriminate automatic deletion of all emails or other public records after a short period no matter what their content may prevent an agency from complying with its retention duties and could complicate performance of its duties under the Public Records Act. An agency should have a retention policy in which employees save retainable documents and delete nonretainable ones. An agency is strongly encouraged to train employees on reten-

tion schedules. Public records officers must receive training on retention of electronic records. RCW 42.56.152(5).

The lawful destruction of public records is governed by retention schedules. The unlawful destruction of public records can be a crime. RCW 40.16.010 and 40.16.020.

An agency is prohibited from destroying a public record, even if it is about to be lawfully destroyed under a retention schedule, if a public records request has been made for that record. RCW ((42.17.290/))42.56.100. Additional retention requirements might apply if the records may be relevant to actual or anticipated litigation. The agency is required to retain the record until the record request has been resolved. An exception exists for certain portions of a state employee's personnel file. RCW ((42.17.295/))42.56.110.

Note: <sup>1</sup>An agency can be found to violate the Public Records Act and be subject to the attorneys' fees and penalty provision if it prematurely destroys a requested record after a request is made. See *Yacobellis v. City of Bellingham*, 55 Wn. App. 706, 780 P.2d 272 (1989). However, it is not a violation of the Public Records Act if a record is destroyed prior to an agency's receipt of a public records request for that record. *Bldg. Indus. Ass'n of Wash. v. McCarthy*, 152 Wn. App. 720, 218 P.3d 196 (2009); *West v. Dep't of Nat. Res.*, 163 Wn. App. 238, 258 P.3d 78 (2011). The Public Records Act (chapter 42.56 RCW) and the records retention statutes (chapter 40.14 RCW) are two different laws.

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-03006 Form of requests.** There is no statutorily required format for a valid public records request.<sup>(+)</sup> RCW 42.56.080(2). Agencies may recommend that requestors submit requests using an agency-provided form or web page. However, a person seeking records must make a "specific request" for "identifiable records" which provides "fair notice" and "sufficient clarity" that it is a records request.<sup>1</sup> An agency may prescribe the means of requests in its rules. RCW 42.56.040; RCW 42.56.070(1); RCW 42.56.100; RCW 34.05.220 (1)(b) (state agencies). An agency can adopt reasonable procedures requiring requests to be submitted only to designated persons<sup>2</sup> (such as the public records officer), or a specific agency address (such as a dedicated agency email address for receiving requests, or a mailing/street address of the office where the public records officer is located, or a web portal).

**Agency public internet web site records - No request required.** A requestor is not required to make a public records request before inspecting, downloading or copying records posted on an agency's public web site. To save resources for both agencies and requestors, agencies are strongly encouraged to post commonly requested records on their web sites. Requestors are strongly encouraged to review an agency's web site before submitting a public records request.

**In-person requests.** An agency must honor requests received in person during normal business hours. RCW 42.56.080(2). An agency should have its public records request form available at the office reception area so it can be provided to a "walk-in" requestor. The form should be directed to the agency's public records officer.

**Mail, email and fax requests.** A request can be sent ((in)) to the appropriate person or address by U.S. mail. RCW ((42.17.290/))42.56.100. A request can also be made by email, fax (if an agency still uses fax), or orally((-A request should be made to the agency's public records officer. An agency may prescribe means of requests in its rules. RCW 42.17.250/42.56.040 and 42.17.260(1)/42.56.070(1); RCW 34.05.220 (state agencies))) (but should then be confirmed in writing; see further comment herein).

**Public records requests using the agency's form or web page.** An agency should have a public records request form. An agency is encouraged to make its public records request form available at its office, and on its web site((-

A number of agencies routinely accept oral public records requests (for example, asking to look at a building permit). Some agencies find oral requests to be the best way to provide certain kinds of records. However, for some requests such as larger ones, oral requests may be allowed but are problematic. An oral request does not memorialize the exact records sought and therefore prevents a requestor or agency from later proving what was included in the request. Furthermore, as described in WAC 44-14-04002(1), a requestor must provide the agency with reasonable notice that the request is for the disclosure of public records; oral requests, especially to agency staff other than the public records officer or designee, may not provide the agency with the required reasonable notice. Therefore, requestors are strongly encouraged to make written requests. If an agency receives an oral request, the agency staff person receiving it should immediately reduce it to writing and then verify in writing with the requestor that it correctly memorializes the request.

An agency should have a public records request form)). Some agencies also have online public records request forms or portals on a page on their web sites, set up to specifically receive public records requests. Agencies may recommend that requestors submit requests using an agency-provided form or web page. RCW 42.56.080(2). In this comment, requestors are strongly encouraged to use the agency's public records request form or online form or portal to make records requests, and then provide it to the designated agency person or address. Following this step begins the important communication process under the act between the requestor and the agency.<sup>3</sup> This step also helps both the requestor and the agency, because it better enables the agency to more promptly identify the inquiry as a public records request, timely confirm its receipt with the requestor, promptly seek clarification from the requestor if needed, and otherwise begin processing the agency's response to the request under the act.

An agency request form or online form or portal should ask the requestor whether he or she seeks to inspect the records, receive a copy of them, or to inspect the records first and then consider selecting records to copy. An agency request form or online portal should recite that inspection of records is free and provide ((the per page charge for standard photocopiers)) information about copying fees.

An agency request form or online form or portal should require the requestor to provide contact information so the agency can communicate with the requestor to, for example,

clarify the request, inform the requestor that the records are available, or provide an explanation of an exemption. Contact information such as a name, phone number, and address or email should be provided. Requestors should provide an email address because it is an efficient means of communication and creates a written record of the communications between them and the agency. An agency should not require a requestor to provide a driver's license number, date of birth, or photo identification. This information is not necessary for the agency to contact the requestor and requiring it might intimidate some requestors.

**Bot requests.** An agency may deny a "bot" request that is one of multiple requests from a requestor to the agency within a twenty-four-hour period, if the agency establishes that responding to the multiple requests would cause excessive interference with other essential agency functions. RCW 42.56.080(3). A "bot" request means a records request that an agency reasonably believes was automatically generated by a computer program or script.

**Oral requests.** A number of agencies routinely accept oral public records requests (for example, asking to look at a building permit). Some agencies find oral requests to be the best way to provide certain kinds of records. However, for some requests such as larger or complex ones, oral requests may be allowed but are problematic.<sup>4</sup> An oral request does not memorialize the exact records sought and therefore prevents a requestor or agency from later proving what was included in the request. Furthermore, as described in this comment and in WAC 44-14-04002(1), a requestor must provide the agency with fair notice that the request is for the disclosure of public records; oral requests, especially to agency staff other than the public records officer or designee, may not provide the agency with the required notice or satisfy the agency's Public Records Act procedures. Therefore, requestors are strongly encouraged to make written requests, directed to the designated agency person or address.

If an agency receives an oral request, the agency staff person authorized to receive the request such as the public records officer, should immediately reduce it to writing and then verify in writing with the requestor that it correctly memorialized the request. If the staff person is not the proper recipient, he or she should inform the person of how to contact the public records officer to receive information on submitting records requests. The public records officer serves "as a point of contact for members of the public in requesting disclosure of public records and oversees the agency's compliance with the public records disclosure requirements." RCW 42.56.580.

**Prioritization of records requested.** An agency may ask a requestor to prioritize the records he or she is requesting so that the agency is able to provide the most important records first. An agency is not required to ask for prioritization, and a requestor is not required to provide it.

**Purpose of request.** An agency cannot require the requestor to disclose the purpose of the request ((with two)), apart from exceptions permitted by law. RCW ((42.17.270)) 42.56.080. ((First)) For example, if the request is for a list of individuals, an agency may ask the requestor if he or she intends to use the records for a commercial purpose and require the requestor to provide information about the pur-

pose of the use of the list.<sup>(2) 5</sup> An agency should specify on its request form that the agency is not authorized to provide public records consisting of a list of individuals for a commercial use. RCW ((42.17.260(9)/42.56.070(9))) 42.56.-070(8).

((Second)) And, an agency may seek information sufficient to allow it to determine if another statute prohibits disclosure. For example, some statutes allow an agency to disclose a record only to ((a claimant for benefits or his or her representative)) identified persons. In such cases, an agency is authorized to ask the requestor if he or she fits ((this criterion)) the statutory criteria for disclosure of the record.

**Indemnification.** An agency is not authorized to require a requestor to indemnify the agency. ((Op. Att'y Gen. 12 (1988).<sup>3</sup>))<sup>6</sup>

Notes: <sup>1</sup>RCW 42.56.080 (1) and (2); *Hangartner v. City of Seattle*, 151 Wn.2d 439, 447, 90 P.3d 26 (2004) ("there is no official format for a valid PDA [PRA] request.");((-); *Wood v. Lowe*, 102 Wn. App. 872, 10 P.3d 494 (2000) (an agency's duty under the act is triggered when it receives a "specific request" for records and when the requestor states "the request with sufficient clarity to give the agency fair notice that it had received a request for public records").

<sup>2</sup>((Op. Att'y Gen. 12 (1988), at 11; Op. Att'y Gen. 2 (1998), at 4-)) *Parmelee v. Clarke*, 148 Wn. App. 748, 201 P.3d 1022 (2008) (upholding agency's procedures requiring public records requests to be made to a designated person).

<sup>3</sup>See *Hobbs v. State*, 183 Wn. App. 925, 335 P.3d 1004 (2014) (Court of Appeals encouraged requestors to communicate with agencies about issues related to their PRA requests) and WAC 44-14-04003(3) ("Communication is usually the key to a smooth public records process for both requestors and agencies.").

<sup>4</sup>Oral requests make it "unnecessarily difficult" for the requestor to prove what was requested. *Beal v. City of Seattle*, 150 Wn. App. 865, 874-75, 209 P.3d 872 (2009); see also *O'Neill v. City of Shoreline*, 170 Wn.2d 138, 151, 240 P.3d 1149 (2010) (holding that an oral request for "that email" did not provide the city with sufficient notice that metadata was also being requested).

<sup>5</sup>*SEIU Healthcare 775W v. State et al.*, 193 Wn. App. 377, 377 P.3d 214 (2016).

<sup>6</sup>Op. Att'y Gen. 12 (1988). See also RCW ((42.17.258\*))42.56.060 which provides: "No public agency, public official, public employee, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record if the public agency, public official, public employee, or custodian acted in good faith in attempting to comply with the provisions of this chapter." ((Therefore, an agency has little need for an indemnification clause. Requiring a requestor to indemnify an agency inhibits some requestors from exercising their right to request public records. Op. Att'y Gen. 12 (1988), at 11-))

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-040 Processing of public records requests—General. (1) Providing "fullest assistance."** The (name of agency) is charged by statute with adopting

rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) Upon receipt of a request, the (name of agency) will assign it a tracking number and log it in.

(3) The public records officer or designee will evaluate the request according to the nature of the request, volume, and availability of requested records.

(4) Acknowledging receipt of request. Following the initial evaluation of the request under (3) of this subsection, and within five business days<sup>1</sup> of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or copying;

~~(b))~~ including:

(i) If copies are available on the (name of agency's) internet web site, provide an internet address and link on the web site to specific records requested;

(ii) If copies are requested and payment of a deposit for the copies, if any, is made or other terms of payment are agreed upon, send the copies to the requestor;

~~((e))~~ (b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available (the public records officer or designee may revise the estimate of when records will be available); or

~~((d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor.)~~ (c) Acknowledge receipt of the request and ask the requestor to provide clarification for a request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of time the (name of agency) will require to respond to the request if it is not clarified.

(i) Such clarification may be requested and provided by telephone (The public records officer or designee may revise the estimate of when records will be available), and memorialized in writing;

(ii) If the requestor fails to respond to a request for clarification and the entire request is unclear, the (name of agency) need not respond to it. The (name of agency) will respond to those portions of a request that are clear; or

~~((e))~~ (d) Deny the request.

~~((3))~~ (5) Consequences of failure to respond. If the (name of agency) does not respond in writing within five business days of receipt of the request for disclosure, the requestor should ~~((consider contacting))~~ contact the public records officer to determine the reason for the failure to respond.

~~((4))~~ (6) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him

or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

~~((5))~~ (7) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If the (name of agency) believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief written explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

~~((6))~~ (8) Inspection of records.

(a) Consistent with other demands, the (name of agency) shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the (name of agency's) notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the (name of agency) may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

~~((7))~~ (9) Providing copies of records. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying. Where (name of agency) charges for copies, the requestor must pay for the copies.

~~((8))~~ (10) Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

~~((9))~~ (11) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the (name of agency) has completed a ~~((diligent))~~ reasonable search for the requested records and made any located nonexempt records available for inspection.

~~((10))~~ (12) Closing withdrawn or abandoned request. When the requestor either withdraws the request, or fails to clarify an entirely unclear request, or fails to fulfill his or her obligations to inspect the records ~~((or))~~, pay the deposit, pay the required fees for an installment, or make



final payment for the requested copies, the public records officer will close the request and, unless the agency has already indicated in previous correspondence that the request would be closed under the above circumstances, indicate to the requestor that the (name of agency) has closed the request.

~~((11))~~ **(13) Later discovered documents.** If, after the (name of agency) has informed the requestor that it has provided all available records, the (name of agency) becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

Note: <sup>1</sup>In calculating the five business days, the following are not counted: The day the agency receives the request, Saturdays, Sundays and holidays. RCW 1.12.040. See also WAC 44-14-03006.

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-04001 Introduction.** Both requestors and agencies have responsibilities under the act. The public records process can function properly only when both parties perform their respective responsibilities. An agency has a duty to promptly provide access to all nonexempt public records.<sup>1</sup> A requestor has a duty to give fair notice that he or she is making a records request, request identifiable records,<sup>2</sup> follow the agency's reasonable procedures, inspect the assembled records or pay for the copies, and be respectful to agency staff.<sup>(?)</sup> Both the agency and the requestor have a responsibility to communicate with each other when issues arise concerning a request.<sup>3</sup>

Requestors should keep in mind that all agencies have essential functions in addition to providing public records. Agencies also have greatly differing resources. The act recognizes that agency public records procedures should prevent "excessive interference" with the other "essential functions" of the agency. RCW ~~((42.17.290))~~42.56.100. Therefore, while providing public records is an essential function of an agency, it is not required to abandon its other, nonpublic records functions. Agencies without a full-time public records officer may assign staff part-time to fulfill records requests, provided the agency is providing the "fullest assistance" and the "most timely possible" action on the request. The proper level of staffing for public records requests will vary among agencies, considering the complexity and number of requests to that agency, agency resources, and the agency's other functions.

The burden of proof is on an agency to prove its estimate of time to provide a full response is "reasonable." RCW ~~((42.17.340(2)))~~42.56.550(2). An agency should be prepared to explain how it arrived at its estimate of time and why the estimate is reasonable.

Agencies are encouraged to use technology to provide public records more quickly and, if possible, less expensively. An agency is allowed, of course, to do more for the requestor than is required by the letter of the act. Doing so often saves the agency time and money in the long run, improves relations with the public, and prevents litigation.

For example, agencies are encouraged to post many nonexempt records of broad public interest on the internet. This may result in fewer requests for public records. See RCW ~~((43.105.270 (state)))~~ chapter 69, Laws of 2010 (agencies encouraged to post frequently sought documents on the internet); RCW 43.105.351 (legislative intent that agencies prioritize making records widely available electronically to the public).

Notes: <sup>1</sup>RCW ~~((42.17.260(1)))~~42.56.070(1) (agency "shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions" listed in the act or other statute).

<sup>2</sup>See RCW ~~((42.17.270))~~42.56.080 ("identifiable record" requirement); RCW ~~((42.17.300))~~42.56.120 (claim or review requirement); RCW ~~((42.17.290))~~42.56.100 (agency may prevent excessive interference with other essential agency functions).

<sup>3</sup>See *Hobbs v. State*, 183 Wn. App. 925, 335 P.3d 1004 (2014) (Court of Appeals encouraged requestors to communicate with agencies about issues related to their PRA requests) and WAC 44-14-04003(3). ("Communication is usually the key to a smooth public records process for both requestors and agencies.")

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-04002 Obligations of requestors. (1) ((Reasonable)) Fair notice that request is for public records.** A requestor must give an agency ~~((reasonable))~~ fair notice that the request is being made pursuant to the act. Requestors are encouraged to cite or name the act but are not required to do so.<sup>1</sup> A request using the agency's request form or online request form or portal, or using the terms "public records," "public disclosure," "FOIA," or "Freedom of Information Act" (the terms commonly used for federal records requests), especially in the subject line of an email or letter, is recommended. The request should be directed to the agency-designated person to receive requests (such as the public records officer) or the agency-designated address or submitted through the agency-designated portal for public records requests, which should provide an agency with ((reasonable)) fair notice in most cases. A requestor should not submit a "stealth" request, which is buried in another document in an attempt to trick the agency into not responding.

(2) **Identifiable record.** A requestor must request an "identifiable record" or "class of records" before an agency must respond to it. RCW ~~((42.17.270))~~42.56.080 and ~~((42.17.340(1)))~~42.56.550(1).

An "identifiable record" is one that is existing at the time of the request and which agency staff can reasonably locate.<sup>(?)</sup> The act does not require agencies to be "mind readers" and to guess what records are being requested.<sup>2</sup> The act does not allow a requestor to make "future" or "standing" (ongoing) requests for records not in existence; nonexistent records are not "identifiable."<sup>3</sup>

A request for all or substantially all records prepared, owned, used or retained by an agency is not a valid request for identifiable records, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of an

agency's records. RCW 42.56.080(1). A "keyword" must have some meaning that reduces a request from all or substantially all of an agency's records. For example, a request seeking any and all records from the department of ecology which contain the word "ecology" is not a request containing a keyword. The word "ecology" is likely on every agency letterhead, email signature block, notice, order, brochure, form, pleading and virtually every other agency document. A request for all of an agency's emails can encompass substantially all of an agency's records, and such a request contains no keywords. The act does not allow a requestor nor require an agency to search through agency files for records which cannot be reasonably identified or described to the agency.<sup>(3)</sup><sup>4</sup> It benefits both the requestor and the agency when the request includes terms that are for identifiable records actually sought by the requestor, and which produce meaningful search results by the agency.

However, a requestor is not required to identify the exact record he or she seeks. For example, if a requestor requested an agency's "2001 budget," but the agency only had a 2000-2002 budget, the requestor made a request for an identifiable record.<sup>(4)</sup><sup>5</sup>

An "identifiable record" is not a request for "information" in general.<sup>(5)</sup><sup>6</sup> For example, asking "what policies" an agency has for handling discrimination complaints is merely a request for "information."<sup>6</sup> A request to inspect or copy an agency's policies and procedures for handling discrimination complaints would be a request for an "identifiable record."

Public records requests are not interrogatories (questions). An agency is not required to answer questions about records, or conduct legal research for a requestor.<sup>7</sup> A request for "any law that allows the county to impose taxes on me" is not a request for an identifiable record. Conversely, a request for "all records discussing the passage of this year's tax increase on real property" is a request for an "identifiable record."

When a request uses an inexact phrase such as all records "relating to" a topic (such as "all records relating to the property tax increase"), the agency may interpret the request to be for records which directly and fairly address the topic. When an agency receives a "relating to" or similar request, it should seek clarification of the request from the requestor or explain how the agency is interpreting the requestor's request.

(3) "**Overbroad**" requests. An agency cannot "deny a request for identifiable public records based solely on the basis that the request is overbroad." RCW ((42.17.270/)) 42.56.080. However, if such a request is not for identifiable records or otherwise is not proper, the request can still be denied. When confronted with a request that is unclear, an agency should seek clarification.

Notes: <sup>1</sup>Wood v. Lowe, 102 Wn. App. 872, 10 P.3d 494 (2000).

<sup>2</sup>Bonamy v. City of Seattle, 92 Wn. App. 403, 410, 960 P.2d 447 (1998), ((review denied, 137 Wn.2d 1012, 978 P.2d 1099-1099)) ("identifiable record" requirement is satisfied when there is a "reasonable description" of the record "enabling the government employee to locate the requested records.").

<sup>3</sup>Limstrom v. Ladenburg, 136 Wn.2d 595, 604, n.3, 963 P.2d 869 (1998), appeal after remand, 110 Wn. App. 133, 39 P.3d 351 (2002); Sargent v. Seattle Police Dep't, 16 Wn. App. 1, 260 P.3d 1006 (2011), aff'd in part, rev'd in part on other grounds, 179 Wn.2d 376, 314 P.3d 1093 (2013) ("We hold that there is no standing request under the PRA."); Smith v. Okanogan County, 100 Wn. App. 7, 994 P.2d 857 (2000) (agency not required to create a record to respond to a PRA request).

<sup>4</sup>Bonamy, 92 Wn. App. at 409.

<sup>5</sup>Violante v. King County Fire Dist. No. 20, 114 Wn. App. 565, 571, n.4, 59 P.3d 109 (2002).

(<sup>6</sup>Bonamy, 92 Wn. App. at 409.)

<sup>6</sup>((Id.)) Bonamy, 92 Wn. App. at 409.

<sup>7</sup>See Limstrom, 136 Wn.2d at 604, n.3 (act does not require "an agency to go outside its own records and resources to try to identify or locate the record requested."); Bonamy, 92 Wn. App. at 409 (act "does not require agencies to research or explain public records, but only to make those records accessible to the public(-)").

AMENDATORY SECTION (Amending WSR 07-13-058, filed 6/15/07, effective 7/16/07)

**WAC 44-14-04003 Responsibilities of agencies in processing requests.** (1) **Similar treatment and purpose of the request.** The act provides: "Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request" (except to determine if the request is seeking a list of individuals for a commercial use or would violate another statute prohibiting disclosure or restricting disclosure to only certain persons). RCW ((42.17.270/))42.56.080.<sup>1</sup> The act also requires an agency to take the "most timely possible action on requests" and make records "promptly available." RCW ((42.17.290/))42.56.100 and ((42.17.270/))42.56.080. However, treating requestors similarly does not mean that agencies must process requests strictly in the order received because this might not be providing the "most timely possible action" for all requests. A relatively simple request need not wait for a long period of time while a much larger or more complex request is being fulfilled. Agencies are encouraged to be flexible and process as many requests as possible even if they are out of order.<sup>(3)</sup>

(2) **Purpose of request.** An agency cannot require a requestor to state the purpose of the request (with limited exceptions). RCW ((42.17.270/))42.56.080. However, in an effort to better understand the request and provide all responsive records, the agency can inquire about the purpose of the request. The requestor is not required to answer the agency's inquiry (with limited exceptions as previously noted).

((2)) (3) **Provide "fullest assistance" and "most timely possible action."** The act requires agencies to adopt and enforce reasonable rules to provide for the "fullest assistance" to a requestor. RCW ((42.17.290/))42.56.100. The "fullest assistance" principle should guide agencies when processing requests. In general, an agency should devote sufficient staff time to processing records requests, consistent with the act's requirement that fulfilling requests should not be an "excessive interference" with the agency's "other essential functions." RCW ((42.17.290/))42.56.100. The agency

should recognize that fulfilling public records requests is one of the agency's duties, along with its others.

The act also requires agencies to adopt and enforce rules to provide for the "most timely possible action on requests." RCW ((42.17.290/))42.56.100. This principle should guide agencies when processing requests. It should be noted that this provision requires the most timely "possible" action on requests. This recognizes that an agency is not always capable of fulfilling a request as quickly as the requestor would like.

~~((3))~~ **(4) Communicate with requestor.** Communication is usually the key to a smooth public records process for both requestors and agencies.<sup>2</sup> Clear requests for a small number of records usually do not require predelivery communication with the requestor. However, when an agency receives a large or unclear request, the agency should communicate with the requestor to clarify the request. If a requestor asks for a summary of applicable charges before any copies are made, an agency must provide it. RCW 42.56.120 (2)(f). The requestor may then revise the request to reduce the number of requested copies. If the request is clarified or modified orally, the public records officer or designee should memorialize the communication in writing.

For large requests, the agency may ask the requestor to prioritize the request so that he or she receives the most important records first. If feasible, the agency should provide periodic updates to the requestor of the progress of the request. Similarly, the requestor should periodically communicate with the agency and promptly answer any clarification questions. Sometimes a requestor finds the records he or she is seeking at the beginning of a request. If so, the requestor should communicate with the agency that the requested records have been provided and that he or she is canceling the remainder of the request. If the requestor's cancellation communication is not in writing, the agency should confirm it in writing.

~~((4))~~ **(5) Failure to provide initial response within five business days.** Within five business days of receiving a request, an agency must provide an initial response to the requestor. The initial response must do one of four things:

- (a) Provide the record;
- (b) Acknowledge that the agency has received the request and provide a reasonable estimate of the time it will require to ~~((fully))~~ further respond;
- (c) Seek a clarification of the request and if unclear, provide to the greatest extent possible a reasonable estimate of time the agency will require to respond to the request if it is not clarified; or

(d) Deny the request. RCW ((42.17.320/))42.56.520. An agency's failure to provide an initial response is arguably a violation of the act.<sup>(2)</sup> <sup>3</sup>

~~((5))~~ **(6) No duty to create records.** An agency is not obligated to create a new record to satisfy a records request.<sup>4</sup> However, sometimes it is easier for an agency to create a record responsive to the request rather than collecting and making available voluminous records that contain small pieces of the information sought by the requestor or find itself in a controversy about whether the request requires the creation of a new record. The decision to create a new record is left to the discretion of the agency. With respect to databases,

for example, there is not always a simple dichotomy between producing an existing record and creating a new record.<sup>5</sup> In addition, an agency may decide to provide a customized service and if so, assess a customized service charge for the actual costs of staff technology expertise needed to prepare data compilations, or when such customized access services are not used by the agency for other business purposes. RCW 42.56.120.

If the agency is considering creating a new record instead of disclosing the underlying records, or creating new records from a database, it should obtain the consent of the requestor to ensure that the requestor is not actually seeking the underlying records, and describe any customized service charges that may apply.

Making an electronic copy of an electronic record is not "creating" a new record; instead, it is similar to copying a paper copy. If an agency translates a record into an alternative electronic format at the request of a requestor, the copy created does not constitute a new public record. RCW 42.56.120(1). Similarly, eliminating a field of an electronic record can be a method of redaction; it is ~~((similar to))~~ like redacting portions of a paper record using a black pen or white-out tape to make it available for inspection or copying. Scanning paper copies to make electronic copies is a method of copying paper records and does not create a new public record. RCW 42.56.120(1).

~~((6))~~ **(7) Provide a reasonable estimate of the time to ~~((fully))~~ respond.** Unless it is providing the records or claiming an exemption from disclosure within the five-business day period, an agency must provide a reasonable estimate of the time it will take to ~~((fully))~~ respond to the request. RCW ((42.17.320/))42.56.520. ~~((Fully))~~ Responding can mean processing the request (locating and assembling records, redacting, preparing a withholding ~~((index))~~ log, making an installment available, or notifying third parties named in the records who might seek an injunction against disclosure) or determining if the records are exempt from disclosure.

An estimate must be "reasonable." The act provides a requestor a quick and simple method of challenging the reasonableness of an agency's estimate. RCW ((42.17.340(2)/))42.56.550(2). See WAC 44-14-08004 (5)(b). The burden of proof is on the agency to prove its estimate is "reasonable." RCW ((42.17.340(2)/))42.56.550(2).

To provide a "reasonable" estimate, an agency should not use the same estimate for every request. An agency should roughly calculate the time it will take to respond to the request and send estimates of varying lengths, as appropriate. Some very large requests can legitimately take months or longer to fully provide. There is no standard amount of time for fulfilling a request so reasonable estimates should vary.

Some agencies send form letters with thirty-day estimates to all requestors, no matter the size or complexity of the request. Form letter thirty-day estimates for every requestor, regardless of the nature of the request, are rarely "reasonable" because an agency, which has the burden of proof, could find it difficult to prove that every single request it receives would take the same thirty-day period.

While not required,<sup>6</sup> in order to avoid unnecessary litigation over the reasonableness of an estimate, an agency ~~((should))~~ could briefly explain to the requestor the basis for

the estimate in the initial response. The explanation need not be elaborate but should allow the requestor to make a threshold determination of whether he or she should question that estimate further or has a basis to seek judicial review of the reasonableness of the estimate.

An agency should either fulfill the request within the estimated time or, if warranted, communicate with the requestor about clarifications or the need for a revised estimate.<sup>2</sup> An agency should not ignore a request and then continuously send extended estimates. Routine extensions with little or no action to fulfill the request would show that the previous estimates probably were not "reasonable." Extended estimates are appropriate when the circumstances have changed (such as an increase in other requests or discovering that the request will require extensive redaction). An estimate can be revised when appropriate, but unwarranted serial extensions have the effect of denying a requestor access to public records.

~~((7))~~ **(8) Seek clarification of a request or additional time.** An agency may seek a clarification of an "unclear" or partially unclear request. RCW ~~((42.17.320))~~42.56.520. An agency can only seek a clarification when the request is objectively "unclear." Seeking a "clarification" of an objectively clear request delays access to public records.

If the requestor fails to clarify an entirely unclear request, the agency need not respond to it further. RCW ~~((42.17.320))~~42.56.520. However, an agency must respond to those parts of a request that are clear. If the requestor does not respond to the agency's request for a clarification within thirty days of the agency's request or other specified time, the agency may consider the request abandoned. If the agency considers the request abandoned, it should send a closing letter to the requestor if it has not already explained when it will close a request due to lack of response by the requestor.

An agency may take additional time to provide the records or deny the request if it is awaiting a clarification. RCW ~~((42.17.320))~~42.56.520. After providing the initial response and perhaps even beginning to assemble the records, an agency might discover it needs to clarify a request and is allowed to do so. A clarification could also affect a reasonable estimate.

~~((8))~~ **(9) Preserving requested records.** If a requested record is scheduled shortly for destruction, and the agency receives a public records request for it, the record cannot be destroyed until the request is resolved. RCW ~~((42.17.290))~~ 42.56.100.<sup>(6)</sup> § Once a request has been closed, the agency can destroy the requested records in accordance with its retention schedule.

~~((9))~~ **(10) Searching for records.** An agency must conduct an objectively reasonable search for responsive records. The adequacy of a search is judged by the standard of reasonableness.<sup>2</sup> A requestor is not required to "ferret out" records on his or her own.<sup>(6)</sup> A reasonable agency search usually begins with the public records officer for the agency or a records coordinator for a department of the agency deciding where the records are likely to be and who is likely to know where they are. One of the most important parts of an adequate search is to decide how wide the search will be. If the agency is small, it might be appropriate to initially ask all agency employees and officials if they have responsive

records. If the agency is larger, the agency may choose to initially ask only the staff of the department or departments of an agency most likely to have the records. For example, a request for records showing or discussing payments on a public works project might initially be directed to all staff in the finance and public works departments if those departments are deemed most likely to have the responsive documents, even though other departments may have copies or alternative versions of the same documents. Meanwhile, other departments that may have documents should be instructed to preserve their records in case they are later deemed to be necessary to respond to the request. The agency could notify the requestor which departments are being surveyed for the documents so the requestor may suggest other departments.

If agency employees or officials are using home computers, personal devices, or personal accounts to conduct agency business, those devices and accounts also need to be searched by the employees or officials who are using them when those devices and accounts may have responsive records.<sup>10</sup> If an agency's contractors performing agency work have responsive public records of an agency as a consequence of the agency's contract, they should also be notified of the records request. It is better to be over inclusive rather than under inclusive when deciding which staff or others should be contacted, but not everyone in an agency needs to be asked if there is no reason to believe he or she has responsive records. An email to staff or agency officials selected as most likely to have responsive records is usually sufficient. Such an email also allows an agency to document whom it asked for records. Documentation of searches is recommended. The courts can consider the reasonableness of an agency's search when considering assessing penalties for an agency's failure to produce records.<sup>11</sup>

Agency policies should require staff and officials to promptly respond to inquiries about responsive records from the public records officer.

After records which are deemed potentially responsive are located, an agency should take reasonable steps to narrow down the number of records to those which are responsive. In some cases, an agency might find it helpful to consult with the requestor on the scope of the documents to be assembled. An agency cannot "bury" a requestor with nonresponsive documents. However, an agency is allowed to provide arguably, but not clearly, responsive records to allow the requestor to select the ones he or she wants, particularly if the requestor is unable or unwilling to help narrow the scope of the documents. If an agency does not find responsive documents, it should explain, in at least general terms, the places searched.<sup>12</sup>

~~((10))~~ **(11) Expiration of reasonable estimate.** An agency should provide a record within the time provided in its reasonable estimate or communicate with the requestor that additional time is required to fulfill the request based on specified criteria. ~~((Unjustified failure to provide the record by the expiration of the estimate is a denial of access to the record))~~ A failure of an agency to meet its own internal deadline is not a violation of the act, assuming the agency is working diligently to respond to the request.<sup>13</sup> Nevertheless, an agency should promptly communicate with a requestor when

it determines its original estimate of time needs to be adjusted.

~~((11))~~ **(12) Notice to affected third parties.** Sometimes an agency decides it must release all or a part of a public record affecting a third party. The third party can file an action to obtain an injunction to prevent an agency from disclosing it, but the third party must prove the record or portion of it is exempt from disclosure.~~((7))~~ RCW ~~((42.17.330/))~~ 42.56.540. Before sending a notice, an agency should have a reasonable belief that the record is arguably exempt. Notices to affected third parties when the records could not reasonably be considered exempt might have the effect of unreasonably delaying the requestor's access to a disclosable record.

The act provides that before releasing a record an agency may, at its "option," provide notice to a person named in a public record or to whom the record specifically pertains (unless notice is required by law). RCW ~~((42.17.330/))~~ 42.56.540.<sup>14</sup> This would include all of those whose identity could reasonably be ascertained in the record and who might have a reason to seek to prevent the release of the record. An agency has wide discretion to decide whom to notify or not notify. First, an agency has the "option" to notify or not (unless notice is required by law). RCW ~~((42.17.330/))~~ 42.56.540. Second, if it acted in good faith, an agency cannot be held liable for its failure to notify enough people under the act. RCW ~~((42.17.258/))~~ 42.56.060. However, if an agency had a contractual obligation to provide notice of a request but failed to do so, the agency might lose the immunity provided by RCW ~~((42.17.258/))~~ 42.56.060 because breaching the agreement probably is not a "good faith" attempt to comply with the act.

The practice of many agencies is to give ten days' notice. Many agencies expressly indicate the deadline date on which it must receive a court order enjoining disclosure, to avoid any confusion or potential liability. More notice might be appropriate in some cases, such as when numerous notices are required, but every additional day of notice is another day the potentially disclosable record is being withheld. When it provides a notice, the agency should include in its calculation the notice period in the "reasonable estimate" of time it provides to a requestor.

The notice informs the third party that release will occur on the stated date unless he or she obtains an order from a court enjoining release. The requestor has an interest in any legal action to prevent the disclosure of the records he or she requested. Therefore, the agency's notice should inform the third party that he or she should name the requestor as a party to any action to enjoin disclosure. If an injunctive action is filed, the third party or agency should name the requestor as a party or, at a minimum, must inform the requestor of the action to allow the requestor to intervene.

~~((12))~~ **(13) Later discovered records.** If the agency becomes aware of the existence of records responsive to a request which were not provided, the agency should notify the requestor in writing ~~((and))~~, provide a brief explanation of the circumstances, and provide the nonexempt records with a written explanation of any redacted or withheld records.

**(14) Maintaining a log.** Effective July 23, 2017, the agency must maintain a log of public records requests to include the identity of the requestor if provided by the

requestor, the date the request was received, the text of the original request, a description of the records redacted or withheld and the reasons therefor, and the date of the final disposition of the request. RCW 40.14.026(4).

Notes:

<sup>1</sup>See also Op. Att'y Gen. 2 (1998).

<sup>2</sup>See *Hobbs v. State*, 183 Wn. App. 925, 335 P.3d 1004, n.12 (2014) (Court of Appeals encouraged requestors to communicate with agencies about issues related to their records requests).

<sup>3</sup>See *Smith v. Okanogan County*, 100 Wn. App. 7, 13, 994 P.2d 857 (2000) ("When an agency fails to respond as provided in RCW 42.17.320 (42.56.520), it violates the act and the individual requesting the public record is entitled to a statutory penalty."); *West v. State Dep't of Natural Res.*, 163 Wn. App. 235, 243, 258 P.3d 78 (2011) (failure to respond within five business days); *Rufin v. City of Seattle*, 199 Wn. App. 348, 398 P.3d 1237 (2017) (failure to respond within five business days entitles plaintiff to seek attorneys' fees but not penalties).

<sup>(3)</sup>While an agency can fulfill requests out of order, an agency is not allowed to ignore a large request while it is exclusively fulfilling smaller requests. The agency should strike a balance between fulfilling small and large requests.

<sup>4</sup>*Smith*, 100 Wn. App. at 14.

<sup>5</sup>*Fisher Broadcasting v. City of Seattle*, 180 Wn.2d 515, 326 P.3d 688 (2014).

<sup>6</sup>*Ockerman v. King County Dep't of Dev. & Envtl. Servs.*, 102 Wn. App. 212, 214, 6 P.3d 1215 (2000) (agency is not required to provide a written explanation of its reasonable estimate of time when it does not provide records within five days of the request).

<sup>7</sup>*Andrews v. Wash. State Patrol*, 183 Wn. App. 644, 334 P.3d 94 (2014) (the act recognizes that agencies may need more time than initially anticipated to locate records).

<sup>8</sup>An exception is some state-agency employee personnel records. RCW ~~((42.17.295/))~~ 42.56.110.

<sup>(6)</sup>*Daines v. Spokane County*, 111 Wn. App. 342, 349, 44 P.3d 909 (2002) ("an applicant need not exhaust his or her own ingenuity to 'ferret out' records through some combination of 'intuition and diligent research'").

<sup>7)</sup> <sup>9</sup>*Neighborhood Alliance v. Spokane County*, 172 Wn.2d 702, 261 P.3d 119 (2011); *Forbes v. City of Gold Bar*, 171 Wn. App. 857, 288 P.3d 384 (2012).

<sup>10</sup>*O'Neill v. City of Shoreline*, 170 Wn.2d 138, 240 P.3d 1149 (2010); *Nissen v. Pierce County*, 182 Wn.2d 363, 357 P.3d 45 (2015); *West v. Vermillion*, 196 Wn. App. 627, 384 P.3d 634 (2016).

<sup>11</sup>*Yousoufian v. Office of Ron Sims*, 168 Wn.2d 444, 229 P.3d 735 (2010); *Neighborhood Alliance*, 172 Wn.2d at 728.

<sup>12</sup>*Neighborhood Alliance*, 172 Wn.2d at 722.

<sup>13</sup>*Andrews v. Wash. State Patrol*, 183 Wn. App. 644 at 653; *Hikel v. Lynnwood*, 197 Wn. App. 366, 389 P.3d 677 (2016).

<sup>14</sup>The agency holding the record can also file a RCW ~~((42.17.330/))~~ 42.56.540 injunctive action to establish that it is not required to release the record or portion of it. An agency can also file an action under the Uniform Declaratory Judgments Act at chapter 7.24 RCW. *Benton County v. Zink*, 191 Wn. App. 194, 361 P.2d 283 (2015).

AMENDATORY SECTION (Amending WSR 07-13-058, filed 6/15/07, effective 7/16/07)

**WAC 44-14-04004 Responsibilities of agency in providing records.** (1) **General.** An agency may simply provide the records or make them available within the five-business day period of the initial response. When it does so, an agency should also provide the requestor a written cover letter or email briefly describing the records provided and informing the requestor that the request has been closed. This assists the agency in later proving that it provided the specified records on a certain date and told the requestor that the request had been closed. However, a cover letter or email might not be practical in some circumstances, such as when the agency provides a small number of records or fulfills routine requests.

An agency can, of course, provide the records sooner than five business days. Providing the "fullest assistance" to a requestor would mean providing a readily available record as soon as possible. For example, an agency might routinely prepare a premeeting packet of documents three days in advance of a city council meeting. The packet is readily available so the agency should provide it to a requestor on the same day of the request so he or she can have it for the council meeting.

(2) **Means of providing access.** An agency must make nonexempt public records "available" for inspection or provide a copy. RCW ((42.17.270/))42.56.080. An agency is only required to make records "available" and has no duty to explain the meaning of public records.<sup>1</sup> Making records available is often called "access."

Access to a public record can be provided by allowing inspection of the record, providing a copy, or posting the record on the agency's web site and assisting the requestor in finding it (if necessary). An agency must mail a copy of records if requested and if the requestor pays the actual cost of postage and the mailing container.<sup>2</sup> The requestor can specify which method of access (or combination, such as inspection and then copying) he or she prefers. Different processes apply to requests for inspection versus copying (such as copy charges) so an agency should clarify with a requestor whether he or she seeks to inspect or copy a public record.

An agency can provide access to a public record by posting it on its public internet web site. Once an agency provides a requestor an internet address and link on the agency's web site to the specific records requested, the agency has provided the records, and at no cost to the requestor. RCW 42.56.520. If requested, an agency should provide reasonable assistance to a requestor in finding a public record posted on its web site. If the requestor does not have internet access, the agency may provide access to the record by allowing the requestor to view the record on a specific computer terminal at the agency open to the public. An agency ~~((is not required to do so. Despite the availability of the record on the agency's web site, a requestor can still make a public records request and inspect the record or obtain a copy of it by paying the appropriate per page copying charge))~~ shall not impose copying charges for access to or downloading records that the agency routinely posts on its web site prior to receipt of a request unless the requestor has specifically requested that the agency pro-

vide copies of such records through other means. RCW 42.56.120 (2)(e).

(3) **Providing records in installments.** The act ~~((now))~~ provides that an agency must provide records "if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure." RCW ((42.17.270/))42.56.080. An installment can include links to records on the agency's internet web site. The purpose of this installments provision is to allow requestors to obtain records in installments as they are assembled and to allow agencies to provide records in logical batches. The provision is also designed to allow an agency to only assemble the first installment and then see if the requestor claims or reviews it before assembling the next installments. An agency can assess charges per installment for copies made for the requestor, unless it is using the up to two-dollar flat fee charge. RCW 42.56.120(4).

Not all requests should be provided in installments. For example, a request for a small number of documents which are located at nearly the same time should be provided all at once. Installments are useful for large requests when, for example, an agency can provide the first box of records as an installment. An agency has wide discretion to determine when providing records in installments is "applicable." However, an agency cannot use installments to delay access by, for example, calling a small number of documents an "installment" and sending out separate notifications for each one. The agency must provide the "fullest assistance" and the "most timely possible action on requests" when processing requests. RCW ((42.17.290/))42.56.100.

(4) **Failure to provide records.** A "denial" of a request can occur when an agency:

~~((Does not have the record;))~~

Fails to respond to a request;

Claims an exemption of the entire record or a portion of it; ~~((or))~~

Without justification, fails to provide the record after the reasonable estimate of time to respond expires(~~(-~~

~~(a) When the agency does not have the record); or~~

Determines the request is an improper "bot" request. An agency is only required to provide access to public records it has or has used.<sup>3</sup> An agency is not required to create a public record in response to a request.

An agency must only provide access to public records in existence at the time of the request. An agency is not obligated to supplement responses. Therefore, if a public record is created or comes into the possession of the agency after the request is received by the agency, it is not responsive to the request and need not be provided. A requestor must make a new request to obtain subsequently created public records.

Sometimes more than one agency holds the same record. When more than one agency holds a record, and a requestor makes a request to the first agency (agency A), ~~((the first))~~ agency A cannot respond to the request by telling the requestor to obtain the record from the second agency (agency B). Instead, an agency must provide access to a record it holds regardless of its availability from another agency.<sup>4</sup>

However, an agency is not required to go outside its own public records to respond to a request.<sup>5</sup> If agency A never pre-

pared, owned, used or retained a record, but the record is available at agency B, the requestor must make the request to agency B, not agency A.

An agency is not required to provide access to records that were not requested. An agency does not "deny" a request when it does not provide records that are outside the scope of the request because they were never asked for.

~~((b))~~ (5) Claiming exemptions.

~~((i))~~ (a) Redactions. If a portion of a record is exempt from disclosure, but the remainder is not, an agency generally is required to redact (black out) the exempt portion and then provide the remainder. RCW ~~((42.17.310(2)))~~ 42.56.210(1). There are a few exceptions.<sup>(5) 6</sup> Withholding an entire record where only a portion of it is exempt violates the act.<sup>(6) 7</sup> Some records are almost entirely exempt but small portions remain nonexempt. For example, information revealing the identity of a crime victim is exempt from disclosure if certain conditions are met. RCW ~~((42.17.310(1)(e)))~~ 42.56.240(2). If a requestor requested a police report in a case in which charges have been filed, and the conditions of RCW 42.56.240(2) are met, the agency must redact the victim's identifying information but provide the rest of the report.

Statistical information "not descriptive of any readily identifiable person or persons" is generally not subject to redaction or withholding. RCW ~~((42.17.310(2)))~~ 42.56.210(1). For example, if a statute exempted the identity of a person who had been assessed a particular kind of penalty, and an agency record showed the amount of penalties assessed against various persons, the agency must provide the record with the names of the persons redacted but with the penalty amounts remaining.

Originals should not be redacted. For paper records, an agency should redact materials by first copying the record and then either using a black marker on the copy or covering the exempt portions with copying tape, and then making a copy. Another approach is to scan the paper record and redact it electronically. It is often a good practice to keep the initial copies which were redacted in case there is a need to make additional copies for disclosure or to show what was redacted; in addition, an agency is required under its records retention schedules to keep responses to a public records request for a defined period of time. For electronic records such as databases, an agency can sometimes redact a field of exempt information by excluding it from the set of fields to be copied. For other electronic records, an agency may use software that permits it to electronically redact on the copy of the record. However, in some instances electronic redaction might not be feasible and a paper copy of the record with traditional redaction might be the only way to provide the redacted record. If a record is redacted electronically, by deleting a field of data or in any other way, the agency must identify the redaction and state the basis for the claimed exemption as required by RCW 42.56.210(3). ~~((See (b)(ii) of this subsection.~~

~~((i))~~ (ii)

(b) Brief explanation of withholding. When an agency claims an exemption for an entire record or portion of one, it must inform the requestor of the statutory exemption and provide a brief explanation of how the exemption applies to the record or portion withheld. RCW ~~((42.17.310(4)))~~ 42.56.210

(3). The brief explanation should cite the statute the agency claims grants an exemption from disclosure. The brief explanation should provide enough information for a requestor to make a threshold determination of whether the claimed exemption is proper. Nonspecific claims of exemption such as "proprietary" or "privacy" are insufficient.

One way to properly provide a brief explanation of the withheld record or redaction is for the agency to provide a withholding ~~((index. It))~~ log, along with the statutory citation permitting withholding, and a description of how the exemption applies to the information withheld. The log identifies the type of record, its date and number of pages, and the author or recipient of the record (unless their identity is exempt).<sup>(7) 8</sup> The withholding ~~((index))~~ log need not be elaborate but should allow a requestor to make a threshold determination of whether the agency has properly invoked the exemption.

Another way to properly provide a brief explanation is to use another format, such as a letter providing the required exemption citations, description of records, and brief explanations. Another way to properly provide a brief explanation is to have a code for each statutory exemption, place that code on the redacted information, and attach a list of codes and the brief explanations with the agency's response.

~~((5))~~ (6) Notifying requestor that records are available. If the requestor sought to inspect the records, the agency should notify him or her that the entire request or an installment is available for inspection and ask the requestor to contact the agency to arrange for a mutually agreeable time for inspection.<sup>(8) 9</sup> The notification should recite that if the requestor fails to inspect or copy the records or make other arrangements within thirty days of the date of the notification that the agency will close the request and refile the records. An agency might consider on a case-by-case basis sending the notification by certified mail to document that the requestor received it.

If the requestor sought copies, the agency should notify him or her of the projected costs and whether a copying deposit is required before the copies will be made. Such notice by the agency with a summary of applicable estimated charges is required when the requestor asks for an estimate. RCW 42.56.120 (2)(f). The notification can be oral to provide the most timely possible response, although it is recommended that the agency document that conversation in its file or in a follow-up email or letter.

~~((6))~~ (7) Documenting compliance. An agency should have a process to identify which records were provided to a requestor and the date of production. An agency may wish to apply a "read receipt" rule to emails to requestors or ask the requestor to confirm if he/she received the email from the agency. In some cases, an agency may wish to number-stamp or number-label paper records provided to a requestor to document which records were provided. The agency could also keep a copy of the numbered records so either the agency or requestor can later determine which records were or were not provided; and, an agency is required to keep copies of its response to a request for the time period set out in its records retention schedule. However, the agency should balance the benefits of stamping or labeling the documents and making extra copies against the costs and burdens of doing so. For

example, it may not be necessary to affix a number on the pages of records provided in response to a small request.

If memorializing which specific documents were offered for inspection is impractical, an agency might consider documenting which records were provided for inspection by making ~~((an index or))~~ a list of the files or records made available for inspection.

Notes: <sup>1</sup>*Bonamy v. City of Seattle*, 92 Wn. App. 403, 409, 960 P.2d 447 (1998)~~((, review denied, 137 Wn.2d 1012, 978 P.2d 1099 (1999)))~~.

<sup>2</sup>*Am. Civil Liberties Union v. Blaine Sch. Dist. No. 503*, 86 Wn. App. 688, 695, 937 P.2d 1176 (1997); RCW 42.56.120.

<sup>3</sup>*Sperr v. City of Spokane*, 123 Wn. App. 132, 136-37, 96 P.3d 1012 (2004).

<sup>4</sup>*Hearst Corp. v. Hoppe*, 90 Wn.2d 123, 132, 580 P.2d 246 (1978).

<sup>5</sup>*Linstrom v. Ladenburg (Linstrom II)*, 136 Wn.2d 595, 963 P.2d 896 (1998) n.3 ("On its face the Act does not require, and we do not interpret it to require, an agency to go outside its own records and resources to try to identify or locate the record requested."); *Koenig v. Pierce County*, 151 Wn. App. 221, 232-33, 211 P.3d 423 (2009) (agency has no duty to coordinate responses with other agencies, citing to and quoting *Linstrom II*).

<sup>6</sup>The two main exceptions to the redaction requirement are state "tax information" (RCW 82.32.330 (1)(c)) and law enforcement case files in active cases (~~((*Newman v. King County*, 133 Wn.2d 565, 574, 947 P.2d 712 (1997)))~~) *Sargent v. Seattle Police Dep't*, 179 Wn.2d 376, 314 P.3d 1093 (2013). Neither of these two kinds of records must be redacted but rather may be withheld in their entirety.

~~((6))~~ <sup>7</sup>*Seattle Firefighters Union Local No. 27 v. Hollister*, 48 Wn. App. 129, 132, 737 P.2d 1302 (1987).

~~((7))~~ <sup>8</sup>*Progressive Animal Welfare Soc'y. v. Univ. of Wash.*, 125 Wn.2d 243, 271, n.18, 884 P.2d 592 (1994) ("*PAWS II*").

~~((8))~~ <sup>9</sup>For smaller requests, the agency might simply provide them with the initial response or earlier so no notification is necessary.

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-04005 Inspection of records. (1) Obligation of requestor to claim or review records.** After the agency notifies the requestor that the records or an installment of them ~~((are))~~ is ready for inspection or copying, the requestor must claim or review the records or the installment. RCW ~~((42.17.300))~~ 42.56.120. If the requestor cannot claim or review the records him or herself, a representative may do so within the thirty-day period.<sup>1</sup> Other arrangements can be mutually agreed to between the requestor and the agency.

If a requestor fails to claim or review the records or an installment after the expiration of thirty days, an agency is authorized to stop assembling the remainder of the records or making copies. RCW ~~((42.17.300))~~ 42.56.120. If the request is abandoned, the agency is no longer bound by the records retention requirements of the act prohibiting the scheduled destruction of a requested record. RCW ~~((42.17.290))~~ 42.56.100.

If a requestor fails to claim or review the records or any installment of them within the thirty-day notification period, the agency may close the request and refile the records. Thirty days has been considered a reasonable time frame within which to claim or review records, but an agency may establish procedures that allow for a longer period. If a requestor who has failed to claim or review the records then requests the same or almost identical records again, the agency, which has the flexibility to prioritize its responses to be most efficient to all requestors, can process the repeat request for the now-refiled records as a new request after other pending requests.

**(2) Time, place, and conditions for inspection.** Inspection should occur at a time mutually agreed (within reason) by the agency and requestor. An agency should not limit the time for inspection to times in which the requestor is unavailable. Requestors cannot dictate unusual times for inspection. The agency is only required to allow inspection during the agency's customary office hours. RCW ~~((42.17.280))~~ 42.56.090. Often an agency will provide the records in a conference room or other office area.

The inspection of records cannot create "excessive interference" with the other "essential functions" of the agency. RCW ~~((42.17.290))~~ 42.56.100. Similarly, copying records at agency facilities cannot "unreasonably disrupt" the operations of the agency. RCW ~~((42.17.270))~~ 42.56.080.

An agency may have an agency employee observe the inspection or copying of records by the requestor to ensure they are not altered, destroyed ~~((or))~~, disorganized, or removed. RCW ~~((42.17.290))~~ 42.56.100. A requestor cannot alter, mark on, or destroy an original record during inspection. To select a paper record for copying during an inspection, a requestor must use a nonpermanent method such as a removable adhesive note or paper clip.

Inspection times can be broken down into reasonable segments such as half days. However, inspection times cannot be broken down into unreasonable segments to either harass the agency or delay access to the timely inspection of records.

Note: <sup>1</sup>See, e.g., WAC 296-06-120 (department of labor and industries provides thirty days to claim or review records).

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-04006 Closing request and documenting compliance. (1) Fulfilling request and closing letter.** A records request has been fulfilled and can be closed when a requestor has inspected all the requested records, all copies have been provided, a web link has been provided (with assistance from the agency in finding it, if necessary), an entirely unclear request has not been clarified, a request or installment has not been claimed or reviewed, or the requestor cancels the request. An agency should provide a closing letter stating the scope of the request and memorializing the outcome of the request. A closing letter may not be necessary for smaller requests, or where the last communication with the requestor established that the request would be closed on a date certain. The outcome described in the closing letter might be that the requestor inspected records, cop-



ies were provided (with the number range of the stamped or labeled records, if applicable), the agency sent the requestor the web link, the requestor failed to clarify the request, the requestor failed to claim or review the records within thirty days, or the requestor canceled the request. The closing letter should also ask the requestor to promptly contact the agency if he or she believes additional responsive records have not been provided.

(2) **Returning assembled records.** An agency is not required to keep assembled records set aside indefinitely. This would "unreasonably disrupt" the operations of the agency. RCW ((42.17.270/))42.56.080. After a request has been closed, an agency should return the assembled records to their original locations. Once returned, the records are no longer subject to the prohibition on destroying records scheduled for destruction under the agency's retention schedule. RCW ((42.17.290/))42.56.100.

(3) **Retain copy of records provided.** In some cases, particularly for commonly requested records, it may be wise for the agency to keep a separate copy of the records it copied and provided in response to a request. ((This allows the agency to document what was provided.)) A growing number of requests are for a copy of the records provided to another requestor, which can easily be fulfilled if the agency retains a copy of the records provided to the first requestor. The copy of the records provided should be retained for ((#)) the period of time consistent with the agency's retention schedules for records related to disclosure of documents.

AMENDATORY SECTION (Amending WSR 07-13-058, filed 6/15/07, effective 7/16/07)

**WAC 44-14-050 Processing of public records requests—Electronic records.** (1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the (name of agency) and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by ((WAC 44-14-07003)) RCW 42.56.120 and 42.56.130. The fee schedule is available at (agency address and web site address).

(3) **Customized electronic access ((to databases)) services.** While not required, and with the consent of the requestor, the (name of agency) may decide to provide customized ((access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested)) electronic access services and assess charges under RCW 42.56.120 (2)(f). A customized service charge applies only if the (name of agency) estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for other purposes. The (name of agency) may charge a fee consistent

with RCW ((43.105.280)) 42.56.120 (2)(f) for such customized access. The fee schedule is available at (agency address and web site address).

AMENDATORY SECTION (Amending WSR 07-13-058, filed 6/15/07, effective 7/16/07)

**WAC 44-14-05001 Access to electronic records.** The Public Records Act does not distinguish between access to paper and electronic records. Instead, the act explicitly includes electronic records within its coverage. The definition of "public record" includes a "writing," which in turn includes "existing data compilations from which information may be obtained or translated." RCW ((42.17.020(48) (incorporated by reference into the act by RCW 42.56.010))) 42.56.010(4)<sup>1</sup>. Many agency records are now in an electronic format. Many of these electronic formats such as Windows® products are generally available and are designed to operate with other computers to quickly and efficiently locate and transfer information. Providing electronic records can be cheaper and easier for an agency than paper records. Furthermore, RCW ((43.105.250)) 43.105.351 provides: "It is the intent of the legislature to encourage state and local governments to develop, store, and manage their public records and information in electronic formats to meet their missions and objectives. Further, it is the intent of the legislature for state and local governments to set priorities for making public records widely available electronically to the public."

In general, an agency should provide electronic records in an electronic format if requested in that format, if it is reasonable and feasible to do so.<sup>2</sup> While not required, an agency may translate a record into an alternative electronic format at the request of the requestor if it is reasonable and feasible to do so, and that action does not create a new public record for the purposes of the act. RCW 42.56.120(1). For example, an agency may scan a paper record to make an electronic copy, and that action does not create a new public record. Id. An agency can provide links to specific records on the agency's public internet web site. RCW 42.56.520. An agency shall not impose copy charges for access to or downloading records that the agency routinely posts on its internet web site prior to the receipt of a request unless the requestor has specifically requested that the agency provide copies of such records by other means. RCW 42.56.120 (2)(e).

Reasonableness and technical feasibility ((#)) are the touchstones for providing electronic records. An agency should provide reasonably locatable electronic public records in either their original generally commercially available format (such as an Acrobat PDF® file) or, if the records are not in a generally commercially available format, the agency should provide them in a reasonably translatable electronic format if possible. In the rare cases when the requested electronic records are not reasonably locatable, or are not in a generally commercially available format or are not reasonably translatable into one, the agency might consider customized access. ((See WAC 44-14-05004. An agency may recover its actual costs for providing electronic records, which in many cases is de minimis. See WAC 44-14-050(3-).))

Delivering electronic records can be accomplished in several ways or a combination of ways. For example, an agency may post records on the agency's internet web site and provide the requestor links to specific documents; make a computer terminal available at the agency so a requestor can inspect electronic records and designate specific ones for copying; send records by email; copy records onto a CD, DVD or thumb drive and mail it to the requestor or make it available for pickup; upload records to a cloud-based server, including to a file transfer protocol (FTP) site and send the requestor a link to the site; provide records through an agency portal; or, through other means. Practices may vary among agencies in how they deliver records in an electronic format; the act does not mandate only one method and the courts have said agencies have some discretion in establishing their reasonable procedures under the act.<sup>3</sup> Finally, other delivery issues may be relevant to a particular agency or request. For example, there may be limits with the agency's email system or the requestor's email account with respect to the volume, size or types of emails and attachments that can be sent or received.

What is reasonable and technically feasible for copying and delivery of electronic records in one situation or for one agency may not be in another. Not all agencies, especially smaller units of local government, have the electronic resources of larger agencies and some of the generalizations in these model rules may not apply every time. If an agency initially believes it cannot provide electronic records in an electronic format, it should confer with the requestor and the two parties should attempt to cooperatively resolve any technical difficulties. See WAC 44-14-05003. It is usually a purely technical question whether an agency can provide electronic records in a particular format in a specific case.

An agency is not required to buy new software, hardware or licenses to process a request for production or delivery of public records. However, an agency lacking resources to provide, redact or deliver more records electronically may want to consider seeking funding or other arrangements in an effort to obtain such technologies. See RCW 43.105.355 (state and local agencies); RCW 40.14.026 (local agencies - competitive grant program).

Notes: <sup>1</sup>See also *Fisher Broadcasting v. City of Seattle*, 180 Wn.2d 515, 326 P.3d 688 (2014) (database discussion).

<sup>2</sup>*Mechling v. City of Monroe*, 152 Wn. App. 830, 222 P.3d 808 (2009) ("[T]here is no provision in the PDA [PRA] that expressly requires a governmental agency to provide records in electronic form. ... [a]lthough the City has no express obligation to provide the requested email records in an electronic format, consistent with the statutory duty to provide the fullest assistance and the model rules, on remand the trial court shall determine whether it is reasonable and feasible for the City to do so."); *Mitchell v. Dep't of Corr.*, 164 Wn. App. 597 (2011) ("Nothing in the PRA obligates an agency to disclose records electronically.")

<sup>3</sup>*Hearst Corp. v. Hoppe*, 90 Wn.2d 123, 580 P.2d 246 (1978).

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 07-13-058, filed 6/15/07, effective 7/16/07)

**WAC 44-14-05002 "Reasonably locatable" and "reasonably translatable" electronic records.** (1) **"Reasonably locatable" electronic records.** The act obligates an agency to provide nonexempt "identifiable ... records." RCW 42.56.080. An "identifiable record" is essentially one that agency staff can "reasonably locate." WAC 44-14-04002 (2). Therefore, a general summary of the "identifiable record" standard as it relates to electronically locating public records is that the act requires an agency to provide a nonexempt "reasonably locatable" record. This does not mean that an agency can decide if a request is "reasonable" and only fulfill those requests. Rather, "reasonably locatable" is a concept, grounded in the act, for analyzing electronic records issues.

In general, a "reasonably locatable" electronic record is one which can be located with typical search features and organizing methods contained in the agency's current software. For example, a retained email containing the term "XYZ" is usually reasonably locatable by using the email program search feature. However, ~~((an))~~ some email search ~~((feature has))~~ features have limitations, such as not searching attachments, but ~~((is))~~ are a good starting point for the search. Information might be "reasonably locatable" by methods other than a search feature. For example, a request for a copy of all retained emails sent by a specific agency employee for a particular date is "reasonably locatable" because it can be found utilizing a common organizing feature of the agency's email program, such as a chronological "sent" folder. Another indicator of what is "reasonably locatable" is whether the agency keeps the information in a particular way for its business purposes. For example, an agency might keep a database of permit holders including the name of the business. The agency does not separate the businesses by whether they are publicly traded corporations or not because it has no reason to do so. A request for the names of the businesses which are publicly traded is not "reasonably locatable" because the agency has no business purpose for keeping the information that way. In such a case, the agency should provide the names of the businesses (assuming they are not exempt from disclosure) and the requestor can analyze the database to determine which businesses are publicly traded corporations.

(2) **"Reasonably translatable" electronic records.** The act requires an agency to provide a "copy" of nonexempt records (subject to certain copying charges). RCW 42.56.070 (1) and 42.56.080. To provide a photocopy of a paper record, an agency must take some reasonable steps to mechanically translate the agency's original document into a useable copy for the requestor such as copying it in a copying machine, or scanning it into Adobe Acrobat PDF®. Similarly, an agency must take some reasonable steps to prepare an electronic copy of an electronic record or a paper record. Providing an electronic copy is analogous to providing a paper record: An agency must take ~~((reasonable))~~ steps to translate the agency's original into a useable copy for the requestor, if it is reasonable and feasible for it to do so.

The "reasonably translatable" concept typically operates in three kinds of situations:

- (a) An agency has only a paper record;

(b) An agency has an electronic record in a generally commercially available format (such as a Windows® product); or

(c) An agency has an electronic record in an electronic format but the requestor seeks a copy in a different electronic format.

The following examples assume no redactions are necessary.

(i) **Agency has paper-only records.** When an agency only has a paper copy of a record, an example of a "reasonably translatable" copy would be scanning the record into an Adobe Acrobat PDF® file and providing it to the requestor. The agency could recover its actual or statutory cost for scanning. See ((WAC 44-14-07003-)) RCW 42.56.120. While not required, providing a PDF copy of the record is analogous to making a paper copy. However, if the agency lacked a scanner (such as a small unit of local government), the record would not be "reasonably translatable" with the agency's own resources. In such a case, the agency could provide a paper copy to the requestor.

(ii) **Agency has electronic records in a generally commercially available format.** When an agency has an electronic record in a generally commercially available format, such as an Excel® spreadsheet, and the requestor requests an electronic copy in that format, no translation into another format is necessary; the agency should provide the spreadsheet electronically. Another example is where an agency has an electronic record in a generally commercially available format (such as Word®) and the requestor requests an electronic copy in Word®. An agency cannot instead provide a WordPerfect® copy because there is no need to translate the electronic record into a different format. In the paper-record context, this would be analogous to the agency intentionally making an unreadable photocopy when it could make a legible one. Similarly, the WordPerfect® "translation" by the agency is an attempt to hinder access to the record. In this example, the agency should provide the document in Word® format. Electronic records in generally commercially available formats such as Word® could be easily altered by the requestor. Requestors should note that altering public records and then intentionally passing them off as exact copies of public records might violate various criminal and civil laws.

(iii) **Agency has electronic records in an electronic format other than the format requested.** When an agency has an electronic record in an electronic format (such as a Word® document) but the requestor seeks a copy in another format (such as WordPerfect®), the question is whether the agency's document is "reasonably translatable" into the requested format. If the format of the agency document allows it to "save as" another format without changing the substantive accuracy of the document, and the agency has a WordPerfect® license, this would be "reasonably translatable." The agency's record might not translate perfectly, but it was the requestor who requested the record in a format other than the one used by the agency. Another example is where an agency has a database in a unique format that is not generally commercially available. A requestor requests an electronic copy. The agency can convert the data in its unique system into a near-universal format such as a comma-delimited or tab-delimited format. The requestor can then convert

the comma-delimited or tab-delimited data into a database program (such as Access®) and use it. The data in this example is "reasonably translatable" into a comma-delimited or tab-delimited format so the agency should do so. A final example is where an agency has an electronic record in a generally commercially available format (such as Word®) but the requestor requests a copy in an obscure word processing format. The agency offers to provide the record in Word® format but the requestor refuses. The agency can easily convert the Word® document into a standard text file which, in turn, can be converted into most programs. The Word® document is "reasonably translatable" into a text file so the agency should do so. It is up to the requestor to convert the text file into his or her preferred format, but the agency has provided access to the electronic record in the most technically feasible way and not attempted to hinder the requestor's access to it.

(3) **Agency should keep an electronic copy of the electronic records it provides.** An electronic record is usually more susceptible to manipulation and alteration than a paper record. Therefore, an agency should keep ~~((, when feasible,))~~ an electronic copy of the electronic records it provides to a requestor to show the exact records it provided, for the time period required in its records retention schedule. Additionally, an electronic copy might also be helpful when responding to subsequent electronic records requests for the same records.

AMENDATORY SECTION (Amending WSR 07-13-058, filed 6/15/07, effective 7/16/07)

**WAC 44-14-05003 Parties should confer on technical issues.** Technical reasonableness and feasibility can vary from request to request. When a request for electronic records involves technical issues, the best approach is for both parties to confer and cooperatively resolve them. Often a telephone conference will be sufficient. This approach is consistent with the requirement that agencies provide the "fullest assistance" to a requestor. RCW 42.56.100 and WAC 44-14-04003(2). Furthermore, if a requestor files an enforcement action under the act to obtain the records, the burden of proof is on the agency to justify its refusal to provide the records. RCW 42.56.550(1). If the requestor articulates a reasonable technical alternative to the agency's refusal to provide the records electronically or in the requested format, and the agency never offered to confer with the requestor, the agency will have difficulty proving that its refusal was justified.

AMENDATORY SECTION (Amending WSR 07-13-058, filed 6/15/07, effective 7/16/07)

**WAC 44-14-05004 Customized access.** When locating the requested records or translating them into the requested format cannot be done without specialized programming, RCW ((43.105.280 allows agencies to charge some fees for "customized access." The statute provides: "Agencies should not offer customized electronic access services as the primary way of responding to requests or as a primary source of revenue.") 42.56.120(3) authorizes agencies to assess a customized service charge if the agency estimates that the request would require use of information technology expertise to pre-

pare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for other business purposes.

Most public records requests for electronic records can be fulfilled based on the "reasonably locatable" and "reasonably translatable" standards. Resorting to customized access should not be the norm. An example of where "customized access" would be appropriate is if a state agency's old computer system stored data in a manner in which it was impossible to extract the data into comma-delimited or tab-delimited formats, but rather required a programmer to spend more than a nominal amount of time to write computer code specifically to extract it. Before resorting to customized access, the agency should confer with the requestor to determine if a technical solution exists not requiring the specialized programming. An agency must notify the requestor to provide an explanation of the service charge including why it applies, a description of the specific expertise, and a reasonable estimate of the cost of the charge. The notice must also provide the requestor the opportunity to amend his or her request in order to avoid or reduce the customized service charge. RCW 42.56.120(3).

AMENDATORY SECTION (Amending WSR 07-13-058, filed 6/15/07, effective 7/16/07)

**WAC 44-14-05005 Relationship of Public Records Act to court rules on discovery of "electronically stored information."** The ~~((December 2006 amendments to the))~~ Federal Rules of Civil Procedure provide guidance to parties in litigation on their respective obligations to provide access to, or produce, "electronically stored information." See Federal Rules of Civil Procedure 26 and 34. The obligations of state and local agencies under those federal rules (and under any state-imposed rules or procedures that adopt the federal rules) to search for and provide electronic records may be different, and in some instances more demanding, than those required under the Public Records Act. The federal discovery rules and the Public Records Act are two separate laws imposing different standards. However, sometimes requestors make public records requests to obtain evidence that later may be used in non-Public Records Act litigation against the agency providing the records. Therefore, it may be prudent for agencies to consult with their attorneys regarding best practices of retaining copies of the records provided under the act so there can be no question later of what was and what was not produced in response to the request in the event that electronic records, or records derived from them, become issues in court.

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-06001 Agency must publish list of applicable exemptions.** An agency must publish and maintain a list of the "other statute" exemptions from disclosure (that is, those exemptions found outside the Public Records Act) that it believes potentially exempt records it holds from disclosure. RCW ~~((42.17.260(2)/))~~42.56.070(2). The list is "for informational purposes" only and an agency's failure to list an

exemption "shall not affect the efficacy of any exemption." RCW ~~((42.17.260(2)/))~~42.56.070(2). A list of possible "other statute" exemptions is posted on the attorney general's office web site ~~((of the Municipal Research Service Center at www.mrsc.org/Publications/prdpub04.pdf (scroll to Appendix C))~~). See WAC 44-14-06002.

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-06002 Summary of exemptions.** ~~((+))~~ **General.** The act and other statutes contain hundreds of exemptions from disclosure and dozens of court cases interpret them. A full treatment of all exemptions is beyond the scope of the model rules. ~~((Instead, these comments to the model rules provide general guidance on exemptions and summarize a few of the most frequently invoked exemptions. However, the scope of exemptions is determined exclusively by statute and case law; the comments to the model rules merely provide guidance on a few of the most common issues.~~

An exemption from disclosure will be narrowly construed in favor of disclosure. RCW 42.17.251/42.56.030. An exemption from disclosure must specifically exempt a record or portion of a record from disclosure. RCW 42.17.260(1)/42.56.070(1). An exemption will not be inferred.<sup>1</sup>

An agency cannot define the scope of a statutory exemption through rule making or policy.<sup>2</sup> An agency agreement or promise not to disclose a record cannot make a disclosable record exempt from disclosure. RCW 42.17.260(1)/42.56.070(1).<sup>3</sup> Any agency contract regarding the disclosure of records should recite that the act controls.

An agency must describe why each withheld record or redacted portion of a record is exempt from disclosure. RCW 42.17.310(4)/42.56.210(4). One way to describe why a record was withheld or redacted is by using a withholding index.

After invoking an exemption in its response, an agency may revise its original claim of exemption in a response to a motion to show cause.<sup>4</sup>

Exemptions are "permissive rather than mandatory." Op. Att'y Gen. 1 (1980), at 5. Therefore, an agency has the discretion to provide an exempt record. However, in contrast to a waivable "exemption," an agency cannot provide a record when a statute makes it "confidential" or otherwise prohibits disclosure. For example, the Health Care Information Act generally prohibits the disclosure of medical information without the patient's consent. RCW 70.02.020(1). If a statute classifies information as "confidential" or otherwise prohibits disclosure, an agency has no discretion to release a record or the confidential portion of it.<sup>5</sup> Some statutes provide civil and criminal penalties for the release of particular "confidential" records. See RCW 82.32.330(5) (release of certain state tax information a misdemeanor).

(2) **"Privacy" exemption.** There is no general "privacy" exemption. Op. Att'y Gen. 12 (1988).<sup>6</sup> However, a few specific exemptions incorporate privacy as one of the elements of the exemption. For example, personal information in agency employee files is exempt to the extent that disclosure would violate the employee's right to "privacy." RCW

42.17.310 (1)(b)/42.56.210 (1)(b). "Privacy" is then one of the elements, in addition to the others in RCW 42.17.310 (1)(b)/42.56.210 (1)(b), that an agency or a third party resisting disclosure must prove.

"Privacy" is defined in RCW 42.17.255/42.56.050 as the disclosure of information that "(1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public." This is a two-part test requiring the party seeking to prevent disclosure to prove both elements.<sup>7</sup>

Because "privacy" is not a stand-alone exemption, an agency cannot claim RCW 42.17.255/42.56.050 as an exemption.<sup>8</sup>

(3) **Attorney-client privilege.** The attorney-client privilege statute, RCW 5.60.060 (2)(a), is an "other statute" exemption from disclosure.<sup>9</sup> In addition, RCW 42.17.310 (1)(j)/42.56.210 (1)(j) exempts attorney work-product involving a "controversy," which means completed, existing, or reasonably anticipated litigation involving the agency.<sup>10</sup> The exact boundaries of the attorney-client privilege and work-product doctrine is beyond the scope of these comments. However, in general, the attorney-client privilege covers records reflecting communications transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties and an attorney serving in the capacity of legal advisor for the purpose of rendering or obtaining legal advice, and records prepared by the attorney in furtherance of the rendition of legal advice. The attorney-client privilege does not exempt records merely because they reflect communications in meetings where legal counsel was present or because a record or copy of a record was provided to legal counsel if the other elements of the privilege are not met.<sup>11</sup> A guidance document prepared by the attorney general's office on the attorney-client privilege and work-product doctrine is available at [www.atg.wa.gov/records/modelrules](http://www.atg.wa.gov/records/modelrules).

(4) **Deliberative process exemption.** RCW 42.17.310 (1)(i)/42.56.210 (1)(i) exempts "Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended" except if the record is cited by the agency.

In order to rely on this exemption, an agency must show that the records contain predecisional opinions or recommendations of subordinates expressed as part of a deliberative process; that disclosure would be injurious to the deliberative or consultative function of the process; that disclosure would inhibit the flow of recommendations, observations, and opinions; and finally, that the materials covered by the exemption reflect policy recommendations and opinions and not the raw factual data on which a decision is based.<sup>12</sup> Courts have held that this exemption is "severely limited" by its purpose, which is to protect the free flow of opinions by policy makers.<sup>13</sup> It applies only to those portions of a record containing recommendations, opinions, and proposed policies; it does not apply to factual data contained in the record.<sup>14</sup> The exemption does not apply to records or portions of records concerning the implementation of policy or the factual basis for the policy.<sup>15</sup> The exemption does not apply merely because a record is called a "draft" or stamped "draft." Recommendations that are actually implemented lose their pro-

tection from disclosure after they have been adopted by the agency.<sup>16</sup>

(5) **"Overbroad" exemption.** There is no "overbroad" exemption. RCW 42.17.270/42.56.080. See WAC 44-14-04002(3).

(6) **Commercial use exemption.** The act does not allow an agency to provide access to "lists of individuals requested for commercial purposes." RCW 42.17.260(9)/42.56.070(9). An agency may require a requestor to sign a declaration that he or she will not put a list of individuals in the record to use for a commercial purpose.<sup>17</sup> This authority is limited to a list of individuals, not a list of companies.<sup>18</sup> A requestor who signs a declaration promising not to use a list of individuals for a commercial purpose, but who then violates this declaration, could arguably be charged with the crime of false swearing. RCW 9A.72.040.<sup>19</sup>

(7) **Trade secrets.** Many agencies hold sensitive proprietary information of businesses they regulate. For example, an agency might require an applicant for a regulatory approval to submit designs for a product it produces. A record is exempt from disclosure if it constitutes a "trade secret" under the Uniform Trade Secrets Act, chapter 19.108 RCW.<sup>20</sup> However, the definition of a "trade secret" can be very complex and often the facts showing why the record is or is not a trade secret are only known by the potential holder of the trade secret who submitted the record in question.

When an agency receives a request for a record that might be a trade secret, often it does not have enough information to determine whether the record arguably qualifies as a "trade secret." An agency is allowed additional time under the act to determine if an exemption might apply. RCW 42.17.320/42.56.520.

When an agency cannot determine whether a requested record contains a "trade secret," usually it should communicate with the requestor that the agency is providing the potential holder of the trade secret an opportunity to object to the disclosure. The agency should then contact the potential holder of the trade secret in question and state that the record will be released in a certain amount of time unless the holder files a court action seeking an injunction prohibiting the agency from disclosing the record under RCW 42.17.330/42.56.540. Alternatively, the agency can ask the potential holder of the trade secret for an explanation of why it contends the record is a trade secret, and state that if the record is not a trade secret or otherwise exempt from disclosure that the agency intends to release it. The agency should inform the potential holder of a trade secret that its explanation will be shared with the requestor. The explanation can assist the agency in determining whether it will claim the trade secret exemption. If the agency concludes that the record is arguably not exempt, it should provide a notice of intent to disclose unless the potential holder of the trade secret obtains an injunction preventing disclosure under RCW 42.17.330/42.56.540.

As a general matter, many agencies do not assert the trade secret exemption on behalf of the potential holder of the trade secret but rather allow the potential holder to seek an injunction.

Notes: <sup>1</sup>*Progressive Animal Welfare Soc'y. v. Univ. of Wash.*, 125 Wn.2d 243, 262, 884 P.2d 592 (1994) ("PAWS II").

<sup>2</sup>*Servais v. Port of Bellingham*, 127 Wn.2d 820, 834, 904 P.2d 1124 (1995).

<sup>3</sup>*Spokane Police Guild v. Liquor Control Bd.*, 112 Wn.2d 30, 40, 769 P.2d 283 (1989); *Van Buren v. Miller*, 22 Wn. App. 836, 845, 592 P.2d 671, review denied, 92 Wn.2d 1021 (1979).

<sup>4</sup>*PAWS II*, 125 Wn.2d at 253.

<sup>5</sup>Op. Att'y Gen. 7 (1986).

<sup>6</sup>See RCW 42.17.255/42.56.050 ("privacy" linked to rights of privacy "specified in (the act) as express exemptions").

<sup>7</sup>*King County v. Sheehan*, 114 Wn. App. 325, 344, 57 P.3d 307 (2002).

<sup>8</sup>Op. Att'y Gen. 12 (1988), at 3 ("The legislature clearly repudiated the notion that agencies could withhold records based solely on general concerns about privacy."):

<sup>9</sup>*Hangartner v. City of Seattle*, 151 Wn.2d 439, 453, 90 P.3d 26 (2004).

<sup>10</sup>*Dawson v. Daly*, 120 Wn.2d 782, 791, 845 P.2d 995 (1993).

<sup>11</sup>This summary comes from the attorney general's proposed definition of the privilege in the first version of House Bill No. 1758 (2005).

<sup>12</sup>*PAWS II*, 125 Wn.2d at 256.

<sup>13</sup>*Hearst Corp. v. Hoppe*, 90 Wn.2d 123, 133, 580 P.2d 246 (1978); *PAWS II*, 125 Wn.2d at 256.

<sup>14</sup>*PAWS II*, 125 Wn.2d at 256.

<sup>15</sup>*Cowles Pub. Co. v. City of Spokane*, 69 Wn. App. 678, 685, 849 P.2d 1271 (1993).

<sup>16</sup>*Dawson*, 120 Wn.2d at 793.

<sup>17</sup>Op. Att'y Gen. 12 (1988). However, a list of individuals applying for professional licensing or examination may be provided to professional associations recognized by the licensing or examination board. RCW 42.17.260(9)/42.56.070(9).

<sup>18</sup>Op. Att'y Gen. 2 (1998).

<sup>19</sup>RCW 9A.72.040 provides: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a gross misdemeanor." RCW 42.17.270/42.56.080 authorizes an agency to determine if a requestor will use a list of individuals for commercial purpose. See Op. Att'y Gen. 12 (1988), at 10-11 (agency could require requestor to sign affidavit of noncommercial use).

<sup>20</sup>*PAWS II*, 125 Wn.2d at 262.))

For a discussion of several commonly used exemptions, see these documents on the attorney general's office web site: *Open Government Resource Manual* at <http://www.atg.wa.gov/open-government-resource-manual> (the manual contains a discussion and summaries of many exemptions, links to statutes, and links to many court decisions and several attorney general opinions); and, the code reviser's annual list of exemptions in the state code, available at <http://www.atg.wa.gov/sunshine-committee>.

AMENDATORY SECTION (Amending WSR 07-13-058, filed 6/15/07, effective 7/16/07)

**WAC 44-14-070 Costs of providing copies of public records.** (1) ~~((Costs for paper copies))~~ **Inspection.** There is no fee for inspecting public records, including inspecting records on the (name of agency) web site.

~~((A requestor may obtain standard black and white photocopies for (amount) cents per page and color copies for (amount) cents per page.~~

~~(If agency decides to charge more than fifteen cents per page, use the following language:) The (name of agency) charges (amount) per page for a standard black and white photocopy of a record selected by a requestor.)~~ **(2) Actual costs.** ~~(If the agency determines it will charge actual costs for copies, it may do so after providing notice and a public hearing.)~~ A statement of the factors and the manner used to determine ~~((this charge))~~ the charges for copies is available from the public records officer. The costs for copies of records are as follows (provide details):

**(3) (Alternative) Statutory default costs.** ~~(If the agency determines it will not charge actual costs for copies but instead will assess statutory costs, it must have a rule or regulation declaring the reasons that determining actual costs would be unduly burdensome).~~ The (name of agency) is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons: The (name of agency) does not have the resources to conduct a study to determine actual copying costs for all its records; to conduct such a study would interfere with other essential agency functions; and, through the legislative process, the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act including RCW 42.56.120 and other laws. Therefore, in order to timely implement a fee schedule consistent with the Public Records Act, it is more cost efficient, expeditious and in the public interest for the (name of agency) to adopt the state legislature's approved fees and costs for most of the (name of agency) records, as authorized in RCW 42.56.120 and as published in the agency's fee schedule.

**(4) Fee schedule.** The fee schedule is available at (office location) and on (name of agency) web site at (insert web site address).

**(5) Processing payments.** Before beginning to make the copies or processing a customized service, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The (name of agency) will not charge sales tax when it makes copies of public records.

~~((2) Costs for electronic records. The cost of electronic copies of records shall be (amount) for information on a CD-ROM. (If the agency has scanning equipment at its offices: The cost of scanning existing (agency) paper or other nonelectronic records is (amount) per page.) There will be no charge for emailing electronic records to a requestor, unless another cost applies such as a scanning fee.~~

~~((3))~~ **(6) Costs of mailing.** The (name of agency) may also charge actual costs of mailing, including the cost of the shipping container.

~~((4))~~ **(7) Payment.** Payment may be made by cash, check, or money order to the (name of agency).

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-07001 General rules for charging for copies.** (1) **No fees for costs of locating records or preparing records for inspection or copying.** An agency cannot charge a fee for locating public records or for preparing the records for inspection or copying. RCW ((42.17.300/)) 42.56.120.<sup>1</sup> An agency cannot charge fees for a person to inspect or access records on the agency's public internet web site. An agency cannot charge a fee for access to or downloading records the agency routinely posts on its public internet web site prior to the receipt of a request unless the requestor has specifically requested that the agency provide copies of such records through other means. RCW 42.56.120 (2)(c).

An agency cannot charge a "redaction fee" for the staff time necessary to prepare the records for inspection, for the copying required to redact records before they are inspected, or an archive fee for getting the records from ((offsite)) off-site. Op. Att'y Gen. 6 (1991). These are the costs of making the records available for inspection or copying and cannot be charged to the requestor.

(2) ~~((Standard photocopy charges. Standard photocopies are black and white 8x11 paper copies. An agency can choose to calculate its copying charges for standard photocopies or to opt for a default copying charge of no more than fifteen cents per page.~~

If it attempts to charge more than the fifteen cents per page maximum for photocopies;) **Actual costs.** If assessing actual costs, an agency must establish a statement of the "actual cost" of the copies it provides, which must include a "statement of the factors and the manner used to ((the)) determine the actual per page cost." RCW ((42.17.260(7)/) 42.56.070(7) and 42.56.120 (2)(a). ((An agency may include the costs "directly incident" to providing the copies such as paper, copying equipment, and staff time to make the copies. RCW 42.17.260 (7)(a)/42.56.070 (7)(a).<sup>2</sup>

An agency failing to properly establish a copying charge in excess of the default fifteen cents per page maximum is limited to the default amount. RCW 42.17.260 (7)(a) and (b)/42.56.070 (7)(a) and (b) and 42.17.300/42.56.120.

If it charges more than the default rate of fifteen cents per page, an agency must provide its calculations and the reasoning for its charges. RCW 42.17.260(7)/42.56.070(7) and 42.17.300/42.56.120.<sup>3</sup> A price list with no analysis is insufficient))<sup>2</sup> The actual costs include the actual cost of the paper and the per page cost for use of agency copying (including scanning) equipment; the actual cost of the electronic production or file transfer of the record; the use of any cloud-based data storage and processing service; costs directly incident to the cost of postage or delivery charges and the cost of any container or envelope used; and, the costs directly incident to transmitting such records in an electronic format, including the cost of any transmission charge and the use of any physical media device provided by the agency. An agency may include staff salaries, benefits or other general administrative or overhead charges only if those costs are directly related to the actual cost of copying or transmitting the public records. Staff time to copy and send (transmit) the records may be included in an agency's actual costs. An agency's calculations

and reasoning need not be elaborate but should be detailed enough to allow a requestor or court to determine if the agency has properly calculated its copying charges. An agency should generally compare its copying charges to those of commercial copying centers.

An agency's statement of such actual costs may be adopted by an agency only after providing notice and public hearing. RCW 42.56.070(7).

(3) **Statutory default costs.** If an agency opts for the default copying charges ((of fifteen cents per page)) pursuant to RCW 42.56.120, it need not calculate its actual costs. RCW ((42.17.260(8)/42.56.070(8)).

~~(3) **Charges for copies other than standard photocopies.** Nonstandard copies include color copies, engineering drawings, and photographs. An agency can charge its actual costs for nonstandard photocopies. RCW 42.17.300/42.56.120. For example, when an agency provides records in an electronic format by putting the records on a disk, it may charge its actual costs for the disk. The agency can provide a requestor with documentation for its actual costs by providing a catalog or price list from a vendor.~~

~~(4)) 42.56.120 (2)(b). However, it must declare the reasons for why calculating the actual costs would be unduly burdensome, and then it is limited to the statutory costs for those records. *Id.*~~

The statutory default costs include different charges per record or groups of records, or an alternative flat fee of up to two dollars for any request when the agency reasonably estimates and documents that the allowable statutory costs are clearly equal to or more than two dollars. RCW 42.56.120 (2)(d). If using the statutory flat fee, the agency can charge the flat fee only for the first installment for records produced in multiple installments, and no fees can be assessed for subsequent installments.

Statutory default charges can be combined to the extent that more than one type of charge applies to a particular request, unless the agency is assessing the statutory flat fee for a request. RCW 42.56.120 (3)(c). The statutory default costs include actual costs of digital storage media, mailing containers, and postage. RCW 42.56.120 (3)(d).

(4) **Fee schedule.** The agency should make its fee schedule publicly available on its web site and through other means.

(5) **Estimate of costs for requestor.** If a requestor asks, an agency must provide a summary of the applicable charges before copies are made and the requestor may revise the request to reduce the number of copies to be made, thus the applicable charges. RCW 42.56.120 (2)(f). An agency must also provide a requestor, in advance, information concerning customized service charges if the request involves customized service. RCW 42.56.120(3).

(6) **Copying charges apply to copies selected by requestor.** Often a requestor will seek to inspect a large number of records but only select a smaller group of them for copying. Copy charges can only be charged for the records selected by the requestor. RCW ((42.17.300/))42.56.120 (charges allowed for "providing" copies to requestor).

The requestor should specify whether he or she seeks inspection or copying. The agency should inform the requestor that inspection is free. This can be noted on the

agency's request form. If the requestor seeks copies, then the agency should inform the requestor of the copying charges for the request. An agency should not assemble a large number of records, fail to inform the requestor that inspection is free, and then attempt to charge for copying all the records.

Sometimes a requestor will choose to pay for the copying of a large batch of records without inspecting them. This is allowed (~~(, provided that the requestor is informed that inspection is free)~~). Informing the requestor on a request form that inspection is free is sufficient.

~~((5))~~ **(7) Use of outside vendor.** Typically an agency makes the requested copies. However, an agency is not required to copy records at its own facilities. An agency can send the project to a commercial copying center and bill the requestor for the amount charged by the vendor.<sup>3</sup> An agency is encouraged to do so when an outside vendor can make copies more quickly and less expensively than an agency. An agency can arrange with the requestor for him or her to pay the vendor directly. This is an example of where any agency might enter into an alternative fee arrangement under RCW 42.56.120(4). An agency cannot charge the default ~~((fifteen cents per page rate))~~ charges when its "actual cost" at a copying vendor is less. The default rates ~~((is))~~ are only for agency-produced copies. RCW ~~((42.17.300))~~42.56.120.

~~((6))~~ **(8) Sales tax.** An agency cannot charge sales tax on copies it makes at its own facilities. RCW 82.12.02525 and 82.08.02525.

~~((7))~~ **(9) Costs of mailing or sending records.** If a requestor asks an agency to mail copies, the agency may charge for the actual cost of postage and the shipping container (such as an envelope or CD mailing sleeve). RCW ~~((42.17.260 (7)(a)))~~42.56.070 (7)(a).

**(10) Sample fee statutory default schedule.** A sample statutory default fee schedule is provided in this comment. Some agencies may have other statutes that govern fees for particular types of records and which they may want to also include in the schedule. See RCW 42.56.130. Or, an agency may use the statutory default schedule for the majority of its records and go through the process to determine actual costs for some specialized records (for example, for large blueprints or oversized colored maps that are printed onto paper). While not included in the sample schedule below, an agency might also decide to use the up to two dollar statutory flat fee for some types of requests, per RCW 42.56.120 (2)(d).

| <b>(Name of Agency) Fee Schedule</b> |                                                                                                                                                                                                                                 |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Inspection:</b>                   |                                                                                                                                                                                                                                 |
| No fee                               | Inspection of agency records on agency public internet web site or scheduled at agency office.                                                                                                                                  |
| No fee                               | Accessing or downloading records the agency routinely posts on its public internet web site, unless the requestor asks the agency for records to be provided through other means (the following copy charges below then apply). |

| <b>(Name of Agency) Fee Schedule</b>                                                                                                  |                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Copies:</b>                                                                                                                        |                                                                                                                                                        |
| 15 cents/page                                                                                                                         | Photocopies, printed copies of electronic records when requested by the requestor, or for the use of agency equipment to make photocopies.             |
| 10 cents/page                                                                                                                         | Scanned records, or use of agency equipment for scanning.                                                                                              |
| 5 cents/each 4 electronic files or attachment                                                                                         | Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.                                                 |
| 10 cents/gigabyte                                                                                                                     | Records transmitted in electronic format or for use of agency equipment to send records electronically.                                                |
| Actual cost                                                                                                                           | Digital storage media or devices (list): <ul style="list-style-type: none"> <li>• CD</li> <li>• DVD</li> <li>• Thumb drive</li> <li>• Other</li> </ul> |
| Actual cost                                                                                                                           | Postage or delivery charges - Specific amount based upon postage/delivery charges for specific mailings or deliveries.                                 |
| (Varies)                                                                                                                              | Records for which other costs are authorized pursuant to specific fee statutes. (Describe)                                                             |
| ↑ Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request. |                                                                                                                                                        |
| <b>Customized Service:</b>                                                                                                            |                                                                                                                                                        |
| Actual cost                                                                                                                           | Data compilations prepared or accessed as a customized service (cost is in addition to above fees for copies).                                         |

Notes: <sup>1</sup>See also Op. Att'y Gen. 6 (1991).  
<sup>2</sup>The costs of staff time is allowed only for making and sending copies. An agency cannot charge for staff time for locating records or other noncopying functions. See RCW ~~((42.17.300))~~42.56.120, ("No fee shall be charged for locating public documents and making them available for copying.")~~((:))~~  
<sup>3</sup>~~((See also Op. Att'y Gen. 6 (1991) (agency must "justify" its copy charges:))~~ Benton County v. Zink, 191 Wn. App. 269, 361 P.3d 801 (2015).

**AMENDATORY SECTION** (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-07004 Other statutes govern copying of particular records.** The act generally governs copying charges for public records, but several specific statutes gov-



ern charges for particular kinds of records. RCW ((42.17.305/))42.56.130. The following nonexhaustive list provides some examples: RCW 46.52.085 (charges for traffic accident reports), RCW 10.97.100 (copies of criminal histories), RCW 3.62.060 and 3.62.065 (charges for certain records of municipal courts), and RCW 70.58.107 (charges for birth certificates).

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-07005 Waiver of copying charges; other fee arrangements.** (1) An agency (~~has the discretion to waive copying charges. For administrative convenience, many agencies waive copying charges for small requests. For example, the attorney general's office does not charge copying fees if the request is for twenty-five or fewer standard photocopies~~) may waive charges pursuant to its rules and regulations. RCW 42.56.120(4).

(2) An agency may enter into a contract, memorandum of understanding or other agreement with a requestor that provides an alternative fee arrangement to the charges, or in response to a voluminous or frequently occurring request. RCW 42.56.120(4).

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-07006 Requiring partial payment.** (1) **Copying deposit.** An agency may charge a deposit of up to ten percent of the estimated copying costs of an entire request, including a customized service charge, before beginning to copy the records. RCW ((42.17.300/))42.56.120(4).<sup>(+)</sup> The estimate must be reasonable. An agency can require the payment of the deposit before copying an installment of the records or the entire request. The deposit applies to the records selected for copying by the requestor, not all the records made available for inspection. An agency is not required to charge a deposit. An agency might find a deposit burdensome for small requests where the deposit might be only a few dollars. Any unused deposit must be refunded to the requestor.

When copying is completed, the agency can require the payment of the remainder of the copying charges before providing the records. For example, a requestor makes a request for records that comprise one box of paper documents. The requestor selects the entire box for copying. The agency estimates that the box contains three thousand pages of records. The agency charges ((ten)) fifteen cents per page so the cost would be three hundred fifty dollars. The agency obtains a ten percent deposit of ((thirty)) thirty-five dollars and then begins to copy the records. The total number of pages turns out to be two thousand nine hundred so the total cost is two hundred ninety dollars. The ((thirty)) thirty-five dollar deposit is credited to the two hundred ninety dollars. The agency requires payment of the remaining ((two hundred sixty dollars)) amount before providing the records to the requestor.

(2) **Copying charges for each installment.** If an agency provides records in installments, the agency may charge and collect all applicable copying fees (not just the ten percent

deposit) for each installment, unless the agency is assessing a two-dollar flat fee. RCW ((42.17.300/))42.56.120. The agency may agree to provide an installment without first receiving payment for that installment.

((Note: <sup>+</sup>See RCW 42.17.300/42.56.120 (ten percent deposit for "a request".)))

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-080 Review of denials of public records.** (1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to (public records officer's supervisor or other agency official designated by the agency to conduct the review). That person will immediately consider the petition and either affirm or reverse the denial within two business days following the (agency's) receipt of the petition, or within such other time as (name of agency) and the requestor mutually agree to.

(3) **(Applicable to state agencies only.) Review by the attorney general's office.** Pursuant to RCW ((42.17.325/)) 42.56.530, if the (name of state agency) denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW ((42.17.340/))42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-08001 Agency internal procedure for review of denials of requests.** The act requires an agency to "establish mechanisms for the most prompt possible review of decisions denying" records requests. RCW ((42.17.320/)) 42.56.520. An agency internal review of a denial need not be elaborate. It could be reviewed by the public records officer's supervisor, or other person designated by the agency. The act deems agency review to be complete two business days after the initial denial, after which the requestor may obtain judicial review. Large requests or requests involving many redactions may take longer than two business days for the agency to review. In such a case, the requestor could agree to a longer internal review period.

Requestors are encouraged to use such internal review procedures. The procedures give the requestor an opportunity to communicate his/her issues with respect to the request.

give the agency a chance to do a "second look," and may result in release of additional records or other favorable outcomes at no cost to the requestor.

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-08002 Attorney general's office review of denials by state agencies.** The attorney general's office is authorized to review a state agency's claim of exemption and provide a written opinion. RCW ((42.17.325f)42.56.530. This only applies to state agencies and a claim of exemption. See WAC 44-06-160. A requestor may initiate such a review by sending a request for review to Public Records Review, Office of the Attorney General, P.O. Box 40100, Olympia, Washington 98504-0100 or publicrecords@atg.wa.gov.

AMENDATORY SECTION (Amending WSR 06-04-079, filed 1/31/06, effective 3/3/06)

**WAC 44-14-08004 Judicial review.** ((1) **Seeking judicial review.** The act provides that an agency's decision to deny a request is final for purposes of judicial review two business days after the initial denial of the request. RCW 42.17.320/42.56.520.<sup>1</sup> Therefore, the statute allows a requestor to seek judicial review two business days after the initial denial whether or not he or she has exhausted the internal agency review process.<sup>2</sup> An agency should not have an internal review process that implies that a requestor cannot seek judicial review until internal reviews are complete because RCW 42.17.320/42.56.520 allows judicial review two business days after the initial denial.

The act provides a speedy remedy for a requestor to obtain a court hearing on whether the agency has violated the act. RCW 42.17.340 (1) and (2)/42.56.550 (1) and (2). The purpose of the quick judicial procedure is to allow requestors to expeditiously find out if they are entitled to obtain public records.<sup>3</sup> To speed up the court process, a public records case may be decided merely on the "motion" of a requestor and "solely on affidavits." RCW 42.17.340 (1) and (3)/42.56.550 (1) and (3).

(2) **Statute of limitations.** The statute of limitations for an action under the act is one year after the agency's claim of exemption or the last production of a record on a partial or installment basis. RCW 42.17.340(6)/42.56.550(6).

(3) **Procedure.** To initiate court review of a public records case, a requestor can file a "motion to show cause" which directs the agency to appear before the court and show any cause why the agency did not violate the act. RCW 42.17.340 (1) and (2)/42.56.550 (1) and (2).<sup>4</sup> The case must be filed in the superior court in the county in which the record is maintained. RCW 42.17.340 (1) and (2)/42.56.550 (1) and (2). In a case against a county, the case may be filed in the superior court of that county, or in the superior court of either of the two nearest adjoining counties. RCW 42.17.340(5)/42.56.550(5). The show cause procedure is designed so that a nonattorney requestor can obtain judicial review himself or herself without hiring an attorney. A requestor can file a motion for summary judgment to adjudicate the case.<sup>5</sup> However, most cases are decided on a motion to show cause.<sup>6</sup>

(4) **Burden of proof.** The burden is on an agency to demonstrate that it complied with the act. RCW 42.17.340 (1) and (2)/42.56.550 (1) and (2).

(5) **Types of cases subject to judicial review.** The act provides three mechanisms for court review of a public records dispute:

(a) **Denial of record.** The first kind of judicial review is when a requestor's request has been denied by an agency. RCW 42.17.340(1)/42.56.550(1). This is the most common kind of case.

(b) **"Reasonable estimate."** The second form of judicial review is when a requestor challenges an agency's "reasonable estimate" of the time to provide a full response. RCW 42.17.340(2)/42.56.550(2).

(c) **Injunctive action to prevent disclosure.** The third mechanism of judicial review is an injunctive action to restrain the disclosure of public records. RCW 42.17.330/42.56.540. An action under this statute can be initiated by the agency, a person named in the disputed record, or a person to whom the record "specifically pertains." The party seeking to prevent disclosure has the burden of proving the record is exempt from disclosure.<sup>7</sup> The party seeking to prevent disclosure must prove both the necessary elements of an injunction and that a specific exemption prevents disclosure.<sup>8</sup>

(6) **"In camera" review by court.** The act authorizes a court to review withheld records or portions of records "in camera." RCW 42.17.340(3)/42.56.550(3). "In camera" means a confidential review by the judge alone in his or her chambers. Courts are encouraged to conduct an in camera review because it is often the only way to determine if an exemption has been properly claimed.<sup>9</sup>

An agency should prepare an in camera index of each withheld record or portion of a record to assist the judge's in camera review. This is a second index, in addition to a withholding index provided to the requestor. The in camera index should number each withheld record or redacted portion of the record, provide the unredacted record or portion to the judge with a reference to the index number, and provide a brief explanation of each claimed exemption corresponding to the numbering system. The agency's brief explanation should not be as detailed as a legal brief because the opposing party will not have an opportunity to review it and respond. The agency's legal briefing should be done in the normal course of pleadings, with the opposing party having an opportunity to respond.

The in camera index and disputed records or unredacted portions of records should be filed under seal. The judge should explain his or her ruling on each withheld record or redacted portion by referring to the numbering system in the in camera index. If the trial court's decision is appealed, the in camera index and its attachments should be made part of the record on appeal and filed under seal in the appellate court.

(7) **Attorneys' fees, costs, and penalties to prevailing requestor.** The act requires an agency to pay a prevailing requestor's reasonable attorneys' fees, costs, and a daily penalty. RCW 42.17.340(4)/42.56.550(4). Only a requestor can be awarded attorneys' fees, costs, or a daily penalty under the act; an agency or a third party resisting disclosure cannot.<sup>10</sup>

A requestor is the "prevailing" party when he or she obtains a judgment in his or her favor, the suit was reasonably necessary to obtain the record, or a wrongfully withheld record was provided for another reason.<sup>11</sup> In an injunctive action under RCW 42.17.330/42.56.540, the prevailing requestor cannot be awarded attorneys' fees, costs, or a daily penalty against an agency if the agency took the position that the record was subject to disclosure.<sup>12</sup>

The purpose of the act's attorneys' fees, costs, and daily penalty provisions is to reimburse the requestor for vindicating the public's right to obtain public records, to make it financially feasible for requestors to do so, and to deter agencies from improperly withholding records.<sup>13</sup> However, a court is only authorized to award "reasonable" attorneys' fees. RCW 42.17.340(4)/42.56.550(4). A court has discretion to award attorneys' fees based on an assessment of reasonable hourly rates and which work was necessary to obtain the favorable result.<sup>14</sup>

The award of "costs" under the act is for all of a requestor's nonattorney fee costs and is broader than the court costs awarded to prevailing parties in other kinds of cases.<sup>15</sup>

A daily penalty of between five dollars to one hundred dollars must be awarded to a prevailing requestor, regardless of an agency's "good faith."<sup>16</sup> An agency's "bad faith" can warrant a penalty on the higher end of this scale.<sup>17</sup> The penalty is per day, not per record per day.<sup>18</sup>

Notes:

<sup>1</sup>*Progressive Animal Welfare Soc'y v. Univ. of Wash.*, 125 Wn.2d 243, 253, 884 P.2d 592 (1994) ("*PAWS II*") (RCW 42.17.320/42.56.520 "provides that, regardless of internal review, initial decisions become final for purposes of judicial review after two business days.");

<sup>2</sup>See, e.g., WAC 44-06-120 (attorney general's office internal review procedure specifying that review is final when the agency renders a decision on the appeal, or the close of the second business day after it receives the appeal, "whichever occurs first");

<sup>3</sup>*Spokane Research & Def. Fund v. City of Spokane*, 121 Wn. App. 584, 591, 89 P.3d 319 (2004), *reversed on other grounds*, 155 Wn.2d 89, 117 P.3d 1117 (2005) ("The purpose of the PDA is to ensure speedy disclosure of public records. The statute sets forth a simple procedure to achieve this.");

<sup>4</sup>See generally *Spokane Research & Def. Fund v. City of Spokane*, 155 Wn.2d 89, 117 P.3d 1117 (2005).

<sup>5</sup>*Id.* at 106.

<sup>6</sup>*Wood v. Thurston County*, 117 Wn. App. 22, 27, 68 P.3d 1084 (2003).

<sup>7</sup>*Confederated Tribes of the Chehalis Reservation v. Johnson*, 135 Wn.2d 735, 744, 958 P.2d 260 (1998).

<sup>8</sup>*PAWS II*, 125 Wn.2d at 257-58.

<sup>9</sup>*Spokane Research & Def. Fund v. City of Spokane*, 96 Wn. App. 568, 577 & 588, 983 P.2d 676 (1999), *review denied*, 140 Wn.2d 1001, 999 P.2d 1259 (2000).

<sup>10</sup>RCW 42.17.340(4)/42.56.550(4) (providing award only for "person" prevailing against "agency"); *Tiberino v. Spokane County Prosecutor*, 103 Wn. App. 680, 691-92, 13 P.3d 1104 (2000) (third party resisting disclosure not entitled to award).

<sup>11</sup>*Violante v. King County Fire Dist. No. 20*, 114 Wn. App. 565, 571, 59 P.3d 109 (2002); *Spokane Research & Def. Fund v. City of Spokane*, 155 Wn.2d 89, 104, 117 P.3d 1117 (2005).

<sup>12</sup>*Confederated Tribes*, 135 Wn.2d at 757.

<sup>13</sup>*Am. Civil Liberties Union v. Blaine Sch. Dist. No. 503*, 95 Wn. App. 106, 115, 975 P.2d 536 (1999) ("*ACLU II*") ("permitting a liberal recovery of costs is consistent with the policy behind the act by making it financially feasible for private citizens to enforce the public's right to access to public records.");

<sup>14</sup>*Id.* at 118.

<sup>15</sup>*Id.* at 115.

<sup>16</sup>*American Civil Liberties Union v. Blaine School Dist. No. 503*, 86 Wn. App. 688, 698-99, 937 P.2d 1176 (1997) ("*ACLU I*").

<sup>17</sup>*Id.*

<sup>18</sup>*Yousoufian v. Office of Ron Sims*, 152 Wn.2d 421, 436, 98 P.3d 463 (2004).))

A full discussion of judicial review is not provided in these comments. RCW 42.56.550 provides for judicial review, including possible penalty awards, and awards of attorneys' fees and costs. RCW 42.56.540 provides for court actions for injunctions from disclosure. For a brief discussion about judicial review, see <http://www.atg.wa.gov/open-government-resource-manual>.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 44-14-07003 Charges for electronic records.

## WSR 18-06-064

### PERMANENT RULES

### DEPARTMENT OF HEALTH

[Filed March 5, 2018, 12:25 p.m., effective April 5, 2018]

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

Purpose: Chapter 246-849 WAC, Ocularists, the adopted rules set clearer standards for ocularist and ocularist apprenticeship licensure. Additionally, adopted rules update definitions, set a minimum passing score on the written examination administered by the department, and require supervisors and apprentices to maintain a log of total accumulated apprenticeship hours.

Citation of Rules Affected by this Order: New WAC 246-849-225; repealing WAC 246-849-040, 249-849-050, 249-849-060, 249-849-070, 249-849-080, 249-849-090, 249-849-100, 249-849-200, 249-849-240 and 249-849-250; and amending WAC 246-849-020, 246-849-030, 246-849-210, 246-849-220, 246-849-230, and 246-849-270.

Statutory Authority for Adoption: RCW 18.55.095.

Other Authority: Chapter 18.55 RCW.

Adopted under notice filed as WSR 17-17-082 on August 16, 2017.

Changes Other than Editing from Proposed to Adopted Version: After considering internal and external stakeholder comments, language was added to WAC 246-849-210 (2) and (3) and 246-849-230 to provide clarity for ocularist apprentices and supervisors. Detailed changes are as follows:

a. WAC 246-849-210(2) changes "Separate registration forms are required if the apprentice receives training from more than one supervisor" to "An additional application form and registration fee are required if the apprentice receives training from more than one supervisor or if the apprentice changes supervisors. Training hours with a new supervisor shall not commence until the application has been approved by the secretary and a new license has been issued to the applicant by the department." This language was changed in response to a comment received after the filing of the CR-102, which sought clarification on the fees and forms needed for multiple supervisors and changing supervisors during training. The language was added to make the rule more clear, but does not change the original intent of the rule.

b. WAC 246-849-210(3) changes "Only the apprenticeship training received subsequent to the date the apprentice was formally registered with the secretary will be considered towards the required ten thousand hours necessary to sit for the examination" to "The primary supervisor and registered apprentice shall maintain a record of all apprenticeship hours on an apprenticeship log form provided by the department. This record shall be verified by initial of both the primary supervisor and apprentice and shall be made available upon request by the secretary, or the secretary's designee." The language was added to bring the ocularist profession in line with other regulated professions that use similar hour accumulation tracking log for greater transparency. The regulated community concurred with the recommended changes. The newly added language does not change the original intent of the rule, nor place any additional burden on the regulated community or the department.

c. WAC 246-849-230 changes "The temporary practice permit is established to enable safe, qualified, and trained ocularists who are currently licensed in another state as defined in WAC 246-849-250 to work in the state of Washington prior to completing the licensing examination in this state. All licensing requirements established for the purpose of obtaining an ocularist license will need to be completed as part of the application for a temporary practice permit" to "Individuals who are currently licensed in another state and satisfy all other remaining requirements and qualifications may receive a temporary practice permit while the national background check is completed. An ocularist licensed in another state may obtain a temporary practice permit when in compliance with the requirements under WAC 246-12-050." This language was changed to clarify the requirements for obtaining a temporary practice permit. Under the old language, a temporary practice permit could be issued to an applicant without completion of the licensing examination. Under the new language, an ocularist practicing in a different state applying for a temporary practice permit may apply after all general application requirements are met, which includes the licensing examination. The newly added language does not change the original intent of the rule, nor place any additional burden on the regulated community or the department.

A final cost-benefit analysis is available by contacting Tommy Simpson III, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4910, fax 360-236-2901, TTY 360-833-6388 or 711, email tommy.simpson@doh.wa.gov.

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

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 6, Repealed 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 6, Repealed 10.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 6, Repealed 10.

Date Adopted: March 5, 2018.

John Wiesman, DrPH, MPH  
Secretary

AMENDATORY SECTION (Amending WSR 92-02-018, filed 12/23/91, effective 1/23/92)

**WAC 246-849-020 ((General provisions)) Definitions.** ~~((1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.~~

~~(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.~~

~~(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.~~

~~(4)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.~~

~~(1) "Department" means the Washington state department of health(~~, whose address is:~~~~

Department of Health  
Professional Licensing Division  
1300 S.E. Quince St., P.O. Box 47869  
Olympia, Washington  
98504-7869

~~(5)):~~

~~(2) "Direct supervision" means that the supervising ocularist inspects all of the apprentice's work and is physically present on the premises where the apprentice is working at all times.~~

~~(3) "Ocularist" means a person licensed under chapter 18.55 RCW.~~

~~((6) "Mentally or physically disabled ocularist" means an ocularist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice ocular prosthetic services with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.)) (4) "Primary supervisor" means an ocularist licensed under chapter 18.55 RCW who is:~~

~~(a) Responsible for the acts of the apprentice; and~~

~~(b) Provides the majority of the training and direct supervision received by the apprentice.~~

AMENDATORY SECTION (Amending WSR 91-02-049, filed 12/27/90, effective 1/31/91)

**WAC 246-849-030 Mandatory reporting.** ~~((1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.~~

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the ocularist being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) ~~Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.~~

(4) ~~A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.)~~ An ocularist is a mandatory reporter under RCW 18.130.070. Mandatory reporting requirements are in WAC 246-16-200 through 246-16-270.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-849-210 ((Registration of) Ocularist apprentices.** A person seeking an initial ocularist license must complete a ten thousand hour ocularist apprenticeship to sit for the ocularist examination. An apprentice must register with the department before starting ocularist training. Training hours completed prior to registration will not count toward the required ten thousand hours necessary to sit for the examination. The maximum number of hours an apprentice can accumulate per year is two thousand hours.

(1) To apply for registration an applicant ((for apprenticeship may request registration as an apprentice by submitting)) must submit to the department:

(a) An application on a form provided by the secretary;

(b) ((A)) The registration fee ((as)) specified in WAC 246-849-990.

(2) ~~((Training received from more than one supervisor shall require separate applications:))~~ An additional application form and registration fee are required if the apprentice receives training from more than one supervisor or if the apprentice changes supervisors. Training hours with a new supervisor shall not commence until the application has been approved by the secretary and a new license has been issued to the applicant by the department.

(3) ~~((Only the apprenticeship training received subsequent to the date that the apprentice was formally registered with the secretary will be considered towards the required ten thousand hours necessary to sit for the examination.))~~ The primary supervisor and registered apprentice shall maintain a record of all apprenticeship hours on an apprenticeship log form provided by the department. This record shall be verified by initial of both the primary supervisor and apprentice and shall be available upon request by the secretary, or the secretary's designee.

(4) A registered apprentice ~~((shall))~~ must notify the department in writing ~~((whenever))~~ if the apprenticeship training is terminated, unless ~~((such))~~ the termination is ~~((concluded by reason of the))~~ due to apprentice ~~((becoming licensed as an ocularist in this state))~~ licensure. Apprenticeship termination can be submitted on the training certificate form provided by the department.

(5) ~~((In order to facilitate comments on the apprentice's performance, the apprentice registration card along with the name, business address, and business telephone number of the apprentice's supervisor shall be posted in public view on the premises where the apprentice works.))~~ The apprentice registration along with the name, business address, and business telephone number of the apprentice's primary supervisor shall be posted in public view on the premises where the apprentice works.

(6) Once registered, the apprentice may receive training and accumulate training hours under the direct supervision of a licensed ocularist.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-849-220 Application for examination.** ~~((+)) An individual shall make application for examination, in accordance with RCW 18.55.040, on an application form prepared by and provided by the secretary.~~

(2) ~~The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.~~

(3) ~~If an applicant is unable to attend his or her scheduled examination, and so notifies the department in writing at least seven days prior to the scheduled examination date, the applicant will be rescheduled at no additional charge. A written request received less than seven days before the test shall be reviewed by the department to determine if the test may be rescheduled or the fee forfeited.~~

(4) ~~If an applicant takes the examination and fails to obtain a satisfactory grade, he or she may be scheduled to retake the examination by submitting an application and paying the statutory examination fee.~~

(5) ~~Applications and fees for examination and all documents required in support of the application must be submitted to the division of professional licensing, department of health, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination.~~

(6) ~~Apprenticeship training shall be completed prior to the application deadline.)~~ (1) A completed examination application, examination fee, and proof of completion of

apprenticeship hours must be submitted to the department at least sixty days prior to the scheduled examination.

(2) Applicants must notify the department in writing seven days prior to the examination date to be rescheduled for the examination. The department will review written requests less than seven days before the examination to determine if the test will be rescheduled or if the fee will be forfeited.

(3) Every qualified applicant shall pass an examination with a score of at least seventy percent.

(4) Applicants who fail may sit for the examination if he or she submits an additional application and examination fee.

#### NEW SECTION

**WAC 246-849-225 Initial application requirements for licensure as an ocularist.** An applicant for an initial ocularist license shall submit the following to the department:

- (1) A completed licensure application on forms provided by the department;
- (2) Licensing fees required in WAC 246-849-990;
- (3) Proof of high school graduation, or its equivalent;
- (4) Proof of age eighteen or older;
- (5) Verification of the successful completion of 10,000 apprenticeship hours on form(s) provided by the department;
- (6) Successful completion of passing the ocularist examination.

AMENDATORY SECTION (Amending WSR 93-10-008, filed 4/22/93, effective 5/23/93)

**WAC 246-849-230 Temporary practice permits(~~— Scope and purpose~~).** (~~The temporary practice permit is established to enable safe, qualified, and trained ocularists who are currently licensed in another state as defined in WAC 246-849-250 to work in the state of Washington prior to completing the licensing examination in this state. All licensing requirements established for the purpose of obtaining an ocularist license will need to be completed as part of the application for a temporary practice permit.~~) Individuals who are currently licensed in another state and satisfy all other licensing requirements and qualifications may receive a temporary practice permit while the national background check is completed. A licensed ocularist may obtain a temporary practice permit when in compliance with the requirements under WAC 246-12-050.

AMENDATORY SECTION (Amending WSR 93-10-008, filed 4/22/93, effective 5/23/93)

**WAC 246-849-270 Service disclosure.** The ocularist shall provide a written explanation of services to customers or patients. This explanation shall include at a minimum the type of prosthesis or service (~~they are~~) the customer or patient is receiving or purchasing. This explanation shall be signed by the customer or patient and maintained in the customer or patient records for a minimum of three years. This documentation shall be available and furnished to the department upon request.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-849-040 Health care institutions.
- WAC 246-849-050 Ocularist associations or societies.
- WAC 246-849-060 Health care service contractors and disability insurance carriers.
- WAC 246-849-070 Professional liability carriers.
- WAC 246-849-080 Courts.
- WAC 246-849-090 State and federal agencies.
- WAC 246-849-100 Cooperation with investigation.
- WAC 246-849-200 Apprenticeship training—Definitions.
- WAC 246-849-240 Definitions.
- WAC 246-849-250 Issuance and duration of temporary practice permits.

#### **WSR 18-06-078**

#### **PERMANENT RULES**

#### **DEPARTMENT OF REVENUE**

[Filed March 6, 2018, 9:21 a.m., effective April 6, 2018]

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

Purpose: The department is amending both WAC 458-20-19401 and 458-20-193 to recognize provisions of EHB 2163, Part III (chapter 28, Laws of 2017).

Citation of Rules Affected by this Order: Amending WAC 458-20-19401 Minimum nexus thresholds for apportionable and selling activities and 458-20-193 Interstate sales of tangible personal property

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 18-02-076 on January 2, 2018.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: March 6, 2018.

Erin T. Lopez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-09-087, filed 4/19/17, effective 5/20/17)

**WAC 458-20-193 Interstate sales of tangible personal property.** (1) **Introduction.** This rule explains the application of the business and occupation (B&O) and retail sales taxes to interstate sales of tangible personal property. ~~((In general, Washington imposes its B&O and retail sales taxes on sales of tangible personal property if the seller has nexus with Washington and the sale occurs in Washington.))~~

(a) The following rules may also be helpful:

(i) WAC 458-20-178 Use tax and the use of tangible personal property.

(ii) WAC 458-20-193C Imports and exports—Sales of goods from or to persons in foreign countries.

(iii) WAC 458-20-193D Transportation, communication, public utility activities, or other services in interstate or foreign commerce.

(iv) WAC ~~((458-20-221 Collection of use tax by retailers and selling agents))~~ 458-20-19401 Minimum nexus threshold for apportionable receipts.

(b) This rule contains examples that identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of all situations must be determined after a review of all the facts and circumstances.

~~(c) ((Use tax. This rule does not cover sales of intangibles or services and does not address the use tax obligation of a purchaser of goods in Washington or the use tax collection obligation of out-of-state sellers of goods to Washington customers when sellers are not otherwise liable to collect and remit retail sales tax. For information on payment or collection responsibilities for use tax see WAC 458-20-178 and 458-20-221.~~

~~(d))~~ **Tangible personal property.** For purposes of this rule, the term "tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched or that is in any other manner perceptible to the senses, but does not include steam, electricity, or electrical energy. It includes prewritten computer software (as such term is defined in RCW 82.04.215) in tangible form. However, this rule does not address electronically delivered prewritten computer software or remote access software.

(2) **Scope of rule.** In general, Washington imposes its B&O and retail sales taxes on sales of tangible personal property if the seller has nexus with Washington and the sale occurs in Washington. This rule explains the applicable nexus and place of sale requirements with respect to sales of tangible personal property. This rule does not cover sales of intangibles or services and does not address the use tax obligation of a purchaser of goods in Washington. For information on payment responsibilities for use tax see WAC 458-20-178.

(3) **Organization of rule.** This rule is divided into three parts:

(a) Part I - Nexus standards for sales of tangible personal property;

(b) Part II - Sourcing sales of tangible personal property; and

(c) Part III - Drop shipment sales.

## Part I - Nexus Standards for Sales of Tangible Personal Property

(101) **Introduction.** ~~((Except as provided in (a) and (b) of this subsection,))~~ A seller is subject to the state's B&O tax and retail sales tax with respect to sales of tangible personal property, if that seller has nexus. Washington applies specific nexus standards and thresholds that are used to determine whether a seller of tangible personal property has nexus. The nexus standards and thresholds described ((here is used to determine whether a person who sells)) in this rule pertain only to sellers of tangible personal property ((has nexus with Washington for B&O and retail sales tax purposes.

~~(a) **Application to wholesale sales.** The nexus standard described in this Part I, commonly referred to as the physical presence nexus standard, applied to both retail and wholesale sales for periods prior to September 1, 2015. Effective September 1, 2015, wholesale sales taxable under RCW 82.04.257 and 82.04.270 are subject to the economic nexus standard under RCW 82.04.067 (1) through (5), and not the physical presence nexus standard under RCW 82.04.067(6). Retail sales and those wholesaling activities not taxable under RCW 82.04.257 and 82.04.270 remain subject to the physical presence nexus standard as of September 1, 2015. For more information on how the economic nexus standard applies to wholesaling activities, see WAC 458-20-19401.~~

~~(b) **Trade conventions.** For the nexus standard described in this Part I, commonly referred to as the physical presence nexus standard, the department may not make a determination of nexus based solely on the attendance or participation of one or more representatives of a person at a single trade convention per calendar year in Washington state in determining if such person is physically present in this state for the purposes of establishing substantial nexus with this state. This does not apply to persons making retail sales at a trade convention in this state, including persons taking orders for products or services where receipt will occur at a later time in Washington state. RCW 82.32.531.~~

**Definitions.** The following definitions apply only to (b) of this subsection:

(i) "Not marketed to the general public" means that the sponsor of a trade convention limits its marketing efforts for the trade convention to its members and specific invited guests of the sponsoring organization.

(ii) "Physically present in this state" and "substantial nexus with this state" have the same meaning as provided in RCW 82.04.067.

(iii) "Trade convention" means an exhibition for a specific industry or profession, which is not marketed to the general public, for the purposes of:

(A) Exhibiting, demonstrating, and explaining services, products, or equipment to potential customers; or

(B) The exchange of information, ideas, and attitudes in regards to that industry or profession.

~~(c) **Public Law 86-272.** Public Law 86-272 (15 U.S.C. Sec. 381 et seq.) applies only to taxes on or measured by net income. Washington's B&O tax is measured by gross receipts. Consequently, Public Law 86-272 does not apply)).~~ The remainder of Part 1 of this rule describes these nexus standards and thresholds and how they apply in the context of

Washington's wholesaling and retailing B&O classifications and the retail sales tax.

(102) **Physical presence nexus standard.** ~~((Except as provided in subsection (101) (a) and (b) of this rule;))~~ A person who sells tangible personal property in a retail sale is deemed to have nexus with Washington if the person has a physical presence in this state, which need only be demonstrably more than the slightest presence. RCW 82.04.067(6). This standard applies to retail sales both in the retail sales tax and retailing B&O tax context.

(a) **Physical presence.** A person is physically present in this state if:

- (i) The person has property in this state;
- (ii) The person has one or more employees in this state;
- (iii) The person, either directly or through an agent or other representative, engages in activities in this state that are significantly associated with the person's ability to establish or maintain a market for its products in Washington; or
- (iv) The person is a remote seller as defined in RCW 82.08.052 and is unable to rebut the substantial nexus presumption for remote sellers set out in RCW 82.04.067 (6)(c)(ii).

(b) **Property.** A person has property in this state if the person owns, leases, or otherwise has a legal or beneficial interest in real or personal property in Washington.

(c) **Employees.** A person has employees in this state if the person is required to report its employees for Washington unemployment insurance tax purposes, or the facts and circumstances otherwise indicate that the person has employees in the state.

(d) **In-state activities.** Even if a person does not have property or employees in Washington, the person is physically present in Washington when the person, either directly or through an agent or other representative, engages in activities in this state that are significantly associated with the person's ability to establish or maintain a market for its products in Washington. It is immaterial that the activities that establish nexus are not significantly associated with a particular sale into this state.

For purposes of this rule, the term "agent or other representative" includes an employee, independent contractor, commissioned sales representative, or other person acting either at the direction of or on behalf of another.

A person performing the following nonexclusive list of activities, directly or through an agent or other representative, generally is performing activities that are significantly associated with establishing or maintaining a market for a person's products in this state:

- (i) Soliciting sales of goods in Washington;
- (ii) Installing, assembling, or repairing goods in Washington;
- (iii) Constructing, installing, repairing, or maintaining real property or tangible personal property in Washington;
- (iv) Delivering products into Washington other than by mail or common carrier;
- (v) Having an exhibit at a trade show to maintain or establish a market for one's products in the state, except as described in subsection ~~((101)(b))~~ (102)(f) of this rule;
- (vi) An online seller having a brick-and-mortar store in this state accepting returns on its behalf;

(vii) Performing activities designed to establish or maintain customer relationships including, but not limited to:

(A) Meeting with customers in Washington to gather or provide product or marketing information, evaluate customer needs, or generate goodwill; or

(B) Being available to provide services associated with the product sold (such as warranty repairs, installation assistance or guidance, and training on the use of the product), if the availability of such services is referenced by the seller in its marketing materials, communications, or other information accessible to customers.

(e) **Remote sellers - Click-through nexus.** Effective September 1, 2015, a remote seller as defined in RCW 82.08.052 is presumed to ~~((have nexus with Washington))~~ meet the physical presence nexus standard described in this subsection for purposes of the retail sales tax if the remote seller enters into an agreement with a resident of this state under which the resident, for a commission or other consideration, refers potential customers to the remote seller, whether by link on an internet web site or otherwise, but only if the cumulative gross receipts from sales by the remote seller to customers in this state who are referred to the remote seller through such agreements exceeds ten thousand dollars during the preceding calendar year. For more information related to the presumption and how to rebut the presumption, see RCW 82.08.052 and 82.04.067 (6)(c)(ii).

~~((103))~~ (f) **Trade convention exception.** For the physical presence nexus standard described in this subsection, the department may not make a determination of nexus based solely on the attendance or participation of one or more representatives of a person at a single trade convention per calendar year in Washington state in determining if such person is physically present in this state for the purposes of establishing substantial nexus with this state. This does not apply to persons making retail sales at a trade convention in this state, including persons taking orders for products or services where receipt will occur at a later time in Washington state. RCW 82.32.531.

**Definitions.** The following definitions apply only to (f) of this subsection:

(i) "Not marketed to the general public" means that the sponsor of a trade convention limits its marketing efforts for the trade convention to its members and specific invited guests of the sponsoring organization.

(ii) "Physically present in this state" and "substantial nexus with this state" have the same meaning as provided in RCW 82.04.067.

(iii) "Trade convention" means an exhibition for a specific industry or profession, which is not marketed to the general public, for the purposes of:

(A) Exhibiting, demonstrating, and explaining services, products, or equipment to potential customers; or

(B) The exchange of information, ideas, and attitudes in regards to that industry or profession.

(103) **Economic nexus thresholds.** RCW 82.04.067 establishes substantial nexus thresholds that apply to persons who sell tangible personal property. For more information on the economic nexus thresholds, see WAC 458-20-19401.

**Application to retail sales.** Effective July 1, 2017, for B&O tax purposes, a person making retail sales taxable under



RCW 82.04.250(1) or 82.04.257(1) is deemed to have substantial nexus with Washington if the person's receipts meet the economic nexus thresholds under RCW 82.04.067 (1)(c)(iii) and (iv). The receipts threshold is met if the person has more than two hundred sixty-seven thousand dollars of receipts (as adjusted by RCW 82.04.067(5)) from this state or at least twenty-five percent of the person's total receipts are in this state. For more information, see WAC 458-20-19401.

**(104) Application of standards and thresholds to wholesale sales.** The physical presence nexus standard described in subsection (102) of this rule, applies to wholesale sales for periods prior to September 1, 2015. Effective September 1, 2015, wholesale sales taxable under RCW 82.04.257(1) and 82.04.270 are subject to the RCW 82.04.067 (1) through (5) economic nexus thresholds. Wholesaling activities not taxable under RCW 82.04.257(1) and 82.04.270 remain subject to the physical presence nexus standard. For more information, see WAC 458-20-19401.

**(105) Effect of having nexus.**

(a) **Retail sales.** A person that makes retail sales of tangible personal property and ~~((has nexus with Washington))~~ meets either the physical presence nexus standard or whose receipts meet the economic nexus thresholds described in RCW 82.04.067 (1)(c)(iii) or (iv) is subject to B&O tax on that person's retail sales received in the state. In addition, a person that makes retail sales of tangible personal property and meets the physical presence nexus standard, including as described in subsection (102)(e) of this rule, ~~((and))~~ is also responsible for collecting and remitting retail sales tax on that person's sales of tangible personal property sourced to Washington, unless a specific exemption applies.

(b) **Wholesale sales.** A person that makes wholesale sales of tangible personal property and has nexus with Washington (as described in subsection ~~((101)(a)))~~ (104) of this rule) is subject to B&O tax on that person's wholesale sales sourced to Washington.

~~((104))~~ (106) **Trailing nexus.** ~~((RCW 82.04.220 provides that))~~ Effective July 1, 2017, for B&O tax purposes, a person is deemed to have substantial nexus with Washington for the current year if that person meets any of the requirements in RCW 82.04.067 in either the current or immediately preceding calendar year. Thus, a person who stops the business activity that created nexus in Washington continues to have nexus ~~((for the remainder of that calendar year, plus one additional))~~ in the calendar year following any calendar year in which the person met any of the requirements in RCW 82.04.067 (also known as "trailing nexus"). ~~((The department of revenue applies the same trailing nexus period for retail sales tax and other taxes reported on the excise tax return.))~~

Prior to July 1, 2017, RCW 82.04.220 provided that for B&O tax purposes a person who stopped the business activity that created nexus in Washington continued to have nexus for the remainder of that calendar year, plus one additional calendar year.

The department of revenue applies the same trailing nexus period for retail sales tax and other taxes reported on the excise tax return.

(107) **Public Law 86-272.** Public Law 86-272 (15 U.S.C. Sec. 381 et. seq.) applies only to taxes on or measured

by net income. Washington's B&O tax is measured by gross receipts. Consequently, Public Law 86-272 does not apply.

**Part II - Sourcing Sales of Tangible Personal Property**

(201) **Introduction.** RCW 82.32.730 explains how to determine where a sale of tangible personal property occurs based on "sourcing rules" established under the streamlined sales and use tax agreement. Sourcing rules for the lease or rental of tangible personal property are beyond the scope of this rule, as are the sourcing rules for "direct mail," "advertising and promotional direct mail," or "other direct mail" as such terms are defined in RCW 82.32.730. See RCW 82.32.-730 for further explanation of the sourcing rules for those particular transactions.

(202) **Receive and receipt.**

(a) **Definition.** "Receive" and "receipt" mean the purchaser first either taking physical possession of, or having dominion and control over, tangible personal property.

(b) Receipt by a shipping company.

(i) "Receive" and "receipt" do not include possession by a shipping company on behalf of the purchaser, regardless of whether the shipping company has the authority to accept and inspect the goods on behalf of the purchaser.

(ii) A "shipping company" for purposes of this rule means a separate legal entity that ships, transports, or delivers tangible personal property on behalf of another, such as a common carrier, contract carrier, or private carrier either affiliated (e.g., an entity wholly owned by the seller or purchaser) or unaffiliated (e.g., third-party carrier) with the seller or purchaser. A shipping company is not a division or branch of a seller or purchaser that carries out shipping duties for the seller or purchaser, respectively. Whether an entity is a "shipping company" for purposes of this rule applies only to sourcing sales of tangible personal property and does not apply to whether a "shipping company" can create nexus for a seller.

(203) **Sourcing sales of tangible personal property - In general.** The following provisions in this subsection apply to sourcing sales of most items of tangible personal property.

(a) **Business location.** When tangible personal property is received by the purchaser at a business location of the seller, the sale is sourced to that business location.

**Example 1.** Jane is an Idaho resident who purchases tangible personal property at a retailer's physical store location in Washington. Even though Jane takes the property back to Idaho for her use, the sale is sourced to Washington because Jane received the property at the seller's business location in Washington.

**Example 2.** Department Store has retail stores located in Washington, Oregon, and in several other states. John, a Washington resident, goes to Department Store's store in Portland, Oregon to purchase luggage. John takes possession of the luggage at the store. Although Department Store has nexus with Washington through its Washington store locations, Department Store is not liable for B&O tax and does not have any responsibility to collect Washington retail sales tax on this transaction because the purchaser, John, took possession of the luggage at the seller's business location outside of Washington.

**Example 3.** An out-of-state purchaser sends its own trucks to Washington to receive goods at a Washington-based

seller and to immediately transport the goods to the purchaser's out-of-state location. The sale occurs in Washington because the purchaser receives the goods in Washington. The sale is subject to B&O and retail sales tax.

**Example 4.** The same purchaser in Example 3 uses a wholly owned affiliated shipping company (a legal entity separate from the purchaser) to pick up the goods in Washington and deliver them to the purchaser's out-of-state location. Because "receive" and "receipt" do not include possession by the shipping company, the purchaser receives the goods when the goods arrive at the purchaser's out-of-state location and not when the shipping company takes possession of the goods in Washington. The sale is not subject to B&O (~~and~~) tax or retail sales tax.

(b) **Place of receipt.** If the sourcing rule explained in (a) of this subsection does not apply, the sale is sourced to the location where receipt by the purchaser or purchaser's donee, designated as such by the purchaser, occurs, including the location indicated by instructions for delivery to the purchaser or purchaser's donee, as known to the seller.

(i) The term "purchaser" includes the purchaser's agent or designee.

(ii) The term "purchaser's donee" means a person to whom the purchaser directs shipment of goods in a gratuitous transfer (e.g., a gift recipient).

(iii) Commercial law delivery terms, and the Uniform Commercial Code's provisions defining sale or where risk of loss passes, do not determine where the place of receipt occurs.

(iv) The seller must retain in its records documents used in the ordinary course of the seller's business to show how the seller knows the location of where the purchaser or purchaser's donee received the goods. Acceptable proof includes, but is not limited to, the following documents:

(A) Instructions for delivery to the seller indicating where the purchaser wants the goods delivered, provided on a sales contract, sales invoice, or any other document used in the seller's ordinary course of business showing the instructions for delivery;

(B) If shipped by a shipping company, a waybill, bill of lading or other contract of carriage indicating where delivery occurs; or

(C) If shipped by the seller using the seller's own transportation equipment, a trip-sheet signed by the person making delivery for the seller and showing:

- The seller's name and address;
- The purchaser's name and address;
- The place of delivery, if different from the purchaser's address; and
- The time of delivery to the purchaser together with the signature of the purchaser or its agent acknowledging receipt of the goods at the place designated by the purchaser.

**Example 5.** John buys luggage from a Department Store that has nexus with Washington (as in Example 2), but has the store ship the luggage to John in Washington. Department Store has nexus with Washington, and receipt of the luggage by John occurred in Washington. Department Store owes Washington retailing B&O tax and must collect Washington retail sales tax on this sale.

**Example 6.** Parts Store is located in Washington. It sells machine parts at retail and wholesale. Parts Collector is located in California and buys machine parts from Parts Store. Parts Store ships the parts directly to Parts Collector in California, and Parts Collector takes possession of the machine parts in California. The sale is not subject to B&O or retail sales taxes in this state because Parts Collector did not receive the parts in Washington.

**Example 7.** An out-of-state seller with nexus in Washington uses a third-party shipping company to ship goods to a customer located in Washington. The seller first delivers the goods to the shipping company outside Washington using its own transportation equipment. Even though the shipping company took possession of the goods outside of Washington, possession by the shipping company is not receipt by the purchaser for Washington tax purposes. The sale is subject to B&O and retail sales tax in this state because the purchaser has taken possession of the goods in Washington.

**Example 8.** A Washington purchaser's affiliated shipping company arranges to pick up goods from an out-of-state seller at its out-of-state location, and deliver those goods to the Washington purchaser's Yakima facility. The affiliated shipping company has the authority to accept and inspect the goods prior to transport on behalf of the buyer. When the affiliated shipping company takes possession of the goods out-of-state, the Washington purchaser has not received the goods out-of-state. Possession by a shipping company on behalf of a purchaser is not receipt for purposes of this rule, regardless of whether the shipping company has the authority to accept and inspect the goods on behalf of the buyer. Receipt occurs when the buyer takes possession of the goods in Washington. The sale is subject to B&O and retail sales tax in this state.

**Example 9.** An instate seller arranges for shipping its goods to an out-of-state purchaser by first delivering its goods to a Washington-based shipping company at its Washington location for further transport to the out-of-state customer's location. Possession of the goods by the shipping company in Washington is not receipt by the purchaser for Washington tax purposes, and the sale is not subject to B&O and retail sales tax in Washington.

**Example 10.** An out-of-state manufacturer/seller of a bulk good with nexus in Washington sells the good to a Washington-based purchaser in the business of selling small quantities of the good under its own label in its own packaging. The purchaser directs the seller to deliver the goods to a third-party packaging plant located out-of-state for repackaging of the goods in the purchaser's own packaging. The purchaser then has a third-party shipping company pick up the goods at the packaging plant. The Washington purchaser takes constructive possession of the goods outside of Washington because it has exercised dominion and control over the goods by having them repackaged at an out-of-state packaging facility before shipment to Washington. The sale is not subject to B&O and retail sales tax in this state because the purchaser received the goods outside of Washington.

**Example 11.** Company ABC is located in Washington and purchases goods from Company XYZ located in Ohio. Company ABC directs Company XYZ to ship the goods by a for-hire carrier to a commercial storage warehouse in Wash-

ington. The goods will be considered as having been received by Company ABC when the goods are delivered at the commercial storage warehouse. Assuming Company XYZ has nexus, Company XYZ is subject to B&O tax and must collect retail sales tax on the sale.

(c) **Other sourcing rules.** There may be unique situations where the sourcing rules provided in (a) and (b) of this subsection do not apply. In those cases, please refer to the provisions of RCW 82.32.730 (1)(c) through (e).

(204) **Sourcing sales of certain types of property.**

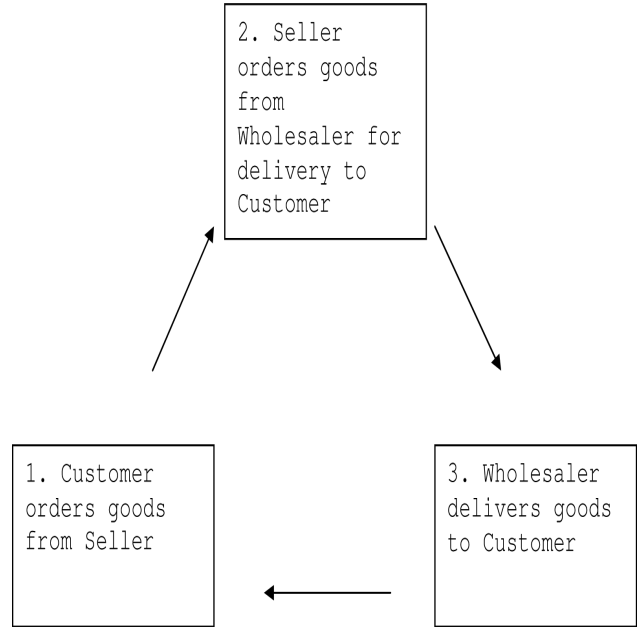
(a) **Sales of commercial aircraft parts.** As more particularly provided in RCW 82.04.627, the sale of certain parts to the manufacturer of a commercial airplane in Washington is deemed to take place at the site of the final testing or inspection.

(b) **Sales of motor vehicles, watercraft, airplanes, manufactured homes, etc.** Sales of the following types of property are sourced to the location at or from which the property is delivered in accordance with RCW 82.32.730 (7)(a) through (c): Watercraft; modular, manufactured, or mobile homes; and motor vehicles, trailers, semi-trailers, or aircraft that do not qualify as "transportation equipment" as defined in RCW 82.32.730. See WAC 458-20-145 (2)(b) for further information regarding the sourcing of these sales.

(c) **Sales of flowers and related goods by florists.** Sales by a "florist" are subject to a special origin sourcing rule. For specific information concerning "florist sales," who qualifies as a "florist," and the related sourcing rules, see RCW 82.32.730 (7)(d) and (9)(e) and WAC 458-20-158.

**Part III - Drop Shipments**

(301) **Introduction.** A drop shipment generally involves two separate sales. A person (the seller) contracts to sell tangible personal property to a customer. The seller then contracts to purchase that property from a wholesaler and instructs that wholesaler to deliver the property directly to the seller's customer. The place of receipt in a drop shipment transaction is where the property is delivered (i.e., the seller's customer's location). Below is a diagram of a basic drop shipment transaction:



The following subsections discuss the taxability of drop shipments in Washington when:

- (a) The seller and wholesaler do not have nexus;
- (b) The seller has nexus and the wholesaler does not;
- (c) The wholesaler has nexus and the seller does not; and
- (d) The seller and wholesaler both have nexus. In each of the following scenarios, the customer receives the property in Washington and the sale is sourced to Washington. Further, in each of the following scenarios, a reseller permit or other approved exemption certificate has been acquired to document any wholesale sales in Washington. For information about reseller permits issued by the department, see WAC 458-20-102.

(302) **Seller and wholesaler do not have nexus.** Where the seller and the wholesaler do not have nexus with Washington, sales of tangible personal property by the seller to the customer and the wholesaler to the seller are not subject to B&O tax. In addition, neither the seller nor the wholesaler is required to collect retail sales tax on the sale.

(303) **Seller has nexus but wholesaler does not.** Where the seller has nexus with Washington but the wholesaler does not have nexus with Washington, the wholesaler's sale of tangible personal property to the seller is not subject to B&O tax and the wholesaler is not required to collect retail sales tax on the sale. The sale by the seller to the customer is subject to wholesaling or retailing B&O tax, as the case may be. The seller must collect retail sales tax from the customer unless specifically exempt by law.

(304) **Wholesaler has nexus but seller does not.** Where the wholesaler has nexus with Washington but the seller does not have nexus with Washington, wholesaling B&O tax applies to the sale of tangible personal property by the wholesaler to the seller for shipment to the seller's customer. The sale from the seller to its Washington customer is not subject to B&O tax, and the seller is not required to collect retail sales tax on the sale.

**Example 12.** Seller is located in Ohio and does not have nexus with Washington. Seller receives an order from Customer, located in Washington, for parts that are to be shipped to Customer in Washington for its own use as a consumer. Seller buys the parts from Wholesaler, which has nexus with Washington, and requests that the parts be shipped directly to Customer. Seller is not subject to B&O tax and is not required to collect retail sales tax on its sale to Customer because Seller does not have nexus with Washington. The sale by Wholesaler to Seller is subject to wholesaling B&O tax because Wholesaler has nexus with Washington and Customer receives the parts (i.e., the parts are delivered to Customer) in Washington.

**(305) Seller and wholesaler have nexus with Washington.** Where the seller and wholesaler have nexus with Washington, wholesaling B&O tax applies to the wholesaler's sale of tangible personal property to the seller. The sale from the seller to the customer is subject to wholesaling or retailing B&O tax as the case may be. The seller must collect retail sales tax from the customer unless the sale is specifically exempt by law.

AMENDATORY SECTION (Amending WSR 16-13-040, filed 6/7/16, effective 7/8/16)

**WAC 458-20-19401 Minimum nexus thresholds for apportionable activities and selling activities. (1) Introduction.**

(a) The state of Washington imposes business and occupation (B&O) tax on persons that have "substantial nexus" with this state. For apportionable activities and for ~~((wholesaling))~~ selling activities taxable under RCW 82.04.250(1), 82.04.257(1) or 82.04.270, substantial nexus does not require a physical presence in this state, as that phrase is described in RCW 82.04.067(6).

(b) This rule only applies to periods after May 31, 2010~~((:))~~, and applies as follows:

(i) In 2015, Washington changed the thresholds for substantial nexus described in subsection (3)(a)(iii) of this rule~~((: it also))~~.

(ii) Prior to September 1, 2015, these thresholds only applied to apportionable activities, and did not apply to wholesaling or retailing activity.

(iii) Effective September 1, 2015, Washington expanded the scope of these tests to apply to wholesaling activity. ~~((Effective))~~

(iv) Effective July 1, 2017, Washington expanded the scope of some of these tests to apply to retailing activity taxable under RCW 82.04.250(1) or 82.04.257(1).

(c) Effective July 1, 2017, the thresholds are measured based on a person's payroll, property, and receipts in the current or immediately preceding calendar year. For the period from September 1, 2015, to June 30, 2017, the thresholds ~~((are))~~ were measured based on a person's payroll, property, and receipts in the immediately preceding calendar year. See subsection (9) of this rule for additional information. For periods from June 1, 2010, to August 31, 2015, the thresholds ~~((did not apply to wholesaling activity and))~~ were based on the person's payroll, property, and receipts in the current cal-

endar year. See subsection (10) of this rule for additional information.

~~((e))~~ (d) Other rules that may apply. Readers may also want to refer to other rules for additional information, including those in the following list:

(i) WAC 458-20-193 Interstate sales of tangible personal property. This rule describes the taxation of interstate sales of tangible personal property.

(ii) WAC 458-20-194 Doing business inside and outside the state. This rule describes separate accounting and cost apportionment and applies only to tax liability incurred from January 1, 2006, through May 31, 2010.

(iii) WAC 458-20-19402 Single factor receipts apportionment—Generally. This rule describes the general application of single factor receipts apportionment and applies only to tax liability incurred after May 31, 2010.

(iv) WAC 458-20-19403 Apportionable royalty receipts attribution. This rule describes the application of single factor receipts apportionment to gross income from royalties and applies only to tax liability incurred after May 31, 2010.

(v) WAC 458-20-19404 Financial institutions—Income apportionment. This rule describes the application of single factor receipts apportionment to certain income of financial institutions and applies only to tax liability incurred after December 31, 2015.

(vi) WAC 458-20-19404A Financial institutions—Income apportionment. This rule describes the application of single factor receipts apportionment to certain income of financial institutions and applies only to tax liability incurred between June ~~((30))~~ 1, 2010, and December 31, 2015.

~~((e))~~ (e) Examples included in this rule identify a number of facts and then state a conclusion; they should be used only as a general guide. The tax results of all situations must be determined after a review of all the facts and circumstances. For the examples in this rule, gross income received by the taxpayer is from engaging in apportionable activities or from making wholesale or retail sales. Also, unless otherwise stated, the years in the examples are time periods that occur after ~~((August 31, 2015; the examples do not apply to tax liability prior to June 1, 2010))~~ June 30, 2017.

The minimum nexus thresholds described in this rule and used in examples are ~~((not adjusted))~~ unadjusted for consumer price index changes applicable for years after 2017.

(2) **Definitions.** Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this rule.

(a) **"Apportionable activities"** includes only those activities subject to B&O tax under the following classifications:

- (i) Service and other activities;
- (ii) Royalties;
- (iii) Travel agents and tour operators;
- (iv) International steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent;
- (v) Stevedoring and associated activities;
- (vi) Disposing of low-level waste;
- (vii) ~~((Title))~~ Insurance producers, title insurance agents, or surplus line brokers;

- (viii) Public or nonprofit hospitals;
- (ix) Real estate brokers;
- (x) Research and development performed by nonprofit corporations or associations;
- (xi) Inspecting, testing, labeling, and storing canned salmon owned by another person;
- (xii) Representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of chapter 48.17 RCW;
- (xiii) Contests of chance;
- (xiv) Horse races;
- (xv) International investment management services;
- (xvi) Room and domiciliary care to residents of a boarding home;
- (xvii) Aerospace product development;
- (xviii) Printing or publishing a newspaper (but only with respect to advertising income);
- (xix) Printing materials other than newspapers and publishing periodicals or magazines (but only with respect to advertising income); and
- (xx) Cleaning up radioactive waste and other by-products of weapons production and nuclear research and development, but only with respect to activities that would be taxable as an "apportionable activity" under any of the tax classifications listed in (a)(i) through (xix) of this subsection if this special tax classification did not exist.

(b) **"Credit card"** means a card or device existing for the purpose of obtaining money, property, labor, or services on credit.

(c) **"Gross income of the business"** means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses. The term gross receipts means gross income from apportionable activities.

(d) **"Loan"** means any extension of credit resulting from direct negotiations between the taxpayer and its customer, and/or the purchase, in whole or in part, of such extension of credit from another. Loan includes participations, syndications, and leases treated as loans for federal income tax purposes. Loan does not include: Futures or forward contracts; options; notional principal contracts such as swaps; credit card receivables, including purchased credit card relationships; noninterest bearing balances due from depository institutions; cash items in the process of collection; federal funds sold; securities purchased under agreements to resell; assets held in a trading account; securities; interests in a real estate mortgage investment conduit (REMIC) or other mortgage-backed or asset-backed security; and other similar items.

(e) **"Net annual rental rate"** means the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

(f) The terms **"nexus"** and **"substantial nexus"** are used interchangeably in this rule.

(g) **"Property"** means tangible, intangible, and real property owned or rented and used in this state during the calendar year, except property does not include ownership of or rights in computer software, including computer software used in providing a digital automated service; master copies of software; and digital goods or digital codes residing on servers located in this state. Refer to RCW 82.04.192 and 82.04.215 for definitions of the terms computer software, digital automated services, digital goods, digital codes, and master copies.

(h) **"Securities"** includes any intangible property defined as a security under section 2 (a)(1) of the Securities Act of 1933 including, but not limited to, negotiable certificates of deposit and municipal bonds.

(i) **"State"** means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision of a foreign country.

(j) **"Wholesale sales"** means wholesale sales taxable under RCW 82.04.257(1) or 82.04.270 and **"wholesaling"** means the activity of making such sales. For substantial nexus standards applicable to wholesale sales taxable under another classification, see WAC 458-20-193.

### (3) Substantial nexus.

(a) With respect to taxes on persons engaged in apportionable activities as defined in RCW 82.04.460 or making wholesale sales taxable under RCW 82.04.257(1) or 82.04.-270, substantial nexus exists where, in the current or immediately preceding calendar year, a person is:

(i) An individual and is a resident or domiciliary of this state (~~(during the calendar year)~~);

(ii) A business entity and is organized or commercially domiciled in this state (~~(during the calendar year)~~); or

(iii) A nonresident individual or a business entity that is organized and commercially domiciled outside this state, and (~~(in the immediately preceding calendar year)~~) the person had:

(A) More than (~~(fifty)~~) fifty-three thousand dollars of property in this state;

(B) More than (~~(fifty)~~) fifty-three thousand dollars of payroll in this state;

(C) More than two hundred (~~(fifty)~~) sixty-seven thousand dollars of receipts from this state from apportionable activities, from (~~(wholesaling)~~) selling activities, or from a combination of both; or

(D) At least twenty-five percent of the person's total property, total payroll, or total receipts in this state.

(b) With respect to taxes on a person making sales at retail taxable under RCW 82.04.250(1) or 82.04.257(1), substantial nexus exists if, in the current or immediately preceding calendar year:

(i) The person has a physical presence in this state as that phrase is described in RCW 82.04.067(6); or

(ii) The person's receipts exceed the receipts threshold described in (a)(iii)(C) or (D) of this subsection.

(c) A person who has a substantial nexus with this state in the current calendar year based solely on exceeding property, payroll, or receipts thresholds during the current calen-

dar year, but did not exceed the thresholds in the immediately preceding year, is subject to B&O tax on business activity occurring on and after the date that the person established a substantial nexus with this state in the current calendar year. RCW 82.04.220(2). If the person exceeded any of the thresholds in the immediately preceding year, the person is subject to B&O tax on its business activity occurring throughout the current year.

**Example 1.** Company C is commercially domiciled in Washington and has one employee in Washington who earns \$30,000 per year. Company C has substantial nexus with Washington because it is commercially domiciled in Washington. The minimum nexus thresholds for property, payroll, and receipts do not apply to a business entity commercially domiciled in this state.

~~((b))~~ (d) The department will adjust the amounts listed in (a) of this subsection based on changes in the consumer price index as required by RCW 82.04.067. (These adjustments are published in ETA 3195 "Economic Nexus Minimum Thresholds.")

~~((e))~~ (e) The minimum nexus thresholds are applied on a ~~((tax))~~ calendar year basis. ~~((Generally, a tax year is the same as a calendar year. See RCW 82.32.270. For the purposes of this rule, tax years will be referred to as calendar years.))~~

**Example 2.** Assume Corporation N, which is not commercially domiciled or organized in Washington, earns receipts attributable to Washington in 2017 that exceed the minimum nexus receipts threshold for determining substantial nexus. If Corporation N's 2018 and later payroll, property, and receipts do not exceed any of the minimum nexus thresholds for determining substantial nexus, its B&O tax reporting obligation for any gross receipts attributable to Washington continues through the calendar year 2018.

**Example ((2)) 3.** Company Q is organized and domiciled outside of Washington. Company Q maintains an office in Washington which housed a single employee in the immediately preceding calendar year. In ~~((the immediately preceding calendar year))~~ 2016, Company Q had \$40,000 in property located in Washington, paid \$45,000 in compensation to the Washington employee, and had \$200,000 in apportionable receipts attributed to Washington and \$0 wholesaling or retailing receipts sourced to Washington. In ~~((the immediately preceding calendar year))~~ 2016, Company Q's total property everywhere was valued at \$200,000, total payroll was \$400,000, and total apportionable and wholesaling or retailing receipts were \$5,000,000. In 2017, Company Q had \$45,000 in property located in Washington, paid \$48,000 in compensation to the Washington employee, and had \$200,000 in apportionable receipts attributed to Washington and \$0 wholesaling or retailing receipts sourced to Washington. In 2017, Company Q's total property everywhere was valued at \$225,000, total payroll was \$420,000, and total apportionable and wholesaling or retailing receipts were \$6,000,000. Although Company Q has physical presence in Washington, as described in RCW 82.04.067(6), it is not treated as having substantial nexus with Washington with respect to its apportionable and wholesaling activities because (a) it is not organized or domiciled in Washington and (b) it did not have sufficient property, payroll, or receipts

in the current or immediately preceding calendar year to exceed the minimum nexus thresholds identified in subsection (3)(a)(iii) of this rule.

(4) **Property threshold.**

(a) **Location of property.**

(i) Real property - Real property owned or rented is in this state if the real property is located in this state.

(ii) Tangible personal property - Tangible personal property is in this state if it is physically located in this state.

(iii) Intangible property - Intangible property is in this state based on the following:

A loan is located in this state if:

(A) More than fifty percent of the fair market value of the real and/or personal property securing the loan is in this state. An automobile loan is in this state if the vehicle is properly registered in this state. Other than for property that is subject to registered ownership, the determination of whether the real or personal property securing a loan is in this state must be made as of the time the original agreement was made, and any and all subsequent substitutions of collateral must be disregarded; or

(B) If (a)(iii)(A) of this subsection does not apply and the borrower is located in this state.

(iv) A borrower is located in this state if:

(A) The borrower is engaged in business and the borrower's commercial domicile is located in this state; or

(B) The borrower is not engaged in business and the borrower's billing address is located in this state.

(v) A credit card receivable is in this state if the billing address of the card holder is located in this state.

(vi) A nonnegotiable certificate of deposit is property in this state if the issuing bank is in this state.

(vii) Securities:

(A) A negotiable certificate of deposit is property in this state if the owner is located in this state.

(B) A municipal bond is property in this state if the owner is located in this state.

(b) **Value of property.**

(i) Property the taxpayer owns and uses in this state, other than loans and credit card receivables, is valued at its original cost basis.

Examples 4 and 5 assume the businesses depicted are not engaged in retailing activity. Therefore, the businesses' mere physical presence in Washington is not used as the basis for determining whether they have nexus with Washington.

**Example ((3)) 4.** In January 2013, ABC Corp. bought Machinery for \$65,000 for use in State X. On ~~((January 1, 2016))~~ March 1, 2018, ABC Corp. brought that Machinery into Washington for the remainder of the year. ABC Corp. has nexus with Washington beginning ~~((in 2017))~~ on March 1, 2018, based on Machinery's original cost basis value of \$65,000. The value is \$65,000 even though the property has depreciated prior to entering the state.

(ii) Property the taxpayer rents and uses in this state is valued at eight times the net annual rental rate.

**Example ((4)) 5.** In ~~((the preceding calendar year))~~ 2018, out-of-state Business X rented office space in Washington for \$6,000 and had \$7,000 of office furniture and equipment in Washington. Business X has nexus with Washington in ~~((the current calendar year))~~ 2018 because the value

of the rented office space (\$6,000 multiplied by eight, which is \$48,000) plus the value of office furniture and equipment exceeds the ~~(((\$50,000))~~ \$53,000 property threshold.

(iii) Loans and credit card receivables owned by the taxpayer are valued at their outstanding principal balance, without regard to any reserve for bad debts. However, if a loan or credit card receivable is actually charged off as a bad debt in whole or in part for federal income tax purposes (see 26 U.S.C. 166), the portion of the loan or credit card receivable charged off is deducted from the outstanding principal balance.

(c) **Calculating property value.** To determine whether the ~~(((\$50,000))~~ \$53,000 property threshold has been ~~((met))~~ exceeded, average the value of property in this state on the first and last day of the calendar year. The department may require the averaging of monthly values during the calendar year if reasonably required to properly reflect the average value of the taxpayer's property in this state throughout the taxable period. Examples 6 through 9 assume the businesses depicted are not engaged in retailing activity. Therefore, the businesses' mere physical presence in Washington is not used as the basis for determining whether they have nexus with Washington.

**Example ((5)) 6.** Company Y has property in Washington valued at \$90,000 on January 1st and \$20,000 on December 31st. The value of property in Washington is \$55,000  $((90,000 + 20,000)/2)$ . Company Y ~~((has substantial nexus with Washington beginning the following))~~ exceeds the property threshold in this calendar year because it exceeds the ~~(((\$50,000))~~ \$53,000 property threshold.

**Example ((6)) 7.** Company A had no property located in Washington on January 1st or on December 31st. However, it brought \$100,000 in property into Washington on January 15th and removed it from Washington on November 15th of that calendar year. In this situation, the department may compute the value of Company A's property over the period of time it was in the state during the calendar year in order to properly reflect its average value (\$100,000 multiplied by ten (months) divided by 12 (months), which is \$83,333). Company A ~~((has substantial nexus with Washington beginning the following))~~ exceeds the \$53,000 property threshold in this calendar year ~~((because it exceeds the \$50,000 property threshold)).~~

**Example ((7)) 8.** Company B had no property located in Washington on January 1st or on December 31st of ~~((the immediately preceding calendar year))~~ 2018. However, it brought \$100,000 in property into Washington on January 15th and removed it from Washington on February 15th of that calendar year. In this situation, the department may compute the value of Company ~~((A's))~~ B's property over the period of time it was in the state during the calendar year to properly reflect its average value, \$8,333. (\$100,000 multiplied by one (month) divided by 12 (months))~~((, which is \$8,333)).~~ Company B ~~((is not treated as having substantial nexus with Washington))~~ also had no property located in Washington on January 1st or on December 31st of 2019. However, it brought \$100,000 in property into Washington on January 15th and removed it from Washington on October 15th of that calendar year. For 2019, the average value of Company A's property is \$75,000 (\$100,000 multiplied by

nine (months) divided by 12 (months)). Company B exceeds the property threshold in 2019 based on the average value of its property in Washington during ~~((the prior calendar year, unless the average value exceeded 25% of Company B's total property value in the immediately preceding calendar year))~~ 2019, but it did not exceed the property threshold based on the average value of its property in Washington during 2018.

**Example ((8)) 9.** IT Co. is commercially domiciled in State X with Employee located in Washington who works from a home office. In ~~((the immediately preceding calendar year))~~ 2018, IT Co. provided to Employee \$5,000 of office supplies and ~~(((\$15,000))~~ \$50,000 of equipment owned by IT Co. In 2019, the employee returned an unneeded portion of the equipment and IT Co. provided no other equipment to the employee. The cost of returned equipment was \$25,000 of the total \$50,000 of equipment. IT Co. is ~~((not))~~ treated as having substantial nexus with Washington in both 2018 and 2019 based on the ~~(((\$50,000))~~ \$53,000 property threshold because the value of its property in this state in ~~((the immediately preceding calendar year (\$20,000) did not exceed \$50,000. IT Co. may still be treated as having substantial nexus with this state if the value of the property in this state in the immediately preceding calendar year (\$20,000) exceeded 25% of IT Co.'s total property value in the immediately preceding calendar year. This example does not address the payroll threshold))~~ 2018 (\$55,000) exceeded \$53,000. For 2018, IT Co. exceeded the threshold for the current year, and in 2019, IT Co. exceeded the threshold for the immediately preceding calendar year. If IT Co. does not exceed the property threshold in 2020, beginning in 2020 it will no longer have substantial nexus unless it exceeds another threshold.

(5) **Payroll threshold.** "Payroll" is the total compensation defined as gross income under 26 U.S.C. Sec. 61 (section 61 of the Internal Revenue Code of 1986), as of June 1, 2010, paid during the calendar year to employees and to third-party representatives who represent the taxpayer in interactions with the taxpayer's clients and includes sales commissions.

(a) Payroll compensation is received in this state if it is properly reportable in this state for unemployment compensation tax purposes, regardless of whether it was actually reported to this state.

Examples 10 and 11 assume the businesses depicted are not engaged in retailing activity. Therefore, the businesses' physical presence in Washington is not relevant in determining whether they have nexus with Washington.

**Example ((9)) 10.** Company D is commercially domiciled in State X and has a single Employee whose pay of \$80,000 ~~((during the immediately preceding calendar year))~~ 2018 and 2019 was properly reportable in Washington for unemployment compensation purposes. Company D has substantial nexus with Washington during ~~((the current calendar year))~~ 2018 and 2019 because the compensation paid to Employee during the current or immediately preceding calendar year exceeds the ~~(((\$50,000))~~ \$53,000 payroll threshold in both years. Company D will also have substantial nexus in 2020 because the payroll in the immediately preceding year (2019) exceeded the \$53,000 payroll threshold.

**Example ((10)) 11.** Assume the same facts as Example 9 except only 50% of Employee's pay for ~~((the immediately~~

~~preceding calendar year~~) 2018 and 2019 was properly reportable in Washington for unemployment compensation purposes. Employee's Washington compensation of \$40,000 does not exceed the ~~(((\$50,000))~~ \$53,000 payroll threshold to establish substantial nexus with Washington during the current or immediately preceding calendar year, unless this amount exceeds 25% of total payroll compensation in the current or immediately preceding calendar year.

(b) Third-party representatives receive payroll compensation in this state if the service(s) performed occurs entirely or primarily within this state.

(6) **Receipts threshold.** The receipts threshold is ~~((met))~~ exceeded if a taxpayer's receipts from apportionable and ~~((wholesaling))~~ selling activities attributed and sourced, respectively, to Washington totaled more than ~~(((\$250,000))~~ \$267,000 in the current or immediately preceding calendar year.

(a) All receipts from all apportionable and ~~((wholesaling))~~ selling activities are accumulated to determine if the receipts threshold is satisfied. Receipts from activities other than apportionable and ~~((wholesaling))~~ selling activities (e.g., ~~((retailing and))~~ extracting) are not used to determine if the receipts threshold has been satisfied.

(b) Apportionable receipts are attributed to Washington per WAC 458-20-19402 (general attribution), WAC 458-20-19403 (royalties), WAC 458-20-19404 (financial institutions, after 2015), and WAC 458-20-19404A (financial institutions, before 2016). Receipts from wholesale and retail sales are sourced to Washington in accordance with RCW 82.32.730.

**Example ((11)) 12.** Company E is organized and commercially domiciled in State X. In a calendar year it had ~~(((\$100,000))~~ \$50,000 in receipts from wholesale sales sourced to Washington in accordance with RCW 82.32.730, \$50,000 in receipts from retail sales sourced to Washington in accordance with RCW 82.32.730, \$50,000 in royalty receipts attributed to Washington per WAC 458-20-19403, and \$150,000 in gross receipts from other apportionable activities attributed to Washington per WAC 458-20-19402. Company E has substantial nexus with Washington in the ~~((following))~~ calendar year because its total of \$300,000 in receipts from apportionable activities attributed to Washington and retail and wholesale sales sourced to Washington in a calendar year exceeded the ~~(((\$250,000))~~ \$267,000 receipts threshold. It does not matter that a portion of the receipts were from apportionable activities that are subject to tax under different B&O tax classifications or that the receipts from apportionable activities or wholesaling or retailing activities did not separately exceed the receipts threshold. The receipts threshold is determined by the totality of the taxpayer's apportionable and ~~((wholesaling))~~ selling activities in Washington.

**(7) Application of 25% threshold.**

(a) If, in the current or immediately preceding year, at least twenty-five percent of an out-of-state taxpayer's property, payroll, or receipts from apportionable and ~~((wholesaling))~~ selling activities consisted of Washington property, Washington payroll, or Washington receipts, then the taxpayer has substantial nexus with Washington with respect to its apportionable and wholesaling activities.

(b) If, in the current or immediately preceding year, at least twenty-five percent of an out-of-state taxpayer's receipts from apportionable and selling activities consisted of Washington receipts, then the taxpayer also has substantial nexus with Washington with respect to its retailing activities.

(c) The twenty-five percent threshold is determined by dividing:

~~((a))~~ (i) The value of property located in Washington by the total value of taxpayer's property;

~~((b))~~ (ii) Payroll located in Washington by taxpayer's total payroll; or

~~((c))~~ (iii) Apportionable ~~((and))~~, wholesaling and retailing receipts attributed and sourced to Washington by total apportionable ~~((and))~~, wholesaling and retailing receipts.

**Example ((12)) 13.** Company G is organized and commercially domiciled in State X. In ~~((the immediately preceding calendar year))~~ 2018 it had \$45,000 in property, \$45,000 in payroll, and \$240,000 in gross receipts attributed to Washington. In ~~((that year))~~ 2018, its total property was valued at \$200,000; its worldwide payroll was \$150,000; and its ~~((total))~~ gross receipts ~~((were))~~, all from apportionable activities, totaled \$2,000,000. Company G had twenty-two and a half percent of its property, thirty percent of its payroll, and twelve percent of its receipts attributed to Washington. With respect to its apportionable activities, Company G has substantial nexus with Washington in 2018 because at least twenty-five percent of its payroll in ~~((the immediately preceding year))~~ 2018 was located in Washington. Based on its payroll in 2018, Company G will also have substantial nexus in 2019.

(8) **Application to local gross receipts business and occupations taxes.** This rule does not apply to the nexus requirements for local gross receipts business and occupation taxes.

(9) ~~((Continuing substantial nexus. Pursuant to RCW 82.04.220, if a person has substantial nexus with Washington in a calendar year, because, for example, it exceeds a minimum nexus threshold in subsection (3) of this rule, the person has substantial nexus for the following calendar year and will owe B&O tax on its gross receipts attributable to Washington for that additional year.~~

**Example 13.** Assume Corporation N, which is not commercially domiciled or organized in Washington, earns receipts attributable to Washington from January 1, 2017, through March 1, 2017. These receipts exceed the minimum nexus receipts threshold for determining substantial nexus for 2018. Assuming Corporation N's 2018 payroll, property, and receipts do not exceed any of the minimum nexus thresholds for determining substantial nexus in 2019, its B&O tax reporting obligation for any gross receipts attributable to Washington ends on December 31, 2019.) **Periods from September 1, 2015, through June 30, 2017.**

(a) Apportionable and wholesaling activities. From September 1, 2015, through June 30, 2017, substantial nexus with Washington of a nonresident individual or a business entity organized and commercially domiciled outside this state was established with respect to that person's apportionable activities and wholesaling activities taxable under RCW 82.04.257 or 82.04.270 in a particular calendar year by mea-



suring the person's payroll, property, and receipts only in the immediately preceding calendar year. Pursuant to RCW 82.04.220, in effect during this period, once established, substantial nexus continued through the following calendar year. See WAC 458-20-193 regarding the continuing application of the physical presence substantial nexus standard on wholesaling activity not subject to the economic nexus thresholds discussed in this rule.

(b) Retailing activities. Prior to July 1, 2017, a nonresident individual or a business entity organized and commercially domiciled outside of Washington was deemed to have substantial nexus with this state with respect to its retailing activity taxable under RCW 82.04.250(1) in a calendar year only if it had a physical presence in Washington in the calendar year. See WAC 458-20-193 regarding the continuing application of the physical presence substantial nexus standard on retailing activities.

**(10) Periods from June 1, 2010, through August 31, 2015.**

(a) Apportionable activities. From June 1, 2010, through August 31, 2015, substantial nexus with Washington of a nonresident individual or a business entity organized and commercially domiciled outside this state was established with respect to that person's apportionable activities in a particular calendar year by measuring the person's payroll, property, and receipts in that calendar year rather than by measuring the person's payroll, property, and receipts in the immediately preceding calendar year. Pursuant to RCW 82.04.220, in effect during this period, once established, substantial nexus continued through the following calendar year.

~~Example 14. ((Calculation of minimum nexus thresholds during the 2010 transition year. Company F receives \$200,000 in gross receipts attributed to Washington on March 15, 2010; \$100,000 on July 12, 2010; and \$100,000 on November 1, 2010. Company F has substantial nexus with Washington for the period June 1, 2010, through December 31, 2010, because it received \$400,000 in gross receipts during 2010. Pursuant to RCW 82.04.220, its substantial nexus with Washington also continues through 2011.~~

~~Example 15.))~~ Company E ((is)) was organized and commercially domiciled in State X. In 2013 it had \$275,000 in gross receipts from apportionable activities attributed to Washington per WAC 458-20-19402. Company E ((has)) had substantial nexus with Washington in 2013 because its total receipts from apportionable activities attributed to Washington in that calendar year, \$275,000, exceeded the receipts threshold. Therefore, Company E ((is)) was subject to B&O taxes for the entire 2013 calendar year and its substantial nexus ((continues)) continued through at least the 2014 calendar year.

~~((Example 16. Assume Corporation K earns receipts attributable to Washington from July 1, 2008 through March 1, 2010 and exceeds the minimum threshold from apportionable activities in 2010. Assuming Corporation K does not exceed any of the minimum nexus thresholds in 2011, the taxpayer's B&O tax reporting obligation for any gross receipts attributable to Washington ends on December 31, 2011.~~

~~Example 17. Assume Corporation L exceeded Washington's minimum nexus thresholds for apportionable income~~

~~from 2010 through 2012, but does not exceed them in 2013. Corporation L's B&O tax reporting obligation for any gross receipts earned in Washington ends on December 31, 2013.))~~

(b) Wholesaling activity. Prior to September 1, 2015, other than as a result of continuing substantial nexus pursuant to RCW 82.04.220, a nonresident individual or a business entity organized and commercially domiciled outside of Washington was deemed to have substantial nexus with this state with respect to its wholesaling activity in a calendar year only if it had a physical presence in Washington in the calendar year. See WAC 458-20-193 regarding the continuing application of the physical presence substantial nexus standard on wholesaling activity not subject to the economic nexus thresholds discussed in this rule.

## WSR 18-06-092

### PERMANENT RULES

### DEPARTMENT OF HEALTH

[Filed March 6, 2018, 4:32 p.m., effective April 16, 2018]

Effective Date of Rule: April 16, 2018.

Purpose: Chapter 246-337 WAC, Residential treatment facilities (RTF), the department of health (department) is adopting rules to clarify, update, and restructure requirements for licensure throughout the chapter. The adopted rules address clarifications for restraint and seclusion, medication management, and resident care services, and set minimum construction standards that are scalable based on the type of patients and services provided in each facility. The rules are also designed to support integrated care at these facilities.

Citation of Rules Affected by this Order: New WAC 246-337-021, 246-337-048, 246-337-111, 246-337-112, 246-337-113, 246-337-116, 246-337-124, 246-337-126, 246-337-127, 246-337-128, 246-337-129 and 246-337-146; repealing WAC 246-337-020, 246-337-035, 246-337-090, 246-337-115, 246-337-125, 246-337-145, 246-337-150 and 246-337-155; and amending WAC 246-337-001, 246-337-005, 246-337-010, 246-337-015, 246-337-025, 246-337-040, 246-337-045, 246-337-050, 246-337-055, 246-337-060, 246-337-065, 246-337-070, 246-337-075, 246-337-080, 246-337-085, 246-337-095, 246-337-100, 246-337-105, 246-337-110, 246-337-120, 246-337-130, 246-337-135, and 246-337-140.

Statutory Authority for Adoption: RCW 71.12.670.

Adopted under notice filed as WSR 18-01-046 on December 12, 2017.

Changes Other than Editing from Proposed to Adopted Version: The following clarifications were made to WAC 246-337-010:

Subsection (1), removed language regarding completion of initial on-site survey as a requirement prior to licensure as it was left inadvertently. It would create a requirement not reflected in the department's work with stakeholders, and contradicts the cost-benefit analysis which analyzes unannounced surveys occurring after the initial license has been issued.

Subsection (2), added clarifying language that an RTF license is effective for one year from the date issued.

Subsection (4), added clarifying language that a change of address alone only requires an amended license instead of

a completely new license. This was discussed at length with stakeholders and was included as potential cost savings in the cost-benefit analysis.

Subsection (6), added clarifying language that prospective new facility owners must complete all the steps required in this chapter to receive a new license.

In WAC 246-337-021 (1)(a), language was changed to clarify that the department will conduct unannounced surveys after initial licensure, not before, which reflects the department's current process and [is] agreed upon with stakeholders. Unannounced surveys after initial licensure is [are] analyzed in the cost-benefit analysis.

In WAC 246-337-021 (4)(b), language was added to clarify that the "plan of correction" must be approved by the department.

A final cost-benefit analysis is available by contacting Jeff Wise, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4987, fax 360-236-2260, TTY 360-833-6388 or 711, email jeff.wise@doh.wa.gov.

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

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 12, Amended 23, Repealed 8.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 12, Amended 23, Repealed 8.

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 12, Amended 23, Repealed 8.

Date Adopted: March 1, 2018.

John Wiesman, DrPH, MPH  
Secretary

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-001 Scope and purpose.** (1) This chapter implements chapter 71.12 RCW and sets the minimum health and safety standards for licensure and operations of twenty-four hour private, county or municipal residential treatment facilities (RTF) providing health care services to persons with mental disorders or substance ~~((abuse))~~ use disorders.

(2) ~~((Additionally, these rules apply to residential treatment facilities licensed by the department of health under chapter 71.12 RCW and certified by the department of social and health services under chapter 71.05 RCW (Mental illness), chapter 70.96A RCW (Treatment for alcoholism, intoxication and drug addiction), and chapter 71.34 RCW (Mental health services for minors).~~

(3)) These rules are intended to supplement other applicable federal, state and local laws, rules and ordinances. If any provision of this chapter is more restrictive than local

codes and ordinances this chapter shall prevail over any less restrictive provision.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-005 Definitions.** ~~((For the purpose of this chapter, the following words and phrases have the following meanings))~~ The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise:

(1) **"Administrator"** means an individual person responsible for managing the day-to-day operations of the ~~((RTF))~~ residential treatment facility.

(2) **"Adult"** means an individual ~~((age))~~ of age eighteen years or older.

(3) ~~((**"Approved"** means approved by the department, unless otherwise specified.~~

(4)) **"Authorized"** means mandated or permitted, in writing, by the administrator to perform an act that is within a health care provider's lawful scope of practice, or that was lawfully delegated to the health care provider or to the unlicensed staff member.

~~((5))~~ (4) **"Bathroom"** means a room containing at least one bathtub or shower.

~~((6) **"Chemical dependency"** means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.~~

(7) **"Chemical dependency RTF"** means all or part of an RTF certified by DSHS under chapter 70.96A RCW, that provides twenty-four hour evaluation, stabilization and treatment services for persons with chemical dependency within one or more of the following service categories:

(a) **"Acute detoxification"** as defined in chapter 388-805 WAC;

(b) ~~**"Subacute detoxification"** as defined in chapter 388-805 WAC;~~

(c) **"Intensive inpatient services"** as defined in chapter 388-805 WAC;

(d) ~~**"Long-term treatment services"** as defined in chapter 388-805 WAC;~~

(e) ~~**"Recovery house services"** as defined in chapter 388-805 WAC.~~

~~((8))~~ (5) **"Child"** or **"minor"** means an individual under the age of eighteen.

~~((9))~~ (6) **"Communicable disease"** means a disease caused by an infectious agent that can be transmitted from one person, animal, or object to another individual by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

~~((10))~~ (7) **"Confidential"** means information that may not be disclosed except under specific conditions permitted or mandated by law or legal agreement between the parties concerned.

~~((11))~~ (8) **"Construction"** means:

(a) The erection of a facility;

(b) An addition, modification, alteration or change of an approved use to an existing facility; or

(c) The conversion of an existing facility or portion of a facility for use as ~~((a))~~ an RTF.

~~((12))~~ **"DASA"** means division of alcohol and substance abuse, within DSHS.

~~((13))~~ **(9) "Co-occurring services"** means services certified by DSHS-DBHR that combine mental health services and substance use disorder services under a single RTF license.

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

~~((14))~~ **(11) "DSHS-DBHR"** means the division of behavioral health and recovery within the Washington state department of social and health services.

~~((15))~~ **"Emergency health care"** means services provided consistent with the health care needs of the resident for an acute illness, injury, or unexpected clinical event as determined by an authorized health care provider.

~~((16))~~ **(12) "Facility"** means a building ~~((or)),~~ a portion of a building~~(:~~

~~((17))~~ **"First aid"** means care for a condition that requires immediate assistance from an individual trained and certified in first-aid procedures.

~~((18))~~ **"Hand hygiene"** means handwashing, antiseptic hand wash, or antiseptic hand or surgical hand antisepsis.

~~((19))~~ **"Health"** means a state of complete physical and mental well-being and not merely the absence of disease or infirmity), or multiple buildings under a single RTF license.

~~((20))~~ **(13) "Health assessment"** means a systematic physical examination of the person's body conducted by an ~~((authorized health care provider))~~ allopathic physician, osteopathic physician, naturopathic physician, allopathic physician's assistant, osteopathic physician's assistant, advanced registered nurse practitioner, registered nurse, or licensed practical nurse who is licensed under Title 18 RCW and operating within their scope of practice.

~~((21))~~ **(14) "Health care"** means any care, service, or procedure provided by a health care provider to diagnose, treat, or maintain a resident's physical or mental condition, or that affects the structure or function of the human body.

~~((22))~~ **(15) "Health care prescriber" or "prescriber"** means an allopathic physician, osteopathic physician, naturopathic physician, allopathic physician's assistant, osteopathic physician's assistant, or advanced registered nurse practitioner licensed under Title 18 RCW operating within their scope of practice who by law can prescribe drugs in Washington state.

**(16) "Health care provider"** means an individual who is licensed, registered or certified under Title 18 RCW to provide health care within a particular profession's statutorily authorized scope of practice.

~~((23))~~ **(17) "Health care screen"** means ~~((the process))~~ a systematic interview or use of a questionnaire approved by ((an authorized)) a health care ((provider)) prescriber to determine the health history and care needs of a resident.

~~((24))~~ **(18) "Licensee"** means the person, corporation, association, organization, county, municipality, public hospital district, or other legal entity, including any lawful successors ~~((thereto))~~ to whom the department issues ~~((a))~~ an RTF license.

~~((25))~~ **(19) "Medication"** means a legend drug prescribed for a resident by an authorized health care ~~((provider,~~

~~or))~~ prescriber. Medication also means nonprescription drugs, also called "over-the-counter medications," that can be purchased by the general public without a prescription.

~~((26))~~ **(20) "Medication administration"** means the direct application of a medication or device by ingestion, inhalation, injection, or any other means, whether self-administered by a resident, or administered by a parent or guardian ~~((for a minor((s))),~~ or an authorized health care provider.

~~((27))~~ **"Medication self administration" or "self medication administration"** means a process by which each resident obtains his/her container of medication from a supervised and secure storage area, removes the dose needed and ingests or applies the medication as directed on the label while being observed by staff.

~~((28))~~ **"Medication error"** includes any failure to administer or receive a medication according to an authorized health care provider's order, or according to the manufacturer's directions for nonprescription drugs.

~~((29))~~ **"Medication protocol"** means a specific group of orders to be used for specific symptoms for specific residents and authorized by a health care provider.

~~((30))~~ **(21) "Medication administration error"** means a resident failing to receive the correct medication, medication at the correct time, the correct dose, or medication by the correct route.

**(22) "Mental health ((RTF)) services"** means ~~((all or part of a RTF providing twenty-four hour evaluation, stabilization and treatment services for persons with a mental disorder and certified by DSHS under chapters 71.05 or 71.34 RCW, within one or more of the following service categories:~~

~~((a))~~ **"Adult residential treatment"** as defined in chapter 388-865 WAC;

~~((b))~~ **"Inpatient evaluation and treatment"** as defined in chapter 388-865 WAC;

~~((c))~~ **"Child inpatient evaluation and treatment"** as defined in chapter 388-865 WAC.

~~((d))~~ **"Child long-term inpatient treatment"** as defined in chapter 388-865 WAC.

~~((31))~~ services certified by DSHS-DBHR under chapter 388-865 or 388-877A WAC to evaluate, stabilize, or treat one or more residents for a mental disorder.

**(23) "Parent((s)) or guardian"** means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under joint custody agreement; or

(b) An individual or agency judicially appointed as legal guardian or custodian of the child.

~~((32))~~ **(24) "Resident"** means an individual ~~((adult or child))~~ admitted to ~~((the))~~ an RTF licensed under this chapter.

~~((33))~~ **(25) "Residential treatment facility" or "RTF"** means a facility ~~((for purposes of evaluation and treatment or evaluation and referral of any individual with a chemical dependency or mental disorder.~~

~~((34))~~ **"Restraint"** means a continuum of methods used to prevent or limit free body movement.

~~((35))~~ **"Room"** means a space set apart by floor-to-ceiling partitions on all sides with all openings provided with doors or windows.

(36)) in which twenty-four hour on-site care is provided for the evaluation, stabilization, or treatment of residents for substance use, mental health, or co-occurring disorders.

(26) "Restraint" means any manual method, physical or mechanical device, material, or equipment that immobilizes or reduces the ability of a resident to move his or her arms, legs, body or head freely; or a drug or medication when used as a restriction to manage the resident's behavior or restrict the resident's freedom of movement and is not a standard treatment or dosage for the resident's condition. Restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical or chemical restraint, accomplished with limited force and designed to:

(a) Prevent a resident from completing an act that would result in potential bodily harm to the resident or others or to damage property;

(b) Remove a disruptive resident who is unwilling to leave the area voluntarily; or

(c) Guide a resident from one location to another.

(27) "Seclusion" means the involuntary confinement of a resident alone in a room or area from which the resident is physically prevented from leaving.

~~((37) "Sink" means a properly trapped plumbing fixture, capable of holding water, with approved potable hot and cold running water under pressure.~~

(38)) (28) "Substance use disorder services" means services certified by DSHS-DBHR under chapter 388-877B WAC to evaluate, stabilize, or treat one or more residents for alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(29) "Survey" means an inspection or investigation conducted by the department to evaluate and monitor a licensee's compliance with chapter 71.12 RCW and this chapter.

~~((39)) (30) "Toilet room" means a room containing a water closet (toilet).~~

~~((40) "WISHA" means the state of Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.))~~

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

~~WAC 246-337-010 ((Initial licensure and renewal process.))~~ **Licensing.** An applicant may not open or operate an RTF until all requirements for licensure set forth in this section are met and the department has issued an initial, renewed, or amended RTF license listing the service type(s) approved to be provided in the RTF.

(1) Initial((;)) licensure. An applicant for an initial RTF license must submit to the department((; sixty days or more before starting)):

(a) A completed application on form(s) provided by the department, signed by the owner or legal designee((; including:

(i) The identity of each officer and director, or their equivalent, of the licensee);

((ii)) (b) Disclosure statements and criminal history background checks obtained within the previous three months of the application date for the administrator in accordance with ((chapter 43.43 RCW;

(iii)) WAC 246-337-055;

(c) The license fee specified in WAC 246-337-990; ((and

(iv) A reduced floor plan on 8 1/2 x 11 size paper that shows each room within the facility in a manner that is easily seen and understood.

(b) Evidence of applicant(s))

(d) Policies and procedures in compliance with chapter 71.12 RCW and this chapter ((including:

(i) The department approved construction documents and functional program plan;

(ii) Documentation of application for certification by DSHS under chapter 71.05 RCW (Mental illness), chapter 70.96A RCW (Treatment for alcoholism, intoxication and drug addiction), or chapter 71.34 RCW (Mental health services for minors);

(iii)) for review and approval by the department;

(e) A completed construction review application and fee, and functional program plan according to WAC 246-337-040;

(f) Written approval of the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC; and

~~((iv) Compliance with all applicable federal, state and local laws, rules, and codes; and~~

~~(v) Completion of an initial on-site survey.~~

(e) Other information as required by the department.

(2) If the applicant has met all requirements for licensure set forth in subsection (1) of this section, the department shall issue a RTF license (listing the service categories). An RTF license is effective for one year from the date it is issued.)) (g) Other information as required by the department.

(2) An RTF license is effective for one year from the date it is issued.

(3) License renewal((;)). At least thirty calendar days before the expiration date of the current license, the licensee must submit to the department:

(a) A completed application on form(s) provided by the department;

(b) Disclosure statements and criminal history background checks obtained within the previous three months of the ((renewal)) application date for the administrator in accordance with ((chapter 43.43 RCW)) WAC 246-337-055;

(c) The renewal fee specified in WAC 246-337-990;

(d) ((Documentation satisfactory to the department of licensee's compliance with chapter 71.12 RCW and this chapter, including the following:

(i) Compliance with rules adopted by the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC;

(ii) Compliance with all applicable federal, state and local laws, and rules; and

(e) Other information as required by the department.

(4) At least sixty days)) Written approval from the chief of the Washington state patrol, through the director of fire

protection, as required by RCW 71.12.485 and chapter 212-12 WAC; and

(e) Other information as required by the department.

(4) License amendment. Prior to changing any of the ~~((license))~~ service ~~((categories))~~ type(s) provided in the facility, number of resident beds, location or use of rooms ~~((as listed on the licensed room list, or))~~, the physical structure of the ~~((RTF;))~~ facility, a change in the administrator, or a change in address, the licensee must submit to the department:

(a) ~~((Notify the department))~~ Notification in writing of the intended change;

(b) ~~((Request the department to determine the need for review by the department's construction review services; and~~

~~((e) If the change involves an approved increase in beds, the licensee must pay a fee under WAC 246-337-990;~~

~~((5) At least sixty days))~~ A completed application on form(s) provided by the department;

(c) The administrative fee and other applicable fee(s) specified in WAC 246-337-990;

(d) A request to the department to determine the need for review by the department's construction review services and Washington state fire marshal;

(e) If changing service type, policies and procedures in compliance with chapter 71.12 RCW and this chapter for review and approval by the department; and

(f) If changing administrators, disclosure statements and criminal history background checks obtained within the previous three months of the application date for the administrator in accordance with WAC 246-337-055.

(5) Change of ownership. Prior to selling, leasing, renting or otherwise transferring control of ~~((a license;))~~ an RTF that results in a change of the state Uniform Business Identifier Number ~~((UBI #))~~, the licensee must submit to the department:

(a) The full name and address of the current licensee and prospective licensee;

(b) The name and address of the licensed RTF and the name under which the RTF will operate;

(c) Date of the proposed change;

(d) Plans for preserving resident records, consistent with WAC 246-337-095; and

(e) Other information as required by the department.

(6) A prospective new RTF owner shall apply for licensure by complying with subsection (1) of this section.

(7) ~~((A))~~ An RTF license is not transferable.

(8) The licensee shall:

(a) Maintain and post a current RTF license in a conspicuous place on the premises;

(b) Provide services limited to each department approved service type; and

(c) Maintain the occupancy level not exceeding the licensed resident bed capacity of the RTF.

(9) Prior to issuing, renewing, or amending a license, the department shall:

(a) Review and approve the licensing application;

(b) Review and approve RTF policies and procedures according to this chapter, as applicable;

(c) Verify compliance with RTF construction standards according to this chapter, as applicable;

(d) Obtain written verification of compliance with RCW 71.12.485 and chapter 212-12 WAC administered by the Washington state patrol fire marshal fire protection service, as applicable; and

(e) Determine whether the applicant or licensee meets the requirements in chapter 71.12 RCW and this chapter.

(10) The department may issue a single RTF license to include two or more buildings on the same campus if the applicant or licensee:

(a) Meets the licensure requirements of chapter 71.12 RCW and this chapter; and

(b) Operates the multiple buildings as a single integrated system with governance by a single authority or body over all staff and buildings.

(11) For the purposes of this section, "campus" means an area where all of the RTF's buildings are located on contiguous properties undivided by:

(a) Public streets, not including alleyways used primarily for delivery services or parking; or

(b) Other land that is not owned and maintained by the owners of the property on which the facility is located.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-015 Service ~~((categories))~~ types.** A licensee ~~((may))~~ must provide ~~((services under a single RTF license for))~~ one or more of the following types of services ~~((categories))~~ in the RTF:

~~((1))~~ (1) Chemical dependency acute detoxification;

~~((2))~~ (2) Chemical dependency subacute detoxification;

~~((3))~~ (3) Chemical dependency intensive inpatient;

~~((4))~~ (4) Chemical dependency long-term treatment;

~~((5))~~ (5) Chemical dependency recovery house;

~~((6))~~ (6) Mental health adult residential treatment (includes crisis services for twenty-four hours or more);

~~((7))~~ (7) Mental health inpatient evaluation and treatment;

~~((8))~~ (8) Mental health child long-term inpatient treatment;

~~((9))~~ (9) Mental health child inpatient evaluation and treatment;) Mental health services;

(2) Substance use disorder services; or

(3) Co-occurring services.

#### NEW SECTION

**WAC 246-337-021 On-site surveys, complaint investigations, and enforcement.** (1) To determine compliance with chapter 71.12 RCW and this chapter, the department may:

(a) Conduct unannounced on-site surveys after initial licensure; and

(b) Investigate complaints alleging noncompliance with chapter 71.12 RCW and this chapter.

(2) The licensee shall assist the department during on-site surveys and investigations in a cooperative manner.

(3) Notice of correction.

(a) When the department identifies deficiencies it does not determine to be major, broadly systemic, or of a recurring nature, the department will issue the administrator a notice of correction according to RCW 43.05.100.

(b) The "notice of correction" will include:

(i) 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;

(ii) A brief statement of what is required to achieve compliance;

(iii) The date by which the department requires compliance to be achieved;

(iv) Notice of the means to contact any technical assistance services provided by the department or other sources of technical assistance; and

(v) 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.

(4) Plan of correction.

(a) At the same time the department issues a notice of correction as identified in subsection (3) of this section, the department will provide instructions on how the administrator will complete and submit a plan of correction.

(b) The "plan of correction" must be approved by the department and include:

(i) A statement that the administrator:

(A) Has or will correct each cited deficiency; and

(B) Will maintain correction of each cited deficiency.

(ii) A place for the administrator to describe the specific action(s) that must be taken to correct each cited deficiency;

(iii) A place for the administrator to indicate the individual responsible for assuring correction of each deficiency; and

(iv) A place for the administrator to indicate the time frame in which to complete the corrections.

(c) Time frames to correct each cited deficiency in the notice of correction must be approved by the department.

(d) Implementation of the corrective action must be completed within the approved time frame and is subject to verification by the department.

(e) The administrator or the administrator's designee shall:

(i) Complete, sign, date, and submit a written plan of correction to the department within ten business days of receiving a notice of correction; and

(ii) Submit to the department updated plans of correction as needed.

(5) Directed plan of correction.

(a) When the department identifies deficiencies it determines to be broadly systemic, recurring, or of a significant threat to public health and safety, it will issue a directed plan of correction.

(b) The directed plan of correction will include:

(i) Direction from the department on the specific corrective action(s) required for the licensee to correct each cited deficiency; and

(ii) The time frames in which the department requires the licensee to complete each cited deficiency.

(c) The department may reduce the time frames in the directed plan of correction to the minimum necessary. Implementation of the directed corrective action(s) must be completed within the approved time frame and is subject to verification by the department.

(6) The department may deny, suspend, modify, or revoke an RTF license under chapters 71.12, 43.70, 34.05 RCW, and 246-10 WAC, if the applicant or licensees have:

(a) Failed to correct any deficiencies within the required time frames as described in subsections (3) through (5) of this section;

(b) Failed to comply with any other provision of chapter 71.12 RCW or this chapter;

(c) Failed to meet DSHS-DBHR certification standards under chapters 71.05, 70.96A, and 71.34 RCW.

(d) Been denied a license to operate a health care, child care, group care or personal care facility in this state or elsewhere, had the license suspended or revoked, or been found civilly liable or criminally convicted of operating the facility without a license;

(e) Committed, aided or abetted an illegal act in connection with the operation of any RTF or the provision of health care or residential services;

(f) Abandoned, abused, neglected, assaulted, or demonstrated indifference to the welfare and well-being of a resident;

(g) Failed to take immediate corrective action in any instance of assault, abuse, neglect, or indifference to the welfare of a resident; or

(h) Retaliated against a staff member, resident, or other individual for reporting suspected abuse or other alleged improprieties;

(7) The department may summarily suspend a license pending a proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a resident's health, safety, or welfare.

(8) A licensee may contest a department decision or action according to the provision of RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-025 Exemptions (~~and~~) or alternative means and methods of compliance.** (1) An applicant or licensee may request an exemption or alternative means or methods of compliance from any part of this chapter by submitting a written request to the department(~~(including)~~) that includes:

(a) The specific section, or sections, of rules for which the exemption or alternative means or methods of compliance is requested;

(b) An explanation of the circumstances involved;

(c) A proposed alternative that would ensure the safety and health of residents meeting the intent of the rule; and

(d) Any supporting research or other documentation.

(2) After review and consideration, the department may grant (~~and~~) the request if the exemption ((if the exemption) or alternative means or methods of compliance does not:

(a) Negate the purpose and intent of these rules;

(b) Place the safety or health of the residents in the RTF in jeopardy;

(c) Reduce any fire and life safety or infection control laws or rules; or

(d) Adversely affect the structural integrity of a facility.

(3) The department will send a copy of the exemption or alternative means or methods of compliance decision to the licensee, and shall maintain the exemption or alternative means or methods of compliance as part of the current RTF file. The licensee shall maintain the documented exemption or alternative means or methods of compliance decision on file in the RTF.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-040** (~~(Review of construction documents and functional program.)~~) **Construction review services requirements.** (1) Prior to beginning any construction or remodeling, the applicant or licensee must submit an application and fee specified in chapter 246-314 WAC, if applicable, to the department and receive written authorization by the department to proceed.

(2) (~~The licensee or applicant must submit~~) The requirements of chapter 246-337 WAC in effect at the time the application and fee are submitted to the department, and the project number as assigned by the department, apply for the duration of the construction project.

(3) Standards for design and construction. Construction shall comply with:

(a) The state building code as adopted by the state building code council under the authority of chapter 19.27 RCW; and

(b) The requirements in this chapter for new construction.

(4) Preconstruction. The applicant or licensee must request and attend a presubmission conference with the department for projects with a construction value of two hundred fifty thousand dollars or more. The presubmission conference shall be scheduled to occur at the end of the design development phase or the beginning of the construction documentation phase of the project.

(5) Construction document review. The applicant or licensee must submit accurate and complete construction documents for proposed new construction to the department for review within ten days of submission to the local authorities. The construction documents must include:

(a) A written functional program, in accordance with RCW 71.12.470, outlining the (service categories and) types of services provided, types of residents to be served, and how the needs of the residents will be met including (but not limited to) a narrative description of:

~~((a))~~ (i) Program goals;

~~((b))~~ (ii) Staffing and health care to be provided consistent with WAC 246-337-080;

~~((c))~~ (iii) Infection control consistent with WAC 246-337-060;

~~((d))~~ Security and safety;

~~((e))~~ Seclusion and restraint) (iv) Safety and security consistent with WAC 246-337-065;

(v) Restraint and seclusion consistent with WAC 246-337-110;

~~((f))~~ (vi) Laundry consistent with WAC 246-337-112;

~~((g))~~ (vii) Food and nutrition consistent with WAC 246-337-111; (and

~~((h))~~ (viii) Medication);

~~(3) The licensee or applicant must submit accurate, timely, and complete construction documents that comply with all governing rules.~~

~~(4) Construction documents must include:~~

~~((a))~~ consistent with WAC 246-337-105; and

~~((i))~~ Housekeeping.

~~(b) Drawings prepared, stamped, and signed by an architect or engineer licensed by the state of Washington under chapter 18.08 RCW. The services of a consulting engineer licensed by the state of Washington may be used for the various branches of the work, if appropriate; (and~~

~~((b))~~

~~(c) Drawings with coordinated architectural, mechanical, and electrical work drawn to scale showing complete details for construction, including:~~

~~(i) Site plan(s) showing streets, driveways, parking, vehicle and pedestrian circulation, (utility line locations,) and location of existing and new buildings;~~

~~(ii) Dimensioned floor plan(s) with the function of each room and fixed/required equipment designated;~~

~~(iii) Elevations, sections, and construction details;~~

~~(iv) Schedules of floor, wall, and ceiling finishes;~~

~~(v) Schedules of doors and windows - Sizes and type, and door finish hardware;~~

~~(vi) Mechanical systems - Plumbing and heating/venting/air conditioning; and~~

~~(vii) Electrical systems, including lighting, power, and communication/notification systems;~~

~~((e))~~ (d) Specifications that describe with specificity the workmanship and finishes; (and

~~((d))~~

~~(e) Shop drawings and related equipment specifications for:~~

~~(i) An automatic fire sprinkler system (when required by other codes); and~~

~~(ii) An automatic fire alarm system (when required by other codes).~~

~~((5) A license may not be issued for a new RTF, a new facility within an RTF, or changes in resident bed capacity or licensed service category(ies) for a currently licensed RTF, without written approval from the department's construction review services unit and residential care services program.~~

~~(6) The applicant or licensee must:~~

~~(a) Comply with the standards as adopted by the Washington state building code council;~~

~~((b))~~ (f) An interim life safety measures plan to ensure the health and safety of occupants during construction and renovation; and

~~(g) An infection control risk assessment indicating appropriate infection control measures, keeping the surrounding area free of dust and fumes, and ensuring rooms or areas are well ventilated, unoccupied, and unavailable for use until free of volatile fumes and odors.~~

~~(6) Resubmittals. The licensee shall respond in writing when the department requests additional or corrected construction documents.~~

(7) Construction. The licensee or applicant shall comply with the following requirements during the construction phase:

(a) Assure conformance to the approved plans during construction;

~~((e))~~ (b) Submit addenda, change orders, construction change directives or any other deviation from the approved plans to the department prior to their installation; and

~~((d))~~ Provide a written construction project completion notice to the department indicating:

(i) The completion date; and

(ii) The actual construction cost;

(e) Make adequate provisions for the health, safety, and comfort of residents during construction projects;) (c) Allow any necessary inspections for the verification of compliance with the construction documents, addenda, and modifications.

(8) Project closeout. The licensee or applicant shall not use any new or remodeled areas until:

(a) The department has approved construction documents;

(b) The local jurisdictions have completed all required inspections and approvals, when applicable or given approval to occupy; and

(c) The licensee or applicant notifies the department when construction is completed and includes:

(i) A copy of the local jurisdiction's approval for occupancy;

(ii) The completion date;

(iii) The actual construction cost; and

(iv) Additional information as required by the department.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-045 Governance and administration.**

The licensee must establish a governing body with responsibility for operating and maintaining the RTF. The governing body must provide organizational guidance and oversight to ensure that resources support and staff provides safe and adequate resident care including, but not limited to:

(1) Adopting, periodically reviewing, and updating as necessary, policies that:

(a) Govern the organization and functions of the RTF including:

(i) A brief narrative explaining the scope of services provided;

(ii) An organization chart specifying the governing body, staff positions, and number of full- or part-time persons for each position; and

(iii) A policy addressing ~~((that))~~ the provision of sufficient resources such as personnel, facilities, equipment, and supplies ~~((are provided))~~ to meet the needs of the population served;

(b) Provide a process for communication and conflict resolution for both staff and residents; ~~((and))~~

(c) Provide clear lines of authority for both management and operation of the RTF; and

(d) Implement the requirements of this chapter and ensure they are:

(i) Kept current;

(ii) Made known to staff and available at all times; and

(iii) Complied with by staff.

(2) Establishing a job description and procedures for selecting and periodically evaluating a qualified administrator to ~~((assure that he or she carries))~~ carry out the goals and policies of the governing body. The administrator must:

(a) Be qualified through appropriate knowledge, experience and capabilities to supervise and administer the services ~~((properly));~~ and

(b) Be available at all times either in person, by telephone or similar electronic means, or ~~((assure that a designated))~~ designate an alternate who has similar qualifications and is available ~~((one hundred percent of the time, either in person, by telephone or electronic pager (or similar electronic means);))~~ to carry out the goals, objectives and standards of the governing body.

(3) ~~((Establishing written policies and procedures that implement all applicable rules, which are routinely reviewed by the administrator and the governing body to ensure they are kept current, made known to staff, made available at all times to all staff, and are complied with within the RTF.~~

~~((4))~~ Establishing a personnel system ~~((that assures))~~ whose:

(a) Personnel records of all employees and volunteers contain written job descriptions consistent with staff responsibilities and standards for professional licensing;

(b) Staff are assigned, oriented, trained, supervised, monitored, and evaluated;

(c) Staff who provide direct resident care, direct treatment, or manage the safety of a resident are competent by training, experience and capability;

~~((Contractors have current contracts on file clearly stating the responsibilities of the contractor;))~~ Contracts for contracted personnel are kept on file, kept current, and signed. Contracts must also clearly state the responsibilities for all contracted personnel; and

(e) Staff, contractors, consultants, students, volunteers, and trainees with unsupervised access to residents ~~((complies))~~ comply with WAC 246-337-055.

~~((5) Establishing a RTF wide approach to a coordinated quality improvement program for resident care services under chapter 71.12 RCW addressing health and safety.))~~

NEW SECTION

**WAC 246-337-048 Quality improvement program.**

The licensee must establish policies and procedures to ensure ongoing maintenance of a coordinated quality improvement program to improve the quality of care provided to residents and to identify and prevent serious or unanticipated resident and facility outcomes. The licensee must:

(1) Establish a written performance improvement plan that is periodically evaluated.

(2) Collect, measure, and assess data on policies and procedures, and outcomes related to resident care and the environment including:

(a) Medication administration errors;



- (b) Allegations of abuse;
- (c) Death;
- (d) Suicide;
- (e) Injuries which result in serious or unanticipated outcomes;
- (f) Restraint or seclusion use;
- (g) Resident grievances;
- (h) Security incidents; and
- (i) Disruption of services through internal or external emergency or disaster event.

(3) Review serious or unanticipated resident or facility outcomes as specified in subsection (2) of this section, in a timely manner.

(4) Implement and document changes or improvements made to prevent future occurrences of any serious or unanticipated resident outcome specified in subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-050 Management of human resources.** ~~(1)~~ The licensee must ensure residents receive ~~((health care by adequate numbers of))~~ care from qualified staff authorized and competent to carry out assigned responsibilities~~((, including:~~

~~((1))~~;

~~(2)~~ A sufficient number of ~~((personnel))~~ staff must be present on a twenty-four hour per day basis to:

~~(a)~~ Meet the ((health)) care needs of the residents served;~~((managing))~~

~~(b)~~ Manage emergency situations;

~~(c)~~ Provide crisis intervention~~((, implementation of health care));~~

~~(d)~~ Implement individual service plans; and

~~(e)~~ Carry out required monitoring activities.

~~((2))~~ ~~(Personnel)~~ (3) At least one staff trained in basic first aid and age appropriate cardiopulmonary resuscitation (CPR) must be on-site twenty-four hours per day.

(4) Staff must be trained, authorized, and where applicable credentialed ~~((where applicable) to carry out))~~ to perform assigned job responsibilities consistent with scopes of practice, resident population characteristics and the resident's individual service plan ~~((of care/treatment;~~

~~(3)~~ ~~The presence of at least one individual trained in basic first aid and age appropriate cardiopulmonary resuscitation twenty-four hours per day).~~

~~((4))~~ (5) The licensee must document that staff receive the following training as applicable:

(a) Initial orientation and ongoing training to address the safety and health care needs of the residents served for all staff;

(b) Bloodborne pathogen training inclusive of HIV/AIDS training for staff involved in direct resident care or potential for having contact with blood or body fluids;

(c) If restraint or seclusion is used in the facility, initial and annual training in the proper and safe use of restraint or seclusion for staff required to perform restraint or seclusion procedures inclusive of:

(i) Techniques to identify staff and resident behaviors, events, and environmental factors that may trigger circumstances that require the use of restraint or seclusion;

(ii) The use of nonphysical intervention skills;

(iii) Choosing the least restrictive intervention based on an individualized assessment of the resident's medical or behavioral status or condition;

(iv) The safe application and use of all types of restraint or seclusion used in the RTF, including training in how to recognize and respond to signs of physical and psychological distress;

(v) Clinical identification of specific behavioral changes that indicate that restraint or seclusion is no longer necessary; and

(vi) Monitoring the physical and psychological well-being of the resident who is restrained or secluded including, but not limited to, respiratory and circulatory status, skin integrity, and vital signs; and

(d) Current basic first aid and age appropriate cardiopulmonary resuscitation for staff required to provide first aid or CPR.

(6) The licensee shall have written documentation ~~((to verify credentials, training, and performance evaluations))~~ for each staff member including ~~((, but not limited to))~~:

~~(a)~~ Employment ~~((application/hire));~~

~~(b)~~ Hire date;

~~((b))~~ ~~(c)~~ Verification of education ~~((;))~~ and experience ~~((and training));~~

~~((c))~~ ~~(d)~~ Current signed job description;

~~((d))~~ ~~(e)~~ Criminal history disclosure statement and results of a ~~((Washington state patrol))~~ background ~~((inquiry;~~

~~(e)~~ HIV/AIDS training or verification) check, according to WAC 246-337-055, completed within the previous three months of hire date and annually thereafter;

~~(f)~~ Current ~~((license/certification/registration-))~~ license, certification, or registration, if applicable ~~((;))~~;

~~(g)~~ Current basic first aid and age appropriate ~~((cardiopulmonary resuscitation training-))~~ CPR, if applicable ~~((;))~~;

~~(h)~~ Current Washington state food and beverage service worker permit, ~~((if applicable))~~;

~~(i)~~ Current driver's license, ~~((if applicable))~~;

~~(j)~~ Initial and ongoing tuberculosis screening ~~((refer))~~ according to the facility risk assessment and tuberculosis written plan according to WAC 246-337-060 ~~((;))~~; and

~~(k)~~ Annual signed performance evaluation ~~((s))~~ ~~((;))~~;

~~(l)~~ ~~Staff using restraint and seclusion procedures must receive initial and ongoing education and training in the proper and safe use of seclusion and/or restraints;~~

~~(m)~~ ~~Initial orientation and ongoing training to address the safety and health care needs of the population served.~~

~~((5))~~ ~~(f))~~;

(7) For the purposes of this section staff includes: Independent contractors, consultants, students, volunteers and trainees ~~((are))~~ providing direct ~~((on-site residential care, the licensee must ensure their compliance with this section))~~ care.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-055 Personnel criminal history, disclosure, and background inquiries.** The licensee (~~must ensure that~~) shall screen all prospective staff, independent contractors, consultants, students, volunteers and trainees with unsupervised access to residents (~~are screened~~) for criminal history disclosure and background requirements using a Washington state patrol background check consistent with RCW 43.43.830 through 43.43.842. All background check reports and signed disclosure statements must be made available to the department upon request.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-060 Infection control.** The licensee must (~~ensure each resident's care is provided in an environment~~) implement and maintain an infection control program that prevents the transmission of infections and communicable disease among residents, staff, and visitors (~~including~~) by:

(1) (~~Implementing and maintaining an infection control program by assignment of responsibility for infection control and monitoring to a specified staff member.~~)

(2) (~~Maintaining an infection control program that includes adoption and implementation of~~) Developing written policies and procedures for:

(a) (~~Meeting the standards as outlined in the most recent edition of the department's *Human Immune Deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) Curriculum Manual*, including:~~

(i) Hand hygiene;

(ii) Cleaning and disinfection;

(iii) ~~Standard/universal~~) (c) Standard precautions to prevent transmission of bloodborne pathogens in accordance with chapter 296-823 WAC;

(b) Resident(s with poor) hygiene;

(c) ~~Control of bloodborne pathogens in accordance with WISHA, chapter 296-823 WAC;~~

(d) ~~Control~~) (e) Preventing transmission of tuberculosis consistent with (~~WISHA, department guidelines,~~) the department's *Washington State Tuberculosis Services Manual*, DOH 343-071 June 2012, and chapter 246-170 WAC;

(e) ~~Exclusion~~) (f) Management of staff (~~from work who have~~) with a communicable disease in an infectious stage; (~~and~~

(f)

(g) Environmental management; and

(h) Housekeeping functions.

(3) ~~Ensuring that staff report notifiable conditions and cooperate with public health authorities to facilitate investigation of a case, suspected case, or outbreak of a notifiable condition, consistent with chapter 246-101 WAC.~~

(4) (2) Complying with chapters 246-100 and 246-101 WAC.

(3) Providing (the) all necessary supplies and equipment (necessary) to implement the (RTF) infection control (policies and procedures.

(5) Complying with chapter 246-100 WAC "Communicable and certain other diseases.") program.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-065 ((Health and) Safety and security.** The licensee must protect resident (~~health and~~) safety and security by developing written policies and procedures that are consistent with the requirements of this chapter(,) and address:

(1) (~~Coordination of interagency and intra-agency services, if any, to meet and provide for resident health care needs.~~) Management of disorderly residents, visitors, or staff.

(2) (~~The provision of health care services.~~) The safety of residents during transportation, including:

(a) Disorderly residents;

(b) Minimum qualifications for transport staff; and

(c) Any additional equipment in transport vehicles to ensure safety such as car seats for infants and children, and first-aid kits.

(3) (~~The provision for transportation for residents in accordance with Washington state laws and rules governing transportation.~~

(4) Smoking policies and procedures in compliance with applicable Washington state laws and rules.

(5) Smoking, vaping, and tobacco use by residents, visitors, and staff.

(4) Security (to protect residents, visitors, staff and property), including (, but not limited to):

(a) Controlling all entrances and exits and accounting for access to and egress ((elopement and evacuation)) from the RTF; and

(b) (Investigating, and recording all security incidents.

(6) Reporting to the department serious or undesirable resident outcomes including, but not limited to, death, suicide, or major disruption of services through internal or external emergency events.) Conducting resident searches.

(5) Reporting to the department and other appropriate agencies, by the end of the next business day of the incident occurring, serious or undesirable outcomes that occur in the facility including:

(a) Allegations of abuse;

(b) Death;

(c) Suicide;

(d) Injuries resulting in an inpatient hospital stay; and

(e) Disruption of services through internal or external emergency or disaster.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-070 Emergency disaster plan.** ((+)) The licensee must (~~ensure resident health and safety by establishing and implementing~~) establish and implement an emergency disaster plan designed (~~for response~~) to respond to internal and external emergency (~~safety~~) situations.

(1) The emergency disaster plan must:

(a) Be specific to (~~the RTF, and~~) each building that comprises the (~~RTF~~) facility;

- (b) Be communicated to the residents and staff;
- (c) Be coordinated with local emergency plans;
- (d) Address actions the licensee will take if residents cannot return to the facility;
- (e) Be posted or readily available to all staff and residents; and
- (f) ~~((Require))~~ Include emergency phone numbers ~~((to be adjacent to appropriate phones))~~.
- (2) The emergency disaster plan must identify:
  - (a) ~~((Who is))~~ The person responsible for each aspect of the plan;
  - (b) ~~((Procedures for accounting))~~ A system to account for all residents and staff during and after the emergency;
  - (c) ~~((How the premises will be evacuated, if necessary,))~~ Evacuation procedures and the meeting location after evacuation;
  - (d) ~~((How to address))~~ Care of residents with special needs during and after an emergency;
  - (e) Provisions ~~((for))~~ of emergency medications, food, water, clothing, shelter, heat and power for critical functions for three days;
  - (f) How family members will be contacted; and
  - (g) Arrangements for transportation ~~((arrangements if necessary))~~.
- (3) ~~((The licensee must evaluate the effectiveness of the emergency plan, including:
 
  - (a) Review at least annually and revise as needed;
  - (b) Conduct and document, at least annually,))~~ Evacuation routes must be clearly posted in plain sight of residents and staff.
- (4) The emergency disaster plan must include an evaluation process that includes:
  - (a) At least annually, conducting and documenting emergency drills for residents and staff; ~~((and~~
    - (e) ~~Debrief~~)
    - (b) A debriefing and ~~((evaluate))~~ evaluation of the plan after each emergency incident or drill; and
    - (c) At least annually, documenting, reviewing and, as needed, revising the emergency disaster plan.
  - ~~((4))~~ (5) Emergency supplies and first-aid equipment must be:
    - (a) In a designated ~~((location))~~ location(s);
    - (b) Readily available to staff ~~((during all hours of operation))~~ including during the transportation of residents;
    - (c) ~~((Sufficient in type and quantity according to staff and))~~ Available to meet residents' needs; and
    - (d) ~~((Sufficient to maintain a three-day emergency supply of dry or canned food and water for all staff and residents.))~~ Within applicable expiration dates.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-075 Resident rights.** The licensee must establish a process to ensure resident rights are protected in compliance with chapter 71.12 RCW, this chapter, and ~~((with chapters 70.96A, 71.05, and/or 71.34 RCW, as applicable, depending))~~ other applicable laws, and are based on the service ~~((categories that are part of the RTF license))~~ types pro-

vided in the RTF. This process must address ~~((, at a minimum,))~~ how the RTF will:

- (1) In an understandable manner, inform each resident ~~((in an understandable manner, his or her))~~ or their personal representative, designee or parent or guardian, of the following:
  - (a) All rights, treatment methods, and rules applicable to the proposed health care of ~~((a particular))~~ the resident~~((:~~
    - (2) Document that each resident received a written copy of his or her rights on or before admission.
    - (3) Address use of emergency interventions such as use of youth behavior management guidelines, restraint and/or seclusion, the use of special treatment interventions, restriction of rights and parameters of confidentiality.
    - (4) Allow residents, their personal representatives, and parents, to review resident files in accordance with chapter 70.02 RCW.
    - (5) Ensure that):
      - (b) The estimated cost of treatment;
      - (c) The name, address and telephone number of the department;
      - (d) How to file a complaint with the department without interference, discrimination, reprisal or facility knowledge; and
      - (e) Use of applicable emergency interventions such as:
        - (i) Behavior management;
        - (ii) Restraint or seclusion, if used in the RTF;
        - (iii) Special treatment intervention such as room or personal searches;
        - (iv) Restrictions of rights; and
        - (v) Confidentiality parameters based on terms of admission or confinement.
  - (2) Treat each resident ~~((is treated))~~ in a manner that respects individual identity, human dignity and fosters constructive self-esteem ~~((by ensuring)).~~ Each resident has the right to:
 
    - (a) Be free of abuse, including being deprived of food, clothes, or other basic necessities;
    - (b) Be free of restraint ~~((and/or))~~ or seclusion, except as provided in WAC 246-337-110;
    - (c) Participate or abstain from participation in social and religious activities;
    - (d) Participate in planning ~~((his or her))~~ their own health care and treatment ~~((that considers their own medical and/or mental health advance directives));~~
    - (e) Review or have their personal representative, designee, or parent or guardian review the resident's files in accordance with chapter 70.02 RCW;
    - (f) Refuse to perform services for the benefit of the RTF unless agreed to by the resident, ~~((as a part of))~~ documented in the individual ~~((health care))~~ service plan and in accordance with applicable law;
      - ~~((f))~~ Inform each resident of the cost of treatment;
      - ~~((g))~~ Inform each resident in writing of the department contact information, including telephone number and mailing address;
      - (h) Inform each resident that the resident may file a complaint with the department regarding the RTF's noncompliance with any part of this chapter, without interference, dis-

ermination or reprisal. The resident may choose whether to notify the RTF of the complaint;

(i) Promote a healthy, safe, clean and comfortable environment;))

(j) Protect each resident)) (g) Have a safe and clean environment; and

(h) Be free from invasion of privacy(=:); provided that reasonable means may be used to detect or prevent items that may be harmful or injurious to the resident or others, from being possessed or used on the premises.

~~((6))~~ (3) On or before admission, document that each resident, or the resident's personal representative, designee, parent or guardian receives a written copy of the resident's rights that includes all items in subsection (2) of this section.

(4) Protect the confidentiality of;

(a) Treatment and personal information when communicating with individuals not associated or listed in the ((resident individual's treatment)) resident's individual service plan or confidentiality disclosure form((-

(7)));

(b) Residents when visitors or other nonresidents are in the RTF; and

(c) Residents receiving substance use disorder service in accordance with 42 C.F.R., Part II.

(5) Comply with reporting requirements of suspected incidents of child or adult abuse and neglect in accordance with chapters 26.44 and 74.34 RCW.

~~((8))~~ (6) Account for each resident's assets, including allowance, earnings from federal or state sources and expenditures.

~~((9))~~ (7) Assist each resident, upon request, in sending written communications of the fact of the resident's commitment in the RTF to friends, relatives, or other persons.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-080 Resident care services.** ~~((1) Policies and procedures:~~ The licensee must establish and implement policies and procedures that describe how residents are provided care and personal equipment to meet their health care needs including:

(a) Admission, transfer, discharge and referral process.

(b) Addressing how the licensee provides or makes provision for health care services.

(c) Addressing the action of RTF personnel when medical emergencies or a threat to life arises when a physician or authorized health care provider is not present including:

(i) Having current policies and procedures signed by a physician or authorized health care provider, reviewed as needed and at least biennially;

(ii) How resident medical and related data shall be transmitted in the event of a transfer;

(iii) Need for the notification of legal guardian or next of kin, the department or other regulatory agencies in the event of a serious change in the resident's condition, transfer of a resident to another facility, elopement, death, or when unusual circumstances occur; and

(iv) When to consult with internal or external resource agencies or persons e.g., poison control, fire department and police.

(d) Addressing how the RTF must provide for each resident's need for personal care items and durable medical equipment.

(e) Addressing provisions for transfer and appropriate prenatal and postnatal care services for pregnant residents.

(f) Addressing how a licensee providing twenty-four hours per day nursing service functions provides systems for supervision, assessment and delegation in accordance with applicable statute and rules including chapter 18.79 RCW, Nursing care.

(g) Addressing how a licensee providing acute detoxification services must ensure resident health and safety including:

(i) A licensed nurse must be on-site when a resident is receiving acute detoxification services;

(ii) Registered nurse responsible for supervising resident care nursing services shall be on-site at least four hours per week and available on-call to the licensed practical nurse; and

(iii) Policies and procedures for acute detoxification services approved by an authorized health care provider.

(h) Addressing how licensees providing subacute detoxification services must ensure resident health and safety, including:

(i) Implementing policies and procedures establishing agreements with authorized health care providers or hospitals that includes:

(A) Criteria for determining the degree of medical stability of a potential resident in a subacute detoxification facility;

(B) Monitoring the resident after being admitted;

(C) Reporting abnormal symptoms according to established criteria;

(D) Criteria requiring immediate transfer to a hospital; and

(E) Resident discharge or transfer criteria;

(ii) Monitoring of residents by a staff including observing a resident for signs and symptoms of illness or trauma; and

(iii) Observing the resident to self-administer his or her own medication as prescribed by the resident's health care provider.

(2) ~~Delivery of resident care services:~~ The licensee must ensure the provision of or for that resident care services to meet the health care needs of the resident including:

(a) Admission is limited to residents for whom a facility is qualified by staff, services, equipment, building design and occupancy to give safe care.

(b) A health care screen of each resident that is to be conducted upon admission and updated as changes occur or when additional health care needs are identified.

(c) A completed comprehensive health assessment and medical history that is to be conducted by a health care provider following admission to an RTF, unless a current comprehensive health assessment or review was performed and is available upon admission to an RTF providing mental health or acute detoxification services.

(d) A health assessment by a health care provider, any time a resident exhibits signs and symptoms of an injury, ill-

ness or abnormality for which medical diagnosis and treatment are indicated:

(e) Access to and availability of authorized health care providers to develop and implement the resident plan of care.

(f) Sufficient numbers of trained personnel who are available to provide health care according to the resident's health care plan.

(g) Provision for or access by referral to health care for residents admitted to the RTF including, but not limited to:

(i) Assisting residents in following all prescribed treatments, modified diets, activities or activity limitations.

(ii) Assisting residents to keep health care appointments.

(iii) Medication administration or observing the resident self-administer his or her own medication as prescribed by the resident's authorized health care provider.

(iv) Incorporating resident's health care needs and behavioral needs into the resident's overall health care plan;

(v) Emergency health care.

(h) Provision for twenty-four hours per day nursing service functions to include availability by phone; when the RTF provides mental health inpatient evaluation and treatment, mental health adult residential treatment, mental health child long-term inpatient treatment, mental health child inpatient evaluation and treatment, and/or chemical dependency acute detoxification.

(i) Provision is made either on the premises, through a contract laboratory or through a health care provider for service(s) required by the resident.

(j) Storing and labeling each resident's personal care items separately preventing contamination and access by other residents.

**(3) Documentation:** The licensee must ensure documentation of health care received or provided in the resident's health care record.) (1) The licensee must establish and implement policies and procedures that:

(a) Describe how the licensee meets the residents' health care needs by satisfying the requirements of this section; and

(b) Are reviewed and approved by a health care prescriber at least biennially.

(2) The licensee must:

(a) Limit admission, transfer, discharge, and referral processes to residents for whom the RTF is qualified by staff, services, equipment, building design and occupancy to give safe care;

(b) Conduct or accept a current health care screening of each resident upon admission including a tuberculosis risk assessment and symptom screening;

(c) Refer residents for health care provided outside of the RTF as needed such as, but not limited to, laboratory, dental, ambulatory care or specialty services as needed;

(d) Assist residents in following all prescribed treatments, modified diets, activities or activity limitations;

(e) Assist residents to keep health care appointments;

(f) Provide access to a health assessment by a health care prescriber any time a resident exhibits signs or symptoms of an injury, illness or abnormality for which a medical diagnosis and treatment are indicated;

(g) Provide access to tuberculosis testing if the resident is high-risk or symptomatic of tuberculosis;

(h) Address serious illness, medical emergencies, or threat to life, to include:

(i) Criteria for determining the degree of medical stability of residents;

(ii) Observing residents for signs and symptoms of illness or trauma;

(iii) Reporting abnormal signs and symptoms according to an established protocol;

(iv) Criteria requiring a resident's immediate transfer to a hospital;

(v) How staff transmits the resident's medical and related data in the event of a transfer;

(vi) How to notify the parent or guardian, personal representative or next of kin in the event of an emergency, threat to life, serious change in the resident's condition, transfer of a resident to another facility, or death; and

(vii) When to consult with internal or external resource agencies or entities such as poison control, fire department or police.

(i) Provide access to emergency and prenatal care for pregnant residents, and postnatal care services for residents and infants; and

(j) Assure provisions of each resident's personal care items and durable medical equipment including storing and labeling each resident's personal care items separately, preventing contamination, and preventing access by other residents.

(3)(a) RTFs performing the following duties must meet the staffing requirements in (b) of this subsection:

(i) Have a health care prescriber initiate or adjust medication that is administered by staff according to the resident's individual service plan;

(ii) Otherwise administer medications to the resident; or

(iii) Use restraint or seclusion.

(b) RTFs performing any duties described in (a) of this subsection must meet the following staffing requirements:

(i) A registered nurse, licensed practical nurse, or prescriber must be available on-site during medication administration or while restraint or seclusion is being used, and otherwise available by phone twenty-four hours per day, seven days per week; and

(ii) A prescriber or registered nurse who is responsible for the supervision of resident care and nursing services must be available on-site at least four hours per calendar week.

(4) RTFs which do not perform any duties described in subsection (3)(a) of this section but have a health care prescriber initiate or adjust medication for residents to self-administer according to the resident's individual service plan must have a registered nurse or licensed practical nurse available at least by phone twenty-four hours per day, seven days per week.

(5) RTFs which meet the conditions in subsection (3) or (4) of this section must:

(a) Perform a health assessment for each resident. A prescriber or licensed nurse operating within their scope of practice shall conduct and complete the assessment following the resident's admission to the RTF unless a health assessment was performed within the past three months and is available to the RTF upon admission; and

(b) Develop and implement the policies and procedures explaining how nursing staff will be utilized including:

- (i) Scheduling of hours on-site and availability by phone;
- (ii) Supervision, assessment, and training of other staff;
- (iii) Delegation to other staff;
- (iv) Medication management;
- (v) Treatment planning;
- (vi) Health screenings;
- (vii) Health assessments; and
- (viii) If applicable, restraint or seclusion.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-085 Accepting a child with a parent in treatment.** ~~((A chemical dependency facility that accepts))~~  
(1) An RTF providing substance use disorder services and no mental health services may accept a child or children along with a parent in treatment ((must assure child care services are provided for the child and the services of a health care provider who is responsible for developing health care policies, provides consultation and monitors the child's health care. The facility shall:

(1)) as long as the parent is not receiving withdrawal management services.

(2) If the RTF provides withdrawal management, the child must be kept physically and visually separate from residents receiving withdrawal management services.

(3) An RTF that accepts a child with a parent in treatment must operate or arrange for child care which the child will attend during treatment hours of the parent. Child care facilities must be licensed by ((DSHS)) the department of early learning under:

(a) Chapter ((388-295)) 170-295 WAC((, Minimum licensing requirements for child day care centers;)):

(b) Chapter ((388-151)) 170-297 WAC((, School-age child care center minimum licensing requirements, chapter 388-155 WAC, Minimum licensing requirements for family child day care homes which the children will attend during treatment hours of the parent;

(2) Allow an infant under one month of age to be cared for by the staff of the RTF to supplement care by the mother;

(3) Allow the parent to be responsible for the care of his/her own child); or

(c) Chapter 170-296A WAC;

(4) During the hours the parent is not in treatment(, with)) the RTF must require that the parent be responsible for the child's care under the following conditions:

(a) The parent's management of the child is subject to the policies and procedures of the RTF; and

(b) A parent may designate another resident to care for a child, if the designation is in writing and includes(, (i))

a specified time period(, (ii))

, any special instructions(, (iii) Is signed by)), and the parent, designee and staff member ((who approves)) sign an approval of the designation;

((4) Establish policies and procedures addressing the chronological and developmental needs of the children to be accepted;))

((4) Establish policies and procedures addressing the chronological and developmental needs of the children to be accepted;))

(5) The RTF shall obtain a health history for each child following admission(, (6))

and, if needed, develop with the parent a plan of care for each child that addresses the child's health care needs, including medications.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-095 Resident health care records.** The licensee must ensure the RTF meets the following requirements:

(1) Develop and implement procedures for maintaining current health care records as required by chapter 70.02 RCW and ((RCW 71.05.390 or by)) other applicable laws.

(2) Health care records may be integrated into a resident's individual service plan so long as the requirements of this section are met.

(3) Make health care records accessible for review by appropriate direct care staff, the resident, the parent or guardian, and the department in accordance with applicable law.

((3) Ensure health care records are legibly written or retrievable by electronic means;))

(4) Document ((medical)) health care information ((on the licensee's)) in a standardized ((forms)) manner.

(5) Record health care information by the health care provider or direct care staff with resident contact to include typed or legible handwriting in ((blue or black)) ink, verified by signature or unique identifier, title, date and time.

(6) Maintain the confidentiality and security of health care records in accordance with applicable law.

(7) Maintain health care records in chronological order in their entirety or ((chronological)) chronologically by sections.

(8) Keep health care records current with all documents filed according to the licensee's written timeline policy.

(9) ((Inclusion of)) Include the following, at a minimum, in each health care record:

(a) Resident's name, ((age)) date of birth, sex, marital status, date of admission, voluntary or other commitment, name of ((physician)) health care prescriber, diagnosis, date of discharge, previous address and phone number, if any;

(b) Resident's receipt of notification of resident's rights ((and responsibilities, if applicable));

(c) Resident's consent for health care provided by the RTF, unless the resident is admitted under an involuntary court order;

(d) A copy of any authorizations, advance directives, powers of attorney, letters of guardianship, or other similar documentation ((provided by the resident));

(e) Original reports, where available or, if not available, durable, legible copies of original reports on all tests, procedures, and examinations performed on the resident;

(f) ((Health assessments;

(g) Health care plan, including the names, relationship to the resident and addresses of those individuals the resident states with whom the RTF may)) Individual service plan according to WAC 246-337-100;

(g) Individuals whom the resident consents for the RTF to freely communicate with regarding the health care of the

resident (~~((without violating the resident's right to confidentiality or privacy of health care information))~~) including the individual's name, relationship to the resident, and address;

(h) Dated and signed (~~((or initialed))~~) notes describing all health care provided for each contact with the resident pertinent to the resident's (~~((health care))~~) individual service plan including(~~(, but not limited to)~~):

(i) Physical and psychosocial history;

(ii) (~~((Medication administration, medical/nursing services, and treatment provided, resident's response to treatment and any adverse reactions and resolution of medical issues;~~

~~((iii)))~~ Health screening;

~~((iii)))~~ Health care service and treatment provided, including resident's response to treatment and any adverse reactions and resolution of health care issues and when applicable;

~~((iv)))~~ Medication administration, and medical staff notification of medication administration errors, adverse effects, or side effects;

~~((v)))~~ Use of restraint or seclusion consistent with WAC 246-337-110;

~~((iv)))~~ (vi) Staff actions or response to health care needs;

~~((vii)))~~ Instructions or teaching provided to the resident in connection with his or her health care; and

~~((viii)))~~ (viii) Discharge summary, including:

(A) (~~((Concise review))~~) Summary of the resident's physical and mental history, as applicable;

(B) Condition upon discharge;

(C) List of current medications;

~~((D)))~~ (D) Recommendations for services, follow-up or continuing care; and

~~((E)))~~ (E) Date and time of discharge.

(10) (~~((Retaining))~~) Retain the health care records at least six years beyond the resident's discharge or death date, whichever occurs sooner, and at least six years beyond the age of eighteen.

(11) (~~((Destroying))~~) Destroy the health care records in accordance with applicable law and in a manner that preserves confidentiality.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-100 ((Health care)) Resident's individual service plan.** (1) The licensee must (~~((ensure that))~~) develop and implement an individual (~~((health care))~~) service plan (~~((is developed and implemented))~~) for each resident based on (~~((health assessment(s) on admission and updated as additional needs are identified during treatment that includes the following:~~

(1) The health care plan must be prepared by one or more staff involved in the resident's care with participation by the resident and by either his or her legal representative or parent when minors are involved;

(2) An initial or provisional health care plan addressing the health care needs of the resident on admission to a RTF;

(3) A discharge (aftercare) health care plan if the resident will require less than a fourteen-day treatment, if appropriate; and

(4) A comprehensive health care plan developed by participants providing health care to the resident addressing and including, but not limited to:

(a) Health care needs;

(b) Implementation, modification and review of health care needs documented in the health care plan and health care record;

(c) Needs of a mother and child during pregnancy and after delivery, if applicable;

(d) Work assignments given to residents as part of their health care plan, if applicable; and

(e) Discharge health care needs)) the resident's:

(a) Initial health on admission; and

(b) Health assessment(s).

(2) Individual service plans must:

(a) Be prepared by one or more staff involved in the resident's care with participation by the resident and by either his or her personal representative or parent or guardian when minors are involved;

(b) Address the needs of a mother and baby during pregnancy and after delivery, if applicable;

(c) Include work assignments given to a resident as part of their individual service plan, if applicable;

(d) Be updated as additional needs are identified during treatment; and

(e) Include a discharge health care plan.

AMENDATORY SECTION (Amending WSR 15-09-108, filed 4/20/15, effective 5/21/15)

**WAC 246-337-105 Medication management.** The licensee is responsible for (~~((the control and use of all medications within the RTF, including:~~

(1) Ensuring policies and procedures and medication protocols are developed, approved, reviewed and implemented by licensed health care providers, administration and pharmacist (as needed). The policies and procedures must be consistent with the rules of the department and the pharmacy quality assurance commission and address all aspects of medication administration, including the following:

(a) Timely procurement;

(b) Medication administration;

(c) Prescribing;

(d) Proper storage conditions addressing security, safety, sanitation, temperature, light, moisture and ventilation;

(e) Use of nonprescription drugs:

(i) List of drugs available;

(ii) Parameters of use;

(f) Receipt;

(g) Proper labeling;

(h) Disposal;

(i) Medication brought into RTF by a resident;

(j) Accountability;

(k) Starter supply of psychotropic, detoxification and emergency drugs not for a specific resident;

(l) Emergency allergy response kit of prepackaged medications and supplies for the treatment of anaphylactic shock; and

(m) Medications for short term authorized absence (pass) from the RTF, where applicable.

(2) ~~Establishing and maintaining of~~ implementing policies and procedures for the control and appropriate use of all drugs within the RTF in accordance with all applicable state and federal regulations. The policies and procedures to implement this section must be developed, approved, and reviewed by a health care prescriber and the RTF administrator, and must be consistent with this chapter.

(1) Procurement. Timely procurement of drugs must be achieved in one or more of the following ways:

(a) A pharmacy licensed under chapter 18.64 RCW provides resident specific drugs by prescription order to the RTF;

(b) A prescriber purchases drugs from a licensed wholesaler and is responsible for the drugs;

(c) The RTF is listed as a hospital pharmacy associated clinic under a hospital pharmacy license in accordance with chapter 18.64 RCW and applicable rules adopted by the Washington state pharmacy quality assurance commission;

(d) The RTF holds a health care entity license under chapter 18.64 RCW and purchases drugs consistent with chapter 246-904 WAC; and

(e) The resident brings his or her prescribed medication with them to the RTF.

(2) Storage and security.

(a) Storage of drugs must include limits on access to drugs to those staff authorized to assist, administer, or dispense drugs and addresses security, safety, sanitation, temperature, light, moisture and ventilation, and hand washing facilities. All drugs must be stored in accordance with United States pharmacopoeia standards and designated storage locations are constructed in accordance with WAC 246-337-126.

(b) Automated drug dispensing devices (ADDDs). For the purposes of this section, an ADDD has the same meaning as defined in WAC 246-874-010. ADDDs may be used to store drugs if:

(i) The ADDD is leased or owned by a prescriber who maintains sole responsibility for the drugs;

(ii) The RTF holds a health care entity license under chapter 18.64 RCW and complies with chapters 246-874 and 246-904 WAC; or

(iii) The RTF is operated in connection with a licensed hospital and complies with chapter 246-874 WAC and rules of the pharmacy quality assurance commission governing hospital pharmacy associated clinics.

(3) Inventory of stock drugs. The licensee shall document:

(a) Receipt and disposal of all drugs;

(b) Inventory of legend drugs;

(c) Inventory of controlled substances biennially, including:

(i) Keep all controlled substance records for a minimum of two years;

(ii) Have two authorized staff verify shift counts of controlled substances when transfer of accountability occurs. If an ADDD is used, staff must follow the policies and procedures developed for the ADDD; and

(iii) Report to the Washington state pharmacy quality assurance commission if the controlled substance counts or inventory indicate disappearances or unaccounted for discrepancies of controlled substances in accordance with WAC

246-873-080 and 246-887-020, and 21 C.F.R. Sec. 1301.76(b).

(4) Prescribing and administering drugs.

(a) An organized system must be established and maintained that ensures accuracy in receiving, transcribing and implementing (~~policies and procedures~~) orders for medication administration(~~(-including ensuring)~~) that ensures residents receive the correct medication, dosage, route, time, and reason.

(~~(3) Documentation of~~) (b) An authorized health care prescriber shall sign all written orders for legend drugs, controlled substances and vaccines. Orders, including telephone or verbal orders for legend drugs, controlled substances and vaccines must be signed as soon as possible, but no later than seventy-two hours after the telephone or verbal order has been issued.

(c) If using electronic prescribing, prescribers shall comply with RCW 69.50.312, chapter 246-870 WAC, and 21 C.F.R. Sec. 1311(c).

(d) A prescriber shall approve the use of self-administered nonprescription drugs. Staff shall provide the nonprescription drugs according to prescriber instructions.

(e) A prescriber shall:

(i) Develop an approved list of nonprescription drugs acceptable for residents that includes the parameters of use for each drug; and

(ii) Review and approve the list annually.

(f) The licensee shall address the way(s) medications are administered including:

(i) Staff-administered medication in which licensed staff operating within their scope of practice remove the drug from the container and provide it to the resident for ingestion or otherwise administer the drug to the resident;

(ii) Observed self-administration of medication in which residents obtain their container of medication from a supervised and secure storage area, remove the dose needed, ingest or otherwise take the medication as directed on the label while being observed by staff;

(iii) Independent self-administration of medication in which residents obtain their container of medication from either a supervised and secure storage area or from their personal belongings, remove the dose needed, ingest or otherwise take the medication as directed on the label without being observed by staff; or

(iv) Involuntary antipsychotic medication administration consistent with WAC 388-865-0570.

(g) Medication administration errors, adverse effects, and side effects must be reported and addressed;

(h) The licensee shall develop a policy and procedure for:

(i) The use, receipt, storage and accountability for residents receiving methadone from an outpatient methadone clinic, if applicable; and

(ii) Drugs given to a resident on temporary leave from the RTF.

(5) Documentation. All medications administered (~~(or)~~), observed being self-administered, or involuntarily administered must be documented on the medication administration record, including (~~the following data~~):

(a) Name and dosage of the medication;



- (b) ~~((Start/stop date;))~~ Parameters of use;
- (c) Date the medication order was initiated;
- (d) Date the medication order was discontinued;
- (e) Time of administration;
- ~~((f))~~ (f) Route;
- ~~((g))~~ (g) Staff or resident initials indicating medication was administered, or observed being self-administered (~~((or issued))~~);
- ~~((h))~~ (h) Notation if medication was refused, held, wasted or not administered or observed being self-administered;
- ~~((i))~~ (i) Allergies; and
- ~~((j))~~ (j) Resident response to medication when given (~~((as necessary or))~~) "as needed (~~((PRN))~~);
- ~~(i) Medical staff notification of errors, adverse effects, side effects; and~~
- ~~(j) Within established parameters for nonprescription drugs:~~
- ~~(4) Ensuring written orders are signed by an authorized health care provider with prescriptive authority for all legend drugs and vaccines. Verbal orders for legend drugs and vaccines must be signed by the prescriber as soon as possible, but no later than seven days after the verbal order.~~
- ~~(5) Ensuring use of nonprescription drugs that are self-administered are:~~
- ~~(a) Within parameters established for nonprescription drugs; and~~
- ~~(b) According to established list.~~
- ~~(6) Having a current established drug reference resource available for use by RTF staff)."~~
- (6) RTF staff must have available to them a current established drug reference resource.
- (7) For the purposes of this section:
- (a) Controlled substance has the same meaning as defined in RCW 69.50.101; and
- (b) Legend drugs has the same meaning as defined in RCW 69.41.010.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-110 Use of ~~((seclusion and))~~ restraint and seclusion.** ~~((Any))~~ (1) This section only applies to an RTF that ~~((utilizes))~~ uses restraint or seclusion ~~((must ensure that restraint or seclusion is performed in compliance with chapters 70.96A, 71.05, 71.34 RCW, this chapter, and other applicable federal and state laws and rules. Restraint and seclusion must be performed in a manner that is safe, proportionate and appropriate to the severity of the behavior, the resident's)).~~ The licensee shall have policies and procedures addressing the application and use of restraint or seclusion consistent with this chapter.

(2) The following facilities must have a minimum of one seclusion room for seclusion or temporary holding of residents awaiting transfer:

(a) Any RTF certified under chapter 388-865 WAC as an evaluation and treatment facility, competency restoration facility or involuntary crisis triage facility; or

(b) Any RTF certified under chapter 388-877B WAC as a detoxification facility providing secure detoxification services as defined in RCW 70.96B.010.

(3)(a) At admission, the incoming resident must be informed and provided a copy of the RTF's policy regarding the use of restraint or seclusion. An acknowledgment that the information and policy has been received must be obtained in writing from the resident; or

(b) In the case of a minor, the resident's parent(s) or guardian(s) must be informed and provided a copy of the RTF policy and acknowledge in writing that the information has been received.

(4) Restraint or seclusion must be safe, based on:

(a) Assessment of behavior;

(b) Chronological and developmental age(;;);

(c) Size(;;);

(d) Gender(;;);

(e) Physical, medical, and psychiatric condition(;;); and

(f) Personal history.

~~((1) The licensee may use seclusion or))~~ (5) Restraint or seclusion must only be used in emergency situations ~~((needed))~~ to ensure the physical safety of the individual resident or other residents or staff of the ~~((facility))~~ RTF, and when less restrictive measures have been found to be ineffective to protect the resident or others from harm.

~~((2) Seclusion and restraint procedures must be implemented in the least restrictive manner possible in accordance with a written modification to the resident's health care plan and discontinued when the behaviors that necessitated the restraint or seclusion are no longer in evidence.~~

~~(3))~~ (6) A prescriber must authorize use of the restraint or seclusion.

(7) If the order for restraint or seclusion is verbal, the verbal order must be received by a registered nurse or licensed practical nurse.

(8) "Whenever needed" or "as needed" ~~((PRN))~~ orders for use of ~~((seclusion or))~~ restraint or seclusion are prohibited.

~~((4) A physician or other authorized health care provider must authorize use of the restraint or seclusion within one hour of initiating the restraint or seclusion.~~

~~(5))~~ (9) In emergency situations in which an order cannot be obtained prior to the application of restraint or seclusion, the order must be obtained either during the emergency application of the restraint or seclusion, or immediately after the restraint or seclusion has been applied. Policies and procedures must identify who can initiate the emergency application of restraint or seclusion prior to obtaining an order from a health care prescriber.

(10) Restraint and seclusion cannot be used simultaneously with persons under twenty-one years of age.

(11) Staff shall continuously observe and monitor residents in restraint or seclusion using:

(a) Face-to-face observation and monitoring; or

(b) Both direct sight video and two-way audio communications.

(12) The health care prescriber must:

(a) Limit each order of restraint or seclusion ~~((is limited in length of time to))~~ as follows:

~~((a))~~ (i) Adults: Four hours;

~~((b))~~ (ii) Children and adolescents (~~(ages)~~) at least nine (~~(to seventeen)~~) years old but less than eighteen years old: Two hours; and

~~((e))~~ (iii) Children under nine years of age: One hour (~~(- (6) A physician or an authorized health care provider, authorized by the licensee, may))~~);

(b) Be available to staff for consultation, at least by phone, throughout the period of emergency safety intervention;

(c) Examine the resident before the restraint or seclusion exceeds more than twenty-four hours; and

(d) Only renew the original order in accordance with ~~((these))~~ the limits in (a) of this subsection for up to a total of twenty-four hours. For each subsequent twenty-four hour period of restraint or seclusion, repeat the examination.

~~((7))~~ A physician or an authorized health care provider must examine the resident, before the restraint or seclusion exceeds more than twenty-four hours. This procedure must be repeated for each subsequent twenty-four hour period of restraint or seclusion.

(8) Within one hour of initiation of restraint or seclusion, an authorized health care provider must conduct a face-to-face assessment of the physical and psychological well-being of the resident.

(9) The resident's clinical record must include the ~~((13))~~ A health care prescriber or registered nurse must, within one hour of initiation of restraint or seclusion, conduct a face-to-face assessment of the resident including the residents' physical and psychological status, behavior, appropriateness of intervention, and any complications resulting from the intervention of the resident and consult the ordering health care prescriber. If restraint or seclusion is discontinued before the face-to-face assessment is performed, the face-to-face assessment must still be performed.

(14) The following documentation ~~((should))~~ must be included in the residents' individual service plan when restraint or seclusion ~~((be))~~ is used:

(a) The original and any subsequent order for the restraint or seclusion including name of the ~~((physician or authorized))~~ health care ~~((provider authorizing restraint or seclusion))~~ prescriber;

(b) ~~((Date/time))~~ The date and time the order was obtained;

(c) The specific intervention ordered including length of time and behavior that would terminate the intervention;

(d) Time the restraint or seclusion began and ended; and

(e) Time and results of the one hour face-to-face assessment~~((;~~

~~((f))~~ Resident behavior prior to initiation of restraint or seclusion;

~~((g))~~ Any injuries sustained during the restraint or seclusion; and

~~((h))~~ Post intervention debriefing with resident to discuss precipitating factors leading to the need for intervention.

~~((10))~~ Safety health checks must be conducted and documented~~((;))~~;

(15) During the period a resident is placed in restraint or seclusion, appropriately trained staff must assess the client and document in the individual service plan at a minimum of every fifteen minutes~~((, to include))~~;

(a) Resident's behavior and response to the intervention used including the rationale for continued use of the intervention;

(b) Food/nutrition offered;

(c) Toileting; and

(d) Physical condition~~((;~~

~~((11))~~ Staff shall continuously observe and monitor residents in seclusion or restraint by an assigned staff member (face-to-face) or by staff using both video and audio equipment.

~~((12))~~ Staff involved in the restraint or seclusion will debrief and address effectiveness and safety issues.

~~((13))~~ The licensee must ensure that restraint and seclusion is carried out in a safe environment. This room must:

~~((a))~~ Be designed to minimize potential for stimulation, escape, hiding, injury, or death;

~~((b))~~ Have a maximum capacity of one resident;

~~((c))~~ Have a door that opens outward;

~~((d))~~ Have a staff-controlled, lockable, adjoining toilet room;

~~((e))~~ Have a minimum of three feet of clear space on three sides of the bed; and

~~((f))~~ Have negative pressure with an independent exhaust system with the exhaust fan at the discharge end of the system.

~~((14))~~ Restraint equipment must be clean and in good repair~~((;))~~ of the resident.

(16) Additional documentation in the individual service plan must include:

(a) Alternative methods attempted or the rationale for not using alternative methods;

(b) Resident behavior prior to initiation of the restraint or seclusion;

(c) Any injuries sustained during the restraint or seclusion;

(d) Post intervention debriefing with the resident to include the names of staff who were present for the debriefing, and any changes to the resident's individual service plan that result from the debriefing; and

(e) In the case of a minor, notification of the parent or guardian including the date and time of notification, and the name of the staff person providing the notification.

(17) Within twenty-four hours after the initiation of the restraint or seclusion, staff and the resident shall have a face-to-face discussion. This discussion must, to the extent possible, include all staff involved in the intervention except when the presence of a particular staff person may jeopardize the well-being of the resident. Other staff and the resident's parent(s) or guardian(s) may participate in the discussion when it is deemed appropriate by the RTF. Discussions must be conducted in a language that is understood by the resident and by the resident's parent(s) or legal guardian(s). The discussion must provide both the resident and the staff the opportunity to discuss the circumstances resulting in the use of restraint or seclusion and strategies to be used by the staff, the resident, or others that could prevent the future use of restraint or seclusion.

(18) Restraint or seclusion must be provided in a safe environment. Every licensee must:

(a) Perform a risk assessment that identifies risks in the physical environment to residents, staff and the public when any level of restraint or seclusion is carried out;

(b) Identify location(s) in the RTF where restraint or seclusion is performed;

(c) Ensure that risks in the physical environment are mitigated as appropriate to the type of restraint or seclusion used and the planned population; and

(d) Ensure that restraint or seclusion rooms are constructed as required in WAC 246-337-127. Previously reviewed and approved seclusion rooms are permitted to comply with the requirements of the rule under which they were constructed.

(19) A seclusion room may be used for multiple purposes but must be equipped to allow immediate use for seclusion purposes.

#### NEW SECTION

##### **WAC 246-337-111 Food and nutrition services.**

Meals must meet resident nutritional needs, and are stored, prepared and served in accordance with chapter 246-215 WAC.

The licensee shall:

(1) Provide food and dietary services managed by a person knowledgeable in food services, and, when needed, consultative services provided by a registered dietician.

(2) Post current food handlers permits in the kitchen.

(3) Provide at least three meals at regular intervals without more than fourteen hours between the last meal of the day and the first meal of the next day.

(4) Consider age, gender, developmental age, activities and health conditions when developing meals.

(5) Make reasonable accommodations for cultural and religious preferences.

(6) Notify appropriate staff of any resident with food allergies or other medical conditions, symptoms of allergic reactions to watch for, and emergency measures to take if allergic reactions occur.

(7) Provide modified diets, nutrient supplements and concentrates to residents if prescribed or indicated by an authorized health care prescriber or registered dietician.

(8) Allow sufficient time for residents to consume meals.

(9) Require all staff and residents who perform food preparation for group consumption have a current food and beverage service worker's permit and be medically screened and cleared to perform food preparation. All residents who do not perform food preparation for group consumption but who work in the kitchen do not need a food and beverage worker's permit, but must be oriented and supervised by staff with a current food and beverage worker permit at all times when working in the kitchen.

(10) Date, make available, and conspicuously post menus at least one week in advance.

(11) Keep records of all food served, including substitutions for at least three months.

(12) Prepare food on-site or have food provided by a licensed food establishment under chapter 246-215 WAC,

Food and Drug Administration, or United States Department of Agriculture, with which the RTF has a signed contract or agreement and a written plan of action should food be in an unacceptable condition.

(13) Use commercial appliances if the kitchen provides meals for more than sixteen residents. A licensed RTF with sixteen or fewer residents may use domestic or home-type kitchen appliances. Domestic and home-type equipment must meet sanitation requirements of chapter 246-215 WAC.

#### NEW SECTION

**WAC 246-337-112 Laundry services.** The licensee shall:

(1) Provide to residents laundry facilities, equipment, handling and processes for linen and laundered items that are clean and in good repair, adequate to meet the needs of residents, and maintained according to the manufacturer's instructions;

(2) Provide laundry and linen services on the premises, or by commercial laundry;

(3) Handle, clean, and store linen according to acceptable methods of infection control including preventing contamination from other sources;

(4) Provide separate areas for handling clean laundry and soiled laundry;

(5) Require that all staff wear appropriate personal protective equipment and use appropriate infection control practices when handling grossly soiled laundry;

(6) Remove gross soil from laundry before washing and drying;

(7) Handle contaminated textiles and fabrics with minimum agitation to avoid contamination of air, surfaces and persons;

(8) Use washing machines that have a continuous supply of hot water with a temperature of one hundred forty degrees Fahrenheit, or that automatically dispense a chemical sanitizer and detergent or wash additives as specified by the manufacturer. A resident's personal laundry, separate from other laundry, may be washed at temperatures below one hundred forty degrees Fahrenheit provided chemicals suitable for low temperature washing at proper use concentration and according to the cleaning instructions for the textile, fabric, or clothing are used.

#### NEW SECTION

**WAC 246-337-113 Resident sleeping room accommodations.** In resident rooms used for sleeping, the licensee shall provide furniture appropriate for the age and physical condition of each resident, including:

(1) A bed at least thirty-six or more inches wide for adults and appropriate size for children, spaced at least thirty-six inches apart.

(2) Equipping each bed with:

(a) A mattress that is clean, in good repair, and fits the frame;

(b) One or more pillows that are clean, and in good repair for each resident over two and one-half years of age;

(c) Bedding that includes a tight-fitting sheet or cover for the sleeping surface, and a clean blanket or suitable cover; and

(d) Bedding that is in good repair, changed weekly or more often as necessary to maintain cleanliness.

(3) A single level nonstacking crib, infant bed, bassinet or playpen for children twenty-four months of age and younger meeting chapter 70.111 RCW, and including:

(a) Sleep equipment having secure latching devices; and

(b) A mattress that is:

(i) Snug-fitting to prevent the infant from becoming entrapped between the mattress and crib side rails;

(ii) Waterproof and easily sanitized; and

(iii) Free of crib bumpers, stuffed toys or pillows.

(4) A youth bed or regular bed for children twenty-five months of age and older.

(5) If bunk beds are used, prohibit children six years of age or less from using the upper bunk.

#### NEW SECTION

##### **WAC 246-337-116 Animal management and safety.**

The licensee must develop and implement policies and procedures that protect the health and safety of residents when service animals or, if allowed, therapy animals or pets are allowed on the premises. Policies and procedures must address:

(1) Animal immunizations;

(2) Animal behavior;

(3) The handling and cleanup of animal waste; and

(4) Animal health care needs.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-120 Facility(§) and environment(§ and space) requirements.** (1) The licensee must ~~((ensure that each RTF))~~ maintain the facility, exterior grounds, and component parts such as ~~((, but not limited to,))~~ fences, equipment, outbuildings, and landscape items ~~((are))~~ in a manner that is safe, free of hazards, clean, and ((maintained)) in good repair ~~((, including:~~

~~(1) Each RTF shall be);~~

~~(2) Each facility must be located on a site which is((:~~

~~(a) Free of standing water; and~~

~~(b))~~ accessible by emergency vehicles on at least one street, road or driveway usable under all weather conditions and free of major potholes or obstructions.

~~((2) Develop and implement systems))~~ (3) Policies and procedures must be developed and implemented for routine preventative maintenance, including:

(a) Heating ventilation and air conditioning, plumbing and electrical equipment;

(b) Certification and calibration of biomedical and therapeutic equipment; and

(c) Documentation of all maintenance.

~~((3) Rooms shall be provided for dining, multipurpose, counseling, therapy and social activities, including:~~

~~(a) At least forty square feet per resident for the total combined area which is utilized for dining, social, educational, recreational activities and group therapies;~~

~~(b) A ceiling height of at least seven and one-half feet over the required floor area throughout the RTF;~~

~~(c) At least one private area for visitation of residents and guests;~~

~~(d) Therapy rooms for individual and group counseling that maintain visual and auditory confidentiality in the ratio of at least one room per twelve residents; and~~

~~(e) A medical examination room, when there is routine physical examination of residents within the RTF. The examination room must be equipped with:~~

~~(i) An exam table with at least three feet of space on two sides and end of the table for staff access;~~

~~(ii) An examination light;~~

~~(iii) Storage units for medical supplies and equipment;~~

~~(iv) A handwashing sink;~~

~~(f) Dining room(s) or area(s) are large enough to accommodate all residents at a single sitting or in no more than three shifts. If the space is used for more than one purpose, that space must be designed to accommodate each of the activities without unreasonable interference with one another.~~

~~(4) Equip))~~ (4) Stairways must be equipped with more than one riser and ramps with slopes greater than one in twenty with handrails on both sides. Ends of handrails ~~((are))~~ must be designed in a manner that eliminates a hooking hazard.

~~(5) ((School facilities;))~~ Excluding child care, school facilities serving residents on the same grounds as the RTF must meet all requirements for health and safety and comply with chapter 246-366 WAC ~~((, Primary and secondary schools))~~.

(6) Access and egress control devices must be utilized to support the policies of the RTF.

#### NEW SECTION

##### **WAC 246-337-124 Common room requirements.**

The RTF shall include rooms for social, educational, and recreational activities, visitation, dining, toileting and bathing, as described in this section.

(1) Common areas. Provide at least forty square feet per resident for the total combined area which is used for dining, social, educational, recreational activities and group therapies.

(2) Visiting room(s). At least one private area for visitation of residents by guests.

(3) Dining room(s). Dining rooms or areas must be large enough to accommodate all residents at a single sitting or in no more than three shifts. If the space is used for more than one purpose, that space must be designed to accommodate each of the activities without unreasonable interference with one another.

(4) Toilet room(s) and bathroom(s). Toilet rooms and bathrooms must be available to residents including:

(a) A minimum of one toilet and handwashing sink for every eight residents. Urinals may count for up to one-third of the required toilets in a male-only toilet room;

(b) A toilet and handwashing sink in, or immediately accessible to each bathroom;

(c) A minimum of one bathing fixture for every eight residents;

(d) Rooms containing more than one toilet or more than one bathing area must:

(i) Be designated for use by one gender, unless it is a toilet room specifically designated for children under the age of six years; and

(ii) Provide for privacy during toileting, bathing, and dressing through the use of doors or dividers;

(e) Equipping each toilet room and bathroom with:

(i) Water resistant, smooth, easily cleanable, slip-resistant bathtubs, showers, and floor surfaces;

(ii) Washable walls to the height of splash or spray;

(iii) Washable cabinets and counter tops;

(iv) Plumbing fixtures designed for easy cleaning;

(v) Clean, nonabsorbent toilet seats free of cracks;

(vi) Grab bars installed at each toilet and bathing fixture;

(vii) Shatter resistant mirrors when appropriate;

(viii) Adequate lighting for general illumination;

(ix) One or more handwashing sink with soap and single use or disposable towels with a mounted paper towel dispenser, unless a blower or equivalent hand-drying device is provided; and

(x) Toilet tissue with a reachable mounted tissue dispenser by each toilet.

(f) Providing access to bath and toilet rooms by:

(i) Locating a toilet room and bath room on the same floor or level as the sleeping room of the resident; and

(ii) Providing access without passage through any food preparation area or from one bedroom through another bedroom.

(g) If a toilet room or bath room adjoins a bedroom, the bath room is restricted to use by those residents residing in the adjoining bedrooms.

#### NEW SECTION

**WAC 246-337-126 Resident care room requirements.** The facility shall include rooms for individual and group therapy, medical examination when there is routine physical examination of residents, and medication storage if applicable, as described in this section.

(1) Therapy room(s). Therapy rooms for individual and group counseling must maintain visual and auditory confidentiality. The facility must have at least one room per twelve residents.

(2) Medical examination room. The examination room must be equipped with:

(a) An exam table with at least three feet of space on two sides and end of the table for staff access;

(b) An examination light;

(c) Storage units for medical supplies and equipment; and

(d) A handwashing sink.

(3) Medication storage. A room shall be provided with:

(a) Lockable storage;

(b) Refrigeration if needed for pharmaceuticals stored;

(c) Temperature and moisture control appropriate to pharmaceuticals;

(d) In new construction, provide a handwashing sink; and

(e) Appropriate lighting.

#### NEW SECTION

**WAC 246-337-127 Restraint or seclusion room requirements.** This section only applies to an RTF that is approved to use restraint or seclusion. In new construction or modification, each restraint or seclusion room must:

(1) Be designed to minimize potential for stimulation, escape, hiding, injury, or death, including:

(a) Walls, ceiling, and floors shall be designed to resist impact forces;

(b) Ceilings shall be monolithic without joints or crevices or shall be a minimum of nine feet high;

(c) All permanent building fixtures and details in the room shall be designed to prevent injury to the residents or staff; and

(d) Electrical switches and receptacles within the room are prohibited or covered to make them inaccessible.

(2) Have a maximum capacity of one resident.

(3) Be located and designed to permit visual and audible observation of the resident by direct or electronic means.

(4) Be designed to facilitate entrance, transfer and containment of resident, including:

(a) Have a door that opens outward into a vestibule or controlled area away from the generally populated areas; and

(b) Have a staff-controlled, lockable, toilet room that adjoins either the treatment room or vestibule.

(5) Provide appropriate space for the level of treatment being provided, including:

(a) Have a minimum of sixty square feet for seclusion;

(b) Have a minimum of eighty square feet if the room is also used for restraining residents; and

(c) Have a minimum of three feet of clear space on three sides of the bed, if a bed is provided.

(6) Have negative air pressure with all air exhausted to the exterior of the building with the exhaust fan at the discharge end of the system.

#### NEW SECTION

**WAC 246-337-128 Laundry and housekeeping room requirements.** (1) Laundry. RTFs in which on-site laundry services are provided must:

(a) Locate laundry equipment in rooms other than those used for open food storage, food preparation, or food service;

(b) Equip laundry areas with:

(i) A utility sink;

(ii) A table or counter for folding clean laundry; and

(iii) At least one washing machine and one clothes dryer.

(c) Provide separate areas for handling clean laundry and soiled laundry; and

(d) Ventilate laundry rooms and areas to the exterior including areas or rooms where holding soiled laundry for processing by off-site commercial laundry services.

(2) Housekeeping. A housekeeping room must be on each level of the RTF and equipped with:

(a) Locking door(s);

(b) A utility sink or equivalent means of obtaining and disposing of mop water separate from food preparation and service areas; and

(c) Storage for cleaning supplies and wet mops.

NEW SECTION

**WAC 246-337-129 Resident sleeping room requirements.** (1) The licensee shall provide residents with an accessible, clean, well-maintained room with sufficient space, light, and comfortable furnishings for sleeping and personal activities.

(2) Sleeping rooms must include:

(a) At least a three-foot clear access aisle from the entry door, along at least one side of each bed, and in front of all storage equipment;

(b) If a bunk bed is used, a minimum access aisle of five feet along at least one side of the bunk bed;

(c) Room identification;

(d) Direct access to a hallway, living room, lounge, the outside, or other common use area without going through a laundry or utility area, a bath or toilet room, or another resident's bedroom; and

(e) One or more outside windows that:

(i) Has adjustable curtains, shades, blinds, or equivalent installed at the windows for visual privacy;

(ii) Is shatterproof, screened, or of the security type as determined by the resident needs; and

(iii) Are marked with a solid color or barrier if clear glass windows or doors extend to the floor.

(3) Sleeping rooms must be equipped with:

(a) One or more noncombustible waste containers;

(b) An individual towel and washcloth rack or an equivalent method to provide clean towels and washcloths; and

(c) Secured storage facilities for storing clothing and, when requested by the resident, storage in a lockable drawer, cupboard, locker, or other secure space somewhere in the building.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-130 Water supply, sewage and waste disposal.** The licensee ~~((must))~~ shall ensure ~~((that))~~:

(1) Water supply and waste disposal in each facility meet the provisions of chapter 246-290 or 246-291 WAC, whichever applies ~~((, including:~~

~~(1) Maintaining~~);

(2) Tempered water between one hundred and one hundred twenty degrees Fahrenheit in resident areas.

~~((2) Maintaining the))~~ (3) Plumbing systems free of cross connections.

~~((3) Assuring all))~~ (4) Sewage and waste water drain into a public sewer system in compliance with applicable laws and rules, or meet the requirements of chapters 246-272 and 173-240 WAC, and local laws and rules.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-135 Heating, ventilation and air conditioning.** ~~((+))~~ The licensee ~~((must))~~ shall ensure ~~((that all))~~:

(1) Rooms used by residents are able to maintain interior temperatures between sixty-five degrees Fahrenheit and seventy-eight degrees Fahrenheit year-round.

(2) Direct evaporative coolers ~~((may not be))~~ are not used for cooling. In existing facilities, no new or replacement evaporative coolers may be used after adoption of these rules. Facilities currently using direct evaporative coolers ~~((+))~~ such as swamp coolers or similar equipment ~~((+))~~ shall follow manufacturer's instructions and develop and implement a written preventive maintenance program.

(3) Excessive odors and moisture are prevented in all areas of the building ~~((must be ventilated to prevent excessive odors and moisture))~~. The ventilation system must be in compliance with ~~((chapter 51-13 WAC, Facilities))~~ the mechanical code as adopted by the Washington state building code council.

(4) RTFs licensed prior to July 1991 may continue to use windows for ventilating toilet rooms, bathrooms, and janitor rooms if the windows are equipped with sixteen gauge mesh screens.

AMENDATORY SECTION (Amending WSR 05-15-157, filed 7/20/05, effective 8/20/05)

**WAC 246-337-140 Lighting, emergency lighting, and electrical outlets.** The licensee ~~((must))~~ shall ensure that lighting, emergency lighting, and electrical outlets are adequate and safe including:

(1) ~~((Light fixtures are protected))~~ Protection of bulbs and tubes against ~~((light bulb))~~ breakage by using canned lights, appropriately fitted shields, ~~((bulbs, or tubes manufactured with))~~ or shatter resistant materials in all areas occupied by residents, ~~((including common areas,))~~ and in medication and food preparation areas.

(2) Use of tamper resistant electrical outlets in each room or area occupied by children under age five or residents with unsafe behaviors ~~((must have tamper resistant electrical outlets))~~.

(3) ~~((Each))~~ Use of electrical outlets of the ground fault interrupter type or be controlled by a ground fault circuit interrupter when the outlet is within six feet of a sink or wet area ~~((must be of the ground fault interrupter type or be controlled by a ground fault circuit interrupter))~~.

(4) ~~((Provide))~~ Emergency lighting on each floor.

(5) ~~((Provide operable))~~ Exterior lighting with solar or battery backup at the exit and entry doors.

NEW SECTION

**WAC 246-337-146 Cleaning, maintenance and refuse disposal.** The licensee shall maintain the facility, equipment, and furnishings in a safe and sanitary condition, and in good repair through the following requirements:

(1) Provide sanitary disposal and collection of garbage and refuse by:

(a) Use of containers constructed of nonabsorbent material, which are water-tight, covered, and adequate to store garbage and refuse;

(b) Having a storage area location convenient for resident and staff use;

(c) Having a clean and maintained area for containers to prevent:

(i) Entrance of insects, rodents, birds, or other pests;

(ii) Odors; and

(iii) Other nuisances.

(d) A disposal program for biohazardous and nonmedical waste using appropriate containers and disposal services.

(2) Provide adequate storage space for:

(a) Clean and soiled equipment and linens;

(b) Lockable, shelved storage impervious to moisture, for cleaning supplies, disinfectants and poisonous compounds; and

(c) Separate, locked storage for flammable materials or other fire and safety hazards.

(3) Provide a safe and cleanable area designated for pouring stock chemicals and cleaning supplies into separate, properly labeled containers if stock chemicals are used.

(4) Provide an effective pest control program so that the RTF is free of pests such as rodents and insects.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-337-020 Responsibilities and rights of the licensee and department.

WAC 246-337-035 Procedures to deny, suspend, modify or revoke a license.

WAC 246-337-090 Food and nutrition services.

WAC 246-337-115 Cleaning, maintenance and refuse disposal.

WAC 246-337-125 Toilet rooms and bathrooms.

WAC 246-337-145 Laundry.

WAC 246-337-150 Resident rooms, furnishings and storage.

WAC 246-337-155 Pet management and safety.

335-540, 246-335-545, 246-335-550, 246-335-555, 246-335-560, 246-335-605, 246-335-610, 246-335-615, 246-335-620, 246-335-625, 246-335-630, 246-335-635, 246-335-640, 246-335-645, 246-335-650, 246-335-655, 246-335-660, 246-335-705, 246-335-710, 246-335-712, 246-335-714, 246-335-716, 246-335-718, 246-335-720, 246-335-722, 246-335-724, 246-335-726, 246-335-728, 246-335-730, 246-335-732, 246-335-734, 246-335-736, 246-335-738, 246-335-740, 246-335-742, 246-335-744, 246-335-746, 246-335-748, 246-335-750, 246-335-752, 246-335-754, 246-335-756, 246-335-758, 246-335-760, 246-335-762, 246-335-764, 246-335-766 and 246-335-768; repealing WAC 246-335-001, 246-335-010, 246-335-015, 246-335-020, 246-335-025, 246-335-030, 246-335-035, 246-335-040, 246-335-045, 246-335-050, 246-335-055, 246-335-060, 246-335-065, 246-335-070, 246-335-075, 246-335-080, 246-335-085, 246-335-090, 246-335-095, 246-335-100, 246-335-105, 246-335-110, 246-335-115, 246-335-120, 246-335-125, 246-335-130, 246-335-135, 246-335-140, 246-335-145, 246-335-150, 246-335-155, 246-335-160, 246-335-165, 246-335-170, 246-335-175, 246-335-180, 246-335-185, 246-335-190, 246-335-195, 246-335-200, 246-335-205, 246-335-210, 246-335-220, 246-335-225, 246-335-230, 246-335-235, 246-335-240, 246-335-245, 246-335-250, 246-335-255, 246-335-260, 246-335-265, 246-335-270, 246-335-275, 246-335-280, 246-335-285, 246-335-290 and 246-335-295; and amending WAC 246-335-990.

Statutory Authority for Adoption: RCW 70.127.120, 43.70.250.

Adopted under notice filed as WSR 17-22-119 on October 31, 2017.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-335-415(10), 246-335-515(10) and 246-335-615(10), edited in response to public comments to allow agencies increased flexibility in achieving compliance with this rule.

WAC 246-335-420(1) and 246-335-450(7), edited in response to DSHS comments and for consistency with similar provision in WAC 246-335-420 (3)(d).

WAC 246-335-510(5) and 246-335-610(4), definitions of "dietitian" edited in response to public comment and for consistency with the department's definition of "dietitian or nutritionist" in WAC 246-822-020(5).

WAC 246-335-510 (1), (14), (18) and 246-335-716(1), edited in response to public comment and for consistency with revised definition of "dietitian or nutritionist" in WAC 246-335-510(5) and 246-335-610(4).

WAC 246-335-510(16) and 246-335-610(14), definitions of "palliative care" edited in response to public comment. Edited for consistency with a recent definition of "palliative care" developed by the Washington state hospice and palliative care organization and the department's rural health program.

A final cost-benefit analysis is available by contacting John Hilger, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2929, fax 360-236-2901, TTY 360-833-6388 or 711, email john.hilger@doh.wa.gov.

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

### **WSR 18-06-093**

#### **PERMANENT RULES**

#### **DEPARTMENT OF HEALTH**

[Filed March 6, 2018, 4:44 p.m., effective April 6, 2018]

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

Purpose: Chapter 246-335 WAC, In-home services agencies, the adopted rules revise and update licensing requirements and operational standards, and increase fees. The adopted rules repeal WAC 246-335-001 through 246-335-295; amend WAC 246-335-990; and establish new WAC 246-335-300 through 246-335-768. Content from repealed WAC 246-335-001 through 246-335-295 are [is] now found in new WAC 246-335-300 through 246-335-768.

Citation of Rules Affected by this Order: New WAC 246-335-300, 246-335-305, 246-335-310, 246-335-315, 246-335-320, 246-335-325, 246-335-330, 246-335-335, 246-335-340, 246-335-345, 246-335-350, 246-335-355, 246-335-405, 246-335-410, 246-335-415, 246-335-420, 246-335-425, 246-335-430, 246-335-435, 246-335-440, 246-335-445, 246-335-450, 246-335-455, 246-335-505, 246-335-510, 246-335-515, 246-335-520, 246-335-525, 246-335-530, 246-335-535, 246-

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

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 78, Amended 1, Repealed 58.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 78, Amended 1, Repealed 58.

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 78, Amended 1, Repealed 58.

Date Adopted: March 6, 2018.

John Wiesman, DrPH, MPH  
Secretary

## PARTS 1 THROUGH 4

### REQUIREMENTS FOR IN-HOME SERVICES AGENCIES LICENSED TO PROVIDE HOME CARE, HOME HEALTH, AND HOSPICE SERVICES

#### Part 1 - General Requirements Applicable to All Service Categories

##### NEW SECTION

**WAC 246-335-300 Scope and purpose.** (1) These rules implement chapter 70.127 RCW which requires the department of health to set minimum health and safety standards for in-home services agencies licensed to provide home care, home health, hospice, or hospice care center services.

(2) Applicants and licensees must meet the requirements of this chapter and other applicable state and local laws.

(3) This chapter does not apply to services provided by persons exempt from requirements of chapter 70.127 RCW as provided in RCW 70.127.040 and 70.127.050.

##### NEW SECTION

**WAC 246-335-305 Applicability.** The requirements in WAC 246-335-300 through 246-335-660 apply to in-home services agencies licensed to provide home care, home health, and/or hospice services unless otherwise noted in the specific sections. The requirements in WAC 246-335-705 through 246-335-768 apply to hospice care centers. The fee requirements in WAC 246-335-990 apply to all in-home services agencies licensed to provide home care, home health, hospice, and hospice care center services.

##### NEW SECTION

**WAC 246-335-310 Definitions—General.** The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise:

(1) "Activities of daily living" or "ADL" means routine activities performed around the home or in the community and includes:

(a) "Ambulation" means how an individual moves between locations in their immediate living environment and how they move to and return from more distant areas. Assistance with ambulation includes supervising or guiding the client or patient when walking alone or with the help of a mechanical device such as a walker, assisting with difficult parts of walking such as climbing stairs, supervising or guiding the client or patient if they are able to propel a wheelchair, pushing of the wheelchair, and providing constant or standby physical assistance to the client or patient if totally unable to walk alone or with a mechanical device.

(b) "Bathing" means how an individual takes a full-body bath or shower, sponge bath, and transfers in and out of the tub or shower. Assistance with bathing includes supervising or guiding the client or patient to bathe, assisting the client or patient with difficult tasks such as getting in or out of the tub or shower, washing their back and other hard to reach areas, and completely bathing the client or patient if they are totally unable to wash themselves.

(c) "Body care" means how an individual performs applications of dressings and ointments or lotions to their body, trims their toenails, and applies lotion to their feet. Assistance with body care includes general skin care and the application of over-the-counter ointments or lotions. Body care excludes foot care for clients or patients who are diabetic or have poor circulation, and changing bandages or dressings when sterile procedures are required.

(d) "Dressing" means how an individual puts on, fastens, and takes off all items of clothing, including donning or removing a prosthesis. Assistance with dressing includes supervising or cueing the client or patient to dress and assisting them with difficult tasks such as putting on socks, pants, shoes, and fastening, zipping, or tying clothing related items.

(e) "Eating" means how an individual eats and drinks, regardless of skill. Assistance with eating includes supervising or guiding the client or patient when they are able to feed themselves, assisting with difficult tasks such as cutting food or buttering bread, and orally feeding the client or patient when they are unable to feed themselves.

(f) "Medication management" means how an individual ingests or applies medications or herbal supplements. Assistance with medication management includes reminding, coaching, and handing medication containers to the client or patient.

(g) "Personal hygiene" means how an individual maintains their personal hygiene. Assistance with personal hygiene includes helping the client or patient with combing hair, brushing teeth, shaving, applying makeup, washing and drying face, trimming finger nails, applying nail polish, and menses care.

(h) "Positioning" means how an individual moves to and from a lying position, turns side to side, and positions their body while in bed, in a recliner, or other type of furniture. Assistance with positioning includes helping the client or patient to assume a desired position, helping with turning, and setting up for the client or patient to perform exercises or active range of motion. Positioning assistance may also include passive range of motion to maintain joint flexibility or prevent complications, such as contractures and pressure sores.



(i) "Toileting" means how an individual uses the toilet room, commode, bedpan, or urinal. Assistance with toileting includes helping the client or patient to and from the bathroom, assisting with bedpan routines, using incontinent briefs, cleaning after elimination, and assisting the client or patient on and off the toilet.

(j) "Transfer" means how an individual moves between surfaces such as to and from a bed, chair, wheelchair, or standing position. Assistance with transferring includes helping the client or patient with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising or guiding the client or patient when they are able to transfer, providing steadying assistance, and helping the client or patient when they are able to assist in their own transfers. This does not include transfers when the client or patient is unable to assist in their own transfer or needs assistive devices unless specific training or skills verification has occurred consistent with agency policies and procedures.

(2) "Administrator" means an individual responsible for managing the operation of an agency.

(3) "Advanced directive" means a legal document in which a person specifies what actions should be taken for their health if they are no longer able to make decisions for themselves because of illness or incapacity. Advanced directives are not intended to guide the actions of emergency medical personnel.

(4) "Area agencies on aging" or "AAA" means an agency established under 42 U.S.C. chapter 35 and designated by the department of social and health services (DSHS) to contract for home care services on behalf of DSHS.

(5) "Authenticated" means a written signature or unique identifier verifying accuracy of information.

(6) "Back-up care" means substitute care for a client or patient arranged by the agency's administration when caregiving staff, aides, or health services cannot be provided as scheduled.

(7) "Client abandonment" or "patient abandonment" occur when an in-home services agency establishes a care relationship with a client or patient, as evidenced by signed admission forms and plan of care, and the agency ends the care relationship without referring to an appropriate alternative agency or caregiver, or not following applicable discharge requirements in WAC 246-335-420, 246-335-520, and 246-335-620.

(8) "Clinical judgment" means an interpretation or conclusion about a client or patient's needs, concerns, or health problems by a physician licensed under chapter 18.57 or 18.71 RCW, a podiatric physician and podiatric surgeon licensed under chapter 18.22 RCW, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a registered nurse licensed under chapter 18.79 RCW, a physical therapist licensed under chapter 18.74 RCW, an occupational therapist licensed under chapter 18.59 RCW, or a speech and language therapist licensed under chapter 18.35 RCW. Clinical judgment includes the decision to take action or not, use or modify standard approaches, or improvise new ones as deemed appropriate by the client or patient's response.

(9) "Contractor" means a person who is self-employed who enters into agreement with an in-home services agency to provide client or patient care services or equipment.

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

(11) "Directed plan of correction" means a plan developed by the department, based on a current statement of deficiencies and a licensee's survey history, which specifies the corrective actions the licensee must take and time frames in which those actions are to be completed.

(12) "Document" means the process of recording information relating to client or patient care verified by signature or unique identifier, title, and date.

(13) "DSHS" means the Washington state department of social and health services.

(14) "Family" means individuals who are important to, and designated by, the patient or client and who need not be relatives.

(15) "Health care professional" means an individual who provides health or health-related services within the individual's authorized scope of practice and who is licensed, registered or certified under Title 18 RCW.

(16) "In-home services agency" means a person licensed to administer or provide home health, home care, hospice services, or hospice care center services directly or through a contract arrangement to individuals in a place of temporary or permanent residence.

(17) "In-home services category" means home care, home health, hospice, or hospice care center services.

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

(a) "Meal preparation" means how an individual prepares their meals. Assistance with meal preparation includes planning meals for clients or patients, cooking, assembling ingredients, setting out food, utensils, and cleaning up after meals.

(b) "Ordinary housework" means how an individual performs ordinary work around the house. Assistance with ordinary housework includes washing dishes and cookware, dusting, vacuuming, mopping, making bed, tidying up, laundry, taking out garbage, or other like activities.

(c) "Essential shopping" means how an individual completes shopping tasks to meet their health and nutritional needs. Assistance with essential shopping includes trips in the local area to shop for food, medical necessities and household items required specifically for a client or patient's health, maintenance, or well-being. Shopping assistance can be done with a client or patient or on their behalf. Within the context of IADL services, essential shopping does not include client or patient transfer assistance.

(d) "Wood supply" means how an individual supplies their home with wood when wood is used as the sole source of fuel for heating or cooking. Assistance with wood supply includes splitting, stacking, carrying wood, or other like activities.

(e) "Travel to medical services" means how an individual travels by vehicle, bus, or taxi to a physician's office or clinic in the local area to obtain medical diagnosis or treatment. Assistance with travel to medical services includes

driving the client or patient yourself, or traveling as a support person in a personal vehicle, bus, or taxi. Within the context of IADL services, travel to medical services does not include client or patient transfer assistance.

(f) "Managing finances" means how an individual manages their personal finances. Assistance with managing finances includes helping the client or patient to pay bills, balance checkbook, or other like activities.

(g) "Telephone use" means how an individual makes and receives telephone calls and text messages. Assistance with telephone use includes bringing a phone to the client or patient, helping with dialing numbers, helping with sending and retrieving text messages, helping with general phone operation, or other like activities.

(19) "Licensee" means the person to whom the department issues the in-home services license.

(20) "Managed care plan" means a plan controlled by the terms of the reimbursement source.

(21) "Mandatory reporter" means an administrator, authorizing practitioner, director of clinical services, health care professional, home care aide, home health aide, medical director, licensed nurse, social worker, supervisor of direct care services, therapist, therapy assistant, volunteer, or other individuals associated with an in-home services agency.

(22) "Medication self-administration with assistance" means reminding or coaching the client or patient to take their medication, handing the medication container to the client or patient, opening the medication container, using an enabler, or placing the medication in the hand of the client or patient, along with other assistance, as defined by the pharmacy quality assurance commission in chapter 246-888 WAC.

(23) "Minimum health care credentialing" or "minimum credentialing" means the minimum credential level necessary to provide safe and quality care to adequately meet the care needs of clients and patients:

(a) For home care agencies, minimum health care credentialing is a certified home care aide or higher credential. Minimum health care credentialing is not required for long-term care workers who meet the exemption criteria in chapter 246-980 WAC;

(b) For home health and hospice agencies, minimum health care credentialing is a certified nursing assistant or higher level health care credential necessary to meet patient care needs.

(24) "Nonmedical services" means ADL and IADL tasks which do not require clinical judgment and are ordinarily performed by the client or patient, which if not for the client or patient's functional, physical, or mental limitation(s), would be completed independently by the client or patient, or family.

(25) "Nursing assistant certified" means an individual certified as a nursing assistant under chapter 18.88A RCW.

(26) "Nursing assistant registered" means an individual registered as a nursing assistant under chapter 18.88A RCW.

(27) "Nurse delegation" means the process, as described in RCW 18.79.260 (3)(e), WAC 246-840-910 through 246-840-970, and 246-980-130, a registered nurse takes to transfer the performance of selected nursing tasks in selected situations to competent nursing assistants or home care aides.

The registered nurse delegating the task retains the responsibility and accountability for the nursing care of the client or patient. Except for the delegation of the administration of insulin by injection for the purpose of caring for individuals with diabetes, nurse delegation does not include delegating the administration of medications by injection, sterile procedures, and central line maintenance.

(28) "Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of the employee's duties.

(29) "One-time visit" means a single visit by one individual to provide home care, home health, or hospice services with no predictable need for continuing visits, not to exceed twenty-four hours.

(30) "On-site" means the location where client or patient services are provided.

(31) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private organization, or the legal successor thereof that employs or contracts with two or more individuals.

(32) "Personnel" means individuals employed and compensated by the licensee.

(33) "Plan of care" means a written document based on assessment of individual needs that identifies services to meet these needs.

(34) "Plan of correction" means a licensee authored document based on a statement of deficiencies, and includes specific corrective actions that must be taken to correct identified deficiencies to include, but not be limited to:

(a) How the deficiency will be or was corrected;

(b) What measures or monitors will be put in place to ensure the deficient practice does not recur;

(c) Who is responsible for the correction; and

(d) When each deficiency will be corrected.

(35) "Physician orders for life sustaining treatment" or "POLST" means a set of medical orders intended to guide emergency medical personnel in the initial treatment for persons with advanced life limiting illness based on their current medical condition and goals. The POLST form is not a living will or advanced directive but a physician order that communicates the details of those documents.

(36) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(37) "Range of motion" or "ROM" means the extent or limit to which a part of the body can be moved around a joint or a fixed point; the totality of movement a joint is capable of doing. ROM exercises are active or passive movements to assess, maintain, or restore the motion of joints in the body. Active and passive ROM are defined as:

(a) "Active range of motion" means independent exercises performed by an individual to restore or maintain their joint function to its optimal range (may require cuing or reminders by an agency worker).

(b) "Passive range of motion" means exercises performed by a trained individual to restore or maintain an individual's joint function to its optimal range when they are unable to independently move their joint. Passive ROM

involves performing movements to each joint only to the extent the joint is able to move. Passive ROM, for either restoration or maintenance purposes, may be performed by home health agencies, hospice agencies, and hospice care centers following the established program. Passive range of motion, for maintenance purposes only, may be performed by home care agencies.

(38) "Record" means all documented information, regardless of its characteristics, media, physical form, and the manner in which it is recorded or stored.

(39) "Service area" means the geographic area in which the department has given prior approval to a licensee to provide home health, hospice, or home care services.

(40) "Statement of deficiencies" means a survey or investigation report completed by the department identifying one or more violations of chapter 70.127 RCW or this chapter. The report clearly identifies the specific law or rule that has been violated along with a description of the reasons for noncompliance.

(41) "Survey" means an inspection conducted by the department to evaluate and monitor an agency's compliance with this chapter.

(42) "Vital signs" means clinical measurements, specifically pulse rate, temperature, respiration rate, and blood pressure that indicate the state of a client or patient's essential body functions.

(43) "Volunteer" means an individual who provides direct care to a client or patient and who:

- (a) Is not compensated by the in-home services licensee;
- (b) May be reimbursed for personal mileage incurred to deliver services; and
- (c) Is considered a mandatory reporter.

Volunteers providing services to vulnerable persons are considered permissive reporters and are subject to the mandatory reporting laws in chapters 74.34 and 26.44 RCW.

(44) "Vulnerable person" means a person:

- (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself;
- (b) Found incapacitated under chapter 11.88 RCW;
- (c) Who has a developmental disability as defined under RCW 71A.10.020;
- (d) Admitted to any facility; or
- (e) Receiving services from home care, home health, or hospice agencies licensed or required to be licensed under chapter 70.127 RCW.

#### NEW SECTION

**WAC 246-335-315 License required.** A person must possess a current license issued by the department before advertising, operating, managing, conducting, opening or maintaining an in-home services agency unless exempt under RCW 70.127.040 or 70.127.050. Any person who employs or contracts with two or more individuals to provide any one or combination of in-home services as defined by chapter 70.127 RCW and this chapter is subject to licensure.

#### NEW SECTION

**WAC 246-335-320 Initial application.** An applicant for initial licensure must:

(1) Complete a department sponsored in-home services orientation class prior to submitting a state licensing application. The purpose of the orientation class is to provide prospective applicants an overview of the state licensing process, explain the differences between home care, home health, and hospice service categories, and department expectations of licensees providing care to vulnerable persons.

(2) Submit to the department:

(a) A completed initial licensing application on forms provided by the department;

(b) Evidence of current commercial general liability insurance indicating the following minimum coverage:

- (i) Bodily injury, property damage, and contractual liability, in the amount of one million dollars per occurrence; or
- (ii) Combined single limit coverage of two million dollars.

(c) A completed and signed full-time equivalent employee worksheet on forms provided by the department;

(d) Copies of criminal history background checks and disclosure statements in accordance with the following:

(i) RCW 43.43.830 through 43.43.842;

(A) For home care agencies, copies are required for the administrator and the supervisor of direct care services;

(B) For home health agencies and hospice agencies, copies are required for the administrator and the director of clinical services;

(ii) Criminal history background checks must be processed through the Washington state patrol;

(iii) Disclosure statements must be approved by the department; and

(vi) Criminal history background checks and disclosure statements must be obtained within three months of the application date.

(e) A description of the agency's organizational structure. For example, an organizational chart or narrative describing key positions and duties;

(f) A copy of the current business license(s);

(g) Policies and procedures addressing the content of this chapter for the service category(ies) to be provided. Policies and procedures must clearly demonstrate compliance with the applicable chapter requirements.

(i) Home care agency policies and procedures will not reference federal medicare requirements and may only reference an accrediting organization's requirements if they are accredited by that organization.

(ii) Home health and hospice agency policies and procedures may only reference federal medicare requirements or accrediting organization requirements if they are medicare certified or accredited;

(h) A copy of the in-home services orientation class certificate of completion;

(i) Other information as required by the department; and

(j) Fees specified in WAC 246-335-990.

(3) An applicant must meet the requirements of this chapter. An initial announced survey conducted by the department will confirm the applicant meets the requirements of this chapter.

(4) With the exception of a hospice care center applicant, an applicant has nine months from the application submission date to complete all steps required for initial licensure or adding one or more service categories to an existing license.

(a) The department may close out an application, with no refund of licensing fees being issued, if an applicant has not completed all steps required for licensure within nine months.

(b) An applicant whose application has been closed due to the nine-month time period lapsing is eligible to reapply at any time by submitting an initial application and appropriate fees.

(5) A licensee adding a new service category to their existing license must comply with subsections (2), (3) and (4) of this section. Licensees are not required to complete an orientation class in order to add a new service category to their license.

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

#### NEW SECTION

**WAC 246-335-325 License renewal.** At least thirty days before the expiration date of the current license, the licensee must submit to the department:

(1) A completed renewal licensing application on forms provided by the department;

(2) Evidence of continuing insurance coverage according to WAC 246-335-320 (2)(b);

(3) A completed and signed full-time equivalent employee worksheet on forms provided by the department;

(4) Copies of the most current criminal history background checks and disclosure statements for the administrator, director of clinical services, or supervisor of direct care services in accordance with WAC 246-335-320 (2)(d). All criminal history background checks and disclosure statements required under this chapter must be renewed within two years from the date of the previous check;

(5) A description of the agency's current organizational structure. For example, an organizational chart or narrative describing key positions and duties;

(6) Documentation required under WAC 246-335-350, if initially applying or reapplying for substantial equivalency status;

(7) Other information as required by the department; and

(8) Fees specified in WAC 246-335-990.

#### NEW SECTION

**WAC 246-335-330 Change of ownership.** A change of ownership on an in-home services agency includes any of the following:

(1) Transferring ownership, either whole or part, to a new owner;

(2) Dissolving a partnership or corporation;

(3) Merging with another entity taking on that entity's identity;

(4) Consolidating with another entity, creating a new identity; or

(5) A change of the unified business identifier number and/or federal employer identification number.

(6) At least thirty days prior to changing ownership of an in-home services agency, the licensee must submit to the department a change of ownership form as provided by the department. The form must include:

(a) The full name, address and phone number of the current and prospective owner;

(b) The name, address, and phone number of the currently licensed in-home services agency and the name under which the prospective agency will operate; and

(c) Date of the proposed change of ownership.

(7) At least thirty days prior to changing ownership of an in-home services agency, the prospective new owner must submit a change of ownership application, on forms provided by the department:

(a) Information listed in WAC 246-335-320 (2)(a) through (f); and

(b) The change of ownership fee specified in WAC 246-335-990.

(8) Home health or hospice agencies that are certified by the Centers for Medicare and Medicaid Services must inform the department's certificate of need program of the pending change in ownership and receive program approval before the state change of ownership application can be approved.

(9) The department may conduct a survey after the change of ownership approval to assess the new ownership's delivery of care to clients or patients.

#### NEW SECTION

**WAC 246-335-335 Applicant or licensee responsibilities.** An applicant or licensee must:

(1) Comply with the provisions of chapter 70.127 RCW and this chapter;

(2) Maintain at least one in-state office location where records are kept, secured, and accessible;

(3) Display the license issued by the department in an area within the main office that is visible to the public, including branch office locations if applicable;

(4) Cooperate with the department during surveys which may include reviewing licensee records and conducting on-site visits with client or patient consent;

(5) Notify the department in writing within thirty days of any of the following:

(a) Changes of administrator, director of clinical services, or supervisor of direct care services;

(b) Beginning or ceasing operation of any office location(s);

(c) Ceasing operation of home care, home health, hospice, or hospice care centers services;

(d) Decreasing home care, home health, or hospice service areas; and

(e) Survey or monitoring decisions and findings from a department approved accrediting organization, DSHS, or area agency on aging for agencies approved through substantial equivalency according to WAC 246-335-350.

(6) Request approval to expand state licensing home care, home health, or hospice service areas, by submitting an amended application, on forms provided by the department,

which lists all service areas for which the agency is seeking approval and information based on the criteria in WAC 246-335-415(6), 246-335-515(6), or 246-335-615(6).

(a) To request approval to expand services areas for home health or hospice agencies that are certified by the Centers for Medicare and Medicaid Services, a licensee must contact the department's certificate of need program and follow their separate application and approval process.

(b) Licensees must receive department approval for service area expansion prior to providing services in the proposed expanded service area(s).

#### NEW SECTION

**WAC 246-335-340 Survey and investigation.** To ensure compliance with chapters 246-335 WAC and 70.127 RCW, the department may:

(1) Conduct unannounced surveys at any time and at least once during a licensure period, except for agencies approved through substantial equivalency according to WAC 246-335-350;

(2) Survey a licensee at any time if the department has reason to believe the licensee is providing unsafe, insufficient, inadequate or inappropriate client or patient care;

(3) Investigate any person suspected of advertising, operating, managing, conducting, opening or maintaining an in-home services agency or providing in-home services, including hospice care center services, without a license unless exempt from licensure under RCW 70.127.040 and 70.127.050;

(4) Investigate complaints against in-home services licensees that allege noncompliance with chapter 70.127 RCW and this chapter;

(5) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, and, when necessary, in consultation with law enforcement personnel; and

(6) Require the licensee to complete additional criminal history background checks and disclosure statements for an individual associated with the licensee or having direct contact with children under sixteen years of age, people with developmental disabilities, or vulnerable persons if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement and criminal background inquiry.

#### NEW SECTION

**WAC 246-335-345 Statement of deficiencies, plan of correction, and enforcement action.** To ensure compliance with chapters 246-335 WAC and 70.127 RCW, the department may:

(1) Issue a statement of deficiencies following a survey which identifies noncompliance with chapter 70.127 RCW and this chapter. The statement of deficiencies will include a brief statement of what is required to achieve compliance, the date by which the department requires compliance to be achieved, contact information for any technical assistance services provided by the department, and notice of the process and timeline for requesting an extension of time for good cause to achieve compliance.

(2) Require licensee to submit a written plan of correction within ten working days of receipt of the statement of deficiencies to address deficiencies that are determined to not be significant, broadly systemic, or recurring.

(a) Under this chapter, a "plan of correction" is a form developed by the department and completed by the licensee that describes:

(i) How each deficiency will be or was corrected;

(ii) What measures or monitors will be put in place to ensure the deficiencies do not recur;

(iii) Who is responsible for correcting each deficiency; and

(iv) When each deficiency will be or has been corrected.

(b) The licensee must complete all corrections within sixty days, unless the department authorizes a longer time frame for correction of some of the deficiencies. Implementation of the plan of correction is subject to verification by the department.

(3) Issue a directed plan of correction following a survey which identifies deficiencies that are determined to be significant, broadly systemic, and are not in the categories specified in RCW 70.127.180(3) for which a licensee may be subject to a formal enforcement action.

(a) The department may choose to issue a directed plan of correction if the department deems the plan of correction submitted by the licensee to be unacceptable because the actions proposed will not correct the deficiencies, will take too long, or fails to protect the public health, safety, and welfare;

(b) Implementation, progression, and completion of the directed plan of correction may be verified by the department.

(4) Deny, restrict, condition, modify, suspend, or revoke a license and assess civil monetary penalties as authorized in RCW 70.127.170 and 70.127.180(3).

(5) Summarily suspend or limit a license pending an enforcement action as authorized in RCW 34.05.479 if deficiencies are identified that pose an imminent risk of harm to clients or patients.

(6) The licensee shall sign and return the completed plan of correction or directed plan of correction to the department on or before the required date.

(7) Neither the requirement to submit a plan of correction nor a directed plan of correction is an agency action for which an adjudicative hearing must be afforded to the licensee.

(8) The failure to correct the deficiencies in the statement of deficiencies or the failure to comply with the plan of correction or directed plan of correction may be grounds for an action against the license or a civil monetary penalty under RCW 70.127.170 and 70.127.180(3).

(9) If the department initiates action to deny, restrict, condition, modify, suspend or revoke a license or to assess civil monetary penalties as authorized in RCW 70.127.170 and 70.127.180(3), the applicant or licensee will be afforded an adjudicative hearing opportunity under chapter 34.05 RCW, RCW 43.70.115, and chapter 246-10 WAC.

NEW SECTION

**WAC 246-335-350 Substantial equivalency to the state survey requirement.** To ensure compliance with chapters 246-335 WAC and 70.127 RCW, the following substantial equivalency options apply that satisfy the state survey requirement:

(1) An in-home services licensee that is approved to provide home health or hospice services and is certified by the federal medicare program is not subject to the state survey requirement when the following have been met:

(a) The department has determined that the applicable survey standards of the certification program are substantially equivalent to those required by this chapter and chapter 70.127 RCW;

(b) Verification that an on-site medicare survey has been conducted during the previous twenty-four months; and

(c) The licensee or the federal medicare program submits to the department the information required in subsection (4) of this section.

(2) An in-home services licensee that is approved to provide home health or hospice services and is accredited by a department approved certification or accrediting organization is not subject to the state survey requirement when the following have been met:

(a) The department has determined that the applicable survey standards of the certification or accrediting program are substantially equivalent to those required by this chapter and chapter 70.127 RCW;

(b) Verification that an on-site accreditation survey has been conducted during the previous twenty-four months; and

(c) The licensee or the certification or accrediting program submits to the department the information required in subsection (4) of this section.

(3) An in-home services licensee that is approved to provide home care services under contract with and monitored by DSHS or the AAA to provide home care services is not subject to the state survey requirement when the following have been met:

(a) The department has determined that the applicable survey standards of DSHS or the AAA are substantially equivalent to those required by this chapter and chapter 70.127 RCW;

(b) Verification that an on-site DSHS or AAA monitoring has been conducted during the previous twenty-four months;

(c) The licensee has submitted to the department a copy of the final executed contract; and

(d) DSHS or the AAA submits to the department copies of monitoring reports and other relevant reports or finding that indicate compliance with licensure requirements, and the monitoring reports include samples of private pay clients, if applicable.

(4) An in-home services licensee that is approved to provide home health or hospice services and is accredited by a department approved accrediting organization or certified by the federal medicare program, that wants to be exempt from the state survey requirement as authorized in RCW 70.127-085, must submit to the department:

(a) Verification of initial or ongoing accreditation or certification; and

(b) A copy of the most recent decisions and findings of the accrediting organization or the federal medicare program based on an on-site survey within the twenty-four month period preceding the request for state survey exemption.

(5) Nothing in this section shall prevent the department from:

(a) Conducting validation surveys of agencies consistent with RCW 70.127.085;

(b) Conducting initial surveys for applicants applying for initial licensure or licensees applying to add a new service category to their existing license under this chapter;

(c) Surveying in-home services licensees who have service categories that are not medicare certified, accredited, or monitored by DSHS or the AAA; and

(d) Investigating complaints against in-home services licensees approved through substantial equivalency.

NEW SECTION

**WAC 246-335-355 Exemptions and alternative methods.** To request an exemption from specific requirements in this chapter, the applicant or licensee must submit a written request to the department including:

(1) A description of the requested exemption and alternatives, if appropriate;

(2) Rationale for the exemption;

(3) Impact of the exemption on public health and safety; and

(4) Any other information the department requests.

(5) The department may grant the applicant or licensee an exemption from a requirement of this chapter if:

(a) The department determines the exemption will not jeopardize public health or safety; and

(b) The exemption is not contrary to the intent of chapter 70.127 RCW and the requirements of this chapter.

(6) The licensee must retain a copy of each approved exemption and have them available at all times.

(7) An exemption is limited to a specific requirement and for the licensee who receives it. The exemption does not apply to a new owner due to a change of ownership under WAC 246-335-330.

**Part 2 - Requirements Specific to Home Care Agency Services**NEW SECTION

**WAC 246-335-405 Applicability.** The requirements in WAC 246-335-405 through 246-335-455 apply to all in-home services agencies licensed to provide home care services.

NEW SECTION

**WAC 246-335-410 Definitions—Home care.** The definitions in this section apply throughout WAC 246-335-405 through 246-335-455 unless the context clearly indicates otherwise:

(1) "Certified home care aide" or "home care aide" means an individual credentialed under chapters 18.88B RCW and 246-980 WAC.

(2) "Client" means an individual receiving home care services.

(3) "Comprehensive assessment reporting evaluation" or "CARE" means the DSHS assessment tool used by case managers to document a client's functional ability, determine eligibility for long-term care services, evaluate what and how much assistance a client will receive, and develop a plan of care.

(4) "Home care agency" means a person administering or providing home care services directly or through a contract arrangement to individuals in places of permanent or temporary residence. A home care agency that provides delegated tasks of nursing under RCW 18.79.260 (3)(e) is not considered a home health agency for purposes of this chapter.

(5) "Home care services" means nonmedical services and assistance provided to ill, disabled, or vulnerable individuals that enable them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding, and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical services or delegated tasks of nursing under RCW 18.79.-260 (3)(e).

(6) "Long-term care worker" means an individual providing hands-on personal care services to the elderly or persons with disabilities according to RCW 74.39A.009. A long-term care worker employed by a home care agency is either credentialed as a certified home care aide under chapters 18.88A RCW and 246-980 WAC or meets the exemption criteria according to chapter 246-980 WAC.

(7) "Supervisor of direct care services" means an individual responsible for services that support the plan of care provided by an in-home services agency licensed to provide home care services.

#### NEW SECTION

**WAC 246-335-415 Plan of operation.** The applicant or licensee must develop and implement a plan of operation which includes:

- (1) A description of the organizational structure;
- (2) Personnel job descriptions according to WAC 246-335-425(2);
- (3) Responsibilities of contractors and volunteers;
- (4) Services to be provided;
- (5) The days and hours of agency operation; and
- (6) Criteria for management and supervision of home care services throughout all approved service areas, which includes:
  - (a) How the initial intake and development of the plan of care will be completed per WAC 246-335-440;
  - (b) How supervision of personnel and volunteers and monitoring of services provided by contractors will occur which meet the requirements of WAC 246-335-445;
  - (c) How performance evaluations for personnel and volunteers and evaluation of services provided by contractors will be conducted per WAC 246-335-425 (13) and (14); and

(d) How the quality improvement program required in WAC 246-335-455 will be applied throughout all approved service areas.

(7) A process to inform clients of alternative services prior to ceasing operation or when the licensee is unable to meet the client's needs;

(8) A plan for preserving records, including the process to preserve or dispose of records prior to ceasing operation according to WAC 246-335-450 (7) and (8); and

(9) Time frames for filing documents in the client records;

(10) Emergency preparedness that addresses service delivery when natural disasters, man-made incidents, or public health emergencies occur that prevent normal agency operation. Include, at minimum: Risk assessment and emergency planning, communication plan, coordination of service delivery with emergency personnel to meet emergent needs of clients, and staff training;

(11) The applicant or licensee must identify an administrator. The administrator must be a home care employee and possess education and experience required by the agency's policies. The administrator is responsible to:

(a) Oversee the day-to-day operation and fiscal affairs of the agency;

(b) Implement the provisions of this section;

(c) Designate in writing an alternate to act in the administrator's absence;

(d) Provide management and supervision of services throughout all approved service areas according to subsection (6) of this section;

(e) Arrange for necessary services;

(f) Keep contracts current and consistent with WAC 246-335-425(4);

(g) Serve as a liaison between the licensee, personnel, contractors and volunteers;

(h) Ensure personnel, contractors and volunteers are currently credentialed by the state of Washington, when appropriate, according to applicable practice acts and consistent with WAC 246-335-425(5);

(i) Ensure personnel, contractors and volunteers comply with the licensee's policies and procedures;

(j) Implement a quality improvement process consistent with WAC 246-335-455;

(k) Manage recordkeeping according to WAC 246-335-450;

(l) Ensure supplies and equipment necessary to client care are available, maintained, and in working order;

(m) Ensure the accuracy of public information materials; and

(n) Ensure current written policies and procedures are accessible to personnel, contractors, and volunteers during hours of operation.

(12) The licensee must continue to update its plan of operation to reflect current practice, services provided by the agency, and state and local laws.

NEW SECTION

**WAC 246-335-420 Delivery of services.** The applicant or licensee must develop and operationalize delivery of services policies and procedures that describe:

(1) Admission, transfer, discharge, and referral processes:

(a) In order to minimize the possibility of client abandonment, clients must be given at least a forty-eight hour written or verbal notice prior to discharge that will be documented in the client record;

(b) Forty-eight hour notice is not required if home care agency worker safety, significant client noncompliance, or client's failure to pay for services rendered are the reason(s) for the discharge;

(c) A home care agency discharging a client that is concerned about their ongoing care and safety may submit a self-report to appropriate state agencies which identifies the reasons for discharge and the steps taken to mitigate safety concerns;

(d) Home care agencies under contract with DSHS or the AAA may follow different time frames for notice of discharge as established in the terms of the contract.

(2) Specific nonmedical services available to meet client, or family needs as identified in the plan of care;

(3) Home care services starting within seven calendar days of receiving and accepting a referral for services. Longer time frames are permitted when one or more of the following is documented:

(a) Longer time frame for the start of services is requested by the client, designated family member, or legal representative, or referral source;

(b) Longer time frame for the start of services is agreed upon by the client, designated family member, or legal representative, or referral source in order for agency to select and hire an appropriate caregiver to meet the needs of the client;

(c) Start of services was delayed due to agency having challenges contacting client, designated family member, or legal representative;

(d) Home care agencies under contract with DSHS or the AAA may follow different time frames for the start of services as established in the terms of the contract.

(4) Agency personnel, contractor, and volunteer roles and responsibilities related to medication self-administration with assistance;

(5) Coordination of care, including:

(a) Coordination among services being provided by a licensee having an additional home health or hospice service category; and

(b) Coordination with other agencies when the care being provided impacts client health;

(6) Actions to address client, or family communication needs;

(7) Emergency care of the client;

(8) Providing back-up care to the client when services cannot be provided as scheduled. Back-up care which requires assistance with client ADLs must be provided by staff with minimum credentialing or workers who meet the exemption criteria in chapter 246-980 WAC. Noncredentialed staff may provide back-up care only when assisting a client with IADLs or in emergency situations;

(9) Actions to be taken upon death of a client;

(10) Actions to be taken when client has a signed advanced directive;

(11) Actions to be taken if a client has a signed POLST form. Any section of the POLST form not completed implies full treatment for that section. At minimum, include: In the event of a client medical emergency and agency staff are present, provide emergency medical personnel with a client's signed POLST form;

(12) If the home care agency chooses to offer assistance with taking vital signs, then relevant policies and procedures must comply with the following minimum requirements:

(a) Assistance with taking vital signs for informational purposes only, due to client being unable to complete tasks independently. Home care agency workers may only assist clients in the process of taking their own vital signs. Examples of assistance include, but are not limited to, handing client a digital thermometer, sliding blood pressure cuff over client's arm, turning on a device, recording digital readings and communicating those readings back to the client, designated family member, or legal representative. Devices used must be electronically operated with digital readouts; and

(b) Assistance with taking vital signs to determine when to take or exclude prescribed medications, or what dosage of medication to take due to client being unable to complete tasks independently. Agencies must contract with a registered nurse to determine if nurse delegation is appropriate and train agency worker(s) on taking specific vital signs and to understand how the readings relate to the medications that the client needs to take;

(13) If a home care agency chooses to offer assistance with passive range of motion exercises for maintenance purposes only, then relevant policies and procedures must comply with the following minimum requirements:

(a) Ensure the client provides the agency with a copy of their passive range of motion exercise plan established by a physical therapist licensed under chapter 18.74 RCW, an occupational therapist licensed under chapter 18.59 RCW, or qualified registered nurse licensed under chapter 18.79 RCW. The date of the plan must be within twelve months of requesting assistance with passive range of motion. The plan must clearly state that the passive range of motion is for maintenance purposes only. Passive range of motion for purposes of restoring joint function is outside the scope of a home care agency to provide;

(b) If the exercise plan is older than twelve months or does not clearly state for maintenance purposes only, the agency will direct client to get an updated or new passive range of motion plan from their health care provider;

(c) Ensure and document passive range of motion skills verification of assigned agency workers, consistent with WAC 246-335-425(9), prior to the provision of these services; and

(d) Ensure clients receiving passive range of motion submit to the agency an updated exercise plan from their health care provider at least annually;

(14) Nurse delegation according to the following:

(a) Delegation is only permitted for stable and predictable clients requiring specific nursing tasks that do not require clinical judgment;



(b) Home care agencies are not required to provide nurse delegation services and do not need a policy if they do not provide these services;

(c) A licensee with an approved home care service category only may provide nurse delegation in the following ways:

(i) Contract with a registered nurse for any client needing nurse delegation;

(ii) DSHS or the AAA that contracts with licensees to provide home care services to medicaid eligible clients are responsible to establish contracts with registered nurse delegators for any client needing nurse delegation; and

(d) Home care agency credentialed workers must complete the core delegation training from DSHS prior to participating in the delegation process. Home care agency workers must also comply with any nurse delegation requirements specific to their department issued credential.

#### NEW SECTION

**WAC 246-335-425 Personnel, contractor, and volunteer policies.** The applicant or licensee must develop and operationalize personnel, contractor, and volunteer policies and procedures that describe:

(1) Employment criteria regarding discrimination consistent with chapter 49.60 RCW;

(2) Job descriptions that contain responsibilities and are consistent with health care professional credentialing and scope of practice as defined in relevant practice acts and rules;

(3) References for personnel, contractors and volunteers;

(4) Contracting process when using a contractor. The contract should include, at minimum, a description of the duties the contractor will perform, and a statement indicating that the contractor, not the employer, is responsible for withholding any necessary taxes. As with personnel and volunteers, contractors are subject to all applicable requirements in this chapter;

(5) Credentials of health care professionals that are current and in good standing;

(6) Criminal history background checks and disclosure statements for personnel, contractors, volunteers, students, and any other individual associated with the licensee having direct contact with children under sixteen years of age, people with developmental disabilities or vulnerable persons according to RCW 43.43.830 through 43.43.842 and the following:

(a) Criminal history background checks must be processed through the Washington state patrol (WSP);

(b) Disclosure statements must be approved by the department; and

(c) All criminal history background checks and disclosure statements required under this chapter must be renewed within two years from the date of the previous check;

(7) Character, competence, and suitability determination conducted for personnel, contractors, volunteers, and students whose background check results reveal nondisqualifying convictions, pending charges, or negative actions. Factors to consider when making a determination include, but are not limited to:

(a) Whether there is a reasonable, good faith belief that they would be unable to meet the care needs of the client;

(b) Level of vulnerability of the client under their care;

(c) Behaviors since the convictions, charges, negative actions or other adverse behaviors;

(d) Pattern of offenses or other behaviors that may put the client at risk;

(e) Number of years since the conviction, negative action, or other issue;

(f) Whether they self-disclosed the conviction(s), pending charge(s) or negative action(s);

(g) Other health and safety concerns; and

(h) Although a licensee may determine, based on their assessment process, that an employee is suitable to work with vulnerable clients, the department has the final authority to deny, revoke, modify, or suspend any professional credential it issues based on application and criminal background check information.

(8) Mandatory reporting:

(a) Mandatory reporters shall report failure to comply with the requirements of chapters 246-335 WAC and 70.127 RCW to the department. The report must be submitted on department forms. Reports must be submitted within fourteen calendar days after the reporting person has knowledge of noncompliance that must be reported;

(b) Mandatory reporters shall report suspected abandonment, abuse, financial exploitation, or neglect of a person in violation of RCW 74.34.020 or 26.44.030 to the department of social and health services and the proper law enforcement agency. Reports must be submitted immediately when the reporting person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred.

(9) In-person orientation to current agency policies and procedures and verification of skills or training prior to independently providing client care. Examples of skills verification include written testing, skills observation, and evidence of previous training and experience such as long-term care worker training as detailed in RCW 74.39A.074 and certified nursing assistant training as detailed in WAC 246-841-400;

(10) Ongoing training pertinent to client care needs;

(11) Safe food storage, preparation and handling practices consistent with the United States Food and Drug Administration's recommendations for "food safety at home" for personnel, contractors, and volunteers involved in food preparation services on behalf of clients. Personnel, contractors, and volunteers may not provide clients with homemade food items or baked goods that they themselves prepared;

(12) Infection control practices, communicable disease testing, and vaccinations. Policies and procedures must include, at minimum:

(a) Standard precautions such as hand hygiene, respiratory hygiene and cough etiquette, and personal protective equipment;

(b) Availability of personal protective equipment and other equipment necessary to implement client plans of care;

(c) Tuberculosis (TB) infection control program. Key elements include, but are not limited to:

(i) Conducting a TB risk assessment for all new employees upon hire. Agencies must use a tuberculosis risk assess-

ment form provided by the department. Based on risk assessment results, determine the agency's responsibility to conduct TB testing of new employees. If TB testing is required, follow the department's tuberculosis risk assessment form testing recommendations;

(ii) Conducting an annual assessment of new TB risk factors for all employees. Agencies must use a tuberculosis risk assessment form provided by the department. Based on risk assessment results, determine agency's responsibility to conduct TB testing of employees. Retesting should only be done for persons who previously tested negative and have new risk factors since the last assessment; and

(iii) Ensuring workers receive TB related training and education at the time of hire or during new employee orientation. Training and education must be consistent with the department's tuberculosis program's online posted educational materials.

(d) Actions to take when personnel, volunteers, contractors, or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapters 246-100 and 246-101 WAC;

(e) Exposure to bloodborne pathogens such as Hepatitis B and HIV and other potentially infectious materials in compliance with the department of labor and industries, chapter 296-823 WAC. Key elements include, but are not limited to:

(i) Conducting an initial risk assessment of the environment in which personnel, volunteers, and contractors perform their assigned duties to determine occupational exposure. The results of the risk assessment will inform policy and procedure development and level of employee training and education. Annually, agencies must determine if significant changes have occurred that would require a new risk assessment to be performed;

(ii) If the risk assessment concludes that workers have a reasonably anticipated risk of occupational exposure to blood and other potentially infectious materials, agencies must offer workers the Hepatitis B vaccine series at the agency's expense. Workers have the right to decline the Hepatitis B vaccine series; and

(f) Agencies must document an annual review of applicable state and federal health authority recommendations related to infection control practices, communicable disease testing, and vaccinations and update trainings and policies and procedures as necessary.

(13) Annual performance evaluations of all personnel and volunteers providing direct client care, including on-site observation of care and skills specific to the care needs of clients; and

(14) Annual evaluations of services provided by contractors providing direct client care.

#### NEW SECTION

**WAC 246-335-430 Personnel, contractor, and volunteer records.** The licensee must maintain records on all personnel and volunteers and have access to records on all contractors to include:

(1) Current practice certification, credential, licensure, or documentation that noncredentialed long-term care work-

ers meet the exemption criteria in chapter 246-980 WAC, as applicable;

(2) Documentation of references;

(3) Evidence of orientation to current agency policies and procedures;

(4) Contracts when using contractors;

(5) Verification of personnel, contractor, and volunteer skills or training specific to meeting the care needs of clients;

(6) Evidence of initial and subsequent criminal history background checks and disclosure statements according to RCW 43.43.830 through 43.43.842 and this chapter;

(7) Training on current and revised agency policies and procedures, including client care issues;

(8) Documentation for personnel, contractors, and volunteers who prepare food for the client independent of the client's assistance, including:

(a) A current food worker card per chapter 246-215 WAC; or

(b) Training equivalent to United States Food and Drug Administration; or

(c) Home care aide certification for personnel, contractors, and volunteers involved in food preparation services on behalf of clients.

(9) Communicable disease testing and vaccination according to current state and federal health authority recommendations; and

(10) Documentation of performance evaluations of personnel and volunteers providing direct client care and evaluations of services provided by contractors providing direct client care as required in WAC 246-335-425 (13) and (14).

#### NEW SECTION

**WAC 246-335-435 Bill of rights.** A home care agency at the time of admission must provide each client, designated family member, or legal representative with a written bill of rights affirming each client's right to:

(1) Receive quality services from the home care agency for services identified in the plan of care;

(2) Be cared for by appropriately trained or credentialed personnel, contractors and volunteers with coordination of services;

(3) A statement advising of the right to ongoing participation in the development of the plan of care;

(4) A statement advising of the right to have access to the department's listing of licensed home care agencies and to select any licensee to provide care, subject to the individual's reimbursement mechanism or other relevant contractual obligations;

(5) A listing of the total services offered by the home care agency and those being provided to the client;

(6) Refuse specific services;

(7) The name of the individual within the home care agency responsible for supervising the client's care and the manner in which that individual may be contacted;

(8) Be treated with courtesy, respect, and privacy;

(9) Be free from verbal, mental, sexual, and physical abuse, neglect, exploitation, and discrimination;

(10) Have property treated with respect;

(11) Privacy and confidentiality of personal information and health care related records;

(12) Be informed of what the home care agency charges for services, to what extent payment may be expected from care insurance, public programs, or other sources, and what charges the client may be responsible for paying;

(13) A fully itemized billing statement upon request, including the date of each service and the charge. Agencies providing services through a managed care plan are not required to provide itemized billing statements;

(14) Be informed about advanced directives and POLST, and the agency's scope of responsibility;

(15) Be informed of the agency's policies and procedures regarding the circumstances that may cause the agency to discharge a client;

(16) Be informed of the agency's policies and procedures for providing back-up care when services cannot be provided as scheduled;

(17) A description of the agency's process for clients and family to submit complaints to the home care agency about the services and care they are receiving and to have those complaints addressed without retaliation;

(18) Be informed of the department's complaint hotline number to report complaints about the licensed agency or credentialed health care professionals; and

(19) Be informed of the DSHS end harm hotline number to report suspected abuse of children or vulnerable adults.

(20) The home care agency must ensure that the client rights under this section are implemented and updated as appropriate.

#### NEW SECTION

**WAC 246-335-440 Home care plan of care.** Except as provided in subsections (5) and (6) of this section, the licensee must:

(1) Develop and implement a written home care plan of care for each client with input and written approval by the client, designated family member, or legal representative;

(2) Ensure each plan of care is developed by appropriately trained or credentialed agency personnel, lists services requested or recommended to meet client needs, and is based on an on-site visit and according to agency policies and procedures;

(3) Ensure the home care plan of care includes:

(a) The client's functional limitations;

(b) Nutritional needs and food allergies for meal preparation;

(c) Home medical equipment and supplies relevant to the plan of care;

(d) Indication that the client has a signed advanced directive or POLST, if applicable;

(e) Nurse delegation tasks, if applicable; and

(f) Specific nonmedical services to be provided and their frequency.

(4) Develop and implement a system to:

(a) Ensure the plan of care is reviewed on-site, updated, approved and signed by appropriate agency personnel and the client, designated family member, or legal representative

every twelve months and whenever significant changes to client care needs are identified; and

(b) Inform the supervisor of direct care services regarding changes in the client's condition that indicate a need to update the plan of care.

(5) Home care agencies providing a one-time visit for a client may provide the following written documentation in lieu of the home care plan of care requirements in subsection (3) of this section:

(a) Client name, age, current address, and phone number;

(b) Confirmation that the client was provided a written bill of rights under WAC 246-335-435;

(c) Client consent for services to be provided; and

(d) Documentation of services provided.

(6) Home care agencies that have a contract with the AAA to provide home care services to medicaid eligible clients may use the DSHS CARE assessment details and service summary, or successor assessment tool, as the plan of care if it covers all items in subsection (3) of this section.

#### NEW SECTION

**WAC 246-335-445 Supervision of home care services.** (1) The licensee must employ a supervisor of direct care services;

(2) The supervisor of direct care services must designate in writing a similarly qualified alternate to act in the supervisor's absence;

(3) The licensee shall ensure the supervisor of direct care services and the designated alternate completes a minimum of ten hours of training annually. Training must be documented and maintained in the personnel files. Training may include a combination of topics related to supervisory duties and the delivery of home care services. Examples of appropriate training include, but are not limited to:

(a) Agency sponsored in-services;

(b) Community venues;

(c) Community classes;

(d) Conferences;

(e) Seminars;

(f) Continuing education related to the supervisor's professional credential, if applicable; and

(g) Supervisory responsibilities in the event of a natural disaster, man-made incident, or public health emergency.

(4) The supervisor or designee must be available during all hours of client care;

(5) The supervisor of direct care services must ensure:

(a) Supervision of all client care provided by personnel and volunteers;

(b) Evaluation of services provided by contractors;

(c) Coordination, development, and revision of written client care policies;

(d) Participation in coordination of services when more than one licensee is providing care to the client;

(e) Compliance with the plan of care;

(f) All direct care personnel, contractors, and volunteers observe and recognize changes in the client's condition and needs, and report any changes to the supervisor of direct care services or the designee;

(g) All direct care personnel, contractors, and volunteers initiate emergency procedures according to agency policy;

(h) Each home care agency worker reviews the plan of care and any additional written instructions for the care of each client prior to providing home care services and whenever there is a change in the plan of care; and

(i) Each home care agency worker assists with medications according to agency policy and this chapter.

(6) The supervisor of direct care services must conduct and document client contact by phone or visit every six months to evaluate compliance with the plan of care and to assess client satisfaction with care.

#### NEW SECTION

**WAC 246-335-450 Client records.** The licensee must:

(1) Maintain a current record for each client consistent with chapter 70.02 RCW;

(2) Ensure that client records are:

(a) Accessible in the licensee's office location for review by appropriate direct care personnel, volunteers, contractors, and the department;

(b) Written legibly in permanent ink or retrievable by electronic means;

(c) On the licensee's standardized forms or electronic templates;

(d) In a legally acceptable manner;

(e) Kept confidential;

(f) Chronological in its entirety or by the service provided;

(g) Fastened together to avoid loss of record contents (paper documents); and

(h) Kept current with all documents filed according to agency time frames per agency policies and procedures.

(3) Except as provided in subsection (4) of this section, include documentation of the following in each record:

(a) Client's name, age, current address, and phone number;

(b) Client's consent for services and care;

(c) Payment source and client responsibility for payment;

(d) Plan of care according to WAC 246-335-440, depending upon the services provided;

(e) Signed or electronically authenticated and dated notes documenting and describing services provided during each client contact;

(f) Supervision of home care services according to WAC 246-335-445; and

(g) Other documentation as required by this chapter.

(4) For clients receiving a one-time visit, provide the documentation required in WAC 246-335-440(5) in lieu of the requirements in subsection (3) of this section;

(5) Consider the records as property of the licensee and allow the client access to his or her own record; and

(6) Upon request and according to agency policy and procedure, provide client information or a summary of care when the client is transferred or discharged to another agency or facility.

(7) The licensee must keep client records for:

(a) Adults - Three years following the date of termination of services;

(b) Minors - Three years after attaining age eighteen, or five years following discharge, whichever is longer; and

(c) Client death - Three years following the last date of termination of services if client was on services when death occurred.

(d) Home care agencies under contract with DSHS or the AAA may keep client records for a longer period of time as established in the terms of the contract.

(8) The licensee must:

(a) Store client records in a safe and secure manner to prevent loss of information, to maintain the integrity of the record, and to protect against unauthorized use;

(b) Maintain or release records in accordance with chapter 70.02 RCW; and

(c) After ceasing operation, retain or dispose of client records in a confidential manner according to the time frames in subsection (7) of this section.

#### NEW SECTION

**WAC 246-335-455 Quality improvement program.**

Every home care licensee must develop and operationalize a quality improvement program to ensure the quality of care and services provided throughout all approved service areas including, at a minimum:

(1) A complaint process that includes a procedure for the receipt, investigation, and disposition of complaints regarding services provided;

(2) A method to identify, monitor, evaluate, and correct problems identified by clients, families, personnel, contractors, or volunteers; and

(3) A system to assess client satisfaction with the overall services provided by the agency.

### **Part 3 - Requirements Specific to Home Health Agency Services**

#### NEW SECTION

**WAC 246-335-505 Applicability.** The requirements in WAC 246-335-505 through 246-335-560 apply to all in-home services agencies licensed to provide home health services.

#### NEW SECTION

**WAC 246-335-510 Definitions—Home health.** The definitions in the section apply throughout WAC 246-335-505 through 246-335-560 unless the context clearly indicates otherwise:

(1) "Acute care" means care provided by an in-home services agency licensed to provide home health services for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients require frequent monitoring by a registered nurse licensed under chapter 18.79 RCW, a physical therapist licensed under chapter 18.74 RCW, a respiratory therapist licensed under chapter 18.89 RCW, an occupational therapist licensed under chapter 18.59 RCW, a speech therapist licensed under chapter 18.35 RCW,

a dietitian or nutritionist as defined in subsection (5) of this section, or social worker licensed under chapter 18.320 RCW to assess health status and progress.

(2) "Assessment" means an evaluation performed by an appropriate health care professional of a patient's needs.

(3) "Authorizing practitioner" means the individual practitioners licensed in Washington state, or another state according to the exemption criteria established in chapters 18.57, 18.71, and 18.79 RCW, and authorized to approve a home health plan of care:

(a) A physician licensed under chapter 18.57 or 18.71 RCW;

(b) A podiatric physician and surgeon licensed under chapter 18.22 RCW; or

(c) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW.

(4) "Cardiopulmonary resuscitation" or "CPR" means a procedure to support and maintain breathing and circulation for a person who has stopped breathing (respiratory arrest) or whose heart has stopped (cardiac arrest).

(5) "Dietitian or nutritionist" means a person certified as such under chapter 18.138 RCW or registered by the Academy of Nutrition and Dietetics as a registered dietitian nutritionist; certified by the board for certification of nutrition specialists as a certified nutrition specialist; or certified by the American Clinical Board of Nutrition as a diplomate of the American Clinical Board of Nutrition.

(6) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, and related services that support the plan of care provided by in-home health and hospice agencies.

(7) "Home health agency" means a person administering or providing two or more home health services directly or through a contract arrangement to individuals in places of temporary or permanent residence. A person administering or providing nursing services only may elect to be designated a home health agency for purposes of licensure.

(8) "Home health aide" means an individual who is a nursing assistant certified or nursing assistant registered under chapter 18.88A RCW.

(9) "Home health aide services" means services provided by a home health agency or a hospice agency under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract to a home health or hospice agency. Such care includes ambulation and exercise, assistance with self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services.

(10) "Home health services" means services provided to ill, disabled, or vulnerable individuals. These services include, but are not limited to, nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, and home medical supplies or equipment services.

(11) "Home medical supplies or equipment services" means diagnostic, treatment, and monitoring equipment and supplies provided for the direct care of individuals within a plan of care.

(12) "Licensed practical nurse" or "LPN" means an individual licensed under chapter 18.79 RCW.

(13) "Licensed nurse" means a licensed practical nurse or registered nurse under chapter 18.79 RCW.

(14) "Maintenance care" means care provided by in-home services agencies licensed to provide home health services that are necessary to support an existing level of health, to preserve a patient from further failure or decline, or to manage expected deterioration of disease. Maintenance care consists of periodic monitoring by a licensed nurse, therapist, dietitian or nutritionist, or social worker to assess a patient's health status and progress.

(15) "Medication administration" means assistance with the application, instillation, or insertion of medications according to a plan of care, for patients of an in-home services agency licensed to provide home health services and are under the direction of appropriate agency health care personnel. The assistance is provided in accordance with the Nurse Practice Act as defined in chapters 18.79 RCW and 246-840 WAC and the nursing assistant scope of practice as defined in chapters 18.88A RCW and 246-841 WAC.

(16) "Palliative care" means specialized care for people living with serious illness. Care is focused on relief from the symptoms and stress of the illness and treatment whatever the diagnosis. The goal is to improve and sustain quality of life for both the patient, loved ones, and other care companions. It is appropriate at any age and at any stage in a serious illness and can be provided along with active treatment. Palliative care facilitates patient autonomy, access to information, and choice. The palliative care team helps patients and families understand the nature of their illness, and make timely, informed decisions about care.

(17) "Patient" means an individual receiving home health services.

(18) "Professional medical equipment assessment services" means periodic care provided by a registered nurse licensed under chapter 18.79 RCW, a physical therapist licensed under chapter 18.74 RCW, an occupational therapist licensed under chapter 18.59 RCW, a respiratory therapist licensed under chapter 18.89 RCW, or dietitian or nutritionist as defined in subsection (5) of this section within their scope of practice, for patients who are medically stable, for the purpose of assessing the patient's medical response to prescribed professional medical equipment, including, but not limited to, measurement of vital signs, oximetry testing, and assessment of breath sounds and lung function (spirometry).

(19) "Registered nurse" or "RN" means an individual licensed under chapter 18.79 RCW.

(20) "Social worker" means a person with a degree from a social work educational program accredited and approved as provided in RCW 18.320.010 or who meets qualifications provided in 42 C.F.R. Sec. 418.114 as it existed on January 1, 2012.

(21) "Telehealth" means a collection of means or methods for enhancing health care, public health, and health education delivery and support using telecommunications technology. Telehealth encompasses a broad variety of technologies and tactics to deliver virtual medical, health, and education services.

(22) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile, or electronic mail.

(23) "Therapist" means an individual who is:

(a) A physical therapist licensed under chapter 18.74 RCW;

(b) A respiratory therapist licensed under chapter 18.89 RCW;

(c) An occupational therapist licensed under chapter 18.59 RCW;

(d) A speech therapist licensed under chapter 18.35 RCW; or

(e) A massage therapist licensed under chapter 18.108 RCW.

(24) "Therapy assistant" means a licensed occupational therapy assistant defined under chapter 18.59 RCW or physical therapist assistant defined under chapter 18.74 RCW.

#### NEW SECTION

**WAC 246-335-515 Plan of operation.** The applicant or licensee must develop and implement a plan of operation which includes:

(1) A description of the organizational structure;

(2) Personnel job descriptions according to WAC 246-335-525(2);

(3) Responsibilities of contractors and volunteers;

(4) Services to be provided;

(5) The days and hours of agency operation;

(6) Criteria for management and supervision of home health services throughout all approved service areas, which include:

(a) How the initial assessment and development of the plan of care will be completed per WAC 246-335-540;

(b) How supervision of personnel and volunteers and monitoring of services provided by contractors will occur which meet the requirements of WAC 246-335-545;

(c) How performance evaluations for personnel and volunteers and evaluation of services provided by contractors will be conducted per WAC 246-335-525 (16) and (17); and

(d) How the quality improvement program required in WAC 246-335-555 will be applied throughout all approved service areas.

(7) A process to inform patients of alternative services prior to ceasing operation or when the licensee is unable to meet the patient's needs;

(8) A plan for preserving records, including the process to preserve or dispose of records prior to ceasing operation according to WAC 246-335-550 (7) and (8);

(9) Time frames for filing documents in the patient records;

(10) Emergency preparedness that addresses service delivery when natural disasters, man-made incidents, or public health emergencies occur that prevent normal agency operation. Include, at minimum: Risk assessment and emergency planning, communication plan, coordination of service

delivery with emergency personnel to meet emergent needs of patients, and staff training;

(11) The applicant or licensee must identify an administrator. The administrator must be a home health employee and possess education and experience required by the agency's policies. The administrator is responsible to:

(a) Oversee the day-to-day operation and fiscal affairs of the agency;

(b) Implement the provisions of this section;

(c) Designate in writing an alternate to act in the administrator's absence;

(d) Provide management and supervision of services throughout all approved service areas according to subsection (6) of this section;

(e) Arrange for necessary services;

(f) Keep contracts current and consistent with WAC 246-335-525(4);

(g) Serve as a liaison between the licensee, personnel, contractors and volunteers;

(h) Ensure personnel, contractors and volunteers are currently credentialed by the state of Washington, when appropriate, according to applicable practice acts and consistent with WAC 246-335-525(5);

(i) Ensure personnel, contractors and volunteers comply with the licensee's policies and procedures;

(j) Implement a quality improvement process consistent with WAC 246-335-555;

(k) Manage recordkeeping according to WAC 246-335-550;

(l) Ensure supplies and equipment necessary to patient care are available, maintained, and in working order;

(m) Ensure the accuracy of public information materials; and

(n) Ensure current written policies and procedures are accessible to personnel, contractors, and volunteers during hours of operation.

(12) The licensee must continue to update its plan of operation to reflect current practice, services provided by the agency, and state and local laws.

#### NEW SECTION

**WAC 246-335-520 Delivery of services.** The applicant or licensee must develop and operationalize delivery of services policies and procedures that describe:

(1) Admission, transfer, discharge, and referral processes:

(a) In order to minimize the possibility of patient abandonment, patients must be given at least a forty-eight hour written or verbal notice prior to discharge that will be documented in the patient record;

(b) Forty-eight hour notice is not required if home health agency worker safety, significant patient noncompliance, or patient's failure to pay for services rendered are the reason(s) for the discharge;

(c) A home health agency discharging a patient that is concerned about their ongoing care and safety may submit a self-report to appropriate state agencies which identifies the reasons for discharge and the steps taken to mitigate safety concerns;

(2) Specific home health services, including any non-medical services, available to meet patient or family needs as identified in plans of care;

(3) Home health services starting within seven calendar days of receiving and accepting a physician or practitioner referral for services. Longer time frames are permitted when one or more of the following is documented:

(a) Longer time frame for the start of services is requested by physician or practitioner;

(b) Longer time frame for the start of services is requested by the patient, designated family member, legal representative, or referral source; or

(c) Start of services was delayed due to agency having challenges contacting patient, designated family member, or legal representative;

(4) Agency personnel, contractor, and volunteer roles and responsibilities related to medication self-administration with assistance and medication administration;

(5) Coordination of care, including:

(a) Coordination among services being provided by a licensee having an additional home care or hospice service category; and

(b) Coordination with other agencies when the care being provided impacts patient health.

(6) Actions to address patient, or family communication needs;

(7) Utilization of telehealth or telemedicine for patient consultation purposes or to acquire patient vitals and other health data in accordance with state and federal laws;

(8) Management of patient medications and treatments in accordance with appropriate practice acts;

(9) Emergency care of the patient;

(10) Actions to be taken upon death of a patient;

(11) Providing back-up care to the patient when services cannot be provided as scheduled. Back-up care which requires assistance with patient ADLs or patient health services must be provided by staff with minimum health care credentialing. Noncredentialed staff may provide back-up care only when assisting a patient with IADLs or in emergency situations;

(12) Actions to be taken when the patient has a signed advanced directive;

(13) Actions to be taken if a patient has a signed POLST form. Any section of the POLST form not completed implies full treatment for that section. Also include: In the event of a patient medical emergency and agency staff are present, provide emergency medical personnel with a patient's signed POLST form;

(14) Nurse delegation according to the following:

(a) Delegation is only permitted for stable and predictable patients requiring specific nursing tasks that do not require clinical judgment;

(b) A licensee with an approved home health service category only may use their RN on staff for patient nurse delegation needs;

(c) A licensee with approved home health and home care service categories may provide nurse delegation in the following ways:

(i) Use an RN from their home health side to contract with and delegate to their home care side; or

(ii) Transfer a home care client needing delegation to the agency's home health side;

(d) Home health aides must complete the DSHS nurse delegation class prior to participating in the delegation process. If the tasks are ones considered by the nursing quality assurance commission to be simple care tasks, such as blood pressure monitoring, personal care services, diabetic insulin device set up, and verbal verification of insulin dosage for sight-impaired individuals, the DSHS training is not required.

#### NEW SECTION

**WAC 246-335-525 Personnel, contractor, and volunteer policies.** The applicant or licensee must develop and operationalize personnel, contractor, and volunteer policies and procedures that describe:

(1) Employment criteria regarding discrimination consistent with chapter 49.60 RCW;

(2) Job descriptions that contain responsibilities and are consistent with health care professional credentialing and scope of practice as defined in relevant practice acts and rules;

(3) References for personnel, contractors and volunteers;

(4) Contracting process when using a contractor. The contract should include, at minimum, a description of the duties the contractor will perform, and a statement indicating that the contractor, not the employer, is responsible for withholding any necessary taxes. As with personnel and volunteers, contractors are subject to all applicable requirements in this chapter;

(5) Credentials of health care professionals that are current and in good standing;

(6) Criminal history background checks and disclosure statements for personnel, contractors, volunteers, students, and any other individual associated with the licensee having direct contact with children under sixteen years of age, people with developmental disabilities or vulnerable persons, according to RCW 43.43.830 through 43.43.842 and the following:

(a) Criminal history background checks must be processed through the Washington state patrol;

(b) Disclosure statements must be approved by the department; and

(c) All criminal history background checks and disclosure statements required under this chapter must be renewed within two years from the date of the previous check;

(7) Character, competence, and suitability determination conducted for personnel, contractors, volunteers, and students whose background check results reveal nondisqualifying convictions, pending charges, or negative actions. Factors to consider when making a determination include, but are not limited to:

(a) Whether there is a reasonable, good faith belief that they would be unable to meet the care needs of the patient;

(b) Level of vulnerability of the patient under their care;

(c) Behaviors since the convictions, charges, negative actions or other adverse behaviors;

(d) Pattern of offenses or other behaviors that may put the patient at risk;

(e) Number of years since the conviction, negative action, or other issue;

(f) Whether they self-disclosed the conviction(s), pending charge(s) and/or negative action(s);

(g) Other health and safety concerns; and

(h) Although a licensee may determine, based on their assessment process, that an employee is suitable to work with vulnerable patients, the department has the final authority to deny, revoke, modify, or suspend any professional credential it issues based on application and criminal background check information.

(8) Mandatory reporting:

(a) Mandatory reporters shall report failure to comply with the requirements of chapters 246-335 WAC and 70.127 RCW to the department. The report must be submitted on department forms. Reports must be submitted within fourteen calendar days after the reporting person has knowledge of noncompliance that must be reported;

(b) Mandatory reporters shall report suspected abandonment, abuse, financial exploitation, or neglect of a person in violation of RCW 74.34.020 or 26.44.030 to the department of social and health services and the proper law enforcement agency. Reports must be submitted immediately when the reporting person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred.

(9) In-person orientation to current agency policies and procedures and verification of skills or training prior to independently providing patient care. Examples of skills verification include written testing, skills observation, and evidence of previous training and experience such as a certified nursing assistant training as detailed in WAC 246-841-400;

(10) The process for personnel and contractors holding a nursing assistant registration to become credentialed as a nursing assistant certified. The policies and procedures must include, at minimum:

(a) Personnel and contractors holding a nursing assistant registration must become credentialed as a nursing assistant certified within twelve months of the date of hire. The date of hire is specific to each registered nursing assistant, not to the employer, and does not change if the registered nursing assistant changes employers;

(b) Personnel and contractors who hold a nursing assistant registration and do not become credentialed as a nursing assistant certified within twelve months of the date of hire cannot continue to provide patient care; and

(c) Personnel and contractors hired by an in-home services licensee prior to March 1, 2018, who held a nursing assistant registration and have maintained their registration and employment with the licensee are not required to become credentialed as a nursing assistant certified.

(11) Training on the use of telehealth or telemedicine for patient consultation and the transmission of health data;

(12) Ongoing training pertinent to patient care needs;

(13) Safe food storage, preparation and handling practices consistent with the United States Food and Drug Administration's recommendations for "food safety at home" for personnel, contractors, and volunteers involved in food preparation services on behalf of patients. Personnel, contrac-

tors, and volunteers may not provide patients with homemade food items or baked goods that they themselves prepared;

(14) Current cardiopulmonary resuscitation (CPR) training consistent with agency policies and procedures for direct care personnel and contractors. Internet-based classroom training is permissible but demonstration of skills must be hands on and observed by a certified trainer;

(15) Infection control practices, communicable disease testing, and vaccinations. Policies and procedures must include, at minimum:

(a) Standard precautions such as hand hygiene, respiratory hygiene and cough etiquette, and personal protective equipment;

(b) Availability of personal protective equipment and other equipment necessary to implement client plans of care;

(c) Tuberculosis (TB) infection control program. Key elements include, but are not limited to:

(i) Conducting a TB risk assessment for all new employees upon hire. Agencies must use a tuberculosis risk assessment form provided by the department. Based on risk assessment results, determine the agency's responsibility to conduct TB testing of new employees. If TB testing is required, follow the department's tuberculosis risk assessment form testing recommendations;

(ii) Conducting an annual assessment of new TB risk factors for all employees. Agencies must use a tuberculosis risk assessment form provided by the department. Based on risk assessment results, determine agency's responsibility to conduct TB testing of employees. Retesting should only be done for persons who previously tested negative and have new risk factors since the last assessment; and

(iii) Ensuring workers receive TB related training and education at the time of hire or during new employee orientation. Training and education must be consistent with the department's tuberculosis program's online posted educational materials.

(d) Actions to take when personnel, volunteers, contractors, or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapters 246-100 and 246-101 WAC;

(e) Exposure to bloodborne pathogens such as Hepatitis B and HIV, and other potentially infectious materials in compliance with the department of labor and industries chapter 296-823 WAC. Key elements include, but are not limited to:

(i) Conducting an initial risk assessment of the environment in which personnel, volunteers, and contractors perform their assigned duties to determine occupational exposure. The results of the risk assessment will inform policy and procedure development and level of employee training and education. Annually, agencies must determine if significant changes have occurred that would require a new risk assessment to be performed;

(ii) If the risk assessment concludes that workers have a reasonably anticipated risk of occupational exposure to blood and other potentially infectious materials, agencies must offer workers the Hepatitis B vaccine series at the agency's expense. Workers have the right to decline the Hepatitis B vaccine series; and

(f) Agencies must document an annual review of applicable state and federal health authority recommendations



related to infection control practices, communicable disease testing, and vaccinations and update trainings and policies and procedures as necessary.

(16) Annual performance evaluations of all personnel and volunteers providing direct patient care, including on-site observation of care and skills specific to the care needs of patients; and

(17) Annual evaluations of services provided by contractors providing direct patient care.

#### NEW SECTION

**WAC 246-335-530 Personnel, contractor, and volunteer records.** The licensee must maintain records on all personnel and volunteers and have access to records on all contractors, to include:

(1) Current practice certification, credential or licensure, as applicable;

(2) Documentation of references;

(3) Contracts when using contractors;

(4) Evidence of orientation to current agency policies and procedures;

(5) Verification of personnel, contractor, and volunteer skills or training specific to meeting the care needs of patients;

(6) Documentation that personnel and contractors holding a nursing assistant registration became credentialed as a nursing assistant certified under chapter 246-841 WAC within twelve months of the date of hire or met the exemption criteria in WAC 246-335-525 (10)(c);

(7) Evidence of initial and subsequent criminal history background checks and disclosure statement(s) according to RCW 43.43.830 through 43.43.842 and this chapter;

(8) Training on current and revised agency policies and procedures, including patient care issues;

(9) Current CPR training for direct care personnel and contractors;

(10) Documentation for personnel, contractors, and volunteers who prepare food for the patient independent of the patient's assistance, including:

(a) A current food worker card per chapter 246-215 WAC; or

(b) Training equivalent to United States Food and Drug Administration for personnel, contractors, and volunteers involved in food preparation services on behalf of patients;

(11) Communicable disease testing and vaccination according to current state and federal health authority recommendations; and

(12) Documentation of performance evaluations of personnel and volunteers providing direct patient care and evaluations of services provided by contractors providing direct patient care as required in WAC 246-335-525 (16) and (17).

#### NEW SECTION

**WAC 246-335-535 Bill of rights.** A home health agency at the time of admission must provide each patient, designated family member, or legal representative with a written bill of rights affirming each patient's right to:

(1) Receive effective treatment and quality services from the home health agency for services identified in the plan of care;

(2) Be cared for by appropriately trained or credentialed personnel, contractors and volunteers with coordination of services;

(3) A statement advising of the right to ongoing participation in the development of the plan of care;

(4) A statement advising of the right to have access to the department's listing of licensed home health agencies and to select any licensee to provide care, subject to the individual's reimbursement mechanism or other relevant contractual obligations;

(5) A listing of the total services offered by the home health agency and those being provided to the patient;

(6) Refuse specific treatments or services;

(7) The name of the individual within the home health agency responsible for supervising the patient's care and the manner in which that individual may be contacted;

(8) Be treated with courtesy, respect, and privacy;

(9) Be free from verbal, mental, sexual, and physical abuse, neglect, exploitation, and discrimination;

(10) Have property treated with respect;

(11) Privacy and confidentiality of personal information and health care related records;

(12) Be informed of what the home health agency charges for services, to what extent payment may be expected from health insurance, public programs, or other sources, and what charges the patient may be responsible for paying;

(13) A fully itemized billing statement upon request, including the date of each service and the charge. Agencies providing services through a managed care plan are not required to provide itemized billing statements;

(14) Be informed about advanced directives and POLST and the agency's scope of responsibility;

(15) Be informed of the agency's policies and procedures regarding the circumstances that may cause the agency to discharge a patient;

(16) Be informed of the agency's policies and procedures for providing back-up care when services cannot be provided as scheduled;

(17) A description of the agency's process for patients and family to submit complaints to the home health agency about the services and care they are receiving and to have those complaints addressed without retaliation;

(18) Be informed of the department's complaint hotline number to report complaints about the licensed agency or credentialed health care professionals; and

(19) Be informed of the DSHS end harm hotline number to report suspected abuse of children or vulnerable adults.

(20) The home health agency must ensure that the patient rights under this section are implemented and updated as appropriate.

#### NEW SECTION

**WAC 246-335-540 Home health plan of care.** Except as provided in subsections (5) and (6) of this section, the licensee must:

(1) Develop and implement a written home health plan of care for each patient with input from the patient, designated family member, or legal representative and authorizing practitioner;

(2) Ensure each plan of care is developed by appropriately trained or credentialed agency personnel and is based on a patient assessment;

(3) Ensure the home health plan of care includes:

(a) Current diagnoses and information on health status;

(b) Goals and outcome measures which are individualized for the patient;

(c) Types and frequency of services to be provided;

(d) Palliative care, if applicable;

(e) Use of telehealth or telemedicine, if applicable;

(f) Home medical equipment and supplies used by the patient;

(g) Orders for treatments and their frequency to be provided and monitored by the licensee;

(h) Special nutritional needs and food allergies;

(i) Orders for medications to be administered and monitored by the licensee including name, dose, route, and frequency;

(j) Medication allergies;

(k) The patient's physical, cognitive and functional limitations;

(l) Discharge and referral plan;

(m) Patient and family education needs pertinent to the care being provided by the licensee;

(n) Indication that the patient has a signed advanced directive or POLST, if applicable. Include resuscitation status according to advance directives or POLST, if applicable; and

(o) The level of medication assistance to be provided.

(4) Develop and implement a system to:

(a) Ensure and document that the plan of care is reviewed and updated by appropriate agency personnel according to the following time frames:

(i) For patients requiring acute care services, every two months;

(ii) For patients requiring maintenance services, every six months; and

(iii) For patients requiring only professional medical equipment assessment services or home health aide only services, every twelve months.

(b) Ensure the plan of care is signed or authenticated and dated by appropriate agency personnel and the authorizing practitioner, according to the time frames in (a) of this subsection;

(c) Ensure the signed or authenticated plan of care is returned to the agency within sixty days of the initial date of service or date of review and update;

(d) Inform the authorizing practitioner regarding changes in the patient's condition that indicate a need to update the plan of care;

(e) Obtain approval from the authorizing practitioner for additions and modifications;

(f) Ensure all verbal orders for modification to the plan of care are immediately documented in writing and signed or authenticated and dated by an agency individual authorized within their scope of practice to receive the order and signed or authenticated by the authorizing practitioner and returned

to the agency within sixty days of the date the verbal orders were received.

(5) Home health agencies providing only home health aide services to a patient:

(a) May develop a modified plan of care by providing only the following information on the plan of care:

(i) Types and frequency of services to be provided;

(ii) Home medical equipment and supplies used by the patient;

(iii) Special nutritional needs and food allergies;

(iv) The patient's physical, cognitive and functional limitations; and

(v) The level of medication assistance to be provided.

(b) Do not require an authorizing practitioner signature on the plan of care.

(6) Home health agencies providing a one-time visit for a patient may provide the following written documentation in lieu of the home health plan of care requirements in subsection (3) of this section:

(a) Patient name, age, current address, and phone number;

(b) Confirmation that the patient was provided a written bill of rights under WAC 246-335-535;

(c) Patient consent for services to be provided;

(d) Authorizing practitioner orders; and

(e) Documentation of services provided.

#### NEW SECTION

**WAC 246-335-545 Supervision of home health services.** (1) A licensee must employ a director of clinical services;

(2) The director of clinical services must designate in writing a similarly qualified alternate to act in the director's absence;

(3) The licensee shall ensure the director of clinical services and the designated alternate completes a minimum of ten hours of training annually. Written documentation of trainings must be available upon request by the department. Training may include a combination of topics related to clinical supervision duties and the delivery of home health services. Examples of appropriate training include, but are not limited to:

(a) Agency sponsored in-services;

(b) Community venues;

(c) Community classes;

(d) Conferences;

(e) Seminars;

(f) Continuing education related to the director's health care professional credential, if applicable; and

(g) Supervisory responsibilities in the event of a natural disaster, man-made incident, or public health emergency.

(4) The director of clinical services or designee must be available during all hours patient care is being provided;

(5) The director of clinical services or designee must ensure:

(a) Coordination, development, and revision of written patient care policies and procedures related to each service provided;

(b) Supervision of all patient care provided by personnel and volunteers. The director of clinical services may delegate staff supervision responsibilities to a registered nurse or other appropriately credentialed professional;

(c) Evaluation of services provided by contractors;

(d) Coordination of services when one or more licensed agencies are providing care to the patient;

(e) Compliance with the plan of care;

(f) All direct care personnel, contractors, and volunteers observe and recognize changes in the patient's condition and needs, and report any changes to the director of clinical services or designee; and

(g) All direct care personnel, contractors, and volunteers initiate emergency procedures according to agency policy.

(6) The licensee must document supervision including, but not limited to:

(a) RN supervision when using the services of an RN or LPN, in accordance with chapter 18.79 RCW;

(b) For patients receiving acute care services, supervision of the home health aide services during an on-site visit with or without the home health aide present must occur once a month to evaluate compliance with the plan of care and patient satisfaction with care. The supervisory visit must be conducted by a licensed nurse or therapist in accordance with the appropriate practice acts;

(c) For patients receiving maintenance care or home health aide only services, supervision of the home health aide services during an on-site visit with or without the home health aide present must occur every six months to evaluate compliance with the plan of care and patient satisfaction with care. The supervisory visit must be conducted by a licensed nurse or licensed therapist in accordance with the appropriate practice acts; and

(d) Supervision by a licensed therapist when using the services of a therapy assistant in accordance with the appropriate practice acts.

(7) The licensee using home health aides must ensure:

(a) Each home health aide reviews the plan of care and any additional written instructions for the care of each patient prior to providing home health aide services and whenever there is a change in the plan of care; and

(b) Each home health aide assists with medications according to agency policy and this chapter.

#### NEW SECTION

**WAC 246-335-550 Patient records.** The licensee must:

(1) Maintain a current record for each patient consistent with chapter 70.02 RCW;

(2) Ensure that patient records are:

(a) Accessible in the licensee's office location for review by appropriate direct care personnel, volunteers, contractors, and the department;

(b) Written legibly in permanent ink or retrievable by electronic means;

(c) On the licensee's standardized forms or electronic templates;

(d) In a legally acceptable manner;

(e) Kept confidential;

(f) Chronological in its entirety or by the service provided;

(g) Fastened together to avoid loss of record contents (paper documents); and

(h) Kept current with all documents filed according to agency time frames per agency policies and procedures.

(3) Except as provided in subsection (4) of this section, include documentation of the following in each record:

(a) Patient's name, age, current address and phone number;

(b) Patient's consent for services, care, and treatments;

(c) Payment source and patient responsibility for payment;

(d) Initial assessment when providing home health services, except when providing home health aide only services under WAC 246-335-540(5);

(e) Plan of care according to WAC 246-335-540, depending upon the services provided;

(f) Signed or electronically authenticated and dated notes documenting and describing services provided during each patient contact;

(g) Observations and changes in the patient's condition or needs;

(h) For patients receiving home health, with the exception of home health aide only services per WAC 246-335-540(5), authorized practitioner orders and documentation of response to medications and treatments ordered;

(i) Supervision of home health aide services according to WAC 246-335-545(7); and

(j) Other documentation as required by this chapter.

(4) For patients receiving a one-time visit, provide the documentation required in WAC 246-335-540(6) in lieu of the requirements in subsection (3) of this section;

(5) Consider the records as property of the licensee and allow the patient access to his or her own record; and

(6) Upon request and according to agency policy and procedure, provide patient information or a summary of care when the patient is transferred or discharged to another agency or facility.

(7) The licensee must keep patient records for:

(a) Adults - Three years following the date of termination of services;

(b) Minors - Three years after attaining age eighteen, or five years following discharge, whichever is longer; and

(c) Patient death - Three years following the last date of termination of services if patient was on services when death occurred.

(8) The licensee must:

(a) Store patient records in a safe and secure manner to prevent loss of information, to maintain the integrity of the record, and to protect against unauthorized use;

(b) Maintain or release records in accordance with chapter 70.02 RCW; and

(c) After ceasing operation, retain or dispose of patient records in a confidential manner according to the time frames in subsection (7) of this section.

NEW SECTION**WAC 246-335-555 Quality improvement program.**

Every home health licensee must develop and operationalize a quality improvement program to ensure the quality of care and services provided throughout all approved service areas including, at a minimum:

- (1) A complaint process that includes a procedure for the receipt, investigation, and disposition of complaints regarding services provided;
- (2) A method to identify, monitor, evaluate, and correct problems identified by patients, families, personnel, contractors, or volunteers; and
- (3) A system to assess patient satisfaction with the overall services provided by the agency.

NEW SECTION

**WAC 246-335-560 Home medical supplies and equipment.** This section applies to home health agencies providing or contracting for medical supplies or equipment services.

- (1) The applicant or licensee must develop and implement policies and procedures to:
  - (a) Maintain medical supplies and equipment;
  - (b) Clean, inspect, repair and calibrate equipment per the manufacturers' recommendations, and document the date and name of individual conducting the activity;
  - (c) Ensure safe handling and storage of medical supplies and equipment;
  - (d) Inform the patient, designated family member, or legal representative of the cost and method of payment for equipment, equipment repairs and equipment replacement;
  - (e) Document the patient, designated family member, or legal representative's approval;
  - (f) Instruct each patient, designated family member, or legal representative to use and maintain supplies and equipment in a language or format the patient or family understands, using one or more of the following:
    - (i) Written instruction;
    - (ii) Verbal instruction; or
    - (iii) Demonstration.
  - (g) Document the patient, designated family member, or legal representative understanding of the instructions provided;
  - (h) Replace supplies and equipment essential for the health or safety of the patient; and
  - (i) Identify and replace equipment recalled by the manufacturer.
- (2) If the applicant or licensee contracts for medical supplies or equipment services, develop and implement policies and procedures to ensure that contractors have policies and procedures consistent with subsection (1) of this section.

**Part 4 - Requirements Specific to Hospice Agency Services**NEW SECTION

**WAC 246-335-605 Applicability.** The requirements in WAC 246-335-605 through 246-335-660 apply to all in-home services agencies licensed to provide hospice services.

NEW SECTION

**WAC 246-335-610 Definitions—Hospice.** The definitions in this section apply throughout WAC 246-335-605 through 246-335-660 unless the context clearly indicates otherwise:

- (1) "Assessment" means an evaluation performed by an appropriate health care professional of a patient's physical, psychosocial, emotional and spiritual status related to their terminal illness and other health conditions. This includes evaluating the caregiver's and family's willingness and capability to care for the patient.
- (2) "Authorizing practitioner" means the individual practitioners licensed in Washington state and authorized to approve a hospice plan of care:
  - (a) A physician licensed under chapter 18.57 or 18.71 RCW; or
  - (b) An advanced registered nurse practitioner as authorized under chapter 18.79 RCW.
- (3) "Bereavement services" means emotional, psychosocial, and spiritual support and services provided before and after the death of the patient to assist with issues related to grief, loss, and adjustment.
- (4) "Dietitian or nutritionist" means a person certified as such under chapter 18.138 RCW or registered by the Academy of Nutrition and Dietetics as a registered dietitian nutritionist; certified by the board for certification of nutrition specialists as a certified nutrition specialist; or certified by the American Clinical Board of Nutrition as a diplomate of the American Clinical Board of Nutrition.
- (5) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, or related services that support the plan of care provided by in-home health and hospice agencies.
- (6) "Home health aide" means an individual who is a nursing assistant certified under chapter 18.88A RCW.
- (7) "Hospice agency" means a person administering or providing hospice services directly or through a contract arrangement to individuals in places of permanent or temporary residence under the direction of an interdisciplinary team composed of at least a nurse, social worker, physician, spiritual counselor, and a volunteer.
- (8) "Hospice services" means symptom and pain management to a terminally ill individual, and emotional, spiritual and bereavement services for the individual and their family in a place of temporary or permanent residence, and may include the provision of home health and home care services for the terminally ill individual.
- (9) "Interdisciplinary team" means the group of individuals involved in patient care providing hospice services

including, at a minimum, a physician, registered nurse, social worker, spiritual counselor and volunteer.

(10) "Licensed practical nurse" or "LPN" means an individual licensed under chapter 18.79 RCW.

(11) "Medication administration" means assistance in the application, instillation or insertion of medications according to a plan of care, for patients of an in-home services agency licensed to provide hospice or hospice care center services and are under the direction of appropriate agency health care personnel. The assistance is provided in accordance with the Nurse Practice Act as defined in chapters 18.79 RCW, 246-840 WAC, and the nursing assistant scope of practice as defined in chapters 18.88A RCW and 246-841 WAC.

(12) "Medical director" means a physician licensed under chapter 18.57 or 18.71 RCW responsible for the medical component of patient care provided in an in-home services agency licensed to provide hospice services according to WAC 246-335-615 (4)(a).

(13) "Patient" means an individual receiving hospice services.

(14) "Palliative care" means specialized care for people living with serious illness. Care is focused on relief from the symptoms and stress of the illness and treatment whatever the diagnosis. The goal is to improve and sustain quality of life for both the patient, loved ones, and other care companions. It is appropriate at any age and at any stage in a serious illness and can be provided along with active treatment. Palliative care facilitates patient autonomy, access to information, and choice. The palliative care team helps patients and families understand the nature of their illness, and make timely, informed decisions about care.

(15) "Registered nurse" or "RN" means an individual licensed under chapter 18.79 RCW.

(16) "Restraint" means:

(a) Any manual method, physical or mechanical device, material, or equipment that immobilizes or reduces the ability of a patient to move their arms, legs, body, or head freely. Restraint does not include devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, or other methods that involve the physical holding of a patient from falling out of bed, or to permit the patient to participate in activities without the risk of physical harm, or to physically guide a patient from one location to another; or

(b) A drug or medication when it is used as a restriction to manage the patient's behavior or restrict the patient's freedom of movement and is not a standard hospice or palliative care treatment or dosage for the patient's condition.

(17) "Seclusion" means the involuntary confinement of a patient alone in a room or an area from which the patient is physically prevented from leaving.

(18) "Social worker" means a person with a degree from a social work educational program accredited and approved as provided in RCW 18.320.010 or who meets qualifications provided in 42 C.F.R. Sec. 418.114 as it existed on January 1, 2012.

(19) "Spiritual counseling" means services provided or coordinated by an individual with knowledge of theology, pastoral counseling or an allied field.

(20) "Telehealth" means a collection of means or methods for enhancing health care, public health, and health education delivery and support using telecommunications technology. Telehealth encompasses a broad variety of technologies and tactics to deliver virtual medical, health, and education services.

(21) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. Telemedicine does not include the use of audio-only telephone, facsimile, or electronic mail.

#### NEW SECTION

**WAC 246-335-615 Plan of operation.** The applicant or licensee must develop and implement a plan of operation which includes:

- (1) A description of the organizational structure;
- (2) Personnel job descriptions according to WAC 246-335-625(2);
- (3) Responsibilities of contractors and volunteers;
- (4) Services to be provided;
- (5) The days and hours of agency operation; and
- (6) Criteria for management and supervision of hospice services throughout all approved service areas, which include:
  - (a) How the initial assessment and development of the plan of care will be completed per WAC 246-335-640;
  - (b) How supervision of personnel and volunteers and monitoring of services provided by contractors will occur which meet the requirements of WAC 246-335-645;
  - (c) How performance evaluations for personnel and volunteers and evaluation of services provided by contractors will be conducted per WAC 246-335-625 (15) and (16); and
  - (d) How the quality improvement program required in WAC 246-335-655 will be applied throughout all approved service areas.
- (7) A process to inform patients of alternative services prior to ceasing operation or when the licensee is unable to meet the patient's needs;
- (8) A plan for preserving records, including the process to preserve or dispose of records prior to ceasing operation according to WAC 246-335-650 (7) and (8); and
- (9) Time frames for filing documents in the patient records;
- (10) Emergency preparedness that addresses service delivery when natural disasters, man-made incidents, or public health emergencies occur that prevent normal agency operation. Include, at minimum: Risk assessment and emergency planning, communication plan, coordination of service delivery with emergency personnel to meet emergent needs of patients, and staff training;
- (11) Availability of a bereavement program for up to one year after a patient's death;
- (12) Availability of social services, spiritual counseling, volunteer services, and respite care;

(13) Assuring direct care personnel, contractors and volunteers have training specific to the needs of the terminally ill patients and their families;

(14) The applicant or licensee must identify an administrator. The administrator is appointed by and reports to the agency owner or governing body, is a hospice employee, and possesses education and experience required by the agency's policies or the hospice's governing body. The administrator is responsible to:

(a) Oversee the day-to-day operation and fiscal affairs of the agency;

(b) Implement the provisions of this section;

(c) Designate in writing an alternate to act in the administrator's absence;

(d) Provide management and supervision of services throughout all approved service areas according to subsection (6) of this section;

(e) Arrange for necessary services;

(f) Keep contracts current and consistent with WAC 246-335-625(4);

(g) Serve as a liaison between the licensee, personnel, contractors and volunteers;

(h) Ensure personnel, contractors and volunteers are currently credentialed by the state of Washington, when appropriate, according to applicable practice acts and consistent with WAC 246-335-625(5);

(i) Ensure personnel, contractors and volunteers comply with the licensee's policies and procedures;

(j) Implement a quality improvement process consistent with WAC 246-335-655;

(k) Manage recordkeeping according to WAC 246-335-650;

(l) Ensure supplies and equipment necessary to patient care are available, maintained, and in working order;

(m) Ensure the accuracy of public information materials; and

(n) Ensure current written policies and procedures are accessible to personnel, contractors, and volunteers during hours of operation.

(15) The applicant or licensee must identify a medical director who is responsible to:

(a) Advise the licensee on policies and procedures;

(b) Serve as liaison with a patient's authorizing practitioner;

(c) Provide patient care and family support;

(d) Approve modifications in individual plans of care; and

(e) Participate in interdisciplinary team conferences as required by WAC 246-335-640, hospice plan of care.

(16) The licensee must continue to update its plan of operation to reflect current practice, services provided by the agency, and state and local laws.

#### NEW SECTION

**WAC 246-335-620 Delivery of services.** The applicant or licensee must develop and operationalize policies and procedures that describe:

(1) Admission, transfer, discharge, and referral processes:

(a) In order to minimize the possibility of patient abandonment, patients must be given at least a forty-eight hour written or verbal notice prior to discharge that will be documented in the patient record;

(b) Forty-eight hour notice is not required if hospice agency worker safety, significant patient noncompliance, or patient's failure to pay for services rendered are the reason(s) for the discharge;

(c) A Hospice agency discharging a patient that is concerned about their ongoing care and safety may submit a self-report to appropriate state agencies which identifies the reasons for discharge and the steps taken to mitigate safety concerns;

(2) Specific hospice services, including palliative care and any nonmedical services, available to meet patient, or family needs as identified in plans of care;

(3) Initial patient assessment completed by a registered nurse within seven calendar days of receiving and accepting a physician or practitioner referral for hospice services. Longer time frames are permitted when one or more of the following is documented:

(a) Longer time frame for completing the initial patient assessment is requested by physician or practitioner;

(b) Longer time frame for completing the initial patient assessment is requested by the patient, designated family member, or legal representative; or

(c) Initial patient assessment was delayed due to agency having challenges contacting the patient, designated family member, or legal representative.

(4) Agency personnel, contractor, and volunteer roles and responsibilities related to medication self-administration with assistance and medication administration;

(5) Coordination of care, including:

(a) Coordination among services being provided by a licensee having an additional home health or home care service category; and

(b) Coordination with other agencies when care being provided impacts patient health.

(6) Actions to address patient or family communication needs;

(7) Utilization of telehealth or telemedicine for patient consultation or to acquire patient vitals and other health data in accordance to state and federal laws;

(8) Management of patient medications and treatments in accordance with appropriate practice acts;

(9) Utilization of restraints and/or seclusion following an individualized patient assessment process;

(10) Emergency care of the patient;

(11) Actions to be taken upon death of a patient;

(12) Providing back-up care to the patient when services cannot be provided as scheduled. Back-up care which requires assistance with patient ADLs or patient health services must be provided by staff with minimum health care credentialing. Noncredentialed staff may provide back-up care only when assisting a patient with IADLs or in emergency situations;

(13) Actions to be taken when the patient has a signed advanced directive;

(14) Actions to be taken when the patient has a signed POLST form. Any section of the POLST form not completed

implies full treatment for that section. Also include: In the event of a patient medical emergency and agency staff are present, provide emergency medical personnel with a patient's signed POLST form; and

(15) Nurse delegation according to the following:

(a) Delegation is only permitted for patients requiring specific nursing tasks that do not require clinical judgment.

(b) Hospice agencies coordinating patient care with a separate home care agency must ensure that a formal delegation contract has been established between the two agencies in order for the hospice nurse to delegate to the home care agency workers.

#### NEW SECTION

**WAC 246-335-625 Personnel, contractor, and volunteer policies.** The applicant or licensee must develop and operationalize personnel, contractor, and volunteer policies and procedures that describe:

(1) Employment criteria regarding discrimination consistent with chapter 49.60 RCW;

(2) Job descriptions that contain responsibilities and are consistent with health care professional credentialing and scope of practice as defined in relevant practice acts and rules;

(3) References for personnel, contractors and volunteers;

(4) Contracting process when using a contractor. The contract should include, at minimum, a description of the duties the contractor will perform, and a statement indicating that the contractor, not the employer, is responsible for withholding any necessary taxes. As with personnel and volunteers, contractors are subject to all applicable requirements in this chapter;

(5) Credentials of health care professionals that are current and in good standing;

(6) Criminal history background checks and disclosure statements for personnel, contractors, volunteers, students, and any other individual associated with the licensee having direct contact with children under sixteen years of age, people with developmental disabilities, or vulnerable persons according to RCW 43.43.830 through 43.43.842 and the following:

(a) Criminal history background checks must be processed through the Washington state patrol;

(b) Disclosure statements must be approved by the department; and

(c) All criminal history background checks and disclosure statements required under this chapter must be renewed within two years from the date of the previous check.

(7) Character, competence, and suitability determination conducted for personnel, contractors, volunteers, and students whose background check results reveal nondisqualifying convictions, pending charges, or negative actions. Factors to consider when making a determination include, but are not limited to:

(a) Whether there is a reasonable, good faith belief that they would be unable to meet the care needs of the patient;

(b) Level of vulnerability of the patient under their care;

(c) Behaviors since the convictions, charges, negative actions or other adverse behaviors;

(d) Pattern of offenses or other behaviors that may put the patient at risk;

(e) Number of years since the conviction, negative action, or other issue;

(f) Whether they self-disclosed the conviction(s), pending charge(s) and/or negative action(s);

(g) Other health and safety concerns; and

(h) Although a licensee may determine, based on their assessment process, that an employee is suitable to work with vulnerable patients, the department has the final authority to deny, revoke, modify, or suspend any professional credential it issues based on application and criminal background check information.

(8) Mandatory reporting:

(a) Mandatory reporters shall report failure to comply with the requirements of chapters 246-335 WAC and 70.127 RCW to the department. The report must be submitted on department forms. Reports must be submitted within fourteen calendar days after the reporting person has knowledge of noncompliance that must be reported;

(b) Mandatory reporters shall report suspected abandonment, abuse, financial exploitation, or neglect of a person in violation of RCW 74.34.020 or 26.44.030 to the department of social and health services and the proper law enforcement agency. Reports must be submitted immediately when the reporting person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred.

(9) In-person orientation to current agency policies and procedures and verification of skills or training prior to independently providing patient care. Examples of skills verification include written testing, skills observation, and evidence of previous training and experience such as the nursing assistant training detailed in WAC 246-841-400;

(10) Training on the use of telehealth or telemedicine for patient consultation and the transmission of health data, if applicable;

(11) Ongoing training pertinent to patient care needs;

(12) Safe food storage, preparation and handling practices consistent with the United States Food and Drug Administration's recommendations for "food safety at home" for personnel, contractors, and volunteers involved in food preparation services on behalf of patients. Personnel, contractors, and volunteers may not provide patients with homemade food items or baked goods that they themselves prepared;

(13) Current cardiopulmonary resuscitation (CPR) training consistent with agency policies and procedures for direct care personnel and contractors. Internet-based classroom training is only permissible when the demonstration of skills is hands on and observed by a certified trainer;

(14) Infection control practices, communicable disease testing, and vaccinations. Policies and procedures must include, at minimum:

(a) Standard precautions such as hand hygiene, respiratory hygiene and cough etiquette, and personal protective equipment;

(b) Availability of personal protective equipment and other equipment necessary to implement client plans of care;

(c) Tuberculosis (TB) infection control program. Key elements include, but are not limited to:

(i) Conducting a TB risk assessment for all new employees upon hire. Agencies must use a tuberculosis risk assessment form provided by the department. Based on risk assessment results, determine the agency's responsibility to conduct TB testing of new employees. If TB testing is required, follow the department's tuberculosis risk assessment form testing recommendations;

(ii) Conducting an annual assessment of new TB risk factors for all employees. Agencies must use a tuberculosis risk assessment form provided by the department. Based on risk assessment results, determine agency's responsibility to conduct TB testing of employees. Retesting should only be done for persons who previously tested negative and have new risk factors since the last assessment; and

(iii) Ensuring workers receive TB related training and education at the time of hire or during new employee orientation. Training and education must be consistent with the department's Tuberculosis program's online posted educational materials.

(d) Actions to take when personnel, volunteers, contractors, or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapters 246-100 and 246-101 WAC;

(e) Exposure to bloodborne pathogens such as Hepatitis B and HIV, and other potentially infectious materials in compliance with the department of labor and industries chapter 296-823 WAC. Key elements include, but are not limited to:

(i) Conducting an initial risk assessment of the environment in which personnel, volunteers, and contractors perform their assigned duties to determine occupational exposure. The results of the risk assessment will inform policy and procedure development and level of employee training and education. Annually, agencies must determine if significant changes have occurred that would require a new risk assessment to be performed;

(ii) If the risk assessment concludes that workers have a reasonably anticipated risk of occupational exposure to blood and other potentially infectious materials, agencies must offer workers the Hepatitis B vaccine series at the agency's expense. Workers have the right to decline the Hepatitis B vaccine series; and

(f) Agencies must document an annual review of applicable state and federal health authority recommendations related to infection control practices, communicable disease testing, and vaccinations and update trainings and policies and procedures as necessary.

(15) Annual performance evaluations of all personnel and volunteers providing direct patient care, including on-site observation of care and skills specific to the care needs of patients; and

(16) Annual evaluations of services provided by contractors providing direct patient care.

#### NEW SECTION

**WAC 246-335-630 Personnel, contractor, and volunteer records.** The licensee must maintain records on all personnel and volunteers and have access to records on all contractors to include:

(1) Current practice certification, credential or licensure, as applicable;

(2) Documentation of references;

(3) Evidence of orientation to current agency policies and procedures;

(4) Contracts when using contractors;

(5) Verification of personnel, contractor, and volunteer skills or training specific to meeting the care needs of patients;

(6) Evidence of initial and subsequent criminal history background checks and disclosure statements according to RCW 43.43.830 through 43.43.842 and this chapter;

(7) Training on current and revised agency policies and procedures, including patient care issues;

(8) Current CPR training for direct care personnel and contractors;

(9) Documentation for personnel, contractors, and volunteers who prepare food for the patient independent of the patient's assistance, including:

(a) A current food worker cards per chapter 246-215 WAC; or

(b) Training equivalent to United States Food and Drug Administration for personnel, contractors, and volunteers involved in food preparation services on behalf of patients;

(10) Communicable disease testing and vaccination according to current state and federal health authority recommendations; and

(11) Documentation of performance evaluations of personnel and volunteers providing direct patient care and evaluations of services provided by contractors providing direct patient care as required in WAC 246-335-625 (15) and (16).

#### NEW SECTION

**WAC 246-335-635 Bill of rights.** A hospice agency at the time of admission must provide each patient, designated family member, or legal representative with a written bill of rights affirming each patient's right to:

(1) Receive effective pain management and symptom control and quality services from the hospice agency for services identified in the plan of care;

(2) Be cared for by appropriately trained or credentialed personnel, contractors and volunteers with coordination of services;

(3) A statement advising of the right to ongoing participation in the development of the plan of care;

(4) Choose his or her attending physician;

(5) A statement advising of the right to have access to the department's listing of licensed hospice agencies and to select any licensee to provide care, subject to the individual's reimbursement mechanism or other relevant contractual obligations;

(6) A listing of the total services offered by the hospice agency and those being provided to the patient;

(7) Refuse specific services;

(8) The name of the individual within the hospice agency responsible for supervising the patient's care and the manner in which that individual may be contacted;

(9) Be treated with courtesy, respect, and privacy;



(10) Be free from verbal, mental, sexual, and physical abuse, neglect, exploitation, discrimination, and the unlawful use of restraint or seclusion;

(11) Have property treated with respect;

(12) Privacy and confidentiality of personal information and health care related records;

(13) Be informed of what the hospice agency charges for services, to what extent payment may be expected from health insurance, public programs, or other sources, and what charges the patient may be responsible for paying;

(14) A fully itemized billing statement upon request, including the date of each service and the charge. Agencies providing services through a managed care plan are not required to provide itemized billing statements;

(15) Be informed about advanced directives and POLST and the agency's scope of responsibility;

(16) Be informed of the agency's policies and procedures regarding the circumstances that may cause the agency to discharge a patient;

(17) Be informed of the agency's policies and procedures for providing back-up care when services cannot be provided as scheduled;

(18) A description of the agency's process for patients and family to submit complaints to the hospice agency about the services and care they are receiving and to have those complaints addressed without retaliation;

(19) Be informed of the department's complaint hotline number to report complaints about the licensed agency or credentialed health care professionals; and

(20) Be informed of the DSHS end harm hotline number to report suspected abuse of children or vulnerable adults.

(21) The hospice agency must ensure that the patient rights under this section are implemented and updated as appropriate.

#### NEW SECTION

**WAC 246-335-640 Hospice plan of care.** Except as provided in subsection (5) of this section, the licensee must:

(1) Develop and implement a written hospice plan of care for each patient with input from the authorizing practitioner, appropriate interdisciplinary team members, and the patient, designated family member, or legal representative;

(2) Ensure each plan of care is developed by appropriately trained or credentialed agency personnel and is based on a patient and family assessment;

(3) Ensure the hospice plan of care includes:

(a) Current diagnoses and information on health status;

(b) Goals and outcome measures which are individualized for the patient;

(c) Symptom and pain management;

(d) Types and frequency of services to be provided;

(e) Palliative care, if applicable;

(f) Use of telehealth or telemedicine, if applicable;

(g) Home medical equipment and supplies used by the patient;

(h) Orders for treatments and their frequency to be provided and monitored by the licensee;

(i) Special nutritional needs and food allergies;

(j) Orders for medications to be administered and monitored by the licensee including name, dose, route, and frequency;

(k) Medication allergies;

(l) The patient's physical, cognitive and functional limitations;

(m) Patient and family education needs pertinent to the care being provided by the licensee;

(n) Indication that the patient has a signed advanced directive or POLST, if applicable. Include resuscitation status according to advance directives or POLST, if applicable; and

(o) The level of medication assistance to be provided.

(4) Develop and implement a system to:

(a) Ensure and document that the plan of care is reviewed by the appropriate interdisciplinary team members within the first week of admission and every two weeks thereafter;

(b) Ensure the plan of care is signed or authenticated and dated by appropriate agency personnel and the authorizing practitioner;

(c) Ensure the signed or authenticated plan of care is returned to the agency within sixty days from the initial date of service;

(d) Inform the authorizing practitioner regarding changes in the patient's condition that indicates a need to update the plan of care;

(e) Obtain approval from the authorizing practitioner for additions and modifications; and

(f) Ensure all verbal orders for modification to the plan of care are immediately documented in writing and signed or authenticated and dated by an agency individual authorized within the scope of practice to receive the order and signed or authenticated by the authorizing practitioner and returned to the agency within sixty days from the date the verbal orders were received.

(5) Hospice agencies providing a one-time visit for a patient may provide the following written documentation in lieu of the hospice plan of care requirements in subsection (3) of this section:

(a) Patient's name, age, current address, and phone number;

(b) Confirmation that the patient was provided a written bill of rights under WAC 246-335-635;

(c) Patient consent for services to be provided;

(d) Authorizing practitioner orders; and

(e) Documentation of services provided.

#### NEW SECTION

##### **WAC 246-335-645 Supervision of hospice services.**

(1) A licensee must employ a director of clinical services.

(2) The director of clinical services must designate in writing a similarly qualified alternate to act in the director's absence.

(3) The licensee shall ensure the director of clinical services and the designated alternate completes a minimum of ten hours of training annually. Written documentation of trainings must be available upon request by the department. Training may include a combination of topics related to clinical supervision duties and the delivery of hospice services.

Examples of appropriate training include, but are not limited to:

- (a) Agency sponsored in-services;
  - (b) Community venues;
  - (c) Community classes;
  - (d) Conferences;
  - (e) Seminars;
  - (f) Continuing education related to the director's health care professional credential, if applicable; and
  - (g) Supervisory responsibilities in the event of a natural disaster, man-made incident, or public health emergency.
- (4) The director of clinical services or designee must be available twenty-four hours per day, seven days per week.
- (5) The director of clinical services or designee must ensure:
- (a) Coordination, development, and revision of written patient and family care policies and procedures related to each service provided;
  - (b) Supervision of all patient and family care provided by personnel and volunteers. The director of clinical services may assign staff supervision responsibilities to a registered nurse or other appropriately credentialed professional;
  - (c) Evaluation of services provided by contractors;
  - (d) Coordination of services when one or more licensed agency is providing care to the patient and family;
  - (e) Compliance with the plan of care;
  - (f) All direct care personnel, contractors, and volunteers observe and recognize changes in the patient's condition and needs, and report any changes to the director of clinical services or designee; and
  - (g) All direct care personnel, contractors, and volunteers initiate emergency procedures according to agency policy.
- (6) The licensee must document supervision including, but not limited to:
- (a) RN supervision when using the services of an RN or LPN, in accordance with chapter 18.79 RCW;
  - (b) Licensed nurse supervision of home health aide services during an on-site visit with or without the home health aide present once a month to evaluate compliance with the plan of care and patient and family satisfaction with care; and
  - (c) Supervision by a licensed therapist when using the services of a therapy assistant in accordance with the appropriate practice acts.
- (7) The licensee using home health aides must ensure:
- (a) Each home health aide reviews the plan of care and any additional written instructions for the care of each patient prior to providing home health aide services and whenever there is a change in the plan of care; and
  - (b) Each home health aide assists with medications according to agency policy and this chapter.

#### NEW SECTION

**WAC 246-335-650 Patient records.** The licensee must:

- (1) Maintain a current record for each patient consistent with chapter 70.02 RCW;
- (2) Ensure that patient records are:
  - (a) Accessible in the licensee's office location for review by appropriate direct care personnel, volunteers, contractors, and the department;

- (b) Written legibly in permanent ink or retrievable by electronic means;
  - (c) On the licensee's standardized forms or electronic templates;
  - (d) In a legally acceptable manner;
  - (e) Kept confidential;
  - (f) Chronological in its entirety or by the service provided;
  - (g) Fastened together to avoid loss of record contents (paper documents); and
  - (h) Kept current with all documents filed according to agency time frames per agency policies and procedures.
- (3) Except as provided in subsection (4) of this section, include documentation of the following in each record:
- (a) Patient's name, age, current address and phone number;
  - (b) Patient's consent for services and care;
  - (c) Payment source and patient responsibility for payment;
  - (d) Initial assessment when providing hospice and hospice care center services;
  - (e) Plan of care according to WAC 246-335-640, depending on the services provided;
  - (f) Signed or electronically authenticated and dated notes documenting and describing services provided during each patient contact;
  - (g) Observations and changes in the patient's condition or needs;
  - (h) For patients receiving hospice and hospice care center services, authorized practitioner orders and documentation of response to medications and treatments ordered; and
  - (i) Other documentation as required by this chapter.
- (4) For patients receiving a one-time visit, provide the documentation required in WAC 246-335-640(5) in lieu of the requirements in subsection (3) of this section.
- (5) Consider the records as property of the licensee and allow the patient access to his or her own record.
- (6) Upon request and according to agency policy and procedure, provide patient information or a summary of care when the patient is transferred or discharged to another agency or facility.
- (7) The licensee must keep patient records for:
- (a) Adults - Three years following the date of termination of services;
  - (b) Minors - Three years after attaining age eighteen, or five years following discharge, whichever is longer; and
  - (c) Patient death - Three years following the last date or termination of services if patient was on services when death occurred.
- (8) The licensee must:
- (a) Store patient records in a safe and secure manner to prevent loss of information, to maintain the integrity of the record, and to protect against unauthorized use;
  - (b) Maintain or release records in accordance to chapter 70.02 RCW; and
  - (c) After ceasing operation, retain or dispose of patient records in a confidential manner according to the time frames in subsection (7) of this section.

NEW SECTION**WAC 246-335-655 Quality improvement program.**

Every hospice licensee must establish and implement a quality improvement program to ensure the quality of care and services provided throughout all approved service areas or within a hospice care center that includes, at a minimum:

- (1) A complaint process that includes a procedure for the receipt, investigation, and disposition of complaints regarding services provided;
- (2) A method to identify, monitor, evaluate, and correct problems identified by patients, families, personnel, contractors, or volunteers; and
- (3) A system to assess patient satisfaction with the overall services provided by the agency.

NEW SECTION

**WAC 246-335-660 Home medical supplies and equipment.** This section applies only to hospice agencies and hospice care centers providing or contracting for medical supplies or equipment services.

- (1) The applicant or licensee must develop and implement policies and procedures to:
  - (a) Maintain medical supplies and equipment;
  - (b) Clean, inspect, repair and calibrate equipment per the manufacturers' recommendations, and document the date and name of individual conducting the activity;
  - (c) Ensure safe handling and storage of medical supplies and equipment;
  - (d) Inform the patient, designated family member, or legal representative of the cost and method of payment for equipment, equipment repairs and equipment replacement;
  - (e) Document the patient, designated family member, or legal representative's approval;
  - (f) Instruct each patient or family to use and maintain supplies and equipment in a language or format the patient or family understands, using one or more of the following:
    - (i) Written instruction;
    - (ii) Verbal instruction; or
    - (iii) Demonstration.
  - (g) Document the patient, designated family member, or legal representative understanding of the instructions provided;
  - (h) Replace supplies and equipment essential for the health or safety of the patient; and
  - (i) Identify and replace equipment recalled by the manufacturer.
- (2) If the applicant or licensee contracts for medical supplies or equipment services, develop and implement policies and procedures to ensure that contractors have policies and procedures consistent with subsection (1) of this section.

**PARTS 5 THROUGH 12****REQUIREMENTS FOR THE LICENSING, OPERATION, AND CONSTRUCTION OF HOSPICE CARE CENTERS****Part 5 - Requirements Specific to Licensing and Operation of Hospice Care Centers**NEW SECTION

**WAC 246-335-705 Applicability.** The requirements in WAC 246-335-705 through 246-335-768 apply to hospice care center services.

NEW SECTION

**WAC 246-335-710 Definitions.** The definitions in this section apply throughout WAC 246-335-705 through 246-335-768 unless the context clearly indicates otherwise:

- (1) "Construction" means:
  - (a) New building(s) to be used as a hospice care center;
  - (b) Addition(s) to or conversion(s), either in whole or in part, of an existing building or buildings to be used as a hospice care center or a portion thereof; or
  - (c) Alteration or modification to a hospice care center.
- (2) "Homelike" means an environment having the qualities of a home, including privacy, comfortable surroundings, opportunities for patient self-expression, and supporting interaction with the patient's family, friends, and community.
- (3) "Hospice care center" or "in-home services agency licensed to provide hospice care center services" means a homelike, noninstitutional facility where hospice services are provided, and that meet the requirements for operation under RCW 70.127.280 and applicable rules.
- (4) "Hospice care center service category" means the following different levels of care provided in a hospice care center:
  - (a) "Continuous care" means care for patients requiring a minimum of eight hours of one-to-one services in a calendar day, with assessment and supervision by an RN. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and applicable rules, of acute or chronic symptoms, including a crisis in their caregiving;
  - (b) "General inpatient care" means care for patients requiring an RN on-site twenty-four hours a day, for assessment and supervision. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and applicable rules, of acute or chronic symptoms, including a crisis in their caregiving;
  - (c) "Inpatient respite care" means care for patients whose caregivers require short-term relief of their caregiving duties;
  - (d) "Routine home care" means the core level of service for patients not receiving continuous care, general inpatient care, or inpatient respite care.
  - (5) "Hospice care center services" means hospice services provided in a hospice care center and may include any of the levels of care defined as hospice care center service categories.

(6) "Pressure relationships" of air to adjacent areas means:

(a) Positive (P) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H<sub>2</sub>O pressure differential with the adjacent area, the room doors are closed, and air is flowing out of the room; or

(ii) Sum of the air flow at the supply air outlets (in CFM) exceeds the sum of the air flow at the exhaust/return air outlets by at least 70 CFM with the room doors and windows closed.

(b) Negative (N) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H<sub>2</sub>O pressure differential with the adjacent area, the room doors are closed, and air is flowing into the room; or

(ii) Sum of the air flow at the exhaust/return air outlets (in CFM) exceeds the sum of the air flow at the supply air outlets by at least 70 CFM with the room doors and windows closed.

(c) Equal (E) pressure is present in a room when the:

(i) Room sustains a pressure differential range of plus or minus 0.0002 inches of H<sub>2</sub>O with the adjacent area, and the room doors are closed; or

(ii) Sum of the air flow at the supply air outlets (in CFM) is within ten percent of the sum of the air flow at the exhaust/return air outlets with the room doors and windows closed.

(7) "Sink" means one of the following:

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter;

(b) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets;

(c) "Handwash sink" means a plumbing fixture of adequate size and proper design to minimize splash and splatter and permit handwashing without touching fixtures with hands, with adjacent soap dispenser with foot control or equivalent and single service hand drying device.

(8) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

#### NEW SECTION

**WAC 246-335-712 License required.** (1) A person must possess a current license issued by the department before advertising, operating, managing, conducting, opening or maintaining a hospice care center.

(2) Prior to being approved to provide hospice care center services, an applicant must:

(a) Be licensed under chapter 70.127 RCW as an in-home services agency licensed to provide hospice services;

(b) Submit to the department an application to add hospice care center services to their existing in-home services license;

(c) Submit to the department fees specified in WAC 246-335-990;

(d) Obtain a certificate of need under chapter 70.38 RCW. A separate application and fee is required to go through the certificate of need process;

(e) Complete the department's construction review services process. A separate application and fee is required to go through the construction review services process;

(f) Receive a certificate of occupancy by local building officials;

(g) Develop and operationalize policies and procedures addressing the content of this chapter for the service category(ies) to be provided and consistent with WAC 246-335-320 (2)(g);

(h) Provide other information as required by the department; and

(i) Meet the requirements of this chapter as determined by an initial survey completed by the department.

#### NEW SECTION

##### **WAC 246-335-714 General licensing requirements.**

(1) Initial application. To apply for a hospice care center license, an applicant must meet the initial application requirements in WAC 246-335-320 (2)(a) through (g), (i), and (j), WAC 246-335-712(2), and submit documentation that no more than forty-nine percent of patient care days, in the aggregate on a biennial basis, will be provided in a hospice care center, as required under RCW 70.127.280 (1)(d).

(2) A hospice care center licensee must meet the renewal requirements in WAC 246-335-325.

(3) Change of ownership. A hospice care center licensee must meet the change of ownership requirements in WAC 246-335-330.

(4) Applicant or licensee responsibilities. A hospice care center applicant or licensee must meet the applicant or licensee responsibilities requirements in WAC 246-335-335.

(5) Survey and investigation. The department's survey and investigation responsibilities in WAC 246-335-340 apply to hospice care center applicants and licensees.

(6) Plan of operation. A hospice care center applicant or licensee must meet the plan of operation requirements in WAC 246-335-615, and ensure pets or animals living on the premises:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state;

(b) Be veterinarian certified as free of diseases transmittable to humans;

(c) Are restricted from food preparation areas; and

(d) Include only those customarily considered domestic pets.

(7) Delivery of services. A hospice care center applicant or licensee must:

(a) Meet the delivery of services requirements in WAC 246-335-620; and

(b) Establish and implement policies and procedures that ensure:

(i) Auditory and physical privacy for the patient and family during the admitting process;

(ii) Patient rooms are private, unless the patient requests a roommate. Only two patients may share a room;

(iii) Each patient is provided a bed with a mattress appropriate to the special needs and size of the patient; and

(iv) Availability of clean bed and bath linens that are in good condition and free of holes and stains.

(8) Personnel, contractor, and volunteer policies. A hospice care center applicant or licensee must:

(a) Meet the personnel, contractor and volunteer policy requirements in WAC 246-335-625; and

(b) Ensure training in the safe storage and handling of oxygen containers and other equipment as necessary.

(9) Personnel, contractor, and volunteer records. A hospice care center applicant or licensee must meet the personnel, contractor, and volunteer records requirements in WAC 246-335-630.

(10) Bill of rights. A hospice care center applicant or licensee must:

(a) Meet the bill of rights requirements in WAC 246-335-635; or

(b) For patients already being served by the hospice agency operating the hospice care center, ensure:

(i) The bill of rights requirements have been provided to the patient, designated family member, or legal representative; and

(ii) Provide any additional information needed specific to the hospice care center.

(11) Plan of care. A hospice care center applicant or licensee must:

(a) Meet the plan of care requirements in WAC 246-335-640; or

(b) For patients already being served by the hospice agency operating the hospice care center, review the plan of care for any necessary revisions, and maintain the plan of care with any revisions in the hospice care center.

(12) Supervision. A hospice care center applicant or licensee must:

(a) Meet the supervision requirements in WAC 246-335-645; and

(b) Develop any necessary supervision requirements specific to:

(i) The hospice care center service category staffing requirements; and

(ii) Supervising personnel, volunteers and contractors who are employed by a separately licensed hospice agency.

(13) Patient records. A hospice care center applicant or licensee must meet the requirements in WAC 246-335-650.

(14) Quality improvement. A hospice care center applicant or licensee must:

(a) Meet the quality improvement requirements in WAC 246-335-655; or

(b) Ensure the hospice agency operating the hospice care center has a quality improvement program that applies to the hospice care center; or

(c) Implement any needed changes or additions to the current hospice agency quality improvement program.

(15) Home medical supplies and equipment. A hospice care center applicant or licensee must meet the home medical supplies and equipment requirements in WAC 246-335-660.

(16) Staffing requirements. A hospice care center applicant or licensee must implement the following staffing requirements:

(a) There must be adequate staffing on duty at all times. Considerations for determining adequate staffing include, but are not limited to:

(i) Number of patients currently admitted and residing in the center;

(ii) Specific patient care requirements;

(iii) Family care needs; and

(iv) Availability of support from other interdisciplinary team members.

(b) Two people, who may either be personnel, contractors or volunteers, must be on duty twenty-four hours per day, seven days per week;

(c) A registered nurse must be available twenty-four hours per day for consultation and direct participation in nursing care;

(d) A registered nurse must be on-site when required to perform duties specified in chapter 18.79 RCW;

(e) When providing general inpatient services, a hospice care center must comply with the staffing requirements in (a) through (d) of this subsection, and ensure:

(i) A registered nurse is present twenty-four hours per day, seven days per week, to direct nursing services; and

(ii) Care is provided by either an RN, LPN or home health aide to meet the needs of each patient in accordance with the plan of care.

(f) When providing continuous care services, a hospice care center must, in addition to the staffing requirements in (a) through (d) of this subsection, ensure:

(i) One-on-one staffing, directed by an RN, for a minimum of eight hours to a maximum of twenty-four hours per calendar day; and

(ii) Care is provided by either an RN, LPN or home health aide to meet the needs of each patient in accordance with the plan of care.

(17) A hospice care center may either be owned or leased. If the hospice agency leases space, all delivery of interdisciplinary services, including staffing and management, must be done by the hospice agency per RCW 70.127.280 (1)(g).

#### NEW SECTION

**WAC 246-335-716 Nutritional services.** (1) Nutritional services must be supervised by an RN or dietitian or nutritionist as defined in WAC 246-335-610(4).

(2) Appropriate nutritional consultation must be provided to the patient and family regarding the patient's dietary needs.

(3) Food must be prepared and served at intervals appropriate to the needs of patients, recognizing the unique dietary needs and changes of the terminally ill.

(4) Nutritional services must either be provided directly or through written agreement with a food service company.

(5) Food service sanitation must meet the requirements of chapter 246-215 WAC.

(6) Policies and procedures on nutritional services must include:

(a) Food storage;

(b) Food preparation;

(c) Food service; and

(d) Scheduled cleaning of all food service equipment and work areas.

(7) A copy of the procedures must be kept within or adjacent to the food service area and must be available for reference by nutritional service personnel and other personnel at all times.

#### NEW SECTION

**WAC 246-335-718 Infection control.** A hospice care center applicant or licensee must develop and implement written policies and procedures addressing infection control pertinent to the hospice care center and consistent with WAC 246-335-625(14).

#### NEW SECTION

**WAC 246-335-720 Emergency preparedness.** A hospice care center applicant or licensee must:

(1) Develop and operationalize written policies and procedures governing emergency preparedness and fire protection;

(2) Develop a written emergency preparedness plan, rehearsed at least annually with personnel, contractors, and volunteers that addresses service delivery when natural disasters, man-made incidents, or public health emergencies occur that prevent normal facility operation. Include, at minimum: Risk assessment and emergency planning, communication plan, subsistence needs, evacuation plans, sheltering in place, care of casualties, tracking patients and staff during an emergency, and staff training and drills to test emergency plan; and

(3) Develop a fire protection plan to include:

(a) Instruction for all personnel, contractors or volunteers in use of alarms, firefighting equipment, methods of fire containment, evacuation routes and procedures for calling the fire department and the assignment of specific tasks to all personnel, contractors and volunteers in response to an alarm; and

(b) Fire drills for each shift of personnel.

#### NEW SECTION

**WAC 246-335-722 Pharmaceutical services.** The licensee must ensure that all pharmaceutical services are provided consistent with chapter 246-865 WAC and the following requirements:

(1) Pharmaceutical services must be available twenty-four hours per day to provide medications and supplies through a licensed pharmacy;

(2) A licensed pharmacist must provide sufficient on-site consultation to ensure that medications are ordered, prepared, disposed, secured, stored, accounted for and administered in accordance with the policies of the center and chapter 246-865 WAC;

(3) Medications must be administered only by individuals authorized to administer medications;

(4) Medications may be self-administered in accordance with WAC 246-865-060 (7)(f);

(5) Drugs for external use must be stored apart from drugs for internal use;

(6) Poisonous or caustic medications and materials including housekeeping and personal grooming supplies must show proper warning or poison labels and must be stored safely and separately from other medications and food supplies;

(7) The hospice care center must maintain an emergency medication kit appropriate to the needs of the center;

(8) Medications brought into the hospice care center by patients to be administered by an appropriate health care professional while in the center must be specifically ordered by an authorizing practitioner and must be identified by a pharmacist or licensed nurse with pharmacist consultation prior to administration;

(9) Drugs requiring refrigeration must be kept in a separate refrigeration unit;

(10) Schedule II through IV controlled substances must be:

(a) Kept in a separate keyed storage unit;

(b) When heat sensitive, be kept in a locked refrigeration unit; and

(c) When no longer needed by the patient, disposed of in compliance with chapter 246-865 WAC;

(11) In addition to the requirements in subsection (10) of this section, schedule III and IV controlled substances must be:

(a) Stored apart from other drugs; or

(b) Stored on a separate shelf, drawer, or compartment with schedule II controlled substances;

(12) The hospice care center must provide for continuation of drug therapy for patients when temporarily leaving the center in accordance with WAC 246-865-070;

(13) If planning to use an automated drug distribution device, the hospice care center must first receive pharmacy quality assurance commission approval; and

(14) If planning to provide pharmacy services beyond the scope of services defined in this section, the hospice care center must comply with the requirements for a licensed pharmacy in chapter 246-869 WAC.

#### NEW SECTION

**WAC 246-335-724 Exemptions and alternative methods.** Hospice care centers applying for an exemption to any of the requirements in WAC 246-335-705 through 246-335-724 must comply with the requirements in WAC 246-335-355.

### **Part 6 - Physical Environment Requirements**

#### NEW SECTION

**WAC 246-335-726 Applicability.** The purpose of the following construction regulations in WAC 246-335-726 through 246-335-768 is to provide minimum standards for a safe, homelike, and effective patient care environment in hospice care centers consistent with other applicable rules without redundancy and contradictory requirements. Rules allow flexibility in achieving desired outcomes and enable hospice care centers to respond to changes in technologies and health care innovations. Compliance with these rules do not relieve the hospice of the need to comply with applicable state and

local building and zoning codes. Where differences in interpretations occur, the hospice will follow the most stringent requirement.

(1) These rules apply to all construction as defined in WAC 246-335-710.

(2) The requirements in WAC 246-335-726 through 246-335-768 in effect at the time the application, fee, and construction documents are submitted to the department for review will apply for the duration of the construction project.

#### NEW SECTION

**WAC 246-335-728 Construction and design codes.** A hospice care center applicant must, through its design, construction, and necessary permits demonstrate compliance with the following codes and local jurisdiction standards:

(1) The state building code as adopted by the state building code council under the authority of chapter 19.27 RCW;

(2) The National Fire Protection Association, Life Safety Code, NFPA 101, as adopted by the Centers for Medicare and Medicaid Services;

(3) The National Fire Protection Association, Health Care Facilities Code, NFPA 99, as adopted by the Centers for Medicare and Medicaid Services; and

(4) Ventilation of health care facilities, American National Standards Institute; American Society of Heating, Refrigerating and Air-conditioning Engineers; American Society for Healthcare Engineering Standard 170-2013.

#### NEW SECTION

**WAC 246-335-730 Design, construction review and approval of plans.** (1) Drawings and specifications for new construction, excluding minor alterations, must be prepared by or under the direction of, an architect registered under chapter 18.08 RCW. The services of a consulting engineer registered under chapter 18.43 RCW may be used for the various branches of work where appropriate. The services of a registered engineer may be used in lieu of the services of an architect if the scope of work is primarily engineering in nature.

(2) A hospice care center applicant or licensee will meet the following requirements:

(a) Preconstruction. Request and attend a presubmission conference with the department for projects with a construction value of two hundred fifty thousand dollars or more. The presubmission conference must be scheduled to occur for the review of construction documents that are no less than fifty percent complete;

(b) Construction document review. Submit construction documents for proposed new construction to the department for review within ten days of submission to the local authorities. Compliance with these standards and regulations does not relieve the hospice care center of the need to comply with applicable state and local building and zoning codes. The construction documents must include:

(i) A written program containing the following:

(A) Information concerning services to be provided and operational methods to be used;

(B) An interim life safety measures plan to ensure the health and safety of occupants during construction and installation of finishes; and

(C) An infection control risk assessment indicating appropriate infection control measures, keeping the surrounding area free of dust and fumes, and ensuring rooms or areas are well ventilated, unoccupied, and unavailable for use until free of volatile fumes and odors;

(ii) Drawings and specifications to include coordinated architectural, mechanical, and electrical work. Each room, area, and item of fixed equipment and major movable equipment must be identified on all drawings to demonstrate that the required facilities for each function are provided;

(iii) A floor plan of the existing building showing the alterations and additions, and indicating location of any service or support areas;

(iv) Required paths of exit serving the alterations or additions; and

(v) Verification that the capacities and loads of infrastructure systems will accommodate planned load.

(c) Resubmittals. The hospice care center or licensee will respond in writing when the department requests additional or corrected construction documents;

(d) Construction. Comply with the following requirements during the construction phase:

(i) The hospice care center applicant or licensee will not begin construction until all of the following items are complete:

(A) The department has approved the construction documents or granted authorization to begin construction;

(B) The local jurisdictions have issued a building permit; and

(C) The hospice care center applicant or licensee has notified the department in writing when construction will commence;

(ii) The department will issue an "authorization to begin construction" when the construction documents have been conditionally approved or when all of the following items have been reviewed and approved:

(A) A signed form acknowledging the risks if starting construction before the plan review has been completed. The acknowledgment of risks form shall be signed by the:

(I) Architect;

(II) Hospice chief executive officer, chief operations officer, or designee; and

(III) Hospice facilities director.

(B) The infection control risk assessment;

(C) The interim life safety plan; and

(D) A presubmission conference has occurred;

(ii) Submit to the department for review any addenda or modifications to the construction documents;

(iv) Ensure construction is completed in compliance with the final department approved documents;

(v) The hospice care center applicant or licensee will allow any necessary inspections for the verification of compliance with the construction documents, addenda, and modifications.

(e) Project closeout. The hospice will not use any new or remodeled areas until:

- (i) The department has approved construction documents;
- (ii) The local jurisdictions have completed all required inspections and approvals, when applicable or given approval to occupy; and
- (iii) The facility notifies the department in writing when construction is completed and includes a copy of the local jurisdiction's approval for occupancy.

#### NEW SECTION

**WAC 246-335-732 Site and site development.** A hospice care center applicant or licensee must provide a site with utilities that meet state building code and local regulations including:

- (1) Potable water supply meeting requirements in chapters 246-270, 246-290, and 246-291 WAC;
- (2) Natural drainage or properly designed/engineered drainage system;
- (3) An approved public sewer system or on-site sanitary sewage system meeting requirements in chapter 246-272A or 246-272B WAC;
- (4) Physical access to community emergency services;
- (5) Parking area, drives, and walkways:
  - (a) Convenient for patients, personnel, contractors, volunteers, and visitors, while avoiding interference with patient privacy and comfort;
  - (b) With surfaces useable in all weather and traffic conditions; and
  - (c) Illuminated at night.

### Part 7 - General Design Requirements

#### NEW SECTION

**WAC 246-335-734 General requirements.** A hospice care center applicant or licensee must meet the following general design elements for patient and family care and support areas as described in this chapter.

- (1) Design of the hospice care center must take into account:
  - (a) The number of patient rooms planned which must not include more than twenty patient beds;
  - (b) The requirements for patient rooms as specified in WAC 246-335-756; and
  - (c) The family, personnel and public area requirements for space, which may include multiuse areas, as specified in WAC 246-335-760.
- (2) A hospice care center may either be freestanding or a separate portion of another building.
- (3) The hospice care center must have a separate external entrance, clearly identifiable to the public.
- (4) If patient rooms are located above grade level, the hospice care center must have at least one elevator or lift designed for patient transport by gurney or equivalent.
- (5) Doors must be designed with:
  - (a) Provisions for personnel, contractors, and volunteers to gain immediate emergency access to patient occupied rooms or areas;

- (b) The ability to swing outward from patient toilet and bathing rooms or equipped with double acting or rescue door hardware; and
- (c) Vision panels in all pairs of opposite swinging doors.
- (6) Stairways must be designed with slip-resistant floor surfaces and ramps with slip-resistant or carpeted floor surfaces are required.
- (7) Design and construction must address the prevention of entrance and infestation by pests.
- (8) Interior finishes must be suitable to the function of an area including:
  - (a) Floors must be finished with:
    - (i) Easily cleanable or maintainable surfaces;
    - (ii) Slip-resistant surfaces at entrances and other areas;
    - (iii) Edges covered and top set base with toe at all wall junctures;
  - (b) Carpets are not permitted in toilets, bathrooms, kitchens, utility rooms, janitor closets, and other areas where flooding or infection control is an issue;
  - (c) Ceiling finishes must be easily cleanable or maintainable;
  - (d) Walls must be:
    - (i) Protected from impact in high traffic areas;
    - (ii) Finished with easily cleanable surfaces; and
    - (iii) Finished with water-resistant paint, glaze, or similar water-resistant finish extending above the splash line in all rooms or areas subject to splash or spray.
  - (9) The design must include space and adequate storage for facility drawings, records, and operation manuals.

#### NEW SECTION

**WAC 246-335-736 Furnishings.** Furnishings of the hospice care center must be homelike and include lounge furniture in addition to furnishings in patient rooms. Accessories such as wallpaper, bedspreads, carpets and lamps must be:

- (1) Selected to create a homelike atmosphere; and
- (2) Installed per manufacturer installation standards.

#### NEW SECTION

**WAC 246-335-738 Pharmaceutical services area.** (1) Pharmaceutical services area(s) must be accessible only to authorized personnel.

- (2) A hospice care center must provide pharmacy services area(s) consistent with WAC 246-865-050 which include adequate space for:
  - (a) A work counter;
  - (b) A handwash sink;
  - (c) A soap and paper towel dispenser;
  - (d) Drug storage units constructed of metal, solid wood, or plywood which provide:
    - (i) Locked storage for all drugs;
    - (ii) Separate keyed storage for Schedule II through IV controlled substances;
    - (iii) Segregated storage for each patient's drugs;
  - (e) A lockable refrigerator for storage of heat sensitive drugs; and
  - (f) Other storage needed according to the hospice care center's functional program.



NEW SECTION

**WAC 246-335-740 Food preparation.** (1) A hospice care center applicant or licensee must:

- (a) Locate food preparation areas to prevent objectionable heat, noise and odors to patient rooms;
- (b) Provide a nourishment center for use by patients and family with:
  - (i) A refrigerator capable of maintaining 45°F or less;
  - (ii) A two-compartment sink;
  - (iii) A range with exhaust hood and/or microwave;
  - (iv) Work surfaces;
  - (v) Storage for single service utensils and food items;
  - (vi) Soap and paper towel dispensers or equivalent;
  - (vii) Space for waste containers; and
  - (viii) A self-dispensing ice machine if not provided elsewhere in the hospice care center.

(2) The following requirements only apply if the hospice care center is planning to prepare meals and snacks for patients on-site:

(a) When primarily preparing individual meals or snacks for patients, in addition to the requirements in subsection (1) of this section, the nourishment center must include:

- (i) A separate refrigerator for patients' food items capable of maintaining 45°F or less;
- (ii) Separate storage for patient food items, cooking and eating utensils;
- (iii) A handwash sink; and
- (iv) A domestic dishwasher with a continuous supply of 155°F of water.

(b) When primarily preparing meals for fifteen or fewer patients at a time, the kitchen and equipment for preparation of patient meals and snacks must comply with chapter 246-215 WAC, Food sanitation, except, the hospice care center may use domestic or home type kitchen appliances including mechanical dishwashers; and

(c) When primarily preparing meals for sixteen or more patients at a time, the kitchen for preparation of patient meals and snacks must comply with chapter 246-215 WAC, Food sanitation.

NEW SECTION

**WAC 246-335-742 Linen handling facilities.** A hospice care center applicant or licensee must provide linen handling facilities with the capacity for receiving, holding, sorting, and separating soiled and clean linens either in:

- (1) Clean and soiled utility rooms meeting the requirements of WAC 246-335-746; or
- (2) In a separate linen handling facility meeting the following requirements:
  - (a) Floor drain(s) located in the soiled linen area;
  - (b) Handwash sink in soiled and clean processing areas;
  - (c) Negative air pressure gradient with direction of air flow from clean side of room to dirty side of room is shared;
  - (d) A folding area on clean side of room; and
  - (e) Separate clean linen storage located to avoid sources of moist or contaminated air with:
    - (i) Storage for reserve supply of linens, blankets, and pillows; and
    - (ii) Space for carts or shelves.

NEW SECTION

**WAC 246-335-744 Laundry facilities.** A hospice care center applicant or licensee must provide laundry service through the use of:

- (1) A commercial laundry service; or
- (2) On-site laundry facilities with:
  - (a) A system to avoid through traffic or excessive heat, noise or odors to travel to patient rooms;
  - (b) Equipment capacity for processing laundry;
  - (c) Arrangement for uninterrupted work flow from soiled to clean function;
  - (d) Washing machine(s);
  - (e) Floor drains as required for equipment;
  - (f) Dryer(s);
  - (g) Dryer exhaust to the exterior and make-up air; and
  - (h) A handwash sink.

NEW SECTION

**WAC 246-335-746 Utility rooms.** (1) A hospice care center applicant or licensee must provide a clean utility room with no direct connection to soiled utility services, including:

- (a) Sufficient clean storage and handling area(s);
- (b) Closed storage for clean and sterile supplies and equipment;
- (c) A work surface;
- (d) A handwash sink;
- (e) Soap and towel dispenser; and
- (f) A self-closing door.

(2) The hospice care center must provide a soiled utility room on each floor of the center with no direct connection to clean utility services, including:

- (a) A clinic service sink, siphon jet or equivalent with bedpan flushing attachment unless bedpan flushing devices are furnished in all patient toilets;
- (b) A counter top, two-compartment sink, and gooseneck spout or equivalent;
- (c) Storage for cleaning supplies and equipment;
- (d) Soap and towel dispenser;
- (e) Locked storage for chemicals; and
- (f) A self-closing door.

**Part 8 - Specific Design Requirements**NEW SECTION

**WAC 246-335-748 Plumbing.** An applicant must design and install plumbing, including:

- (1) Backflow prevention. Devices on plumbing fixtures, equipment, facilities, buildings, premises, or areas which may cause actual or potential cross-connections of systems in order to prevent the backflow of water or other liquids, gases, mixtures, or substances into a water distribution system or other fixtures, equipment, facilities, buildings, or areas;
- (2) Trap primers in floor drains and stand pipes subject to infrequent use;
- (3) Wrist, knee or foot faucet controls or equivalent and gooseneck spouts on handwash sinks;
- (4) Insulation on:
  - (a) Hot water piping systems;

- (b) Cold water and drainage piping; and
- (c) Piping exposed to outside temperatures.
- (5) Equipment to deliver hot water at point of use as follows:
  - (a) 120°F or less for handwash sinks and bathing fixtures;
  - (b) 160°F or more for laundry washers;
  - (c) 120°F or more for laundry washers using chemical sanitation.

**NEW SECTION**

**WAC 246-335-750 Medical gases.** If oxygen is stored or used on the premises, the following must apply in addition to other codes and regulations:

- (1) Electrical equipment used in oxygen-enriched environments must be properly designed for use with oxygen and should be labeled for use with oxygen; and
- (2) "No smoking" signs must be posted where oxygen is being administered.

**NEW SECTION**

**WAC 246-335-752 Heating, ventilating and air conditioning.** (1) Hospice care centers must have systems to provide individual temperature control for patient rooms to ensure patient preference and comfort. The hospice care center must have the capacity to maintain:

- (a) Patient rooms at 70°F in summer and 80°F in winter; and
- (b) Nonpatient care areas at 75°F in summer and 70°F in winter.
- (2) Provide air pressurization differentials within the facility to promote the movement air from clean areas into dirty areas per American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) 170.
- (3) Provide air changes in areas per ASHRAE 170.

**NEW SECTION**

**WAC 246-335-754 Electrical and communication systems.** A hospice care center applicant or licensee must provide general electrical service including:

- (1) Tamper proof receptacles in patient rooms, toilets, and bathing facilities, and family and public areas;
- (2) Ground fault circuit interrupter (GFCI) receptacle when located within five feet of water source and above counters that contain sinks;
- (3) Emergency electrical service with:
  - (a) Adequate emergency lighting in patient rooms;
  - (b) At a minimum, provisions must be made for emergency lighting for means of egress; and
  - (c) Power, appropriate to provide continuous operation of life support equipment.
- (4) Lighting fixtures with:
  - (a) Number, type, and location to provide illumination for the functions of each area;
  - (b) A reading light and control, conveniently located for patient use at each bed in the patient rooms; and
  - (c) Protective lens or protective diffusers on overhead light fixtures:

- (i) Over patient beds;
- (ii) In areas where patient care equipment and supplies are processed; and
- (iii) In nourishment centers or kitchen areas.
- (d) A night light or equivalent low level illumination; and
- (e) Night light switches and general illumination switches located adjacent to the opening side of patient room doors.
- (5) An electronic means of communication that notifies on-duty personnel, contractors, or volunteers and that must:
  - (a) Be located at the head of the bed in patient rooms and in all common areas accessible by the patients;
  - (b) Be physically or verbally accessible by patients slumped forward on the floors of either the toilet, bathing facility, or dressing room; and
  - (c) Consider the patient's communication needs.

**Part 9 - Patient Areas****NEW SECTION**

**WAC 246-335-756 Patient rooms.** (1) A hospice care center applicant or licensee must locate patient rooms to exclude through traffic and minimize the penetration of objectionable odors and noise from other areas of the center.

- (2) Hospice care centers must ensure each patient room is:
  - (a) Directly accessible from a corridor; and
  - (b) A minimum of one hundred square feet for private rooms and one hundred sixty square feet for rooms allowing a roommate.
  - (3) All operable windows or openings that serve for ventilation must be provided with screening.
  - (4) Patient room must be located above grade level.
  - (5) Patient beds must be placed so they do not interfere with entrance, exit or traffic flow within the room.
  - (6) Patient rooms must be safe, private, clean and comfortable, allowing the patient to use personal belongings to the extent possible and include:
    - (a) Seating for several family members, with provision for at least one sleeping accommodation in patient rooms;
    - (b) A window with a view of landscaping to the exterior;
    - (c) A telephone readily available for the patient and family to make and receive confidential calls; and
    - (d) A space suitable for hanging full-length garments and secure storage of personal belongings within the patient room.

**NEW SECTION**

**WAC 246-335-758 Patient toilets and bathing facilities.** (1) Each patient toilet must adjoin the patient room and include:

- (a) Bedpan flushing equipment if bedpan flushing equipment is not located in a soiled utility room;
- (b) A handwash sink;
- (c) Single service soap and towel dispensers;
- (d) Slip resistant floor surfaces;
- (e) A toilet paper holder;
- (f) Backing to support mounting of all accessories; and

(g) Mirror and shelving or equivalent at each handwash sink.

(2) There must be at least one patient toilet in the hospice care center meeting the accessibility requirements in chapter 51-50 WAC for every four patient beds. A minimum of one patient toilet meeting the accessibility requirements is required for each hospice care center.

(3) Bathing facilities, which may be separate from patient toilet rooms, must include:

- (a) Slip resistant floors;
- (b) An adequate supply of hot water available at all times;
- (c) A towel bar, hook, or ring;
- (d) A robe hook; and
- (e) Grab bars that are easily cleanable and resistant to corrosion.

### Part 10 - Family, Personnel, Volunteer, Contractor, and Public Areas

#### NEW SECTION

**WAC 246-335-760 Family, personnel, volunteer, contractor, and public areas.** (1) A hospice care center applicant or licensee must provide family use areas with:

- (a) A minimum of two hundred square feet;
- (b) Comfortable seating for several family members;
- (c) Provision for families and patients to share meals;
- (d) Drinking water;
- (e) A public telephone;
- (f) Information desk or directory signage; and
- (g) Exterior, clear glass windows with a maximum sill height of thirty-six inches.

(2) Hospice care centers must provide a private space at least one hundred fifty square feet in size for every ten beds and an additional seventy-five square feet for every additional five beds. The private space should be designed for:

- (a) Private group, family, and individual interviews and counseling;
- (b) Interdisciplinary weekly conferences and personnel, contractor, and volunteer breaks; and
- (c) Spiritual services.

(3) Hospice care centers must provide additional space for personnel, contractors and volunteers. This space must be designed to accommodate:

- (a) Secure storage for medical records;
- (b) Personnel, contractor, and volunteer break areas;
- (c) Personnel, contractor, and volunteer work areas;
- (d) General storage; and
- (e) At least one personnel, contractor, and volunteer toilet room with handwash sink.

(4) Hospice care centers must provide one visitor toilet room with handwash sink for every ten beds.

### Part 11 - Facility Support

#### NEW SECTION

**WAC 246-335-762 Environmental services facilities.**

(1) The hospice care center must provide a waste handling

area including storage area in a separate area designed to maintain pest control, or in an outside, enclosed space with:

(a) A handwash sink located adjacent to the path of travel back into patient care areas;

(b) If planned, an interior waste container wash area with floor drain connected to a sanitary sewage system and hose bibs with hot and cold water;

(c) If planned, an exterior waste dumpster and compactor storage area with hose bibs for cold water.

(2) The hospice care center must provide a locked housekeeping supply room on each floor with:

- (a) A service sink or equivalent;
- (b) Soap and towel dispenser;
- (c) A mop rack storage area for mobile housekeeping equipment and supplies; and
- (d) Storage for chemicals.

#### NEW SECTION

**WAC 246-335-764 Maintenance facilities.** A hospice care center applicant or licensee must:

(1) If planning a maintenance shop, ensure it is located and designed for easy delivery and removal of equipment and to minimize noise and dust to the rest of the hospice care center with:

(a) Storage for solvents, flammable and combustible liquids; and

(b) Storage for supplies and equipment.

(2) Provide a separate room or area specifically for repair, and testing of electronic or other medical equipment according to the functional program.

#### NEW SECTION

**WAC 246-335-766 Receiving, storage and distribution facilities.** A hospice care center applicant or licensee must:

(1) Provide bulk and general supply storage constructed to control pests and prevent spoilage, contamination, damage, and corrosion of goods including:

(a) Protection against inclement weather;

(b) Secured spaces with appropriate environmental conditions in accordance with federal and state laws and rules on supplies and medication storage if pharmaceuticals are stored; and

(c) Off-floor storage when required to prevent contamination and water damage to stores.

(2) Provide receiving and unloading area with:

(a) Administrative work space;

(b) Security and protection for supplies; and

(c) Location to prevent vehicle exhaust from entering the hospice care center.

(3) Provide storage if needed for:

(a) Flammable and combustible liquid storage;

(b) Laboratory chemicals;

(c) Medical compressed gases;

(d) Gaseous oxidizing materials;

(e) Pesticides, cleaning compounds, and toxic substances; and

(f) Mobile housekeeping equipment.

**Part 12 - Exemptions and Alternative Methods**

NEW SECTION

**WAC 246-335-768 Exemptions and alternative methods.** Hospice care centers applying for an exemption to any of the requirements in WAC 246-335-726 through 246-335-766 must comply with the requirements in WAC 246-335-355.

**Part ((3)) 13 - Fees**

AMENDATORY SECTION (Amending WSR 12-11-063, filed 5/15/12, effective 6/30/12)

**WAC 246-335-990 Fees.** ~~((1) A licensee or applicant shall submit to the department:~~

| # of FTEs   | Home Health | Hospice    | Home Care  | # of Beds | Hospice Care Center |
|-------------|-------------|------------|------------|-----------|---------------------|
| 5 or less   | \$2,432.00  | \$1,216.00 | \$730.00   | 5 or less | \$810.00            |
| 6 to 15     | \$3,421.00  | \$1,280.00 | \$1,321.00 | 6 to 10   | \$1,622.00          |
| 16 to 50    | \$3,893.00  | \$1,906.00 | \$1,419.00 | 11 to 15  | \$2,432.00          |
| 51 to 100   | \$4,906.00  | \$3,052.00 | \$1,662.00 | 16 to 20  | \$3,243.00          |
| 101 or more | \$5,052.00  | \$3,211.00 | \$1,784.00 |           |                     |

~~(ii) For multiple service category licenses:~~

~~(A) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (hospice, home care, hospice care center); or~~

~~(B) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center); and~~

~~(c) A change of ownership fee of two hundred fifty dollars for each licensed service category. A new license will be issued and valid for the remainder of the current license period.~~

~~(2) The department may charge and collect from a licensee a fee of one thousand two hundred ninety-seven dollars for:~~

~~(a) A second on-site visit resulting from failure of the licensee to adequately respond to a statement of deficiencies;~~

~~(b) A complete on-site survey resulting from a substantiated complaint; or~~

~~(c) A follow up compliance survey.~~

~~(3) A licensee with deemed status shall pay fees according to this section.~~

~~(4) A licensee shall submit an additional late fee in the amount of fifty dollars per day, not to exceed six hundred fifty dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.~~

~~(5) Refunds. The department shall refund fees paid by the applicant for initial licensure as follows:~~

~~(a) If an application has been received but no on-site survey or technical assistance has been performed by the department,~~

~~(a) An initial twelve-month license fee of two thousand four hundred thirty-two dollars for each service category for new persons not currently licensed in that category to provide in-home services in Washington state, or currently licensed businesses which have had statement of charges filed against them;~~

~~(b) A twenty-four-month renewal fee for home care, home health and hospice agencies, based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, according to the following table. A twenty-four-month renewal fee for hospice care centers, based on the number of beds, according to the following table:~~

~~(i) For single service category licenses:~~

~~ment, two-thirds of the fees paid, less a fifty dollar processing fee; or~~

~~(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.~~

~~(6) The department may not refund applicant fees if:~~

~~(a) The department has performed more than one on-site visit for any purpose;~~

~~(b) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or~~

~~(c) The amount to be refunded as calculated by subsection (5)(a) or (b) of this section is ten dollars or less.)) (1) Initial license. An applicant shall submit to the department an initial twelve-month license fee of three thousand two hundred eighty-three dollars for each service category (home care, home health, hospice) for persons not currently licensed to provide in-home services in Washington state.~~

~~(2) Adding new service categories to existing license. A licensee shall submit to the department an initial twelve-month license fee of three thousand two hundred eighty-three dollars for each new service category (home care, home health, hospice, hospice care center) for licensees not currently licensed in that category to provide in-home services in Washington state.~~

~~(3) Renewal license. A licensee shall submit to the department a twenty-four month renewal fee for home care, home health and hospice agencies, based on the number of full-time equivalents (FTEs), which is a measurement based on a forty hour week and is applicable to paid agency personnel or contractors, according to Table 1 of this section. The~~

department will assume a minimum of 1 FTE for each approved service area per service category. The licensee shall submit to the department a twenty-four month renewal fee for

hospice care centers, based on the number of beds, according to Table 1 of this section:

(a) For licenses with a single service category:

**Table 1 - Renewal Fees**

| <u># of FTEs</u>   | <u>Home Care</u>  | <u>Home Health</u> | <u>Hospice</u>    | <u># of Beds</u> | <u>Hospice Care Center</u> |
|--------------------|-------------------|--------------------|-------------------|------------------|----------------------------|
| <u>5 or less</u>   | <u>\$1,530.00</u> | <u>\$3,283.00</u>  | <u>\$1,642.00</u> | <u>5 or less</u> | <u>\$1,642.00</u>          |
| <u>6 to 15</u>     | <u>\$1,783.00</u> | <u>\$4,618.00</u>  | <u>\$1,856.00</u> | <u>6 to 10</u>   | <u>\$2,190.00</u>          |
| <u>16 to 50</u>    | <u>\$1,916.00</u> | <u>\$5,256.00</u>  | <u>\$2,383.00</u> | <u>11 to 15</u>  | <u>\$3,283.00</u>          |
| <u>51 to 100</u>   | <u>\$2,244.00</u> | <u>\$6,623.00</u>  | <u>\$4,120.00</u> | <u>16 to 20</u>  | <u>\$4,378.00</u>          |
| <u>101 or more</u> | <u>\$2,408.00</u> | <u>\$6,820.00</u>  | <u>\$4,335.00</u> |                  |                            |

(b) For licenses with multiple service categories:

(i) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice, hospice care center); or

(ii) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center).

(4) Change of ownership. A change of ownership fee of three hundred fifty dollars for each licensed service category (home care, home health, hospice, hospice care center). A new license will be issued and valid for the remainder of the current license period.

(5) The department may charge and collect from a licensee a fee of one thousand five hundred thirty dollars for:

(a) An on-site follow-up compliance survey deemed necessary in order to complete the survey process;

(b) An on-site compliance survey deemed necessary due to failure of the licensee to adequately respond to a statement of deficiencies or a directed plan of correction;

(c) An on-site compliance survey deemed necessary due to a substantiated complaint investigation; or

(d) State licensing surveys conducted during renewal periods that require on-site survey time beyond two days.

(6) A licensee that is not subject to the state survey requirement according to WAC 246-335-350 shall pay fees according to this section.

(7) A licensee shall submit an additional late fee in the amount of fifty dollars per day. The additional late fee will not exceed six hundred fifty dollars, from the renewal date, which is thirty days before the current license expiration date, until the date of mailing the fee, as evidenced by the post-mark.

(8) Refunds. The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed or provided by the department, two-thirds of the fees paid, less a fifty dollar processing fee; or

(b) If an application has been received and an on-site survey or technical assistance has been performed or provided by the department, one-third of the fees paid, less a fifty dollar processing fee.

(9) The department may not refund applicant fees if:

(a) The department has performed more than one on-site visit for any purpose;

(b) Nine months has elapsed since an initial licensure application is received by the department, but no license has been issued due to applicant's failure to complete the requirements for licensure; or

(c) The amount to be refunded as calculated by subsection (8)(a) or (b) of this section is ten dollars or less.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-335-001 Scope and purpose.
- WAC 246-335-010 Applicability.
- WAC 246-335-015 Definitions.
- WAC 246-335-020 License required.
- WAC 246-335-025 Initial application.
- WAC 246-335-030 Renewal.
- WAC 246-335-035 Change of ownership.
- WAC 246-335-040 Applicant or licensee rights and responsibilities.
- WAC 246-335-045 Department responsibilities.
- WAC 246-335-050 Deemed status.
- WAC 246-335-055 Plan of operation.
- WAC 246-335-060 Delivery of services.
- WAC 246-335-065 Personnel, contractor, and volunteer policies.
- WAC 246-335-070 Personnel, contractor and volunteer records.
- WAC 246-335-075 Bill of rights.
- WAC 246-335-080 Home health plan of care.
- WAC 246-335-085 Hospice plan of care.
- WAC 246-335-090 Home care plan of care.
- WAC 246-335-095 Supervision of home health care.
- WAC 246-335-100 Supervision of hospice care.

- WAC 246-335-105 Supervision of home care.
- WAC 246-335-110 Patient/client records.
- WAC 246-335-115 Quality improvement.
- WAC 246-335-120 Home medical supplies and equipment.
- WAC 246-335-125 Exemptions and alternative methods.
- WAC 246-335-130 Applicability.
- WAC 246-335-135 Definitions.
- WAC 246-335-140 License required.
- WAC 246-335-145 Initial application.
- WAC 246-335-150 Renewal.
- WAC 246-335-155 Other general hospice care center licensing requirements.
- WAC 246-335-160 Nutritional services.
- WAC 246-335-165 Infection control.
- WAC 246-335-170 Emergency preparedness.
- WAC 246-335-175 Pharmaceutical services.
- WAC 246-335-180 Applicability.
- WAC 246-335-185 Application and approval.
- WAC 246-335-190 Construction and design codes.
- WAC 246-335-195 Construction documents.
- WAC 246-335-200 Site and site development.
- WAC 246-335-205 General requirements.
- WAC 246-335-210 Furnishings.
- WAC 246-335-220 Pharmaceutical services area.
- WAC 246-335-225 Food preparation.
- WAC 246-335-230 Linen handling facilities.
- WAC 246-335-235 Laundry facilities.
- WAC 246-335-240 Utility rooms.
- WAC 246-335-245 Plumbing.
- WAC 246-335-250 Medical gases.
- WAC 246-335-255 Heating, ventilating and air conditioning.
- WAC 246-335-260 Electrical service and distribution.
- WAC 246-335-265 Patient rooms.
- WAC 246-335-270 Patient toilets and bathing facilities.
- WAC 246-335-275 Family, personnel, volunteer, contractor, and public areas.
- WAC 246-335-280 Environmental services facilities.
- WAC 246-335-285 Maintenance facilities.
- WAC 246-335-290 Receiving, storage and distribution facilities.
- WAC 246-335-295 Exemptions and alternative methods.

**WSR 18-06-095****PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed March 7, 2018, 6:43 a.m., effective April 7, 2018]

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

Purpose: The purpose of this rule making was to amend the alfalfa seed commission marketing order by updating public disclosure rules to implement the provisions of EHB 1595 (chapter 304, Laws of 2017).

Citation of Rules Affected by this Order: Amending WAC 16-529-325.

Statutory Authority for Adoption: Chapter 42.56 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 18-02-102 on January 3, 2018.

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 the Request of a Non-governmental 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: March 7, 2018.

Patrick Capper  
Deputy Director

AMENDATORY SECTION (Amending WSR 17-05-035, filed 2/8/17, effective 3/11/17)

**WAC 16-529-325 Fees—Inspection and copying.** (1)

No fee will be charged for the inspection of public records.

~~(2) ((The commission charges a fee of fifteen cents per page of black and white photocopy plus postage for reimbursement of the costs of providing copies of public records.~~

~~(3) Requests for records in special formatting, including color copies, will be charged at the amount necessary to reimburse the commission for its actual production costs. If the public records officer deems it more efficient to have copying or duplicating done outside the commission, the charges will be based on the actual cost of such outside copying or duplicating service. For all copying or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of the invoice and is payable to the Washington alfalfa seed commission. The commission may require that all charges be paid in advance of release of the copies of the records.)) Pursuant to RCW 42.56.120(2), the commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study~~

to calculate actual costs and the commission lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.

(3) The commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120. For all copying or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington alfalfa seed commission. The commission may require that all charges be paid in advance of release of the copies of the records.

(4) The commission or its designee may waive any of the foregoing copying costs.

### WSR 18-06-096

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed March 7, 2018, 6:44 a.m., effective April 7, 2018]

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

Purpose: The purpose of this rule making was to amend the Washington mint commission marketing order by updating public disclosure rules to implement the provisions of EHB 1595 (chapter 304, Laws of 2017).

Citation of Rules Affected by this Order: Amending WAC 16-540-135.

Statutory Authority for Adoption: Chapter 42.56 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 18-02-105 on January 3, 2018.

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 the Request of a Non-governmental 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: March 7, 2018.

Patrick Capper  
Deputy Director

AMENDATORY SECTION (Amending WSR 17-05-034, filed 2/8/17, effective 3/11/17)

**WAC 16-540-135 Fees—Inspection and copying.** (1) No fee will be charged for the inspection of public records.

~~(2) ((The commission charges a fee of fifteen cents per page of black and white photocopy plus postage for reimbursement of the costs of providing copies of public records.~~

~~(3) Requests for records in special formatting, including color copies, will be charged at the amount necessary to reimburse the commission for its actual production costs. If the public records officer deems it more efficient to have copying or duplicating done outside the commission, the charges will be based on the actual cost of such outside copying or duplicating service.)) Pursuant to RCW 42.56.120(2), the commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study to calculate actual costs and the commission lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.~~

(3) The commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120. For all copying or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington state mint commission. The commission may require that all charges be paid in advance of release of the copies of the records.

(4) The commission or its designee may waive any of the foregoing copying costs.

### WSR 18-06-097

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed March 7, 2018, 6:45 a.m., effective April 7, 2018]

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

Purpose: The purpose of this rule making was to amend the oilseeds commission marketing order by updating public disclosure rules to implement the provisions of EHB 1595 (chapter 304, Laws of 2017).

Citation of Rules Affected by this Order: Amending WAC 16-573-055.

Statutory Authority for Adoption: Chapter 42.56 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 18-02-104 on January 3, 2018.

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 the Request of a Non-governmental 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: March 7, 2018.

Patrick Capper  
Deputy Director

AMENDATORY SECTION (Amending WSR 17-05-031, filed 2/8/17, effective 3/11/17)

**WAC 16-573-055 Fees—Inspection and copying.** (1) No fee will be charged for the inspection of public records.

(2) ~~((The commission charges a fee of fifteen cents per page of black and white photocopy plus postage for reimbursement of the costs of providing copies of public records.~~

~~(3) Requests for records in special formatting, including color copies, will be charged at the amount necessary to reimburse the commission for its actual production costs. If the public records officer deems it more efficient to have copying or duplicating done outside the commission, the charges will be based on the actual cost of such outside copying or duplicating service.)) Pursuant to RCW 42.56.120(2), the commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study to calculate actual costs and the commission lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.~~

(3) The commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120. For all copying or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington oilseeds commission. The commission may require that all charges be paid in advance of release of the copies of the records.

(4) The commission or its designee may waive any of the foregoing copying costs.

### WSR 18-06-098

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed March 7, 2018, 6:45 a.m., effective April 7, 2018]

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

Purpose: The purpose of this rule making was to amend the Washington turfgrass seed commission marketing order by updating public disclosure rules to implement the provisions of EHB 1595 (chapter 304, Laws of 2017).

Citation of Rules Affected by this Order: Amending WAC 16-545-059.

Statutory Authority for Adoption: Chapter 42.56 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 18-02-103 on January 3, 2018.

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 the Request of a Non-governmental 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: March 7, 2018.

Patrick Capper  
Deputy Director

AMENDATORY SECTION (Amending WSR 17-05-037, filed 2/8/17, effective 3/11/17)

**WAC 16-545-059 Fees—Inspection and copying.** (1) No fee will be charged for the inspection of public records.

(2) ~~((The commission charges a fee of fifteen cents per page of black and white photocopy plus postage for reimbursement of the costs of providing copies of public records.~~

~~(3) Requests for records in special formatting, including color copies, will be charged at the amount necessary to reimburse the commission for its actual production costs. If the public records officer deems it more efficient to have copying or duplicating done outside the commission, the charges will be based on the actual cost of such outside copying or duplicating service.)) Pursuant to RCW 42.56.120(2), the commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study to calculate actual costs and the commission lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.~~

(3) The commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120. For all copying or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington turfgrass seed commission. The commission may require that all charges be paid in advance of release of the copies of the records.

(4) The commission or its designee may waive any of the foregoing copying costs.



**WSR 18-06-101**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed March 7, 2018, 9:07 a.m., effective April 7, 2018]

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

Purpose: The department is amending WAC 388-827-0105 and 388-827-0120 to ensure clients eligible for state supplementary payments remain eligible. The previous amendments to these rules, filed as WSR 17-13-022 on June 12, 2017, enacted ambiguous language that put current clients at risk of losing state supplementary payments.

Citation of Rules Affected by this Order: Amending WAC 388-827-0105 and 388-827-0120.

Statutory Authority for Adoption: RCW 71A.12.030.

Adopted under notice filed as WSR 18-02-097 on January 3, 2018.

A final cost-benefit analysis is available by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.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 2, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 2, Repealed 0.

Date Adopted: March 6, 2018.

Cheryl Strange  
Secretary

AMENDATORY SECTION (Amending WSR 17-13-022, filed 6/12/17, effective 7/13/17)

**WAC 388-827-0105 Who is eligible for a state supplementary payment?** (1) The developmental disabilities administration (DDA) must not enroll you in state supplementary payments after the effective date of this section, unless you are eligible for a state supplementary payment for prevocational legacy.

(2) To be eligible for a state supplementary payment, you must meet all general eligibility requirements under subsection (3) of this section and any applicable program-specific requirements under subsections (4) through (8) of this section.

(3) To be eligible for a state supplementary payment, you must:

(a) Be determined DDA eligible under chapter 388-823 WAC;

(b) Complete an in-person interview and reassessment with DDA once every twelve months—or more often if DDA deems it necessary—to determine whether you continue to meet eligibility requirements; and

(c) Be financially eligible because:

(i) You receive supplementary security income cash assistance for the month in which the state supplementary payment is issued; or

(ii) You receive social security Title II benefits as a disabled adult child ~~((, your SSI was terminated due to the receipt of these benefits,))~~ and you would be eligible for SSI if you did not receive these benefits.

(4) To be eligible for children's legacy care state supplementary payments, you must live with your family as defined in WAC 388-832-0001.

(5) To be eligible for a state supplementary payment for waiver services, you must be enrolled in a home and community based services waiver program as described in chapter 388-845 WAC.

(6) To be eligible for prevocational legacy state supplementary payments, you must:

(a) Have left prevocational services on or after September 1, 2015; and

(b) Not be enrolled in a DDA residential ~~((habilitative))~~ habilitation service.

(7) To be eligible for residential habilitation state supplementary payments, you must be receiving a residential habilitation service as described in chapter 388-845 WAC and as identified in your person-centered service plan.

(8) To be eligible for state supplementary payments in lieu of individual and family services you must be:

(a) At least three years old; and

(b) Living with your family as defined in WAC 388-832-0001.

AMENDATORY SECTION (Amending WSR 17-13-022, filed 6/12/17, effective 7/13/17)

**WAC 388-827-0120 May DDA deny, reduce, or terminate a state supplementary payment?** (1) The developmental disabilities administration (DDA) may deny, reduce, or terminate a state supplementary payment if one or more of the following is true:

(a) You do not meet the eligibility requirements under WAC 388-827-0105;

(b) You do not cooperate with DDA during:

(i) Service planning; or

(ii) Required quality assurance and program monitoring activities;

(c) You choose to unenroll from state supplementary payments.

(2) Except for state supplementary payments for prevocational legacy and state supplementary payments for waiver services, DDA will terminate your state supplementary payment if you enroll in a DDA-administered home and community based services waiver.

(3) State supplementary payments are limited to available funding.

(4) DDA will terminate your state supplementary payments for prevocational legacy if you enter into a DDA prevocational service or a DDA residential habilitation service.