

WSR 18-13-010
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 7, 2018, 8:36 a.m.]

Title of Rule and Other Identifying Information: Update WAC 220-351-080.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Update WAC 220-351-080; this WAC includes fees for the combination guide license that are no longer valid for license year 2019. These fees were updated in SB [SSB] 6317 effective January 1, 2019.

Reasons Supporting Proposal: Update WAC 220-351-080; this WAC includes fees for the combination guide license that are no longer valid for license year 2019. These fees were updated in SB [SSB] 6317 effective January 1, 2019.

Statutory Authority for Adoption: RCW 77.04.090, 77.04.130, 77.65.370, 77.65.440, 77.65.480.

Statute Being Implemented: RCW 77.65.440, 77.65.480.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Trisha Anderson, 1111 Washington Street, Olympia, WA 98501, 360-902-2211; Implementation: Peter Vernie, 1111 Washington Street, Olympia, WA 98501, 360-902-2302; and Enforcement: Chief Steve Bear, 1111 Washington Street, Olympia, WA 98501, 360-902-2936.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Content is explicitly and specifically dictated by statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Scott Bird, Washington Department of Fish and Wildlife, 600 Capitol Way North, phone 360-902-2403, fax 360-902-2155, email Rules.Coordinator@dfw.wa.gov, AND RECEIVED BY August 21, 2018.

June 7, 2018
 Scott Bird
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-08-057, filed 3/30/18, effective 4/30/18)

WAC 220-351-080 Combined fish guide license. A combined fish guide license allows the holder to offer or perform the services of a food fish guide and a game fish guide. The fee for a resident combined fish guide license is (~~(\$815)~~) \$640 and the fee for a nonresident combined fish guide license is (~~(\$1,045)~~) \$1,490. The application fee and surcharge for regional fishery enhancement groups as required by RCW 77.95.090 are included in the overall cost of the combined fish guide license.

WSR 18-13-049
EXPEDITED RULES
HEALTH CARE AUTHORITY

[Filed June 12, 2018, 1:26 p.m.]

Title of Rule and Other Identifying Information: Chapter 182-22 WAC, Washington health plan and basic health plan administration; chapter 182-23 WAC, Washington health plan; chapter 182-24 WAC, Basic health plan; and chapter 182-25 WAC, Washington basic health plan.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is repealing these chapters as the programs no longer exist.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: Health care authority (HCA), governmental.

Name of Agency Personnel Responsible for Drafting: Wendy Barcus, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1306; Implementation and Enforcement: Preston Cody, P.O. Box 45502, Olympia, WA 98504-5502, 360-725-1786.

This notice meets the following criteria to use the expedited repeal process for these rules:

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The agency discontinued these state-funded programs in 2014 with the implementation of the Patient Protection and Affordable Care Act of 2010 and medicaid expansion along with the creation of the Washington health benefits exchange.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU

MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Wendy Barcus, Rules Coordinator, HCA, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, fax 360-586-9727, email wendy.barcus@hca.wa.gov, AND RECEIVED BY August 21, 2018.

June 12, 2018
Wendy Barcus
Rules Coordinator

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 182-22-100 Authority.
- WAC 182-22-110 Definitions.
- WAC 182-22-210 Employer groups.
- WAC 182-22-220 Home care agencies.
- WAC 182-22-230 Financial sponsors.
- WAC 182-22-310 Where to find instructions for filing an appeal.
- WAC 182-22-320 How to appeal health care authority (HCA) decisions.
- WAC 182-22-330 How to appeal a managed health care system (MHCS) decision nonsubsidized enrollees.
- WAC 182-22-340 How to appeal a managed health care system (MHCS) decision—Subsidized enrollees and federal Health Coverage Tax Credit enrollees.
- WAC 182-22-410 Producers.
- WAC 182-22-420 Application processing.
- WAC 182-22-430 Open enrollment.
- WAC 182-22-450 MHCS duties.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 182-23-010 Definitions.
- WAC 182-23-020 Eligibility.
- WAC 182-23-040 Washington health benefits.
- WAC 182-23-050 Premiums and cost sharing.
- WAC 182-23-060 Enrollment in the plan.
- WAC 182-23-070 Disenrollment from WHP.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 182-24-010 Definitions.

- WAC 182-24-020 Eligibility.
- WAC 182-24-025 How is income calculated?
- WAC 182-24-030 Failure to report correct income.
- WAC 182-24-040 BHP benefits.
- WAC 182-24-050 Premiums and copayments.
- WAC 182-24-060 Enrollment in the plan.
- WAC 182-24-070 Disenrollment from BHP.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 182-25-120 Basic health plan coverage for health coverage tax credit eligible enrollees.

WSR 18-13-054
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 13, 2018, 1:57 p.m.]

Title of Rule and Other Identifying Information: WAC 392-121-182 Alternative learning experience requirements.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposed change to WAC 392-121-182 is to reflect the modifications to the definitions of "site-based" and "remote" alternative learning experience (ALE) course types made in SB 6134 (2018). The definition of "site-based course" will change from a course where a student has at least twenty percent in-person instructional contact time to one where the student has any in-person instructional contact time. The definition of "remote course" will change to having less than twenty percent of in-person instructional contact time to no in-person instructional contact time.

Reasons Supporting Proposal: This rule amendment is necessary to reflect the modifications to the definitions of ALE course types made in SB 6134 (2018), which became effective June 7, 2018.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: RCW 28A.232.010.

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

Name of Agency Personnel Responsible for Drafting: Anissa Sharratt, Office of Superintendent of Public Instruction (OSPI), P.O. Box 47200, Olympia, WA 98504-7200, 360-725-4954; and Implementation: Rhett Nelson, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, 360-725-4971.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN
EXPEDITED RULE-MAKING PROCESS THAT WILL

ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rhett Nelson, Alternative Learning Director, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-4971, fax 360-664-3683, email rhett.nelson@k12.wa.us, AND RECEIVED BY August 21, 2018.

June 13, 2018
Chris P. S. Reykdal
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 18-10-045, filed 4/26/18, effective 5/27/18)

WAC 392-121-182 Alternative learning experience requirements. (1) **Purposes:** The purposes of this section are the following:

(a) To ensure that students enrolled in an alternative learning experience offered by a school district or public charter school have available to them educational opportunities designed to meet their individual needs;

(b) To provide general program requirements for alternative learning experiences offered by or through school districts and charter schools;

(c) To provide a method for determining full-time equivalent enrollment and a process school districts and charter schools must use when claiming state funding for alternative learning experiences.

(2) **General requirements:** A school district or charter school must meet the requirements of this section to count an alternative learning experience as a course of study pursuant to WAC 392-121-107. This section applies solely to school districts and charter schools claiming state funding pursuant to WAC 392-121-107 for an alternative learning experience. It is not intended to apply to alternative learning experiences funded exclusively with federal or local resources. This section does not apply to alternative learning experiences offered by charter schools pursuant to charter contract terms governing the operation of alternative learning experience in the school.

(3) **Definitions:** For the purposes of this section the following definitions apply:

(a)(i) "Alternative learning experience" means a course, or for grades kindergarten through eight, grade-level course work, that is a delivery method for the program of basic education and is:

(A) Provided in whole or in part independently from a regular classroom setting or schedule, but may include some components of direct instruction;

(B) Supervised, monitored, assessed, evaluated, and documented by a certificated teacher employed by the school district or charter school, or under contract as permitted by applicable rules; and

(C) Provided in accordance with a written student learning plan that is implemented pursuant to the school district's or charter school's policy and this chapter.

(ii) The categories of alternative learning experience courses are:

(A) "Online course" means an alternative learning experience course that has the same meaning as provided in RCW 28A.250.010.

(B) "Remote course" means an alternative learning experience course or course work that is not an online course where the ~~((student has in-person instructional contact time for less than twenty percent of the total weekly time for the course))~~ written student learning plan for the course does not include a requirement for in-person instructional contact time.

(C) "Site-based course" means an alternative learning experience course or course work that is not an online course where the ~~((student has in-person instructional contact time for at least twenty percent of the total weekly time for the course))~~ written student learning plan for the course includes a requirement for in-person instructional contact time.

(b) "Alternative learning experience program" is a school or a program within a school that offers alternative learning experience courses or course work;

(c) "Certificated teacher" means an employee of a school district or charter school, of a school district contractor pursuant to WAC 392-121-188, or a charter school contractor pursuant to WAC 392-121-1885, who is assigned and endorsed according to the provisions of chapter 181-82 WAC;

(d) "Direct personal contact" means a one-to-one meeting between a certificated teacher and the student, or, where appropriate, between the certificated teacher, the student, and the student's parent. Direct personal contact can be accomplished in person or through the use of telephone, email, instant messaging, interactive video communication, or other means of digital communication. Direct personal contact:

(i) Must be for the purposes of instruction, review of assignments, testing, evaluation of student progress, or other learning activities or requirements identified in the written student learning plan;

(ii) Must be related to an alternative learning experience course or course work identified in the written student learning plan; and

(iii) Must at minimum include a two-way exchange of information between a certificated teacher and the student. All required direct personal contact must be documented.

(e) "Full-day kindergarten" means a program that is eligible for state-funded full-day kindergarten, as provided for in RCW 28A.150.315 in which any student's alternative learning experience enrollment is claimed as greater than 0.50 full-time equivalent.

(f) "In-person instructional contact" means face-to-face contact between a certificated teacher and the student in a classroom environment. In-person instructional contact may be accomplished in a group setting between the teacher and multiple students. The in-person instructional contact must be:

(i) For the purposes of actual instruction, review of assignments, testing, evaluation of student progress, or other

learning activities or requirements identified in the written student learning plan; and

(ii) Related to an alternative learning experience course identified in the written student learning plan.

(g) "Intervention plan" means a plan designed to improve the progress of students determined to be not making satisfactory progress. An intervention plan must be developed, documented, and implemented by a certificated teacher in conjunction with the student and, for students in grades K-8, the student's parent(s). For students whose written student learning plan includes only online courses, the intervention plan may be developed by the school-based support staff in conjunction with the student and certificated teacher and must be approved by the student's online certificated teacher. At minimum, the intervention plan must include at least one of the following interventions:

(i) Increasing the frequency or duration of contact with a certificated teacher for the purposes of enhancing the ability of the certificated teacher to improve student learning;

(ii) Modifying the manner in which contact with a certificated teacher is accomplished;

(iii) Modifying the student's learning goals or performance objectives;

(iv) Modifying the number of or scope of courses or the content included in the learning plan.

(h) "Parent" has the same definition as "parent" in WAC 392-172A-01125;

(i) "Satisfactory progress" means a determination made in accordance with subsection (4)(c) that a student's progress toward achieving the specific learning goals and performance objectives specified in the written student learning plan is satisfactory;

(j) "School week" means any seven-day calendar period starting with Sunday and continuing through Saturday that includes at least three days when a district's schools are in session or when a charter school is in session;

(k) "School-based support staff" means an employee of a school district or a charter school, of a school district contractor pursuant to WAC 392-121-188, or a charter school contractor pursuant to WAC 392-121-1885, who is supporting a student in an online course. The school-based support staff may or may not hold a teaching certificate;

(l) "Substantially similar experiences and services" means that for each purchased or contracted instructional or cocurricular course, lesson, trip, or other experience, service, or activity identified on an alternative learning experience written student learning plan, there is an identical or similar experience, service, or activity made available to students enrolled in the district's regular instructional program:

(i) At a similar grade level;

(ii) At a similar level of frequency, intensity, and duration including, but not limited to, consideration of individual versus group instruction;

(iii) At a similar level of cost to the student with regard to any related club, group, or association memberships; admission, enrollment, registration, rental or other participation fees; or any other expense associated with the experience or service;

(iv) In accordance with district adopted or charter school adopted content standards or state defined grade level standards; and

(v) That is supervised, monitored, assessed, evaluated, and documented by a certificated teacher.

(m) "Synchronous digital instructional contact" means real-time communication between a certificated teacher and the student using interactive online, voice, or video communication technology. Synchronous digital instructional contact may be accomplished in a group setting between the teacher and multiple students. The synchronous digital contact must be:

(i) For the purposes of actual instruction, review of assignments, testing, evaluation of student progress, or other learning activities or requirements identified in the written student learning plan; and

(ii) Related to an alternative learning experience course or course work identified in the written student learning plan.

(n) "Total weekly time" means the estimated average hours per school week the student will engage in learning activities to meet the requirements of the written student learning plan;

(o) "WaKIDS" means the Washington kindergarten inventory of developing skills assessment provided under RCW 28A.655.080.

(p) "Written student learning plan" means a written plan for learning that includes at least the following elements:

(i) A beginning and ending date for the student's alternative learning experience courses;

(ii) An estimate by a certificated teacher of the average number of hours per school week the student will engage in learning activities to meet the requirements of the written student learning plan. This estimate must consider only the time the student will engage in learning activities necessary to accomplish the learning goals and performance objectives specified in the written student learning plan;

(iii) For online courses and remote courses, a description of how weekly contact requirements will be fulfilled;

(iv) A description of each alternative learning experience course or course work included as part of the learning plan, including specific learning goals, performance objectives, and learning activities for each course, written in a manner that facilitates monthly evaluation of student progress. This requirement may be met through the use of individual course syllabi or other similarly detailed descriptions of learning requirements. The description must clearly identify the requirements a student must meet to successfully complete the course or course work. Courses or course work must be identified using course names, codes, and designators specified in the most recent *Comprehensive Education Data and Research System* data manual published by the office of superintendent of public instruction;

(v) Identification of the certificated teacher responsible for each course or course work included as part of the plan;

(vi) Identification of all instructional materials that will be used to complete the learning plan; and

(vii) A description of the timelines and methods for evaluating student progress toward the learning goals and performance objectives specified in the learning plan;

(viii) Identification of whether each alternative learning experience course or course work meets one or more of the state essential academic learning requirements or grade-level expectations and any other academic goals, objectives, and learning requirements defined by the school district or charter school; and

(ix) For students enrolled in full-day kindergarten:

(A) A description of curriculum activities that assist students in:

(I) Developing initial skills in the academic areas of reading, mathematics, and writing;

(II) Developing a variety of communication skills;

(III) Providing experiences in science, social studies, arts, health, physical education, and a world language other than English;

(IV) Acquiring large and small motor skills;

(V) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(VI) Learning through hands-on experiences.

(B) A description of learning environments that are developmentally appropriate and promote creativity.

(4) Alternative learning experience program requirements:

(a) Each student participating in an alternative learning experience must have a written student learning plan developed and approved by a certificated teacher that is designed to meet the student's individual educational needs. A certificated teacher must have responsibility and accountability for each course specified in the plan, including supervision and monitoring, and evaluation and documentation of the student's progress. The written student learning plan may be developed with assistance from the student, the student's parents, or other interested parties. For students whose written student learning plan includes only online courses, the written student learning plan may be developed and approved by a certificated teacher or a school-based support staff.

(b) Each student enrolled in an alternative learning experience must have one of the following methods of contact with a certificated teacher at least once a school week until the student completes all course objectives or otherwise meets the requirements of the learning plan:

(i) Direct personal contact; or

(ii) In-person instructional contact; or

(iii) Synchronous digital instructional contact.

(c) The educational progress of each student enrolled in an alternative learning experience must be evaluated at least once each calendar month of enrollment by a certificated teacher or, for students whose written student learning plans include only online classes, school-based support staff in accordance with this section. The results of each evaluation must be communicated to the student or, if the student is in grades K-8, both the student and the student's parent. For students whose written student learning plan includes only online courses, a school-based support staff may communicate the progress evaluation to the student. Educational progress must be evaluated according to the following requirements:

(i) Each student's educational progress evaluation must be based on the learning goals and performance objectives defined in the written student learning plan.

(ii) The evaluation of satisfactory progress must be conducted in a manner consistent with school district or charter school student evaluation or grading procedures, and be based on the professional judgment of a certificated teacher.

(iii) In the event that the monthly evaluation is not completed within the calendar month being evaluated, the evaluation must be completed within five school days of the end of the month. Districts and charter schools must not claim funding for the subsequent month for a student who was not evaluated within that time frame.

(iv) The progress evaluation conducted by a certificated teacher must include direct personal contact with the student with the following exceptions:

(A) After an initial month of satisfactory progress, in subsequent months where progress continues to be satisfactory the evaluation may be communicated to the student without direct personal contact.

(B) Direct personal contact is not required as a part of the evaluation conducted in the final month of the school year if the evaluation takes the form of the delivery of final grades to the student.

(v) Based on the progress evaluation, a certificated teacher must determine and document whether the student is making satisfactory progress reaching the learning goals and performance objectives defined in the written student learning plan.

(vi) For students whose written student learning plan includes only online courses, school-based support staff, according to school policy and procedures, may use the student's progress grades in the online course or courses to determine whether a student's progress is satisfactory. School-based support staff, following school policy and procedures, may take into account nonacademic factors or local school expectations to finalize the determination of satisfactory progress. The progress grades posted in the learning management system may serve as the documentation of determining satisfactory progress.

(vii) If it is determined that the student failed to make satisfactory progress or that the student failed to follow the written student learning plan, an intervention plan must be developed for the student. An intervention plan is not required if the evaluation is delivered within the last five school days of the school year.

(viii) If after no more than three consecutive calendar months in which it is determined the student is not making satisfactory progress despite documented intervention efforts, a course of study designed to more appropriately meet the student's educational needs must be developed and implemented by a certificated teacher in conjunction with the student and where possible, the student's parent. This may include removal of the student from the alternative learning experience and enrollment of the student in another educational program offered by the school district or charter school.

(d) Alternative learning experience programs providing full-day kindergarten must have:

(i) Multiple weekly, in-person, and on-site observations of students by certificated teachers each week during the eight-week WaKIDS assessment window.

(ii) At least a one thousand annual hour instructional program.

(5) Required school district or charter school board policies for alternative learning experiences: The board of directors of a school district or charter school board claiming state funding for alternative learning experiences must adopt and annually review written policies authorizing such alternative learning experiences, including each alternative learning experience program and program provider. The policy must designate, by title, one or more school district official(s) or charter school official(s) responsible for overseeing the district's or charter school's alternative learning experience courses or programs, including monitoring compliance with this section, and reporting at least annually to the school district board of directors or charter school board on the program. This annual report shall include at least the following:

(a) Documentation of alternative learning experience student headcount and full-time equivalent enrollment claimed for basic education funding;

(b) Identification of the overall ratio of certificated instructional staff to full-time equivalent students enrolled in each alternative learning experience program;

(c) A description of how the program supports the district's or charter school's overall goals and objectives for student academic achievement; and

(d) Results of any self-evaluations conducted pursuant to subsection (10) of this section.

(6) Alternative learning experience implementation requirements:

(a) School districts or charter schools that offer alternative learning experience courses or course work must ensure that they are accessible to all students, including students with disabilities. Alternative learning experience courses or course work for special education students must be provided in accordance with chapter 392-172A WAC.

(b) Contracting for alternative learning experience courses or course work is subject to the provisions of WAC 392-121-188.

(c) It is the responsibility of the school district or school district contractor, or charter school or charter school contractor, to ensure that students have all curricula, course content, instructional materials and learning activities that are identified in the alternative learning experience written student learning plan.

(d) School districts and charter schools must ensure that no student or parent is provided any compensation, reimbursement, gift, reward, or gratuity related to the student's enrollment or participation in, or related to another student's recruitment or enrollment in, an alternative learning experience course or course work unless otherwise required by law. This prohibition includes, but is not limited to, funds provided to parents or students for the purchase of educational materials, supplies, experiences, services, or technological equipment.

(e) School district employees are prohibited from receiving any compensation or payment as an incentive to increase student enrollment of out-of-district students in an alternative learning experience course or course work.

(f) Curricula, course content, instructional materials, learning activities, and other learning resources for alternative learning experience courses or course work must be consistent in quality with those available to the district's or charter school's overall student population.

(g) Instructional materials used in alternative learning experience courses or course work must be approved pursuant to school board policies adopted in accordance with RCW 28A.320.230.

(h) A district or charter school may purchase educational materials, equipment, or other nonconsumable supplies for students' use in alternative learning experience courses or course work if the purchase is consistent with the district's or charter school's approved instructional materials or curriculum, conforms to applicable laws and rules, and is made in the same manner as such purchases are made for students in the district's or charter school's regular instructional program. Items so purchased remain the property of the school district or charter school upon program completion.

(i) School districts and charter schools are prohibited from purchasing or contracting for instructional or cocurricular experiences and services that are included in an alternative learning experience written student learning plan including, but not limited to, lessons, trips, and other activities, unless substantially similar experiences or services are also made available to students enrolled in the district's or charter school's regular instructional program. This prohibition extends to a district's or charter school's contracted providers of alternative learning experience programs, and each district and charter school shall be responsible for monitoring the compliance of its contracted providers. Nothing herein shall:

(i) Prohibit school districts or charter schools from contracting with school district or charter school employees to provide services or experiences to students; or

(ii) Prohibit school districts or charter schools from contracting with online providers approved by the office of superintendent of public instruction pursuant to chapter 28A.250 RCW; or

(iii) Require school districts or charter schools that contract with school district or charter school employees to provide services or experiences to students, or with online providers approved by the office of superintendent of public instruction pursuant to chapter 28A.250 RCW, to provide substantially similar experiences and services under this subsection.

(j)(i) A school district or charter school that provides alternative learning experience courses or course work to a student must provide the parent(s) of the student, prior to the student's enrollment, with a description of the difference between home-based instruction pursuant to chapter 28A.200 RCW and the enrollment option selected by the student. The parent must sign documentation attesting to his or her understanding of the difference. Such documentation must be retained by the district or charter school and made available for audit.

(ii) In the event a school district or charter school cannot locate a student's parent within three days of a student's request for enrollment in an alternative learning experience, the school district or charter school may enroll the student for a conditional period of no longer than thirty calendar days. The student must be disenrolled from the alternative learning experience if the school district or charter school does not obtain the documentation required under this subsection before the end of the thirty day conditional enrollment period.

(k) The school district or school district contractor, or charter school or charter school contractor, is prohibited from advertising, marketing, and otherwise providing unsolicited information about learning programs offered by the school district or charter school including, but not limited to, digital learning programs, part-time enrollment opportunities, and other alternative learning programs, to students and their parents who have filed a declaration of intent to cause a child to receive home-based instruction under RCW 28A.200.010. School districts and charter schools may respond to requests for information that are initiated by a parent. This prohibition does not apply to general mailings, newsletters, or other general communication distributed by the school district, school district contractor, charter school, or charter school contractor to all households in the district.

(l) Work-based learning as a component of an alternative learning experience course of study is subject to the provisions of WAC 392-410-315 and 392-121-124.

(m) The school district or charter school must institute reliable methods to verify a student is doing his or her own work. The methods may include proctored examinations or projects, including the use of web cams or other technologies. "Proctored" means directly monitored by an adult authorized by the school district or charter school.

(n) School districts may accept nonresident students under the school choice enrollment provisions of RCW 28A.225.200 through 28A.225.230 and chapter 392-137 WAC for enrollment in alternative learning experiences.

(o) School districts enrolling a nonresident student must inform the resident school district if the student drops out of the alternative learning experience program or is otherwise no longer enrolled.

(p) The alternative learning experience must satisfy the office of superintendent of public instruction's requirements for courses of study and equivalencies as provided in chapter 392-410 WAC.

(q) High school alternative learning experience courses must be offered for high school credit. Courses offering credit or alternative learning experience programs issuing a high school diploma must satisfy the state board of education's high school credit and graduation requirements as provided in chapter 180-51 WAC.

(r) Beginning in the 2013-14 school year and continuing through the 2016-17 school year, school districts and charter schools offering or contracting to offer alternative learning experience courses must pay costs associated with a biennial measure of student outcomes and financial audit of the district's or charter school's alternative learning experience courses by the office of the state auditor.

(7) **Enrollment reporting procedures:** Effective the 2011-12 school year, the full-time equivalency of students

enrolled in an alternative learning experience must be determined as follows:

(a) The school district or charter school must use the definition of full-time equivalent student in WAC 392-121-122 and the number of hours the student is expected to engage in learning activities as follows:

(i) On the first enrollment count date on or after the start date specified in the written student learning plan, subject to documented evidence of student participation as required by WAC 392-121-106(4), the student's full-time equivalent must be based on the estimated average weekly hours of learning activity described in the student's written student learning plan.

(ii) On any subsequent monthly count date, the student's full-time equivalent must be based on the estimated average weekly hours of learning activity described in the written student learning plan if:

(A) The student's progress evaluation conducted in the prior calendar month pursuant to subsection (4)(c) of this section indicates satisfactory progress; or

(B) The student's progress evaluation conducted in the prior calendar month pursuant to subsection (4)(c) of this section indicates a lack of satisfactory progress, and an intervention plan designed to improve student progress has been developed, documented, and implemented within five school days of the date of the prior month's progress evaluation.

(iii) On any subsequent monthly count date if an intervention plan has not been developed, documented, and implemented within five days of the prior month's progress evaluation, the student's full-time equivalent must not be included by the school district or charter school in the subsequent month's enrollment count.

(iv) Enrollment of part-time students is subject to the provisions of RCW 28A.150.350, and generates a pro rata share of full-time funding.

(b) The enrollment count must exclude students meeting the definition of enrollment exclusions in WAC 392-121-108 or students who have not had contact with a certificated teacher for twenty consecutive school days. Any such student must not be counted as an enrolled student until the student has met with a certificated teacher and resumed participation in their alternative learning experience or is participating in another course of study as defined in WAC 392-121-107;

(c) The enrollment count must exclude students who are not residents of Washington state as defined by WAC 392-137-115;

(d) The enrollment count must exclude students who as of the enrollment count date have completed the requirements of the written student learning plan prior to ending date specified in the plan and who have not had a new written student learning plan established with a new beginning and ending date that encompasses the count date;

(e) For alternative learning experience programs that end prior to June 1st, the June enrollment count date may be the last school day in May and include students whose written student learning plan includes an ending date that is the last school day in May.

(f) Graduating alternative learning experience students whose last school day is in May may be included in the June enrollment count if the following conditions are met:

(i) The alternative learning experience program calendar identifies that the last day of school for the graduating students is in May.

(ii) The students' written student learning plan includes an end date that is the last day of school for graduating students in May.

(g) School districts claiming alternative learning experiences students for funding for nonresident students must document the district of the student's physical residence, and shall establish procedures that address, at a minimum, the coordination of student counting for state funding so that no student is counted for more than one full-time equivalent in the aggregate including, but not limited to:

(i) When a resident district and one or more nonresident district(s) will each be claiming basic education funding for a student in the same month or months, the districts shall execute a written agreement that at minimum identifies the maximum aggregate basic education funding each district may claim for the duration of the agreement. A nonresident district may not claim funding for a student until after the effective date of the agreement.

(ii) When a district is providing alternative learning experiences to nonresident students under the school choice enrollment provisions of RCW 28A.225.200 through 28A.225.230 and chapter 392-137 WAC the district may not claim funding for the student until after the release date documented by the resident district.

(8) Assessment requirements:

(a) All students enrolled in alternative learning experience courses or course work must be assessed at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district or charter school. Part-time students must also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW.

(b) Any student whose alternative learning experience enrollment is claimed as greater than 0.8 full-time equivalent in any one month through the January count date must be included by the school district or charter school in any required state or federal accountability reporting for that school year, subject to existing state and federal accountability rules and procedures.

(c) Students enrolled in nonresident district alternative learning experience courses or course work who are unable to participate in required annual state assessments at the nonresident district must have the opportunity to participate in such required annual state assessments at the district of physical residence, subject to that district's planned testing schedule. It is the responsibility of the nonresident enrolling district to establish a written agreement with the district of physical residence that facilitates all necessary coordination between the districts and with the student and, where appropriate, the student's parent(s) to fulfill this requirement. Such coordination may include arranging for appropriate assessment materials, notifying the student of assessment administration schedules, arranging for the forwarding of completed assessment mate-

rials to the enrolling district for submission for scoring and reporting, arranging for any allowable testing accommodations, and other steps as may be necessary. The agreement may include rates and terms for payment of reasonable fees by the enrolling district to the district of physical residence to cover costs associated with planning for and administering the assessments to students not enrolled in the district of physical residence. Assessment results for students assessed according to these provisions must be included in the enrolling district's accountability measurements, and not in the district of physical residence's accountability measurements.

(d) School districts and charter schools offering alternative learning experience courses or course work to students enrolled in full-day kindergarten under RCW 28A.150.315 must administer WaKIDS to identify the skills, knowledge, and characteristics of kindergarten students at the beginning of the school year in order to support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.

To maintain fidelity to the state WaKIDS assessment protocol, the WaKIDS assessment requires multiple weekly, in-person, and on-site observations of students by certificated teachers each week during the eight-week assessment window.

(9) Reporting requirements:

(a) Each school district or charter school offering alternative learning experience courses or course work must report monthly to the superintendent of public instruction accurate monthly headcount and full-time equivalent enrollment for students enrolled in alternative learning experiences. Each school district offering alternative learning experience courses or course work must further report monthly to the superintendent information about the resident and serving districts of such students.

(b) Each school district or charter school offering alternative learning experience courses or course work must submit an annual report to the superintendent of public instruction detailing the costs and purposes of any expenditure made pursuant to subsection (6)(i) of this section, along with the substantially similar experiences or services made available to students enrolled in the district's or charter school's regular instructional program.

(c) Each school district or charter school offering alternative learning experience courses or course work must annually report the following to the superintendent of public instruction:

(i) The number of certificated instructional staff full-time equivalent assigned to each alternative learning experience program; and

(ii) Separately identify alternative learning experience enrollment of students where instruction is provided entirely under contract pursuant to RCW 28A.150.305 and WAC 392-121-188.

(iii) The number of students enrolled in full-day kindergarten at any time during the school year.

(iv) The number of students enrolled in full-day kindergarten who participated in the WaKIDS assessment prior to the assessment deadline.

(d) Each school district or charter school offering alternative learning experience courses must report all required information to the office of superintendent of public instruction's *Comprehensive Education Data and Research System* under RCW 28A.300.500. School districts and charter schools must designate alternative learning experience courses as such when reporting course information to the *Comprehensive Education Data and Research System*.

(10) Documentation and record retention requirements: School districts and charter schools claiming state funding for alternative learning experiences must retain all documentation required in this section in accordance with established records retention schedules and must make such documentation available upon request for purposes of state monitoring and audit. School districts and charter schools must maintain the following written documentation:

(a) School board policy for alternative learning experiences pursuant to this section;

(b) Annual reports to the school district board of directors or charter school board as required by subsection (5) of this section;

(c) Monthly and annual reports to the superintendent of public instruction as required by subsection (9) of this section;

(d) The written student learning plans required by subsection (4) of this section;

(e) Evidence of weekly contact required by subsection (4) of this section.

(i) For students participating in regularly scheduled classes, including in-person instructional contact and synchronous digital instructional contact, evidence may include classroom attendance records.

(ii) For students who are not participating in regularly scheduled classes, evidence of contact must include the date of the contact, the method of communication by which the contact was accomplished, and documentation to support the subject of the communication.

(f) Student progress evaluations and intervention plans required by subsection (4) of this section;

(g) The results of any assessments required by subsection (9) of this section;

(h) Student enrollment detail substantiating full-time equivalent enrollment reported to the state; and

(i) Signed parent enrollment disclosure documents required by subsection (6)(j) of this section.

WSR 18-13-074

EXPEDITED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed June 15, 2018, 11:19 a.m.]

Title of Rule and Other Identifying Information: Title 516 WAC housekeeping amendments in two chapters, including WAC 516-21-220 and 516-60-010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Housekeeping amendments to Title 516 WAC rules are needed for the following reasons:

Amendment that updates the title of a cited WAC is made in WAC 516-21-220.

Amendment for which the content is explicitly and specifically dictated by statute is made in WAC 516-60-010.

Reasons Supporting Proposal: Periodic corrections to Title 516 WAC rules help keep these rules accurate and up-to-date.

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

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

Name of Proponent: Western Washington University, public.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jennifer Sloan, 516 High Street, Suite 332, Bellingham, WA, 360-650-3117.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Correction to the title of a WAC cited in WAC 516-21-220. Update WAC 516-60-010 because content is explicitly dictated by statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jennifer Sloan, Western Washington University, 516 High Street, Suite 332, Bellingham, WA 98225-9015, phone 360-650-3117, fax 360-650-6197, email Jennifer.Sloan@wwu.edu, AND RECEIVED BY August 21, 2018.

June 15, 2018

Jennifer L. Sloan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-05-100, filed 2/15/17, effective 3/18/17)

WAC 516-21-220 Weapons and destructive devices.

Possession, use, storage, or manufacture of firearms, ammunition, explosives, or other weapons or destructive devices capable of causing bodily injury or damage to property, on university property or at official university functions, is a violation of the code. Weapons and destructive devices include, but are not limited to, the unauthorized use or possession of:

(1) Firearms or projectile devices of any kind, including BB, pellet, paintball, and airsoft guns, bow and arrow, and sling shots;

- (2) Martial arts weapons of any kind, including nunchucks, swords, or throwing stars;
- (3) Fireworks of any kind;
- (4) Dangerous chemicals;
- (5) Any knife with a blade longer than three inches (excluding kitchen utensils); and
- (6) Weapons classified as dangerous in RCW 9.41.250.

This does not include the lawful possession of any personal protection spray device authorized under RCW 9.91-160.

See also WAC 516-52-020 (~~Firearms and dangerous~~) Weapons and armaments prohibited.

AMENDATORY SECTION (Amending WSR 04-09-106, filed 4/21/04, effective 5/22/04)

WAC 516-60-010 Waivers of tuition and fees. (1) The board of trustees is authorized to grant tuition and fee waivers to students pursuant to RCW 28B.15.910 and the laws identified therein. Each of these laws, with the exception of those required by law, authorizes but does not require the board of trustees to grant waivers for different categories of students and provides for waivers of different fees. The board of trustees or its delegate must affirmatively act to implement the legislature's grant of authority. A list of waivers that the board has implemented can be found in the *Bulletin, Timetable of Classes*, university web site, or any subsequently adopted publication.

(2) Even when it has decided to implement a waiver listed in RCW 28B.15.910, the university, for specific reasons and a general need for flexibility in the management of its resources, may choose not to award waivers to any or all students who may be eligible under the terms of the laws, or it may decide to grant partial waivers. The university's description of the factors it may consider to adjust a waiver program to meet emergent or changing needs is found in subsection ~~((5))~~ (4) of this section. All waivers are subject to subsection ~~((5))~~ (4) of this section.

(3) The board of trustees also has the authority under RCW 28B.15.915 to grant waivers of all or a portion of operating fees as defined in RCW 28B.15.031. Waiver programs adopted under RCW 28B.15.915 are described in the sources identified in subsection (1) of this section. Waivers granted under RCW 28B.15.915 are subject to subsection ~~((5))~~ (4) of this section.

(4) ~~((Tuition and fees for self-sustaining courses and programs cannot be waived.~~

~~(5))~~ The university may modify its restrictions or requirements pursuant to changes in state or federal law, changes in programmatic requirements, or in response to financial or other considerations, which may include, but are not limited to, the need to adopt fiscally responsible budgets, the management of the overall levels and mix of enrollments, management initiatives to modify enrollment demand for specific programs and management decisions to eliminate or modify academic programs. The university may choose not to exercise the full funding authority granted under RCW 28B.15.910 and may limit the total funding available under RCW 28B.15.915, except for those waivers required by law.

WSR 18-13-083

EXPEDITED RULES

BOARD OF ACCOUNTANCY

[Filed June 18, 2018, 9:28 a.m.]

Title of Rule and Other Identifying Information: WAC 4-30-026 How can I contact the board?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to correct board contact information due to recent changes. No effects or changes in existing rules will occur.

Reasons Supporting Proposal: The board of accountancy proposes amending the rule to correct the customer service email address, the web site URL, and the TTY service phone number.

Statutory Authority for Adoption: RCW 18.04.055, 42.56.055.

Statute Being Implemented: RCW 18.04.055, 34.05.353 (1)(c).

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

Name of Proponent: Board of accountancy, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Charles Satterlund, 711 Capitol Way South, Suite 400, Olympia, WA 98501, 360-753-2586.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The rule proposal is needed to correct the board's customer service email address, the web site URL, and the TTY phone number.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kirsten Donovan, Board Clerk, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, email Kirsten.Donovan@acb.wa.gov, AND RECEIVED BY August 20, 2018.

June 18, 2018

Charles E. Satterlund
Executive Director

AMENDATORY SECTION (Amending WSR 10-24-009, filed 11/18/10, effective 12/19/10)

WAC 4-30-026 How can I contact the board? The board's administrative office, executive director and staff are located in Olympia, Washington. You may utilize the following numbers or addresses to contact the board:

- 711 Capitol Way South, Suite 400, Olympia, WA 98501 (physical address);
- P.O. Box 9131, Olympia, Washington 98507-9131 (mailing address);
- 360/753-2586 (telephone);
- 360/664-9190 (fax);
- ((800/833-6388 (TF)) 7-1-1 (TTY service));
- 800/833-6385 (Telebraille services);
- ((customerservice@cpaboard.wa.gov)) customer service@acb.wa.gov (email address); and
- ((www.epaboard.wa.gov)) www.acb.wa.gov (web site address).

WSR 18-13-115
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 20, 2018, 10:09 a.m.]

Title of Rule and Other Identifying Information: The department seeks to update the current fish area boundaries described in WAC 220-301-030 and 220-354-080 for Puget Sound salmon fishing. Currently, physical markers listed in regulations are no longer present and need to be removed from the descriptions and the overall boundary descriptions need to be updated.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Updating terms to existing rules to clarify the fish area boundary for Puget Sound salmon fishing.

The department seeks to amend WAC 220-301-030 Puget Sound salmon management and catch reporting areas and 220-354-080 Puget Sound salmon—Closed areas.

Reasons Supporting Proposal: The updates will update and clarify fish area boundaries for the public.

Statutory Authority for Adoption: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520.

Statute Being Implemented: RCW 77.135.010, 77.135.-020, 77.135.030, 77.135.040, 77.135.050, 77.135.060, 77.135.070, 77.135.080, 77.135.090, 77.135.100, 77.135.-110, 77.135.120, 77.135.130, 77.135.140, 77.135.150, 77.135.160, 77.135.170, 77.135.180, 77.135.200, 77.135.-210, 77.135.220, 77.135.230, 77.135.240.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Kwasi Addae, 1111 Washington Street, Olympia, WA 98501, 360-902-2677; Implementation: Kendall Henry, 1111 Washington Street, Olympia, WA 98501, 360-902-2717, and

Enforcement: Chief Steve Bear, 1111 Washington Street, Olympia, WA 98501, 360-902-2936.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Based on the rationale of RCW 34.053 [34.05.353] (1)(d), the department believes that an expedited rule-making process is appropriate because the content of the proposed rules only clarifies [clarify] language for fish area boundaries.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Scott Bird, Washington Department of Fish and Wildlife, P.O. Box 43200, Olympia WA, 98504, phone 360-902-2403, fax 360-902-2155, email Rules.Coordinator@dfw.wa.gov, AND RECEIVED BY August 21, 2018.

June 20, 2018
 Scott Bird
 Rules Coordinator

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

WAC 220-301-030 Puget Sound Salmon Management and Catch Reporting Areas. (1) **Area 4B** shall include those waters of Puget Sound easterly of a line projected from the ((~~Bonilla Point light~~)) Carmanah Point Light (Light List No. 16140 Fl.5s182ft19M, 48°36'42.4"N, 124°45'04.8"W) on Vancouver Island to the ((~~Tatoosh Island light~~)) Cape Flattery Light on Tatoosh Island (Light List No. 16145 Fl(2)20s112ft 14M, 48°23'31.2"N, 124°44'12.9"W), thence to the most westerly point on Cape Flattery (48°22'52.1"N, 124°43'54.3"W) and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River (48°17'16.1"N, 124°23'43.4"W).

(2) **Area 5** shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River (48°17'16.1"N, 124°23'43.4"W) and westerly of a line projected true north from Low Point (48°09'38.9"N, 123°49'36.5"W).

(3) **Area 6** shall include those waters of Puget Sound easterly of a line projected from the Angeles Point ((~~Monument~~)) (48°09'03.3"N, 123°33'11.6"W) to the ((~~William Head light on Vancouver Island~~)) Race Rock Light (Light List No. 16225 FlW10s118ft19M, 48°17'52.9"N, 123°31'53.1"W), northerly of a line projected from the ((~~Dungeness Spit light~~)) New Dungeness Light (Light List

No. 16335 FIW5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to the ((~~Partridge Point light~~)) Point Partridge Light (Light List No. 16400 FIW5s105ft13M, 48°13'28.8"N, 122°46'09.9"W), westerly of a line projected from the ((~~Partridge Point light~~)) Point Partridge Light (Light List No. 16400 FIW5s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Smith Island Light (Light List No. 16375 F110s97ft14M, 48°19'14.4"N, 122°49'51.4"W), and southerly of a line projected from the Smith Island Light ((~~to vessel traffic lane buoy R~~)) (Light List No. 16375 F1.10s97ft.14M, 48°19'14.4"N, 122°49'51.4"W) to Rosario Strait traffic separation lane entrance lighted Buoy R (Light List No. 16340 FIY25s6M"RA," 48°16'25.3"N, 123°06'34.6"W) to the Trial Island Light (Light List No. 16265 FIG5s93ft13M, 48°23'42.3"N, 123°18'18.6"W).

(4) **Area 6A** shall include those waters of Puget Sound easterly of a line projected from the ((~~Partridge Point light~~)) Point Partridge Light (Light List No. 16400 FIW5s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Smith Island Light (Light List No. 16375 F110s97ft14M, 48°19'14.4"N, 122°49'51.4"W) to the ((~~most~~) northeasterly) of the Lawson Reef ((~~lighted buoys (RB 1 Qk Fl Bell) to Northwest Island~~)) Junction Lighted Bell Buoy (Light List No. 19320 RGF1(2+1)R6sBell, 48°24'03.3"N, 122°42'57.7"W) to the Initiative 77 marker on Fidalgo Island (48°25'14.2"N, 122°40'04.5"W) and westerly of a line projected from Reservation Head on Fidalgo Island (48°28'41.8"N, 122°39'28.1"W) to West Point on Whidbey Island (48°24'08.4"N, 122°39'46.1"W).

(5) **Area 6B** shall include those waters of Puget Sound southerly of a line projected from the ((~~Dungeness Spit light~~)) New Dungeness Light (Light List No. 16335 FIW5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to the ((~~Partridge Point light~~)) Point Partridge Light (Light List No. 16400 FIW5s105ft13M, 48°13'28.8"N, 122°46'09.9"W), westerly of a line projected from the ((~~Partridge Point light~~)) Point Partridge Light (Light List No. 16400 FIW5s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Point Wilson Light (Light List No. 16475 AIRW5s51ft15M, 48°08'39.0"N, 122°45'17.2"W) and easterly of a line projected ((~~45°~~) 154 degrees) true from ((~~Dungeness Spit light~~)) New Dungeness Light (Light List No. 16335 FIW5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to Kulo Kala Point (48°07'13.1"N, 123°03'58.7"W).

(6) **Area 6C** shall include those waters of Puget Sound easterly of a line projected true north from Low Point (48°09'38.9"N, 123°49'36.5"W) and westerly of a line projected from the Angeles Point ((~~Monument~~)) (48°09'03.3"N, 123°33'11.6"W) to the ((~~William Head light on Vancouver Island~~)) Race Rock Light (Light List No. 16225 FIW10s118ft19M).

(7) **Area 6D** shall include those waters of Puget Sound westerly of a line projected 155(°) degrees true from New Dungeness Spit Light (Light List No. 16335 FIW5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to Kulo Kala Point (48°07'13.1"N, 123°03'58.7"W).

(8) **Area 7** shall include those waters of Puget Sound southerly of a line projected true east-west through Sandy Point Light No. 2 ((~~48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast~~

Guard)) (Light List No. 19880 F1 R 4s 16ft 4M "2," 48°47'12.4"N, 122°42'44.7"W), northerly of a line projected from the Trial Island Light ((~~to vessel traffic lane buoy R~~)) (Light List No. 16265 FIG5s93ft13M, 48°23'42.3"N, 123°18'18.6"W) to the Rosario Strait traffic separation lane entrance lighted Buoy R (Light List No. 16340 FIY2.5s6M"RA," 48°16'25.3"N, 123°06'34.6"W) to the Smith Island Light (Light List No. 16375 F110s97ft14M, 48°19'14.4"N, 122°49'51.4"W) to the ((~~most northeasterly of the~~) Lawson Reef lighted buoy((~~s (RB 1 Qk Fl Bell) to Northwest Island~~)) (RGF1(2+1)R6sBell, 48°24'03.3"N, 122°42'57.7"W) to the Initiative 77 marker on Fidalgo Island (48°25'14.2"N, 122°40'04.5"W), and westerly of a line projected from Sandy Point Light ((~~No.~~) 2 (Light List No. 19880 F1R4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to Point Migley (48°44'55.9"N, 122°42'54.3"W), thence along the eastern shore-line of Lummi Island to Carter Point (48°35'18.6"N, 122°38'35.0"W), thence to the most northerly tip of Vendovi Island (48°36'57.3"N, 122°36'39.1"W), thence to Clark Point (48°35'18.6"N, 122°38'35.1"W) on Guemes Island following the shoreline to Southeast Point on Guemes Island (48°31'43.4"N, 122°34'25.8"W), thence to March Point on Fidalgo Island (48°29'58.4"N, 122°33'55.8"W), excluding those waters of East Sound northerly of a line projected ((~~due~~) true) west from Rosario Point on Orcas Island (48°38'36.5"N, 122°52'26.2"W).

(9) **Area 7A** shall include those waters of Puget Sound northerly of a line projected true east-west through Sandy Point Light ((~~No.~~) 2 ((~~48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880~~)) (Light List No. 19880 F1R4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W), terminating on the west at the International Boundary and on the east at the landfall on Sandy Point.

(10) **Area 7B** shall include those waters of Puget Sound westerly of a line projected 154 degrees true from Sandy Point Light ((~~No.~~) 2 ((~~48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard~~)) (Light List No. 19880 F1R4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to ((~~the~~) landfall) on Gooseberry Point (48°43'56.7"N, 122°40'22.0"W), easterly of a line projected from Sandy Point Light ((~~No.~~) 2 (Light List No. 19880 F1R4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to Point Migley on Lummi Island (48°44'55.9"N, 122°42'54.3"W), thence along the eastern shoreline of Lummi Island to Carter Point (48°35'18.6"N, 122°38'35.0"W), thence to the most northerly tip of Vendovi Island (48°36'57.3"N, 122°36'39.1"W), thence to Clark Point on Guemes Island (48°35'18.6"N, 122°38'35.1"W) following the shoreline to Southeast Point on Guemes Island (48°31'43.4"N, 122°34'25.8"W), thence to March Point on Fidalgo Island (48°29'58.4"N, 122°33'55.8"W), northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel (48°27'29.1"N, 122°30'54.0"W) and westerly of a line projected from William Point Light (Light List No. 19018 FIG6s30ft5M"3," 48°34'58.5"N, 122°33'37.8"W) on Samish Island 28(°) degrees true to Whiskey Rock (48°39'20.9"N, 122°30'12.5"W) on the north shore of Samish Bay and ((~~southwesterly~~) westerly) of the ((~~mouth of~~)) Whatcom

Creek Waterway, defined as a line projected approximately 14 degrees true from the ~~((flashing light at the))~~ southwest end of the Port of Bellingham North Terminal (48°44'38.6"N, 122°29'46.1"W) to the southernmost point of the dike surrounding the Georgia Pacific Treatment Pond (48°44'51.5"N, 122°29'38.6"W).

(11) **Area 7C** shall include those waters of Puget Sound easterly of a line projected from William Point Light 3 (Light List No. 19018 FIG6s30ft5M"3," 48°34'58.5"N, 122°33'37.8"W) on Samish Island 28⁽²⁾ degrees true to Whiskey Rock (48°39'20.9"N, 122°30'12.5"W) on the north shore of Samish Bay.

(12) **Area 7D** shall include those waters of Puget Sound easterly of a line projected 154 degrees true from Sandy Point Light ~~((No-))~~ 2 ~~((48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard))~~ (Light List No. 19880 FIR4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to ~~((the))~~ landfall on Gooseberry Point (48°43'56.7"N, 122°40'22.0"W) and south of a line projected true east from Sandy Point Light ~~((No-))~~ 2 (Light List No. 19880 FIR4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to ~~((the))~~ landfall on Sandy Point (48°47'12.5"N, 122°42'36.1"W).

(13) **Area 7E** shall include those waters of Puget Sound within East Sound northerly of a line projected ~~((due))~~ true west from Rosario Point (48°38'36.5"N, 122°52'26.2"W) on Orcas Island.

(14) **Area 8** shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island (48°24'08.4"N, 122°39'46.1"W) to Reservation Head on Fidalgo Island (48°28'41.8"N, 122°39'28.1"W), westerly of a line projected from ~~((the light on))~~ East Point Light 3 (Light List No. 18620 FIG6s21ft6M, 48°05'49.1"N, 122°29'29.4"W) 340⁽²⁾ degrees true to ~~((the light on))~~ Camano Island ~~((Saratoga Pass light #2, Fl Red 4 See))~~ Light 4 (Light List No. 18625 FIR4s15ft5M"4," 48°07'57.4"N, 122°30'39.1"W) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(15) **Area 8A** shall include those waters of Puget Sound easterly of a line projected from the East Point Light 3 (Light List No. 18620 FIG6s21ft6M, 48°05'49.1"N, 122°29'29.4"W) on Whidbey Island 340⁽²⁾ degrees true to ~~((the light on))~~ Camano Island ~~((Saratoga Pass light #2, Fl Red 4 See))~~ Light 4 (Light List No. 18625 FIR4s15ft5M"4," 48°07'57.4"N, 122°30'39.1"W), northerly of a line projected from the southern tip of Possession Point 110⁽²⁾ degrees true to the shipwreck on the opposite shore (47°53'35.1"N, 122°19'42.8"W), southerly of the State Highway 532 bridges between Camano Island and the mainland excluding those waters of Area 8D.

(16) **Area 8D** shall include those waters of Puget Sound inside and easterly of a line projected 225 degrees from the pilings at old Bower's Resort to a point 2,000 feet offshore, thence northwesterly to a point 2,000 feet off Mission ~~((Point))~~ Beach, thence across the mouth of Tulalip Bay to a point 2,000 feet off Hermosa Point, thence northwesterly following a line 2,000 feet offshore to the intersection with a

line projected 233 degrees from the fishing boundary marker on the shore at the slide north of Tulalip Bay.

(17) **Area 9** shall include those waters of Puget Sound southerly and easterly of a line projected from the Point Partridge ~~((Point))~~ Light (Light List No. 16400 FI5s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Point Wilson Light (Light List No. 16475 AIRW5s51ft15M, 48°08'39.0"N, 122°45'17.2"W), northerly of the ~~((site of the))~~ Hood Canal ~~((Floating))~~ Bridge, northerly of a line projected true west from the shoreward end of ~~((the Port Gamble tribal dock on))~~ Point Julia (47°51'17.3"N, 122°34'35.5"W) to the mainland in the community of Port Gamble, excluding those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation (47°52'04.3"N, 122°34'20.9"W), southerly of a line projected from the southern tip of Possession Point 110⁽²⁾ degrees true to the shipwreck (47°53'35.1"N, 122°19'42.8"W) on the opposite shore and northerly of a line projected from the Apple Cove Point Light (Light List No. 16675 FIW4s18ft6M, 47°48'53.5"N, 122°28'54.7"W) to the ~~((light at the south end of the Edmond's breakwater))~~ Edmonds South Breakwater Light (Light List No. 16705 FIY4s18ftPriv, 47°48'25.0"N, 122°23'43.0"W) at Edwards Point.

(18) **Area 9A** shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the ~~((Port Gamble tribal dock on))~~ Point Julia (47°51'17.3"N, 122°34'35.5"W) to the mainland in the community of Port Gamble and those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation (47°52'04.3"N, 122°34'20.9"W).

(19) **Area 10** shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point Light (Light List No. 16675 FIW4s18ft6M, 47°48'53.5"N, 122°28'54.7"W) to the light ~~((at the south end of the Edmond's breakwater at Edwards Point, westerly of a line projected 233° true from the Azteca Restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal))~~ (Light List No. 16675 FIW4s18ft6M, 47°48'53.5"N, 122°28'54.7"W), westerly of a line projected 43 degrees true from the Shilshole Bay Light 8 (Light List No. 18155 FIR4s15ft4M"8," 47°40'17.2"N, 122°24'31.2"W) to landfall on the northeastern shore of the Shilshole Bay Entrance Range (47°40'20.7"N, 122°24'25.4"W), westerly of a line projected 185⁽²⁾ degrees true from the southwest corner of Pier 91 (47°37'35.1"N, 122°23'01.2"W) through the Duwamish Head Light (Light List No. 16910 FIW2.5s25ft10M, 47°35'55.8"N, 122°23'16.5"W) to landfall on Duwamish Head (47°35'40.0"N, 122°23'19.2"W), northerly of a true east-west line ~~((passing))~~ projected through the Point Vashon Light (Light List No. 17100 FIW4s17ft7M, 47°30'49.3"N, 122°28'23.4"W) from Southworth (47°30'49.2"N, 122°29'57.0"W), to landfall south of Brace Point (47°30'49.4"N, 122°23'44.2"W), easterly of a line projected from Orchard Point (47°33'55.4"N, 122°31'56"W) to Beans Point (47°34'28.8"N, 122°31'20.4"W) on Bainbridge Island, and northerly and easterly of a line projected true west from

Agate Point (47°43'15.7"N, 122°33'12.2"W) on Bainbridge Island to the mainland (47°43'15.7"N, 122°33'41.1"W).

(20) **Area 10A** shall include those waters of Puget Sound easterly of a line projected 185(⁽²⁾) degrees true from the southwest corner of Pier 91 (47°37'35.1"N, 122°23'01.2"W) through the Duwamish Head Light (Light List No. 16910 FIW2.5s25ft10M, 47°35'55.8"N, 122°23'16.5"W) to landfall on Duwamish Head (47°35'40.0"N, 122°23'19.2"W).

(21) **Area 10C** shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) **Area 10D** shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(23) **Area 10E** shall include those waters of Puget Sound westerly of a line projected from Orchard Point (47°33'55.4"N, 122°31'56"W) to Beans Point (47°34'28.8"N, 122°31'20.4"W) on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point (47°43'15.7"N, 122°33'12.2"W) on Bainbridge Island to the mainland (47°43'15.7"N, 122°33'41.1"W).

(24) **Area 10F** shall include those waters of Puget Sound easterly (~~(of)~~) a line projected (~~(233°)~~) 43 degrees true from the (~~(Azteca Restaurant near)~~) Shilshole (~~(Marina through entrance piling Number 8 to the southern shore of the entrance to the Lake Washington Ship Canal)~~) Bay Light 8 (Light List No. 18155 FIR4s15ft4M"8," 47°40'17.2"N, 122°24'31.2"W) to landfall on the North Eastern shore of the Shilshole Bay Entrance Range (47°40'20.7"N, 122°24'25.4"W) and those waters of the Lake Washington Ship Canal westerly of a line projected true south from Webster Point (~~(true south)~~) (47°38'53.0"N, 122°16'37.1"W) to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship Canal, Lake Union and Portage Bay.

(25) **Area 10G** shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point (47°38'53.0"N, 122°16'37.1"W) true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

(26) **Area 11** shall include those waters of Puget Sound southerly of a true east-west line (~~(passing)~~) projected through the Point Vashon Light (Light List No. 17100 FIW4s17ft7M), from Southworth (47°30'49.2"N, 122°29'57.0"W) to landfall south of Brace Point (47°30'49.4"N, 122°23'44.2"W), northerly of a line projected 259 degrees true from Browns Point (47°18'20.3"N, 122°26'39.4"W) to the (~~(land fall in line with the site of Asareo smelter stack)~~) point of landfall on the opposite shore of Commencement Bay (47°17'51.8"N, 122°30'04.5"W), and northerly of the Tacoma Narrows Bridge.

(27) **Area 11A** shall include those waters of Puget Sound southerly of a line projected 259 degrees true from Browns Point (47°18'20.3"N, 122°26'39.4"W) to the (~~(land fall in line with the site of Asareo smelter stack)~~) point of landfall on the opposite shore of Commencement Bay (47°17'51.8"N, 122°30'04.5"W).

(28) **Area 12** shall include those waters of Puget Sound southerly of the site of the Hood Canal (~~(Floating)~~) Bridge and northerly and easterly of a line projected from the

Tskutsko Point Light (Light List No. 17865 FI4s15ft5MRaRef, 47°41'29.3"N, 122°49'59.1"W) to Misery Point (47°39'18.3"N, 122°49'46.5"W).

(29) **Area 12A** shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(30) **Area 12B** shall include those waters of Puget Sound southerly of a line projected true east from Pulali Point (~~(true east)~~) (47°44'15.3"N, 122°52'5.9"W) to (~~(the mainland)~~) landfall on Toandos Peninsula (47°44'09.9"N, 122°48'23.1"W), northerly of a line projected true east from Ayock Point (~~(true east)~~) (47°30'25.8"N, 123°31'15.7"W) to (~~(the mainland)~~) landfall on the Kitsap (Great) Peninsula (47°30'25.8"N, 123°01'53.2"W), and westerly of a line projected from the Tskutsko Point Light (Light List No. 17865 FI4s15ft5MRaRef, 47°41'29.3"N, 122°49'59.1"W) to Misery Point (47°39'18.3"N, 122°49'46.5"W).

(31) **Area 12C** shall include those waters of Puget Sound southerly of a line projected true east from Ayock Point (~~(true east)~~) (47°30'25.8"N, 123°31'15.7"W) to (~~(the mainland)~~) landfall on the Kitsap (Great) Peninsula (47°30'25.8"N, 123°01'53.2"W) and northerly and westerly of a line projected from Ayres Point (47°22'26.9"N, 123°06'44.5"W) to the (~~(public boat ramp at)~~) Union Boat Launch (47°21'27.5"N, 123°6'1.9"W).

(32) **Area 12D** shall include those waters of Puget Sound easterly of a line projected from Ayres Point (47°22'26.9"N, 123°06'44.5"W) to the (~~(public boat ramp at)~~) Union Boat Launch (47°21'27.5"N, 123°06'01.9"W).

(33) **Area 13** shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point (47°16'55.2"N, 122°41'41.8"W) to Penrose Point (47°15'53.6"N, 122°44'11.5"W) and northerly and easterly of a line projected from the Devil's Head Light (Light List No. 17365 FIR6s164M"4," 47°09'58.9"N, 122°45'53.3"W) to Treble Point (47°09'09.6"N, 122°44'31.3"W), thence through (~~(lighted buoy No. 3)~~) the Nisqually Flats Light 3 (Light List No. 17360 FIG4s15ft4M"3") to (~~(the mainland)~~) landfall (47°06'40.7"N, 122°45'08.8"W) and westerly of the railroad trestle at the mouth of Chambers Bay.

(34) **Area 13A** shall include those waters of Puget Sound northerly of a line projected from Green Point (47°16'55.2"N, 122°41'41.8"W) to Penrose Point (47°15'53.6"N, 122°44'11.5"W).

(35) **Area 13C** shall include those waters of Puget Sound easterly of the railroad trestle at the mouth of Chambers Bay.

(36) **Area 13D** shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light (Light List No. 17365 FIR6s164M"4," 47°09'58.9"N, 122°45'53.3"W) to Treble Point (47°09'09.6"N, 122°44'31.3"W), thence through (~~(lighted buoy Number 3 to the mainland)~~) the Nisqually Flats Light 3 (Light List No. 17360 FIG4s15ft4M"3," 47°07'15"N, 122°45'0.1"W) to landfall (47°06'40.7"N, 122°45'08.8"W), northerly of a line projected from Johnson Point (47°10'35.7"N, 122°49'13.2"W) to Dickenson Point (47°09'54.4"N, 122°51'06.4"W), northerly of a line projected (~~(from the light at)~~) 291 degrees true from Dofflemeyer Point (~~(to)~~) Light (Light List No. 17400 FI4s30ft7M, 47°09'58.9"N, 122°45'53.3"W) through Cooper

Point(~~(, easterly of a line projected from Cooper Point)~~) (47°08'44.2"N, 122°55'33.4"W), to the southeastern shore of ~~((Sanderson Harbor))~~ Hunter Point (47°8'55.9"N, 122°56'18.1"W), easterly of a line projected 005 degrees true from the northern tip of Steamboat Island ~~((to the light at Arcadia))~~ (47°11'12.3"N, 122°56'20.6"W) to Hungerford Point (47°12'18.8"N, 122°56'11.5"W) and southerly of a line projected true east-west from 47°18'53.5"N, 122°50'32.9"W through the southern tip of Stretch Island to landfall on the easterly shore of the Key Peninsula (47°18'53.5"N, 122°47'35"W).

(37) **Area 13E** shall include those waters of Puget Sound southerly of a line projected from Johnson Point (47°10'35.7"N, 122°49'13.2"W) to Dickenson Point (47°09'54.4"N, 122°51'06.4"W).

(38) **Area 13F** shall include those waters of Puget Sound southerly of a line projected from ~~((the light at))~~ Dofflemeyer Point Light (Light List No. 17400 F14s30ft7M, 47°08'25.8"N, 122°54'26.2"W) to Cooper Point (47°08'44.2"N, 122°55'33.4"W).

(39) **Area 13G** shall include those waters of Puget Sound southerly of a line projected 291 degrees true from Cooper Point (47°08'44.2"N, 122°55'33.4"W) to the southeastern shore of ~~((Sanderson Harbor))~~ Hunter Point (47°8'55.9"N, 122°56'18.1"W).

(40) **Area 13H** shall include those waters of Puget Sound southwesterly of a line projected 005 degrees true from the northern tip of Steamboat Island (47°11'12.3"N, 122°56'20.6"W) to ~~((the light at Arcadia))~~ Hungerford Point (47°12'18.8"N, 122°56'11.5"W) and those waters easterly of a line projected ~~((64°))~~ 064 degrees true from Kamilche Point (47°09'08.3"N, 123°01'07.5"W) to the opposite shore (47°09'14"N, 123°00'49.3"W).

(41) **Area 13I** shall include those waters of Puget Sound southwesterly of a line projected ~~((64°))~~ 064 degrees true from Kamilche Point (47°09'08.3"N, 123°01'07.5"W) to the opposite shore (47°09'14"N, 123°00'49.3"W).

(42) **Area 13J** shall include those waters of Puget Sound ~~((northwesterly)), Hammersley Inlet and Oakland Bay, west-~~erly of a line projected from the ~~((light at))~~ Arcadia Point Boat Launch (47°11'51.4"N, 122°56'18.5"W) to Hungerford Point (47°12'18.8"N, 122°56'11.5"W).

(43) **Area 13K** shall include those waters of Puget Sound northerly of a line projected true east-west from 47°18'53.5"N, 122°50'32.9"W through the southern tip of Stretch Island to landfall on the easterly shore of the Key Peninsula (47°18'53.5"N, 122°47'35"W).

AMENDATORY SECTION (Amending WSR 17-17-100, filed 8/18/17, effective 9/18/17)

WAC 220-354-080 Puget Sound salmon—Closed areas. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section do not apply to reef net fishing areas listed in RCW 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-354-330(~~(:)~~): "The Strait of

Juan de Fuca Salmon Preserve" shall include those waters and tributaries thereto lying within three miles off shore between a line projected 30 degrees true from a point (48°19'06.9"N, 124°27'19.4"W) three miles west of the Sekiu River mouth to a line projected 45 degrees true from a point (48°07'35.4"N, 123°04'14.4"W) three miles east of the Dungeness River mouth excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 6D."

Area 6D - That portion within 1/4-mile of each mouth of the Dungeness River.

Area 7 -

(1) The San Juan Island Preserve as defined in WAC 220-354-320: "San Juan Island Salmon Preserve" shall include those waters of Puget Sound lying inside the following lines: A line projected from Lopez Pass Light 2 (Light List No. 19375 FIR4s21ft4M"2," 48°28'52"N, 122°49'5"W) across Lopez Pass to Lopez Island (48°28'42.1"N, 122°49'10.7"W), a line projected from Fauntleroy Point on Decatur Island (48°31'28.4"N, 122°47'18.8"W) through Lawson Rock Light 2 (Light List No. 19410 FIR4s15ft4M"2," 48°31'51"N, 122°47'19"W) to Blakely Island (48°32'27.2"N, 122°47'21.2"W); a line projected from Deer Point on Orcas Island (48°36'5.1"N, 122°47'59.7"W) across Spindle Rock (48°35'4.2"N, 122°48'6.2"W) to Blakely Island; a line projected from Limestone Point on San Juan Island (48°37'21.0"N, 123°6'27.1"W) to the northernmost point of Jones Island (48°37'16.9"N, 123°2'59.3"W) then 90 degrees true to Orcas Island (48°37'16.8"N, 123°1'49.6"W); a line projected from Reef Point (48°31'43.1"N, 122°58'12.3"W) on San Juan Island to the southernmost point of Shaw Island (48°32'47.6"N, 122°56'55.8"W); and a line projected from Flat Point on Lopez Island (48°33'3.7"N, 122°55'10.9"W) to the most westerly point on Canoe Island (48°33'19"N, 122°55'29.6"W), thence true north to the shoreline of Shaw Island (48°33'51.3"N, 122°55'43.7"W), excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 7E.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point (48°36'5.1"N, 122°47'59.7"W) northeasterly to Lawrence Point (48°39'38.1"N, 122°44'31"W), thence west to a point intercepting a line projected from the northernmost point of Jones Island (48°37'17"N, 123°2'11.4"W), thence 90(°) degrees true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head (48°34'3.1"N, 122°40'5.5"W) to the northernmost point of Cypress Island (48°36'31.5"N, 122°42'42.2"W).

(4) Those waters easterly of a line projected from Iceberg Point (48°25'20.2"N, 122°53'41.1"W) to Iceberg Island (48°25'20.2"N, 122°53'41.1"W), to the easternmost point of Charles Island (48°26'25.8"N, 122°54'18.5"W), then true north from the northernmost point of Charles Island (48°26'41.1"N, 122°54'34.3"W) to the shore of Lopez Island (48°26'47.1"N, 122°54'34.2"W).

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay (48°25'25.6"N, 122°51'8.2"W) to the westernmost point of Colville Island (48°24'56"N, 122°49'31.9"W), thence from the easternmost point of Colville Island (48°24'53.5"N, 122°49'10.7"W) to Point Colville (48°25'17.1"N, 122°48'50.7"W).

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island (48°26'33.1"N, 122°40'42.3"W) to the Williamson Rocks (~~(Light)~~) Lighted Buoy 4 (Light List No. 19335 FIR4s4M"4"RED, 48°26'51"N, 122°42'27.8"W), thence to the Dennis Shoal (~~(Light)~~) Buoy 6 (Light List No. 19345 Red Nun, 48°27'27"W, 122°42'57"N), thence to (~~(the High)~~) Burrows Island Light (Light List No. 19350 FIW6s57ft7MHorn(BI(2)30s, 48°27'27.6"N, 122°42'59.3"W) on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head (48°29'31.2"N, 122°42'10.6"W), and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwestern-most point of Fidalgo Head (48°29'31.2"N, 122°42'10.6"W) northerly to Shannon Point (48°30'32.8"N, 122°41'2.5"W).

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker (48°25'14.2"N, 122°40'04.5"W) northerly to Biz Point (48°26'33.1"N, 122°40'42.3"W).

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville (48°25'17.1"N, 122°48'50.7"W) northerly to Lopez Pass (48°28'42.1"N, 122°49'10.7"W), and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land (48°28'52"N, 122°49'5"W) northerly to Fauntleroy Point (48°31'28.4"N, 122°47'18.8"W), and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-354-310.

Area 7B -

(1) That portion south and east of a line from William Point on Samish Island (48°34'55.2"N, 122°33'38.2"W) to Saddlebag Island (48°32'7.2"W, 122°33'32.6"N) to (~~(the southeastern tip of)~~) Casperson Point on Guemes Island to landfall on March Point (48°29'58.4"N, 122°33'55.9"W), and that portion northerly of the railroad trestle in Chuckanut Bay.

(2) That portion of Bellingham Bay and Portage Bay adjacent to Lummi Indian Reservation is closed north and west of a line from the intersection of Marine Drive and Hoff Road (48°46'59"N, 122°34'25"W) projected 180(^(±)) degrees true for (~~(2-75)~~) 1.80 nautical miles (nm) to a point at 48°45'11"N, 122°34'25"W, then 250(^(±)) degrees true for (~~(1-4)~~) 0.92 nm to a point at 48°44'50"N, 122°35'42"W, then 270(^(±)) degrees true for (~~(1-4)~~) 0.95 nm to 48°44'50"N, 122°37'08"W, then (~~(230°)~~) 228 degrees true for (~~(1-3)~~) 0.65 nm to 48°44'24"N, 122°37'52"W, then 200(^(±)) degrees true for (~~(1-4)~~) 0.69 nm to 48°43'45"N, 122°38'12"W, then 90(^(±)) degrees true for (~~(1-4)~~) 0.64 nm to a point just northeast of Portage Island (48°43'45"N, 122°37'14"W), then (~~(160°)~~) 155 degrees true for (~~(1-4)~~) 0.97 nm to a point just east of Portage Island (48°42'52"N, 122°36'37"W), then 247 degrees true for 80 yards to landfall on Portage Island (48°42'51.1"N, 122°36'40.3"W).

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek (48°36'51.6"N, 122°26'27.8"W) 237(^(±)) degrees true to (~~(a)~~) the fishing

boundary marker on Samish Island (48°34'33.1"N, 122°31'49.3"W).

Area 8 -

(1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island (48°16'12.6"N, 122°27'52.8"W) to a white monument on the easterly point of Ika Island (48°21'40.1"N, 122°29'52.8"W), thence across the Skagit River to the terminus of the jetty with McGlenn Island (48°22'18.3"N, 122°30'18.3"W).

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point (48°15'1.3"N, 122°31'47.2"W).

Area 8A -

(1) Those waters easterly of a line projected from Mission (~~(Point to Buoy C+)~~) Beach (48°3'19.3"N, 122°17'23.1"W) to Gedney Island Light 1 (Light List No. 18480 FIG25s15ft4M"1," 48°0'15.5"N, 122°17'49.7"W), excluding the waters of Area 8D, thence through the (~~(green light at the entrance jetty of the)~~) Snohomish River Light 5 (Light List No. 18535 FIG4s16ft5M, 47°59'16.3"N, 122°13'47.4"W) and across the mouth of the Snohomish River to landfall on the eastern shore (47°59'13.3"N, 122°13'35"W), and those waters northerly of a line from Camano Head (48°3'23.2"N, 122°21'24.6"W) to the northern boundary of Area 8D, except when open for pink fisheries.

(2) Additional coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Washington state ferry Clinton (~~(ferry dock)~~) terminal (47°58'28.8"N, 122°21'5.2"W) to the Washington state ferry Mukilteo (~~(ferry dock)~~) terminal (47°56'57"N, 122°18'15.7"W).

Area 8D - Those waters easterly of a line projected from (~~(Mission Point)~~) the northerly most point of Mission Beach (48°3'19.3"N, 122°17'23.1"W) to Hermosa Point (48°3'42.7"N, 122°17'36.4"W).

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point Light (~~(to Sierra Echo buoy)~~) (Light List No. 16550 FI(3)W10s27ft14M, 47°54'43.9"N, 122°31'36.3"W) to the traffic separation lane Lighted Buoy SE (Light List No. 16540 FIY2.5s5MY"SE," (47°55'26.8"N, 122°29'30.7"W), thence to (~~(Forbes Landing wharf east of Hansville)~~) landfall at (47°55'4.2"N, 122°32'46"W) on Norwegian Point.

Area 10 -

(1) Those waters easterly of a line projected from Meadow Point (47°41'35.9"N, 122°24'21.6"W) to West Point (47°39'43.6"N, 122°26'8.5"W).

(2) Those waters of Port Madison westerly of a line projected from Point Jefferson (47°44'51.7"N, 122°28'25.6"W) to the northernmost portion of Point Monroe (47°42'32"N, 122°30'43.5"W).

(3) Additional pink seasonal closure: The area east inside of the line originating from West Point (47°39'43.6"N, 122°26'8.5"W) and extending west to the (~~(closest midchannel buoy)~~) traffic separation lane Lighted Buoy SG (Light List No. 16815 FIY2.5s5MY"SG," (47°39'41.6"N, 122°27'52.6"W), thence 20 degrees true (~~(through Point Wells)~~) until reaching latitude (~~(47°44'50.0"N)~~) 47°44'30.0"N, thence extending directly east to the shoreline (47°44'30"N, 122°22'40.5"W).

(4) Additional purse seine pink seasonal closure: The area within 500 feet of the eastern shore in Area 10 is closed to purse seines north of latitude ((47°44'50.0"N)) 47°44'30.0"N.

(5) Additional coho and chum seasonal closure: Those waters of Elliott Bay east of a line from Alki Point (Light List No. 16915 F15s39ft16M, 47°34'34.5"N, 122°25'14"W) to the ((light at)) Fourmile Rock Light 1 (Light List No. 16810 FLG6s15ft6M"1, 47°38'20.4"N, 122°24'48.7"W), and those waters northerly of a line projected from Point Wells to ((SF Buoy)) traffic separation lane Lighted Buoy SF (Light List No. 16745 F1Y2.5s5MY"SF, 47°45'53"N, 122°26'15.7"W), then west to President's Point (47°45'57.2"N, 122°28'20.1"W).

Area 10E - Those waters of Liberty Bay north of a line projected ((due) true east from ((the southernmost Keyport dock)) 47°41'56.4"N, 122°36'53.5"W to 47°41'56.4"N, 122°36'17.4"W, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the ((Bremerton ferry terminal)) Washington state ferry Bremerton terminal (47°33'43.9"N, 122°37'31.1"W) to landfall at Port Orchard (47°33'43.9"N, 122°35'31.1"W).

Area 11 -

(1) Those waters northerly of a line projected true west from the ((light at the mouth of)) Gig Harbor Light (Light List No. 17221 FIR4s13ft3MPriv., 47°19'35.7"N, 122°34'29.2"W), and those waters south of a line from Browns Point (47°18'20.3"N, 122°26'39.4"W) to the northernmost point of land on Point Defiance (47°19'7.7"N, 122°32'23.9"W).

(2) Additional coho seasonal closure: Those waters south of a line projected from the ((light at the mouth of)) Gig Harbor Light (Light List No. 17221 FIR4s13ft3MPriv., 47°19'35.7"N, 122°34'29.2"W) to the ((Tahlequah ferry dock)) Washington state ferry Tahlequah terminal (47°19'58.3"N, 122°30'25.5"W), then south to the ((Point Defiance ferry dock)) Washington state ferry Point Defiance terminal, and those waters south of a line projected from the ((Point Defiance ferry dock)) Washington state ferry Point Defiance terminal (47°18'20.7"N, 122°30'51"W) to Dash Point (47°19'10.2"N, 122°25'46.6"W).

Areas 12, 12B, and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock ((to the navigation light)) (47°39'46"N, 122°46'11"W) to Hood Canal Light 13 (Light List No. 17855 FLG2.5s20ft4M"13, 47°39'45.5"N, 122°47'14.4"W) off Big Beef Creek, thence southerly to the ((tip of the)) outermost northern headland of Little Beef Creek (47°39'24.4"N, 122°47'23.4"W).

Area 12 - Additional purse seine chum seasonal closures:

(1) Those waters of Area 12 south and west of a line projected 94 degrees true from south Hazel Point (47°41'29.1"N, 122°46'22.6"W) to the ((light)) Hood Canal Light 11 on the opposite shore (Light List No. 17845 FLG4s15ft5M"11, 47°41'24.6"N, 122°44'50.4"W), bounded on the west by the Area 12/12B boundary line are closed to purse seines except

this area is open for purse seines on October 24 and October 30.

(2) Those waters of Area 12 within 2 miles of the Hood Canal Bridge are closed to purse seines on October 24 and October 30.

Area 12A -

(1) Those waters north of a line projected due east from Broad Spit (47°48'37.8"N, 122°48'59.3"W) to landfall on the Toandos Peninsula (47°48'37.8"N, 122°47'42.5"W).

(2) Those waters within 1,000 feet of the mouth of the Quilcene River.

Area 12B -

(1) Those waters within 1/4-mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

(2) Additional Chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point (47°35'6.6"N, 122°57'52.8"W) to Triton Head (47°36'10.9"N, 122°59'0.5"W).

Area 12C -

(1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park (47°25'14.1"W, 123°7'50.7"N) and the Port of Hoodspport marina dock (47°24'12.6"N, 123°8'29.5"W).

(2) Those waters south of a line projected 107 degrees true from the Cushman Powerhouse (47°22'11.2"N, 123°09'35.9"W) to the ((public boat ramp at)) Union boat launch (47°21'27.5"N, 123°6'1.9"W).

(3) Those waters within 1/4-mile of the mouth of the Dewatto River.

Area 13A - Those waters of Burley Lagoon north of State Route 302; those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay from 47°21'47.5"N, 122°41'10.1"W to 47°21'9.8"N, 122°41'57.7"W, including all waters of Minter Creek Bay; those waters westerly of a line drawn due north from Thompson Spit (47°19'58.6"N, 122°43'42.7"W) at the mouth of Glen Cove; and those waters within 1/4-mile of Green Point.