

**WSR 19-05-015**  
**PROPOSED RULES**  
**HEALTH CARE AUTHORITY**

[Filed February 7, 2019, 1:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-21-010.

Title of Rule and Other Identifying Information: WAC 182-545-400 Habilitative services.

Hearing Location(s): On March 26, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Pear Conference Room 107, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than March 27, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, by March 26, 2019.

Assistance for Persons with Disabilities: Contact Amber Loughheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email [amber.loughheed@hca.wa.gov](mailto:amber.loughheed@hca.wa.gov), by March 20, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is striking the outdated requirement in this section for a diagnosis of one of the qualifying conditions listed in the agency's provider guide for habilitative services. The agency does not require the diagnosis of a specific condition for an eligible client to receive habilitative services and has removed the list from the billing guide.

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: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Michael Williams, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1346; Implementation and Enforcement: Tonja Nichols, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1658.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The revisions to this rule do not impose additional compliance costs or requirements on providers.

February 7, 2019  
 Wendy Barcus  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-04-026, filed 1/25/16, effective 3/1/16)

**WAC 182-545-400 Habilitative services.** (1) Habilitative services assist the client in partially or fully attaining, learning, maintaining, or improving developmental-age appropriate skills that were not fully acquired as a result of a congenital, genetic, or early acquired health condition. To the extent practical, habilitative services maximize the client's ability to function in the client's environment.

(2) Eligibility is limited to clients who are enrolled in the Washington apple health alternative benefits plan defined in WAC 182-501-0060 (~~and who have a diagnosis which is one of the qualifying conditions listed in the agency's provider guide for habilitative services~~). Clients enrolled in an agency-contracted managed care organization (MCO) must arrange for habilitative services through their MCO.

(3) The following licensed health care professionals may enroll with the agency to provide habilitative services within their scope of practice to eligible clients:

- (a) Psychiatrists;
- (b) Occupational therapists;
- (c) Occupational therapy assistants supervised by a licensed occupational therapist;
- (d) Physical therapists;
- (e) Physical therapy assistants supervised by a licensed physical therapist;
- (f) Speech-language pathologists who have been granted a certificate of clinical competence by the American Speech-Language-Hearing Association; and
- (g) Speech-language pathologists who have completed the equivalent educational and work experience necessary for such a certificate.

(4) The agency pays for habilitative services that are:

- (a) Covered within the scope of the client's alternative benefits plan under WAC 182-501-0060;
- (b) Medically necessary;
- (c) Within currently accepted standards of evidence-based medical practice;
- (d) Ordered by a physician, physician assistant, or an advanced registered nurse practitioner;
- (e) Begun within thirty calendar days of the date ordered;
- (f) Provided by one of the health care professionals listed in subsection (3) of this section;
- (g) Authorized under this chapter, chapters 182-501 and 182-502 WAC, and the agency's published provider guides;
- (h) Billed under this chapter, chapters 182-501 and 182-502 WAC, and the agency's published provider guides; and
- (i) Provided as part of a habilitative treatment program:
  - (i) In an office or outpatient hospital setting;
  - (ii) In the home, by a home health agency as described in chapter 182-551 WAC; or
  - (iii) In a neurodevelopmental center, as described in WAC 182-545-900.

(5) For billing purposes under this section:

- (a) Each fifteen minutes of timed procedure code equals one unit.
- (b) Each nontimed procedure code equals one unit, regardless of how long the procedure takes.

(c) Duplicate services for habilitative services are not allowed for the same client when both providers are performing the same or similar procedure on the same day.

(d) The agency does not pay a health care professional for habilitative services performed in an outpatient hospital setting when the health care professional is not employed by the hospital. The hospital must bill the agency for the services.

(6) The limitations in subsection (7) of this section do not apply to eligible clients under age twenty-one.

(7) For eligible clients age twenty-one and older, the agency covers habilitative services that include an ongoing management plan for the client or the client's caregiver to support continued client progress. The agency limits habilitative services as follows:

(a) Occupational therapy, per client, per year:

(i) Without authorization:

(A) One occupational therapy evaluation;

(B) One occupational therapy reevaluation at time of discharge; and

(C) Twenty-four units of occupational therapy (which equals approximately six hours).

(ii) With expedited prior authorization (EPA), up to twenty-four additional units of occupational therapy may be available when the therapy is required as part of an initial botulinum toxin injection protocol for spasticity or dystonia and botulinum toxin has been authorized by the agency.

(b) Physical therapy, per client, per year:

(i) Without authorization:

(A) One physical therapy evaluation;

(B) One physical therapy reevaluation at time of discharge; and

(C) Twenty-four units of physical therapy (which equals approximately six hours).

(ii) With EPA, up to twenty-four additional units of physical therapy may be available when the therapy is required as part of an initial botulinum toxin injection protocol for spasticity or dystonia and botulinum toxin has been authorized by the agency.

(c) Speech therapy, per client, per year:

(i) Without authorization:

(A) One speech language pathology evaluation;

(B) One speech language pathology reevaluation at the time of discharge; and

(C) Six units of speech therapy (which equals approximately six hours).

(ii) With EPA, up to six additional units of speech therapy may be available when:

(A) The therapy is required as part of an initial botulinum toxin injection protocol for spasticity or dystonia and botulinum toxin has been authorized by the agency; or

(B) The client has a speech deficit (~~caused by the qualifying condition~~) which requires a speech generating device.

(d) Two durable medical equipment needs assessments, per client, per year. The agency covers devices and other durable medical equipment for habilitative purposes (~~to treat conditions that qualify~~) under chapter 182-543 WAC.

(e) Two program units of orthotics management and training of upper and lower extremities, per client, per day.

(f) Two program units for the provider to assess prosthetic or orthotic use, per client, per year.

(g) One muscle testing procedure, per client, per day.

(h) One wheelchair-needs assessment, per client, per year.

(8) The agency evaluates requests for habilitative services that exceed the limitations in this section under WAC 182-501-0169, for clients age twenty-one and older. For clients age nineteen and twenty, the agency evaluates such requests for medical necessity under chapter 182-534 WAC. The agency requires prior authorization for additional units when:

(a) The criteria for EPA do not apply;

(b) The number of available units under the EPA have been used and services are requested beyond the limits; or

(c) The provider requests it as a medically necessary service.

(9) The agency does not cover the following:

(a) Day habilitation services designed to provide training, structured activities, and specialized services to adults;

(b) Services to assist basic needs;

(c) Vocational services;

(d) Custodial services;

(e) Respite care;

(f) Recreational care;

(g) Residential treatment;

(h) Social services; and

(i) Educational services of any kind.

## WSR 19-05-032

### PROPOSED RULES

### HEALTH CARE AUTHORITY

[Filed February 13, 2019, 9:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-09-111.

Title of Rule and Other Identifying Information: WAC 182-538-040 Introduction, 182-538-050 Definitions, 182-538-060 Managed care choice and assignment, 182-538-067 Qualifications to become a managed care organization (MCO), 182-538-070 Payments to managed care organizations (MCOs), 182-538-095 Scope of care for managed care enrollees, 182-538-110 The grievance and appeal system and agency administrative hearing for managed care enrollees, 182-538-120 Enrollee request for a second medical opinion, 182-538-130 Exemptions and ending enrollment in managed care, 182-538-140 Quality of care, and 182-538-150 Apple health foster care program.

Hearing Location(s): On March 26, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Pear Conference Room #107, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than March 27, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by March 22, 2019.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, TTY 800-848-5429 or 711, email amber.lougheed@hca.wa.gov, by March 22, 2019.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** This rule making adds the dental managed care program to the managed care rules and lays out the requirements for participation in the program, including eligibility, enrollment, the grievance and appeals process, and covered benefits. As part of this change, the agency is including managed dental organizations (pre-paid ambulatory health plans, known as PAHPs) into its regulatory framework.

The state currently provides dental services under the fee-for-service system, which limits access. The managed care program, which aligns with federal rules addressing guaranteed access to care, quality of care, and network adequacy, will improve access, especially for adults.

WAC 182-538-060 revises and clarifies enrollment requirements, adds dental service enrollment options for American Indian and Alaska native clients, and removes the option to submit enrollment forms by mail or facsimile.

WAC 182-538-110 (3)(f) requires that an oral appeal is followed by a written, signed appeal to align with federal regulations.

In WAC 182-538-110 (6)(b) and (c), the managed care organization (MCO) or PAHP must accept oral inquiries about appealing an adverse benefit. The agency removed the requirement that an acknowledgment letter services [serves] to confirm an oral appeal, as the federal regulations require standard appeals to be filed in writing.

The agency removed the right to hearing process in WAC 182-538-130 (5)(c)(i)(B) because enrollees can use the managed care grievance system.

The agency removed WAC 182-538-140 (1)(k)(vi) to align with federal regulations and removed WAC 182-538-140 (1)(o) and (p), as these provisions are already addressed in the MCO contracts. Subsection (2) of that rule requires MCOs to obtain and maintain accreditation.

WAC 182-538-150 added subsection (3)(b) to explain how the agency enrolls people eligible for the apple health foster care program into the managed care dental program.

**Reasons Supporting Proposal:** The agency is proposing these changes to comply with SSB 5883, section 213 (1)(c), 65th legislature, 2017 regular session, which directed the agency to develop and implement this program.

**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:** HCA, governmental.

**Name of Agency Personnel Responsible for Drafting:** Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1408; **Implementation and Enforcement:** Rebecca Carrell, P.O. Box 45530, Olympia, WA 98504-5530, 360-725-1226.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rules do not impose more-than-minor costs on small businesses.

February 13, 2019

Wendy Barcus

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 17-23-199, filed 11/22/17, effective 12/23/17)

**WAC 182-538-040 Introduction.** This chapter governs services provided under the Washington apple health managed care contracts, including the managed dental care program.

If a conflict exists between the requirements of this chapter and other rules, the requirements of this chapter take precedence.

**AMENDATORY SECTION** (Amending WSR 17-23-199, filed 11/22/17, effective 12/23/17)

**WAC 182-538-050 Definitions.** The following definitions and abbreviations and those found in chapter 182-500 WAC, Medical definitions, apply to this chapter.

**"Administrative hearing"** means the agency's administrative hearing process available to an enrollee under chapter 182-526 WAC for review of an adverse benefit determination in accordance with RCW 74.09.741.

**"Adverse benefit determination"** means one or more of the following:

(a) The denial or limited authorization of a requested service, including determinations based on the type or level of service, requirements for medical necessity, appropriateness, setting, or effectiveness of a covered benefit;

(b) The reduction, suspension, or termination of a previously authorized service;

(c) The denial, in whole or in part, of payment for a service;

(d) The failure to provide services in a timely manner, as defined by the state;

(e) The failure of a managed care organization (MCO) or prepaid ambulatory health plan (PAHP) to act within the time frames provided in 42 C.F.R. Sec. 438.408 (a), (b)(1) and (2) for standard resolution of grievances and appeals; or

(f) For a resident of a rural area with only one MCO or PAHP, the denial of an enrollee's request to exercise the enrollee's right to obtain services outside the network under 42 C.F.R. Sec. 438.52 (b)(2)(ii).

**"Agency"** - See WAC 182-500-0010.

**"Appeal"** means a review by an MCO or PAHP of an adverse benefit determination.

**"Apple health foster care (AHFC)"** means the managed care program developed by the agency and the department of social and health services to serve children and youth in foster care and adoption support and young adult alumni of the foster care program.

**"Assign" or "assignment"** means the agency selects an MCO or PAHP to serve a client who has not selected an MCO or PAHP.

**"Auto enrollment"** means the agency has automatically enrolled a client into an MCO or PAHP in the client's area of residence.

**"Client"** means, for the purposes of this chapter, a person eligible for any Washington apple health program, including managed care programs, but who is not enrolled with an MCO, PAHP, or PCCM provider.

**"Disenrollment"** - See "end enrollment."

**"Emergency medical condition"** means a condition meeting the definition in 42 C.F.R. Sec. 438.114(a).

**"Emergency services"** means services defined in 42 C.F.R. Sec. 438.114(a).

**"End enrollment"** means ending the enrollment of an enrollee for one of the reasons outlined in WAC 182-538-130.

**"Enrollee"** means a person eligible for any Washington apple health program enrolled in managed care with an MCO, PAHP, or PCCM provider that has a contract with the state.

**"Enrollee's representative"** means a person with a legal right or written authorization from the enrollee to act on behalf of the enrollee in making decisions.

**"Enrollees with special health care needs"** means enrollees having chronic and disabling conditions and the conditions:

- (a) Have a biologic, psychological, or cognitive basis;
- (b) Have lasted or are virtually certain to last for at least one year; and
- (c) Produce one or more of the following conditions stemming from a disease:
  - (i) Significant limitation in areas of physical, cognitive, or emotional function;
  - (ii) Dependency on medical or assistive devices to minimize limitation of function or activities; or
  - (iii) In addition, for children, any of the following:
    - (A) Significant limitation in social growth or developmental function;
    - (B) Need for psychological, educational, medical, or related services over and above the usual for the child's age; or
    - (C) Special ongoing treatments, such as medications, special diet, interventions, or accommodations at home or school.

**"Exemption"** means agency approval of a client's preenrollment request to remain in the fee-for-service delivery system for one of the reasons outlined in WAC 182-538-130.

**"Grievance"** means an expression of dissatisfaction about any matter other than an adverse benefit determination.

**"Grievance and appeal system"** means the processes the MCO or PAHP implements to handle appeals of adverse

benefit determinations and grievances, as well as the processes to collect and track information about them.

**"Health care service" or "service"** means a service or item provided for the prevention, cure, or treatment of an illness, injury, disease, or condition.

**"Managed care"** means a comprehensive health care delivery system that includes preventive, primary, specialty, and ancillary services. These services are provided through either an MCO, PAHP, or PCCM provider.

**"Managed care contract"** means the agreement between the agency and an MCO or PAHP to provide prepaid contracted services to enrollees.

**"Managed care organization" or "MCO"** means an organization having a certificate of authority or certificate of registration from the office of insurance commissioner that contracts with the agency under a comprehensive risk contract to provide prepaid health care services to enrollees under the agency's managed care programs.

**"Mandatory enrollment"** means the agency's requirement that a client enroll in managed care.

**"Mandatory service area"** means a service area in which eligible clients are required to enroll in an MCO or PAHP.

**"Nonparticipating provider"** means a person, health care provider, practitioner, facility, or entity acting within their scope of practice and licensure that:

- (a) Provides health care services to enrollees; and
- (b) Does not have a written agreement with the managed care organization (MCO) or prepaid ambulatory health plan (PAHP) to participate in the MCO's or PAHP's provider network.

**"Participating provider"** means a person, health care provider, practitioner, or entity acting within their scope of practice and licensure with a written agreement with ~~(the)~~ an MCO or PAHP to provide services to enrollees.

**"Prepaid ambulatory health plan" or "PAHP"** means an organization with a certificate of authority or a certificate of registration from the office of the insurance commissioner. These organizations contract with the agency to provide prepaid health care services to enrollees under the agency's managed care programs. PAHPs do not have a comprehensive risk contract and are not responsible for inpatient hospital or institutional services for its enrollees.

**"Primary care case management" or "PCCM"** means the health care management activities of a provider that contracts with the agency to provide primary health care services and to arrange and coordinate other preventive, specialty, and ancillary health services.

**"Primary care case management entity"** means an organization that, in addition to providing primary care case management (PCCM) services under contract with the agency, provides any of the following functions:

- (a) Provision of intensive telephonic or face-to-face case management, including operation of a nurse triage advice line;
- (b) Development of enrollee care plans;
- (c) Execution of contracts with and/or oversight responsibilities for the activities of fee-for-service (FFS) providers in the FFS program;

(d) Provision of payments to FFS providers on behalf of the agency;

(e) Provision of enrollee outreach and education activities;

(f) Operation of a customer service call center;

(g) Review of provider claims, utilization and practice patterns to conduct provider profiling and practice improvement;

(h) Implementation of quality improvement activities including administering enrollee satisfaction surveys or collecting data necessary for performance measurement of providers;

(i) Coordination with behavioral health systems/providers; and

(j) Coordination with long-term services and supports systems/providers.

In Washington, only Indian health care providers (IHCPs) can act as PCCM entities.

**"Primary care provider" or "PCP"** means a person licensed or certified under Title 18 RCW including, but not limited to, a physician, an advanced registered nurse practitioner (ARNP), naturopath, or a physician assistant who supervises, coordinates, and provides health services to a client or an enrollee, initiates referrals for specialist and ancillary care, and maintains the client's or enrollee's continuity of care.

**"Primary dental provider"** means a participating provider who has responsibility for supervising, coordinating, and providing primary dental care to enrollees, initiating referrals for specialist care, and maintaining the continuity of enrollee care.

**"Timely"** concerning the provision of services, means an enrollee has the right to receive medically necessary health care as expeditiously as the enrollee's health condition requires. Concerning authorization of services and grievances and appeals, "timely" means according to the agency's managed care program contracts and the time frames stated in this chapter.

**AMENDATORY SECTION** (Amending WSR 15-24-098, filed 12/1/15, effective 1/1/16)

**WAC 182-538-060 Managed care choice and assignment.** (1) ~~((Except as provided in subsection (2) of this section,))~~ The medicaid agency requires a client to enroll in managed care when that client:

(a) Is eligible for ~~((one of the))~~ any Washington apple health managed care program~~((s))~~ for which enrollment is mandatory;

(b) Resides in an area where enrollment is mandatory; and

(c) Is not exempt from managed care enrollment or the agency has not ended the client's managed care enrollment, consistent with WAC 182-538-130.

(2) American Indian and Alaska native (AI/AN) clients and their descendants may choose enrollment with one of the following for physical and behavioral health services:

(a) ~~((Enrollment with))~~ A managed care organization (MCO) available in their area;

~~((b))~~ A PCCM provider through a tribal clinic or urban Indian center available in their area; or

~~((c))~~ The agency's fee-for-service system.

~~((3))~~ AI or AN clients and their descendants may choose enrollment with one of the following for dental services:

~~((a))~~ A prepaid ambulatory health plan (PAHP); or

~~((b))~~ The agency's fee-for-service system.

~~((4))~~ To enroll with an MCO or PCCM provider, a client may:

~~((a))~~ Enroll online via the Washington Healthplanfinder at <https://www.wahealthplanfinder.org>;

~~((b))~~ Call the agency's toll-free enrollment line at 800-562-3022; or

~~((c))~~ Go to the ProviderOne client portal at <https://www.waproviderone.org/client> and follow the instructions~~((;~~

~~((d))~~ Mail a postage paid completed managed care enrollment form (HCA 13-862) to the agency's unit responsible for managed care enrollment; or

~~((e))~~ Fax the managed care enrollment form (HCA 13-862) to the agency at the number located on the enrollment form.

~~((4))~~.

~~((5))~~ A client must enroll with an MCO or PAHP available in the area where the client resides.

~~((5))~~ ~~((6))~~ All family members will be enrolled with the same MCO or PAHP, except family members of an enrollee placed in the patient review and coordination (PRC) program under WAC 182-501-0135 need not enroll in the same MCO or PAHP as the family member placed in the PRC program.

~~((6))~~ ~~((7))~~ A client may be placed into the PRC program by the client's MCO, PAHP, or the agency. The client placed in the PRC program must follow the enrollment requirements in WAC 182-501-0135.

~~((7))~~ ~~((8))~~ When a client requests enrollment with an MCO, PAHP, or PCCM provider, the agency enrolls a client effective the earliest possible date given the requirements of the agency's enrollment system.

~~((8))~~ ~~((9))~~ The agency assigns a client who does not choose an MCO or PAHP as follows:

(a) If the client was enrolled with an MCO, PAHP, or PCCM provider within the previous six months, the client is reenrolled with the same MCO, PAHP, or PCCM;

(b) If (a) of this subsection does not apply and the client has a family member enrolled with an MCO or PAHP, the client is enrolled with that MCO;

(c) If the client cannot be assigned according to (a) or (b) of this subsection, the agency assigns the client as follows:

(i) If a client who is not AI or AN does not choose an MCO or PAHP, the agency assigns the client to ~~((an MCO))~~ a health plan available in the area where the client resides. The ~~((MCO))~~ health plan is responsible for primary care provider (PCP) or primary dental provider choice and assignment.

(ii) For clients who are newly eligible or who have had a break in eligibility of more than six months, the agency sends a written notice to each household of one or more clients who are assigned to an MCO or PAHP. The assigned client has ten calendar days to contact the agency to change the MCO or PAHP assignment before enrollment is effective. The notice includes:

- (A) The agency's toll-free number;
- (B) The toll-free number and name of the MCO or PAHP to which each client has been assigned;
- (C) The effective date of enrollment; and
- (D) The date by which the client must respond in order to change the assignment.

(iii) If the client has a break in eligibility of less than six months, the client will be automatically reenrolled with ~~((his or her))~~ the client's previous MCO or PAHP and no notice will be sent.

~~((9))~~ (10) Upon request, the agency ~~((with))~~ assists clients in identifying an MCO or PAHP with which their provider participates.

~~((10 - An MCO))~~ (11) An enrollee's selection of a ~~((PCP))~~ primary provider or assignment to a ~~((PCP))~~ primary provider occurs as follows:

- (a) An ~~((MCO))~~ enrollee may choose:
  - (i) A PCP, PDP, or clinic that is in the enrollee's MCO or PAHP, respectively, and accepting new enrollees; or
  - (ii) A different PCP, PDP, or clinic participating with the enrollee's MCO or PAHP, respectively, for different family members.

(b) The ~~((MCO))~~ health plan assigns a ~~((PCP))~~ primary provider or clinic that meets the access standards set forth in the relevant managed care contract if the enrollee does not choose a ~~((PCP))~~ primary provider or clinic.

(c) An ~~((MCO))~~ enrollee may change ~~((PCPs))~~ primary providers or clinics ~~((in an MCO))~~ for any reason, with the change becoming effective no later than the beginning of the month following the enrollee's request.

(d) An ~~((MCO))~~ enrollee may file a grievance with the ~~((MCO))~~ health plan if the ~~((MCO))~~ health plan does not approve an enrollee's request to change ~~((PCPs))~~ primary providers or clinics.

(e) ~~((MCO))~~ Enrollees required to participate in the agency's PRC program may be limited in their right to change ~~((PCPs))~~ primary providers (see WAC 182-501-0135).

(12) To enroll with a PAHP:

- (a) Call the agency's toll-free enrollment line at 800-562-3022; or
- (b) Go to the ProviderOne client portal at <https://www.waproviderone.org/client> and follow the instructions.

AMENDATORY SECTION (Amending WSR 15-24-098, filed 12/1/15, effective 1/1/16)

**WAC 182-538-067 Qualifications to become a managed care organization (MCO) or prepaid ambulatory health plan (PAHP).** (1) A managed care organization (MCO) or prepaid ambulatory health plan (PAHP) must meet the following qualifications to be eligible to contract with the medicaid agency:

- (a) Have a certificate of registration from the Washington state office of the insurance commissioner (OIC) that allows the MCO or PAHP to provide health care services under a risk-based contract;
- (b) Accept the terms and conditions of the agency's managed care contract;
- (c) Be able to meet the network and quality standards established by the agency; and

(d) Pass a readiness review, including an on-site visit conducted by the agency.

(2) At its discretion, the agency awards a contract to an MCO or PAHP through a competitive process or an application process available to all qualified providers.

(3) The agency reserves the right not to contract with any otherwise qualified MCO or PAHP.

AMENDATORY SECTION (Amending WSR 18-08-035, filed 3/27/18, effective 4/27/18)

**WAC 182-538-070 Payments to managed care organizations (MCOs) or prepaid ambulatory health plans (PAHPs).** (1) The medicaid agency pays apple health managed care organizations (MCOs) or prepaid ambulatory health plans (PAHPs) monthly capitated premiums that:

- (a) Have been developed using generally accepted actuarial principles and practices;
- (b) Are appropriate for the populations to be covered and the services to be furnished under the MCO or PAHP contracts;
- (c) Have been certified by actuaries who meet the qualification standards established by the American Academy of Actuaries and follow the practice standards established by the Actuarial Standards Board;
- (d) Are based on analysis of historical cost, rate information, or both; and
- (e) Are paid based on legislative allocations.

(2) The MCO or PAHP is solely responsible for payment of MCO- or PAHP-contracted health care services. The agency will not pay for a service that is the MCO's or PAHP's responsibility, even if the MCO or PAHP has not paid the provider for the service.

(3) The agency pays an enhancement rate for each MCO or PAHP enrollee assigned to a federally qualified health center (FQHC) or rural health clinic (RHC) according to chapters 182-548 and 182-549 WAC.

(4) The agency pays MCOs a delivery case rate, separate from the capitation payment, when an enrollee delivers a child(ren) and the MCO pays for any part of labor and delivery.

AMENDATORY SECTION (Amending WSR 15-24-098, filed 12/1/15, effective 1/1/16)

**WAC 182-538-095 Scope of care for managed care enrollees.** (1) A managed care enrollee is eligible for the scope of services in WAC 182-501-0060 for categorically needy clients.

(a) The managed care organization (MCO) or prepaid ambulatory health plan (PAHP) covers the services included in the contract for its enrollees.

(i) MCOs or PAHPs may, at their discretion, cover services not required under the ~~((MCO contract))~~ MCO's or PAHP's contract with the agency.

(ii) The agency cannot require the MCO or PAHP to cover any services outside the scope of services in the MCO's or PAHP's contract with the agency.

(b) The agency covers services identified as covered for categorically needy clients in WAC 182-501-0060 and

described in WAC 182-501-0065 that are excluded from coverage in the ((MCO)) managed care contract.

(2) The following services are not covered by the MCO or PAHP:

(a) Services that are not medically necessary as defined in WAC 182-500-0070.

(b) Services not included in the categorically needy scope of services.

(c) Services received in a hospital emergency department for nonemergency medical conditions, except for a screening exam as described in WAC 182-538-100.

(d) Services received from a participating provider that require prior authorization from the MCO or PAHP, but were not authorized by the MCO or PAHP.

(e) All nonemergency services covered under the ((MCO)) managed care contract and received from nonparticipating providers that were not prior authorized by the MCO or PAHP.

(3) A provider may bill an enrollee for noncovered services as described in subsection (2) of this section, if the requirements of WAC 182-502-0160 are met.

(4) For services covered by the agency through contracts with MCOs or PAHPs:

(a) The agency requires the MCO or PAHP to subcontract with enough providers to deliver the scope of contracted services in a timely manner. Except for emergency services, MCOs or PAHPs provide covered services to enrollees through their participating providers;

(b) The agency requires MCOs or PAHPs to provide new enrollees with written information about how enrollees may obtain covered services;

(c) For nonemergency services, MCOs or PAHPs may require the enrollee to obtain a referral from the primary care provider (PCP), ((and/or)) primary dental provider, or the provider to obtain authorization from the MCO or PAHP, according to the requirements of the ((MCO)) managed care contract;

(d) MCOs and PAHPs and their contracted providers determine which services are medically necessary given the enrollee's condition, according to the requirements included in the ((MCO)) managed care contract;

(e) The agency requires the MCO or PAHP to coordinate benefits with other insurers in a manner that does not reduce benefits to the enrollee or result in costs to the enrollee;

(f) A managed care enrollee does not need a PCP referral to receive women's health care services, as described in RCW 48.42.100, from any women's health care provider participating with the MCO. Any covered services ordered or prescribed by a women's health care provider must meet the MCO's service authorization requirements for the specific service;

(g) For enrollees outside their MCO or PAHP service((s)) areas, the MCO or PAHP must cover enrollees for emergency care and medically necessary covered benefits that cannot wait until the enrollees return to their MCO or PAHP service((s)) areas.

(5)(a) ((An MCO)) A managed care enrollee may obtain specific services described in the managed care contract from either an MCO- or PAHP-contracted provider or a provider with a separate agreement with the agency without a referral

from the PCP or MCO or PAHP. These services are communicated to enrollees by the agency and MCOs or PAHPs as described in (b) of this subsection.

(b) The agency ((sends)) provides each ((enrollee)) client written information about covered services when the client must enroll in managed care and any time there is a change in covered services. The agency requires MCOs or PAHPs to provide new enrollees with ((written)) information about covered services and how to access them.

(6) An enrollee is entitled to timely access to covered services that are medically necessary as defined in WAC 182-500-0070.

(7) All nonemergency services covered under the ((MCO)) managed care contract and received from nonparticipating providers require prior authorization from the MCO or PAHP.

AMENDATORY SECTION (Amending WSR 17-23-199, filed 11/22/17, effective 12/23/17)

**WAC 182-538-110 The grievance and appeal system and agency administrative hearing for managed care ((organization (MCO))) enrollees.** (1) **Introduction.** This section contains information about the grievance and appeal system and the right to an agency administrative hearing for ((MCO)) managed care enrollees. See WAC 182-538-111 for information about PCCM enrollees.

(2) **Statutory basis and framework.**

(a) Each managed care organization (MCO) or prepaid ambulatory health plan (PAHP) must have a grievance and appeal system in place for enrollees.

(b) Once an ((MCO)) enrollee has completed the MCO or PAHP appeal((s)) process, the ((MCO)) enrollee has the option of requesting an agency administrative hearing regarding any adverse benefit determination upheld by the MCO or PAHP. See chapter 182-526 WAC.

(3) **MCO and PAHP grievance and appeal systems - General requirements.**

(a) The MCO and PAHP grievance and appeal systems must include:

(i) A process for addressing complaints about any matter that is not an adverse benefit determination, which is a grievance;

(ii) An appeal process to address enrollee requests for review of an MCO or PAHP adverse benefit determination; and

(iii) Access to the agency's administrative hearing process for review of an MCO's or PAHP's resolution of an appeal.

(b) MCOs and PAHPs must provide information describing the MCO's or PAHP's grievance and appeal system to all providers and subcontractors.

(c) An MCO or PAHP must have agency approval for written materials sent to enrollees regarding the grievance and appeal system and the agency's administrative hearing process under chapter 182-526 WAC.

(d) MCOs or PAHPs must inform enrollees in writing within fifteen calendar days of enrollment about enrollees' rights with instructions on how to use the MCO's or PAHP's

grievance and appeal system and the agency's administrative hearing process.

(e) An MCO or PAHP must give enrollees any reasonable assistance in completing forms and other procedural steps for grievances and appeals (e.g., interpreter services and toll-free numbers).

(f) An MCO or PAHP must allow enrollees and their authorized representatives to file grievances and appeals orally as well as in writing including, but not limited to, U.S. mail, commercial delivery services, hand delivery, fax, and email. ~~(MCOs may not require enrollees to provide written follow-up for a grievance or an appeal the MCO received orally.)~~ An oral appeal must be followed by a written, signed, appeal unless an expedited resolution is requested.

(g) The MCO or PAHP must resolve each grievance and appeal and provide notice of the resolution as expeditiously as the enrollee's health condition requires, and within the time frames identified in this section.

(h) The MCO or PAHP must ensure that the people who make decisions on grievances and appeals:

(i) Neither were involved in any previous level of review or decision making, nor a subordinate of any person who was so involved; and

(ii) Are health care professionals with appropriate clinical expertise in treating the enrollee's condition or disease if deciding any of the following:

(A) An appeal of an adverse benefit determination concerning medical necessity;

(B) A grievance concerning denial of an expedited resolution of an appeal; or

(C) A grievance or appeal that involves any clinical issues.

(iii) Take into account all comments, documents, records, and other information submitted by the enrollee or the enrollee's representative without regard to whether the information was submitted or considered in the initial adverse benefit determination.

**(4) The MCO or PAHP grievance process.**

(a) Only an enrollee or enrollee's authorized representative may file a grievance with the MCO or PAHP. A provider may not file a grievance on behalf of an enrollee without the enrollee's written consent.

(b) The MCO or PAHP must acknowledge receipt of each grievance within two business days. Acknowledgment may be orally or in writing.

(c) The MCO or PAHP must complete the resolution of a grievance and provide notice to the affected parties as expeditiously as the enrollee's health condition requires, but no later than forty-five days after receiving the grievance.

(d) The MCO or PAHP must notify enrollees of the resolution of grievances within five business days of determination.

(i) Notices of resolution of grievances not involving clinical issues can be oral or in writing.

(ii) Notices of resolution of grievances for clinical issues must be in writing.

(e) Enrollees do not have a right to an agency administrative hearing to dispute the resolution of a grievance unless the MCO or PAHP fails to adhere to the notice and timing requirements for grievances.

(f) If the MCO or PAHP fails to adhere to the notice and timing requirements for grievances, the enrollee ~~((is deemed to have completed the MCO's appeals process and))~~ may initiate an agency administrative hearing.

**(5) MCO's or PAHP's notice of adverse benefit determination.**

(a) **Language and format requirements.** The notice of adverse benefit determination must be in writing in the enrollee's primary language, and in an easily understood format, in accordance with 42 C.F.R. Sec. 438.404.

(b) **Content of notice.** The notice of MCO or PAHP adverse benefit determination must explain:

(i) The adverse benefit determination the MCO or PAHP has made or intends to make, and any pertinent effective date;

(ii) The reasons for the adverse benefit determination, including citation to rules or regulations and the MCO or PAHP criteria that were the basis of the decision;

(iii) The enrollee's right to receive upon request, free of charge, reasonable access to and copies of all documents, records, and other information relevant to the enrollee's adverse benefit determination, including medical necessity criteria and any processes, strategies, or evidentiary standards used in setting coverage limits;

(iv) The enrollee's right to file an appeal of the MCO or PAHP adverse benefit determination, including information on the MCO or PAHP appeal process and the right to request an agency administrative hearing;

(v) The procedures for exercising the enrollee's rights;

(vi) The circumstances under which an appeal can be expedited and how to request it;

(vii) The enrollee's right to have benefits continued pending resolution of an appeal, how to request that benefits be continued, and the circumstances under which the enrollee may be required to pay the costs of these services.

(c) **Timing of notice.** The MCO or PAHP must mail the notice of adverse benefit determination within the following time frames:

(i) For termination, suspension, or reduction of previously authorized services, at least ten calendar days prior to the effective date of the adverse benefit determination in accordance with 42 C.F.R. Sec. 438.404 and 431.211. This time period does not apply if the criteria in 42 C.F.R. Sec. 431.213 or 431.214 are met. This notice must be mailed by a method that certifies receipt and assures delivery within three calendar days.

(ii) For denial of payment, at the time of any adverse benefit determination affecting the claim. This applies only when the enrollee can be held liable for the costs associated with the adverse benefit determination.

(iii) For standard service authorization decisions that deny or limit services, as expeditiously as the enrollee's health condition requires not to exceed fourteen calendar days following receipt of the request for service. An extension of up to fourteen additional days may be allowed if:

(A) The enrollee or enrollee's provider requests the extension.

(B) The MCO or PAHP determines and justifies to the agency upon request, a need for additional information and that the extension is in the enrollee's interest.



(iv) If the MCO or PAHP extends the time frame for standard service authorization decisions, the MCO or PAHP must:

(A) Give the enrollee written notice of the reason for the decision to extend and inform the enrollee of the right to file a grievance if the enrollee disagrees with that decision; and

(B) Issue and carry out its determination as expeditiously as the enrollee's health condition requires and no later than the date the extension expires.

(v) For expedited authorization decisions:

(A) In cases involving mental health drug authorization decisions, or where the provider indicates or the MCO or PAHP determines that following the standard time frame could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain maximum function, the MCO or PAHP must make an expedited authorization decision and provide notice no later than seventy-two hours after receipt of the request for service.

(B) The MCO or PAHP may extend the seventy-two-hour time frame up to fourteen calendar days if:

(I) The enrollee requests the extension; or

(II) The MCO or PAHP determines and justifies to the agency, upon request, there is a need for additional information and it is in the enrollee's interest.

(6) **The MCO or PAHP appeal process.**

(a) **Authority to appeal.** An enrollee, the enrollee's authorized representative, or the provider acting with the enrollee's written consent may appeal an adverse benefit determination from the MCO or PAHP.

(b) **Oral appeals.** An MCO or PAHP must ~~((treat))~~ accept oral inquiries about appealing an adverse benefit determination ~~((as an appeal to establish the earliest possible filing date for the appeal. The oral appeal must be confirmed in writing by the MCO, unless the enrollee or provider requests an expedited resolution))~~.

(c) **Acknowledgment letter.** The MCO or PAHP must acknowledge in writing receipt of each appeal to both the enrollee and the requesting provider within five calendar days of receiving the appeal request. ~~((The appeal acknowledgment letter sent by the MCO serves as written confirmation of an appeal filed orally by an enrollee.))~~

(d) ~~((Standard service authorization))~~ **Timeline to file appeal - Sixty-day deadline.** ~~((For appeals involving standard service authorization decisions,))~~ An enrollee must file an appeal within sixty calendar days of the date on the MCO's or PAHP's notice of adverse benefit determination. This time frame also applies to a request for an expedited appeal.

(e) **Previously authorized service - Ten-day deadline.** For appeals of adverse benefit determinations involving termination, suspension, or reduction of a previously authorized service, and the enrollee is requesting continuation of the service, the enrollee must file an appeal within ten calendar days of the MCO or PAHP mailing notice of the adverse benefit determination.

(f) **Untimely service authorization decisions.** When the MCO or PAHP does not make a **service authorization decision** within required time frames, it is considered a denial. In this case, the MCO or PAHP sends a formal notice of adverse benefit determination, including the enrollee's right to an appeal.

(g) **Appeal process requirements.** The MCO or PAHP appeal process must:

(i) Provide the enrollee a reasonable opportunity to present evidence and allegations of fact or law, in person, by telephone, or in writing. The MCO or PAHP must inform the enrollee of the limited time available for this in the case of expedited resolution;

(ii) Provide the enrollee and the enrollee's representative opportunity before and during the appeal process to examine the enrollee's case file, including medical records, other relevant documents and records, and any new or additional evidence considered, relied upon, or generated by the MCO or PAHP (or at the direction of the MCO or PAHP) in connection with the appeal of the adverse benefit determination. This information must be provided free of charge and sufficiently in advance of the resolution time frame for appeals as specified in this section; and

(iii) Include as parties to the appeal:

(A) The enrollee and the enrollee's representative; or

(B) The legal representative of the deceased enrollee's estate.

(h) **Level of appeal.** There will only be one level of review in the MCO or PAHP appeals process.

(i) Time frames for resolution of appeals and notice to the enrollee. MCOs or PAHPs must resolve each appeal and provide notice as expeditiously as the enrollee's health condition requires, and within the following time frames:

(i) For standard resolution of appeals, including notice to the affected parties, no longer than thirty calendar days from the day the MCO or PAHP receives the appeal. This includes appeals involving termination, suspension, or reduction of previously authorized services.

(ii) For expedited resolution of appeals, including notice to the affected parties, no longer than seventy-two hours after the MCO or PAHP receives the appeal. The MCO or PAHP may extend the seventy-two-hour time frame up to fourteen calendar days if:

(A) The enrollee requests the extension; or

(B) The MCO or PAHP determines and shows to the satisfaction of the agency, upon request, there is a need for additional information and it is in the enrollee's interest.

(iii) If the MCO or PAHP fails to adhere to the notice and timing requirements for appeals, the enrollee is deemed to have completed the MCO's or PAHP's appeals process and may request an agency administrative hearing.

(j) **Language and format requirements - Notice of resolution of appeal.**

(i) The notice of the resolution of the appeal must be in writing in the enrollee's primary language and in an easily understood format, in accordance with 42 C.F.R. Sec. 438.10.

(ii) The notice of the resolution of the appeal must be sent to the enrollee and the requesting provider.

(iii) For notice of an expedited resolution, the MCO or PAHP must also make reasonable efforts to provide oral notice.

(k) **Content of resolution of appeal.**

(i) The notice of resolution must include the results of the resolution process and the date it was completed;

(ii) For appeals not resolved wholly in favor of the enrollee, the notice of resolution must include:

(A) The right to request an agency administrative hearing under RCW 74.09.741 and chapter 182-526 WAC, and how to request the hearing;

(B) The right to request and receive benefits while an agency administrative hearing is pending, and how to make the request in accordance with subsection (9) of this section and the agency's administrative hearing rules in chapter 182-526 WAC;

(C) That the enrollee may be held liable for the cost of those benefits received for the first sixty days after the agency or the office of administrative hearings (OAH) receives an agency administrative hearing request, if the hearing decision upholds the MCO's or PAHP's adverse benefit determination. See RCW 74.09.741 (5)(g).

**(7) MCO or PAHP expedited appeal process.**

(a) Each MCO or PAHP must establish and maintain an expedited appeal process when the MCO or PAHP determines or the provider indicates that taking the time for a standard resolution of an appeal could seriously jeopardize the enrollee's life, physical or mental health, or ability to attain, maintain, or regain maximum function.

(b) The enrollee may file an expedited appeal either orally, according to WAC 182-526-0095, or in writing. No additional follow-up is required of the enrollee.

(c) The MCO or PAHP must make a decision on the enrollee's request for expedited appeal and provide written notice as expeditiously as the enrollee's health condition requires and no later than two calendar days after the MCO or PAHP receives the appeal. The MCO or PAHP must also make reasonable efforts to orally notify the enrollee of the decision.

(d) The MCO or PAHP may extend the time frame for decision on the enrollee's request for an expedited appeal up to fourteen calendar days if:

(i) The enrollee requests the extension; or

(ii) The MCO or PAHP determines and shows to the satisfaction of the agency, upon its request, that there is a need for additional information and the delay is in the enrollee's interest.

(e) The MCO or PAHP must make reasonable efforts to provide the enrollee prompt verbal notice and provide written notice for any extension not requested by the enrollee with the reason for the delay.

(f) If the MCO or PAHP grants an expedited appeal, the MCO or PAHP must issue a decision as expeditiously as the enrollee's physical or mental health condition requires, but not later than seventy-two hours after receiving the appeal. The MCO or PAHP may extend the time frame for a decision and to provide notice to the enrollee for an expedited appeal, up to fourteen days, if:

(i) The enrollee requests the extension; or

(ii) The MCO or PAHP determines and shows to the satisfaction of the agency, upon its request, that there is a need for additional information and the delay is in the enrollee's interest.

(g) The MCO or PAHP must provide written notice for any extension not requested by the enrollee within two calendar days of the decision and inform the enrollee of the reason for the delay and the enrollee's right to file a grievance.

(h) If the MCO or PAHP denies a request for expedited resolution of an appeal, it must:

(i) Process the appeal based on the time frame for standard resolution;

(ii) Make reasonable efforts to give the enrollee prompt oral notice of the denial; and

(iii) Provide written notice within two calendar days.

(i) The MCO or PAHP must ensure that punitive action is not taken against a provider who requests an expedited resolution or supports an enrollee's appeal.

**(8) The right to an agency administrative hearing for managed care organization (MCO) or prepaid ambulatory health plan (PAHP) enrollees.**

(a) **Authority to file.** Only an enrollee, the enrollee's authorized representative, or a provider with the enrollee's or authorized representative's written consent may request an administrative hearing. See RCW 74.09.741, WAC 182-526-0090, and 182-526-0155.

(b) **Right to agency administrative hearing.** If an enrollee has completed the MCO or PAHP appeal process and does not agree with the MCO's or PAHP's resolution of the appeal, the enrollee may file a request for an agency administrative hearing based on the rules in this section and the agency administrative hearing rules in chapter 182-526 WAC.

(c) **Deadline - One hundred twenty days.** An enrollee's request for an agency administrative hearing must be filed no later than one hundred twenty calendar days from the date of the written notice of resolution of appeal from the MCO or PAHP.

(d) **Independent party.** The MCO or PAHP is an independent party and responsible for its own representation in any agency administrative hearing, appeal to the board of appeals, and any subsequent judicial proceedings.

(e) **Applicable rules.** The agency's administrative hearing rules in chapter 182-526 WAC apply to agency administrative hearings requested by enrollees to review the resolution of an enrollee appeal of an MCO or PAHP adverse benefit determination.

**(9) Continuation of previously authorized services.**

(a) The MCO or PAHP must continue the enrollee's services if all of the following apply:

(i) The enrollee, or enrollee's authorized representative, or provider with written consent files the appeal on or before the later of the following:

(A) Within ten calendar days of the MCO or PAHP mailing the notice of adverse benefit determination; or

(B) The intended effective date of the MCO's or PAHP's proposed adverse benefit determination.

(ii) The appeal involves the termination, suspension, or reduction of previously authorized services;

(iii) The services were ordered by an authorized provider; and

(iv) The original period covered by the original authorization has not expired.

(b) If the MCO or PAHP continues or reinstates the enrollee's services while the appeal is pending at the enrollee's request, the services must be continued until one of the following occurs:

(i) The enrollee withdraws the MCO or PAHP appeal;

(ii) The enrollee fails to request an agency administrative hearing within ten calendar days after the MCO or PAHP sends the notice of an adverse resolution to the enrollee's appeal;

(iii) The enrollee withdraws the request for an agency administrative hearing; or

(iv) The office of administrative hearings (OAH) issues a hearing decision adverse to the enrollee.

(c) If the final resolution of the appeal upholds the MCO's or PAHP's adverse benefit determination, the MCO or PAHP may recover from the enrollee the amount paid for the services provided to the enrollee for the first sixty calendar days after the agency or the office of administrative hearings (OAH) received a request for an agency administrative hearing, to the extent that services were provided solely because of the requirement for continuation of services.

**(10) Effect of reversed resolutions of appeals.**

(a) **Services not furnished while an appeal is pending.** If the MCO or PAHP or a final order entered by the HCA board of appeals, as defined in chapter 182-526 WAC, or an independent review organization (IRO) reverses a decision to deny, limit, or delay services that were not provided while the appeal was pending, the MCO or PAHP must authorize or provide the disputed services promptly, and as expeditiously as the enrollee's health condition requires, but not later than seventy-two hours from the date it receives notice reversing the determination.

(b) **Services furnished while the appeal is pending.** If the MCO or PAHP reverses a decision to deny authorization of services or the denial is reversed through an IRO or a final order of OAH or the board of appeals and the enrollee received the disputed services while the appeal was pending, the MCO or PAHP must pay for those services.

**AMENDATORY SECTION** (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

**WAC 182-538-120 Enrollee request for a second medical opinion.** (1) A managed care enrollee has the right to a timely referral for a second opinion upon request when:

(a) The enrollee needs more information about treatment recommended by the provider or managed care organization (MCO) or prepaid ambulatory health plan (PAHP); or

(b) The enrollee believes the MCO or PAHP is not authorizing medically necessary care.

(2) A managed care enrollee has a right to a second opinion from a participating provider. At the MCO's or PAHP's discretion, a clinically appropriate nonparticipating provider who is agreed upon by the MCO and the enrollee may provide the second opinion.

(3) Primary care case management (PCCM) enrollees have a right to a timely referral for a second opinion by another provider who has a core provider agreement with the agency.

**AMENDATORY SECTION** (Amending WSR 16-23-021, filed 11/4/16, effective 1/1/17)

**WAC 182-538-130 Exemptions and ending enrollment in managed care.** (1) The agency approves a request to

exempt a client from enrollment or to end enrollment from mandatory managed care when any of the following apply:

(a) The client or enrollee is eligible for medicare;

(b) The client or enrollee is not eligible for managed care enrollment, for Washington apple health programs, or both; or

(c) A request for exemption or to end enrollment is received and approved by the agency as described in this section.

(i) If a client requests exemption within the notice period stated in WAC 182-538-060, the client is not enrolled until the agency approves or denies the request.

(ii) If an enrollee request to end enrollment is received after the enrollment effective date, the enrollee remains enrolled pending the agency's decision, unless continued enrollment creates loss of access to providers for medically necessary care.

(2)(a) The following people may request the agency to approve an exemption or end enrollment in managed care:

(i) A client or enrollee;

(ii) A client or enrollee's authorized representative under WAC 182-503-0130; or

(iii) A client or enrollee's representative as defined in RCW 7.70.065.

(b) The agency grants a request to exempt or to end enrollment in managed care when the client or enrollee:

(i) Is American Indian or Alaska native;

(ii) Lives in an area or is enrolled in a Washington apple health program in which participation in managed care is voluntary; or

(iii) Requires care that meets the criteria in subsection (3) of this section for case-by-case clinical exemptions or to end enrollment in the MCO or PAHP program.

(3) Case-by-case clinical criteria to authorize an exemption or to end enrollment.

(a) The agency may approve a request for exemption or to end enrollment when the following criteria are met:

(i) The care must be medically necessary;

(ii) That medically necessary care is covered under the agency's managed care contracts;

(iii) The client is receiving the medically necessary care from an established provider or providers who are not available through any contracted MCO or PAHP, as applicable to the request; and

(iv) It is medically necessary to continue that care from the established provider or providers.

(b) When the agency approves a request for exemption or to end enrollment, the agency will notify the client or enrollee of its decision by telephone or in writing. If the agency approves the request for a limited time, the client or enrollee is notified of the time limitation and the process for renewing the exemption.

(c) When the agency denies a request for exemption or to end enrollment, the agency will notify the client or enrollee of its decision by telephone or in writing and confirms a telephone notification in writing. When a client or enrollee is limited-English proficient, the written notice must be available in the client's or enrollee's primary language under 42 C.F.R. 438.10. The written notice must contain all the following information:

- (i) The agency's decision;
- (ii) The reason for the decision;
- (iii) The specific rule or regulation supporting the decision; and
- (iv) The right to request an agency administrative hearing.

(4) If a client or enrollee does not agree with the agency's decision regarding a request for exemption or to end enrollment, the client or enrollee may file a request for an agency administrative hearing based on RCW 74.09.741, the rules in this chapter, and the agency hearing rules in chapter 182-526 WAC.

(5) The agency will grant a request from an MCO or PAHP to end enrollment of an enrollee on a case-by-case basis when the request is submitted to the agency in writing and includes sufficient documentation for the agency to determine that the criteria to end enrollment in this subsection is met, except for enrollees described in (c) of this subsection.

(a) All of the following criteria must be met to end enrollment:

(i) The enrollee puts the safety or property of the contractor or the contractor's staff, providers, patients, or visitors at risk and the enrollee's conduct presents the threat of imminent harm to others (~~(, except for enrollees described in (c) of this subsection)~~);

(ii) A clinically appropriate evaluation was conducted to determine whether there was a treatable problem contributing to the enrollee's behavior and there was not a treatable problem or the enrollee refused to participate;

(iii) The enrollee's health care needs have been coordinated as contractually required and the safety concerns cannot be addressed; and

(iv) The enrollee has received written notice from the MCO or PAHP of its intent to request to end enrollment of the enrollee, unless the requirement for notification has been waived by the agency because the enrollee's conduct presents the threat of imminent harm to others. The ((MCO's)) notice to the enrollee includes the enrollee's right to use the ((MCO's)) managed care grievance process to review the request to end enrollment.

(b) The agency will not approve a request to end enrollment when the request is solely due to any of the following:

(i) An adverse change in the enrollee's health status;

(ii) The cost of meeting the enrollee's health care needs or because of the enrollee's utilization of services;

(iii) The enrollee's diminished mental capacity; or

(iv) Uncooperative or disruptive behavior resulting from the enrollee's special needs or behavioral health condition, except when continued enrollment in the MCO or ((PCCM)) PAHP seriously impairs the entity's ability to furnish services to either this particular enrollee or other enrollees.

(c) When the agency receives a request from an MCO or PAHP to end enrollment of an enrollee that does not meet the criteria described in (a) of this subsection, the agency reviews each request on a case-by-case basis. The agency will respond to the MCO or PAHP in writing with the decision. If the agency grants the request to end enrollment:

(i) The MCO or PAHP will notify the enrollee in writing of the decision. The notice must include(=

~~(A)) the enrollee's right to use the ((MCO's)) managed care grievance system as described in WAC 182-538-110((; and~~

~~(B) The enrollee's right to use the agency's hearing process (see WAC 182-526-0200 for the hearing process for enrollees)).~~

(ii) The agency will send a written notice to the enrollee at least ten calendar days in advance of the effective date that enrollment will end. The notice to the enrollee includes the information in subsection (3)(c) of this section.

(d) The MCO or PAHP will continue to provide services to the enrollee until the date the individual is no longer enrolled.

(6) The agency may exempt the client for the period of time the circumstances or conditions described in this section are expected to exist. The agency may periodically review those circumstances or conditions to determine if they continue to exist. Any authorized exemption will continue only until the client can be enrolled in managed care.

AMENDATORY SECTION (Amending WSR 17-23-199, filed 11/22/17, effective 12/23/17)

**WAC 182-538-140 Quality of care.** (1) To assure that managed care enrollees receive quality health care services, the agency requires managed care organizations (MCOs) and prepaid ambulatory health plan (PAHP) to comply with quality improvement standards detailed in the agency's managed care contract. MCOs and PAHPs must:

(a) Have a clearly defined quality organizational structure and operation, including a fully operational quality assessment, measurement, and improvement program;

(b) Have effective means to detect over and underutilization of services;

(c) Maintain a system for provider and practitioner credentialing and recredentialing;

(d) Ensure that MCO or PAHP subcontracts and the delegation of MCO responsibilities align with agency standards;

(e) Ensure MCO or PAHP oversight of delegated entities responsible for any delegated activity to include:

(i) A delegation agreement with each entity describing the responsibilities of the MCO or PAHP and the entity;

(ii) Evaluation of the entity before delegation;

(iii) An annual evaluation of the entity; and

(iv) Evaluation or regular reports and follow-up on issues that are not compliant with the delegation agreement or the agency's managed care contract specifications.

(f) Cooperate with an agency-contracted, qualified independent external quality review organization (EQRO) conducting review activities as described in 42 C.F.R. Sec. 438.358;

(g) Have an effective mechanism to assess the quality and appropriateness of care furnished to enrollees with special health care needs;

(h) Assess and develop individualized treatment plans for enrollees with special health care needs which ensure integration of clinical and nonclinical disciplines and services in the overall plan of care;

(i) Submit annual reports to the agency on performance measures as specified by the agency;

(j) Maintain a health information system that:

(i) Collects, analyzes, integrates, and reports data as requested by the agency;

(ii) Provides information on utilization, grievances and appeals, enrollees ending enrollment for reasons other than the loss of medicaid eligibility, and other areas as defined by the agency;

(iii) Retains enrollee grievance and appeal records described in 42 C.F.R. Sec. 438.416, base data as required by 42 C.F.R. Sec. 438.5(c), MLR reports as required by 42 C.F.R. Sec. 438.8(k), and the data, information, and documentation specified in 42 C.F.R. Secs. 438.604, 438.606, 438.408, and 438.610 for a period of no less than ten years;

(iv) Collects data on enrollees, providers, and services provided to enrollees through an encounter data system, in a standardized format as specified by the agency; and

(v) Ensures data received from providers is adequate and complete by verifying the accuracy and timeliness of reported data and screening the data for completeness, logic, and consistency.

(k) Conduct performance improvement projects designed to achieve significant improvement, sustained over time, in ~~((clinical care))~~ health outcomes and ~~((services))~~ enrollee satisfaction, and that involve the following:

(i) Measuring performance using objective quality indicators;

(ii) Implementing ~~((system changes))~~ interventions to achieve improvement in ~~((service quality))~~ the access to and quality of care;

(iii) Evaluating the effectiveness of ~~((system changes))~~ the interventions based on the performance measures;

(iv) Planning and initiating activities for increasing or sustaining ~~((performance))~~ improvement; and

(v) Reporting each project status and the results as requested by the agency~~((; and~~

~~((vi) Completing each performance improvement project timely so as to generally allow aggregate information to produce new quality of care information every year)).~~

(l) Ensure enrollee access to health care services;

(m) Ensure continuity and coordination of enrollee care;

(n) Maintain and monitor availability of health care services for enrollees; and

(o) ~~((Perform client satisfaction surveys; and~~

~~((p)))~~ Obtain and maintain national committee on quality assurance (NCQA) accreditation.

(2) MCOs must also obtain and maintain national committee on quality assurance (NCQA) accreditation.

(3) The agency may:

(a) Impose intermediate sanctions under 42 C.F.R. Sec. 438.700 and corrective action for substandard rates of clinical performance measures and for deficiencies found in audits and on-site visits;

(b) Require corrective action for findings for noncompliance with any contractual state or federal requirements; and

(c) Impose sanctions for noncompliance with any contractual, state, or federal requirements not corrected.

AMENDATORY SECTION (Amending WSR 16-23-021, filed 11/4/16, effective 1/1/17)

**WAC 182-538-150 Apple health foster care program.**

(1) Unless otherwise stated in this section, all of the provisions of chapter 182-538 WAC apply to apple health foster care (AHFC).

(2) The following sections of chapter 182-538 WAC do not apply to AHFC:

(a) WAC 182-538-068;

(b) WAC 182-538-071;

(c) WAC 182-538-096; and

(d) WAC 182-538-111.

(3)(a) Enrollment in AHFC is voluntary for eligible individuals. The agency will enroll eligible individuals in the single MCO that serves children and youth in foster care and adoption support, and young adult alumni of the foster care system.

(b) The agency enrolls individuals eligible for the AHFC program into the managed dental care program under the same enrollment and assignment methodology as used for other eligible individuals, with the exception of those individuals with third-party liability. Enrollment in the managed dental care program is voluntary for AHFC-eligible clients.

(c) An AHFC enrollee may request to end enrollment in AHFC without cause if the client is in the adoption support or young adult alumni programs. WAC 182-538-130 does not apply to these requests.

(4) In addition to the scope of medical care services in WAC 182-538-095, AHFC coordinates health care services for enrollees with the ~~((department of social and health services))~~ community mental health system and other health care systems as needed.

(5) The agency ~~((sends))~~ provides written information about covered services when the individual becomes eligible to enroll in AHFC and at any time there is a change in covered services. In addition, the agency requires MCOs or PAHPs to provide new enrollees with written information about:

(a) Covered services;

(b) The right to grievances and appeals through the MCO or PAHP; and

(c) Hearings through the agency.

**WSR 19-05-043**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Developmental Disabilities Administration)

[Filed February 14, 2019, 11:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-02-053.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-101D-0025 Service provider responsibilities and repeal WAC 388-101D-0120 Approval of staff-coverage schedules.

Hearing Location(s): On March 26, 2019, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than March 27, 2019.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAU RulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00, March 26, 2019.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email Kildaja@dshs.wa.gov, by March 12, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments remove requirements for residential service providers to schedule within contracted hours and obtain approval of staff coverage schedules. These administrative activities are no longer necessary as part of the tiered rates system.

Reasons Supporting Proposal: ESSB 6032 (2018) directs the department to replace hourly payment methodology with a tiered rate methodology for residential services providers. The Centers for Medicare and Medicaid Services (CMS) approved the developmental disabilities administration's (DDA) waiver amendments, which require implementation of the tiered rate system on January 1, 2019. Amending these rules is necessary to implement the tiered rates system.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.120, ESSB 6032 (2018).

Rule is necessary because of federal law, 42 U.S.C. Sections 1396b and 1396n.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1589; Implementation and Enforcement: Valerie Kindschy, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1550.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: Under ESSB 6032 (2018) section 205(v) the legislature directed DDA to implement a tiered rate methodology by January 1, 2019. DDA submit-

ted a waiver amendment to CMS that said the department would implement a tiered rate methodology by January 1, 2019. CMS approved the change.

DDA must provide services in compliance with its approved waiver amendments. Removing administrative requirements that were part of the hourly payment methodology is necessary to transition residential service providers into the tiered rate system. As required under 42 U.S.C. Sections 1396b and 1396n, the state must provide services in accordance with the medicaid state plan, and any approved waivers, in order to receive federal funding.

February 7, 2019  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-14-058, filed 6/30/16, effective 8/1/16)

**WAC 388-101D-0025 Service provider responsibilities.** (1) Service providers must meet the requirements of:

- (a) This chapter;
  - (b) Each contract and statement of work entered into with the department;
  - (c) Each client's individual support plan when the individual support plan identifies the service provider as responsible; and
  - (d) Each client's individual instruction and support plan.
- (2) The service provider must:
- (a) Have a designated administrator and notify the department when there is a change in administrator;
  - (b) Ensure that clients have immediate access to staff, or the means to contact staff, at all times;
  - (c) Provide adequate staff (~~within contracted hours to administer the program and~~) to meet the needs of clients as identified in their person-centered service plans;
  - (d) Not routinely involve clients in the unpaid instruction and support of other clients;
  - (e) Not involve clients receiving crisis diversion services in the instruction and support of other clients; and
  - (f) Retain all records and other material related to the residential services contract for six years after expiration of the contract.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-101D-0120 Approval of staff-coverage schedules.

**WSR 19-05-047**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed February 15, 2019, 7:45 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 246-272B-02000 Site review, predesign report, soil characterization, and site inspection, 246-272B-02100 Engineering, 246-272B-02550 LOSS modifications, 246-272B-04400 Plans and specifications, and 246-272B-05400 Post construction documentation, this proposal removes requirements for large on-site sewage systems (LOSS) applicants to provide hard copies when submitting documents to the department of health (department) for approval.

Hearing Location(s): On March 26, 2019, at 1:15 p.m., at the Department of Health, 111 Israel Road S.E., Room 158, Tumwater, WA 98501.

Date of Intended Adoption: April 2, 2019.

Submit Written Comments to: Peter Beaton, Department of Health, P.O. Box 47820, Olympia, WA 98504-7820, email <https://fortress.wa.gov/doh/policyreview>, by March 26, 2019.

Assistance for Persons with Disabilities: Contact Lisette Anson, phone 360-236-3382, TTY 360-833-6388 or 711, email [lisette.anson@doh.wa.gov](mailto:lisette.anson@doh.wa.gov), by March 19, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The current rule requires applicants to submit a hard copy and an electronic copy of documents to the department when requesting approval. The department is proposing to remove the requirement for LOSS owners to submit hard copies. The proposal will reduce the cost burden on LOSS owners from having to submit redundant hard copies.

Reasons Supporting Proposal: The department can complete its review and approval process using the electronic documents. This makes the hard copy submittals unnecessary. This change is based on the department's goal of "going paperless."

Statutory Authority for Adoption: RCW 70.118B.020, 70.118B.040.

Statute Being Implemented: RCW 70.118B.020, 70.118B.040.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Peter Beaton, Department of Health, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4031; Implementation and Enforcement: Jeremy Simmons, Department of Health, 243 Israel Road S.E., Tumwater, WA 98501, 360-236-3346.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule amendment is a procedural rule and does not meet the definition of a legislatively significant rule because the proposal makes a change to the LOSS application process under RCW 43.05.328 (5)(c)(I) [34.05.328

(5)(c)(i)]. Therefore the requirement to develop a cost-benefit analysis does not apply.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

February 13, 2019

Clark Halvorson

Assistant Secretary

AMENDATORY SECTION (Amending WSR 11-12-035, filed 5/25/11, effective 7/1/11)

**WAC 246-272B-02000 Site review—Predesign report, soil characterization, and site inspection.** (1) The owner proposing a new LOSS shall submit to the department:

(a) ~~((Two hard copies and one))~~ A copy, in electronic format acceptable to the department, of the predesign report that meets the requirements of WAC 246-272B-03000 ~~((and))~~ that is prepared, stamped, signed, and dated by a design engineer; and

(b) The base fee as established in ~~((chapter 246-272 WAC, Wastewater and reclaimed water use fees))~~ WAC 246-272-3000.

(2) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the conceptual treatment design appears to be viable, the notice of determination must include an invoice for the inspection fee as established in ~~((chapter 246-272 WAC, Wastewater and reclaimed water use fees))~~ WAC 246-272-3000, and instructions to proceed to the site inspection.

(b) If the conceptual treatment design is not viable, the notice of determination must include an invoice for all unpaid fees, the reasons for the determination, and a statement that the department is discontinuing review of the project.

(3) Upon receiving the notice to proceed, the owner may proceed with the site inspection. To proceed, the owner shall:

(a) Schedule the site inspection with the department, design engineer and the person who prepared the soil logs if different than the design engineer; and

(b) Pay the inspection fee established in ~~((chapter 246-272 WAC, Wastewater and reclaimed water use fees))~~ WAC 246-272-3000.

(4) After receiving the fee, the department shall inspect the proposed LOSS site with the design engineer and the person who prepared the soil logs, if different than the design engineer, to:

(a) View test pits;

(b) Verify soil type and other predesign report information; and

(c) Determine if more information or changes are needed, including laboratory analysis of soil consistent with WAC 246-272B-03400.

(5) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department determines that the soil and site information is consistent with the conceptual treatment design, the notice of determination must include the maximum loading rate and instructions to proceed to the environmental review.

(b) If the department determines that the soil and site information is not consistent with the conceptual treatment design, the notice of determination must include an invoice for all unpaid fees, the reasons for the decision, and a statement that the department is discontinuing review of the project. Once the department discontinues review, the LOSS project ends. The department shall treat any future LOSS project submittals involving the same location as a new LOSS project subject to the requirements of subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 11-12-035, filed 5/25/11, effective 7/1/11)

**WAC 246-272B-02100 Engineering.** (1) Upon receiving the department determination that the HGR contains sufficient information to determine the public health and environmental impacts of the LOSS and the LOSS is feasible, the owner may proceed with engineering. To proceed, the owner shall submit ~~((two hard copies and one))~~ a copy<sub>2</sub> in ~~((an))~~ electronic format acceptable to the department<sub>2</sub> of ~~((an))~~ the engineering report that meets the requirements of WAC 246-272B-04000, and a draft O&M manual that meets the requirements of WAC 246-272B-04200 that are prepared, stamped, signed, and dated by a design engineer.

(2) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department approves the engineering report and draft O&M manual, the notice of determination must include instructions to proceed to plans and specifications.

(b) If the department does not approve the engineering report and draft O&M manual, the notice of determination must include an invoice for all unpaid fees, the reasons for the decision, and a statement that the department is discontinuing review of the project.

(3) Upon receiving the notice to proceed, the owner may proceed with plans and specifications. To proceed, the owner shall submit ~~((to the department three hard copies and one))~~ a copy<sub>2</sub> in ~~((an))~~ electronic format acceptable to the department<sub>2</sub> of plans and specifications that meet the requirements of WAC 246-272B-04400 that are prepared, stamped, signed, and dated by a design engineer.

(4) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department approves the plans and specifications, the notice of determination must include an invoice for unpaid fees, a copy of the department-approved plans and specifications, and instructions to submit a completed operating permit application.

(b) If the department does not approve the plans and specifications, the notice of determination must include an invoice for all unpaid fees and the reasons for the decision, and the department shall discontinue review of the project.

(5) If the department approves the plans and specifications, the department shall send a copy of the department-approved plans and specifications to the design engineer.

(6) The owner shall use department-approved plans and specifications for bidding and construction purposes.

AMENDATORY SECTION (Amending WSR 11-12-035, filed 5/25/11, effective 7/1/11)

**WAC 246-272B-02550 LOSS modifications.** (1) When a LOSS owner proposes a modification to the design, operation, or physical facilities, or when the department requires the owner to make such a modification, the owner shall consult with the department to determine the appropriate site review, environmental review, or engineering documents to prepare and submit.

(2) Based on consultation with the department, the owner proposing a LOSS modification shall submit to the department:

(a) ~~((Two hard copies and one))~~ A copy<sub>2</sub> in electronic format acceptable to the department, ~~((that meets the requirements of this chapter or one or more of the following documents))~~ of one or more of the following documents that meets the requirements of this chapter: Predesign report, SRS, HGR, engineering report, management plan, O&M manual; or

(b) ~~((Three hard copies and one))~~ A copy<sub>2</sub> in electronic format acceptable to the department<sub>2</sub> of plans and specifications that meet the requirements of WAC 246-272B-04400; or

(c) Documents identified in subsection (2)(a) and (b) of this section; and

(d) The base fee as established in ~~((chapter 246-272 WAC, Wastewater and reclaimed water use fees))~~ WAC 246-272-3000.

(3) The owner and department shall follow the process for preparing, submitting, reviewing, and approving site review, environmental review, and engineering submittals consistent with WAC 246-272B-02000, 246-272B-02050, and 246-272B-02100.

(4) The department shall notify the owner in writing of its decision to approve or deny the proposal to repair, expand, or otherwise modify a LOSS.

(5) If the department approves the proposal to repair, expand, or otherwise modify a LOSS where the existing and proposed design flow is 14,500 gpd or less, the department shall issue a notice to construct after receiving all unpaid fees, and the owner shall comply with the requirements of Part 5 of this chapter.

(6) If the department approves the proposal to repair or otherwise modify a LOSS where the existing design flow is more than 14,500 gpd, the flow will not increase, and waste strength will not change, the department shall issue a notice to construct after receiving all unpaid fees, and the owner shall comply with the requirements of Part 5 of this chapter.



(7) If the department approves the proposal to repair, expand, or otherwise modify a LOSS, the owner shall submit an operating permit application consistent with WAC 246-272B-02200, and provide public notice consistent with WAC 246-272B-02250 when:

(a) The proposed modification expands the design flow from 14,500 gpd or less to greater than 14,500 gpd; or

(b) The existing design flow is greater than 14,500 gpd and:

- (i) The design flow increases; or
- (ii) The waste strength characteristics change.

(8) If the proposal is denied, the notification must include the reasons for the denial.

(9) LOSS owners proposing modifications to the design, operation, or physical facilities identified in subsection (7) of this section shall follow applicable requirements of WAC 246-272B-02300 and 246-272B-02350.

(10) LOSS owners shall report any change in ownership or management entity to the department a minimum of thirty days prior to the change taking effect.

(11) Any new owner shall submit an application for a new operating permit, the permit fee, and a new management plan that meets the requirements of WAC 246-272B-04100 thirty days prior to assuming ownership.

(12) The department may approve or deny the change in ownership, notifying the owner of the decision in writing.

(a) If the department approves the change in ownership, it shall issue the new owner an operating permit within thirty days of receiving the new application and management plan.

(b) If the department denies the change in ownership, the notice of the decision must include the reasons for the decision.

(13) If the change in ownership is denied:

(a) The owner to whom the operating permit is issued may continue to operate the LOSS;

(b) The department may allow another person to operate the LOSS under a compliance agreement or order; or

(c) The department may direct the person operating the LOSS without a valid operating permit to discontinue operating the LOSS.

**AMENDATORY SECTION** (Amending WSR 11-12-035, filed 5/25/11, effective 7/1/11)

**WAC 246-272B-04400 Plans and specifications.** (1) Construction plans and specifications must be clear and detailed documents ~~((Hard copies must use a common engineering drawing size of 22 x 34 inches, 24 x 36 inches, or 11 x 17 inches))~~ and in an electronic format acceptable to the department.

(2) Plans must include the following:

(a) Design flow, treatment level, drainfield and tank sizing, and hydraulic loading rate;

(b) LOSS schematic or flow diagram;

(c) Hydraulic profile of the LOSS; and

(d) Plan and profile views as applicable of all LOSS components.

(3) Plan sets must be scaled to clearly show all necessary information and include the following:

(a) A title sheet, plan and profile sheets, and other information that outlines and details the LOSS facilities design:

(i) Title block indicating the project title, owner's name, date, seal and signature of the design engineer;

(ii) Index to individual sheets;

(iii) Vicinity map with project site location;

(iv) Master site plan showing facilities served and general system layout; and

(v) List of abbreviations, definitions, and symbols used within the plans.

(b) A general statement that all work must be in conformance with the requirements of this chapter and other design and technical standards specified by the design engineer.

(4) Plan sheets must be consecutively numbered and include, as appropriate:

(a) A north arrow;

(b) Description of scale in text and with a graphical bar;

(c) A descriptive title and date;

(d) Plan views;

(e) Section views;

(f) Profile views;

(g) Elevations;

(h) Easement and franchise locations and boundaries;

(i) Component details;

(j) General layout; and

(k) Supplemental views.

(5) Sewage tanks and other treatment component plans and specifications must:

(a) Show location, dimensions, and elevations of all treatment and pumping units;

(b) Include detailed plan and cross-section views with dimensions;

(c) Include installation details including placement depth and bedding materials, and connections to the tank to minimize settling impacts;

(d) Include a detailed standard plan, including any related electrical components, and installation requirements for tanks designed for individual lots;

(e) Specify tank capacity, baffling, filters, risers and other appurtenances, liquid volume, emergency, scum and sludge volumes, float switch or other control component settings;

(f) Identify manufacturer and model for prefabricated tanks; and

(g) Include a statement that:

(i) Any substitutions must be approved by the design engineer; and

(ii) All prefabricated tanks must meet the requirements of chapter 246-272C WAC ~~((On-site sewage system tanks))~~.

(6) Plans and specifications must include design and structural calculations and all necessary construction information for tanks constructed on-site.

(7) Plans and specifications for collection and transmission piping must specify:

(a) Pipe type, material and size;

(b) Pipe elevations;

(c) Depth from grade and slope if applicable;

(d) Installation details including placement depth and bedding materials;

(e) Location and detail for all cleanouts and other appurtenances;

(f) Horizontal setbacks from all other utility piping; and

(g) All water-sewer crossing detail and instructions.

(8) Plans for the drainfield component must:

(a) Use an appropriate scale of 1:50 or less;

(b) Show plan view of trenches or beds in relation to site topography, showing contours on maximum two-foot intervals;

(c) Show trench or bed:

(i) Length;

(ii) Separations;

(iii) Pipe size, materials, and configuration; and

(iv) Detail of orifice size, spacing and orientation.

(d) Show locations of numbered test pits and test wells, if any, in relation to primary and reserve drainfields; and

(e) Show trench or bed profile with width, depth, piping, cover and any features such as sand, gravel, geotextile, chambers.

(9) Plans for alarm systems must:

(a) Show location of panels and alarms; and

(b) Identify manufacturer and model number of panel.

(10) Plans for flow metering must show:

(a) Valve locations;

(b) Access boxes to grade; and

(c) Any special installation instructions.

(11) Plans must show all electrical components and include a statement that all components meet applicable state or federal codes.

(12) Plan notes must include quality assurance, inspection, and testing:

(a) Where appropriate, the installer shall provide documentation to the design engineer that sand or other media meets specifications;

(b) The design engineer or authorized representative shall inspect the work during construction;

(c) The design engineer shall schedule a final inspection and drainfield pressure test witnessed by the department prior to cover; and

(d) The installer shall call for a special inspection for the following type of work:

(i) Poured-in-place septic tanks and pump chambers and other special containment vessels;

(ii) Proprietary treatment or distribution components;

(iii) Any special excavation requirements;

(iv) Placement of select fill material or final elevation of fill;

(v) Testing of the pressure distribution network prior to final inspection;

(vi) Pressure testing of all piping; and

(vii) Water tightness testing of all tanks.

(13) All LOSS construction specifications must be in conformance with state or nationally recognized standards. Examples include, American Public Works Association standards, Ten States Standards, Department of Ecology's Criteria for Sewage Works Design, Department of Transportation's Standard Specifications for Road, Bridge, and Municipal Construction, and the department's recommended standards and guidance.

(14) Specifications must include all construction information not shown on the plans and necessary to inform the installer of the design requirements including, but not limited to:

- (a) The quality of materials;
- (b) Workmanship and fabrication of the project;
- (c) Type, size, strength, operating characteristics, and rating of equipment;
- (d) Allowable leakage for testing gravity sewer pipe;
- (e) Electrical apparatus and wiring components;
- (f) Meters;
- (g) Operating tools;
- (h) Construction materials;
- (i) Special filter or drainfield media other than native soil;
- (j) Other appurtenances;
- (k) Instructions for testing materials and equipment as needed to meet design standards; and
- (l) LOSS component and process testing to confirm functionality prior to department final inspection.

AMENDATORY SECTION (Amending WSR 11-12-035, filed 5/25/11, effective 7/1/11)

**WAC 246-272B-05400 Post-construction documentation.** Post-construction documents must include the following:

- (1) A LOSS construction completion report prepared by the design engineer that:
- (a) Is on a form provided by the department;
- (b) States the LOSS was constructed in substantial accordance with the approved plans and specifications; and
- (c) Notes changes from the approved plans and specifications, if any.
- (2) LOSS record drawings, in electronic format acceptable to the department, that(~~(a) Include one hard copy in a common engineering drawing size of 22 x 34 inches, 24 x 36 inches, or 11 x 17 inches, and one copy in electronic format; and~~ ~~(b))~~) are scaled to clearly show all necessary information.
- (3) The final management plan that meets the requirements of WAC 246-272B-04100.
- (4) A final O&M manual for the installed LOSS that meets the requirements of WAC 246-272B-04200.

**WSR 19-05-051**

**PROPOSED RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Filed February 15, 2019, 10:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-20-120 on October 3, 2018.

Title of Rule and Other Identifying Information: The department is amending several regulations in chapter 220-330 WAC that affect harvesting clams and oysters for personal use and include WAC 220-330-110 Clams other than

razor clams, mussels—Areas and seasons and 220-330-140  
Oysters—Areas and seasons.

Hearing Location(s): On March 26, 2019, at 5:30 p.m., at the Washington Department of Fish and Wildlife (WDFW), Port Townsend District Office, 375 Hudson Street, Marina Room, Port Townsend, WA 98368.

Date of Intended Adoption: March 27, 2019.

Submit Written Comments to: Scott Bird, WDFW Rules Coordinator, P.O. Box 43200, Olympia, WA 98501-3200, email Rules.Coordinator@dfw.wa.gov, fax 360-902-2155, by March 22, 2019.

Assistance for Persons with Disabilities: Contact Delores Noyes, phone 360-902-2349, TTY 360-902-2207, email Delores.Noyes@dfw.wa.gov, by March 22, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In accordance with recent clam and oyster survey data, recreational harvest projections, comanagement agreements, and public health considerations, recreational clam and oyster seasons require extension or shortening on some public beaches. This rule proposal reflects these changes.

Reasons Supporting Proposal: The amendments to the rules will perpetuate shellfish resources while maximizing recreational fishing opportunity and protecting public health.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Camille Speck, 375 Hudson Street, Port Townsend, WA 98368, 360-302-3030; Implementation: Ron Warren, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2799; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not involve hydraulics.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. These rule changes clarify dates for anticipated open periods and areas for harvesting clams and oysters for personal use. There are no anticipated professional services required to comply. Based on the department's analysis, the proposed rules do not require any additional equipment, supplies, labor, or administrative costs on the part of the public or businesses.

February 15, 2019

Scott Bird

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 18-11-077, filed 5/17/18, effective 6/17/18)

**WAC 220-330-110 Clams other than razor clams, mussels—Areas and seasons.** It is permissible to take, dig for, and possess clams and mussels for personal use from

public tidelands year-round, except the following restrictions apply to the public tidelands at the beaches listed below:

(1) Ala Spit: All public tidelands of Ala Spit are open May 1 through May 31 only.

(2) Alki Park: Closed year-round.

(3) Alki Point: Closed year-round.

(4) Bay Center Oyster Reserve (Willapa Harbor reserves): Palix River channel, extending from the Palix River bridge to beyond Bay Center to the north of Goose Point, is closed year-round.

(5) Bay View State Park: Closed year-round.

(6) Belfair State Park: Open year-round.

(7) Blaine Marine Park: Closed year-round.

(8) Blake Island State Park Marina: Closed year-round.

(9) Blowers Bluff North: Closed year-round.

(10) Brown's Point Lighthouse: Closed year-round.

(11) Budd Inlet: All state-owned tidelands of Budd Inlet south of a line drawn due west from the southern boundary of Burfoot Park to the opposite shore near 68th Avenue N.W. are closed year-round.

(12) Cama Beach State Park: Closed year-round.

(13) Camano Island State Park: Closed year-round.

(14) ~~((Chimacum Creek Tidelands (Irondale Beach Park): Public tidelands south of the main Chimacum Creek channel are closed year-round.~~

~~((15))~~ Chuckanut Bay: All tidelands of Chuckanut Bay north of the BNSF Railroad trestle are closed year-round.

~~((16))~~ (15) Coupeville: Closed year-round.

~~((17))~~ (16) Cultus Bay: Closed year-round.

~~((18))~~ (17) Dave Mackie County Park: Closed year-round.

~~((19))~~ (18) Des Moines City Park: Closed year-round.

~~((20))~~ (19) Discovery Park: Closed year-round.

~~((21))~~ (20) DNR-142: Closed year-round.

~~((22))~~ (21) DNR-144 (Sleeper): Closed year-round.

~~((23))~~ (22) Dockton County Park: Closed year-round.

~~((24))~~ (23) Dosewallips State Park: ~~((Open year-round only in))~~ The area defined by boundary markers and signs posted on the beach is open August 15 through September 7 only.

~~((25))~~ (24) Dosewallips State Park South: Closed year-round south of the line defined by boundary markers on the beach.

~~((26))~~ (25) Drayton West: All public tidelands of Drayton Harbor are closed year-round, except tidelands identified as approved by the department of health and defined by boundary markers and signs posted on the beach are open year-round.

~~((27))~~ (26) Duckabush: Open November 1 through April 30 only.

~~((28))~~ (27) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands: Open May 15 through September 30 only.

~~((29))~~ (28) Eagle Creek: Open ~~((July))~~ June 1 through ~~((July))~~ August 31 only.

~~((30))~~ (29) East San de Fuca: Tidelands east of the Rolling Hills Glencairn Community dock are closed year-round.

~~((31))~~ (30) Eld Inlet Oyster Reserves (Mud Bay reserves): Closed year-round.

~~((32))~~ (31) English Camp: Tidelands between the National Park Service dinghy dock to the southern park boundary are closed year-round.

~~((33))~~ (32) Evergreen Rotary Park (Port Washington Narrows): Closed year-round.

~~((34))~~ (33) Fay Bainbridge Park: Closed year-round.

~~((35))~~ (34) Fort Flagler State Park: Open January 1 through April 15 and July 1 through December 31 only, except that portion of Rat Island and the spit west and south of the park boundary is closed year-round from two white posts on the north end of the island at the vegetation line south to the end of the island.

~~((36))~~ (35) Freeland County Park: Open ~~((January))~~ October 1 through May ~~((45))~~ 31 only.

~~((37))~~ (36) Frye Cove County Park: Open May 1 through May 31 only.

~~((38))~~ (37) Fudge Point State Park: Closed year-round.

~~((39))~~ (38) Gertrude Island: All tidelands of Gertrude Island are closed year-round.

~~((40))~~ (39) Golden Gardens: Closed year-round.

~~((41))~~ (40) Graveyard Spit: Closed year-round.

~~((42))~~ (41) Guss Island: All tidelands of Guss Island are closed year-round.

~~((43))~~ (42) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed year-round.

~~((44))~~ (43) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.

~~((45))~~ (44) Howarth Park/Darlington Beach: Closed year-round.

~~((46))~~ (45) Illahee State Park: Open April 1 through July 31 only.

~~((47))~~ (46) Indian Island County Park/Lagoon Beach: From the jetty boundary with Port Townsend Ship Canal east to the beach access stairs on Flagler Road near milepost 4 open August 15 through September ~~((30))~~ 7 only.

~~((48))~~ (47) Joemma Beach State Park: Closed year-round.

~~((49))~~ (48) Kayak Point County Park: Closed year-round.

~~((50))~~ (49) Kitsap Memorial State Park: Closed year-round.

~~((51))~~ (50) Kopachuck State Park: Open April 1 through May 31 only.

~~((52))~~ (51) Lent Landing (Port Washington Narrows): Closed year-round.

~~((53))~~ (52) Liberty Bay: All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed year-round, except the western shoreline of Liberty Bay from the unincorporated Kitsap County line south to Virginia Point is open October 1 through April 30 only.

~~((54))~~ (53) Lincoln Park: Closed year-round.

~~((55))~~ (54) Lions Park (Bremerton): Closed year-round.

~~((56))~~ (55) Lofall: Closed year-round.

~~((57))~~ (56) Long Island Oyster Reserve, Diamond Point, and Pinnacle Rock (Willapa Harbor reserves): Diamond Point on the northwest side of Long Island between reserve monuments 39 and 41 and Pinnacle Rock on the

southwest side of Long Island between reserve monuments 58 and 59 is open year-round.

~~((58))~~ (57) Long Island Slough Oyster Reserve (Willapa Harbor reserves): Closed year-round.

~~((59))~~ (58) Long Point West: Closed year-round.

~~((60))~~ (59) Lower Roto Vista Park: Closed year-round.

~~((61))~~ ~~Manchester State Park: Closed year-round.~~

~~((62))~~ (60) March Point Recreation Area: Closed year-round.

~~((63))~~ (61) McNeil Island: All tidelands of McNeil Island are closed year-round.

~~((64))~~ (62) Meadowdale County Park: Closed year-round.

~~((65))~~ (63) Mec-Kwa-Mooks Park: Closed year-round.

~~((66))~~ (64) Monroe Landing: Closed year-round.

~~((67))~~ (65) Mukilteo: Closed year-round.

~~((68))~~ (66) Mystery Bay State Park: Open October 1 through April 30 only.

~~((69))~~ (67) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are closed year-round.

~~((70))~~ (68) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.

~~((71))~~ (69) Nisqually National Wildlife Refuge: All state-owned tidelands of the Nisqually River delta south of a line drawn from Luhr Beach boat ramp to Sequelitchew Creek are closed year-round.

~~((72))~~ (70) North Bay (Case Inlet): ~~((State-owned oyster reserves and contiguous state-owned tidelands south and east of the powerline crossing))~~ All state-owned tidelands north of the power transmission lines and those extending 1,900 feet south of the power transmission lines along the eastern shore are open March 1 through April 30 and September 1 through ~~((December 31))~~ September 30, daylight hours only.

~~((73))~~ (71) North Beach County Park: Closed year-round.

~~((74))~~ ~~North Tabook Point: Closed year-round.~~

~~((75))~~ (72) Oak Bay County Park: Open ~~((May))~~ April 1 through ~~((May 31))~~ April 30 only.

~~((76))~~ (73) Oak Harbor: Closed year-round.

~~((77))~~ (74) Oak Harbor Beach Park: Closed year-round.

~~((78))~~ (75) Oak Harbor City Park: Closed year-round.

~~((79))~~ (76) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.

~~((80))~~ (77) Old Mill County Park (Silverdale): Closed year-round.

~~((81))~~ (78) Olympia Shoal: Closed year-round.

~~((82))~~ (79) Pat Carey Vista Park: Closed year-round.

~~((83))~~ (80) Penrose Point State Park: Open March 1 through April 30 only, except that portion of Mayo Cove within the commercially prohibited growing area is closed year-round.

~~((84))~~ (81) Picnic Point County Park: Closed year-round.

~~((85))~~ (82) Pitship Point: Closed year-round.

~~((86))~~ (83) Pitt Island: All tidelands on Pitt Island are closed year-round.

~~((87))~~ (84) Pleasant Harbor State Park: Closed year-round.

~~((88))~~ (85) Pleasant Harbor WDFW Boat Launch: Closed year-round.

~~((89))~~ (86) Point Defiance: Closed year-round.

~~((90))~~ (87) Point No Point South: Closed year-round.

~~((91))~~ (88) Point Whitney Lagoon: Open January 1 through April ~~((30))~~ 15 only.

~~((92))~~ (89) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open January 1 through April ~~((30))~~ 15 only.

~~((93))~~ (90) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.

~~((94))~~ (91) Port Gamble Heritage Park Tidelands: Open year-round.

~~((95))~~ (92) Port Gardner: Closed year-round.

~~((96))~~ (93) Port Townsend Ship Canal/Portage Beach: Open January 1 through May 31 only.

~~((97))~~ (94) Post Point: Closed year-round.

~~((98))~~ (95) Potlatch DNR tidelands: Open April 1 through ~~((August 31))~~ July 7 only.

~~((99))~~ (96) Potlatch State Park: Open April 1 through ~~((August 31))~~ July 7 only.

~~((100))~~ (97) Priest Point County Park: Closed year-round.

~~((101))~~ (98) Purdy Spit County Park: The southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge is open April 1 through April 30 only.

~~((102))~~ (99) Quilcene Bay Tidelands: All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams year-round, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open year-round.

~~((103))~~ (100) Retsil: Closed year-round.

~~((104))~~ (101) Richmond Beach Saltwater Park: Closed year-round.

~~((105))~~ (102) Salt Creek Recreation Area (DNR-419): Closed year-round.

~~((106))~~ (103) Saltair Beach (Kingston Ferry Terminal): Closed year-round.

~~((107))~~ (104) Saltwater State Park: Closed year-round.

~~((108))~~ (105) Samish Bay: Public tidelands of Samish Bay between Scotts Point and an unnamed point on the shore (latitude N48.5745°; longitude W122.4440°) are closed year-round.

~~((109))~~ (106) Scenic Beach State Park: Closed year-round.

~~((110))~~ (107) Seahurst County Park: Closed year-round.

~~((111))~~ (108) Semiahmoo County Park: Closed year-round.

~~((112))~~ (109) Semiahmoo Marina: Closed year-round.

~~((113))~~ (110) Sequim Bay State Park: Open January 1 through June 30 only.

~~((114))~~ (111) Shine Tidelands State Park: Open January 1 through May 15 only.

~~((115))~~ (112) Silverdale Waterfront Park: Closed year-round.

~~((116))~~ (113) Sinclair Inlet: All public tidelands of Sinclair Inlet west of a line drawn from the intersection of Bancroft Road and Beach Drive East northerly to Point Herron are closed year-round.

~~((117))~~ (114) Skagit Bay Estuary Wildlife Areas: All public tidelands of Skagit Bay Estuary Wildlife Area, Fir Island Farms Reserve Wildlife Area, Island Wildlife Area, Camano Island Wildlife Area and Leque Island Wildlife Area are closed year-round.

~~((118))~~ (115) South Carkeek Park: Closed year-round.

~~((119))~~ South Mukilteo: Closed year-round.

~~((120))~~ (116) Southworth: Closed year-round.

~~((121))~~ (117) Spencer Spit State Park: Open March 1 through July 31 only.

~~((122))~~ (118) Stuart Island State Park - Reid Harbor (South Beach): Closed year-round.

~~((123))~~ (119) Taylor Bay: Closed year-round.

~~((124))~~ (120) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed year-round.

~~((125))~~ (121) Triton Cove Tidelands: Open ~~((July 15))~~ June 1 through August 31 only.

~~((126))~~ (122) Twanoh State Park: Open ~~((September))~~ August 1 through September 30 only.

~~((127))~~ (123) Walker County Park: Closed year-round.

~~((128))~~ (124) West Dewatto: DNR Beach 44A open July 1 through September 30 only.

~~((129))~~ (125) West Pass Access: Closed year-round.

~~((130))~~ (126) West Penn Cove: From the property boundary at the Grasser's Lagoon access on Highway 20 to the dock extending across the tidelands from Captain Whidbey Inn on Madrona Road is ~~((closed year-round))~~ open July 15 through September 15 only.

~~((131))~~ (127) Willapa River Oyster Reserve (Willapa Harbor reserves): Reserves located in the Willapa River channel extending west and upriver from a point approximately one-quarter mile from the blinker light marking the division of Willapa River channel and the North River channel are closed year-round.

~~((132))~~ (128) Wolfe Property State Park: Open January 1 through May 15 only.

~~((133))~~ (129) Woodard Bay Natural Resource Conservation Area: Closed year-round.

It is permissible to take, dig for, and possess clams, cockles, borers, and mussels, not including razor clams, for personal use from the Pacific Ocean beaches from November 1 through March 31 only.

Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.

**AMENDATORY SECTION** (Amending WSR 18-11-077, filed 5/17/18, effective 6/17/18)

**WAC 220-330-140 Oysters—Areas and seasons.** It is permissible to take and possess oysters for personal use from public tidelands year-round except the following restrictions apply to the public tidelands at the beaches listed below:

(1) Ala Spit: All public tidelands of Ala Spit open May 1 through May 31 only.

(2) Alki Park: Closed year-round.

(3) Alki Point: Closed year-round.

(4) Bay Center Oyster Reserve (Willapa Harbor reserves): Palix River channel, extending from the Palix River bridge to beyond Bay Center to the north of Goose Point, is closed year-round.

(5) Bay View State Park: Closed year-round.

(6) Blaine Marine Park: Closed year-round.

(7) Blake Island State Park Marina: Closed year-round.

(8) Blowers Bluff North: Closed year-round.

(9) Brown's Point Lighthouse: Closed year-round.

(10) Budd Inlet: All state-owned tidelands of Budd Inlet south of a line drawn from the southern boundary of Burfoot Park to the opposite shore near 68th Avenue N.W. are closed year-round.

(11) Cama Beach State Park: Closed year-round.

(12) Camano Island State Park: Closed year-round.

(13) ~~((Chimacum Creek Tidelands (Irondale Beach Park): Public tidelands south of the main Chimacum Creek channel are closed year-round.~~

(14) Chuckanut Bay: All tidelands of Chuckanut Bay north of the BNSF Railroad trestle are closed year-round.

~~((15)) (14) Coupeville: Closed year-round.~~

~~((16)) (15) Cultus Bay: Closed year-round.~~

~~((17)) (16) Dave Mackie County Park: Closed year-round.~~

~~((18)) (17) Des Moines City Park: Closed year-round.~~

~~((19)) (18) Discovery Park: Closed year-round.~~

~~((20)) (19) DNR-142: Closed year-round.~~

~~((21)) (20) DNR-144 (Sleeper): Closed year-round.~~

~~((22)) (21) Dockton County Park: Closed year-round.~~

~~((23)) (22) Dosewallips State Park: Open year-round only in the area defined by boundary markers and signs posted on the beach.~~

~~((24)) (23) Dosewallips State Park South: Closed year-round south of the line defined by boundary markers on the beach.~~

~~((25)) (24) Drayton West: All public tidelands of Drayton Harbor are closed year-round, except tidelands identified as approved by the department of health and defined by boundary markers and signs posted on the beach are open year-round.~~

~~((26)) (25) Duckabush: Open November 1 through April 30 only.~~

~~((27)) (26) Dungeness Spit/National Wildlife Refuge: Open May 15 through September 30 only.~~

~~((28)) (27) East San de Fuca: Tidelands east of the Rolling Hills Glencairn Community dock are closed year-round.~~

~~((29)) (28) Eld Inlet Oyster Reserves (Mud Bay reserves): Closed year-round.~~

~~((30)) (29) English Camp: Tidelands between the National Park Service dinghy dock to the southern park boundary are closed year-round.~~

~~((31)) (30) Evergreen Rotary Park (Port Washington Narrows): Closed year-round.~~

~~((32)) (31) Fay Bainbridge Park: Closed year-round.~~

~~((33)) (32) Fort Flagler State Park: Open January 1 through April 15 and July 1 through December 31 only, except that portion of Rat Island and the spit west and south of the park boundary is closed year-round from two white posts on the north end of the island at the vegetation line south to the end of the island.~~

~~((34)) (33) Freeland County Park: Open ~~((January))~~ October 1 through May ~~((15))~~ 31 only.~~

~~((35)) (34) Frye Cove County Park: Open May 1 through May 31 only.~~

~~((36)) (35) Fudge Point State Park: Closed year-round.~~

~~((37)) (36) Gertrude Island: All tidelands of Gertrude Island are closed year-round.~~

~~((38)) (37) Golden Gardens: Closed year-round.~~

~~((39)) (38) Graveyard Spit: Closed year-round.~~

~~((40)) (39) Guss Island: All tidelands of Guss Island are closed year-round.~~

~~((41)) (40) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed year-round.~~

~~((42)) (41) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.~~

~~((43)) (42) Howarth Park/Darlington Beach: Closed year-round.~~

~~((44)) (43) Illahee State Park: Open April 1 through July 31 only.~~

~~((45)) (44) Indian Island County Park/Lagoon Beach: From the jetty boundary with Port Townsend Ship Canal east to the beach access stairs on Flagler Road near milepost 4 open August 15 through September ~~((30))~~ 7 only.~~

~~((46)) (45) Joemma Beach State Park: Closed year-round.~~

~~((47)) (46) Kayak Point County Park: Closed year-round.~~

~~((48)) (47) Kitsap Memorial State Park: Closed year-round.~~

~~((49)) (48) Kopachuck State Park: Open April 1 through May 31 only.~~

~~((50)) (49) Lent Landing (Port Washington Narrows): Closed year-round.~~

~~((51)) (50) Liberty Bay: All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed year-round, except the western shoreline of Liberty Bay from the unincorporated Kitsap County line south to Virginia Point is open October 1 through April 30 only.~~

~~((52)) (51) Lincoln Park: Closed year-round.~~

~~((53)) (52) Lions Park (Bremerton): Closed year-round.~~

~~((54)) (53) Lofall: Closed year-round.~~

~~((55)) (54) Long Island Oyster Reserve, Diamond Point, and Pinnacle Rock (Willapa Harbor reserves): Diamond Point on the northwest side of Long Island between reserve monuments 39 and 41 and Pinnacle Rock on the southwest side of Long Island between reserve monuments 58 and 59 is open year-round.~~

~~((56)) (55) Long Island Slough Oyster Reserve (Willapa Harbor reserves): Closed year-round.~~

~~((57)) (56) Long Point West: Closed year-round.~~

~~((58)) (57) Lower Roto Vista Park: Closed year-round.~~

~~((59) Manchester State Park: Closed year-round.~~

~~((60))~~ (58) March Point Recreation Area: Closed year-round.

~~((61))~~ (59) McNeil Island: All tidelands of McNeil Island are closed year-round.

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~~((65))~~ (63) Mukilteo: Closed year-round.

~~((66))~~ (64) Mystery Bay State Park: Open October 1 through April 30 only.

~~((67))~~ (65) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are open year-round.

~~((68))~~ (66) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.

~~((69))~~ (67) Nisqually National Wildlife Refuge: All state-owned tidelands of the Nisqually River delta south of a line drawn from Luhr Beach boat ramp to Sequelitchew Creek are closed year-round.

~~((70))~~ (68) North Bay (Case Inlet): ~~((State-owned oyster reserves and contiguous state-owned tidelands south and east of the powerline crossing))~~ All state-owned tidelands north of the power transmission lines and those extending 1,900 feet south of the power transmission lines along the eastern shore are open March 1 through April 30 and September 1 through ~~((December 31))~~ September 30, daylight hours only.

~~((71))~~ (69) North Beach County Park: Closed year-round.

~~((72))~~ North Tabook Point: Closed year-round.

~~((73))~~ (70) Oak Bay County Park: Open ~~((May))~~ April 1 through ~~((May 31))~~ April 30 only.

~~((74))~~ (71) Oak Harbor: Closed year-round.

~~((75))~~ (72) Oak Harbor Beach Park: Closed year-round.

~~((76))~~ (73) Oak Harbor City Park: Closed year-round.

~~((77))~~ (74) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.

~~((78))~~ (75) Old Mill County Park (Silverdale): Closed year-round.

~~((79))~~ (76) Olympia Shoal: Closed year-round.

~~((80))~~ (77) Pat Carey Vista Park: Closed year-round.

~~((81))~~ (78) Penrose Point State Park: Open March 1 through April 30 only, except that part of Mayo Cove within the commercially prohibited growing area is closed year-round.

~~((82))~~ (79) Pitship Point: Closed year-round.

~~((83))~~ (80) Picnic Point County Park: Closed year-round.

~~((84))~~ (81) Pitt Island: Closed year-round.

~~((85))~~ (82) Pleasant Harbor State Park: Closed year-round.

~~((86))~~ (83) Pleasant Harbor WDFW Boat Launch: Closed year-round.

~~((87))~~ (84) Point Defiance: Closed year-round.

~~((88))~~ (85) Point No Point South: Closed year-round.

~~((89))~~ (86) Point Whitney Lagoon: Open January 1 through July 31 only.

(87) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open January 1 through ~~((June 30))~~ July 31 only.

~~((90))~~ (88) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.

~~((91))~~ (89) Port Gamble Heritage Park Tidelands: Open year-round.

~~((92))~~ (90) Port Gardner: Closed year-round.

~~((93))~~ (91) Port Townsend Ship Canal/Portage Beach: Open January 1 through May 31 only.

~~((94))~~ (92) Post Point: Closed year-round.

~~((95))~~ (93) Potlatch DNR Tidelands: Open April 1 through ~~((August 31))~~ July 7 only.

~~((96))~~ (94) Potlatch State Park: Open April 1 through ~~((August 31))~~ July 7 only.

~~((97))~~ (95) Priest Point County Park: Closed year-round.

~~((98))~~ (96) Purdy Spit County Park: The southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge is open April 1 through April 30 only.

~~((99))~~ (97) Quilcene Bay Tidelands: All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed year-round except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open year-round.

~~((100))~~ (98) Retsil: Closed year-round.

~~((101))~~ (99) Richmond Beach Saltwater Park: Closed year-round.

~~((102))~~ (100) Salt Creek Recreation Area (DNR-419): Closed year-round.

~~((103))~~ (101) Saltair Beach (Kingston Ferry Terminal): Closed year-round.

~~((104))~~ (102) Saltwater State Park: Closed year-round.

~~((105))~~ (103) Samish Bay: Public tidelands of Samish Bay between Scotts Point and an unnamed point on the shore (latitude N48.5745°; longitude W122.4440°) are closed year-round.

~~((106))~~ (104) Scenic Beach State Park: Closed year-round.

~~((107))~~ (105) Seahurst County Park: Closed year-round.

~~((108))~~ (106) Semiahmoo County Park: Closed year-round.

~~((109))~~ (107) Semiahmoo Marina: Closed year-round.

~~((110))~~ (108) Sequim Bay State Park: Open January 1 through June 30 only.

~~((111))~~ (109) Shine Tidelands State Park: Open January 1 through May 15 only.

~~((112))~~ (110) Silverdale Waterfront Park: Closed year-round.

~~((113))~~ (111) Sinclair Inlet: All public tidelands of Sinclair Inlet west of a line drawn from the intersection of Bancroft Road and Beach Drive East northerly to Point Herron are closed year-round.

~~((114))~~ (112) Skagit Bay Estuary Wildlife Areas: All public tidelands of the Skagit Bay Estuary Wildlife Area, Fir

Island Farms Reserve Wildlife Area, Island Wildlife Area, Camano Island Wildlife Area and Leque Island Wildlife Area are closed year-round.

~~((115))~~ (113) South Carkeek Park: Closed year-round.

~~((116))~~ ~~South Mukilteo: Closed year-round.~~

~~((117))~~ (114) Southworth: Closed year-round.

~~((118))~~ (115) Spencer Spit State Park: Open March 1 through July 31 only.

~~((119))~~ (116) Stuart Island State Park - Reid Harbor (South Beach): Closed year-round.

~~((120))~~ (117) Taylor Bay: Closed year-round.

~~((121))~~ (118) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed year-round.

~~((122))~~ (119) Walker County Park: Closed year-round.

~~((123))~~ (120) West Pass Access: Closed year-round.

~~((124))~~ (121) West Penn Cove: From the property boundary at the Grasser's Lagoon access on Highway 20 to the dock extending across the tidelands from Captain Whidbey Inn on Madrona Road is ~~(closed year round)~~ open July 15 through September 15 only.

~~((125))~~ (122) Willapa River Oyster Reserve (Willapa Harbor reserves): Reserves located in the Willapa River channel extending west and upriver from a point approximately one-quarter mile from the blinker light marking the division of Willapa River channel and the North River channel are closed year-round.

~~((126))~~ (123) Wolfe Property State Park: Open January 1 through May 15 only.

~~((127))~~ (124) Woodard Bay Natural Resource Conservation Area: Closed year-round.

It is permissible to take and possess oysters for personal use from the Pacific Ocean beaches from November 1 through March 31 only.

Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.

## WSR 19-05-060

### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed February 15, 2019, 3:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-16-116.

Title of Rule and Other Identifying Information: Chapter 16-101 WAC, Washington state milk and milk products standards.

Hearing Location(s): On March 29, 2019, at 10:00 a.m., at the Washington State Department of Agriculture, Natural Resources Building, Conference Room 259, 1111 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: April 5, 2019.

Submit Written Comments to: Gloriann Robinson, Agency Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov), fax 360-902-2092, by March 29, 2019.

Assistance for Persons with Disabilities: Contact Angela Starr, division coordinator, phone 360-902-1967, fax 360-

902-2087, TTY 800-833-6388, email [astarr@agr.wa.gov](mailto:astarr@agr.wa.gov), by March 22, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend chapter 16-101 WAC by:

- Adopting the 2017 Revision of the "Grade "A" Pasteurized Milk Ordinance" (PMO);
- Adopting the 2017 Revision of the "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments";
- Adopting the 2017 Revision of the "Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers";
- Adopting the 2017 Revision of the "Evaluation of Milk Laboratories";
- Updating exceptions to PMO that conflict with state law; and
- Revising the language in WAC 16-101-800 to remove the "question and answer" format and improve readability without changing its meaning.

Adoption of the 2017 revisions enables Washington state to remain uniform with other states so that milk and milk products produced in this state meet the latest standards and will assist in continued acceptance of Washington state milk and milk products shipped into other states. These revisions ultimately protect consumers from contaminated and adulterated milk products.

Reasons Supporting Proposal: RCW 15.36.021 authorizes the department to, by rule, adopt PMO and supplemental documents by reference to establish requirements for Grade A pasteurized and Grade A raw milk. Chapter 16-101 WAC was last revised in 2013 whereby the department adopted the 2011 versions of PMO and other related documents. Since that time, the four national consensus code documents were revised in 2017 to include changes based on the federal Food and Drug Administration's (FDA) preventive controls for human foods regulation that was developed under the federal Food Safety Modernization Act. FDA encourages states to adopt the most recent PMO in order to promote uniformity with other states and ultimately to protect consumers from milk borne diseases.

Adoption of the 2017 revisions will ensure that our department is meeting the latest national standards which in turn will assist with our industry's ability to market and move milk and milk products into interstate commerce. The raw milk labeling revision is strictly reformatting the language into the same standardized rule language format as the other WAC sections.

Statutory Authority for Adoption: RCW 15.36.021.

Statute Being Implemented: Chapter 15.36 RCW.

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

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Lucy Severs, 1111 Washington Street S.E., Olympia, WA 98504, 360-725-5761.



A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(3)/34.05.310 (4)(c) and (d).

Explanation of exemptions: Adoption of national consensus codes, as referenced by state law, without material change is exempt from completing a small business economic impact statement (SBEIS) under RCW 19.85.025(3)/34.05.310 (4)(c). Clarifying language in WAC 16-101-800 without changing its effect is exempt from completing an SBEIS under RCW 19.85.025(3)/34.05.310 (4)(d).

February 15, 2019  
Steve Fuller  
Assistant Director  
FSCS Division

AMENDATORY SECTION (Amending WSR 13-03-046, filed 1/10/13, effective 2/10/13)

**WAC 16-101-701 Standards for the production of milk and milk products.** (1) With the exception of the portions identified in subsection (2) of this section, the department adopts the Grade "A" Pasteurized Milk Ordinance, ((2011)) 2017 Revision, United States Public Health Service/Food and Drug Administration, as additional Washington state standards for the production of milk and milk products including Grade A condensed and dry milk products and condensed and dry whey products under chapter 15.36 RCW.

(2) The department does not adopt the following portions of the Grade "A" Pasteurized Milk Ordinance, ((2011)) 2017 Revision:

(a) Grade "A" Pasteurized Milk Ordinance - ((2011)) 2017 Revision.

PMO Page No.	Excepted Portion
((Pages 12-13)) Page 16	<ul style="list-style-type: none"> <li>Section 3, Permits, paragraph ((4)) 6, which begins with "The regulatory agency shall suspend ..."</li> </ul>

PMO Page No.	Excepted Portion
	<ul style="list-style-type: none"> <li>Section 3, Permits, paragraph ((5)) 7, which begins with "Upon notification ..."</li> </ul>
((Page 24)) Pages 28-29	<ul style="list-style-type: none"> <li>Section 6, The Examination of Milk and/or Milk Products, paragraph ((5)) 9, which begins with "Whenever two (2) of the last four (4) consecutive ..."</li> </ul>
Page ((29)) 34	<p>Section of Table I entitled "GRADE "A" RAW MILK AND MILK PRODUCTS FOR PASTEURIZATION, ULTRA-PASTEURIZATION ((OR)), ASEPTIC PROCESSING AND PACKAGING OR RETORT PROCESSED AFTER PACKAGING"</p> <ul style="list-style-type: none"> <li>(("")) Under Temperature: "Cooled to 10°C (50°F) or less within four (4) hours or less of the commencement of the first milking and to 7°C (45°F) or less within two (2) hours after the completion of milking. Provided that the blend temperature after the first milking and subsequent milkings does not exceed 10°C (50°F)." <b>Note:</b> Milk sample submitted for testing cooled and maintained at 0°C (32°F) to ((4.4)) 4.5°C (40°F), where sample temperature is &gt; 4.5°C (40°F) but ((&lt;)) ≤ 7.0°C (45°F) and less than three (3) hours after collection has not increased in temperature;</li> <li>Under Bacterial Limits((;)): Only the sentence ... "Individual producer milk not to exceed 100,000 per mL prior to commingling with other producer milk."</li> </ul>
Pages 34-35	<p>Under Somatic Cell Count: "individual producer milk not to exceed 750,000 per mL ... *Goat milk 1,500,000 mL."</p>

(b) Standards for Grade "A" Raw Milk for Pasteurization, Ultra-pasteurization ((OR)), Aseptic Processing and Packaging or Retort Processed After Packaging.

PMO Page No.	Excepted Portion
Page ((52)) 59	Item 18r. "Raw Milk Cooling" paragraph 1, which begins with "Raw milk for pasteurization, ultra-pasteurization, aseptic processing and packaging or retort processed after packaging shall be cooled ..."

PMO Page No.	Excepted Portion
Page ((53)) <u>59</u>	((#)) I. "Administrative Procedures", ((paragraph)) <u>item 1</u> only

(c) Standards for Grade "A" Pasteurized, Ultra-pasteurized ((and)) Aseptically Processed ((Milk)) and Packaged Low-Acid Milk and/or Milk Products, and Retort Processed after Packaged Low-Acid Milk and/or Milk Products.

PMO Page No.	Excepted Portion
Page ((44)) <u>119</u>	Item 18p. "Bottling, Packaging and Container Filling", under Public Health Reason, first sentence only which begins with "Manual bottling, packaging, and container filling ..."
Page ((44)) <u>119</u>	Item 18p. "Administrative Procedures", item number 2 only.
Page ((43)) <u>121</u>	Item 19p. "Capping, container closure and sealing and Dry Milk Product Storage", Administrative Procedures, item number 1 only.
Page ((426)) <u>134</u>	Sections 15 (Enforcement), 16 (Penalty), and 17 (Repeal and Date of Effect)

(d) Appendix E: Examples of 3-out-of-5 Compliance Enforcement Procedures.

PMO Page No.	Excepted Portion
Pages ((202-203)) <u>209-210</u>	All of Appendix E

(3) The department does adopt the following somatic cell count standards to be: Individual producer bovine cow milk not to exceed 400,000 per mL; and goat, sheep, and all other species milk not to exceed 1,000,000 per mL.

AMENDATORY SECTION (Amending WSR 13-03-046, filed 1/10/13, effective 2/10/13)

**WAC 16-101-716 Procedures for certification of interstate milk shippers.** The department adopts the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments ((2011)) 2017 Revision as Washington state procedures for the certification of interstate milk shippers.

AMENDATORY SECTION (Amending WSR 13-03-046, filed 1/10/13, effective 2/10/13)

**WAC 16-101-721 Methods for making sanitation ratings of milk shippers.** The department adopts the Methods of Making Sanitation Ratings of Milk Shippers ((2011)) and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers 2017 Revision, United States Health and Human Services Public Health Service/Food and Drug Administration as

Washington state methods for ratings of interstate milk shippers.

AMENDATORY SECTION (Amending WSR 13-03-046, filed 1/10/13, effective 2/10/13)

**WAC 16-101-726 Standard for the accrediting of milk laboratories.** The department adopts the Evaluation of Milk Laboratories ((2011)) 2017 Revision United States Health and Human Services Public Health Service/Food and Drug Administration as the Washington state standard for accrediting milk laboratories and certified industry supervisors who request certification and approval for uniform collection and testing required for compliance with the Grade "A" Pasteurized Milk Ordinance.

AMENDATORY SECTION (Amending WSR 13-03-046, filed 1/10/13, effective 2/10/13)

**WAC 16-101-731 Availability of the publications adopted by the department in this chapter.** (1) The Grade "A" Pasteurized Milk Ordinance, ((2011)) 2017 Revision, United States Public Health Service/Food and Drug Administration, the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, ((2011)) 2017 Revision, the Methods of Making Sanitation Ratings of Milk Shippers, ((2011)) and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers 2017 Revision, United States Department of Health and Human Services Public Health Services/Food and Drug Administration, and the Evaluation of Milk Laboratories, ((2011)) 2017 Revision, United States Department of Health and Human Services Public Health Service/Food and Drug Administration can be obtained at(~~(: http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSMModelDocuments/default.htm)~~) https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/ucm2007966.htm.

(2) For information regarding the contents and application of these publications, contact the Food Safety and Consumer Services Division at the Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560 or [FSCS@agr.wa.gov](mailto:FSCS@agr.wa.gov).

AMENDATORY SECTION (Amending WSR 97-19-045, filed 9/11/97, effective 10/12/97)

**WAC 16-101-800 Raw milk warning labels.** (1) ~~((What authority does the department have to require warning labels on retail raw milk containers?))~~ This rule is ~~((being))~~ promulgated under authority of RCW 15.36.021(1) and ~~((69.04.398(3)).~~

~~((2) To what does this rule apply? The labeling requirements in this rule apply))~~ 15.130.120 and applies to containers of raw milk intended for sale to consumers in the state of Washington.

~~((3) Why is the Washington state department of agriculture adopting warning label requirements for retail raw milk sales? The department is adopting this rule))~~ (2)

The purpose is to inform consumers about possible harm that may occur from consuming raw milk that contains harmful microorganisms((-

~~(4) What purpose will this rule serve? The purpose of this rule is)) and to warn purchasers about known hazards associated with the consumption of raw milk so that they may make informed choices about buying these products.~~

~~((5) What warning label must be on raw milk containers? The)) (3) A raw milk container must bear the following labeling: *WARNING: This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from use of this product.*~~

~~((6) What are the specific requirements for warning labels on raw milk?)) (4) The raw milk warning labels must meet the following requirements:~~

(a) The warning label type size must be consistent with the type size of other required labeling, but not less than one-sixteenth inch in height.

(b) The warning label must be conspicuous and in contrasting color from other labeling.

(c) The warning label must be prominently displayed on the container's principal display panel.

(d) The warning label must be clearly readable.

## WSR 19-05-072

### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed February 19, 2019, 12:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-20-106.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-106-1920 What is the maximum amount of step three services I may receive a month? and 388-106-1933 How is the GetCare screening scored to determine if I am eligible for a GetCare assessment and related step three services?

Hearing Location(s): On March 26, 2019, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than March 27, 2019.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, by 5:00 p.m., March 26, 2019.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email [Kildaja@dshs.wa.gov](mailto:Kildaja@dshs.wa.gov), by March 12, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending WAC 388-106-1920 to increase the step three benefit level for medicaid alternative care (MAC) and tailored supports for older adults (TSOA) participants. This benefit level is tied to the home care agency rate that typically increases every six months. The department recently received notice of the new rate for home care agencies effective January 1, 2019.

The department is also amending WAC 388-106-1933 to describe modifications to the GetCare screening tool questions and risk level scores. A statewide area agencies on aging and home and community services division workgroup made revisions to the tool and the related risk scores in order to track and trend outcomes for program recipients enrolled in this five year demonstration waiver.

Reasons Supporting Proposal: See purpose statement above.

Statutory Authority for Adoption: RCW 74.39A.030, 74.08.090.

Statute Being Implemented: RCW 74.39A.030.

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Debbie Johnson, P.O. Box 45600, Olympia, WA 98504-5600, 360-725-2531.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt per RCW 34.05.328 (5)(b)(vii).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3).

Is exempt under RCW 34.05.328 (5)(b)(vii).

February 14, 2019

Katherine I. Vasquez

Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-20-001, filed 9/19/18, effective 10/20/18)

**WAC 388-106-1920 What is the maximum amount of step three services I may receive a month?** (1) Unless the department authorizes additional funds through an exception to rule under WAC 388-440-0001, beginning January 1, 2019, the maximum amount of step three services you and your caregiver may receive in MAC and TSOA will be published on the ALTSA/HCS rates website found on the MAC and TSOA tab at:

~~((a) From January 1, 2018 through June 30, 2018 is an average of five hundred fifty eight dollars per month not to exceed three thousand three hundred forty eight dollars in a six month period.~~

~~((b) Beginning July 1, 2018 is an average of five hundred seventy three dollars per month not to exceed three thousand four hundred thirty eight dollars in a six month period))~~  
[https://www.dshs.wa.gov/sites/default/files/ALTSA/msd/documents/All\\_HCS\\_Rates.xls](https://www.dshs.wa.gov/sites/default/files/ALTSA/msd/documents/All_HCS_Rates.xls).

(2) If you are a care receiver who does not have an available unpaid caregiver, you are receiving TSOA personal assistance services, and the department has not authorized additional funds through an exception to rule under WAC 388-440-0001, beginning January 1, 2019, the maximum amount of step three services you may receive will be pub-

lished on the ALTSA/HCS rates website found on the MAC and TSOA tab at:

~~((a) From January 1, 2018 through June 30, 2018 is five hundred fifty-eight dollars per month.~~

~~(b) Beginning July 1, 2018 is five hundred seventy-three dollars per month))~~ [https://www.dshs.wa.gov/sites/default/files/ALTSA/msd/documents/All\\_HCS\\_Rates.xls](https://www.dshs.wa.gov/sites/default/files/ALTSA/msd/documents/All_HCS_Rates.xls).

AMENDATORY SECTION (Amending WSR 18-08-033, filed 3/27/18, effective 4/27/18)

**WAC 388-106-1933 How is the GetCare screening scored to determine if I am eligible for a GetCare assessment and related step three services?** (1) ~~((For TSOA individuals who do not have an unpaid caregiver to support and are seeking step three TSOA services, the))~~ To be eligible for a GetCare assessment, care plan, and associated step three services as described in WAC 388-106-1915 (3)(b)(ii), a TSOA individual without a caregiver ((screening)) must ((result in a risk score of moderate or high to be eligible for a GetCare assessment, care plan, and associated step three services as described in WAC 388-106-1915 (3)(b)(ii).

(2) There are eight TSOA individual without a caregiver screening questions. The following table indicates the risk score allocated to each potential response to the eight)) have a moderate or high risk score resulting from the thirteen screening questions listed in the following table:

No.	Question	Scoring							
		Response	Score	Response	Score	Response	Score	Response	Score
1	Do you need help to do the following? Bathing Bed mobility Medication management Transferring Ambulating Eating Toileting Dressing Personal hygiene	Zero to two selected	Zero	Three or more selected	Two				
2	<del>((During the last six months, have you had a fall that caused injuries))</del> Do you need help turning and repositioning?	No	Zero	Yes	Two				
3	<del>((Do you have a family member/friend to give you help when you need it))</del> Who helps you with daily activities?	No <u>one</u>	<del>((Zero))</del> <u>One</u>	<del>((Yes))</del> Family/ friend/other/paid help	<del>((Two))</del> <u>Zero</u>				
4	<del>((Have you thought about moving to other housing))</del> During the last six months, have you had a fall that caused injuries?	No	Zero	Yes	Two				
5	<del>((Do you live alone))</del> Have you had a hospitalization, or been admitted to a nursing facility, or both, in the past six months?	No	Zero	Yes	Two				
6	<del>((Do you or your family have concerns about your memory, thinking, ability to make decisions, or remembering to pay your bills))</del> Have you received rehabilitation in the past six months?	No	Zero	Yes <del>((, some-what concerned))</del>	<del>((One))</del> <u>Two</u>	<del>((Yes, very concerned))</del>	<del>((Two))</del>		
7	<del>((Do you need help turning and repositioning))</del> Have you been treated in an emergency room, called 911 in the past six months, or both?	No	Zero	Yes, <u>one to two times</u>	<del>((Two))</del> <u>One</u>	Yes, <u>three or more times</u>	<u>Two</u>		
8	<del>((Do you or your family have concerns about your mental or emotional well-being))</del> Do you live alone?	No	Zero	Yes <del>((, some-what concerned))</del>	<del>((One))</del> <u>Two</u>	<del>((Yes, very concerned))</del>	<del>((Two))</del>		

No.	Question	Scoring							
		Response	Score	Response	Score	Response	Score	Response	Score
	If yes, do you feel safe living alone?	No	One	Yes	Zero				
9	Do you plan on moving to other housing in the near future?	No	Zero	Yes	Two				
10	Do you or your family have concerns about your memory, thinking, ability to make decisions, or remembering to pay your bills?	No, not concerned	Zero	Yes, somewhat concerned	One	Yes, very concerned	Two		
11	Are you content with your social life?	No	Two	Somewhat	One	Yes	Zero		
12	Over the last two weeks, have you been bothered by, or have little interest in doing things?	Not at all	Zero	Several days	One	More than half the days	Two	Nearly every day	Three
13	Over the last two weeks, have you been bothered by feeling down, depressed, or hopeless?	Not at all	Zero	Several days	One	More than half the days	Two	Nearly every day	Three

~~((3))~~ (2) The risk level is calculated by totaling the ~~((eight point scores))~~ points assigned to each question as determined by responses to the screening questions in subsection ~~((2))~~ (1) of this section ~~((to determine))~~ and matching the total points to the risk level in the following ~~((risk categories))~~ table:

Risk level	Point totals
No risk	<u>0</u>
Low risk	<del>1-((5))</del> <u>8</u>
Moderate risk	<del>((6-10))</del> <u>9-16</u>
High risk	<del>((11-16))</del> <u>17 and up</u>

**WSR 19-05-085**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 (Securities Division)  
 [Filed February 20, 2019, 9:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-06-075.

Title of Rule and Other Identifying Information: The securities division is proposing to amend chapter 460-80 WAC to require the filing of applications for registration of franchise offerings and franchise brokers, as well as for franchise exemption notice filings, to be made through the securities division's electronic franchise filing system. The proposed amendments [rules] amend WAC 460-80-100, 460-80-110, 460-80-125 and 460-80-135, and create new WAC 460-80-138, which provides instructions on how franchise broker license applications must be filed.

Hearing Location(s): On March 26, 2019, at 1:00 p.m., at 150 Israel Road S.W., Room 320, Tumwater, WA 98501.

Date of Intended Adoption: March 27, 2019.

Submit Written Comments to: Michelle Webster, 150 Israel Road S.W., Tumwater, WA 98501, email michelle.webster@dfi.wa.gov, fax 360-704-6491, by March 25, 2019.

Assistance for Persons with Disabilities: Contact Carolyn Hawkey, phone 360-902-8760, fax 360-704-6491, TTY 360-664-8126, email Carolyn.Hawkey@dfi.wa.gov, by March 25, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments would require franchisors to file all applications for franchise registration, renewal applications and post-effective amendments to franchise disclosure documents, as well as all notices of claims for exemption to be filed through the electronic franchise filing system administered by the division. In addition, the proposed amendments would require all applications for a franchise broker license to be filed through the electronic franchise filing system.

Reasons Supporting Proposal: In 2013, the securities division announced the availability of its online electronic franchise filing system (efiling system). The efilings system was intended to facilitate electronic submission of franchise registration and renewal applications, and post-effective amendments online, eliminating the need to make any paper or other physical submissions to the securities division. Since then, the securities division has expanded its efilings system capabilities to accept franchise broker and franchise exemption filings.

A significant number of applicants have utilized the efilings system since its inception. In 2017 alone, the securities division received approximately one thousand franchise registration filings through the efilings system, which represents approximately eighty-one percent of all franchise registration filings received. Although the securities division currently accepts filings through the efilings system and paper submissions, paper submissions require the securities division to manually receive, process and scan the filings, which may result in delays to the applicant receiving any follow-up correspondence or notice of effective registration. Requiring franchisors and franchise brokers to use the efilings system will eliminate inefficiencies and result in a streamlined process for both applicants and the securities division.

Statutory Authority for Adoption: RCW 19.100.250.

Statute Being Implemented: RCW 19.100.030, 19.100-070, 19.100.140.

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

Name of Proponent: Department of financial institutions, securities division, governmental.

Name of Agency Personnel Responsible for Drafting: Michelle Webster, Esq., 150 Israel Road S.W., Tumwater, WA 98501, 360-902-8736; Implementation: Faith Anderson, Program Manager, 150 Israel Road S.W., Tumwater, WA 98501, 360-902-8760; and Enforcement: William Beatty, Director, Securities, 150 Israel Road S.W., Tumwater, WA 98501, 360-902-8760.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The department of financial institutions is not one of the agencies identified in RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Explanation of exemptions: The proposed amendments seek to require the process that licensees must follow in submitting registration and renewal applications, exemption notice filings, and franchise broker license applications.

February 20, 2019  
Gloria Papiez  
Director

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

**WAC 460-80-100 Notice of claim for exemption.** Any franchisor or subfranchisor who claims an exemption under RCW 19.100.030 (4)(a) and (b)(i) shall file with the director a completed Annual Notice of Claim of Exemption form along with the fee prescribed in RCW 19.100.240 made payable to the treasurer of the state of Washington. The annual notice of claim of exemption shall be filed through the online franchise filing system administered by the director.

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

**WAC 460-80-110 Franchise registration application.** All applications for registration, renewal or amendment of a franchise shall be in the form as provided by the director and contain the information specified therein. The application for registration, renewal or amendment must be accompanied by the fee prescribed in RCW 19.100.240 made payable to the treasurer of the state of Washington. All applications for registration, renewal, or amendment of a franchise shall be filed through the online franchise filing system administered by the director.

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

**WAC 460-80-125 Franchise registration application instructions.** The following must be adhered to with respect to all applications for registration, registration renewal or registration amendment:

(1) Completion of application. An application for registration of the offer or sale of franchises shall include the following, all of which shall be verified by means of the prescribed signature page:

- (a) Application;
- (b) Supplemental information page(s);
- (c) Seller disclosure form;
- (d) A copy of the Franchise Disclosure Document.

(2) The following shall be attached to the application:

- (a) A consent to service of process; and
- (b) One copy of any advertising to be used in connection with the offer or sale in this state of franchises.

(3) Submission of application. All applications for registration, renewal, or amendment of a franchise shall be filed through the online franchise filing system administered by the director.

(4) Disclosure: The offering circular shall be prepared in accordance with the Instructions for Preparation of the Franchise Disclosure Document contained in section IV. of the 2008 Franchise Registration and Disclosure Guidelines promulgated by the North American Securities Administrators Association, Inc. (NASAA).

~~((4))~~ (5) Subfranchisors: When the person filing the application for registration is a subfranchisor, the application shall also include the same information concerning the subfranchisor as is required from the franchisor; the franchisor, as well as the subfranchisor, shall execute a signature page.

~~((5))~~ (6) Signing of application: The application shall be signed by an officer or general partner of the applicant; however, it may be signed by another person holding a power of attorney for such purposes from the applicant. If signed on behalf of the applicant pursuant to such power of attorney, the application shall include as an additional exhibit a copy of said power of attorney or a copy of the corporate resolution authorizing the attorney to act.

~~((6))~~ (7) Manually or digitally signed consent of accountant: All applications shall be accompanied by a manually or digitally signed consent of the independent public accountants for the use of their audited financial statements as such statements appear in the offering circular.

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

**WAC 460-80-135 Franchise registration amendment and renewal instructions.** An application to renew or amend a franchise registration must comply with the following requirements:

(1) An application for renewal of a franchise registration must be filed with the director no later than fifteen business days prior to the expiration of registration in order to avoid a lapse in registration and the need to file an initial application for registration. If the registration has already expired, the applicant must mark the application as an initial registration

and pay the fee required for filing an initial application for registration in RCW 19.100.240.

(2) An amendment to a franchise application is required to be filed as soon as reasonably possible and in any case, before the further sale of any franchise, if a material adverse change in the condition of the franchisor or any of its subfranchisors or any material change in the information contained in its Franchise Disclosure Document should occur.

(3) The following documents must be filed for each amendment or application for renewal of a franchise registration:

(a) A completed application marked amendment or renewal, as applicable. If the application is for renewal, do not mark the amendment boxes on the application even if the documents have been revised since the last filing.

(b) All documents set forth in WAC 460-80-125 required for an initial application with all additions, deletions and other changes to the previously filed documents black-lined. Changes must be clearly marked so that each change is noticed easily. Do NOT use margin balloons or color highlights to show changes. Do not use less than 11 point type for changed text. Use a black-lining system that underlines changes and shows deletions by a strike through.

(c) A clean copy of the updated Franchise Disclosure Document.

(4) If the director requires changes to any documents submitted, the franchisor must file a complete clean copy of the revised Franchise Disclosure Document and any other revised documents, and a black-lined copy of all the revised pages, unless directed otherwise.

(5) All applications for renewal or amendment of a franchise shall be filed through the online franchise filing system administered by the director.

#### NEW SECTION

**WAC 460-80-138 Franchise broker license application instructions.** All applications for initial registration or renewal of a franchise broker license shall be filed through the online franchise filing system administered by the director.

**WSR 19-05-087**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Behavioral Health Administration)

[Filed February 20, 2019, 10:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-06-102.

Title of Rule and Other Identifying Information: The department is proposing to repeal one section and amend other existing sections in chapter 388-875 WAC, Criminally insane person committed to the care of the department of social and health services—Evaluation, placement, care and discharge.

Hearing Location(s): On March 26, 2019, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than March 27, 2019.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAU RulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., March 26, 2019.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email Kildaja@dshs.wa.gov, by March 12, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department intends to update outdated terms such as "mental health division," revise the rules to more clearly reflect the changes that have occurred since the implementation of 2E2SSB 5177 (chapter 7, Laws of 2015) including clarification of maximum payment for forensic evaluation in WAC 388-875-0040, and clarify the role and function of the office of forensic mental health services.

Reasons Supporting Proposal: Many of these rules have not been updated since 2000. The department intends to bring this chapter up to date by clarifying rule language and ensuring that these rules are consistent with statute, other rules, any forthcoming legislation, and with current department organization and procedures.

Statutory Authority for Adoption: Chapter 10.77 RCW, RCW 72.01.090, 70.02.290, 70.02.340, 71.05.560, 71.24.035 (5)(c), 71.34.380.

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Jason Karpen, Blake Office Park, 4500 10th Avenue S.E., Lacey, WA 98503, 360-725-3529; Implementation and Enforcement: Dr. Thomas J. Kinlen, Blake Office Park, 4500 10th Avenue S.E., Lacey, WA 98503, 360-725-1388.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This revision is exempt under RCW 34.05.328 (5)(b)(ii) because it relates only to internal governmental operation; under RCW 34.05.328 (5)(b)(iii) because the revisions contain no material change other than the repeal of WAC 388-875-0080, which is covered by statute; under RCW 34.05.328 (5)(b)(iv) because the revisions only correct typographical errors, make address or name changes, or clarify language without changing its effect; and under RCW 34.05.328 (5)(b)(vi) because the revisions relate to rules that set or adjust fees or rate[s] pursuant to legislative standards.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not

subject to violation by a nongovernment party; rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

February 14, 2019  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-01-008, filed 12/6/00, effective 1/6/01)

**WAC 388-875-0010 Purpose.** ~~((These regulations are adopted pursuant to and in accordance with chapter 117, Laws of 1973 1st ex. sess. They are adopted))~~ To provide procedures for the evaluation, restoration, placement, care, and discharge of persons committed to the care of the department of social and health services, required under ~~((the aforementioned act, relating to the criminally insane))~~ chapter 10.77 RCW.

AMENDATORY SECTION (Amending WSR 01-01-008, filed 12/6/00, effective 1/6/01)

**WAC 388-875-0020 Definitions. "Administration"** means the behavioral health administration, department of social and health services.

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

~~((("Division" means the mental health division, department of social and health services.))~~

**"Director"** means the director of the office of forensic mental health services.

**"Evaluation"** means the initial procedure when a court requests the department to provide an opinion if a person charged with a crime is competent to stand trial or, if indicated and appropriate, if the person was suffering under a mental disease or defect excluding responsibility at the time of the commission of the crime.

**"Indigent"** means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to ~~((himself))~~ the person or his or her family.

**"Office"** means the office of forensic mental health services, department of social and health services.

**"Professional person"** means:

(1) A psychiatrist. This is defined as a person having a license as a physician and surgeon in this state, who has in addition, completed three years of graduate training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association and who is certified or is eligible to be certified by the American Board of Psychiatry and Neurology or the American Osteopathic Board of Neurology and Psychiatry.

(2) A psychologist. This is defined as a person who has been licensed as a psychologist ~~((pursuant to))~~ under chapter 18.83 RCW.

(3) A social worker. This is defined as a person with a ~~((master's))~~ bachelor's or further advanced degree from an accredited school of social work ~~((or a degree deemed equivalent under rules adopted by the secretary))~~ educational program accredited and approved under RCW 18.320.010.

**"Secretary"** means the secretary of the department of social and health services or his or her designee.

**"Superintendent"** means the person responsible for the functioning of a treatment facility.

**"Treatment"** means any currently standardized medical or mental health procedure including medication.

**"Treatment facility"** means any facility operated or approved by the department of social and health services ~~((for the treatment of))~~ that provide services for the criminally insane or persons receiving competency services. ~~((Such))~~ This definition ~~((shall))~~ does not include any state correctional institution or facility.

AMENDATORY SECTION (Amending WSR 01-01-008, filed 12/6/00, effective 1/6/01)

**WAC 388-875-0030 ~~((Mental health division))~~ Evaluation & treatment.** (1) The secretary designates to the ~~((division))~~ administration the responsibility for:

~~((+))~~ (a) Evaluation and treatment of any person committed to the secretary for evaluation or treatment, under chapter 10.77 RCW; and

(b) Determination of which treatment facility must have custody of the persons committed to the secretary under chapter 10.77 RCW.

(2) The secretary designates to the office the responsibility for:

(a) Assisting the court in obtaining nondepartmental experts or professional persons to participate in the evaluation or a hearing on behalf of the defendant and ~~((supervising the procedure whereby))~~ providing quality standards in addition to compensating such professionals ~~((will be compensated)),~~ according to ~~((fee))~~ payment schedule published under WAC 388-875-0040 if the person being evaluated or treated is an indigent person;

~~((3))~~ ~~((Assuring))~~ (b) Ensuring that any nondepartmental expert or professional person requesting compensation has maintained adequate evaluation and treatment records, as determined by the office, which justify compensation;

~~((4))~~ (c) Assisting the court by designation of experts or professional persons to examine the defendant and report to the court when the defendant is not committed to the secretary; and



~~((5) Determination of what treatment facility shall have custody of persons committed to the secretary under chapter 10.77 RCW.~~

~~(6) If the court is advised by any party that the defendant may be developmentally disabled, at least one of the experts or professional persons appointed shall be a) (d) Assisting the court by designating an expert or professional person who is a developmental disabilities professional to examine the defendant if the court is advised by any party that the defendant may be developmentally disabled.~~

AMENDATORY SECTION (Amending WSR 01-01-008, filed 12/6/00, effective 1/6/01)

**WAC 388-875-0040 Schedule of (~~maximum~~) payment for defendant expert or professional person.** Department payments to an expert or professional person for department services an indigent person receives (~~shall not exceed~~) must occur as follows:

- ~~(1) (One hundred dollars an hour for services; or  
(2) Eight hundred dollars total payment for services.)~~

The department (~~shall only approve an exception to this section ruling when the exception is approved, in writing, by the division director~~) must publish a schedule of hourly fees, and travel time, in amounts that the department determines to be fair and reasonable. The department will review the hourly reimbursement schedule annually and make adjustments as appropriate. This schedule may be found online at: <https://www.dshs.wa.gov/bha/office-service-integration/office-forensic-mental-health-services>.

(2) Under RCW 10.77.140, the department (~~shall~~) must only approve payment for one mental health examination per indigent person in each six month period.

(3) All invoices for court-ordered services must be submitted using the department's invoicing procedure, with each service itemized by hour and quarter-hour increments. Forensic evaluation reports conducted by a professional person and submitted for payment are subject to accounting and quality review by the office prior to approving payment.

AMENDATORY SECTION (Amending WSR 01-01-008, filed 12/6/00, effective 1/6/01)

**WAC 388-875-0050 Time limitations and requirements.** If a person is committed to the secretary as criminally insane, commitment and treatment (~~cannot~~) must not exceed the maximum possible sentence for any offense charged. Therefore:

(1) The (~~superintendent~~) administration, (~~if no superintendent then the division,~~) with the assistance of the office of the attorney general where necessary (~~shall~~) must determine at the time of commitment the maximum possible sentence for any offense charged, and thereby compute a maximum release date for every individual so committed.

(2) If the committed person has not been released by court order six months prior to the expiration of the maximum possible release date, the (~~superintendent~~) administration, (~~if no superintendent, the division, shall~~) must notify the committing court and prosecuting attorney of its computation of maximum release date and the requirement that the person must be released on that date unless civil proceedings

are instituted or the court determines that the computation of maximum release date is incorrect.

AMENDATORY SECTION (Amending WSR 01-01-008, filed 12/6/00, effective 1/6/01)

**WAC 388-875-0060 Individualized treatment.** (1) Whenever a person is committed to the secretary as criminally insane, the treatment facility to which the person is assigned (~~shall~~) must, within fifteen days of admission to the facility, evaluate and diagnose the committed person for the purpose of devising an individualized treatment program.

(2) Every person, committed to the secretary as criminally insane, (~~shall~~) must have an individualized treatment plan formulated by the treatment facility. This plan shall be developed by appropriate treatment team members and implemented as soon as possible but no later than fifteen days after the (~~person's admission~~) person is admitted to the treatment facility (~~as criminally insane~~). Each individualized treatment plan (~~shall~~) must include, but not be limited to:

- A statement of the nature of the specific problems and specific needs of the patient;
- A statement of the physical setting necessary to achieve the purposes of commitment;
- A description of intermediate and long-range treatment goals, with a projected timetable for their attainment;
- A statement and rationale for the plan of treatment for achieving these intermediate and long-range goals;
- A specification of staff responsibility and a description of proposed staff involvement with a patient in order to attain these treatment goals; and
- Criteria for recommendation to the court for release.

(3) This individualized treatment plan (~~shall~~) must be reviewed by the treatment facility periodically, at least every six months (~~, and a copy of the~~).

(4) This individualized treatment plan (~~shall~~) must be (~~sent~~) made available to the committing court, and other authorized persons or entities, upon request.

AMENDATORY SECTION (Amending WSR 16-13-087, filed 6/15/16, effective 7/16/16)

**WAC 388-875-0070 Transfer of a patient between (~~state-operated~~) treatment facilities (~~for persons with mental illness~~).** In some instances, it is appropriate for the department to transfer a patient currently residing in a state facility to another state facility for ongoing treatment. The department accomplishes the transfer with the utmost care given to the therapeutic needs and legal status of the patient. This section describes the procedures for handling a patient transfer between state facilities in a manner consistent with the best interest of the patient.

(1) The department uses the following criteria when determining the appropriateness of a patient transfer:

- The patient's family resides within the receiving facility's service area; (~~or~~)
- The patient's primary home of residence is in the receiving facility's service area; (~~or~~)
- A particular service or need of the patient is better met at the receiving facility; (~~or~~)

(d) Transfer to the receiving facility may facilitate ~~((community discharge due to the availability of community service in the receiving facility's service area))~~ continuity of care; or

(e) The ~~((county, behavioral health organization (BHO), or patient))~~ prosecutor, defense counsel, or the court requests a transfer.

(2) Prior to any proposed transfer of a patient, the ~~((state))~~ treatment facility must comply with the following:

(a) The sending facility, at the request of the ~~((chief executive officer (CEO)))~~ superintendent, must have forwarded in writing information necessary to make a decision on whether transfer is appropriate to the receiving facility's attending physician or the physician's designee ~~((and the (BHO) liaison))~~, copying the prosecutor and defense counsel on that communication;

(b) The receiving facility's attending physician or the physician's designee ~~((and the BHO liaison))~~ must have recommended appropriate action to the ~~((CEO))~~ superintendent of the sending facility in writing within five calendar days of receipt of the request, and where exigent circumstances exist, necessitating immediate transfer of a patient, these communications must be made immediately as well;

(c) If the receiving facility accepts the proposed patient transfer, the sending facility must notify the patient, guardian, ~~((BHO liaison, and attorney, if known))~~ prosecutor and defense counsel, at least five days before the proposed patient transfer;

(d) The sending facility is responsible for all patient transfer arrangements, such as, transportation and staff escort, and coordinates the day and time of arrival with the receiving facility; and

(e) The sending facility arranges for the transfer of patient's medical record to the receiving facility.

(3) The sending facility must document the following in the patient's record:

(a) That the physician documented the medical suitability of the patient for transfer; and

(b) That the ~~((social worker))~~ facility documented:

(i) Justification as to why the transfer is considered in the patient's best interests; and

(ii) The patient's wishes regarding transfer.

(4) The sending facility must contact the prosecuting attorney's office of the committing county, and defense counsel before the transfer. Where court orders need to be amended as a result of transfer of a patient, the relevant court must also be contacted in order to affect such amendments.

AMENDATORY SECTION (Amending WSR 01-01-008, filed 12/6/00, effective 1/6/01)

**WAC 388-875-0090 Conditional release.** (1) Any person committed to the secretary as criminally insane may make application to the secretary for conditional release.

(2) The ~~((secretary designates the superintendent of the treatment facility, if no superintendent, then the director of the division, as the person to receive and act on such application))~~ administration is responsible for receiving and acting on applications for conditional release.

(3) The person making application for conditional release ~~((shall))~~ must not, under any circumstances, be released until there is a court hearing on the application, and recommendations and a court order authorizing conditional release has been issued.

(4) If conditional release is denied by the court the person making the applications may reapply after a period of six months from the date of denial.

(5) If the court grants conditional release and places the person making application under the supervision of ~~((a))~~ the department ~~((employee)), ((that supervising))~~ the department ~~((employee shall))~~ must make monthly reports ~~((, unless indicated otherwise by the court,))~~ for the first six months, and semi-annually thereafter, unless indicated otherwise by the committing court, concerning the conditionally released person's progress and compliance with the terms and conditions of conditional release. Such reports ~~((shall))~~ must be forwarded to the committing court, ~~((the division,))~~ the prosecuting attorney, and the treatment facility in which the person was most recently housed.

(6) The following persons are designated to exercise power and authority of the secretary contained in RCW 10.77.190:

(a) The assistant secretary of the behavioral health administration, the director or designee of the ~~((division))~~ office;

(b) The probation and parole office, if any, supervising the conditionally released person; and

(c) The treatment facility supervising the conditionally released person or from which the person was conditionally released.

AMENDATORY SECTION (Amending WSR 01-01-008, filed 12/6/00, effective 1/6/01)

**WAC 388-875-0110 Access to records by criminal justice agencies.** Upon written request, criminal justice agencies ~~((shall))~~ must have access to the following documents developed pursuant to the procedures set forth in chapter 10.77 RCW. The most recent forensic:

(1) Psychiatric assessment;

(2) Release summary; and

(3) Pretrial report of the examination, either inpatient or outpatient.

Other relevant information may be provided by agreement between the requesting criminal justice agency and the treatment facility, subject to federal and state confidentiality provisions.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-875-0080 Restoration procedure for a former involuntarily committed person's right to firearm possession.

**WSR 19-05-089**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed February 20, 2019, 10:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-18-057.

Title of Rule and Other Identifying Information: The Washington utilities and transportation commission is engaged in a rule making to consider rules governing integrated resource planning for electric companies, including but not limited to revising its rules in chapter 480-107 WAC, Purchases of electricity from qualifying facilities and independent power producers and purchases of electrical savings from conservation suppliers, for the implementation of the federal Public Utility Regulatory Policies Act. The rule making is intended to better align the commission's rules with federal requirements and meet a changing electricity market.

Hearing Location(s): On April 30, 2019, at 1:30 p.m., at the Richard Hemstad Building, Room 206, 1300 Evergreen Park Drive S.W., Olympia, WA 98504. Public hearing to consider adoption of the proposed rules.

Date of Intended Adoption: April 30, 2019.

Submit Written Comments to: Washington Utilities and Transportation Commission, 1300 Evergreen Park Drive S.W., Olympia, WA 98504, email records@utc.wa.gov, fax 360-586-1150, by April 1, 2019.

Assistance for Persons with Disabilities: Contact Susan Holman, phone 360-664-1243, TTY 360-586-8203, email susan.holman@utc.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the rules the commission is currently proposing is to better align the rules with federal requirements, resolve issues identified in utility filings in recent years, and provide further guidance on the terms, conditions, and practices for standard contracts. It is anticipated that the effect of these changes will provide more regulatory certainty as well as increase the efficiency of the electricity market. The commission is continuing to consider other rules in chapter 480-107 WAC as part of this rule making and may propose additional revisions or new rules in the future.

Reasons Supporting Proposal: The commission must comply with applicable federal law. The federal Public Utility Regulatory Policies Act, as interpreted by the courts, imposes certain requirements that the commission must reflect in its rules. The current commission rules incorporate the requirements as they existed at the time the commission adopted those rules. The proposed revised rules are necessary to reflect the most recent federal requirements and interpretations of federal law, as well as to clarify the obligations of affected utilities and qualifying facility owners.

Statutory Authority for Adoption: RCW 34.05.220, 80.01.040.

Rule is necessary because of federal law, Public Utility Regulatory Policy Act, 16 U.S.C. §§ 2601-45 (2018).

Name of Proponent: Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting: Brad Cebulko, 1300 Evergreen Park Drive S.W., Olympia, WA 98504, 360-664-1309; Implementation and Enforcement: Mark L. Johnson, 1300 Evergreen Park Drive S.W., Olympia, WA 98504, 360-664-1115.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington utilities and transportation commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rules implement federal requirements applicable to large, investor-owned utilities, which do not qualify as small businesses. The proposed rules adopt basic information requirements for qualifying facility owners to contract with an investor-owned utility, and some of those qualifying facility owners may be classified as small businesses. However, the commission's proposed rules do not require the qualifying facility owners to provide information or take action that is substantially different than information those businesses must provide to the investor-owned utilities to enter into a contract, regardless of the commission's rules. To determine whether any stakeholders had information concerning the economic impact of the proposed rules, the commission issued a notice requesting the calculation of any costs companies anticipate they would incur as a result of the proposed rules. The commission received only one response that provided such information. Commission staff followed up with this commenter and clarified that the proposed rules do not impose on qualifying facility owners the requirements on which the commenter based his calculations. The commenter submitted revised comments stating that the proposed rules would not have an economic impact. Accordingly, the information available to the commission demonstrates that the proposed rules would not impose more-than-minor costs on businesses.

February 20, 2019

Mark L. Johnson

Executive Director and Secretary

### Chapter 480-106 WAC

#### ELECTRIC COMPANIES—PURCHASES OF ELECTRICITY FROM QUALIFYING FACILITIES

##### NEW SECTION

**WAC 480-106-001 Purpose.** The purpose of this chapter is to implement the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292 Subparts A and C. If there is any conflict between these rules and PURPA, or the related rules promulgated by FERC in 18 C.F.R. Part 292, PURPA and those related FERC rules control. Purchase of electric power under these rules satisfies a utility's obligation

to purchase power from qualifying facilities under section 210 of PURPA.

#### NEW SECTION

**WAC 480-106-002 Application of rules.** (1) Except as otherwise provided in this chapter, the rules in this chapter apply to any utility that is subject to the commission's jurisdiction under RCW 80.01.040, 80.04.010, and chapter 80.28 RCW, and qualifying facilities as defined herein. The rules in this chapter do not supersede contracts existing before the effective date of this rule. At the expiration of such an existing contract between a utility and a qualifying facility, the provisions of this chapter shall apply to rates and terms offered under any contract extension or new contract.

(2) Nothing in this chapter prohibits a utility or a qualifying facility from agreeing to voluntary contracts with rates, terms, or conditions that differ from the provisions in this chapter.

#### NEW SECTION

**WAC 480-106-003 Exemptions from rules in chapter 480-106 WAC.** The commission, in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any rule in this chapter consistent with the standards and according to the procedures set forth in WAC 480-07-110 Exemptions from and modifications to commission rules; conflicts with other rules.

#### NEW SECTION

**WAC 480-106-007 Definitions. "Avoided costs"** means the incremental costs to a utility of electric energy, capacity, or both that, but for the purchase from the qualifying facility or qualifying facilities, the utility would generate itself or purchase from another source.

**"Back-up power"** means electric energy or capacity supplied by a utility to replace energy ordinarily generated by a qualifying facility's own generation equipment during an unscheduled outage of the qualifying facility.

**"Capacity"** means the capability to produce or avoid the need to produce electric energy and ancillary electrical services, measured in kilowatts (kW) including, but not limited to, the criteria described in WAC 480-106-050 (5)(b).

**"Commission"** means the Washington utilities and transportation commission.

**"Energy"** means electric energy, measured in kilowatt-hours (kWh) or megawatt-hours (MWh).

**"Integrated resource plan" or "IRP"** means the filing made every two years by a utility in accordance with WAC 480-100-238 Integrated resource planning.

**"Interconnection costs"** means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, and administration incurred by the utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility that are in excess of the corresponding costs the utility would have incurred if it had not engaged in interconnected operations. Interconnection costs

do not include any costs included in the calculation of avoided costs.

**"Interruptible power"** means electric energy or capacity supplied by a utility subject to interruption by the utility under specified conditions.

**"Legally enforceable obligation"** means the binding commitment of a qualifying facility to sell, and of a utility to purchase, the energy, capacity, or both provided by the qualifying facility over a specified term in accordance with these rules.

**"Maintenance power"** means electric energy or capacity supplied by a utility during scheduled outages of a qualifying facility.

**"Qualifying facility"** means a cogeneration facility or a small power production facility that is a qualifying facility under 18 C.F.R. Part 292 Subpart B.

**"Request for proposals" or "RFPs"** means the documents describing a utility's solicitation of bids for delivering electric capacity, energy, or both, or conservation that was issued consistent with chapter 480-107 WAC.

**"Supplementary power"** means electric energy or capacity supplied by a utility that a qualifying facility regularly uses in addition to the energy or capacity that the qualifying facility generates itself.

**"System emergency"** means a condition on a utility's system that is likely to result in an imminent, significant disruption of service to customers or is imminently likely to endanger life or property.

**"Utility"** means an electrical company as defined in RCW 80.04.010 that is subject to the commission's jurisdiction under RCW 80.01.040, 80.04.010, and chapter 80.28 RCW.

#### NEW SECTION

**WAC 480-106-010 Obligations of qualifying facilities to the utility.** (1) The owner or operator of a qualifying facility purchasing or selling electricity under this chapter must execute a written agreement with the utility stating at a minimum that:

(a) The owner or operator of the qualifying facility will construct and operate all interconnected qualifying facilities within its control in accordance with all applicable federal, state, and local laws and regulations to ensure system safety and reliability of interconnected operations;

(b) The qualifying facility will furnish, install, operate, and maintain in good order and repair, and without cost to the utility, such switching equipment, relays, locks and seals, breakers, automatic synchronizers, and other control and protective apparatus determined by the utility to be reasonably necessary for the safe and reliable operation of the qualifying facility in parallel with the utility's system, or the qualifying facility may contract for the utility to do so at the qualifying facility's expense; the qualifying facility's delivery of electricity to the utility must be at a voltage, phase, power factor, and frequency as reasonably specified by the utility; and

(c) The utility at all times must have access to all switching equipment capable of isolating the qualifying facility from the utility's system.

(2) To the extent that the qualifying facility will assume responsibility for the safe operation of the interconnection facilities, the qualifying facility is not required to assume responsibility for negligent acts of the utility.

(3) The utility may operate the switching equipment described in subsection (1)(c) of this section if, in the sole opinion of the utility, continued operation of the qualifying facility in connection with the utility's system may create or contribute to a system emergency. Such a decision by the utility is subject to commission verification in accordance with WAC 480-106-070 System emergencies. The utility must endeavor to minimize any adverse effects of such operation on the owner or operator of a qualifying facility.

#### NEW SECTION

**WAC 480-106-020 Obligations of the utility to qualifying facilities.** (1) **Obligation to purchase from qualifying facilities:** A utility must purchase, in accordance with WAC 480-106-050 Rates for purchases from qualifying facilities, any energy and capacity that is made available from a qualifying facility:

- (a) Directly to the utility; or
- (b) Indirectly to the utility in accordance with subsection (4) of this section.

(2) **Obligation to sell to qualifying facilities:** A utility must sell to any qualifying facility, in accordance with WAC 480-106-060 Rates for sales to qualifying facilities, any energy and capacity requested by the qualifying facility at the same rates, terms, and conditions that are available to other customers of the utility in the same customer class who do not generate electricity.

(3) **Obligation to interconnect:** A utility must make all the necessary interconnections with any qualifying facility to accomplish purchases or sales under this section. The qualifying facility must pay for interconnection costs to the extent required under WAC 480-106-080 Interconnection costs.

(4) **Transmission to other electrical companies:** If a qualifying facility agrees, a utility that would otherwise be obligated to purchase energy, capacity, or both, from such qualifying facility must transmit energy, capacity, or both, to any other electric service provider at the expense of the qualifying facility. The qualifying facility's use of a utility's transmission facilities shall be pursuant to the utility's open access transmission tariff. Any utility to which energy or capacity generated by a qualifying facility and transmitted to such utility over the facilities of another utility shall purchase the energy or capacity under this subpart as if the qualifying facility were supplying energy or capacity directly to the purchasing utility. The rate the purchasing utility pays the qualifying facility shall be adjusted to reflect line losses and shall not include any charges for transmission.

(5) **Parallel operation:** Each utility must offer to operate in parallel with a qualifying facility if the qualifying facility complies with all applicable standards established in this section.

#### NEW SECTION

**WAC 480-106-030 Tariff for purchases from qualifying facilities.** (1) **Tariff for purchases from qualifying**

**facilities required:** Each utility must file a tariff consistent with this chapter and with WAC 480-80-102 Tariff content.

#### (2) **Contracting procedures:**

(a) In the tariff required in subsection (1) of this section, each utility must file contracting procedures that sets forth the obligations of the utility and the qualifying facility entering into contracts for the purchase and sale of qualifying facility output. Such contracting procedures shall provide that a legally enforceable obligation must be memorialized in an executed written contract between the utility and the qualifying facility prior to commercial operation;

(b) A legally enforceable obligation may exist prior to an executed written contract. If an irreconcilable disagreement arises during the contracting process, the qualifying facility or the purchasing utility may petition the commission to resolve the disagreement, including making a determination about whether the qualifying facility owner is entitled to a legally enforceable obligation and the date that such obligation occurred based on the specific facts and circumstances of each case.

(3) **Schedule of estimated avoided costs offering standard rates for purchases from qualifying facilities of five megawatts or less:** In the tariff required in subsection (1) of this section, all utilities must file a schedule of estimated avoided costs offering standard rates for purchases from qualifying facilities with nameplate capacities of five megawatts or less, as described in WAC 480-106-040 Schedules of estimated avoided costs. Qualifying facility developers proposing projects with a design capacity of five megawatts or less may choose to receive a purchase price for power that is set forth in such standard tariff.

(4) **Standard contract provisions for purchases from qualifying facilities of five megawatts or less:** In the tariff required in subsection (1) of this section, each utility shall specify the information required for qualifying facilities with nameplate capacities of five megawatts or less to obtain draft executable contracts. All utilities shall file standard contract provisions for purchases from a qualifying facility with a capacity of five megawatts or less. Standard contracts may include commercially reasonable milestone events and cure periods including, but not limited to, the qualifying facility's:

- (a) Provision of any necessary credit support, necessary governmental permits and authorizations, evidence of construction financing, and as-built supplements;
- (b) Completion of interconnection facilities;
- (c) Completion of start-up testing; and
- (d) Achievement of mechanical availability of operation.

(5) **Information and term sheets for qualifying facilities with capacities of greater than five megawatts:** In the tariff required in subsection (1) of this section, each utility shall specify the information required for qualifying facilities of greater than five megawatts to obtain draft and executable contracts. All utilities shall post upon the utility's web site nonbinding term sheets with limited contract provisions for qualifying facilities with capacities greater than five megawatts. Such contract provisions need not be the same as the standard contract provisions required pursuant to subsection (3) of this section, but shall be consistent with the commission's rules.

NEW SECTION

**WAC 480-106-040 Schedules of estimated avoided costs.** (1) **Filing requirement.** A utility must file by November 1st of each year, as a revision to its tariff described in WAC 480-106-030 Tariff for purchases from qualifying facilities, a schedule of estimated avoided costs that identifies, both separately and combined, its avoided cost of energy and its avoided cost of capacity. All schedules of estimated avoided costs must include:

(a) Identification of avoided energy: An estimated avoided cost of energy based on the utility's current forecast of market prices for power stated on a cents per kilowatt-hour or dollars per megawatt-hour basis for the current calendar year and each of the next fifteen years. In determining its avoided cost of energy, the utility may incorporate the daily and seasonal peak and off-peak period prices, by year; and

(b) Identification of avoided capacity: An estimated avoided cost of capacity expressed in dollars per megawatt based on the projected fixed cost of the next planned capacity addition identified in the succeeding ten years in the utility's most recently acknowledged integrated resource plan filed pursuant to WAC 480-100-238 Integrated resource planning, and such identification must include the following:

(i) Identification of capacity cost: A utility must identify the projected fixed costs of its next planned capacity addition based on either the estimates included in its most recently filed integrated resource plan or the most recent project proposals received pursuant to an RFP issued consistent with chapter 480-107 WAC, whichever is most current; and

(ii) Proxy for planned market purchases: If the utility's most recently acknowledged integrated resource plan identifies the need for capacity in the form of market purchases not yet executed, then the utility shall use the projected fixed costs of a simple-cycle combustion turbine unit as identified in the integrated resource plan as the avoided capacity cost of the market purchases.

(c) Levelized avoided cost pricing: The avoided cost of capacity must account for any differences between the in-service date of the qualifying facility and the date of the next planned generating unit by levelizing the lump sum present value of the avoided cost of capacity discounted by the utility's commission-approved weighted average cost of capital.

(2) **Differentiating among qualifying facilities.** A utility's estimated avoided cost of capacity may differentiate among qualifying facilities based on the supply characteristics of different technologies of qualifying facilities for purposes of calculating the estimated avoided cost of capacity.

(3) **Schedule revisions.** A utility may file to revise its schedule of estimated avoided costs prior to its next annual filing, provided that the commission may not allow such tariff revision to become effective until at least sixty days after such filing. Filing a revised schedule of estimated avoided costs in this subsection does not relieve the utility of its annual obligation to file a schedule in subsection (1) of this section if such filing occurs more than thirty days prior to such annual tariff filings.

NEW SECTION

**WAC 480-106-050 Rates for purchases from qualifying facilities.** (1) **Rates for purchases by a utility:**

(a) Rates must be just and reasonable to the utility's customers and in the public interest;

(b) Rates must not discriminate against qualifying facilities; and

(c) Rates must not exceed the avoided cost to the utility of alternative energy, capacity, or both.

(2) **Establishing rates:**

(a) A rate for purchase from qualifying facilities satisfies the requirements of subsection (1) of this section if the rate equals the utility's avoided costs after consideration, to the extent practicable, of the factors set forth in WAC 480-106-040 Schedules of estimated avoided costs, and in subsection (5) of this section.

(b) When a utility bases its purchase rates on estimates of avoided costs over a specific term of the contract or other legally enforceable obligation, the rates do not violate these rules if any payment under the obligation differs from avoided costs at the time of delivery.

(3) **Rates for purchases - Time of calculation:** Except for the purchases made under a standard rates tariff pursuant to subsection (4) of this section, each qualifying facility shall have the option to:

(a) Provide energy as the qualifying facility determines such energy to be available for such purchases, in which case the rates for such purchases shall be based on the purchasing utility's avoided cost of energy at the time of delivery; or

(b) Provide energy, capacity, or both, pursuant to a legally enforceable obligation, in which case the rates for purchases shall, at the option of the qualifying facility exercised prior to the beginning of the specified term, be based on:

(i) The avoided costs of energy and capacity calculated at the time of delivery; or

(ii) The avoided costs of energy and capacity projected over the life of the obligation and calculated at the time the parties incur the obligation.

(4) **Standard rates for purchases from qualifying facilities with capacities five megawatts or less:** A utility shall establish standard rates for its purchases from qualifying facilities with capacities of five megawatts or less as follows:

(a) A utility must file the schedule of estimated avoided costs containing standard rates for purchases pursuant to WAC 480-106-040 Schedules of estimated avoided costs as a revision to its tariff required in WAC 480-106-030 Tariff for purchases from qualifying facilities.

(i) The utility's standard rates for purchases must offer fixed rates to a new qualifying facility for a term of fifteen years beginning on the date of contract execution, but not less than twelve years from the commercial operation date of the qualifying facility.

(ii) The utility's standard rates for purchases must offer fixed rates to an existing qualifying facility entering into a new agreement with the utility for a term of ten years.

(iii) Qualifying facilities that do not meet the greenhouse gas emissions performance standard established under RCW 80.80.040 are limited to contract terms of less than five years.

(b) A utility's standard rates for purchases must provide the qualifying facility the option to either:

(i) Provide energy as the qualifying facility determines such energy to be available for such purchases, in which case the rates for such purchases shall be based on the purchasing utility's avoided cost of energy at the time of delivery; or

(ii) Provide energy, capacity, or both, pursuant to a legally enforceable obligation, in which case the rates for purchases shall, at the option of the qualifying facility exercised prior to the beginning of the specified term, be based on:

(A) The avoided energy and capacity calculated at the time of delivery; or

(B) The avoided costs of energy and capacity identified in the utility's schedule of estimated avoided costs in effect when the parties incur the obligation.

(c) Except where expressly conveyed to the utility for additional consideration, the qualifying facility shall own the renewable energy certificates and any other environmental attributes associated with the production from such qualifying facility unless the standard rates are based on the avoided capacity costs of an eligible renewable resource as defined in RCW 19.285.030. During any period in which the qualifying facility receives standard rates that are based on the avoided capacity costs of an eligible renewable resource, the utility shall receive the renewable energy certificates produced by the qualifying facility at no additional cost to the utility.

(d) The standard rate may account for the integration costs associated with variable technologies, as approved by the commission.

(5) **Negotiated rates for qualifying facilities with capacities greater than five megawatts:** Each utility shall file and obtain commission approval of its avoided cost rate methodology for qualifying facilities with capacity greater than five megawatts. When negotiating rates for purchases from qualifying facilities with capacities greater than five megawatts, to the extent practicable, the parties should consider the following factors:

(a) The data the utility provided to the commission pursuant to WAC 480-106-040 Schedules of estimated avoided costs, and the commission's evaluation of the data;

(b) The availability of energy, capacity, and ancillary services from a qualifying facility during the system daily and seasonal peak periods, including:

(i) The utility's ability to dispatch the qualifying facility;

(ii) The qualifying facility's expected or demonstrated reliability;

(iii) The terms of any proposed contract or other legally enforceable obligation;

(iv) The extent to which the parties can usefully coordinate their respective scheduled outages;

(v) The usefulness of energy, capacity, or both, supplied from a qualifying facility during system emergencies, including the qualifying utility's ability to separate its load from its generation;

(vi) The individual and aggregate value of energy and capacity from qualifying facilities on the utility's system; and

(vii) The smaller capacity increments and the shorter lead times available, if any, with additions of capacity from qualifying facilities.

(c) The relationship of the availability of energy, capacity, or both, from the qualifying facility as derived in (b) of this subsection, to the ability of the utility to avoid costs, including the deferral of capacity additions and the reduction of fossil fuel use; and

(d) The costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from a qualifying facility.

#### NEW SECTION

**WAC 480-106-060 Rates for sales to qualifying facilities. (1) General rules:**

(a) Rates for sales:

(i) Shall be just and reasonable, and in the public interest; and

(ii) Shall not discriminate against any qualifying facility in comparison to rates for sales to other customers served by the utility.

Utilities may not deny service to a customer for which the customer otherwise qualifies based on the presence of a qualifying facility, including interruptible power service.

(b) Rates for sales that are based on accurate data and consistent system-wide costing principles will not be considered to discriminate against any qualifying facilities if those rates apply to the utility's other customers with similar load or other cost-related characteristics.

**(2) Additional services to be provided to qualifying facilities:**

(a) Upon request by a qualifying facility, each utility will provide:

(i) Supplementary power;

(ii) Back-up power;

(iii) Maintenance power; and

(iv) Interruptible power.

(b) The commission may waive any requirement of (a) of this subsection if, after notice in the area served by the utility and after opportunity for public comment, the utility demonstrates and the commission finds that compliance with such requirement will:

(i) Impair the utility's ability to render adequate service to its customers; or

(ii) Place an undue burden on the utility.

**(3) The rate for sale of back-up power or maintenance power:**

(a) Shall not be based on an assumption, unless supported by factual data, that forced outages or other reductions in electric output by all qualifying facilities on a utility's system will occur simultaneously, or during the system peak, or both; and

(b) Must take into account the extent to which scheduled outages of the qualifying facilities can be usefully coordinated with scheduled outages of the utility's facilities.

#### NEW SECTION

**WAC 480-106-070 System emergencies. (1) Qualifying facility obligation to provide power during system emergencies:** A qualifying facility may be required to provide energy or capacity to a utility during a system emergency only to the extent:

(a) Provided by agreement between the qualifying facility and utility; or

(b) Ordered under section 202(c) of the Federal Power Act.

(2) **Discontinuance of purchases and sales during system emergencies:** During any system emergency, a utility may, in a nondiscriminatory fashion, discontinue:

(a) Purchases from a qualifying facility if such purchases would contribute to such emergency; and

(b) Sales to a qualifying facility provided that such discontinuance is on a nondiscriminatory basis.

(3) System emergencies resulting in utility action under this chapter are subject to verification by the commission upon request by either party to the power contract.

#### NEW SECTION

**WAC 480-106-080 Interconnection costs.** (1) Any costs of interconnection are the responsibility of the owner or operator of the qualifying facility entering into a power contract under this chapter. The utility must assess all reasonable interconnection and necessary system or network upgrade costs the utility incurs against a qualifying facility on a nondiscriminatory basis.

(2) The owner or operator of the qualifying facility must reimburse the utility for any reasonable interconnection costs the utility may incur. Such reimbursement may be made, at the utility's election:

(a) At the time the utility invoices the owner or operator of the qualifying facility for interconnection costs incurred by the utility; or

(b) Over an agreed period not greater than the length of any contract between the utility and the qualifying facility.

#### **Chapter 480-107 WAC**

#### **ELECTRIC COMPANIES—PURCHASES OF ELECTRICITY ~~((FROM QUALIFYING FACILITIES AND INDEPENDENT POWER PRODUCERS AND PURCHASES OF ELECTRICAL SAVINGS FROM CONSERVATION SUPPLIERS))~~**

AMENDATORY SECTION (Amending WSR 06-08-025, filed 3/28/06, effective 4/28/06)

**WAC 480-107-001 Purpose and scope.** (1) The rules in this chapter require utilities to solicit bids, rank project proposals, and identify any bidders that meet the minimum selection criteria. The rules in this chapter do not establish the sole procedures utilities must use to acquire new resources. Utilities may construct electric resources, operate conservation programs, purchase power through negotiated contracts, or take other action to satisfy their public service obligations.

(2) The commission will consider the information obtained through these bidding procedures when it evaluates the performance of the utility in rate and other proceedings.

~~((3) The rules in this chapter are consistent with the provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. To the extent of any~~

~~conflict between these rules and PURPA, or the related rules promulgated by FERC in 18 C.F.R. Part 292, PURPA and those related rules control. Purchase of electric power under these rules satisfies a utility's obligation to purchase power from qualifying facilities under section 210 of PURPA.))~~

AMENDATORY SECTION (Amending WSR 06-08-025, filed 3/28/06, effective 4/28/06)

**WAC 480-107-007 Definitions. "Affiliate"** means a person or corporation that meets the definition of an "affiliated interest" in RCW 80.16.010.

**"Avoided costs"** means the incremental costs to a utility of electric energy, electric capacity, or both, that the utility would generate itself or purchase from another source, but for purchases to be made under these rules. A utility's avoided costs are the prices, terms and conditions, including the period of time and the power supply attributes, of the least cost final contract entered into as a result of the competitive bidding process described in these rules. If no final contract is entered into in response to a request for proposal (RFP) issued by a utility under these rules, the utility's avoided costs are the lesser of:

~~((+))~~ (a) The price, terms and conditions set forth in the least cost project proposal that meets the criteria specified in the RFP; or

~~((2))~~ (b) Current projected market prices for power with comparable terms and conditions.

~~("Back up power" means electric energy or capacity supplied by a utility to replace energy ordinarily supplied by utility-owned generation or purchased through contracts that is unavailable due to an unscheduled outage.))~~

**"Commission"** means the Washington utilities and transportation commission.

**"Conservation"** means any reduction in electric power consumption that results from increases in the efficiency of energy use, production or distribution, or from demand response, load management or efficiency measures that reduce peak capacity demand.

**"Conservation supplier"** means a third party supplier or utility affiliate that provides equipment or services that save capacity or energy.

~~("Economic dispatch" means modifying the scheduling of power purchases from a generating facility within contractually specified limits to minimize the costs of delivering electricity.))~~

**"Generating facilities"** means plant and other equipment used to generate electricity purchased through contracts entered into under these rules.

**"Independent power producers"** means an entity that owns generating facilities or portions thereof that are not included in a utility's rate base and that are not qualifying facilities as defined in this section.

**"Integrated resource plan" or "IRP"** means the filing made every two years by a utility in accordance with WAC 480-100-238 Integrated resource planning.

~~("Interruptible power" means electric energy or capacity supplied to a utility by a generating facility, the availability of which may be interrupted under certain conditions.~~



~~"Maintenance power" means electric energy or capacity supplied by a utility during scheduled outages of a generating facility.)~~

"Project developer" means an individual, association, corporation, or other legal entity that can enter into a power or conservation contract with the utility.

"Project proposal" means a project developer's document containing a description of a project and other information responsive to the requirements set forth in a request for proposal, also known as a bid.

"Qualifying facilities" means generating facilities that meet the criteria specified by the FERC in 18 C.F.R. Part 292 Subpart B.

"Request for proposals" or "RFPs" means the documents describing a utility's solicitation of bids for delivering electric capacity, energy, or capacity and energy, or conservation.

"Resource block" means the deficit of capacity and associated energy that the IRP shows for the near term.

"Subsidiary" means any company in which the utility owns directly or indirectly five percent or more of the voting securities, and that may enter a power or conservation contract with that electric utility. A company is not a subsidiary if the utility can demonstrate that it does not control that company.

~~("Supplementary power" means electric energy or capacity supplied by a utility that is regularly used by a generating facility in addition to that which the facility generates itself.)~~

"Utility" means an electrical company as defined by RCW 80.04.010.

AMENDATORY SECTION (Amending WSR 06-08-025, filed 3/28/06, effective 4/28/06)

**WAC 480-107-025 Contents of the solicitation.** (1) The RFP must identify the resource block, consisting of the overall amount and duration of power the utility is soliciting, the initial estimate of avoided cost schedule as calculated in WAC ((480-107-055)) 480-106-040 Avoided cost schedule, and any additional information necessary for potential bidders to make a complete bid.

(2) The RFP must document that the size of the resource block is consistent with the range of estimated new resource needs identified in the utility's integrated resource plan.

(3) The RFP must explain general evaluation and ranking procedures the utility will use in accordance with WAC 480-107-035 Project ranking procedure. The RFP must also specify any minimum criteria that bidders must satisfy to be eligible for consideration in the ranking procedure.

(4) The RFP must specify the timing of process including the solicitation period, the ranking period, and the expected selection period.

(5) The RFP must identify all security requirements and the rationale for them.

(6) Utilities are encouraged to consult with commission staff during the development of the RFP. Utilities, at their own discretion, may submit draft RFPs for staff review prior to formally submitting an RFP to the commission.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-107-055 Schedules of estimated avoided cost.

WAC 480-107-085 Obligations of generating facilities to the utility.

WAC 480-107-095 Obligations of the utility to qualifying facilities.

WAC 480-107-105 Rates for sales to qualifying facilities.

WAC 480-107-999 Adoption by reference.

## **WSR 19-05-092**

### **PROPOSED RULES**

### **DEPARTMENT OF**

### **FISH AND WILDLIFE**

[Filed February 20, 2019, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-22-031 on October 29, 2018.

Title of Rule and Other Identifying Information: The department seeks to adopt rules concerning the status of the pinto abalone and to classify it as an endangered species.

Hearing Location(s): On April 5-6, 2019, at 8:00 a.m., at the Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98501.

Date of Intended Adoption: May 10, 2019.

Submit Written Comments to: Michael Ulrich, P.O. Box 43200, Olympia, WA 98501-3200, email michael.ulrich@dfw.wa.gov, fax 360-902-2943, by April 3, 2019.

Assistance for Persons with Disabilities: Contact Delores Noyes, phone 360-902-2349, TTY 360-902-2207, email Delores.Noyes@dfw.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to preserve the pinto abalone species which has become endangered. Based on the department's preliminary status review in 2018, the pinto abalone population is declining and vulnerable to local extinction. The pinto abalone population, a marine gastropod mollusc (aka "sea snail"), is aging and has experienced widespread reproductive failure. Consequently, the species is not likely to recover without significant protection and assistance. This proposal would remove pinto abalone from the list of food fish/shellfish potentially available for harvest and add it to the state's list of endangered species.

Reasons Supporting Proposal: The department conducted an in-depth study on the current status and trends in the pinto abalone populations in local marine waters. The study, underlying factors affecting the pinto abalone's continued existence, and management activities related to restoration are detailed in the preliminary status report for the pinto abalone and this report is available online at <https://wdfw.wa.gov/publications/02031/>.

Statutory Authority for Adoption: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.020, 77.12.045, and 77.12.047.

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

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

Name of Agency Personnel Responsible for Drafting: Henry Carson, 1111 Washington Street, Olympia, WA 98501, 360-902-2846; Implementation: Michael Ulrich, 1111 Washington Street, Olympia, WA 98501, 360-902-2737; and Enforcement: Chief Steve Bear, 1111 Washington Street, Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Hydraulics are not affected by this rule proposal.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

A copy of the detailed cost calculations may be obtained by contacting Scott Bird, P.O. Box 43200, Olympia, WA 98501-3200, fax 360-902-2155, email Rules.Coordinator@dfw.wa.goc [Rules.Coordinator@dfw.wa.gov].

February 19, 2019  
 Scott Bird  
 Rules Coordinator

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

**WAC 220-320-010 Shellfish—Classification.** The following species are classified as shellfish under RCW 77.12.-047 and are subject to the provisions of this title:

**Abalone**

~~Pinto abalone~~ (*Haliotis kamtschatkana*)

**Mussel**

Blue mussel *Mytilus trossulus*  
 California mussel *Mytilus californianus*  
 Mediterranean mussel *Mytilus galloprovincialis*

**Scallops**

Pacific pink scallop *Chlamys rubida*  
 Rock scallop *Crassadoma gigantea*  
 Spiny scallop *Chlamys hastata*  
 Weathervane scallop *Patinopecten caurinus*

**Clams**

All macoma clams *Macoma spp.*  
 Butter clam *Saxidomus giganteus*  
 Common cockle *Clinocardium nuttallii*  
 Geoduck *Panopea abrupta*  
 Horse or Gaper clam *Tresus nuttallii,*  
*Tresus capax*

Mud or soft shell clam *Mya arenaria*  
 Manila clam *Venerupis philippinarum*  
 Piddock *Zirfaea pilsbryi*  
 Razor clam *Siliqua patula*  
 Rock or native little neck clam *Leukoma staminea*  
 Varnish clam *Nuttallia obscurata*  
 All other marine clams existing in Washington in a wild state

**Oysters**

All oysters (Ostreidae)

**Squid**

All squid Sepiolida or Teuthida

**Octopus**

Octopus *Enteroctopus dolgileini*

**Barnacles**

Goose barnacle *Pollicipes polymerus*

**Shrimp**

Coonstripe shrimp *Pandalus danae*  
 Coonstripe shrimp *Pandalus hypsinotus*  
 Ghost or sand shrimp *Neotrypaea spp.*  
 Humpy shrimp *Pandalus goniurus*  
 Mud shrimp *Upogebia pugettensis*  
 Ocean pink shrimp *Pandalus jordani*  
 Pink shrimp *Pandalus eous*  
 Sidestripe shrimp *Pandalopsis dispar*  
 Spot shrimp *Pandalus platyceros*

**Crab**

Dungeness or Pacific crab *Cancer magister*  
 Red rock crab *Cancer productus*  
 Tanner crab *Chionoecetes tanneri*  
 King and box crab *Lopholithodes spp.*  
 Blue king crab *Paralithodes platypus*  
 Red king crab *Paralithodes camtschaticus*  
 Golden king crab *Lithodes aequispinus*

**Crawfish**

Crawfish *Pacifastacus sp.*

**Sea cucumber**

Sea cucumber *Parastichopus californicus*

**Sea urchin**

Green urchin *Strongylocentrotus droebachiensis*  
 Red urchin *Strongylocentrotus franciscanus*

Purple urchin *Strongylocentrotus purpuratus*

Common Name Scientific Name  
mardon skipper *Polites mardon*

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

**WAC 220-330-090 Crawfish, (~~abalone~~), sea urchins, sea cucumbers, goose barnacles—Areas and seasons, personal-use fishery.** (1) Crawfish: The open season for crawfish is the first Monday in May through October 31.

(2) (~~Abalone: It is unlawful to fish for or possess abalone taken for personal use the entire year.~~)

(3)) Sea urchins: It is lawful to fish for sea urchins for personal use the entire year. It shall be lawful to take, fish for and possess sea urchins for personal use with any hand-operated instrument which does not penetrate the shell.

((4)) (3) Sea cucumbers: It is lawful to fish for sea cucumbers for personal use the entire year except closed year-round in Marine Area 12. It shall be lawful to take, fish for and possess sea cucumbers for personal use with any hand-operated instrument which does not penetrate the animal.

((5)) (4) Goose barnacles: It is lawful to take goose barnacles for personal use the entire year.

AMENDATORY SECTION (Amending WSR 18-17-153, filed 8/21/18, effective 9/21/18)

**WAC 220-610-010 Wildlife classified as endangered species.** Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Pekania pennanti</i>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>
killer whale	<i>Orcinus orca</i>
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
North Pacific right whale	<i>Eubalaena japonica</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
Columbian sharp-tailed grouse	<i>Tympanuchus phasianellus columbianus</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>Charadrius nivosus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>

Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>
northern leopard frog	<i>Rana pipiens</i>
Taylor's checkerspot	<i>Euphydryas editha taylori</i>
Streaked horned lark	<i>Eremophila alpestris strigata</i>
Tufted puffin	<i>Fratercula cirrhata</i>
North American lynx	<i>Lynx canadensis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
Loggerhead sea turtle	<i>Caretta caretta</i>
Yellow-billed cuckoo	<i>Coccyzus americanus</i>
<u>Pinto abalone</u>	<u><i>Haliotis kamtschatkana</i></u>

**WSR 19-05-093**

**PROPOSED RULES**

**HEALTH CARE AUTHORITY**

[Filed February 20, 2019, 10:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-24-129.

Title of Rule and Other Identifying Information: The following new sections within chapter 182-426 WAC for ground emergency medical transportation (GEMT): WAC 182-546-0505 GEMT definitions, 182-546-0510 GEMT program overview, 182-546-0515 GEMT provider participation and qualifications, 182-546-0520 GEMT supplemental payments, 182-546-0525 GEMT claim submission and cost reporting, 182-546-0530 GEMT interim supplemental payment, 182-546-0535 GEMT cost reconciliation and settlement process, 182-546-0540 GEMT records maintenance, and 182-546-0545 GEMT auditing.

Hearing Location(s): On March 26, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Pear Conference Room 107, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than March 27, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, by March 26, 2019.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email [amber.lougheed@hca.wa.gov](mailto:amber.lougheed@hca.wa.gov), by March 22, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is necessary to implement HB 2007 that directed the agency

to design and implement a supplemental medicaid reimbursement in addition to the rate of payment that an eligible provider would otherwise receive for medicaid ground emergency medical transportation services for both fee-for-service and managed care-enrolled clients. An eligible provider is one who provides ground emergency medical transportation services to medicaid beneficiaries, is enrolled as a medicaid provider, and is owned or operated by the state, a city, county fire protection district, community services district, health care district, federally recognized Indian tribe, or any unit of government as defined in 42 C.F.R. Sec. 433.50.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, HB 2007, chapter 147, Laws of 2015, 64th legislature, 2015 regular session.

Statute Being Implemented: RCW 41.05.021, 41.05.16 [41.05.160], HB 2007, chapter 147, Laws of 2015, 64th legislature, 2015 regular session.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1348; Implementation and Enforcement: Abigail Cole, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1835.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The updates to WAC 182-546-0505 through 182-546-0545 do not impose additional compliance costs or requirements on providers.

February 20, 2019

Wendy Barcus

Rules Coordinator

## **GROUND EMERGENCY MEDICAL TRANSPORTATION (GEMT)**

### NEW SECTION

**WAC 182-546-0505 GEMT definitions.** See WAC 182-546-0001 for additional definitions.

**"Allowable costs"** means an expenditure that meets the test of the appropriate Executive Office of the President of the United States Office of Management and Budget (OMB) Circular.

**"Cost allocation plan (CAP)"** means a document that identifies, accumulates, and distributes allowable direct and indirect costs to cost objectives. The document also identifies the allocation methods used for distribution to cost objectives, based on relative benefits received.

**"Direct costs"** means all costs identified specifically with a particular final cost objective in order to meet emergent medical transportation requirements. This includes unal-

located payroll costs for personnel work shifts, medical equipment and supplies, professional and contracted services, travel, training, and other costs directly related to delivering covered medical transportation services.

**"Federal financial participation (FFP)"** means the portion of medical assistance expenditures for emergency medical services that are paid or reimbursed by the Centers for Medicare and Medicaid Services (CMS) according to the state plan for medical assistance. Clients under Title 19 (Health Resources and Services Administration (HRSA)) are eligible for FFP.

**"Indirect costs"** means the costs for a common or joint purpose benefiting more than one cost objective and allocated to each objective using an agency-approved indirect rate or an allocation methodology.

**"Prehospital care"** means assessment, stabilization, and emergency medical care of an ill or injured client by an emergency medical technician, paramedic, or other person before the client reaches the hospital.

**"Publicly owned or operated"** means an entity that is owned or operated by a unit of government. The unit of government is a state, city, county, special purpose district, or other governmental unit in the state that has taxing authority, has direct access to tax revenues, or is an Indian tribe as defined in the Indian Self-Determination and Education Assistance Act, Section 4.

**"Qualifying expenditure"** means an expenditure for covered services provided to an eligible beneficiary.

**"Service period"** means July 1st through June 30th of each Washington state fiscal year.

**"Shift"** means a standard period of time assigned for a complete cycle of work as set by each participating provider.

### NEW SECTION

**WAC 182-546-0510 GEMT program overview.** (1) The ground emergency medical transportation (GEMT) program permits publicly owned or operated providers to receive cost-based payments for emergency ground ambulance transportation of medicaid fee-for-service clients.

(2) This program is for clients under Title XIX of the federal Social Security Act and the Affordable Care Act (ACA) only. Participating providers do not receive supplemental payments for transporting:

- (a) Medicaid applicants; or
- (b) Medicare/medicaid recipients with dual eligibility.

(3) The cost-based payment, when combined with the amount received from all other sources of reimbursement for medicaid, must not exceed one hundred percent of allowable costs.

(4) Fire departments/districts must use the approved CAP of their local government. If the local government does not have a CAP, they must use the Centers for Medicare and Medicaid Services (CMS)-approved cost report.

(5) The state general fund cannot be used for GEMT cost-based payments.

NEW SECTION

**WAC 182-546-0515 GEMT provider participation and qualifications.** (1) Participation in the program by a GEMT provider is voluntary.

(2) To qualify under this program and receive supplemental payments, a participating provider must:

(a) Provide ground emergency transportation services to medicaid fee-for-service clients as described in WAC 182-546-0510(2).

(b) Be publicly owned or operated as defined in WAC 182-546-0505.

(c) Be enrolled as a medicaid provider, with an active core provider agreement, for the service period specified in the claim.

(d) Renew GEMT participation annually by submitting a participation agreement and the Centers for Medicare and Medicaid Services (CMS)-approved cost report to the agency.

NEW SECTION

**WAC 182-546-0520 GEMT supplemental payments.**

(1) The agency makes supplemental payments for the uncompensated and allowable costs incurred while providing GEMT services to medicaid fee-for-service clients, as defined by the United States Office of Management and Budget (OMB).

(a) The amount of supplemental payments, when combined with the amount received from all other sources of reimbursement from the medicaid program, will not exceed one hundred percent of allowable costs.

(b) If the participating provider does not have any uncompensated care costs, then the participating provider will not receive payment under this program.

(2) The total payment is equal to the participating provider's allowable costs of providing the services.

(a) The participating provider must certify the uncompensated expenses using the cost reporting process described under WAC 182-546-0525. This cost reporting process allows medicaid to obtain federal matching dollars to be distributed to participating providers.

(b) The participating provider must:

(i) Include the expenditure in its budget.

(ii) Certify that the claimed expenditures for the GEMT services are eligible for FFP and that the costs were allocated to the appropriate cost objective according to the cost allocation plan.

(iii) Provide evidence, specified by the agency, supporting the certification.

(iv) Submit data, specified by the agency, determining the appropriate amounts to claim as expenditures qualifying for FFP.

NEW SECTION

**WAC 182-546-0525 GEMT claim submission and cost reporting.** (1) Each participating provider is responsible for submitting claims to the agency for services provided to eligible clients. Participating providers must submit the

claims according to the rules and billing instructions in effect at the time the service is provided.

(2) On an annual basis, participating providers must certify and allocate their direct and indirect costs as qualifying expenditures eligible for FFP.

(3) The claimed costs must be necessary to carry out GEMT.

(4) Participating providers must complete cost reporting according to the Centers for Medicare and Medicaid Services (CMS)-approved cost identification principles and standards such as the most current editions of the *CMS Provider Reimbursement Manual* and the United States Office of Management and Budget Circular (OMB) Circular A-87.

(5) Participating providers must completely and accurately document the CMS-approved cost report as required under OMB Circular A-87 Attachment A.

(6) Participating providers must allocate direct and indirect costs to the appropriate cost objectives as indicated in the cost report instructions.

(7) Reported personnel costs including wages, salaries, and fringe benefits must be exclusively attributable to ground emergency ambulance services provided. Services do not include fire suppression.

(8) Revenues received directly, such as foundation grants and money from private fund-raising, are not eligible for certification because such revenues are not expenditures of a government entity.

(9) The sum of a participating provider's allowable direct and indirect costs are divided by the number of ground emergency medical transports to determine a participating provider's average cost per qualifying transport.

(10) Participating providers must complete an annual cost report documenting the participating provider's total CMS-approved, medicaid-allowable, direct and indirect costs of delivering medicaid-covered services using a CMS-approved cost-allocation methodology. Participating providers must:

(a) Submit the cost report within five months after the close of the service period.

(b) Request an extension to the cost report deadline in writing to the agency, if needed. The agency will review requests for an extension on a case-by-case basis.

(c) Provide additional documentation justifying the information in the cost report, upon request by the agency.

(d) Assure the agency receives the cost report or additional documentation according to WAC 182-502-0020.

(i) Participating providers must comply with WAC 182-502-0020 to receive the supplemental payment under this program.

(ii) The agency pays the claims for the following service period according to the agency's current ambulance fee schedule.

(11) The costs associated with releasing a client on the scene without transportation by ambulance to a medical facility are eligible for FFP and are eligible expenditures.

(12) Other expenses associated with the prehospital care are eligible costs associated with GEMT.

(13) Expenditures are not eligible costs until the services are provided.

NEW SECTION

**WAC 182-546-0530 GEMT interim supplemental payment.** (1) The agency pays an interim supplemental payment for GEMT. These payments using the interim supplemental payment allows the agency to pay participating providers for GEMT. The payments will approximate the GEMT costs eligible for federal financial participation claimed through the certified public expenditure (CPE) process.

(2) The agency computes the interim supplemental payment for GEMT on an annual basis.

(3) To determine the interim supplemental payment for GEMT, the agency uses the most recently filed cost reports of all participating providers to determine an average cost per qualifying transport. Therefore, the cost per participating provider and the amount of interim supplemental payments will vary among the participating providers.

(4) The agency distributes the interim supplemental payments to participating providers on a weekly basis using claims data as documented in the agency's claim system.

NEW SECTION

**WAC 182-546-0535 GEMT cost reconciliation and settlement process.** (1) The agency reconciles each interim supplemental payment for GEMT to the provider's filed cost report for the service year in which interim supplemental payments are made.

(2) The agency compares the total medicaid-allowable costs to the interim supplemental payments paid to the participating providers as documented in the agency's claim system, resulting in cost reconciliation.

(3) The agency performs cost settlements based on the final Centers for Medicare and Medicaid Services (CMS)-approved cost report schedules for all participating providers.

(a) The agency:

(i) Recovers from the participating provider the federal payments that exceed the participating provider's cost per qualifying transport; or

(ii) Pays the participating provider if the cost per transport exceeds the interim supplemental payment amount.

(b) If a participating provider disputes the reimbursement rate before there is an overpayment, the provider may appeal under WAC 182-502-0220.

(c) If a participating provider disputes the agency's determination that the participating provider has been overpaid, the participating provider may request a hearing under WAC 182-502-0230.

(4) The agency reports to the CMS any difference between the payments of federal funds made to the participating providers and the federal share of the qualifying expenditures and returns excess funds to CMS.

(5) Each participating provider must agree to reimburse the agency for the costs associated with administering the GEMT program. The costs are collected during the final reconciliation and settlement process and cannot be included as an expense in the participating provider's cost report.

NEW SECTION

**WAC 182-546-0540 GEMT records maintenance.** In addition to the health care record requirements in WAC 182-502-0020, GEMT participating providers must also maintain records of accounting procedures and practices that reflect all direct and indirect costs, of any nature, spent performing GEMT services.

NEW SECTION

**WAC 182-546-0545 GEMT auditing.** (1) Participating providers must follow the terms and conditions outlined in the agency's core provider agreement.

(2) The agency may conduct audit or investigation activities, as described under chapters 74.09 RCW and 182-502A WAC, to determine compliance with the rules and regulations of the core provider agreement, as well as of the GEMT program.

(3) If an audit or investigation is initiated, the participating provider must retain all original records and supporting documentation until the audit or investigation is completed and all issues are resolved, even if the period of retention extends beyond the required six-year period required under WAC 182-502-0020.

**WSR 19-05-094****PROPOSED RULES****DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed February 20, 2019, 11:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-11-037 on May 8, 2018.

Title of Rule and Other Identifying Information: 2019 Hydraulic project approval (HPA) suction dredge rule making, amending WAC 220-660-030 and 220-660-300 and adding new WAC 220-660-305 to chapter 220-660 WAC, Hydraulic code rules.

Hearing Location(s): On April 5-6, 2019, at 8:00 a.m., at the Natural Resource[s] Building, 1111 Washington Street S.E., Olympia, WA 98501.

Date of Intended Adoption: April 19, 2019.

Submit Written Comments to: Randi Thurston, P.O. Box 43200, Olympia, WA 98504-3200, email [HPARules@dfw.wa.gov](mailto:HPARules@dfw.wa.gov), fax 360-902-2946, Attn: Randi Thurston, web site <https://wdfw.wa.gov/licensing/hpa/rulemaking/>, by 5:00 p.m., April 8, 2019.

Assistance for Persons with Disabilities: Contact the Washington department of fish and wildlife (WDFW) ADA manager, phone 360-902-2349, fax 360-902-2946, Attn: Randi Thurston, TTY 360-902-2207, email [adaprogram@dfw.wa.gov](mailto:adaprogram@dfw.wa.gov), by 5:00 p.m., April 8, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WDFW proposes to amend WAC 220-660-030 Definitions and 220-660-300 Mineral prospecting and add new WAC 220-660-305 Suction dredging.

WDFW's purpose for this rule making is to permit motorized and nonmotorized suction dredging activities in the state through individual HPAs while maintaining current protections for fish life. Rule changes will:

- Modify existing rules and create a new rule that permits motorized and nonmotorized suction dredging activities in the state through standard HPAs;
- Remove suction dredging as a permitted mineral prospecting method under the Gold and Fish pamphlet;
- Develop an individual HPA application method for suction dredging that is streamlined;
- Develop application and reporting methods to enable WDFW to determine the number of prospectors engaged in suction dredging and where and how much suction dredging occurs;
- Identify methods to prevent the spread of aquatic invasive species through the movement of suction dredge equipment into and around the state;
- Make other changes to WAC 220-660-030 and 220-660-300 that clarify language and intent or accommodate administrative changes.

Hydraulic code rules in chapter 220-660 WAC, implementing chapter 77.55 RCW, are significant legislative rules under RCW 34.05.328.

Reasons Supporting Proposal: On April 14, 2018, the fish and wildlife commission (FWC) directed WDFW to initiate rule making to require standard HPAs for all suction dredge mineral prospecting. FWC cited three reasons for the action:

1. Require suction dredgers to obtain a standard HPA so that WDFW can identify the numbers of miners engaged in suction dredging activity in Washington;
2. Determine where, when, and how much suction dredging occurs; and
3. Identify methods to prevent the spread of aquatic invasive species through the movement of suction dredging equipment into and around the state.

FWC gave three reasons why these changes were needed. First, no application is required to work under the Gold and Fish pamphlet. As a result, WDFW doesn't know how many dredges are operating statewide and where or when they are being operated. Obtaining this information would improve WDFW's ability to assess the potential risks to fish life, including potential cumulative impacts, and to target inspections to ensure dredgers are complying with HPA provisions.

Second, WDFW is concerned that Washington will experience an increase in dredgers as a consequence of Oregon's expanded restrictions on suction dredging that became effective January 1, 2018. The reason WDFW is concerned about this problem is because Oregon experienced a significant increase in suction dredgers, from six hundred fifty-six permitted placer miners in 2008 to one thousand ninety-five permitted placer miners in 2010, that Oregon Department of State Lands attributed to the moratorium California placed on suction dredging in 2009. WDFW currently does not know how many out-of-state dredgers work under the pamphlet, and would have no way of knowing how many more were coming into Washington to dredge resulting from the new

Oregon rules. Again, without this information, WDFW can't accurately assess the risk to fish life.

Third, WDFW assumes that an increase in the number of out-of-state dredgers would increase the risk of aquatic invasive species coming into the state. Dredgers, like other watercraft, could also spread aquatic invasive species in-state when they move their equipment from waterbody to waterbody. Although chapter 77.135 RCW requires inspections and decontamination for aquatic invasive species, the Gold and Fish pamphlet does not explicitly require inspections of dredges coming into the state, nor does the pamphlet include best practices to prevent the spread of aquatic invasive species in-state. Once nonnative species become established in a new environment, where their natural enemies are missing, these invaders can spread rapidly. Aquatic invasive species can outcompete native species and disrupt efforts to recover naturally reproducing salmon, steelhead, and trout stocks.

The proposed rule is needed to ensure suction dredging rules adequately protect fish life. The rule making will allow WDFW to gather important new information that will increase our understanding about potentially unaddressed impacts to fish life from suction dredging. WDFW will use this new information to determine whether additional rule making is needed in the future to adequately protect fish life. The rule making also adds provisions to prevent the spread of aquatic invasive species through the movement of suction dredging equipment into and around the state.

Statutory Authority for Adoption: RCW 77.04.012, 77.12.047, 77.55.021, 77.55.091, 77.135.100, 77.135.110, and 34.05.328.

Statute Being Implemented: Chapter 77.55 RCW, Construction projects in state waters; chapter 77.135 RCW, Invasive species.

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

Name of Proponent: WDFW, habitat program, protection division, governmental.

Name of Agency Personnel Responsible for Drafting: Pat Chapman, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2571; Implementation: Randi Thurston, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2602; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Randi Thurston, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2602, fax 360-902-2946, TTY 360-902-2207, email [HPARules@dfw.wa.gov](mailto:HPARules@dfw.wa.gov), web site <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

- Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: Some aspects of the rule proposal [that] correct or clarify language without changing its effect are exempt.

The proposed rule does impose more-than-minor costs on businesses.

Small Business Economic Impact Statement (SBEIS)

**SECTION 1: Describe Rule and Compliance Requirements**

**1.1 Background:** The state legislature gave WDFW the responsibility to preserve, protect, and perpetuate all fish and shellfish resources of the state. To help achieve this mandate, the legislature passed a state law in 1943 called *Protection of Fish Life*. Now titled *Construction projects in state waters* and codified as chapter 77.55 RCW, the entire text of the statute can be found at <http://app.leg.wa.gov/RCW/default.aspx?cite=77.55>. Under the authority of chapter 77.55 RCW, WDFW issues a construction permit called an HPA. The sole purpose of HPA is to protect fish life from construction and other work that affects the flow or bed of state waters. HPAs are site-specific, meaning that provisions are tailored to the site conditions and species that might be affected by each particular project. HPA contains conditions that a permittee must follow in order to mitigate impacts to fish life caused by the project.

Chapter 77.135 RCW, Invasive species, provides authority for WDFW to address invasive species using an integrated management approach. Authority is conveyed for WDFW to adopt rules to require clean/drain/dry or other decontamination methods and to require inspections for aquatic conveyances entering Washington state.

WDFW promulgates rules to implement chapter 77.55 RCW under chapter 220-660 WAC, Hydraulic code rules. This WAC chapter establishes regulations for administration of the HPA program. The hydraulic code rules set forth definitions, administrative procedures for obtaining an HPA, steps for HPA appeals and civil compliance, and criteria generally used by WDFW to review and condition hydraulic projects to protect fish life.

One type of hydraulic project regulated by WDFW is placer mineral prospecting and mining using motorized and nonmotorized prospecting and mining equipment. Pursuant to RCW 77.55.091 and WAC 220-660-050(9), WDFW distributes WAC 220-660-300 as the "Gold and Fish pamphlet," which describes methods of, and restrictions for, mineral prospecting and mining. A person does not need to apply for a standard HPA if they are conducting mineral prospecting activities in accordance with the Gold and Fish pamphlet. Persons who want exceptions to provisions in the Gold and Fish pamphlet must apply for standard HPAs.

On April 14, 2018, FWC directed WDFW to propose rule changes that will remove suction dredging as an activity authorized under the Gold and Fish pamphlet. New rules are needed to require suction dredgers to apply for standard HPAs. FWC also directed WDFW to propose rules that require suction dredgers to report their activities annually and rules that prevent dredgers from spreading aquatic invasive species.

More background is provided in the full SBEIS document on the HPA rule making web page at <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

**1.2 Compliance requirements of the proposed rule:** In order to implement FWC's directive, WDFW developed rule proposals for WAC 220-660-030 Definitions, to refine and clarify the suction dredging definitions, and WAC 220-660-300 Mineral prospecting, to remove suction dredging as an authorized activity under the Gold and Fish pamphlet. Changes in these two sections correct errors and clarify language without changing the effect of that language and do not create compliance requirements for suction dredgers; because of this, these sections are not discussed further in this analysis. A proposed new WAC 220-660-305 contains new rules for suction dredging that impose requirements that miners must comply with, and this WAC section is the subject of this SBEIS analysis.

Compliance requirements of the proposed rule are provided on [in] Table 1.

**Table 1  
Compliance Requirements of Proposed WAC 220-660-305**

Rule	Requirement	WAC
" <i>Suction Dredge HPA-Required Rule</i> "	All suction dredgers are required to apply for a standard written HPA.	WAC 220-660-305 (3)(a)
" <i>Aquatic Invasive Species Rule</i> "	All suction dredge equipment that has been used in waters outside of Washington state must be inspected for the presence of aquatic invasive species prior to use in state waters; suction dredgers are required to implement methods to prevent the spread of aquatic invasive species.	WAC 220-660-305(4)
" <i>Annual Reporting Rule</i> "	All suction dredge owners are required to submit an annual activity report.	WAC 220-660-305(8)

**1.3 Professional Services Required:** One goal of WDFW's HPA application system is that applicants should not require the assistance of professional services in order to complete an application. WDFW provides free support services during normal business hours to persons having difficulty establishing an account, starting an application, completing an application, and submitting that application. HPAs for mineral prospecting projects that move less than fifty cubic yards of material are exempt from State Environmental Protection [Policy] Act (SEPA) under WAC 197-11-835(2). Applicants wishing to move less than fifty cubic yards can cite this exemption to complete the SEPA requirements of the HPA application. Applicants wishing to move fifty cubic yards or more of material must complete a SEPA checklist and submit it to the SEPA lead agency so that the lead agency can make a determination about the effects of the project on the environment.

One reason many HPA applicants might need professional services is to obtain engineering advice and engineer-certified plans and specifications to file with their HPA application. Because suction dredging is not a construction activ-



ity, engineered plans and specifications are not required to complete the application. As a result, applicants are unlikely to use professional services.

Professional services relating to maintaining a computer and internet connection would be included under "Administrative Costs."

**SECTION 2: Identify Businesses—Minor Cost Threshold**

This rule-making activity regulates placer gold prospecting and mining in Washington using motorized and nonmotorized suction dredging equipment, including suction dredges, dryland dredges and suction dredge/highbanker combination equipment. Any business that would need an HPA to conduct motorized and nonmotorized suction dredging for placer mining would be required to comply with the proposed rules.

WDFW took several steps to attempt to identify businesses that would need an HPA to conduct suction dredging. WDFW could not identify any one North American Industry Classification System (NAICS) code associated with businesses required to comply with the proposed rule. Details of the research conducted by WDFW can be found in the full SBEIS document available on the HPA rule making web page at <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

WDFW concluded that neither the SBEIS tools nor the research completed in steps described in the full SBEIS document, sections 2.1 through 2.5 can help us identify the minor cost thresholds.

WDFW determined that neither industry code 2122 nor any other industry identified during our research provides data that are representative of the businesses required to comply with the proposed rule. WDFW does not have payroll, employment, or business revenue data for businesses of any size required to comply with the proposed rule. Therefore, the minor cost threshold for this analysis is determined to be \$100 (Table 5 [2]). Any costs imposed on a small business that are over \$100 would be considered for this analysis to be more-than-minor and potentially disproportionate.

**Table 2**

**Small Business Industry Classification and Minor Cost Thresholds**

NAICS code	2122
NAICS Business Description	Metal ore mining
# of businesses in Washington	Nineteen (from revenue on September 12, 2018)
Minor Cost Threshold = the greater of <0.3% of annual revenue or income, or \$100	Average annual receipts for businesses that would be regulated under proposed WAC 220-660-305 are unknown, so we use \$100 for this analysis.
Minor Cost Threshold = 1% of annual payroll	Average annual payroll for businesses that would be regulated under proposed WAC 220-660-305 is unknown, so we use \$0.00 for this analysis.
Applicable minor cost threshold	\$100

**SECTION 3: Costs of Compliance**

WDFW offers two estimates for costs to comply for each of the proposals. The first ("*Direct survey results*") uses Survey 2 responses for costs to comply and the second method ("*Hourly-cost method*") uses estimates based on Survey 2 responses for hours per application and a cost per hour established by WDFW.

Because there are no industry records of annual payroll to help us estimate costs per hour for the suction dredging industry, WDFW referenced mining labor data provided by the Bureau of Labor Statistics. We chose the worker type we think most closely matches the work of a suction dredger, Continuous Mining Machine Operator, which earned an average hourly wage of \$28.19 in 2017. We are using this figure to estimate hourly costs per individual for the time taken to comply with the proposals.

Most HPAs are issued for a five year period, pursuant to WAC 220-660-050 (14)(a). Pursuant to WAC 220-660-050 [(3)](b)(ii)(A), a standard multi-site HPA can authorize work at multiple project sites if: (I) All project sites are within the same water resource inventory area (WRIA) or tidal reference area; (II) the primary hydraulic project is the same at each site so there is little variability in HPA provisions across all sites; and (III) work will be conducted at no more than five project sites to ensure department staff has sufficient time to conduct site reviews.

Details on the survey data on which cost estimates are based are provided in the full SBEIS document on the HPA rule-making web page at <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

**3.1.1 Costs to comply with the Suction Dredge HPA-Required Rule:** Each person wishing to lawfully conduct suction dredging in Washington state will be required to obtain an HPA. A person is not required to apply for an HPA; however, an HPA is required if a person wishes to conduct the activity. The median response for number of sites was 4.5, so we are assuming for these analyses that only one HPA is needed per person. WDFW also assumes that each of those HPAs would be issued for a five year period as allowed under WAC 220-660-050 (14)(a).

*Direct survey results:* The median of survey responses was \$784 to comply with the **Suction Dredge HPA-Required Rule**. If each HPA is valid for five years, and each person needs only one HPA, then the annual cost per person to complete the application process would be \$784 divided by five, or \$156.80 per year.

*Hourly-cost method:* If a person takes two hours and fifteen minutes (median survey response) to complete an HPA application, that costs \$63.43 in labor. If each HPA is valid for five years, and each person needs only one HPA, then the annual cost per person to complete the application process would be \$63.43 divided by five, or \$12.69 per year.

**3.1.2 Costs to comply with the aquatic invasive species rule:** New rules are proposed specifying that all suction dredge equipment that has been used in waters outside of Washington state must be inspected for the presence of aquatic invasive species. Further, all suction dredge equipment used in any water of the state must be decontaminated according to department specification prior to use in a different water of the state. "Clean-Drain-Dry" decontamination

steps published on the WDFW web site can be undertaken by the average person using supplies commonly available: Hot water, brushes, and household cleaning liquid. Dredgers report that cleaning and drying out their equipment is a regular activity associated with dredging because they want to ensure that all the gold collected by the equipment is recovered. Eighty-four percent of survey respondents indicated they took decontamination steps in 2018. The proposed rules also require persons bringing a suction dredge into Washington from out-of-state to have their equipment inspected for the presence of aquatic invasive species prior to using that equipment to suction dredge in Washington. Inspections for the presence of aquatic invasive species are available at major highway entry points into the state, so persons bringing a suction dredge into Washington can arrange their entry so they are inspected as they cross the state line. Certificates of inspection are available on request at the time the inspection is completed. Inspections and certificates are provided at no cost.

*Direct survey results:* The median survey response is \$500 per year to comply with the proposed aquatic invasive species decontamination rule.

*Hourly-cost method:* If a person takes two hours and thirty minutes (median survey response) to comply with the proposed aquatic invasive species decontamination rule, that costs \$70.47 in labor.

**3.1.3 Costs to comply with the annual reporting rule:** The proposal contains a reporting requirement indicating that

HPA holders must report annually to WDFW regarding the date, amount, type, and location of any suction dredging activity conducted during the preceding calendar year for which the HPA is in effect.

*Direct survey results:* The median survey response is \$695 to create and return annual activity reports under the proposal.

*Hourly-cost method:* If a person takes four hours (median survey response) to complete and submit an annual report, that costs \$112.76 in labor.

**3.2 Lost sales or revenue and lost jobs:** One survey respondent indicated they owned a business that would require a suction dredge HPA under the proposed rules. A second business owner did not submit a survey. No respondents provided number of employees, annual payroll, or annual revenue or income information. One respondent indicated that the costs to comply would reduce his/her revenue or income, but did not provide any details or estimates for the amount of the reduction. Some respondents indicated that jobs would be lost because of complying with the rule, but provided no detail for those losses. Results are summarized on Table 7 [3].

**3.3 Summary of costs to comply:** Based on two methods used to estimate costs to comply with the rule proposals, total annual cost might range from \$195.92 to \$1,351.80 per person (Table 7 [3]).

**Table 3  
Annual Costs of the Three Rule Proposals**

Rule	Lost Jobs	First-year Cost per Person	Annual Cost per Person
"Suction Dredge HPA-Required Rule"	6	\$63.43 to \$784	\$12.69 to \$156.80
"Aquatic Invasive Species Rule"	4	\$70.47 to \$500	\$70.47 to \$500
"Annual Reporting Rule"	6	\$112.76 to \$695	\$112.76 to \$695
Total annual cost			\$195.92 to \$1,351.80
Annual Lost Revenue	[no information provided]		
Lost jobs	16	Sum of jobs reported lost by 25 survey respondents	

**SECTION 4: More-than-Minor Costs**

Based on the costs of compliance estimated in section 3 and summarized on Table 7 [3], the estimated costs for an individual or business to comply with the proposal surpass the minor cost threshold of \$100 shown on Table 5 [2].

**SECTION 5: Disproportionate Impact on Small Businesses**

Two persons identified themselves as businesses require[d] to comply with the proposed rule; no other survey respondents self-identified as businesses. One survey respondent identified as a small business but did not report employee numbers. Another person contacted WDFW to identify himself as a mining business, but did not return a survey. WDFW is unable to distinguish the cost of compliance between small businesses and the ten percent of businesses that are the largest businesses required to comply.

**SECTION 6: Steps to Reduce Costs to Individuals or Small Businesses**

The goals and objectives of the statutes that the proposed rule is intended to implement are discussed fully in section 3 of the regulatory analysis, available at <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

**Table 4**  
**Required Methods of Reducing Costs Imposed by the Rule on Small Businesses**

RCW 19.85.030 (2) Requirements		WDFW response
Subsection	Method	
a)	Reducing, modifying, or eliminating substantive regulatory requirements;	WDFW considered reducing, modifying, or eliminating substantive regulatory requirements in the proposal. None of these elements can be further reduced and still meet the stated objective of the statute upon which the rule is based, that is, to ensure adequate protection of fish life.
b)	Simplifying, reducing, or eliminating recordkeeping and reporting requirements;	WDFW has worked with miners to reduce reporting requirements and will continue to work on ways to minimize reporting while still achieving the stated objective of the statute upon which the rule is based, to ensure adequate protection of fish life.
c)	Reducing the frequency of inspections;	The rule serves to clarify the inspection requirement of chapter 77.135 RCW aquatic invasive species, and does not address the frequency with which inspections are required.
d)	Delaying compliance timetables;	The rule does not address the compliance timetables.
e)	Reducing or modifying fine schedules for noncompliance; or	The rule does not affect fines for noncompliance.
f)	Any other mitigation techniques, including those suggested by small businesses or small business advocates.	WDFW has been and will continue working with miners to identify and implement actions to lessen impacts to miners; other techniques are discussed in section 6.1.

**6.1 Other actions considered to lessen costs to businesses:**

(1) WDFW considered issuing HPAs to nonprofit associations (clubs) on claim areas intended to be used only by club members. This approach could potentially reduce the number of HPAs individuals would need to obtain and therefore the number of applications WDFW would need to review. Each club's executive officers would be accepting responsibility for compliance with all HPA conditions and applicable rules by everyone using the club claim (instead of responsibility for compliance lying with the individual doing the mining under their own HPAs). Upon hearing this proposal, mineral prospecting club executive officers expressed concern over this approach, and it is no longer being actively pursued.

Clubs are entities that can legally apply for HPAs under current rules (no change to the definition of "person" is being proposed), so this alternative is still available if clubs choose to implement this approach. Nothing in the proposed rule prohibits a club from applying for an HPA.

(2) Mineral prospectors suggested that WDFW continue to allow suction dredging under the Gold and Fish pamphlet. This approach does not meet the goal of the statute upon which the rule is based, that is, to ensure adequate protection of fish life, because FWC concluded that enumerating the number of suction dredging HPAs and knowing where the work is occurring is necessary to ensure protection of fish life.

(3) Prospectors suggested that WDFW issue statewide HPAs if an applicant agrees to adhere to the provisions and timing restrictions that currently apply under the Gold and Fish pamphlet. This approach does not meet the objective of the statute upon which the rule is based, that is, to ensure adequate

protection of fish life, because FWC concluded that knowing where the work is occurring is necessary in order to ensure protection of fish life.

(4) Prospectors suggest that aquatic invasive species decontamination measures aren't needed in rule because every mining club requires decontamination as a condition of the use of club resources. Statute and rule for implementation of clean and drain requirements (chapters 77.135 RCW and 220-640 WAC) place this responsibility on the owner/operator of the aquatic conveyance or equipment involved.

(5) Mineral prospectors suggested that WDFW not require reporting. Reporting is needed so WDFW can determine how many dredges were operated statewide on a given date; where and when they were operated, and how much bed material was dredged. This information is important to ensure protection of fish life. Reporting is necessary in order to understand if there are potential unaddressed effects to fish life.

**6.2 Additional steps WDFW has taken to lessen impacts:** Several steps were taken during the preproposal period and prior to reduce costs to comply with the proposal:

- WDFW will continue to offer an HPA application that is easier to complete than the joint aquatic resources permit application (JARPA) used by other agencies.
- FWC limited the scope of the rule change proposal to suction dredge equipment and methods, thus reducing the proportion of the regulated community required to comply with the proposal. One early recommendation would have required HPAs for all motorized methods, including high-banking; FWC declined to implement this recommendation.
- Likewise, FWC declined an early recommendation to prohibit suction dredging in federally designated Endan-

gered Species Act critical habitat, a proposal that would have banned this activity in a significant portion of the state.

- After proposing a more extensive annual reporting scheme, WDFW reduced the required elements of annual reporting to the minimum needed to meet the statutory objectives.

Additional steps WDFW plans to take to minimize costs to those who must comply with the new rules:

- WDFW will provide outreach and training materials to individuals and mining clubs for how to apply for an HPA and comply with reporting requirements.
- WDFW will work to implement an online annual reporting mechanism and other methods that minimize the impact of the requirement to file annual activity reports.

#### **SECTION 7: Involving Stakeholders in Rule Development**

Because requiring applications and reporting are integral to the objectives for rule making, WDFW took advantage of many opportunities to communicate the objectives of rule making to those affected, and to obtain information from affected persons about how the rules would impact them. WDFW mounted a significant outreach effort during the pre-proposal period in the summer of 2018 to get input about how the rule should be written and what the impacts would be from meeting FWC's rule-making objectives. More detail on this outreach can be found in the full SBEIS document available on the HPA rule-making web page at <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

#### **SECTION 8: Number of Jobs Created or Lost**

Survey respondents identified that sixteen jobs would be lost as a result of compliance with the proposed rules. No other information was provided by survey respondents about the nature of these jobs or the reason for the loss.

#### **SECTION 9: Summarize Results of Small Business Analysis**

Costs to comply with the proposal currently surpass the small business minor cost threshold of \$100. Costs to comply range from \$195.92 to \$1,351.80 per person per year. There is insufficient information to determine disproportionate impacts. Mitigation steps taken are presented in section 6 (above). Survey respondents indicate sixteen jobs would be lost.

Please refer to the full SBEIS document, available on the HPA rule-making web page at <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

A copy of the statement may be obtained by contacting Randi Thurston, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2602, fax 360-902-2946, TTY 360-902-2207, email [HPARules@dfw.wa.gov](mailto:HPARules@dfw.wa.gov), web site <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

February 20, 2019  
Scott Bird  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-02-029, filed 12/30/14, effective 7/1/15)

**WAC 220-660-030 Definitions.** The following are definitions for terms used in this chapter.

(1) "Abandoning an excavation site" means not working an excavation site for forty-eight hours or longer.

(2) "Aggregate" means a mixture of minerals separable by mechanical or physical means.

(3) "Aquatic beneficial plant" means all native and non-native aquatic plants except those on the state noxious weed lists in WAC 16-750-005, 16-750-011, and 16-750-015.

(4) "Aquatic invasive species" means an invasive species of the animal kingdom with a life cycle that is at least partly dependent upon fresh, brackish, or marine waters. Examples include certain species of waterfowl, amphibians, fish, shellfish, and nutria.

(5) "Aquatic noxious weed" means an aquatic plant on the state noxious weed lists in WAC 16-750-005, 16-750-011, and 16-750-015.

(6) "Aquatic plant" means a native or nonnative emergent, submersed, partially submersed, free-floating, or floating-leaved plant species that is dependent upon fresh, brackish, or marine water ecosystems and includes all stages of development and parts.

(7) "*Aquatic Plants and Fish* pamphlet" means a document that details the rules for aquatic noxious weed and aquatic beneficial plant removal and control activities and that serves as the hydraulic project approval for certain plant removal and control activities in Washington state.

(8) "Artificial materials" means clean, inert materials used to construct diversion structures for mineral prospecting.

(9) "Associated human-made agricultural drainage facilities" means dikes, drains, pumps, drainage tiles, and drainage pipe made by humans that protect agricultural land.

(10) "Authorized agent" means someone who is authorized by the applicant to act on behalf of the applicant.

(11) "Bank" means any land surface landward of the ordinary high water line next to a body of water and constrains the water except during floods. The term "bank" also includes all land surfaces of islands within a body of water that are below the flood elevation of the surrounding body of water.

(12) "Bankfull width" means the width of the surface of the water at the point where water just begins to overflow into the active flood plain. In streams where there is no flood plain it is often the width of a stream or river at the dominant channel forming flow that reoccurs every one to two years.

(13) "Beach area" means the beds between the ordinary high water line and extreme low water.

(14) "Bed" means the land below (waterward of) the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other artificial watercourses except where they exist in a natural watercourse that has been artificially altered.

(15) "Bed materials" means naturally occurring materials such as gravel, cobble, rock, rubble, sand, mud, and aquatic plants that form the beds of state waters. Bed materi-

als are also found in deposits or bars above the wetted perimeter of water bodies.

(16) "Board" means the pollution control hearings board created in chapter 43.21B RCW.

(17) "Bottom barrier or screen" means sheets of synthetic or natural fiber material used to cover and kill plants growing on the bottom of a watercourse.

(18) "Boulder" means a stream substrate particle larger than ten inches in diameter.

(19) "Bridge shadow" means the area under a bridge defined by the shadow cast by the sun. This area may not receive enough light and rain to support the plant growth needed for biotechnical bank stabilization.

(20) "Channel bed width" means the width of the bankfull channel, although bankfull may not be well defined in some channels. For those streams which are nonalluvial or do not have flood plains, the channel width must be determined using features that do not depend on a flood plain.

(21) "Chronic danger" means a condition declared by the county legislative authority in which any property, except for property located on a marine shoreline, has experienced at least two consecutive years of flooding or erosion that has damaged or has threatened to damage a major structure, water supply system, septic system, or access to any road or highway.

(22) "Chronic danger HPA" means a written hydraulic project approval issued in response to a chronic danger declaration made by a county legislative authority.

(23) "Classify" means to sort aggregate by hand or through a screen, grizzly, or similar device to remove the larger material and concentrate the remaining aggregate.

(24) "Commission" means the Washington state fish and wildlife commission.

(25) "Compensatory mitigation" means the restoration, creation, enhancement, or preservation of aquatic resources to compensate for adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved.

(26) "Concentrator" means a device used to physically or mechanically separate the valuable mineral content from aggregate.

(27) "Control" of an aquatic plant means to prevent all seed production and to prevent the dispersal of all propagative parts capable of forming new plants.

(28) "County legislative authority" means a county commission, council, or other legislative body.

(29) "Crevice" means removing aggregate from cracks and crevices using hand-held mineral prospecting tools or water pressure.

(30) "Critical food fish or shellfish habitats" means those habitats that are essential to fish life. These habitats include habitats of special concern listed in WAC 220-660-100 and 220-660-320.

(31) "Department" means the department of fish and wildlife.

(32) "Design flood" means a stream discharge of a specific rate and probability best suited to ensure the project design creates and shapes habitat or protects property and structures to a given level of risk (e.g., the 100-year design flood).

(33) "Director" means the director of the department of fish and wildlife.

(34) "Ditch" means a wholly artificial watercourse or a natural watercourse (waters of the state) altered by humans.

(35) "Diver-operated dredging" means the use of portable suction or hydraulic dredges held by SCUBA divers to remove aquatic plants.

(36) "Dredging" means removal of bed material using other than hand-held tools. This does not include subsurface hard rock mining.

(37) "Dryland dredge" means a suction dredge with a nozzle capable of introducing water under pressure from the suction dredge pump to the tip of the nozzle.

(38) "Early infestation" of an aquatic noxious weed means a stage of development, life history, or area of coverage that makes one hundred percent control and eradication likely to occur.

~~((38))~~ (39) "Emergency" means an immediate threat to life, the public, property, or of environmental degradation.

~~((39))~~ (40) "Emergency HPA" means a verbal or written hydraulic project approval issued in response to a declaration of emergency.

~~((40))~~ (41) "Entrained" means the entrapment of fish into a watercourse diversion that has no screen, into high velocity water along the face of an improperly designed screen, or into the vegetation cut by a mechanical harvester.

~~((41))~~ (42) "Equipment" means any device powered by internal combustion; hydraulics; electricity, except less than one horsepower; or livestock used as draft animals, except saddle horses; and the lines, cables, arms, or extensions associated with the device.

~~((42))~~ (43) "Eradication" of an aquatic noxious weed means to eliminate it within an area of infestation.

~~((43))~~ (44) "Established ford" means a crossing place in a watercourse that was in existence and used annually before 1986 or permitted by the department in or after 1986, and has identifiable approaches on the banks.

~~((44))~~ (45) "Excavation line" means a line on the dry bed at or parallel to the water's edge. The department determines the distance from the water's edge for each project site. The excavation line may change with water level fluctuations.

~~((45))~~ (46) "Excavation site" means the pit, furrow, or hole from which aggregate is removed to process and recover minerals, or into which wastewater is discharged to settle out sediments.

~~((46))~~ (47) "Excavation zone" means the area between the excavation line and the bank or the center of the gravel bar.

~~((47))~~ (48) "Expedited HPA" means a written hydraulic project approval issued in those instances where when normal permit processing would result in a significant hardship for the applicant or unacceptable damage to the environment.

~~((48))~~ (49) "Farm and agricultural land" means those lands identified in RCW 84.34.020.

~~((49))~~ (50) "Filter blanket" means one or more layers of pervious materials (organic, mineral, or synthetic) designed and installed to provide drainage, yet prevent the movement of soil particles by flowing water.

~~((50))~~ (51) "Fish conservation bank" means a habitat creation, restoration, or enhancement project intended to provide a bank of credits to compensate for unavoidable impacts to habitat that supports fish life from future development projects. Fish conservation banks are managed to optimize desired habitat for ESA-listed and at-risk fish species.

~~((51))~~ (52) "Fish habitat" or "habitat that supports fish life" means habitat, which is used by fish life at any life stage at any time of the year including potential habitat likely to be used by fish life, which could reasonably be recovered by restoration or management and includes off-channel habitat.

~~((52))~~ (53) "Fish habitat enhancement project" means a hydraulic project that meets criteria in RCW 77.55.181 (1)(a).

~~((53))~~ (54) "Fish habitat improvement structures" or "stream channel improvements" means natural materials such as large wood, rock, or synthetic materials such as chain or rope placed in or next to bodies of water to improve existing conditions for fish life. Examples are engineered logjams, large woody material, and boulders.

~~((54))~~ (55) "Fish guard" means a device installed at or near a surface water diversion head gate, or on the intake of any device used for pumping water from fish-bearing waters, to prevent entrainment, injury, or death of fish life. Fish guards physically keep fish from entering the diversion or pump intake and do not rely on avoidance behavior.

~~((55))~~ (56) "Fish life" means all fish species, including food fish, shellfish, game fish, unclassified fish and shellfish species, and all stages of development of those species.

~~((56))~~ (57) "Fish passage improvement structure" means artificial structures that are used to provide passage through, over, and/or around artificial barriers. They provide a graduated change in gradient with refuge areas allowing fish to pass barriers.

~~((57))~~ (58) "Fish screen" means "fish guard."

~~((58))~~ (59) "Flood gate" means a structure to control flooding through which water flows freely in one direction but is prevented from flowing in the other direction.

~~((59))~~ (60) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that must not be fished for except as authorized by rule of the commission.

~~((60))~~ (61) "Forest practices hydraulic project" means a hydraulic project that requires a forest practices application or notification under chapter 76.09 RCW.

~~((61))~~ (62) "Frequent scour zone" means the area between the wetted perimeter and the toe of the slope. The frequent scour zone is comprised of aggregate, boulders, or bedrock. Organic soils are not present in the frequent scour zone.

~~((62))~~ (63) "Freshwater area" means those state waters and associated beds waterward of the ordinary high water line that are upstream of stream and river mouths. Freshwater areas also include all lakes, ponds, and tributary streams and surface-water-connected wetlands that provide or maintain habitat that supports life. This definition does not include irrigation ditches, canals, stormwater treatment, and conveyance systems, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

~~((63))~~ (64) "Functional grating" means the percent open area of the grating that is not covered or blocked by any objects such as structural components, framing wood, flotation tubs, or objects placed on the surface of the grating.

~~((64))~~ (65) "Ganged equipment" means two or more pieces of mineral prospecting equipment coupled together to increase efficiency. An example is adding a second sluice to a high-banker.

~~((65))~~ (66) "General provisions" means those provisions that are in every HPA.

~~((66))~~ (67) "*Gold and Fish* pamphlet" means a document that details the rules for conducting small-scale and other prospecting and mining activities and that serves as the hydraulic project approval for certain mineral prospecting and mining activities in Washington state.

~~((67))~~ (68) "Habitat function" means the natural attributes of a given habitat that support the fish life that rely upon that habitat.

~~((68))~~ (69) "Habitat value" means an estimate of habitat quality, ecologically important functions and the relative value of the hydraulic project site within the watershed.

~~((69))~~ (70) "Hand-held equipment" means equipment held by hand and powered by internal combustion, hydraulics, pneumatics, or electricity. Examples are chainsaws, drills, and grinders.

~~((70))~~ (71) "Hand-held mineral prospecting tools" means:

(a) Tools used for mineral prospecting that are held by hand and are not powered by internal combustion, hydraulics, or pneumatics. Examples are metal detectors, shovels, picks, trowels, hammers, pry bars, hand-operated winches, and battery-operated pumps specific to prospecting; and

(b) Vac-pacs.

~~((71))~~ (72) "Hand-held tools" means tools held by hand and are not powered by internal combustion, hydraulics, pneumatics, or electricity. Examples are shovels, rakes, hammers, pry bars, and cable winches. This definition does not apply to hand-held tools used for mineral prospecting. See "hand-held mineral prospecting tools."

~~((72))~~ (73) "Hatchery" means any water impoundment or facility used for the captive spawning, hatching, or rearing of fish life.

~~((73))~~ (74) "High-banker" means a stationary concentrator operated outside the wetted perimeter of the body of water from which the water is removed and that uses water supplied by hand or by pumping. A high-banker consists of a sluice box, hopper, and water supply. Aggregate is supplied to the high-banker by means other than suction dredging. This definition excludes rocker boxes. See Figure 1.



**Figure 1: High-banker**

((74)) (75) "High-banking" means using a high-banker to recover minerals.

((75)) (76) "Hydraulic drop" means an abrupt drop in water surface elevation.

((76)) (77) "Hydraulic project" means the construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwaters of the state.

((77)) (78) "Hydraulic project approval" or "HPA" means:

(a) A written approval for a hydraulic project issued under this chapter and signed by the director of the department or the director's designee; or

(b) A verbal approval for an emergency hydraulic project issued under this chapter by the director of the department or the director's designee; or

(c) The following printed pamphlet approvals:

(i) A "*Gold and Fish*" pamphlet issued under this chapter by the department, which identifies and authorizes specific minor hydraulic project activities for mineral prospecting and placer mining; or

(ii) An "*Aquatic Plants and Fish*" pamphlet issued under this chapter by the department, which identifies and authorizes specific aquatic plant removal and control activities.

((78)) (79) "Imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

((79)) (80) "In-lieu fee (ILF) program" means a state or federal certified program authorizing a person pay a fee to a third party instead of conducting project-specific mitigation or buying credits from a mitigation or fish conservation bank.

((80)) (81) "In-water blasting" means the use of explosives on, under, or in waters of the state, or in any location

adjacent to the waters of the state, where blasting could impact fish life or habitat that supports fish life.

((81)) (82) "Job site" means the area of ground including and immediately adjacent to the area where work is conducted under an HPA. For mineral prospecting and placer mining projects, the job site includes the excavation site.

((82)) (83) "Joint aquatic resources permit application" or "JARPA" means a form provided by the department and other agencies that a person may submit to request a written HPA for a hydraulic project.

((83)) (84) "Lake" means any natural standing fresh waters or artificially impounded natural fresh waters of the state, except impoundments of the Columbia and Snake rivers.

((84)) (85) "Large woody material" means trees or tree parts larger than four inches in diameter and longer than six feet, or rootwads, wholly or partially waterward of the ordinary high water line.

((85)) (86) "Macroalgae" means any of the nonvascular aquatic plant species (the red, green, or brown seaweeds) that can be seen without using a microscope. They may be attached to the substrate or other macroalgae by a holdfast, or found drifting individually or in mats.

((86)) (87) "Maintenance" means repairing, remodeling, or making minor alterations to a facility or project to keep the facility or project in properly functioning and safe condition.

((87)) (88) "Major modification" means any change to a hydraulic project approval that is not a minor modification.

((88)) (89) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include overnight or live-aboard boating accommodations.

((89)) (90) "Marine terminal" means a public or private commercial wharf located in navigable waters of the state and used, or intended to be used, as a port or facility for storing, handling, transferring, or transporting goods to and from vessels.

((90)) (91) "Mean annual flood" means the average of all the annual peak floods of record.

((91)) (92) "Mean higher high water" or "MHHW" means the tidal elevation obtained by averaging each day's highest tide at a particular location over a period of nineteen years, as determined by National Oceanic and Atmospheric Administration (NOAA). It is measured from mean lower low water, which is a reference datum used to delineate waters of the state in saltwater areas.

((92)) (93) "Mean lower low water" or "MLLW" means the 0.0 feet tidal elevation, as determined by NOAA. It is determined by averaging each day's lowest tide at a particular location over a period of nineteen years. MLLW is a reference datum used to delineate waters of the state in saltwater areas. NOAA provides detailed information on their "Tides, Currents, and Predictions" web site.

((93)) (94) "Mechanical harvesting and cutting" means partially removing or controlling aquatic plants by using aquatic mechanical harvesters, which cut and collect aquatic plants, and mechanical cutters, which only cut aquatic plants.

((94)) (95) "Mineral prospect" or "mineral prospecting" means to excavate, process, or classify aggregate using

hand-held mineral prospecting tools and mineral prospecting equipment.

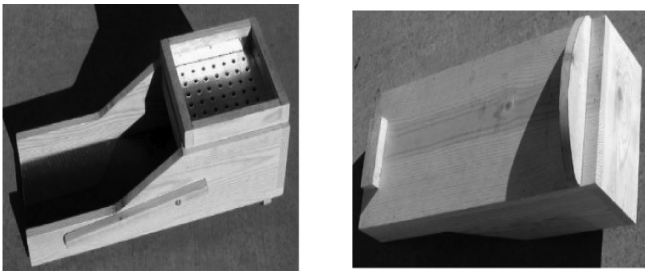
~~((95))~~ (96) "Mineral prospecting equipment" means any natural or manufactured device, implement, or animal (other than the human body) used in any aspect of prospecting for or recovering minerals.

~~((96))~~ (97) "Mini high-banker" means a high-banker with a riffle area of three square feet or less. See Figure 2.



**Figure 2: Mini high-banker**

~~((97))~~ (98) "Mini rocker box" means a rocker box with a riffle area of three square feet or less. See Figure 3.



**Figure 3: Mini rocker box (top view and bottom view)**

~~((98))~~ (99) "Mining" means the production activity that follows mineral prospecting.

~~((99))~~ (100) "Minor modification" means a small change in work timing or plans and specifications of a hydraulic project.

~~((100))~~ (101) "Mitigation" means sequentially avoiding impacts, minimizing impacts, and compensating for remaining unavoidable impacts to fish life or habitat that supports fish life.

~~((101))~~ (102) "Mitigation bank" means a site where wetlands or other aquatic resources are restored, created,

enhanced, or preserved. The bank exists expressly to provide compensatory mitigation before unavoidable impacts to wetlands or other aquatic resources occur.

~~((102))~~ (103) "Mitigation sequence" means the successive steps that the department and the applicant must consider and implement to protect fish life when constructing or performing work. These steps must be considered and implemented in the order listed:

(a) Avoid the impact altogether by not taking a certain action or parts of an action.

(b) Minimize unavoidable impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking steps to reduce impacts.

(c) Rectify the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reduce or eliminate the impact over time.

(e) Compensate for remaining unmitigated impacts by replacing, enhancing, or providing substitute resources or environments.

(f) Monitor the impact and take appropriate corrective measures to reach the identified goal.

~~((103))~~ (104) "Multiple site permit" means a hydraulic project approval issued to a person under RCW 77.55.021 for hydraulic projects occurring at more than one specific location and which includes site-specific requirements.

~~((104))~~ (105) "Natural conditions" means environmental situations that occur or are found in nature. This does not include artificial or manufactured conditions.

~~((105))~~ (106) "Nearshore" means shallow waters where sunlight reaching the bed is sufficient to support the growth of submerged aquatic vegetation.

~~((106))~~ (107) "Nearshore zone" means the three critical "edge" habitats as follows: The edge between upland and aquatic environments, the edge between the shallow productive zone and deep water, and the edge between fresh and marine waters.

~~((107))~~ (108) "No net loss" means:

(a) Sequentially for avoiding impacts, minimizing unavoidable impacts, and compensating for remaining adverse impacts to fish life.

(b) Sequentially avoiding impacts, minimizing unavoidable impacts, and compensating for net loss of habitat functions necessary to sustain fish life.

(c) Sequentially avoiding impacts, minimizing unavoidable impacts, and compensating for loss of area by habitat type.

(d) Mitigation required to achieve no net loss should benefit the fish life being impacted.

~~((108))~~ (109) "Ordinary high water line" or "OHWL" means the mark on the shores of all water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years as to mark upon the soil or vegetation a character distinct from the abutting upland. Provided, that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater is the line of mean higher high water and the ordinary high water line adjoining freshwater is the elevation of the mean annual flood.



~~((109))~~ (110) "Pan" means an open metal or plastic dish operated by hand to separate gold or other minerals from aggregate by washing the aggregate. See Figure 4.



**Figure 4: Pan**

~~((110))~~ (111) "Panning" means the use of a pan to wash aggregate.

~~((111))~~ (112) "Permanent ford" means a ford approved by the department that is in place for more than one operating season.

~~((112))~~ (113) "Person" means an applicant, authorized agent, permittee, or contractor. The term person includes an individual, a public or private entity, or organization.

~~((113))~~ (114) "Placer" means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

~~((114))~~ (115) "Pool" means a portion of the stream with reduced current velocity, often with water deeper than the surrounding areas.

~~((115))~~ (116) "Power sluice" means "high-banker."

~~((116))~~ (117) "Power sluice/suction dredge combination" means a machine that can be used as a power sluice, or with minor modifications, as a suction dredge. See Figure 5.



**Figure 5: Power sluices/suction dredge combination**

~~((117))~~ (118) "Process aggregate" or "processing aggregate" means the physical or mechanical separation of the valuable mineral content within aggregate.

~~((118))~~ "Prospecting" means the exploration for minerals and mineral deposits.)

(119) "Protection of fish life" means avoiding, minimizing unavoidable impacts, and compensating for remaining impacts to fish life and the habitat that supports fish life through mitigation sequencing.

(120) "Purple loosestrife" means *Lythrum salicaria* and *Lythrum virgatum* as classified in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(b).

(121) "Qualified professional" means a scientist, engineer, or technologist specializing in a relevant applied science or technology including fisheries or wildlife biology, engineering, geomorphology, geology, hydrology, or hydrogeology. This person may be certified with an appropriate professional organization, and acting under that association's code of ethics and subject to disciplinary action by that association. A qualified professional can also be someone who, through demonstrated education, experience, accreditation, and knowledge relevant to the particular matter, may be reasonably relied on to provide advice within that person's area of expertise. This definition does not supersede other state laws that govern the qualifications of professionals that perform hydraulic projects.

(122) "Redd" means a nest made in gravel, consisting of a depression dug by a fish for egg deposition, and associated gravel mounds. See Figure 6.

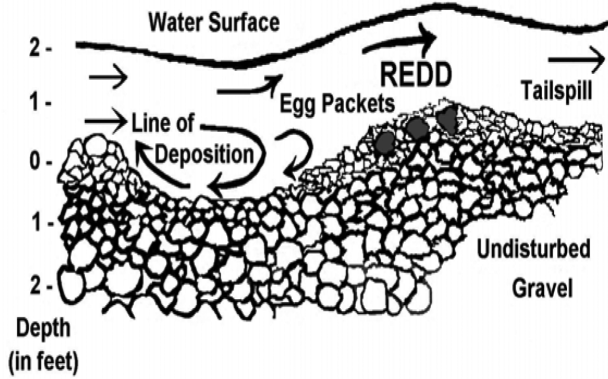


Figure 6: Cross-section of a typical redd

(123) "Rehabilitation" means major work required to restore the integrity of a structurally deficient or functionally obsolete structure. This can include partial replacement of a structure.

(124) "Replacement" means the complete removal of an existing structure and construction of a substitute structure in the same general location.

(125) "Riffle" means:

(a) The bottom of a concentrator containing a series of interstices or grooves to catch and retain a mineral such as gold; or

(b) A short, relatively shallow and coarse-bedded length of stream over which the stream flows at higher velocity and higher turbulence than it normally does in comparison to a pool.

(126) "River" means "watercourse."

(127) "Riparian zones" means the land adjacent to streams, rivers, ponds, lakes, and those wetlands whose soils and vegetation are influenced by ponded or channelized water. They are the transition areas between aquatic and upland habitats often with elements of both ecosystems.

(128) "Rocker box" means a nonmotorized concentrator consisting of a hopper attached to a cradle and a sluice box operated with a rocking motion. See Figure 7.

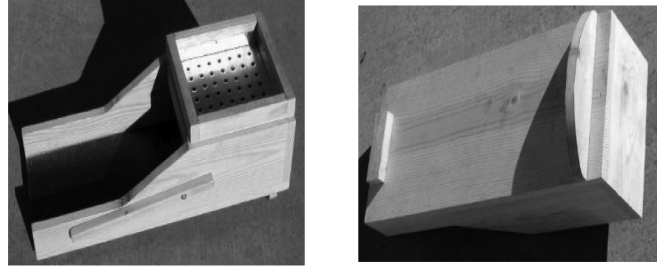


Figure 7: Rocker box

(129) "Rotovation" means the use of aquatic rotovators, machines that have underwater rototiller-like blades, to uproot aquatic plants as a means of control.

(130) "Roughened channel" means to construct a channel of a graded mix of sediment with enough roughness and hydraulic diversity to achieve fish passage. Roughened channels are designed to resist erosion and are often built at a steeper gradient than the prevailing channel.

(131) "Saltwater area" means those state waters and associated beds waterward of the ordinary high water line in Puget Sound, the Strait of Juan de Fuca and the open coast. Saltwater areas include estuaries and other surface-water-connected wetlands that provide or maintain habitat that support fish life. This definition does not include irrigation ditches, canals, stormwater treatment and conveyance systems, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

(132) "Scientific measurement devices" means devices that measure and/or record environmental data, such as staff gauges, tide gauges, water recording devices, water quality testing and improvement devices, and similar instruments.

(133) "Seagrass" means native *Zostera* species, *Ruppia maritima*, and *Phyllospadix* species.

(134) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that must not be taken except as authorized by rule of the commission. The term shellfish includes all stages of development and the bodily parts of shellfish species.

(135) "Sluice" means a trough equipped with riffles across its bottom used to recover gold and other minerals with the use of flowing water. See Figure 8.



Figure 8: Sluice

(136) "Spartina" means *Spartina alterniflora*, *Spartina anglica*, *Spartina x townsendii*, and *Spartina patens* as classified in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(a).

(137) "Special provisions" means those requirements that are part of a HPA, are site- or project-specific, and supplement or amend the technical provisions.

(138) "Spiral wheel" means a hand-operated or battery-powered rotating pan used to recover gold and minerals with the use of water. See Figure 9.



**Figure 9: Spiral wheel**

(139) "Stable slope" means a slope without measurable evidence of slumping, sloughing, or other movement. Stable slopes will not show evidence of landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, or the recent erosion of soils and sediment. Woody vegetation is typically present on stable slopes.

(140) "Suction dredge" means ~~((a machine used to move submerged aggregate by hydraulic suction. The aggregate is processed through an attached sluice box to recover gold and other minerals))~~ any motorized or nonmotorized device that removes aggregate from the bed, banks, or uplands by means of vacuum created by water flowing through a tube or hose. Bulb snifters are not considered suction dredges. See Figure 10.



**Figure 10: Suction dredge**

(141) "Suction dredging" means using a suction dredge to recover gold and other minerals.

(142) "Tailings" means the waste material that remains after processing aggregate to remove valuable mineral content.

(143) "Temporary ford" means a ford that is in place for no more than one operating season or less.

(144) "Tide gate" means a one-way check valve that prevents the backflow of tidal water.

(145) "Toe of the bank" means the distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged waterward of the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure where it meets the stream bed or marine beach or bed.

(146) "Toe of the slope" means the base or bottom of a slope at the point where the ground surface abruptly changes to a significantly flatter grade.

(147) "Unimpeded fish passage" means the free movement of all fish species at any mobile life stage around or through a human-made or natural structure.

(148) "Unstable slope" means a slope with visible or measurable evidence of slumping, sloughing, or other movement. Evidence of unstable slopes includes landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, or the recent erosion of soils and sediment. Woody vegetation is typically not present on unstable slopes.

(149) "Vac-pac" means a motorized, portable vacuum that you use for prospecting. See Figure 11.



**Figure 11: Vac-pac**

(150) "Water crossing structures" means structures that span over, through, or under a watercourse. Examples are bridges, culverts, conduits, and fords.

(151) "Water right" means a certificate of water right, a vested water right or a claim to a valid vested water right, or a water permit, under Title 90 RCW.

(152) "Water body" means "waters of the state."

(153) "Watercourse," "river" or "stream" means any portion of a stream or river channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state. Watercourse also means areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks that influence the quality of habitat downstream. Watercourse also means waters that flow intermittently or that fluctuate in level during the year, and the term applies to the entire bed of such waters whether or not the water is at peak level. A watercourse includes all surface-water-connected wetlands that provide or maintain habitat that supports fish life. This definition does not include irrigation ditches, canals, stormwater treatment and conveyance systems, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

(154) "Waters of the state" or "state waters" means all salt and freshwaters waterward of the ordinary high water line and within the territorial boundary of the state.

(155) "Weed rolling" means the use of a mechanical roller designed to control aquatic plant growth.

(156) "Wetland(s)" is as defined in RCW 90.58.030.

(157) "Wetted perimeter" means the areas of a watercourse covered with water. The wetted perimeter varies with flow, discharge, and tides.

(158) "Woody vegetation" means perennial trees and shrubs having stiff stems and bark. Woody vegetation does not include grasses, forbs, or annual plants.

(159) "Written notice" or "written notification" means a communication through U.S. mail or email.

AMENDATORY SECTION (Amending WSR 18-10-054, filed 4/27/18, effective 6/1/18)

**WAC 220-660-300 Mineral prospecting.** (1) **Description:** Mineral prospecting projects excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment. When prospectors locate valuable minerals through prospecting, they may attempt to recover larger quantities of the minerals using a variety of (~~small motorized~~) equipment, including suction dredges, high bankers, and heavy equipment. The rules in this section apply to using hand-held mineral prospecting tools and (~~small motorized equipment~~) a variety of small mineral prospecting equipment. Suction dredging is not authorized in this section. See WAC 220-660-305 for suction dredging rules.

(2) **Fish life concerns:** Mineral prospecting and mining activities can harm fish life and habitat that supports fish life.

(a) Direct impacts from mineral prospecting and mining activities (~~may~~) can include:

(i) Mortality from the physical effects of disturbing eggs or fry incubating within the bed; and

(ii) (~~Mortality from passing vulnerable fish through mineral prospecting equipment; and~~

(~~iii~~)) Lower environmental productivity resulting from habitat modifications such as altered stream beds or lowered water quality.

(b) Indirect impacts (~~may~~) can include changes in food resources and human disturbances.

(c) The department minimizes impacts of mineral prospecting by restricting the type of mining equipment allowed, limiting excavation zones within streams, and setting allowable timing windows.

(3) **General requirements:**

(a) A copy of the current *Gold and Fish* pamphlet is available from the department, and it contains the rules that a person must follow when using the pamphlet as the HPA for the mineral prospecting project.

(b) Alternatively, a person may request exceptions to the *Gold and Fish* pamphlet by applying for a standard (~~individual~~) written HPA as described in WAC 220-660-050. The department must deny an HPA when, in the judgment of the department, the project will result in direct or indirect harm to fish life, unless enough mitigation can be assured by provisioning the HPA or modifying the proposal. The department may apply saltwater provisions to written HPAs for tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam.

(c) Nothing in chapter 220-660 WAC relieves a person of the duty to obtain landowner permission and any other required permits before conducting any mineral prospecting activity.

(4) **Mineral prospecting in freshwater without timing restrictions:**

(a) A person may mineral prospect year-round in all fresh waters of the state, except lakes. A person must follow the rules listed below, but does not need to have the *Gold and*

*Fish* pamphlet on the job site when working in fresh waters of the state.

(b) When mineral prospecting without timing restrictions, a person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment:

- (i) Pans;
- (ii) Spiral wheels; and

(iii) Sluices, concentrators, mini rocker boxes, and mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment.

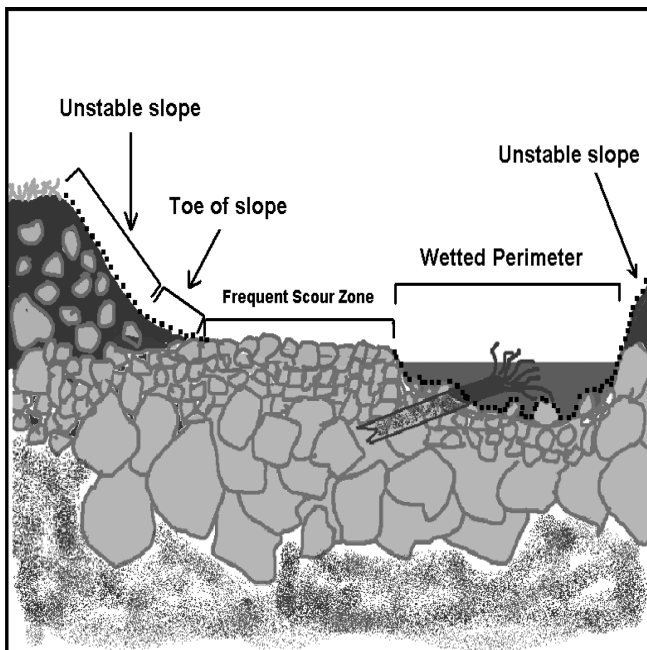
(c) A person may not use vehicle-mounted winches. A person may use one hand-operated winch to move boulders or large woody material that is not embedded or located within the ~~((wetter))~~ wetted perimeter. A person may use additional cables, chains, or ropes to stabilize boulders, or large woody material that is not embedded.

(d) A person may work within the wetted perimeter only from one-half hour before official sunrise to one-half hour after official sunset.

(e) A person may not disturb fish life or redds within the bed. If a person observes or encounters fish life or redds within the bed, or actively spawning fish when collecting or processing aggregate, a person must relocate their operation. A person must avoid areas containing live freshwater mussels. If a person encounters live mussels during excavation, a person must relocate the operation.

(f) Aggregate excavation, collection, and removal:

- (i) A person may excavate only by hand or with hand-held mineral prospecting tools.
- (ii) A person may not excavate, collect, or remove aggregate from within the wetted perimeter. See Figures 1 and 2.



**Figure 1: Cross section of a typical body of water, showing areas where excavation is not permitted under rules for mineral prospecting without timing restrictions.**

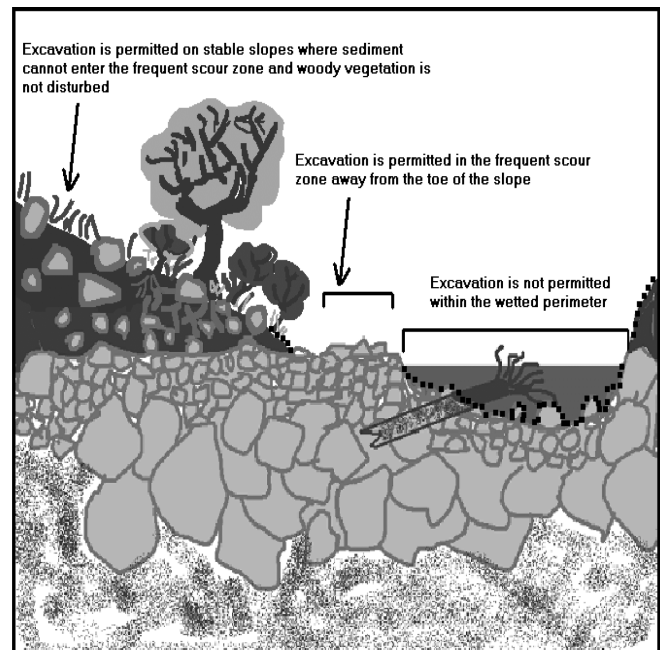
**Dashed lines indicate areas where excavation is not permitted.**

(iii) A person may work in only one excavation site at a time. However, a person may use a second excavation site as a settling pond. Multiple persons may work within a single excavation site.

(iv) When collecting or excavating aggregate, a person may not stand within, or allow aggregate to enter, the wetted perimeter.

(v) A person must fill all excavation sites and level all tailing piles before moving to another excavation site or abandoning an excavation site. If a person moves boulders, a person must return them, as well as possible, to their original location.

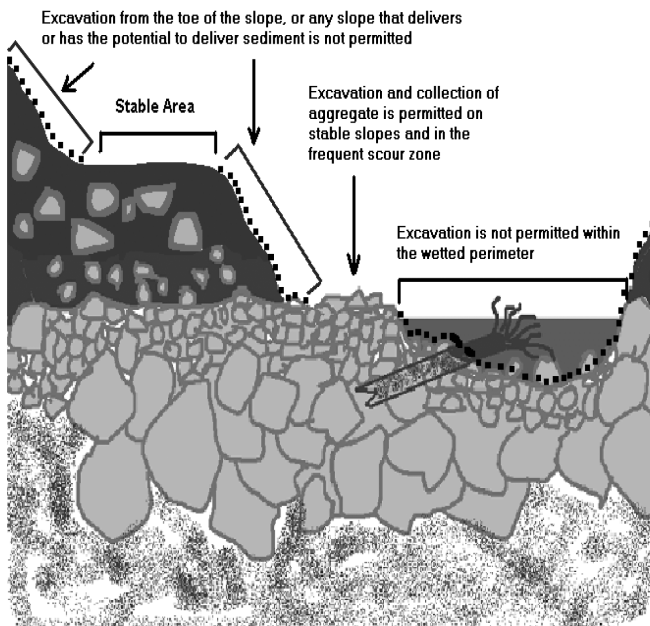
(vi) A person may not undermine, move, or disturb large woody material embedded in the slopes or located wholly or partially within the wetted perimeter. A person may move large woody material and boulders located entirely within the frequent scour zone, but a person must keep them within the frequent scour zone. A person may not cut large woody material. See Figure 2.



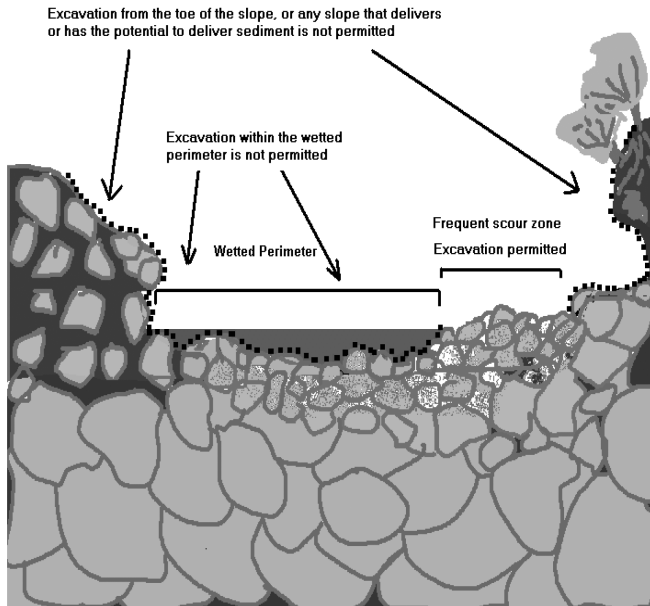
**Figure 2: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.**

(vii) A person may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

(viii) A person may not excavate, collect, or remove aggregate from the toe of the slope. A person also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or might deliver sediment to the wetted perimeter or frequent scour zone. See Figures 3 and 4.



**Figure 3: Limits on excavating, collecting, and removing aggregate on stream banks.**



**Figure 4: Excavating, collecting and removing aggregate within the wetted perimeter is not permitted.**

(g) Processing aggregate:

- (i) A person may stand within the wetted perimeter when processing aggregate with pans, spiral wheels, and sluices.
- (ii) A person may not stand on or process directly on redds, or disturb incubating fish life. A person may not allow

tailings or visible sediment plumes (visibly muddy water) to enter redds or areas where fish life are located within the bed.

(iii) A person may not level or disturb tailing piles that remain within the wetted perimeter after processing aggregate.

(iv) If a person collected or excavated aggregate outside of the frequent scour zone, a person must classify it at the collection or excavation site before processing.

(v) When using a sluice, a person may process only classified aggregate within the wetted perimeter.

(vi) The maximum width of a sluice, measured at its widest point, including attachments, must not exceed twenty-five percent of the width of the wetted perimeter at the point of placement.

(vii) A person may process with a sluice only in areas within the wetted perimeter that are composed mainly of boulders and bedrock. A person must separate sluice locations by at least fifty feet. A person may not place structures within the wetted perimeter to check or divert the water flow.

(viii) A person may operate mini high-bankers or other concentrators only outside the wetted perimeter. A person may not allow visible sediment or muddy water to enter the wetted perimeter. A second excavation site may be used as a settling pond.

(ix) As provided in RCW 77.57.010 and 77.57.070, any device a person uses for pumping water from fish-bearing waters must be equipped with a fish guard to prevent fish from entering the pump intake. A person must screen the pump intake with material that has openings no larger than five sixty-fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter for round openings, and the screen must have at least one square inch of functional screen area for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm-rated pump would require a screen with a surface area of at least one hundred square inches.

(x) A person may not excavate, collect, remove, or process aggregate within four hundred feet of any fishway, dam, or hatchery water intake.

(xi) A person may not disturb existing fish habitat improvement structures or stream channel improvements.

(xii) All equipment fueling and servicing must be done so that petroleum products do not enter the wetted perimeter or frequent scour zone. If a petroleum sheen or spill is observed, a person must immediately stop work, remove the equipment from the body of water, and contact the Washington military department emergency management division. A person may not return the equipment to the water until the problem is corrected. A person must store fuel and lubricants outside the frequent scour zone, and in the shade when possible.

(xiii) If at any time, as a result of project activities, a person observes a fish kill or fish life in distress, a person must immediately cease operations and notify the department and the Washington military department emergency management division of the problem. A person may not resume work until the department gives approval. The department will require additional measures to mitigate the prospecting impacts.

**(5) Mineral prospecting in fresh waters with timing restrictions:**

(a) A person may mineral prospect in fresh waters of the state only during the times and with the mineral prospecting equipment limitations identified in subsection (7) of this section. A person must have the *Gold and Fish* pamphlet on the job site and comply with the provisions listed below.

(b) When mineral prospecting with timing restrictions, a person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment:

- (i) Pans;
- (ii) Spiral wheels;
- (iii) Sluices, concentrators, rocker boxes, and high-bankers with riffle areas totaling ten square feet or less, including ganged equipment;
- (iv) ~~((Suction dredges that have suction intake nozzles with inside diameters that should be five inches or less, but must be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size. See Figure 5.~~



**Figure 5: Dredge intake nozzle**

~~((v)) Power sluice/suction dredge combinations, when configured and used as high-bankers or power sluices, that have riffle areas totaling ten square feet or less, including ganged equipment; ((suction intake nozzles with inside diameters that should be five inches or less, but must be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle;)) and pump intake hoses with inside diameters of four inches or less. ~~(The inside diameter of the dredge hose attached to the suction intake nozzle may be no greater than one inch larger than the nozzle size. See Figure 5); and~~~~

~~((vi)) (v) High-bankers and power sluices that have riffle areas totaling ten square feet or less, including ganged equipment, and pump intake hoses with inside diameters of four inches or less.~~

(c) The widest point of a sluice, including attachments, must not exceed twenty-five percent of the width of the wetted perimeter at the point of placement.

~~((d) The suction intake nozzle and hose of ((suction dredges and)) power sluice/suction dredge combinations ((must not exceed the diameters allowed in the listing for the stream or stream reach where a person is operating, as identified in subsection (7) of this section)) may not be attached to the equipment or stored on the job site.~~

(e) A person may not use vehicle-mounted winches. A person may use one motorized winch and one hand-operated winch to move boulders and large woody material that is not embedded, and additional cables, chains, or ropes to stabilize them.

(f) Equipment separation:

(i) A person may use hand-held mineral prospecting tools; pans; spiral wheels; or sluices, mini rocker boxes, or mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment, as close to other mineral prospecting equipment as desired.

(ii) When operating any sluice or rocker box with a riffle area larger than three square feet (including ganged equipment), ~~((suction dredge,))~~ power sluice/suction dredge combination, high-banker, or power sluice within the wetted perimeter, a person's equipment must be at least two hundred feet from all others also operating this type of equipment or a suction dredge. This separation is measured as a radius from the center of the equipment the person is operating. A person may locate this equipment closer than two hundred feet if only one piece of equipment is actually operating within that two hundred foot radius. ~~((See Figure 6.))~~

(iii) When operating any sluice or rocker box with a riffle area larger than three square feet (including ganged equipment), ~~((suction dredge,))~~ power sluice/suction dredge combination, high-banker, or power sluice outside of the wetted perimeter that discharges tailings or wastewater to the wetted perimeter, a person's equipment must be at least two hundred feet from all others also operating this type of equipment or a suction dredge. This separation is measured as a radius from the center of the equipment the person is operating. A person may locate this equipment closer than two hundred feet if only one piece of equipment is actually operating within that two hundred-foot radius. ~~((See Figure 6.))~~

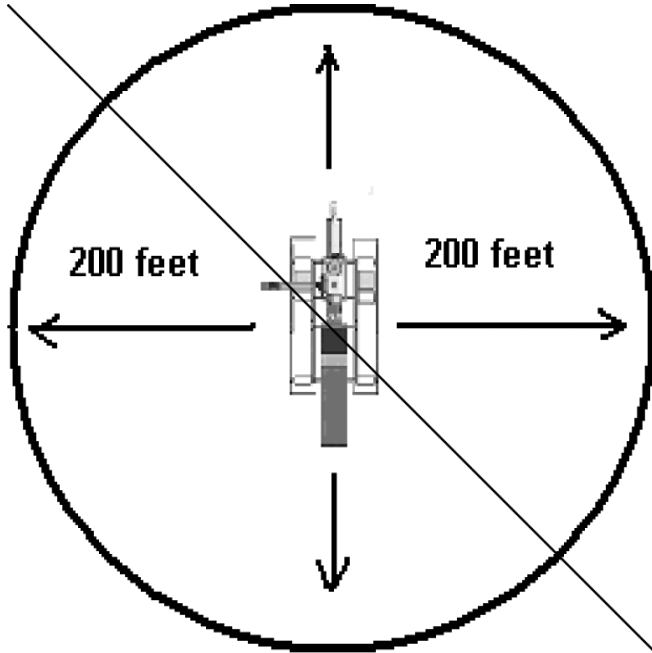


Figure 6: Equipment separation requirement.)

(g) As provided in RCW 77.57.010 and 77.57.070, any device a person uses for pumping water from fish-bearing waters must be equipped with a fish guard to prevent fish from entering the pump intake. A person must screen the pump intake with material that has openings no larger than five sixty-fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter for round openings, and the screen must have at least one square inch of functional screen area for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm-rated pump would require a screen with a surface area of at least one hundred square inches.

(h) All equipment fueling and servicing must be done so that petroleum products do not enter the wetted perimeter or frequent scour zone. If a petroleum sheen or spill is observed, a person must immediately stop work, remove the equipment from the body of water, and contact the Washington military department emergency management division. A person may not return the equipment to the water until the problem is corrected. A person must store fuel and lubricants outside the frequent scour zone, and in the shade when possible.

(i) A person may work within the wetted perimeter or frequent scour zone only from one-half hour before official sunrise to one-half hour after official sunset. If a person's mineral prospecting equipment exceeds one-half the width of the wetted perimeter of the stream, a person must remove the equipment from the wetted perimeter or move it so that at least fifty percent of the wetted perimeter is free of equipment from one-half hour after official sunset to one-half hour before official sunrise.

(j) A person may not excavate, collect, remove, or process aggregate within four hundred feet of any fishway, dam, or hatchery water intake.

(k) A person must not disturb existing fish habitat improvement structures or stream channel improvements.

(l) A person may not undermine, move, or disturb large woody material embedded in the slopes or located wholly or partially within the wetted perimeter. A person may move large woody material and boulders located entirely within the frequent scour zone, but a person must keep them within the frequent scour zone. A person may not cut large woody material.

(m) A person may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

(n) A person may work in only one excavation site at a time. However, a person may use a second excavation site as a settling pond. Multiple individuals may work within a single excavation site.

(o) A person must fill all excavation sites and level all tailing piles before moving to another excavation site or abandoning an excavation site.

(p) A person may not excavate, collect, or remove aggregate from the toe of the slope. A person also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or might deliver, sediment to the wetted perimeter or frequent scour zone. See Figures ((7 and 8) 5 and 6.

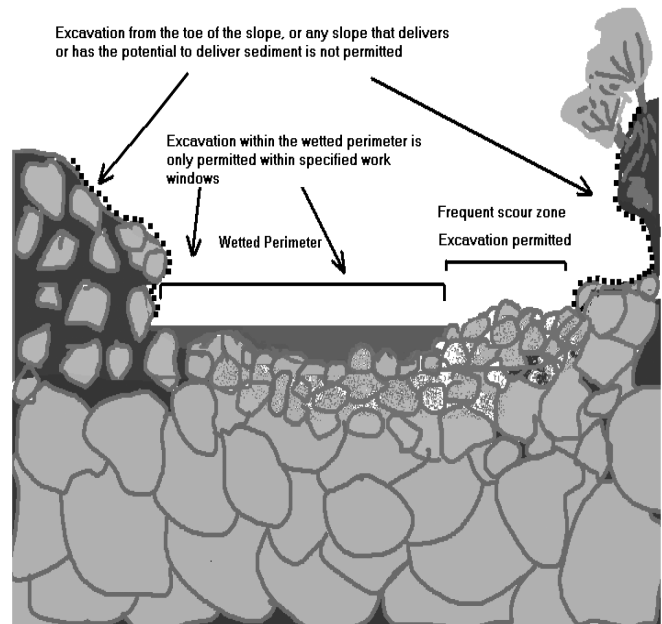
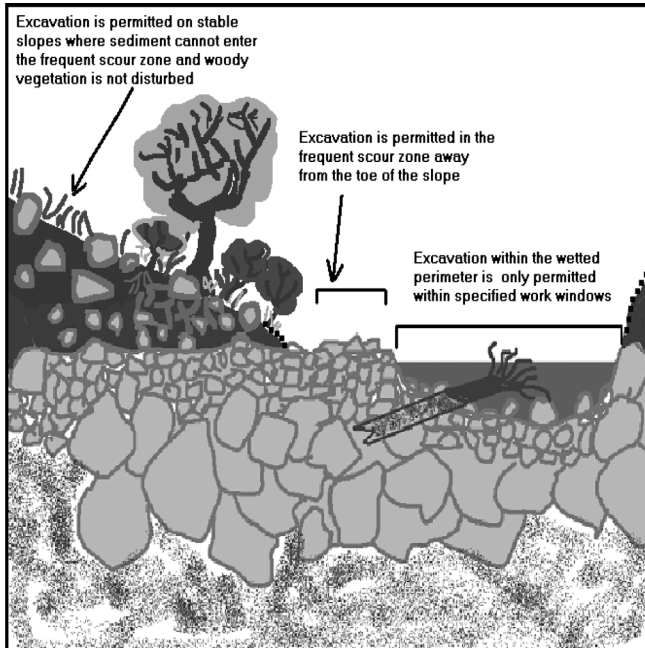


Figure ((7) 5: Cross section of a typical body of water showing unstable slopes, stable areas, and permitted or prohibited excavation sites under rules for mineral prospecting with timing restrictions. Dashed line indicates areas where excavation is not permitted.





**Figure ((8)) 6: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting with timing restrictions. Dashed lines indicates areas where excavation is not permitted.**

(q) A person may partially divert a body of water into mineral prospecting equipment. However, at no time may the diversion structure be greater than fifty percent of the width of the wetted perimeter, including the width of the equipment. A person may not divert the body of water outside of the wetted perimeter.

(r) A person may use materials only from within the wetted perimeter, or artificial materials from outside the wetted perimeter, to construct the diversion structure by hand. Before abandoning the site, a person must remove artificial materials used to construct a diversion structure and restore the site to its approximate original condition.

(s) A person may process aggregate collected from the frequent scour zone:

(i) At any location if a person uses pans; spiral wheels; mini rocker boxes; mini high-bankers; or sluices or other concentrators with riffle areas three square feet or less, including ganged equipment.

(ii) Only in the frequent scour zone or upland areas landward of the frequent scour zone if a person uses power sluice/suction dredge combinations, high-bankers, or power sluices with riffle areas totaling ten square feet or less, including ganged equipment; or sluices or rocker boxes that have riffle areas larger than three, but less than ten square feet, including ganged equipment. A person may not discharge tailings to the wetted perimeter when using this equipment. However, a person may discharge wastewater to the wetted perimeter if its entry point into the wetted perimeter is at least two hundred feet from any other wastewater discharge entry point.

(t) A person may process aggregate collected from upland areas landward of the frequent scour zone:

(i) At any location if a person uses pans; spiral wheels; sluices, concentrators, mini rocker boxes, and mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment. A person must classify the aggregate at the excavation site before processing with this equipment within the wetted perimeter or frequent scour zone.

(ii) Only at an upland location landward of the frequent scour zone if a person uses power sluice/suction dredge combinations; high-bankers; power sluices; or rocker boxes. A person may not allow tailings or wastewater to enter the wetted perimeter or frequent scour zone.

(iii) Within the wetted perimeter or frequent scour zone if a person uses a sluice with a riffle area greater than three square feet. A person must classify the aggregate at the excavation site prior to processing with a sluice with a riffle area exceeding three square feet.

(u) A person may use pressurized water only for crevicing or for redistributing dredge tailings within the wetted perimeter. No other use of pressurized water is permitted.

(v) A person may conduct crevicing in the wetted perimeter, in the frequent scour zone, or landward of the frequent scour zone. The hose connecting fittings of pressurized water tools used for crevicing may not have an inside diameter larger than three-quarters of an inch. If a person crevices landward of the frequent scour zone, no sediment or wastewater may be discharged into the wetted perimeter or the frequent scour zone.

(w) A person must avoid areas containing live freshwater mussels. If a person encounters live mussels during excavation, a person must relocate the operation.

(x) A person may not disturb redds. If a person observes or encounters redds or actively spawning fish when collecting or processing aggregate, a person must relocate the operation.

(y) If at any time, as a result of project activities, a person observes a fish kill or fish life in distress, a person must immediately stop operations and notify the department and the Washington military department emergency management division of the problem. A person may not resume work until the department gives approval. The department will require additional measures to mitigate the prospecting impacts.

#### **(6) Mineral prospecting on ocean beaches:**

(a) A person may mineral prospect year-round on ocean beaches of the state. A person must follow the rules listed below, and must have the *Gold and Fish* pamphlet on the job site when working on ocean beaches of the state, except as noted in this subsection.

(b) A person may mineral prospect only between the line of ordinary high tide and the line of extreme low tide on beaches within the Seashore Conservation Area set under RCW 79A.05.605 and managed by Washington state parks and recreation commission.

(c) No written or pamphlet HPA is required to mineral prospect south of the Copalis River, if a person operates landward of the upper limit of ghost shrimp burrowing in the beach; waterward of the ordinary high tide line; and a person

does not use fresh water from fish-bearing streams during operations. See Figure ((9)) 7.

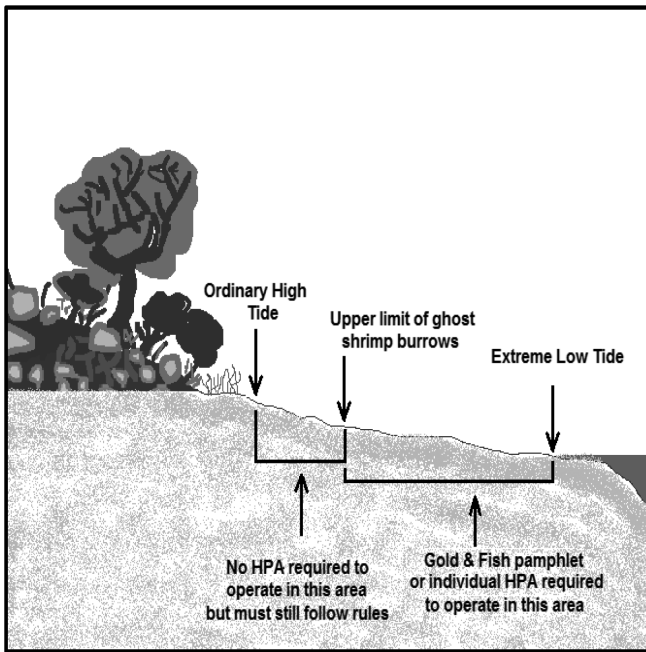


Figure ((9)) 7. Beach area where no written or pamphlet HPA is required.

(d) A person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment:

- (i) Pans;
- (ii) Spiral wheels;
- (iii) Sluices, concentrators, rocker boxes, and high-bankers with riffle areas totaling ten square feet or less, including ganged equipment;
- (iv) ~~((Suction dredges that have suction intake nozzles with inside diameters that should be five inches or less, but must be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size;~~

~~((v)) Power sluice/suction dredge combinations that have riffle areas totaling ten square feet or less, including ganged equipment(~~;- suction intake nozzles with inside diameters that should be five inches or less, but must be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle; and pump intake hoses with inside diameters of four inches or less. The inside diameter of the dredge hose attached to the suction intake nozzle may be no greater than one inch larger than the nozzle size~~); and~~

~~((vi)) (v) High-bankers and power sluices, when used only as high-bankers or power sluices, that have riffle areas totaling ten square feet or less, including ganged equipment, and pump intake hoses with inside diameters of four inches or less.~~

~~((e)) (e) The suction dredge intake nozzle and hose of power sluice/suction dredge combinations may not be attached to the equipment or stored on the job site.~~

~~((f)) (f) When operated in fish-bearing freshwater streams, the widest point of a sluice, including attachments, must not exceed twenty-five percent of the width of the wetted perimeter at the point of placement.~~

~~((g)) (g) A person may not use vehicle-mounted winches. A person may use one motorized winch and one hand-operated winch to move boulders and large woody material that is not embedded, and additional cables, chains, or ropes to stabilize them.~~

~~((h)) (h) Under RCW 77.57.010 and 77.57.070, any device a person uses for pumping water from fish-bearing waters must be equipped with a fish guard to prevent fish from entering the pump intake. A person must screen the pump intake with material that has openings no larger than five sixty-fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter for round openings, and the screen must have at least one square inch of functional screen area for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm-rated pump would require a screen with a surface area of at least one hundred square inches.~~

~~((i)) (i) All equipment fueling and servicing must be done so that petroleum products do not enter the wetted perimeter. If a petroleum sheen or spill is observed, a person must immediately stop work, remove the equipment from the body of water and beach, and contact the Washington military department emergency management division. A person may not return the equipment to the water or beach until the problem is corrected. A person must store fuel and lubricants away from the water inside a vehicle or landward of the beach, and in the shade when possible.~~

~~((j)) (j) A person may work only from one-half hour before official sunrise to one-half hour after official sunset. If a person uses mineral prospecting equipment in a fish-bearing freshwater stream and the equipment exceeds one-half the width of the wetted perimeter of the stream, a person must remove the equipment from the wetted perimeter or move it so that at least fifty percent of the wetted perimeter is free of equipment from one-half hour after official sunset to one-half hour before official sunrise.~~

~~((k)) (k) A person may not undermine, cut, disturb, or move embedded large woody material or woody debris jams.~~

~~((l)) (l) A person may work in only one excavation site at a time. However, a person may use a second excavation site as a settling pond. Multiple persons may work within a single excavation site.~~

~~((m)) (m) A person must backfill all trenches, depressions, or holes created in the beach during project activities before moving to another excavation site (except during use as a settling pond) or leaving an excavation site.~~

~~((n)) (n) A person may partially divert a body of water into mineral prospecting equipment. However, at no time may the diversion structure be greater than fifty percent of the width of the wetted perimeter of a fish-bearing freshwater stream, including the width of the equipment. A person may not divert the body of water outside of the wetted perimeter.~~

~~((n))~~ (o) A person may use materials only from within the wetted perimeter, or artificial materials from outside the wetted perimeter, to construct the diversion structure by hand. Before abandoning the site, a person must remove artificial materials used to construct a diversion structure and restore the site to its approximate original condition.

~~((p))~~ (p) A person may use pressurized water only for redistributing dredge tailings within the wetted perimeter. No other use of pressurized water is permitted.

~~((q))~~ (q) A person may not disturb live razor clams or other shellfish within the bed. If a person observes or encounters live razor clams or other shellfish during excavation, the person must relocate the operation.

~~((r))~~ (r) If at any time, as a result of project activities, a person observes a fish kill or fish life in distress, a person must immediately stop operations and notify the department, and the Washington military department emergency management division of the problem. A person may not resume work until the department gives approval. The department will require additional measures to mitigate the prospecting impacts.

**(7) Authorized work times ~~((and mineral prospecting equipment restrictions))~~ by specific state waters for mineral prospecting and placer mining projects:**

(a) A person may conduct mineral prospecting and placer mining under subsections (5) and (6) of this section only in the state waters ~~((, with the equipment restrictions,))~~ and during the times specified in the following table of authorized work times.

(b) The general work time for a county applies to all state waters within that county ~~((;))~~ unless otherwise indicated in the table.

(c) The work time for state waters identified in the table of authorized work times applies to all its tributaries, unless otherwise indicated. Some state waters occur in multiple counties. Check the table for the county in which mineral prospecting or placer mining is to be conducted to determine the work time for that water body.

(d) Where a tributary is identified as a boundary, that boundary is the line perpendicular to the receiving stream that is projected from the most upstream point of the tributary mouth to the opposite bank of the receiving stream. See Figure ~~((10))~~ 8.

(e) Mineral prospecting and placer mining within water bodies identified in the table of authorized work times as "submit application" are not authorized under the *Gold and Fish* pamphlet. A person must obtain a standard written ~~((individual))~~ HPA to work in these water bodies.

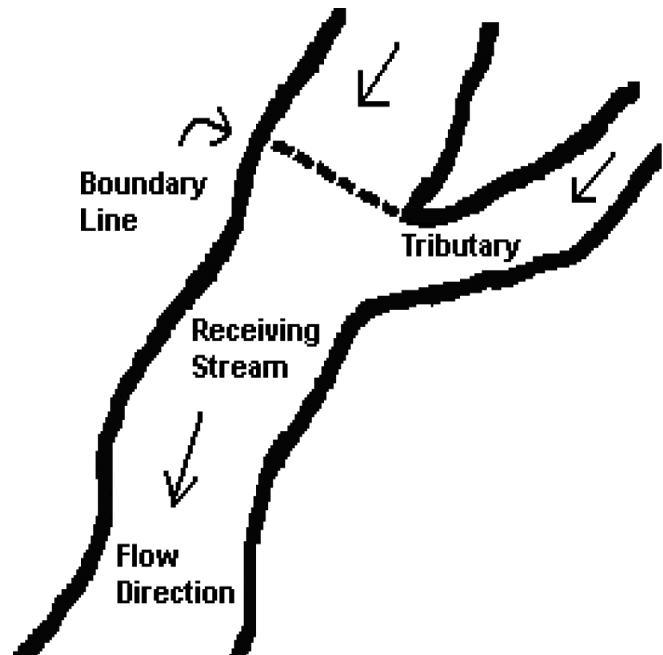


Figure ~~((10))~~ 8: Where the boundary is located if a tributary listed as a boundary.

~~((f))~~ Mineral prospecting using mineral prospecting equipment that has suction intake nozzles with inside diameters that should be four inches or less, but must be no greater than four and one quarter inches to account for manufacturing tolerances and possible deformation of the nozzle, is authorized only in the state waters identified in the table of authorized work times, and any tributaries to them, unless otherwise indicated in the table. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size.

~~((g))~~ Mineral prospecting using mineral prospecting equipment that has suction intake nozzles with inside diameters that should be five inches or less, but must be no greater than five and one quarter inches to account for manufacturing tolerances and possible deformation of the nozzle is authorized only in the state waters specifically identified in the table of authorized work times. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size. A person may use only mineral prospecting equipment with suction intake nozzle inside diameters of four and one quarter inches or less in tributaries of these state waters. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size.)

Table ((3)) 1

Authorized Work Times ~~((and Mineral Prospecting Equipment Restrictions))~~ by Specific State Waters for Mineral Prospecting and Placer Mining Projects

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates	<del>((State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Mineral Prospecting Equipment With a Four and One Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</del>	<del>State Waters (NOT including tributaries) in Which a Person May Use Mineral Prospecting Equipment With a Five and One Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</del>
<b>Adams County</b>	July 1 - October 31	✗	-
Crab Creek (41.0002)	July 16 - February 28	✗	✗
Esquatzel Creek (36.MISC)	June 1 - February 28	✗	✗
Palouse River (34.0003)	July 16 - February 28	✗	✗
<b>Asotin County</b>	July 16 - September 15	✗	-
Snake River (35.0002)	See Below	-	-
Alpowa Creek (35.1440)	July 16 - December 15	✗	-
Asotin Creek (35.1716)	July 16 - August 15	✗	-
Couse Creek (35.2147)	July 16 - December 15	✗	-
Grande Ronde River (35.2192)	July 16 - September 15	✗	✗
Ten Mile Creek (35.2100)	July 16 - December 15	✗	-
<b>Benton County</b>	June 1 - September 30	✗	-
Columbia River	See Below	-	-
Glade Creek (31.0851)	August 1 - September 30	✗	-
Yakima River (37.0002)	June 1 - September 15	✗	✗
Amon Wasteway (37.0009)	June 1 - September 30	✗	-
Corral Creek (37.0002)	June 1 - September 30	✗	-
Spring Creek (37.0205)	June 1 - September 30	✗	-
<b>Chelan County</b>	July 16 - August 15	✗	-
Columbia River	See Below	-	-
Antoine Creek (49.0294) - Mouth to falls at river mile 1.0	July 1 - February 28	✗	-
Antoine Creek (49.0294) - Upstream of falls at river mile 1.0	July 1 - March 31	✗	-
Chelan River (47.0052) - Mouth to Chelan Dam	July 16 - September 30	✗	✗
Colockum Creek (40.0760)	July 1 - October 31	✗	-
Entiat River (46.0042) - Mouth to Entiat Falls	July 16 - July 31	✗	✗
Entiat River (46.0042) - Upstream of Entiat Falls	July 16 - March 31	✗	-
Crum Canyon (46.0107)	July 16 - March 31	✗	-
Mad River (46.0125)	July 16 - July 31	✗	-
Indian Creek (46.0128)	July 16 - February 28	✗	-

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates	<del>((State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Mineral Prospecting Equipment With a Four and One Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</del>	<del>State Waters (NOT including tributaries) in Which a Person May Use Mineral Prospecting Equipment With a Five and One Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</del>
Lake Chelan (47.0052)	Submit Application	-	-
Railroad Creek (47.0410)	July 16 - September 30	✗	-
Stehekin River (47.0508)	Submit Application	-	-
Twenty-Five Mile Creek (47.0195)	July 16 - September 30	✗	-
Other Lake Chelan tributaries outside of North Cascades National Park	July 1 - August 15	✗	-
Other Lake Chelan tributaries within North Cascades National Park	Submit Application	-	-
Number 1 Canyon (45.0011)	July 1 - February 28	✗	-
Number 2 Canyon (45.0012)	July 1 - February 28	✗	-
Squilchuck Creek (40.0836) - Mouth to South Wenatchee Avenue	July 1 - September 30	✗	-
Squilchuck Creek (40.0836) - Upstream of South Wenatchee Avenue	July 1 - February 28	✗	-
Stemilt Creek (40.0808) - Mouth to falls	July 1 - September 30	✗	-
Stemilt Creek (40.0808) - Upstream of falls	July 1 - February 28	✗	-
Wenatchee River (45.0030) - Mouth to Hwy 2 Bridge in Leavenworth	July 15 - September 30	✗	✗
Wenatchee River (45.0030) - Hwy 2 Bridge in Leavenworth to Lake Wenatchee	July 15 - August 15	✗	✗
Beaver Creek (45.0751)	July 1 - September 30	✗	-
Chiwaukum Creek (45.0700)	July 1 - July 31	✗	-
Chiwawa River (45.0759) - Mouth to Phelps Creek	July 1 - July 31	✗	✗
Chiwawa River (45.0759) - Upstream of Phelps Creek	July 1 - July 31	✗	-
Deep Creek (45.0764)	July 1 - February 28	✗	-
Phelps Creek (45.0875)	July 16 - August 15	✗	-
Icicle Creek (45.0474) - Mouth to Johnny Creek	July 1 - July 31	✗	✗
Icicle Creek (45.0474) - Upstream of Johnny Creek	July 1 - July 31	✗	-

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates	<del>((State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Mineral Prospecting Equipment With a Four and One Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</del>	<del>State Waters (NOT including tributaries) in Which a Person May Use Mineral Prospecting Equipment With a Five and One Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</del>
Fourth of July Creek (45.0525)	July 1 - February 28	✗	-
Lake Wenatchee (45.0030)	Submit Application	-	-
Little Wenatchee (45.0985) - Mouth to Wilderness Boundary	July 1 - July 31	✗	✗
Little Wenatchee (45.0985) - Upstream of Wilderness Boundary	Submit Application	-	-
White River (45.1116) - Mouth to White River Falls	July 1 - July 31	✗	✗
White River (45.1116) - Upstream of White River Falls	July 1 - February 28	✗	-
Nason Creek (45.0888)	July 1 - July 31	✗	-
Peshastin Creek (45.0232) - Mouth to Etienne Creek	July 16 - August 15	✗	-
Peshastin Creek (45.0232) - Upstream of Etienne Creek	August 1 - February 28	✗	-
Ingalls Creek (45.0273) - Mouth to Cascade Creek	Submit Application	-	-
Ingalls Creek (45.0273) - Upstream of Cascade Creek	July 16 - February 28	✗	-
Etienne Creek (45.0323) - Mouth to falls at stream mile 2.9	Submit Application	-	-
Etienne Creek (45.0323) - Upstream of falls at stream mile 2.9	July 16 - February 28	✗	-
Ruby Creek (45.0318)	July 16 - February 28	✗	-
Tronson Creek (45.0346)	August 1 - February 28	✗	-
Scotty Creek (45.0376)	August 1 - February 28	✗	-
Shaser Creek (45.0365)	August 1 - February 28	✗	-
<b>Clallam County</b>	July 16 - September 15	✗	-
Clallam River (19.0129)	August 1 - August 15	✗	-
Dungeness River (18.0018)	Submit Application	-	-
Independent Creek (18.MISC)	August 1 - August 31	✗	-
Elwha River (18.0272)	August 1 - August 15	✗	✗
Hoko River (19.0148)	August 1 - September 15	✗	-

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates	<del>((State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Mineral Prospecting Equipment With a Four and One Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</del>	<del>State Waters (NOT including tributaries) in Which a Person May Use Mineral Prospecting Equipment With a Five and One Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</del>
Jimmycomelately Creek (17.0285)	August 1 - August 31	✗	-
Lake Ozette (20.0046)	Submit Application	-	-
Little Quilcene River (17.0076)	July 16 - August 31	✗	-
Lake Ozette tributaries	July 16 - September 15	✗	-
Lyre River (19.0031)	August 1 - September 15	✗	-
McDonald Creek (18.0160)	August 1 - September 15	✗	-
Morse Creek (18.0185)	August 1 - August 15	✗	-
Ozette River (20.0046)	July 16 - September 15	✗	-
Pysht River (19.0113)	August 1 - September 15	✗	-
Quillayute River (20.0096, 20.0162, 20.0175)	August 1 - August 15	✗	✗
Bogachiel River (20.0162)	Submit Application	-	-
Calawah River (20.0175)	August 1 - August 15	✗	✗
Salmon Creek (17.0245)	July 16 - August 31	✗	-
Sekiu River (19.0203)	August 1 - September 15	✗	-
Snow Creek (17.0219)	July 16 - August 31	✗	-
Sol Duc River (20.0096)	Submit Application	-	-
Lake Pleasant (20.0313)	Submit Application	-	-
Lake Pleasant tributaries	July 16 - September 15	✗	-
Sooes River (20.0015)	July 16 - September 15	✗	-
<b>Clark County</b>	July 16 - September 30	-	-
Columbia River	See Below	-	-
Lacamas Creek (28.0160) - Mouth to dam	August 1 - August 31	✗	-
Lacamas Creek (28.0160) - Upstream of dam	August 1 - September 30	✗	-
Lewis River (27.0168)	August 1 - August 15	✗	✗
East Fork Lewis River (27.0173) - Mouth to Lucia Falls	August 1 - August 15	✗	✗
East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls	August 1 - February 28	✗	✗
East Fork Lewis River (27.0173) - Upstream of Sunset Falls	August 1 - February 28	✗	-
Lake River (28.0020)	January 1 - December 31	✗	✗
Burnt Bridge Creek (28.0143)	August 1 - August 31	✗	-

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates	<del>((State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Mineral Prospecting Equipment With a Four and One Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</del>	<del>State Waters (NOT including tributaries) in Which a Person May Use Mineral Prospecting Equipment With a Five and One Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</del>
Salmon Creek (28.0059)	August 1 - August 31	✗	-
Whipple Creek (28.0038)	August 1 - September 30	✗	-
North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam	August 1 - August 15	✗	✗
Cedar Creek (27.0339)	August 1 - September 15	✗	-
North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls	July 16 - August 15	✗	✗
Canyon Creek (27.0442)	July 16 - February 28	✗	-
North Fork Lewis River (27.0168) - Upstream of Lower Falls	July 16 - August 15	✗	✗
Washougal River (28.0159) - Mouth to headwaters	August 1 - August 31	✗	✗
<b>Columbia County</b>	July 16 - September 30	✗	-
Touchet River (32.0097)	August 1 - August 15	✗	✗
Grande Ronde River tributaries (35.2192)	July 16 - August 15	✗	-
North Fork Touchet/Wolf Fork (32.0761)	Submit Application	-	-
South Fork Touchet (32.0708)	Submit Application	-	-
Tucannon River (35.0009)	July 16 - August 15	✗	✗
Walla Walla River (32.0008) - Mouth to Oregon state line	July 16 - September 15	✗	✗
Mill Creek (32.1436) - Mouth to Oregon state line	August 1 - August 15	✗	-
<b>Cowlitz County</b>	July 16 - September 30	✗	-
Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Mouth to Fisk Falls	August 1 - August 31	✗	✗
Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Upstream of Fisk Falls	August 1 - August 31	✗	-
Columbia River	See Below	-	-
Abernathy Creek (25.0297)	July 16 - September 15	✗	-
Burke Creek (27.0148)	August 1 - August 31	✗	-
Burris Creek (27.0151)	August 1 - August 31	✗	-



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Bybee Creek (27.0142)	August 1 - August 31	✗	-
Canyon Creek (27.0147)	August 1 - August 31	✗	-
Coal Creek (25.0340)	July 16 - September 15	✗	-
Clark Creek (25.0371)	August 1 - August 31	✗	-
Cowlitz River (26.0002) - Mouth to barrier dam at river mile 49.5	July 16 - August 15	✗	✗
Coweeman River (26.0003) - Mouth to Baird Creek	August 1 - August 31	✗	✗
Coweeman River (26.0003) - Upstream of Baird Creek	August 1 - August 31	✗	-
Cowlitz River (26.0002) - Tributaries below barrier dam to mouth	July 16 - September 30	✗	-
Owl Creek (26.1441)	July 16 - September 15	✗	-
Toutle River (26.0227)	July 16 - August 15	✗	✗
North Fork Toutle River (26.0314) - Mouth to Debris Dam	July 16 - August 15	✗	✗
North Fork Toutle River (26.0314) - Upstream of Debris Dam	July 16 - August 15	✗	-
Green River (26.0323) - Mouth to Shultz Creek	July 16 - September 30	✗	✗
Green River (26.0323) - Upstream of Shultz Creek	July 16 - September 30	✗	-
South Fork Toutle (26.0248) - Mouth to Bear Creek	July 16 - September 15	✗	✗
South Fork Toutle (26.0248) - Upstream of Bear Creek	July 16 - September 15	✗	-
Tributaries to Silver Lake	July 16 - September 30	✗	-
Germany Creek (25.0313)	July 16 - September 15	✗	-
Kalama River (27.0002) - Mouth to Kalama Falls	August 1 - August 15	✗	✗
Kalama River (27.0002) - Upstream of Kalama Falls	August 1 - August 15	✗	-
Lewis River (27.0168) - Mouth to East Fork Lewis River	August 1 - August 15	✗	✗

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North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam	August 1 - August 15	✗	✗
North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls	July 16 - August 15	✗	✗
Mill Creek (25.0284)	July 16 - September 15	✗	-
Schoolhouse Creek (27.0139)	August 1 - August 31	✗	-
<b>Douglas County</b>	July 1 - September 30	✗	-
Columbia River	See Below	-	-
Douglas Creek Canyon (44.0146)	May 16 - January 31	✗	-
Foster Creek (50.0065)	August 1 - April 15	✗	-
McCarteney Creek (44.0002)	July 1 - February 28	✗	-
Pine/Corbaley Canyon Creek (44.0779)	September 16 - April 15	✗	-
Rock Island Creek (44.0630)	July 1 - September 30	✗	-
<b>Ferry County</b>	July 1 - August 31	✗	-
Columbia River	See Below	-	-
Kettle River (60.0002)	June 16 - August 31	✗	✗
Boulder Creek (60.0130) - Mouth to Hodgson Road Bridge	Submit Application	-	-
Boulder Creek (60.0130) - Upstream of Hodgson Road Bridge	June 16 - February 28	✗	-
Deadman Creek (60.0008) - Mouth to SR395 Crossing	Submit Application	-	-
Deadman Creek (60.0008) - Upstream of SR395	June 16 - February 28	✗	-
Goosmus Creek (60.0254)	June 16 - February 28	✗	-
Toroda Creek (60.0410)	July 1 - September 30	✗	-
San Poil River (52.0004)	June 16 - September 30	✗	✗
Granite Creek (52.0099) - Mouth to Powerhouse Dam	June 16 - September 30	✗	-
Granite Creek (52.0099) - Upstream of Powerhouse Dam	June 16 - February 28	✗	-
West Fork San Poil River (52.0192) - Mouth to Deep Creek	June 16 - September 30	✗	✗

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West Fork San Poil River (52.0192) - Upstream of Deep Creek	June 16 - September 30	✗	-
Gold Creek (52.0197)	June 16 - February 28	✗	-
<b>Franklin County</b>	June 1 - September 30	✗	-
Columbia River	See Below	-	-
Snake River	See Below	-	-
Palouse River (34.0003)	July 16 - February 28	✗	✗
North bank tributaries of the lower Snake River between Palouse River and the mouth of the Snake River	June 16 - October 31	✗	-
<b>Garfield County</b>	July 16 - September 30	✗	-
Snake River (35.0003)	See Below	-	-
Alpowa Creek (35.1440)	July 16 - December 15	✗	-
Asotin Creek (35.1716)	July 16 - August 15	✗	-
Deadman Creek (35.0688)	July 16 - December 15	✗	-
Grande Ronde River tributaries (35.2192)	July 16 - August 15	✗	-
Meadow Creek (35.0689)	July 16 - December 15	✗	-
Tucannon River (35.0009) - Mouth to Panjab Creek	July 16 - August 15	✗	✗
Tucannon River (35.0009) - Upstream of Panjab Creek	July 16 - August 15	✗	-
Pataha Creek (35.0123) - Mouth to Pataha Creek	January 1 - December 31	✗	-
Pataha Creek (35.0123) - Upstream of Pataha Creek	July 16 - December 31	✗	-
<b>Grant County</b>	July 1 - October 31	✗	-
Columbia River	See Below	-	-
Crab Creek (41.0002)	July 16 - September 15	✗	✗
Grays Harbor County	July 16 - October 15	✗	-
Chehalis River (22.0190/23.0190) - Mouth to Porter Creek	August 1 - August 31	✗	✗
Chehalis River (22.0190/23.0190) - Porter Creek to Fisk Falls	August 1 - August 15	✗	✗
Chehalis River (22.0190/23.0190) - Upstream of Fisk Falls	August 1 - August 15	✗	-

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Cedar Creek (23.0570)	August 1 - September 30	✗	-
Cloquallum Creek (22.0501)	August 1 - September 30	✗	-
Porter Creek (23.0543)	August 1 - September 30	✗	-
Satsop River (22.0360)	August 1 - August 31	✗	✗
Wishkah River (22.0191)	August 1 - October 15	✗	✗
Wynoochee River (22.0260)	August 1 - September 30	✗	✗
Copalis River (21.0767)	August 1 - October 15	✗	✗
Elk River (22.1333)	July 1 - October 31	✗	✗
Hoquiam River (22.0137)	August 1 - October 15	✗	✗
Humtulpis River (22.0004) - Mouth to Forks	August 1 - September 30	✗	✗
Humtulpis River (22.0004) - Upstream of Forks	August 1 - September 30	✗	-
Johns River (22.1270)	August 1 - September 30	✗	✗
Moclips River (21.0731)	August 1 - October 15	✗	✗
North River (24.0034)	August 1 - September 30	✗	✗
Queets River (21.0001)	August 1 - August 15	✗	✗
Quinalt River (21.0398)	August 1 - August 15	✗	✗
Raft River (21.0337)	August 1 - October 15	✗	✗
<b>Island County</b>	June 16 - October 15	✗	-
Cavalero Creek (06.0065)	June 16 - December 15	✗	-
Chapman Creek (06.0070)	June 16 - December 15	✗	-
Crescent Creek (06.0002)	June 16 - December 15	✗	-
Cultus Creek (06.0026)	June 16 - March 15	✗	-
Deer Creek (06.0024)	June 16 - March 15	✗	-
Dugualla Creek (06.0001)	June 16 - March 15	✗	-
Glendale Creek (06.0025)	June 16 - December 15	✗	-
Kristoferson Creek (06.0062-06.0063)	May 1 - December 15	✗	-
Maxwelton Creek (06.0029)	June 16 - December 15	✗	-
North Bluff Creek (06.0006)	June 16 - March 15	✗	-
Old Clinton Creek (06.0023)	June 16 - March 15	✗	-
<b>Jefferson County</b>	July 16 - October 31	✗	-
Big Quilcene River (17.0012) - Mouth to falls	July 16 - August 31	✗	✗
Big Quilcene River (17.0012) - Falls to Forks	August 1 - February 28	✗	✗
Big Quilcene River (17.0012) - Upstream of Forks	August 1 - February 28	✗	-

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Bogachiel River (20.0162)	Submit Application	-	-
Chimacum Creek (17.0203)	July 16 - September 15	✗	-
Donovan Creek (17.0115)	July 1 - October 15	✗	-
Dosewallips River (16.0442)	July 16 - August 15	✗	-
Duckabush River (16.0351)	July 16 - August 15	✗	-
Dungeness River (18.0018)	August 1 - August 15	✗	-
Elwha River (18.0272)	August 1 - August 15	✗	✗
Goodman Creek (20.0406)	August 1 - September 15	✗	-
Hoh River (20.0422)	August 1 - August 15	✗	✗
Little Quilcene River (17.0076)	July 16 - August 31	✗	-
Queets River (21.0001)	August 1 - August 15	✗	✗
Matheny Creek (21.0165)	August 1 - August 15	✗	-
Sams River (21.0205)	August 1 - August 15	✗	✗
Quinalt River (21.0398)	August 1 - August 15	✗	✗
Salmon Creek (17.0245)	July 16 - August 31	✗	-
Skokomish River (16.0001)	August 1 - August 31	✗	✗
Snow Creek (17.0219)	July 16 - August 31	✗	-
Tarboo Creek (17.0129)	August 1 - September 30	✗	-
Thorndyke Creek (17.0170)	August 1 - October 15	✗	-
<b>King County</b>	July 16 - September 30	✗	-
Cedar River (08.0299) - Mouth to Forks	August 1 - August 31	✗	✗
Cedar River (08.0299) - Upstream of Forks	August 1 - August 31	✗	-
Issaquah Creek (08.0178)	August 1 - August 31	✗	-
Sammamish River (08.0057)	August 1 - August 31	✗	-
Steele Creek (08.0379)	July 16 - February 28	✗	-
Green River (Duwamish River) (09.0001) - Mouth to Sawmill Creek	August 1 - August 31	✗	✗
Green River (Duwamish River) (09.0001) - Upstream of Sawmill Creek	August 1 - August 31	✗	-
Lake Washington tributaries (08.LKWA)	August 1 - August 31	✗	-
Snoqualmie River (07.0219) - Mouth to Snoqualmie Falls	August 1 - August 15	✗	✗

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Snoqualmie River (07.0219) - Snoqualmie Falls to mouth of South Fork	July 16 - February 28	✗	✗
Patterson Creek (07.0376)	July 16 - September 30	✗	-
Middle Fork Snoqualmie River (07.0219) - Mouth to Taylor Creek	July 16 - February 28	✗	✗
Middle Fork Snoqualmie River (07.0219) - Upstream of Taylor Creek	July 16 - February 28	✗	-
Goat Creek (07.0754)	July 16 - February 28	✗	-
North Fork Snoqualmie River (07.0527) - Mouth to Lennox Creek	July 16 - February 28	✗	✗
North Fork Snoqualmie River (07.0527) - Upstream of Lennox Creek	July 16 - February 28	✗	-
Deep Creek (07.0562)	July 16 - February 28	✗	-
Illinois Creek (07.0624)	July 16 - February 28	✗	-
Lennox Creek (07.0596)	July 16 - February 28	✗	-
Bear Creek (07.0606)	July 16 - February 28	✗	-
Raging River (07.0384)	August 1 - September 15	✗	✗
South Fork Skykomish River (07.0012) - Mouth to Sunset Falls	August 1 - August 15	✗	✗
South Fork Skykomish River (07.0012) - Upstream of Sunset Falls	August 1 - August 15	✗	-
Beckler River (07.1413) - Mouth to Boulder Creek	August 1 - August 15	✗	✗
Beckler River (07.1413) - Upstream of Boulder Creek	July 16 - February 28	✗	-
Rapid River (07.1461) - Mouth to Meadow Creek	August 1 - August 31	✗	✗
Rapid River (07.1461) - Upstream of Meadow Creek	August 1 - February 28	✗	-
Index Creek (07.1264) - Mouth to Mud Lake Creek	August 1 - August 31	✗	-
Index Creek (07.1264) - Upstream of Mud Lake Creek including Salmon Creek	July 16 - February 28	✗	-

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Miller River (07.1329) - Mouth to Forks	August 1 - August 15	✗	✗
Miller River (07.1329) - Upstream of Forks	August 1 - August 15	✗	-
Coney Creek (07.1347)	July 16 - February 28	✗	-
East Fork Miller River (07.1329) - Mouth to Great Falls Creek	July 16 - August 15	✗	-
East Fork Miller River (07.1329) - Upstream of Great Falls Creek	July 16 - February 28	✗	-
Foss River (07.1562) - Mouth to Forks	July 16 - August 31	✗	✗
East Fork Foss River (07.1562) - Mouth to Burn Creek	July 16 - August 15	✗	✗
East Fork Foss River (07.1562) - Upstream of Burn Creek	July 16 - February 28	✗	-
West Fork Foss River (07.1573) - Mouth to falls at river mile 2.0	July 16 - August 31	✗	-
West Fork Foss River (07.1573) - Upstream of falls at river mile 2.0	July 16 - February 28	✗	-
West Fork Miller River (07.1335)	July 16 - February 28	✗	✗
Money Creek (07.1300) - Mouth to 0.5 mile upstream of Kimball Creek	August 1 - August 31	✗	-
Money Creek (07.1300) - Upstream of 0.5 mile upstream of Kimball Creek	August 1 - February 28	✗	-
Kimball Creek (07.1301)	August 1 - August 31	✗	-
Tye River (07.0012) - Mouth to Alpine Falls	August 1 - August 31	✗	✗
Tye River (07.0012) - Upstream of Alpine Falls	July 16 - February 28	✗	-
South Fork Snoqualmie River (07.0467)	July 16 - February 28	✗	✗
Denny Creek (07.0517)	July 16 - February 28	✗	-

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Tolt River (07.0291) - Mouth to Forks	August 1 - August 31	✗	✗
North Fork Tolt River (07.0291) - Mouth to Yellow Creek	July 16 - September 15	✗	✗
North Fork Tolt River (07.0291) - Upstream of Yellow Creek	July 16 - February 28	✗	-
South Fork Tolt River (07.0302) - Mouth to dam	July 16 - September 15	✗	✗
South Fork Tolt River (07.0302) - Upstream of Tolt Reservoir	July 16 - February 28	✗	-
Yellow Creek (07.0337)	July 16 - February 28	✗	-
White River (10.0031)	July 16 - August 15	✗	✗
Greenwater River (10.0122)	July 16 - August 15	✗	✗
<b>Kittitas County</b>	July 1 - September 30	✗	-
Brushy Creek (40.0612)	July 1 - February 28	✗	-
Colockum Creek (40.0760)	July 1 - October 31	✗	-
Quilomene Creek (40.0613)	July 1 - October 31	✗	-
Stemilt Creek (40.0808) - Upstream of falls	July 1 - February 28	✗	-
Tarpiscan Creek (40.0723)	July 1 - February 28	✗	-
Tekiason Creek (40.0686)	July 1 - February 28	✗	-
Whiskey Dick Creek (40.0591)	July 1 - February 28	✗	-
Yakima River (39.0002) - Roza Dam to Teanaway River	August 1 - August 31	✗	✗
Naches River (38.0003) - Tieton River to Bumping River	July 1 - August 15	✗	✗
Little Naches River (38.0852) - Mouth to Matthew Creek	July 16 - August 15	✗	✗
Little Naches River (38.0852) - Upstream of Matthew Creek	July 16 - August 15	✗	-
Pileup Creek (38.0932)	July 16 - August 31	✗	-
Gold Creek (38.MISC)	July 16 - February 28	✗	-
Swauk Creek (39.1157)	July 16 - September 30	✗	-
Baker Creek (39.1157)	July 16 - September 30	✗	-
First Creek (39.1157)	July 16 - September 30	✗	-



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Iron Creek (39.1157)	July 16 - September 30	✗	-
Williams Creek (39.1157)	July 16 - September 30	✗	-
Boulder Creek (39.1157)	July 16 - February 28	✗	-
Cougar Gulch (39.1157)	July 16 - February 28	✗	-
Lion Gulch (39.1157)	July 16 - February 28	✗	-
Yakima River (39.0002) - Teanaway River to Easton Dam	August 1 - August 31	✗	✗
Yakima River (39.0002) - Upstream of Easton Dam	August 1 - August 31	✗	✗
Cle Elum River (39.1434) - Mouth to dam	July 16 - August 31	✗	✗
Cle Elum River (39.1434) - Upstream of Cle Elum Dam	Submit Application	-	-
Big Boulder Creek (39.1434MISC)	August 1 - February 28	✗	-
Camp Creek (39.1434MISC)	August 1 - February 28	✗	-
Fortune Creek (39.1434MISC)	August 1 - August 15	✗	-
South Fork Fortune Creek (39.1434MISC)	August 1 - February 28	✗	-
Howson Creek (39.1434)	July 16 - February 28	✗	-
Little Salmon Le Sac Creek (39.1482)	August 1 - August 15	✗	-
Paris Creek (39.1434MISC)	August 1 - February 28	✗	-
Salmon Le Sac Creek (39.1520)	August 1 - February 28	✗	-
Kachess River (39.1739) - Upstream of Lake Kachess	Submit Application	-	-
Kachess River (39.1739) - Below dam	July 16 - August 15	✗	✗
Box Canyon Creek (39.1765)	Submit Application	-	-
Mineral Creek (39.1792)	August 1 - August 15	✗	-
Lake Keechelus (39.1842) tributaries	July 16 - August 15	✗	-
Gold Creek (Lake Keechelus) (39.1842)	Submit Application	-	-
Manastash Creek (39.0988)	July 16 - September 30	✗	-
Naneum Creek (39.0821)	July 16 - September 30	✗	-

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Taneum Creek (39.1081) - Mouth to I-90	July 16 - August 31	✗	-
Taneum Creek (39.1157) - Upstream of I-90	July 16 - September 30	✗	-
Teaway River (39.1236)	July 16 - August 31	✗	✗
NF Teaway River (39.1260)	Submit Application	-	-
Umtanum Creek (39.0553)	July 16 - September 30	✗	-
Wenas Creek, Below dam (39.0032)	July 16 - October 15	✗	-
Wenas Creek, Upstream of Wenas Lake (39.0032)	July 16 - February 28	✗	-
Other Yakima River tributaries not listed	July 16 - August 31	✗	-
<b>Kitsap County</b>	July 16 - October 15	✗	-
Anderson Creek (15.0211)	August 1 - November 15	✗	-
Barker Creek (15.0255)	August 1 - September 30	✗	-
Big Beef Creek (15.0389)	August 1 - August 15	✗	-
Big Scandia Creek (15.0280)	August 1 - September 30	✗	-
Blackjack Creek (15.0203)	August 1 - September 30	✗	-
Burley Creek (15.0056)	August 1 - September 30	✗	-
Chico Creek (15.0229)	August 1 - October 15	✗	-
Clear Creek (15.0249)	August 1 - September 30	✗	-
Curley Creek (15.0185)	August 1 - September 30	✗	-
Dewatto River (15.0420)	August 1 - August 15	✗	-
Dogfish Creek (15.0285)	August 1 - August 15	✗	-
Gorst Creek (15.0216)	August 1 - August 15	✗	-
Grovers Creek (15.0299)	August 1 - August 31	✗	-
Johnson Creek (15.0387)	August 1 - October 31	✗	-
Ollala Creek (15.0107)	August 1 - September 30	✗	-
Ross Creek (15.0209)	August 1 - November 15	✗	-
Salmonberry Creek (15.0188)	August 1 - November 30	✗	-
Seabeck Creek (15.0400)	August 1 - August 15	✗	-
Steele Creek (15.0273)	August 1 - September 30	✗	-
Tahuya River (15.0446)	August 1 - August 31	✗	✗
Union River (15.0503)	August 1 - August 31	✗	✗
<b>Klickitat County</b>	July 15 - September 30	✗	-
Alder Creek (31.0459)	August 1 - September 30	✗	-
Chapman Creek (31.0192)	August 1 - September 30	✗	-

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Glade Creek (31.0851)	August 1 - September 30	✗	-
Juniper Canyon Creek (31.0378)	August 1 - September 30	✗	-
Klickitat River (30.0002) - Mouth to Klickitat hatchery	Submit Application	-	-
Klickitat River (30.0002) - Upstream of Klickitat hatchery	Submit Application	-	-
Little White Salmon River (29.0131) - Mouth to Cabbage Creek	July 16 - January 31	✗	✗
Little White Salmon River (29.0131) - Upstream of Cabbage Creek	July 16 - January 31	✗	-
Pine Creek (31.0354)	August 1 - September 30	✗	-
Rock Creek (31.0014)	August 1 - September 30	✗	-
Six Prong Creek (31.0465)	August 1 - September 30	✗	-
White Salmon River (29.0160) - Mouth to Cascade Creek	July 16 - August 15	✗	✗
White Salmon River (29.0160) - Upstream of Cascade Creek	July 16 - August 15	✗	-
Wood Gulch Creek (31.0263)	August 1 - September 30	✗	-
<b>Lewis County</b>	August 1 - September 30	✗	-
Chehalis River (22.0190/23.0190) - Mouth to South Fork Chehalis River	August 1 - August 15	✗	✗
Chehalis River (22.0190/23.0190) - Upstream of South Fork Chehalis River	August 1 - August 31	✗	✗
Newaukum River (23.0882) - Mouth to South Fork	August 1 - August 31	✗	✗
Newaukum River (23.0882) - Upstream of South Fork	August 1 - August 31	✗	-
Skookumchuck River (23.0761)	August 1 - August 31	✗	✗
Cowlitz River (26.0002)	August 1 - August 15	✗	✗
Cispus River (26.0668) - Mouth to Squaw Creek (26.1010)	August 1 - August 15	✗	✗

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Cispus River (26.0668) - Squaw Creek to Chambers Creek	July 16 - February 28	✗	✗
Cispus River (26.0668) - Upstream of Chambers Creek	July 16 - February 28	✗	-
Yellowjacket Creek (26.0757)	August 1 - August 15	✗	-
McCoy Creek (26.0766) - Mouth to lower falls	August 1 - August 15	✗	-
McCoy Creek (26.0766) - Upstream of lower falls	July 16 - February 28	✗	-
Walupt Creek (26.1010)	Submit Application	-	-
Packwood Lake tributaries	August 16 - September 15	✗	-
Tilton River (26.0560) - Mouth to North Fork	August 1 - September 30	✗	✗
Tilton River (26.0560) - Upstream of North Fork	August 1 - September 30	✗	-
Toutle River (26.0227)	August 1 - August 31	✗	✗
North Fork Toutle River (26.0314)	July 16 - August 15	✗	✗
Green River (26.0323)	July 16 - September 30	✗	✗
Deschutes River (13.0028)	July 16 - August 31	✗	✗
Little Deschutes River (13.0110)	July 16 - February 28	✗	-
Nisqually River (11.0008) - Upstream of Alder Lake	July 16 - September 30	✗	✗
<b>Lincoln County</b>	June 16 - February 28	✗	-
Columbia River	See Below	-	-
Hawk Creek (53.0101) - Mouth to falls	June 16 - August 31	✗	-
Hawk Creek (53.0101) - Upstream of falls	June 16 - February 28	✗	-
Upper Crab Creek (42.0001)	June 16 - February 28	✗	-
Wilson Creek (43.0020)	June 16 - February 28	✗	-
<b>Mason County</b>	August 1 - October 15	✗	-
Cloquallum Creek (22.0501)	August 1 - September 30	✗	-
Coulter Creek (15.0002)	August 1 - August 31	✗	-
Dewatto River (15.0420)	August 1 - August 31	✗	-
Goldsborough Creek (14.0035)	August 1 - October 15	✗	-
John Creek (16.0253)	August 1 - August 31	✗	-

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Hamma Hamma River (16.0251) - Mouth to falls	August 1 - August 31	✗	-
Johns Creek (14.0049)	August 1 - August 15	✗	-
Lilliwaup River (16.0230) - Mouth to falls	August 1 - August 31	✗	✗
Lilliwaup River (16.0230) - Upstream of falls	August 1 - February 28	✗	-
Mill Creek (14.0029)	August 1 - August 15	✗	-
Satsop River (22.0360)	August 1 - August 31	✗	-
Schaerer Creek (16.0326)	August 1 - August 31	✗	-
Sherwood Creek (14.0094)	August 1 - August 15	✗	-
Skokomish River (16.0001) - Mouth to Forks	August 1 - August 31	✗	✗
Skokomish River (16.0001) - Upstream of Forks	August 1 - August 31	✗	-
Tahuya River (15.0446)	August 1 - August 31	✗	-
Twanoh Creek (14.0134)	August 1 - October 31	✗	-
Union River (15.0503)	August 1 - August 31	✗	✗
<b>Okanogan County</b>	July 1 - August 15	✗	-
Aneas Creek (49.0243) - Mouth to falls	July 16 - August 31	✗	-
Aneas Creek (49.0243) - Upstream of falls	July 1 - March 31	✗	-
Chewiliken Creek (49.0232) - Mouth to falls	July 16 - August 31	✗	-
Chewiliken Creek (49.0232) - Upstream of falls	July 1 - March 31	✗	-
Chiliwist Creek (49.0034) - Mouth to falls	July 16 - August 31	✗	-
Chiliwist Creek (49.0034) - Upstream of falls	July 1 - March 31	✗	-
Foster Creek (50.0065)	July 1 - February 28	✗	-
Methow River (48.0007) - Columbia confluence to Twisp River	July 1 - July 31	✗	✗
Methow River tributaries between Black Canyon Creek and Gold Creek	July 1 - February 28	✗	-
Black Canyon Creek (48.0015) - Mouth to Left Fork	Submit Application	-	-

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Black Canyon Creek (48.0015) - Upstream of Left Fork	July 1 - February 28	✗	-
Gold Creek (48.0104) - Mouth to Foggy Dew Creek	Submit Application	-	-
Foggy Dew Creek (48.0153) - Mouth to Foggy Dew Falls	Submit Application	-	-
Foggy Dew Creek (48.0153) - Upstream of Foggy Dew Falls	July 1 - February 28	✗	-
Middle Fork Gold Creek (48.0139)	July 1 - February 28	✗	-
North Fork Gold Creek (48.0104)	Submit Application	-	-
Crater Creek (48.0177) - Mouth to Martin Creek	Submit Application	-	-
Crater Creek (48.0177) - Upstream of Martin Creek	July 1 - February 28	✗	-
Martin Creek (48.0177)	July 1 - February 28	✗	-
South Fork Gold Creek (48.0105) - Mouth to Rainy Creek	Submit Application	-	-
South Fork Gold Creek (48.0105) - Upstream of Rainy Creek	July 1 - February 28	✗	-
Rainy Creek (48.0105)	July 1 - February 28	✗	-
McFarland Creek (48.0090) - Mouth to Vinegar Gulch	Submit Application	-	-
McFarland Creek (48.0090) - Upstream of Vinegar Gulch	July 1 - February 28	✗	-
Methow River tributaries between Libby Creek and Beaver Creek	July 1 - February 28	✗	-
Beaver Creek (48.0307)	Submit Application	-	-
Frazer Creek (48.0309)	July 1 - February 28	✗	-
Lightning Creek (48.0361)	July 1 - February 28	✗	-
Middle Fork Beaver Creek (48.0307)	July 1 - February 28	✗	-
South Fork Beaver Creek (48.0342)	July 1 - February 28	✗	-
Libby Creek (48.0203) - Mouth to Hornet Draw Creek	Submit Application	-	-

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Libby Creek (48.0203) - Upstream of Hornet Draw	July 1 - February 28	✗	-
Methow River (48.0007) - Twisp River to Goat Creek	July 1 - July 31	✗	✗
Methow River (48.0007) - Upstream of Goat Creek	July 1 - July 31	✗	-
Chewuch River (48.0728) - Mouth to Meadow Creek	July 1 - July 31	✗	✗
Chewuch River (48.0728) - Upstream of Meadow Creek	July 1 - February 28	✗	-
Early Winters Creek (48.1408) - Mouth to Silver Star Creek	Submit Application	-	-
Early Winters Creek (48.1408) - Upstream of Silver Star Creek	July 1 - February 28	✗	-
Goat Creek (48.1364) - Mouth to 500 feet upstream of Montana Creek	Submit Application	-	-
Goat Creek (48.1364) - 500 feet Upstream of Montana Creek to Roundup Creek	July 1 - February 28	✗	-
Goat Creek (48.1364) - Upstream of Roundup Creek	Submit Application	-	-
Lost River (48.0592)	July 16 - August 15	✗	✗
Twisp River (48.0374)	July 1 - July 31	✗	✗
Buttermilk Creek (48.0466)	Submit Application	-	-
North Creek (48.0674)	Submit Application	-	-
North Fork Twisp River (48.0691)	July 1 - February 28	✗	-
South Creek (48.0641) - Upstream of Louis Creek	July 1 - February 28	✗	-
South Creek (48.0641) - Mouth to Louis Creek	Submit Application	-	-
South Fork Twisp River (48.0698)	July 1 - February 28	✗	-
Wolf Creek (48.1300)	Submit Application	-	-
Myers Creek (60.0517)	July 1 - February 28	✗	-
Bolster Creek (60.0517)	July 1 - February 28	✗	-
Ethel Creek (60.0517)	July 1 - February 28	✗	-
Gold Creek (60.0517)	July 1 - February 28	✗	-

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Mary Ann Creek (60.0517)	July 1 - February 28	✗	-
North Fork Mary Ann Creek (60.0517)	July 1 - February 28	✗	-
Okanogan River (49.0019) - Mouth to Zosel Dam	July 1 - August 31	✗	✗
Antoine Creek (49.0294) - Mouth to velocity gradient at river mile 1.0	July 1 - February 28	✗	-
Antoine Creek (49.0294) - Upstream of falls	July 1 - March 31	✗	-
Bonaparte Creek (49.0246) - Upstream of falls	July 1 - March 31	✗	-
Bonaparte Creek (49.0246) - Mouth to Bonaparte Falls at river mile 1.0	July 1 - February 28	✗	-
Loup Loup Creek (49.0048) - Mouth to Loup Loup Falls at river mile 2.4	July 1 - February 28	✗	-
Loup Loup Creek (49.0048) - Upstream of Loup Loup Falls at river mile 2.4	July 1 - March 31	✗	-
Mosquito Creek (49.0321) - Mouth to falls	July 1 - August 31	✗	-
Mosquito Creek (49.0321) - Upstream of falls	July 1 - March 31	✗	-
Nine Mile Creek (49.0516)	July 1 - February 28	✗	-
Omak Creek (49.0138) - Mouth to Mission Falls at river mile 5.4	July 1 - February 28	✗	-
Omak Creek (49.0138) - Upstream of falls	July 1 - March 31	✗	-
Salmon Creek (49.0079) - Mouth to diversion	July 1 - August 31	✗	-
Salmon Creek (49.0079) - Upstream of diversion	July 1 - February 28	✗	-
Similkameen River (49.0325) - Mouth to Enloe Dam	July 1 - August 31	✗	✗
Similkameen River (49.0325) - Enloe Dam to Palmer Creek	June 1 - October 31	✗	✗
Similkameen River (49.0325) - Upstream of Palmer Creek	July 1 - October 31	✗	✗



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Sinlahekin Creek (49.0349) - Mouth to barrier dam at Connors Lake	July 1 - August 31	✗	-
Cecile Creek (49.0447)	July 1 - February 28	✗	-
Chopaka Creek (49.0357)	July 1 - February 28	✗	-
Toats Coulee Creek (49.0368)	July 1 - February 28	✗	-
Cougar Creek (49.0368)	July 1 - February 28	✗	-
Siwash Creek (49.0284) - Falls to headwaters	July 1 - March 31	✗	-
Siwash Creek (49.0284) - Mouth to falls at river mile 1.4	July 1 - February 28	✗	-
Tonasket Creek (49.0501) - Mouth to Tonasket Falls at river mile 1.8	July 1 - February 28	✗	-
Tonasket Creek (49.0501) - Upstream of Tonasket Falls at river mile 1.8	July 1 - March 31	✗	-
Tunk Creek (49.0211) - Mouth to falls	July 1 - February 28	✗	-
Tunk Creek (49.0211) - Upstream of falls	July 1 - March 31	✗	-
San Poil River (52.0004)	June 16 - September 30	✗	✗
West Fork San Poil (52.0192)	June 16 - September 30	✗	✗
Gold Creek (52.0197)	June 16 - February 28	✗	-
Toroda Creek (60.0410)	July 1 - September 30	✗	-
<b>Pacific County</b>	August 1 - September 30	✗	-
Bear River (24.0689)	August 1 - September 30	✗	✗
Bone River (24.0405)	August 1 - September 30	✗	-
Chehalis River (22.0190/23.0190)	August 1 - August 15	✗	✗
Columbia River	See Below	-	-
Chinook River (24.MISC)	August 1 - September 30	✗	✗
Grays River (25.0093)	July 16 - September 15	✗	✗
Naselle River (24.0543)	August 1 - September 15	✗	✗
Nemah River (24.0460)	August 1 - September 30	✗	✗
Niawiakum River (24.0417)	August 1 - September 30	✗	-
North River (24.0034)	August 1 - September 30	✗	✗
Palix River (24.0426)	August 1 - September 30	✗	-
Willapa River (24.0251)	August 1 - September 30	✗	✗

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Pend Oreille County	July 1 - August 31	✗	-
Little Spokane River (55.0003)	August 1 - March 15	✗	-
West Branch Little Spokane River (55.0439)	August 1 - March 15	✗	-
Harvey Creek (62.0310) - Mouth to Rocky Fork of Harvey Creek	August 1 - August 31	✗	-
Harvey Creek (62.0310) - Upstream of Rocky Fork of Harvey Creek	July 16 - February 28	✗	-
Pend Oreille River (62.0002)	Submit Application	-	-
Big Muddy Creek (62.0279)	August 1 - March 15	✗	-
Bracket Creek (62.0815)	August 1 - March 15	✗	-
Calispel Creek (62.0628)	August 1 - August 31	✗	-
Exposure Creek (62.0261)	August 1 - August 31	✗	-
Kent Creek (62.0819)	August 1 - March 15	✗	-
Le Clerc Creek (62.0415)	August 1 - August 31	✗	-
Lime Creek (62.0014)	August 1 - March 15	✗	-
Lodge Creek (62.0859)	August 1 - August 31	✗	-
Lost Creek (62.0322)	August 1 - March 15	✗	-
Marmust Creek (62.0842)	August 1 - March 15	✗	-
Pee Wee Creek (62.0007) - Mouth to falls	August 1 - August 31	✗	-
Pee Wee Creek (62.0007) - Upstream of falls	August 1 - March 15	✗	-
Renshaw Creek (62.0310)	August 1 - March 15	✗	-
Sullivan (O'Sullivan) Creek (62.0074)	August 1 - August 31	✗	-
North Fork Sullivan Creek (62.0075)	August 1 - August 31	✗	-
Tributaries of Deep Creek in Pend Oreille County (61.0195)	July 16 - August 15	✗	-
Currant Creek (61.0249)	July 16 - August 15	✗	-
Meadow Creek (61.0351)	July 16 - August 15	✗	-
Rocky Creek (61.0364)	July 16 - August 15	✗	-
Silver Creek (61.0195)	July 16 - August 15	✗	-
Smackout Creek (61.0226)	July 16 - August 15	✗	-

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<b>Pierce County</b>	July 16 - August 31	✗	-
Chambers/Clover Creek Watershed (12.MISC)	July 16 - September 30	✗	-
Flett Creek (12.0009)	July 16 - October 31	✗	-
Leach Creek (12.0008)	July 16 - September 30	✗	-
Nisqually River (11.0008) - Mouth to Alder Lake	July 16 - August 31	✗	✗
Nisqually River (11.0008) - Upstream of Alder Lake	July 16 - September 30	✗	✗
Mashel River (11.0101) - Mouth to Busy Wild Creek	July 16 - September 30	✗	✗
Mashel River (11.0101) - Upstream of Busy Wild Creek	July 16 - September 30	✗	-
Puyallup River (10.0021) - Mouth to PSE Electron Powerhouse Outfall	July 16 - August 31	✗	✗
Puyallup River (10.0021) - Upstream of PSE Electron Powerhouse Outfall	July 16 - August 15	✗	✗
Carbon River (10.0413)	July 16 - August 15	✗	✗
Cayada Creek (10.0525) - Mouth to falls about 800 feet upstream	July 16 - August 31	✗	-
Cayada Creek (10.0525) - Upstream of the falls	January 1 - December 31	✗	-
South Prairie Creek (10.0429)	July 16 - August 15	✗	-
Voight Creek (10.0414) - Mouth to falls at river mile 4.0	July 16 - August 31	✗	-
Voight Creek (10.0414) - Upstream of falls river mile 4.0	July 16 - February 28	✗	-
White River (10.0031)	July 16 - August 15	✗	✗
Clearwater River (10.0080)	July 16 - August 15	✗	✗
Greenwater River (10.0122)	July 16 - August 15	✗	✗
Huckleberry Creek (10.0253)	July 16 - August 15	✗	-
West Fork White River (10.0186)	July 16 - August 15	✗	✗
Sequalitchew Creek (12.0019)	July 16 - September 30	✗	-

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<b>San Juan County</b>	July 1 - August 31	✗	-
Cascade Creek (02.0057), Orcas Island - Upstream of Lower Falls	July 1 - February 28	✗	-
Cascade Creek (02.0057), Orcas Island, Buck Bay to falls located approximately 300 feet above mouth	July 1 - October 31	✗	-
Doe Creek (02.MISC), San Juan Island, Westcott Bay to falls (approximately 250 feet from mouth)	June 16 - October 15	✗	-
False Bay Creek (02.MISC) - San Juan Island; mouth to lake	July 1 - October 31	✗	-
Glenwood Springs, Orcas Island; direct tributary to Eastsound Bay	July 1 - October 15	✗	-
Moran Creek (02.MISC) - Orcas Island; from Cascade Lake delta upstream 1/4 mile	July 1 - October 15	✗	-
Unnamed Creek (02.0041) - San Juan Island; mouth to lake	July 1 - October 15	✗	-
<b>Skagit County</b>	August 1 - September 15	✗	-
Granite Creek (04.2313) - Upstream of East Creek	July 16 - February 28	✗	-
North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek	August 1 - August 15	✗	✗
North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek	August 1 - August 15	✗	-
North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek	July 16 - February 28	✗	-
Samish River (03.0005)	August 1 - September 15	✗	-
Skagit River (03.0176/04.0176)	Submit Application	-	-
Baker River (04.0435) - Mouth to Baker Dam	Submit Application	-	-
Cascade River (04.1411)	Submit Application	-	-

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Day Creek (03.1435)	July 16 - February 28	✗	-
Lookout Creek (04.1447)	July 16 - February 28	✗	-
Sibley Creek (04.1481)	July 16 - February 28	✗	-
Day Creek (03.0299) - Mouth to Rocky Creek	Submit Application	-	-
Day Creek (03.0299) - Upstream of Rocky Creek	August 1 - February 28	✗	-
Finney Creek (04.0392) - Mouth to Big Fir Creek	Submit Application	-	-
Finney Creek (04.0392) - Upstream of Big Fir Creek	July 16 - February 28	✗	-
Illabot Creek (04.1346)	Submit Application	-	-
Sauk River (04.0673) - Mouth to Forks	Submit Application	-	-
Sauk River (04.0673) - Upstream of Forks	August 1 - August 15	✗	-
Suiattle River (04.0710)	Submit Application	✗	✗
Wiseman Creek (03.0280) - Mouth to SR20	Submit Application	-	-
Wiseman Creek (03.0280) - Upstream of SR20	July 16 - February 28	✗	-
South Fork Nooksack River (01.0246) - Mouth to falls at river mile 30	Submit Application	-	-
South Fork Nooksack River (01.0246) - Falls at river mile 30 to Wanlick Creek	Submit Application	-	-
South Fork Nooksack River (01.0246) - Upstream of Wanlick Creek	Submit Application	-	-
<b>Skamania County</b>	July 15 - September 15	✗	-
Columbia River	See Below	-	-
Cispus River (26.0668)	August 1 - August 15	✗	✗
Cispus River (26.0668) tributaries located in Skamania County	August 1 - October 31	✗	-
East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls	August 1 - February 28	✗	✗

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East Fork Lewis River (27.0173) - Upstream of Sunset Falls	August 1 - February 28	✗	-
Green River (26.0323) (Tributary of North Fork Toutle River)	July 16 - September 30	✗	✗
Hamilton Creek (28.0303)	August 1 - August 31	✗	-
Hardy Creek (28.0303)	August 1 - August 31	✗	-
Little White Salmon River (29.0131) - Mouth to Hatchery	July 16 - August 15	✗	✗
Little White Salmon River (29.0131) - Hatchery to Cabbage Creek	July 16 - January 31	✗	✗
Little White Salmon River (29.0131) - Upstream of Cabbage Creek	July 16 - January 31	✗	-
North Fork Lewis River (27.0168) - Merwin Dam to Lower Falls	July 16 - August 15	✗	✗
Canyon Creek (27.0442)	July 16 - February 28	✗	-
North Fork Lewis River (27.0168) - Upstream of Lower Falls	July 16 - February 28	✗	✗
Washougal River (28.0159) - Mouth to Stebbins Creek	August 1 - August 31	✗	✗
Washougal River (28.0159) - Upstream of Stebbins Creek	August 1 - August 31	✗	-
White Salmon River (29.0160) - Mouth to Cascade Creek	July 16 - August 15	✗	✗
White Salmon River (29.0160) - Upstream of Cascade Creek	July 16 - August 15	✗	-
Wind River (29.0023)	August 1 - August 15	✗	✗
Woodward Creek (28.0298)	August 1 - August 31	✗	-
<b>Snohomish County</b>	July 16 - September 15	✗	-
Lake Washington tributaries	August 1 - August 15	✗	-
Sauk River (04.0673) - Mouth to Forks	August 1 - August 15	✗	✗
Sauk River (04.0673) - Upstream of Forks	August 1 - August 15	✗	-

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Suiattle River (04.0710)	August 1 - August 15	✗	✗
Snohomish River (07.0012) - Mouth to Highway 9	August 1 - October 31	✗	✗
Snohomish River (07.0012) - Upstream of Highway 9	August 1 - August 15	✗	✗
Pilchuck River (07.0125) - Mouth to city of Snohomish Diversion Dam	August 1 - August 31	✗	✗
Pilchuck River (07.0125) - City of Snohomish Diversion Dam to Boulder Creek	August 1 - September 15	✗	✗
Pilchuck River (07.0125) - Upstream of Boulder Creek	August 1 - September 15	✗	-
Skykomish River (07.0012) - Mouth to Forks	August 1 - August 15	✗	✗
Deer Creek (05.0173) - Mouth to stream mile 0.5	August 1 - August 31	✗	-
Deer Creek (05.0173) - Upstream of stream mile 0.5	August 1 - February 28	✗	-
North Fork Skykomish River (07.0982) - Mouth to Bear Creek Falls	August 1 - August 31	✗	✗
North Fork Skykomish River (07.0982) - Bear Creek Falls to Deer Falls	August 1 - August 31	✗	✗
North Fork Skykomish River (07.0982) - Deer Falls to West Cady Creek	August 1 - February 28	✗	✗
North Fork Skykomish River (07.0982) - Upstream of West Cady Creek	August 1 - February 28	✗	-
Howard Creek (07.1042)	July 16 - February 28	✗	-
Silver Creek (07.1053) - Mouth to Lake Gulch	August 1 - August 31	✗	-
Silver Creek (07.1053) - Upstream of Lake Gulch	August 1 - February 28	✗	-
Troublesome Creek (07.1085)	August 1 - February 28	✗	-
West Fork Troublesome Creek (07.1092)	August 1 - August 31	✗	-

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South Fork Skykomish River (07.0012) - Mouth to Sunset Falls	August 1 - August 15	✗	✗
Beckler River (07.1413) - Mouth to Boulder Creek	August 1 - August 15	✗	✗
Beckler River (07.1413) - Upstream of Boulder Creek	July 16 - February 28	✗	-
Rapid River (07.1461) - Mouth to Meadow Creek	August 1 - August 31	✗	✗
Rapid River (07.1461) - Upstream of Meadow Creek	August 1 - February 28	✗	✗
Sultan River (07.0881) - Mouth to Diversion Dam at river mile 9.4	August 1 - August 31	✗	✗
Sultan River (07.0881) - Diversion Dam to anadromous fish blockage at river mile 15.7 (0.7 river miles downstream from Culmback Dam)	August 1 - August 31	✗	✗
Sultan River (07.0881) anadromous fish blockage at river mile 15.7 (0.7 river miles downstream from Culmback Dam) to Elk Creek	July 16 - February 28	✗	✗
Sultan River (07.0881) - Upstream of Elk Creek	July 16 - February 28	✗	-
Wallace River (07.0940) - Mouth to Wallace Falls	August 1 - August 31	✗	✗
Wallace River (07.0940) - Upstream of Wallace Falls	August 1 - February 28	✗	-
Olney Creek (07.0946) - Mouth to Olney Falls	August 1 - August 31	✗	-
Olney Creek (07.0946) - Upstream of Olney Falls	August 1 - February 28	✗	-
Snoqualmie River Mouth to falls (07.0219)	August 1 - August 15	✗	✗
All other Snohomish River tributaries	August 1 - August 31	✗	-
Stillaguamish River (05.0001) - Mouth to Forks	August 1 - August 31	✗	✗



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North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek	August 1 - August 15	✗	✗
North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek	August 1 - August 15	✗	-
North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek	July 16 - February 28	✗	-
South Fork Stillaguamish River (05.0001) - Mouth to Deer Creek	August 1 - August 15	✗	✗
South Fork Stillaguamish River (05.0001) - Upstream of Deer Creek	August 1 - August 15	✗	-
<b>Spokane County</b>	June 16 - August 31	✗	-
Latah Creek (56.0003)	June 16 - August 31	✗	-
Little Spokane River (55.0600) - Mouth to Deer Creek	June 16 - August 31	✗	✗
Little Spokane River (55.0600) - Upstream of Deer Creek	June 16 - August 31	✗	-
Spokane River (57.0001)	June 16 - August 31	✗	✗
<b>Stevens County</b>	July 16 - August 31	✗	-
Columbia River	See Below	-	-
Big Sheep Creek (61.0150)	July 16 - August 15	✗	-
Colville River (59.0002) - Mouth to the falls	July 16 - September 30	✗	✗
Colville River (59.0002) - Upstream of the falls	July 16 - September 30	✗	✗
Deep Creek (61.0195)	July 16 - August 15	✗	-
Onion Creek (61.0098)	July 16 - August 15	✗	-
Sheep Creek (59.0861)	July 16 - September 30	✗	-
Lake Roosevelt tributaries from the mouth of the Spokane River to mouth of the Colville River	July 16 - February 28	✗	-
Lake Roosevelt tributaries from the mouth of the Colville River north to the B.C. border	July 16 - February 28	✗	-

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Tributaries of Little Spokane River (55.0600)	June 16 - August 31	✗	-
Calispel Creek (62.0628)	August 1 - August 31	✗	-
Other tributaries to the Pend Oreille River in Stevens County	July 1 - August 31	✗	-
<b>Thurston County</b>	July 16 - September 15	✗	-
Cedar Creek (23.0570)	August 1 - September 30	✗	-
Chehalis River (22.0190/23.0190) - Upstream of Porter Creek	August 1 - August 15	✗	✗
Skookumchuck River (23.0761) - Mouth to Skookumchuck Reservoir	August 1 - August 31	✗	✗
Skookumchuck River (23.0761) - Upstream of Skookumchuck Reservoir	August 1 - August 31	✗	-
Deschutes River (13.0028) - Mouth to Deschutes Falls	July 16 - August 31	✗	✗
Deschutes River (13.0028) - Upstream of Deschutes Falls	July 16 - August 31	✗	-
Ellis Creek (13.0022)	May 16 - September 30	✗	-
Little Deschutes River (13.0110)	July 16 - February 28	✗	-
McLane Creek (13.0138)	August 1 - October 31	✗	-
Percival Creek (13.0029)	July 16 - August 31	✗	-
Nisqually River (11.0008)	July 16 - August 31	✗	✗
Tributaries of Nisqually River (11.0008)	July 16 - August 31	✗	-
Porter Creek (23.0543)	August 1 - September 30	✗	-
Schneider Creek (14.0009)	August 1 - October 31	✗	-
Waddell Creek (23.0677)	August 1 - September 30	✗	-
Woodard Creek (13.0012)	July 16 - August 31	✗	-
Woodland Creek (13.0006)	July 16 - September 30	✗	-
<b>Wahkiakum County</b>	July 16 - September 15	✗	-
Columbia River	See Below	-	-
Abernathy Creek (25.0297)	July 16 - September 15	✗	-
Deep River (25.0011)	July 16 - September 15	✗	✗
Elochoman River (25.0236)	July 16 - September 15	✗	✗
Grays River (25.0093)	July 16 - September 15	✗	✗

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Mill Creek (25.0284)	July 16 - September 15	✗	-
Naselle River (24.0543)	July 16 - September 15	✗	✗
Skamokawa Creek (25.0194)	July 16 - September 15	✗	-
<b>Walla Walla County</b>	July 16 - September 30	✗	-
Walla Walla River (32.0008) - Mouth to Oregon state line	July 16 - September 15	✗	✗
Mill Creek (32.1436) - Mouth to Oregon state line	August 1 - August 15	✗	-
Touchet River (32.0097) - Mouth to Forks	August 1 - August 15	✗	✗
North Fork Touchet/Wolf Fork (32.0761)	Submit Application	-	-
South Fork Touchet (32.0708)	Submit Application	-	-
<b>Whatcom County</b>	July 16 - August 15	✗	-
Damfino Creek (00.0032)	July 16 - August 31	✗	-
Nooksack River (01.0120)	Submit Application	-	-
Cascade Creek (02.0057) - Mouth to FR 37	Submit Application	-	-
Cascade Creek (02.0057) - Upstream of FR 37	July 16 - February 28	✗	-
Middle Fork Nooksack River (01.0339) - Mouth to city of Bellingham Diversion Dam	Submit Application	-	-
Middle Fork Nooksack River (01.0339) - Upstream of city of Bellingham Diversion Dam	Submit Application	-	-
North Fork Nooksack River (01.0120) - Mouth to Nooksack Falls	Submit Application	-	-
North Fork Nooksack River (01.0120) - Upstream of Nooksack Falls	Submit Application	-	-
Barometer Creek (01.0513)	July 16 - February 28	✗	-
Ruth Creek (01.0531)	July 16 - February 28	✗	-
Swamp Creek (01.0518)	July 16 - February 28	✗	-
Wells Creek (02.0057)	Submit Application	-	-
Bar Creek (01.0500)	July 16 - February 28	✗	-

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South Fork Nooksack (01.0246) - Mouth to Wanlick Creek	Submit Application	-	-
South Fork Nooksack (01.0246) - Upstream of Wanlick Creek	Submit Application	-	-
Samish River (03.0005)	July 16 - August 15	✗	-
Skagit River (03.0176/04.0176)	Submit Application	-	-
Baker River (04.0435) - Mouth to Baker Lake Dam (04.0435)	Submit Application	-	-
Baker River (04.0435) - Baker Lake to National Park boundary	Submit Application	-	-
Boulder Creek (04.0499)	July 16 - February 28	✗	-
Park Creek (04.0506) - Mouth to fish passage barrier at river mile 1.6	Submit Application	-	-
Park Creek (04.0506) - Upstream of river mile 1.6	July 16 - February 28	✗	-
Swift Creek (04.0509) - Mouth to Rainbow Creek	Submit Application	-	-
Swift Creek (04.0509) - Upstream of Rainbow Creek	July 16 - February 28	✗	-
Ross Lake tributaries (03.0176/04.0176)	Submit Application	-	-
Ruby Creek (04.2199)	Submit Application	-	-
Canyon Creek (04.2458) - Mouth to Barron Creek	Submit Application	-	-
Canyon Creek (04.2458) - Upstream of Barron Creek and tributaries	October 1 - February 28	✗	-
Barron Creek (04.2591)	October 1 - February 28	✗	-
Boulder Creek (04.2478) - Mouth to 300 feet upstream	Submit Application	-	-
Boulder Creek (04.2478) - 300 feet upstream of mouth to headwaters	October 1 - February 28	✗	-
Friday Creek (04.2549) - Mouth to 300 feet upstream	Submit Application	-	-

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Friday Creek (04.2549) - 300 feet upstream of mouth to headwaters	October 1 - February 28	✗	-
Holmes Creek (04.2473) - Mouth to 300 feet upstream	Submit Application	-	-
Holmes Creek (04.2473) - 300 feet upstream of mouth to headwaters	October 1 - February 28	✗	-
Mill Creek (04.2504) - Mouth to 300 feet upstream	Submit Application	-	-
Mill Creek (04.2504) - 300 feet upstream of mouth to headwaters	October 1 - February 28	✗	-
Nickol Creek (04.2476) - Mouth to 300 feet upstream	Submit Application	-	-
Nickol Creek (04.2476) - 300 feet upstream of mouth to headwaters	October 1 - February 28	✗	-
North Fork Canyon Creek (04.2583) - Mouth to Elk Creek	Submit Application	-	-
Cascade Creek (05.2584)	October 1 - February 28	✗	-
North Fork Canyon Creek (04.2583) - Upstream of Elk Creek	October 1 - February 28	✗	-
Slate Creek (04.2557) - Mouth to falls at river mile 0.6	Submit Application	-	-
Slate Creek (04.2557) - Upstream of falls at river mile 0.6	October 1 - February 28	✗	-
Granite Creek (04.2313) - Mouth to East Creek	Submit Application	-	-
Granite Creek (04.2313) - Upstream of East Creek and tributaries	October 1 - February 28	✗	-
Saar Creek (00.0003)	August 1 - September 30	✗	-
Silesia Creek (00.0042) - Canadian border to Middle Fork	July 16 - August 15	✗	-
Silesia Creek (00.0042) - Middle Fork to National Park boundary	July 16 - February 28	✗	-

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Rapid Creek (00.0048)	July 16 - February 28	✗	-
West Fork Silesia Creek (00.0044)	July 16 - February 28	✗	-
Winchester Creek (00.0045)	July 16 - February 28	✗	-
<b>Whitman County</b>	July 16 - December 15	✗	-
Snake River (35.0002)	See Below	-	-
Alkali Flats Creek (35.0570)	July 16 - December 15	✗	-
Almota Creek (35.1017)	July 16 - December 15	✗	-
Little Almota Creek (35.1018)	July 16 - December 15	✗	-
Palouse River (34.0003) - Mouth to Palouse Falls	July 16 - September 30	✗	✗
Palouse River (34.0003) - Upstream of Palouse Falls	July 16 - February 28	✗	✗
Penewawa Creek (35.0916)	July 16 - December 15	✗	-
Wawawi Canyon Creek (35.1165)	July 16 - December 15	✗	-
<b>Yakima County</b>	June 1 - September 15	✗	-
Glade Creek (31.0851)	August 1 - September 30	✗	-
Klickitat River (30.0002)	Submit Application	-	-
Yakima River (37.0002/38.0002/39.0002) - Mouth to Roza Dam	June 1 - September 15	✗	✗
Ahtanum Creek (37.1382)	June 16 - September 30	✗	-
North Fork Ahtanum Creek (37.1382)	Submit Application	-	-
South Fork Ahtanum Creek (37.1382)	Submit Application	-	-
Naches River (38.0003) - Mouth to Tieton River	July 1 - October 15	✗	✗
Naches River (38.0003) - Upstream of mouth of Tieton River to Bumping River	July 1 - August 15	✗	✗
Bumping River (38.0998)	July 16 - August 15	✗	✗
American River (38.1000)	Submit Application	-	-
Gold Creek (38.MISC)	July 16 - February 28	✗	-
Kettle Creek (38.1033)	Submit Application	-	-
Miner Creek (38.1027)	July 16 - February 28	✗	-
Morse Creek (38.1072) - Mouth to SR410 crossing	August 1 - August 15	✗	-

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Morse Creek (38.1072) - Upstream of SR410 crossing	August 1 - February 28	✗	-
Rock Creek (38.MISC)	July 16 - February 28	✗	-
Timber Creek (38.1062)	August 1 - August 15	✗	-
Union Creek (38.1045) - Upstream of 500 feet above falls	August 1 - February 28	✗	-
Union Creek (38.1045) - Mouth to 500 feet above falls	Submit Application	-	-
Other American River tributaries not listed	August 1 - February 28	✗	-
Deep Creek (38.MISC)	Submit Application	-	-
Copper Creek (38.MISC)	August 1 - August 15	✗	-
Cowiche Creek (38.0005) - Mouth to South Fork Cowiche Creek	July 1 - September 30	✗	-
North Fork Cowiche Creek (38.0008)	July 1 - February 28	✗	-
South Fork Cowiche Creek (38.0031) - Mouth to Reynolds Creek	July 1 - September 30	✗	-
South Fork Cowiche Creek (38.0031) - Upstream of Reynolds Creek	July 16 - October 31	✗	-
Granite Creek (38.MISC)	August 1 - August 15	✗	-
Little Naches River (38.0852) - Mouth to Matthews Creek	July 16 - August 15	✗	✗
Little Naches River (38.0852) - Upstream of Matthews Creek	July 16 - August 15	✗	-
Crow Creek (38.0858)	July 16 - August 15	✗	-
Nile Creek (38.0692)	July 16 - October 15	✗	-
Rattlesnake Creek (38.0518)	July 16 - August 15	✗	-
Tieton River (38.0166) - Mouth to Rimrock Dam	July 1 - August 31	✗	✗
North Fork Tieton River (38.0291) - Below Clear Lake Dam	Submit Application	-	-
North Fork Tieton River (38.0291) - Upstream of Clear Lake	July 1 - August 15	✗	-

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Clear Creek (38.0317)	July 16 - February 28	✗	-
South Fork Tieton River (38.0374) - Below South Fork Falls	Submit Application	-	-
South Fork Tieton River (38.0374) - Upstream of South Fork Falls	July 16 - February 28	✗	-
Indian Creek (38.0302)	Submit Application	-	-
Tributaries of Tieton River below Rimrock Dam	July 16 - February 28	✗	-
Umtanum Creek (39.0553)	July 16 - September 30	✗	-
Wenas Creek (39.0032)	July 16 - October 15	✗	-
Other Yakima River tributaries	July 16 - August 31	✗	-
Columbia River	-	-	-
Mouth to the I-205 Bridge	August 1 - March 31	✗	✗
I-205 Bridge to Bonneville Dam	July 16 - September 15	✗	✗
Bonneville Dam to Snake River	July 16 - February 28	✗	✗
Snake River to Priest Rapids Dam	July 16 - September 30	✗	✗
Priest Rapids Dam to Mouth of Crab Creek	July 16 - February 28	✗	✗
Mouth of Crab Creek to Wanapum Dam	July 16 - September 30	✗	✗
Wanapum Dam to the SR 285 bridge in South Wenatchee	July 16 - February 28	✗	✗
SR 285 bridge in South Wenatchee to the SR 2 bridge	July 16 - September 30	✗	✗
SR 2 bridge to one mile downstream of the Chelan River	July 16 - February 28	✗	✗
From one mile downstream of the Chelan River to the SR 97 bridge	July 16 - September 30	✗	✗
From SR 97 bridge to Chief Joseph Dam	July 16 - February 28	✗	✗
Chief Joseph Dam to Grand Coulee Dam	June 16 - March 31	✗	✗



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Grand Coulee Dam to Canadian border	Submit Application	-	-
All Columbia River tributaries	See County Listings	-	-
Snake River	-	✗	-
Mouth to Ice Harbor Dam	July 16 - September 30	✗	✗
Ice Harbor Dam to Mouth of Clearwater River	July 16 - March 31	✗	✗
Mouth of Clearwater River to state line	August 1 - August 31	✗	✗
All Snake River tributaries	See County Listings	-	-
Lakes	Submit Application	-	-
Strait of Juan de Fuca, Puget Sound, Hood Canal	Submit Application	-	-
Ocean beaches within the Seashore Conservation Area established under RCW 79A.05.605	January 1 - December 31	✗	✗
All waters within Indian tribal reservation, National Park, state park, or wilderness boundaries, except those within the Seashore Conservation Area established under RCW 79A.05.605	Submit Application	-	-))

#### NEW SECTION

**WAC 220-660-305 Suction dredging.** (1) **Description:** Suction dredging projects excavate, process, and classify aggregate using small motorized or nonmotorized equipment that removes aggregate from the bed, banks, or uplands by means of vacuum created by water flowing through a tube or hose. Bulb sniffers are not considered suction dredges. The rules in this section apply to using motorized and nonmotorized suction dredges. See WAC 220-660-300 for mineral prospecting with equipment other than suction dredges.

(2) **Fish life concerns:** Suction dredging can harm fish life and habitat that supports fish life.

(a) Direct impacts from suction dredging can include:

(i) Mortality from the physical effects of disturbing eggs or fry incubating within the bed;

(ii) Mortality from passing vulnerable fish through suction dredges; and

(iii) Lower environmental productivity resulting from habitat modifications such as altered stream beds or lowered water quality.

(b) Indirect impacts can include changes in food resources and human disturbances.

(c) The department minimizes impacts of suction dredging by restricting the type of mining equipment allowed, limiting excavation zones within streams, and setting allowable timing windows.

(d) Aquatic invasive species can be transported on or in suction dredges and spread between water bodies. This can harm all life stages of fish life and permanently harm, destroy, or alter ecosystems.

(3) **General requirements:**

(a) Before conducting any suction dredging activity, a person must obtain the approval of the department through the issuance of a standard single site written HPA or standard multisite written HPA as described in WAC 220-660-050. The department must deny an HPA when, in the judgment of the department, the project will result in direct or indirect

harm to fish life, unless enough mitigation can be assured by provisioning the HPA or modifying the proposal. The department may apply saltwater provisions to written HPAs for tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam.

(b) When seeking a single site or multisite standard HPA, a person must identify the upstream and downstream extent of each suction dredging location within a stream. The location of each site can be no greater than the length contained within a registered mining claim, if the project occurs on a claim, or one thousand three hundred linear feet of stream, if the project does not occur on a claim.

(c) Nothing in chapter 220-660 WAC relieves a person of the duty to obtain landowner permission and any other required permits before conducting any mineral prospecting activity.

**(4) Aquatic invasive species prevention:**

(a) All suction dredge equipment that has been used in waters outside of Washington state must be inspected for the presence of aquatic invasive species by an authorized department employee or agent before being used in waters of the state.

(b) All suction dredge equipment used in any water of the state must be decontaminated according to department specification prior to use in a different water of the state.

**(5) Suction dredging in fresh waters:**

(a) A person may suction dredge in fresh waters of the state only during the times and with the mineral prospecting equipment limitations identified in subsection (7) of this section.

(b) When suction dredging, a person may use only handheld mineral prospecting tools and the following mineral prospecting equipment:

(i) Motorized or nonmotorized suction dredges that have suction intake nozzles with inside diameters that should be five inches or less, but must be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size. See Figure 1.



**Figure 1: Suction dredge intake nozzle**

(ii) Power sluice/suction dredge combinations, when configured and operated as suction dredges, that have suction intake nozzles with inside diameters that should be five

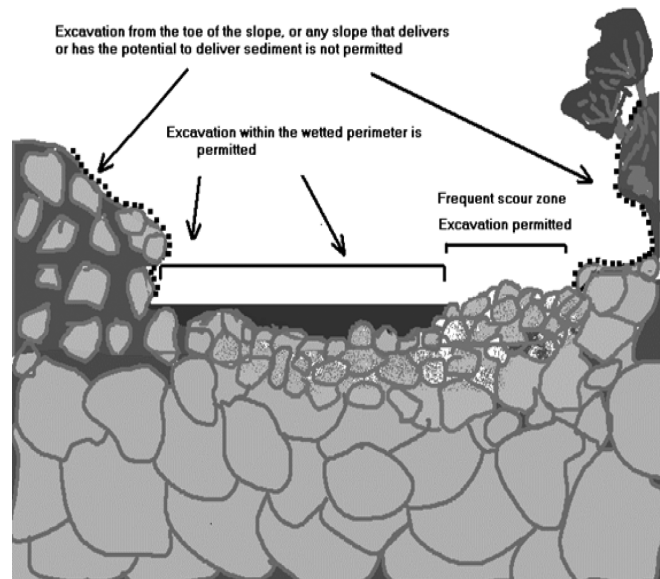
inches or less, but must be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle. The inside diameter of the dredge hose attached to the suction intake nozzle may be no greater than one inch larger than the nozzle size. See Figure 1.

(c) The suction intake nozzle and hose of suction dredges and power sluice/suction dredge combinations configured and operated as suction dredges must not exceed the diameters allowed in the listing for the stream or stream reach where a person is operating, as identified in subsection (7) of this section.

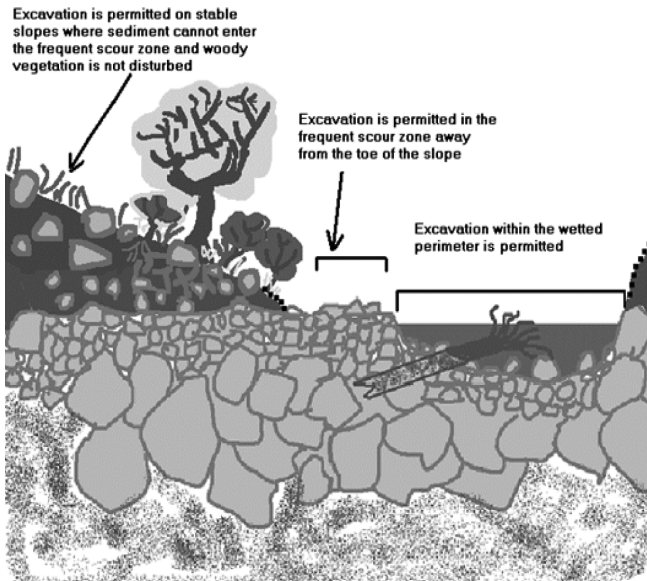
(d) Except when operating a dryland dredge, a person may not excavate aggregate outside of the wetted perimeter.

(e) When operating a dryland dredge:

(i) A person may not excavate, collect, or remove aggregate from the toe of the slope. A person also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or might deliver, sediment to the wetted perimeter or frequent scour zone. See Figures 2 and 3.



**Figure 2: Cross section of a typical body of water showing unstable slopes, stable areas, and permitted or prohibited excavation sites when operating a dryland dredge. Dashed lines indicate areas where excavation is not permitted.**



**Figure 3: Permitted and prohibited excavation sites in a typical body of water under rules for dryland dredging. Dashed lines indicate areas where excavation is not permitted.**

(ii) A person must process aggregate collected from upland areas landward of the frequent scour zone only at an upland location landward of the frequent scour zone. A person may not allow tailings or wastewater to enter the wetted perimeter or frequent scour zone.

(f) A person may not use vehicle-mounted winches. A person may use one motorized winch and one hand-operated winch to move boulders and large woody material that is not embedded, and additional cables, chains, or ropes to stabilize them.

(g) When operating a suction dredge or power sluice/suction dredge combination configured and operated as a suction dredge, a person's equipment must be at least two hundred feet from all others also operating this type of equipment or any sluice or rocker box with a riffle area larger than three square feet (including ganged equipment), high-banker, or power sluice. This separation is measured as a radius from the center of the equipment the person is operating. A person may locate this equipment closer than two hundred feet if only one piece of equipment is actually operating within that two hundred foot radius.

(h) As provided in RCW 77.57.010 and 77.57.070, any device a person uses for pumping water from fish-bearing waters must be equipped with a fish guard to prevent fish from entering the pump intake. A person must screen the pump intake with material that has openings no larger than five sixty-fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter for round openings, and the screen must have at least one square inch of functional screen area for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm-rated pump would require a screen with a surface area of at least one hundred square inches.

(i) All equipment fueling and servicing must be done so that petroleum products do not enter the wetted perimeter or frequent scour zone. If a petroleum sheen or spill is observed, a person must immediately stop work, remove the equipment from the body of water, and contact the Washington military department emergency management division. A person may not return the equipment to the water until the problem is corrected. A person must store fuel and lubricants outside the frequent scour zone, and in the shade when possible.

(j) A person may work within the wetted perimeter or frequent scour zone only from one-half hour before official sunrise to one-half hour after official sunset. If a person's mineral prospecting equipment exceeds one-half the width of the wetted perimeter of the stream, a person must remove the equipment from the wetted perimeter or move it so that at least fifty percent of the wetted perimeter is free of equipment from one-half hour after official sunset to one-half hour before official sunrise.

(k) A person may not excavate, collect, remove, or process aggregate within four hundred feet of any fishway, dam, or hatchery water intake.

(l) A person must not disturb existing fish habitat improvement structures or stream channel improvements.

(m) A person may not undermine, move, or disturb large woody material embedded in the slopes or located wholly or partially within the wetted perimeter. A person may move large woody material and boulders located entirely within the frequent scour zone, but a person must keep them within the frequent scour zone. A person may not cut large woody material.

(n) A person may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

(o) A person must fill all excavation sites and level all tailing piles before moving to another excavation site or abandoning an excavation site.

(p) A person may not excavate, collect, or remove aggregate from the toe of the slope.

(q) A person may partially divert a body of water into mineral prospecting equipment. However, at no time may the diversion structure be greater than fifty percent of the width of the wetted perimeter, including the width of the equipment. A person may not divert the body of water outside of the wetted perimeter.

(r) A person may use pressurized water only for redistributing dredge tailings within the wetted perimeter, for crevicing using a dryland dredge, or for introducing water under low pressure to an excavation site from the nozzle of a dryland dredge. No other use of pressurized water is permitted.

(s) A person must avoid areas containing live freshwater mussels. If a person encounters live mussels during excavation, a person must relocate the operation.

(t) A person may not disturb redds. If a person observes or encounters redds or actively spawning fish when collecting or processing aggregate, a person must relocate the operation.

(u) If at any time, as a result of project activities, a person observes a fish kill or fish life in distress, a person must immediately stop operations and notify the department and the Washington military department emergency management

division of the problem. A person may not resume work until the department gives approval. The department will require additional measures to mitigate the prospecting impacts.

(6) **Suction dredging on ocean beaches:** A person may suction dredge year-round on ocean beaches of the state. A person must follow the rules listed below:

(a) A person may suction dredge only between the line of ordinary high tide and the line of extreme low tide on beaches within the seashore conservation area set under RCW 79A.05.605 and managed by Washington state parks and recreation commission.

(b) When suction dredging, a person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment:

(i) Motorized or nonmotorized suction dredges that have suction intake nozzles with inside diameters that should be five inches or less, but must be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size;

(ii) Power sluice/suction dredge combinations, when configured and operated as suction dredges, that have suction intake nozzles with inside diameters that should be five inches or less, but must be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle. The inside diameter of the dredge hose attached to the suction intake nozzle may be no greater than one inch larger than the nozzle size.

(c) A person may not use vehicle-mounted winches. A person may use one motorized winch and one hand-operated winch to move boulders and large woody material that is not embedded, and additional cables, chains, or ropes to stabilize them.

(d) Under RCW 77.57.010 and 77.57.070, any device a person uses for pumping water from fish-bearing waters must be equipped with a fish guard to prevent fish from entering the pump intake. A person must screen the pump intake with material that has openings no larger than five sixty-fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter for round openings, and the screen must have at least one square inch of functional screen area for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm-rated pump would require a screen with a surface area of at least one hundred square inches.

(e) All equipment fueling and servicing must be done so that petroleum products do not enter the wetted perimeter. If a petroleum sheen or spill is observed, a person must immediately stop work, remove the equipment from the body of water and beach, and contact the Washington military department emergency management division. A person may not return the equipment to the water or beach until the problem is corrected. A person must store fuel and lubricants away from the water inside a vehicle or landward of the beach, and in the shade when possible.

(f) A person may work only from one-half hour before official sunrise to one-half hour after official sunset. If a person uses mineral prospecting equipment in a fish-bearing freshwater stream and the equipment exceeds one-half the

width of the wetted perimeter of the stream, a person must remove the equipment from the wetted perimeter or move it so that at least fifty percent of the wetted perimeter is free of equipment from one-half hour after official sunset to one-half hour before official sunrise.

(g) A person may not undermine, cut, disturb, or move embedded large woody material or woody debris jams.

(h) A person must backfill all trenches, depressions, or holes created in the beach during project activities before moving to another excavation site (except during use as a settling pond) or leaving an excavation site.

(i) A person may partially divert a body of water into suction dredges. However, at no time may the diversion structure be greater than fifty percent of the width of the wetted perimeter of a fish-bearing stream, including the width of the equipment. A person may not divert the body of water outside of the wetted perimeter.

(j) A person may use materials only from within the wetted perimeter, or artificial materials from outside the wetted perimeter, to construct the diversion structure by hand. Before abandoning the site, a person must remove artificial materials used to construct a diversion structure and restore the site to its approximate original condition.

(k) A person may use pressurized water only for redistributing dredge tailings within the wetted perimeter, for crevicing using a dryland dredge, or for introducing water under low pressure to an excavation site from the nozzle of a dryland dredge. No other use of pressurized water is permitted.

(l) A person may not disturb live razor clams or other shellfish within the bed. If a person observes or encounters live razor clams or other shellfish during excavation, the person must relocate the operation.

(m) If at any time, as a result of project activities, a person observes a fish kill or fish life in distress, a person must immediately stop operations and notify the department, and the Washington military department emergency management division of the problem. A person may not resume work until the department gives approval. The department will require additional measures to mitigate the prospecting impacts.

**(7) Authorized work times and suction dredge restrictions by specific state waters for suction dredging projects:**

(a) A person may suction dredge under subsection (5) of this section in any of the state waters, with the equipment restrictions, and during the times specified in the following table of authorized work times following issuance of a standard single site or multisite written HPA.

(b) The general work time for a county applies to all state waters within that county unless otherwise indicated in the table.

(c) The work time for state waters identified in the table of authorized work times applies to all its tributaries, unless otherwise indicated. Some state waters occur in multiple counties. Check the table for the county in which mineral prospecting or placer mining is to be conducted to determine the work time for that water body.

(d) Where a tributary is identified as a boundary, that boundary is the line perpendicular to the receiving stream that is projected from the most upstream point of the tributary

mouth to the opposite bank of the receiving stream. See Figure 4.

(e) A person wishing to suction dredge within water bodies identified in the table of authorized work times as "submit application" or at different work times or using different equipment than listed in the following table of authorized work times must obtain a standard single site or multisite written HPA to work in these water bodies.

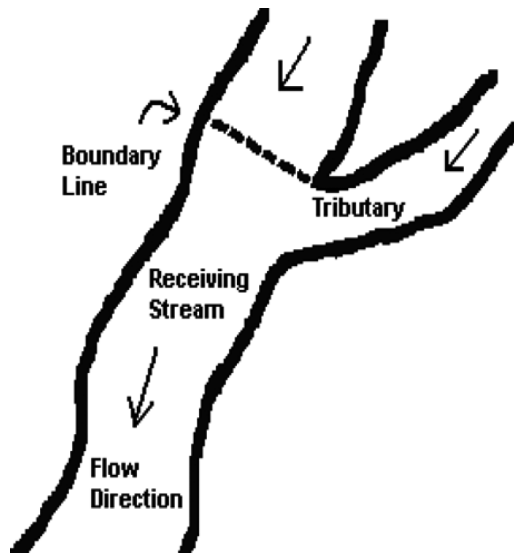


Figure 4: Where the boundary is located if a tributary listed as a boundary.

(f) Suction dredging using suction dredges that have suction intake nozzles with inside diameters that should be four inches or less, but must be no greater than four and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle, is authorized only in the state waters identified in the table of authorized work times, and any tributaries to them, unless otherwise indicated in the table. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size.

(g) Suction dredging using suction dredges that have suction intake nozzles with inside diameters that should be five inches or less, but must be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle is authorized only in the state waters specifically identified in the table of authorized work times. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size. A person may use only suction dredges with suction intake nozzle inside diameters of four and one-quarter inches or less in tributaries of these state waters. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size.

Table 1

Authorized Work Times and Suction Dredge Restrictions by Specific State Waters for Mineral Suction Dredge Projects

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
<b>Adams County</b>	July 1 - October 31	X	-
Crab Creek (41.0002)	July 16 - February 28	X	X
Esquatzel Creek (36.MISC)	June 1 - February 28	X	X
Palouse River (34.0003)	July 16 - February 28	X	X
<b>Asotin County</b>	July 16 - September 15	X	-
Snake River (35.0002)	See Below	-	-
Alpowa Creek (35.1440)	July 16 - December 15	X	-
Asotin Creek (35.1716)	July 16 - August 15	X	-
Couse Creek (35.2147)	July 16 - December 15	X	-
Grande Ronde River (35.2192)	July 16 - September 15	X	X
Ten Mile Creek (35.2100)	July 16 - December 15	X	-

<b>Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)</b>	<b>Suction Dredging is Allowed Only Between These Dates</b>	<b>State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</b>	<b>State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</b>
<b>Benton County</b>	June 1 - September 30	X	-
Columbia River	See Below	-	-
Glade Creek (31.0851)	August 1 - September 30	X	-
Yakima River (37.0002)	June 1 - September 15	X	X
Amon Wasteway (37.0009)	June 1 - September 30	X	-
Corral Creek (37.0002)	June 1 - September 30	X	-
Spring Creek (37.0205)	June 1 - September 30	X	-
<b>Chelan County</b>	July 16 - August 15	X	-
Columbia River	See Below	-	-
Antoine Creek (49.0294) - Mouth to falls at river mile 1.0	July 1 - February 28	X	-
Antoine Creek (49.0294) - Upstream of falls at river mile 1.0	July 1 - March 31	X	-
Chelan River (47.0052) - Mouth to Chelan Dam	July 16 - September 30	X	X
Colockum Creek (40.0760)	July 1 - October 31	X	-
Entiat River (46.0042) - Mouth to Entiat Falls	July 16 - July 31	X	X
Entiat River (46.0042) - Upstream of Entiat Falls	July 16 - March 31	X	-
Crum Canyon (46.0107)	July 16 - March 31	X	-
Mad River (46.0125)	July 16 - July 31	X	-
Indian Creek (46.0128)	July 16 - February 28	X	-
Lake Chelan (47.0052)	Submit Application	-	-
Railroad Creek (47.0410)	July 16 - September 30	X	-
Stehekin River (47.0508)	Submit Application	-	-
Twenty-Five Mile Creek (47.0195)	July 16 - September 30	X	-
Other Lake Chelan tributaries outside of North Cascades National Park	July 1 - August 15	X	-
Other Lake Chelan tributaries within North Cascades National Park	Submit Application	-	-
Number 1 Canyon (45.0011)	July 1 - February 28	X	-
Number 2 Canyon (45.0012)	July 1 - February 28	X	-

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Squilchuck Creek (40.0836) - Mouth to South Wenatchee Avenue	July 1 - September 30	X	-
Squilchuck Creek (40.0836) - Upstream of South Wenatchee Avenue	July 1 - February 28	X	-
Stemilt Creek (40.0808) - Mouth to falls	July 1 - September 30	X	-
Stemilt Creek (40.0808) - Upstream of falls	July 1 - February 28	X	-
Wenatchee River (45.0030) - Mouth to Hwy 2 Bridge in Leavenworth	July 15 - September 30	X	X
Wenatchee River (45.0030) - Hwy 2 Bridge in Leavenworth to Lake Wenatchee	July 15 - August 15	X	X
Beaver Creek (45.0751)	July 1 - September 30	X	-
Chiwaukum Creek (45.0700)	July 1 - July 31	X	-
Chiwawa River (45.0759) - Mouth to Phelps Creek	July 1 - July 31	X	X
Chiwawa River (45.0759) - Upstream of Phelps Creek	July 1 - July 31	X	-
Deep Creek (45.0764)	July 1 - February 28	X	-
Phelps Creek (45.0875)	July 16 - August 15	X	-
Icicle Creek (45.0474) - Mouth to Johnny Creek	July 1 - July 31	X	X
Icicle Creek (45.0474) - Upstream of Johnny Creek	July 1 - July 31	X	-
Fourth of July Creek (45.0525)	July 1 - February 28	X	-
Lake Wenatchee (45.0030)	Submit Application	-	-
Little Wenatchee (45.0985) - Mouth to Wilderness Boundary	July 1 - July 31	X	X
Little Wenatchee (45.0985) - Upstream of Wilderness Boundary	Submit Application	-	-
White River (45.1116) - Mouth to White River Falls	July 1 - July 31	X	X
White River (45.1116) - Upstream of White River Falls	July 1 - February 28	X	-

<b>Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)</b>	<b>Suction Dredging is Allowed Only Between These Dates</b>	<b>State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</b>	<b>State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</b>
Nason Creek (45.0888)	July 1 - July 31	X	-
Peshastin Creek (45.0232) - Mouth to Etienne Creek	July 16 - August 15	X	-
Peshastin Creek (45.0232) - Upstream of Etienne Creek	August 1 - February 28	X	-
Ingalls Creek (45.0273) - Mouth to Cascade Creek	Submit Application	-	-
Ingalls Creek (45.0273) - Upstream of Cascade Creek	July 16 - February 28	X	-
Etienne Creek (45.0323) - Mouth to falls at stream mile 2.9	Submit Application	-	-
Etienne Creek (45.0323) - Upstream of falls at stream mile 2.9	July 16 - February 28	X	-
Ruby Creek (45.0318)	July 16 - February 28	X	-
Tronson Creek (45.0346)	August 1 - February 28	X	-
Scotty Creek (45.0376)	August 1 - February 28	X	-
Shaser Creek (45.0365)	August 1 - February 28	X	-
<b>Clallam County</b>	July 16 - September 15	X	-
Clallam River (19.0129)	August 1 - August 15	X	-
Dungeness River (18.0018)	Submit Application	-	-
Independent Creek (18.MISC)	August 1 - August 31	X	-
Elwha River (18.0272)	August 1 - August 15	X	X
Hoko River (19.0148)	August 1 - September 15	X	-
Jimmycomelately Creek (17.0285)	August 1 - August 31	X	-
Lake Ozette (20.0046)	Submit Application	-	-
Little Quilcene River (17.0076)	July 16 - August 31	X	-
Lake Ozette tributaries	July 16 - September 15	X	-
Lyre River (19.0031)	August 1 - September 15	X	-
McDonald Creek (18.0160)	August 1 - September 15	X	-
Morse Creek (18.0185)	August 1 - August 15	X	-
Ozette River (20.0046)	July 16 - September 15	X	-
Pysht River (19.0113)	August 1 - September 15	X	-
Quillayute River (20.0096, 20.0162, 20.0175)	August 1 - August 15	X	X
Bogachiel River (20.0162)	Submit Application	-	-



<b>Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)</b>	<b>Suction Dredging is Allowed Only Between These Dates</b>	<b>State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</b>	<b>State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</b>
Calawah River (20.0175)	August 1 - August 15	X	X
Salmon Creek (17.0245)	July 16 - August 31	X	-
Sekiu River (19.0203)	August 1 - September 15	X	-
Snow Creek (17.0219)	July 16 - August 31	X	-
Sol Duc River (20.0096)	Submit Application	-	-
Lake Pleasant (20.0313)	Submit Application	-	-
Lake Pleasant tributaries	July 16 - September 15	X	-
Sooes River (20.0015)	July 16 - September 15	X	-
<b>Clark County</b>	July 16 - September 30	-	-
Columbia River	See Below	-	-
Lacamas Creek (28.0160) - Mouth to dam	August 1 - August 31	X	-
Lacamas Creek (28.0160) - Upstream of dam	August 1 - September 30	X	-
Lewis River (27.0168)	August 1 - August 15	X	X
East Fork Lewis River (27.0173) - Mouth to Lucia Falls	August 1 - August 15	X	X
East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls	August 1 - February 28	X	X
East Fork Lewis River (27.0173) - Upstream of Sunset Falls	August 1 - February 28	X	-
Lake River (28.0020)	January 1 - December 31	X	X
Burnt Bridge Creek (28.0143)	August 1 - August 31	X	-
Salmon Creek (28.0059)	August 1 - August 31	X	-
Whipple Creek (28.0038)	August 1 - September 30	X	-
North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam	August 1 - August 15	X	X
Cedar Creek (27.0339)	August 1 - September 15	X	-
North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls	July 16 - August 15	X	X
Canyon Creek (27.0442)	July 16 - February 28	X	-
North Fork Lewis River (27.0168) - Upstream of Lower Falls	July 16 - August 15	X	X

<b>Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)</b>	<b>Suction Dredging is Allowed Only Between These Dates</b>	<b>State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</b>	<b>State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</b>
Washougal River (28.0159) - Mouth to headwaters	August 1 - August 31	X	X
<b>Columbia County</b>	July 16 - September 30	X	-
Touchet River (32.0097)	August 1 - August 15	X	X
Grande Ronde River tributaries (35.2192)	July 16 - August 15	X	-
North Fork Touchet/Wolf Fork (32.0761)	Submit Application	-	-
South Fork Touchet (32.0708)	Submit Application	-	-
Tucannon River (35.0009)	July 16 - August 15	X	X
Walla Walla River (32.0008) - Mouth to Oregon state line	July 16 - September 15	X	X
Mill Creek (32.1436) - Mouth to Oregon state line	August 1 - August 15	X	-
<b>Cowlitz County</b>	July 16 - September 30	X	-
Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Mouth to Fisk Falls	August 1 - August 31	X	X
Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Upstream of Fisk Falls	August 1 - August 31	X	-
Columbia River	See Below	-	-
Abernathy Creek (25.0297)	July 16 - September 15	X	-
Burke Creek (27.0148)	August 1 - August 31	X	-
Burris Creek (27.0151)	August 1 - August 31	X	-
Bybee Creek (27.0142)	August 1 - August 31	X	-
Canyon Creek (27.0147)	August 1 - August 31	X	-
Coal Creek (25.0340)	July 16 - September 15	X	-
Clark Creek (25.0371)	August 1 - August 31	X	-
Cowlitz River (26.0002) - Mouth to barrier dam at river mile 49.5	July 16 - August 15	X	X
Coweeman River (26.0003) - Mouth to Baird Creek	August 1 - August 31	X	X
Coweeman River (26.0003) - Upstream of Baird Creek	August 1 - August 31	X	-

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Cowlitz River (26.0002) - Tributaries below barrier dam to mouth	July 16 - September 30	X	-
Owl Creek (26.1441)	July 16 - September 15	X	-
Toutle River (26.0227)	July 16 - August 15	X	X
North Fork Toutle River (26.0314) - Mouth to Debris Dam	July 16 - August 15	X	X
North Fork Toutle River (26.0314) - Upstream of Debris Dam	July 16 - August 15	X	-
Green River (26.0323) - Mouth to Shultz Creek	July 16 - September 30	X	X
Green River (26.0323) - Upstream of Shultz Creek	July 16 - September 30	X	-
South Fork Toutle (26.0248) - Mouth to Bear Creek	July 16 - September 15	X	X
South Fork Toutle (26.0248) - Upstream of Bear Creek	July 16 - September 15	X	-
Tributaries to Silver Lake	July 16 - September 30	X	-
Germany Creek (25.0313)	July 16 - September 15	X	-
Kalama River (27.0002) - Mouth to Kalama Falls	August 1 - August 15	X	X
Kalama River (27.0002) - Upstream of Kalama Falls	August 1 - August 15	X	-
Lewis River (27.0168) - Mouth to East Fork Lewis River	August 1 - August 15	X	X
North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam	August 1 - August 15	X	X
North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls	July 16 - August 15	X	X
Mill Creek (25.0284)	July 16 - September 15	X	-
Schoolhouse Creek (27.0139)	August 1 - August 31	X	-
<b>Douglas County</b>	July 1 - September 30	X	-
Columbia River	See Below	-	-
Douglas Creek Canyon (44.0146)	May 16 - January 31	X	-
Foster Creek (50.0065)	August 1 - April 15	X	-

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McCarteney Creek (44.0002)	July 1 - February 28	X	-
Pine/Corbaley Canyon Creek (44.0779)	September 16 - April 15	X	-
Rock Island Creek (44.0630)	July 1 - September 30	X	-
<b>Ferry County</b>	July 1 - August 31	X	-
Columbia River	See Below	-	-
Kettle River (60.0002)	June 16 - August 31	X	X
Boulder Creek (60.0130) - Mouth to Hodgson Road Bridge	Submit Application	-	-
Boulder Creek (60.0130) - Upstream of Hodgson Road Bridge	June 16 - February 28	X	-
Deadman Creek (60.0008) - Mouth to SR395 Crossing	Submit Application	-	-
Deadman Creek (60.0008) - Upstream of SR395	June 16 - February 28	X	-
Goosmus Creek (60.0254)	June 16 - February 28	X	-
Toroda Creek (60.0410)	July 1 - September 30	X	-
San Poil River (52.0004)	June 16 - September 30	X	X
Granite Creek (52.0099) - Mouth to Powerhouse Dam	June 16 - September 30	X	-
Granite Creek (52.0099) - Upstream of Powerhouse Dam	June 16 - February 28	X	-
West Fork San Poil River (52.0192) - Mouth to Deep Creek	June 16 - September 30	X	X
West Fork San Poil River (52.0192) - Upstream of Deep Creek	June 16 - September 30	X	-
Gold Creek (52.0197)	June 16 - February 28	X	-
<b>Franklin County</b>	June 1 - September 30	X	-
Columbia River	See Below	-	-
Snake River	See Below	-	-
Palouse River (34.0003)	July 16 - February 28	X	X
North bank tributaries of the lower Snake River between Palouse River and the mouth of the Snake River	June 16 - October 31	X	-

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<b>Garfield County</b>	July 16 - September 30	X	-
Snake River (35.0003)	See Below	-	-
Alpowa Creek (35.1440)	July 16 - December 15	X	-
Asotin Creek (35.1716)	July 16 - August 15	X	-
Deadman Creek (35.0688)	July 16 - December 15	X	-
Grande Ronde River tributaries (35.2192)	July 16 - August 15	X	-
Meadow Creek (35.0689)	July 16 - December 15	X	-
Tucannon River (35.0009) - Mouth to Panjab Creek	July 16 - August 15	X	X
Tucannon River (35.0009) - Upstream of Panjab Creek	July 16 - August 15	X	-
Pataha Creek (35.0123) - Mouth to Pataha Creek	January 1 - December 31	X	-
Pataha Creek (35.0123) - Upstream of Pataha Creek	July 16 - December 31	X	-
<b>Grant County</b>	July 1 - October 31	X	-
Columbia River	See Below	-	-
Crab Creek (41.0002)	July 16 - September 15	X	X
Grays Harbor County	July 16 - October 15	X	-
Chehalis River (22.0190/23.0190) - Mouth to Porter Creek	August 1 - August 31	X	X
Chehalis River (22.0190/23.0190) - Porter Creek to Fisk Falls	August 1 - August 15	X	X
Chehalis River (22.0190/23.0190) - Upstream of Fisk Falls	August 1 - August 15	X	-
Cedar Creek (23.0570)	August 1 - September 30	X	-
Cloquallum Creek (22.0501)	August 1 - September 30	X	-
Porter Creek (23.0543)	August 1 - September 30	X	-
Satsop River (22.0360)	August 1 - August 31	X	X
Wishkah River (22.0191)	August 1 - October 15	X	X
Wynoochee River (22.0260)	August 1 - September 30	X	X
Copalis River (21.0767)	August 1 - October 15	X	X
Elk River (22.1333)	July 1 - October 31	X	X
Hoquiam River (22.0137)	August 1 - October 15	X	X
Humptulips River (22.0004) - Mouth to Forks	August 1 - September 30	X	X

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Hump Tulips River (22.0004) - Upstream of Forks	August 1 - September 30	X	-
Johns River (22.1270)	August 1 - September 30	X	X
Moclips River (21.0731)	August 1 - October 15	X	X
North River (24.0034)	August 1 - September 30	X	X
Queets River (21.0001)	August 1 - August 15	X	X
Quinalt River (21.0398)	August 1 - August 15	X	X
Raft River (21.0337)	August 1 - October 15	X	X
<b>Island County</b>	June 16 - October 15	X	-
Cavalero Creek (06.0065)	June 16 - December 15	X	-
Chapman Creek (06.0070)	June 16 - December 15	X	-
Crescent Creek (06.0002)	June 16 - December 15	X	-
Cultus Creek (06.0026)	June 16 - March 15	X	-
Deer Creek (06.0024)	June 16 - March 15	X	-
Dugualla Creek (06.0001)	June 16 - March 15	X	-
Glendale Creek (06.0025)	June 16 - December 15	X	-
Kristoferson Creek (06.0062-06.0063)	May 1 - December 15	X	-
Maxwelton Creek (06.0029)	June 16 - December 15	X	-
North Bluff Creek (06.0006)	June 16 - March 15	X	-
Old Clinton Creek (06.0023)	June 16 - March 15	X	-
<b>Jefferson County</b>	July 16 - October 31	X	-
Big Quilcene River (17.0012) - Mouth to falls	July 16 - August 31	X	X
Big Quilcene River (17.0012) - Falls to Forks	August 1 - February 28	X	X
Big Quilcene River (17.0012) - Upstream of Forks	August 1 - February 28	X	-
Bogachiel River (20.0162)	Submit Application	-	-
Chimacum Creek (17.0203)	July 16 - September 15	X	-
Donovan Creek (17.0115)	July 1 - October 15	X	-
Dosewallips River (16.0442)	July 16 - August 15	X	-
Duckabush River (16.0351)	July 16 - August 15	X	-
Dungeness River (18.0018)	August 1 - August 15	X	-
Elwha River (18.0272)	August 1 - August 15	X	X
Goodman Creek (20.0406)	August 1 - September 15	X	-
Hoh River (20.0422)	August 1 - August 15	X	X
Little Quilcene River (17.0076)	July 16 - August 31	X	-

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Queets River (21.0001)	August 1 - August 15	X	X
Matheny Creek (21.0165)	August 1 - August 15	X	-
Sams River (21.0205)	August 1 - August 15	X	X
Quinalt River (21.0398)	August 1 - August 15	X	X
Salmon Creek (17.0245)	July 16 - August 31	X	-
Skokomish River (16.0001)	August 1 - August 31	X	X
Snow Creek (17.0219)	July 16 - August 31	X	-
Tarboo Creek (17.0129)	August 1 - September 30	X	-
Thorndyke Creek (17.0170)	August 1 - October 15	X	-
<b>King County</b>	July 16 - September 30	X	-
Cedar River (08.0299) - Mouth to Forks	August 1 - August 31	X	X
Cedar River (08.0299) - Upstream of Forks	August 1 - August 31	X	-
Issaquah Creek (08.0178)	August 1 - August 31	X	-
Sammamish River (08.0057)	August 1 - August 31	X	-
Steele Creek (08.0379)	July 16 - February 28	X	-
Green River (Duwamish River) (09.0001) - Mouth to Sawmill Creek	August 1 - August 31	X	X
Green River (Duwamish River) (09.0001) - Upstream of Sawmill Creek	August 1 - August 31	X	-
Lake Washington tributaries (08.LKWA)	August 1 - August 31	X	-
Snoqualmie River (07.0219) - Mouth to Snoqualmie Falls	August 1 - August 15	X	X
Snoqualmie River (07.0219) - Snoqualmie Falls to mouth of South Fork	July 16 - February 28	X	X
Patterson Creek (07.0376)	July 16 - September 30	X	-
Middle Fork Snoqualmie River (07.0219) - Mouth to Taylor Creek	July 16 - February 28	X	X
Middle Fork Snoqualmie River (07.0219) - Upstream of Taylor Creek	July 16 - February 28	X	-
Goat Creek (07.0754)	July 16 - February 28	X	-
North Fork Snoqualmie River (07.0527) - Mouth to Lennox Creek	July 16 - February 28	X	X

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North Fork Snoqualmie River (07.0527) - Upstream of Lennox Creek	July 16 - February 28	X	-
Deep Creek (07.0562)	July 16 - February 28	X	-
Illinois Creek (07.0624)	July 16 - February 28	X	-
Lennox Creek (07.0596)	July 16 - February 28	X	-
Bear Creek (07.0606)	July 16 - February 28	X	-
Raging River (07.0384)	August 1 - September 15	X	X
South Fork Skykomish River (07.0012) - Mouth to Sunset Falls	August 1 - August 15	X	X
South Fork Skykomish River (07.0012) - Upstream of Sunset Falls	August 1 - August 15	X	-
Beckler River (07.1413) - Mouth to Boulder Creek	August 1 - August 15	X	X
Beckler River (07.1413) - Upstream of Boulder Creek	July 16 - February 28	X	-
Rapid River (07.1461) - Mouth to Meadow Creek	August 1 - August 31	X	X
Rapid River (07.1461) - Upstream of Meadow Creek	August 1 - February 28	X	-
Index Creek (07.1264) - Mouth to Mud Lake Creek	August 1 - August 31	X	-
Index Creek (07.1264) - Upstream of Mud Lake Creek including Salmon Creek	July 16 - February 28	X	-
Miller River (07.1329) - Mouth to Forks	August 1 - August 15	X	X
Miller River (07.1329) - Upstream of Forks	August 1 - August 15	X	-
Coney Creek (07.1347)	July 16 - February 28	X	-
East Fork Miller River (07.1329) - Mouth to Great Falls Creek	July 16 - August 15	X	-
East Fork Miller River (07.1329) - Upstream of Great Falls Creek	July 16 - February 28	X	-
Foss River (07.1562) - Mouth to Forks	July 16 - August 31	X	X



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East Fork Foss River (07.1562) - Mouth to Burn Creek	July 16 - August 15	X	X
East Fork Foss River (07.1562) - Upstream of Burn Creek	July 16 - February 28	X	-
West Fork Foss River (07.1573) - Mouth to falls at river mile 2.0	July 16 - August 31	X	-
West Fork Foss River (07.1573) - Upstream of falls at river mile 2.0	July 16 - February 28	X	-
West Fork Miller River (07.1335)	July 16 - February 28	X	X
Money Creek (07.1300) - Mouth to 0.5 mile upstream of Kimball Creek	August 1 - August 31	X	-
Money Creek (07.1300) - Upstream of 0.5 mile upstream of Kimball Creek	August 1 - February 28	X	-
Kimball Creek (07.1301)	August 1 - August 31	X	-
Tye River (07.0012) - Mouth to Alpine Falls	August 1 - August 31	X	X
Tye River (07.0012) - Upstream of Alpine Falls	July 16 - February 28	X	-
South Fork Snoqualmie River (07.0467)	July 16 - February 28	X	X
Denny Creek (07.0517)	July 16 - February 28	X	-
Tolt River (07.0291) - Mouth to Forks	August 1 - August 31	X	X
North Fork Tolt River (07.0291) - Mouth to Yellow Creek	July 16 - September 15	X	X
North Fork Tolt River (07.0291) - Upstream of Yellow Creek	July 16 - February 28	X	-
South Fork Tolt River (07.0302) - Mouth to dam	July 16 - September 15	X	X
South Fork Tolt River (07.0302) - Upstream of Tolt Reservoir	July 16 - February 28	X	-
Yellow Creek (07.0337)	July 16 - February 28	X	-

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White River (10.0031)	July 16 - August 15	X	X
Greenwater River (10.0122)	July 16 - August 15	X	X
<b>Kittitas County</b>	July 1 - September 30	X	-
Brushy Creek (40.0612)	July 1 - February 28	X	-
Colockum Creek (40.0760)	July 1 - October 31	X	-
Quilomene Creek (40.0613)	July 1 - October 31	X	-
Stemilt Creek (40.0808) - Upstream of falls	July 1 - February 28	X	-
Tarpiscan Creek (40.0723)	July 1 - February 28	X	-
Tekiason Creek (40.0686)	July 1 - February 28	X	-
Whiskey Dick Creek (40.0591)	July 1 - February 28	X	-
Yakima River (39.0002) - Roza Dam to Teanaway River	August 1 - August 31	X	X
Naches River (38.0003) - Tieton River to Bumping River	July 1 - August 15	X	X
Little Naches River (38.0852) - Mouth to Matthew Creek	July 16 - August 15	X	X
Little Naches River (38.0852) - Upstream of Matthew Creek	July 16 - August 15	X	-
Pileup Creek (38.0932)	July 16 - August 31	X	-
Gold Creek (38.MISC)	July 16 - February 28	X	-
Swauk Creek (39.1157)	July 16 - September 30	X	-
Baker Creek (39.1157)	July 16 - September 30	X	-
First Creek (39.1157)	July 16 - September 30	X	-
Iron Creek (39.1157)	July 16 - September 30	X	-
Williams Creek (39.1157)	July 16 - September 30	X	-
Boulder Creek (39.1157)	July 16 - February 28	X	-
Cougar Gulch (39.1157)	July 16 - February 28	X	-
Lion Gulch (39.1157)	July 16 - February 28	X	-
Yakima River (39.0002) - Teanaway River to Easton Dam	August 1 - August 31	X	X
Yakima River (39.0002) - Upstream of Easton Dam	August 1 - August 31	X	X
Cle Elum River (39.1434) - Mouth to dam	July 16 - August 31	X	X
Cle Elum River (39.1434) - Upstream of Cle Elum Dam	Submit Application	-	-

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Big Boulder Creek (39.1434MISC)	August 1 - February 28	X	-
Camp Creek (39.1434MISC)	August 1 - February 28	X	-
Fortune Creek (39.1434MISC)	August 1 - August 15	X	-
South Fork Fortune Creek (39.1434MISC)	August 1 - February 28	X	-
Howson Creek (39.1434)	July 16 - February 28	X	-
Little Salmon Le Sac Creek (39.1482)	August 1 - August 15	X	-
Paris Creek (39.1434MISC)	August 1 - February 28	X	-
Salmon Le Sac Creek (39.1520)	August 1 - February 28	X	-
Kachess River (39.1739) - Upstream of Lake Kachess	Submit Application	-	-
Kachess River (39.1739) - Below dam	July 16 - August 15	X	X
Box Canyon Creek (39.1765)	Submit Application	-	-
Mineral Creek (39.1792)	August 1 - August 15	X	-
Lake Keechelus (39.1842) tributaries	July 16 - August 15	X	-
Gold Creek (Lake Keechelus) (39.1842)	Submit Application	-	-
Manastash Creek (39.0988)	July 16 - September 30	X	-
Naneum Creek (39.0821)	July 16 - September 30	X	-
Taneum Creek (39.1081) - Mouth to I-90	July 16 - August 31	X	-
Taneum Creek (39.1157) - Upstream of I-90	July 16 - September 30	X	-
Teaway River (39.1236)	July 16 - August 31	X	X
NF Teaway River (39.1260)	Submit Application	-	-
Umtanum Creek (39.0553)	July 16 - September 30	X	-
Wenas Creek, Below dam (39.0032)	July 16 - October 15	X	-
Wenas Creek, Upstream of Wenas Lake (39.0032)	July 16 - February 28	X	-
Other Yakima River tributaries not listed	July 16 - August 31	X	-

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<b>Kitsap County</b>	July 16 - October 15	X	-
Anderson Creek (15.0211)	August 1 - November 15	X	-
Barker Creek (15.0255)	August 1 - September 30	X	-
Big Beef Creek (15.0389)	August 1 - August 15	X	-
Big Scandia Creek (15.0280)	August 1 - September 30	X	-
Blackjack Creek (15.0203)	August 1 - September 30	X	-
Burley Creek (15.0056)	August 1 - September 30	X	-
Chico Creek (15.0229)	August 1 - October 15	X	-
Clear Creek (15.0249)	August 1 - September 30	X	-
Curley Creek (15.0185)	August 1 - September 30	X	-
Dewatto River (15.0420)	August 1 - August 15	X	-
Dogfish Creek (15.0285)	August 1 - August 15	X	-
Gorst Creek (15.0216)	August 1 - August 15	X	-
Grovers Creek (15.0299)	August 1 - August 31	X	-
Johnson Creek (15.0387)	August 1 - October 31	X	-
Ollala Creek (15.0107)	August 1 - September 30	X	-
Ross Creek (15.0209)	August 1 - November 15	X	-
Salmonberry Creek (15.0188)	August 1 - November 30	X	-
Seabeck Creek (15.0400)	August 1 - August 15	X	-
Steele Creek (15.0273)	August 1 - September 30	X	-
Tahuya River (15.0446)	August 1 - August 31	X	X
Union River (15.0503)	August 1 - August 31	X	X
<b>Klickitat County</b>	July 15 - September 30	X	-
Alder Creek (31.0459)	August 1 - September 30	X	-
Chapman Creek (31.0192)	August 1 - September 30	X	-
Glade Creek (31.0851)	August 1 - September 30	X	-
Juniper Canyon Creek (31.0378)	August 1 - September 30	X	-
Klickitat River (30.0002) - Mouth to Klickitat hatchery	Submit Application	-	-
Klickitat River (30.0002) - Upstream of Klickitat hatchery	Submit Application	-	-
Little White Salmon River (29.0131) - Mouth to Cabbage Creek	July 16 - January 31	X	X
Little White Salmon River (29.0131) - Upstream of Cabbage Creek	July 16 - January 31	X	-

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Pine Creek (31.0354)	August 1 - September 30	X	-
Rock Creek (31.0014)	August 1 - September 30	X	-
Six Prong Creek (31.0465)	August 1 - September 30	X	-
White Salmon River (29.0160) - Mouth to Cascade Creek	July 16 - August 15	X	X
White Salmon River (29.0160) - Upstream of Cascade Creek	July 16 - August 15	X	-
Wood Gulch Creek (31.0263)	August 1 - September 30	X	-
<b>Lewis County</b>	August 1 - September 30	X	-
Chehalis River (22.0190/23.0190) - Mouth to South Fork Chehalis River	August 1 - August 15	X	X
Chehalis River (22.0190/23.0190) - Upstream of South Fork Chehalis River	August 1 - August 31	X	X
Newaukum River (23.0882) - Mouth to South Fork	August 1 - August 31	X	X
Newaukum River (23.0882) - Upstream of South Fork	August 1 - August 31	X	-
Skookumchuck River (23.0761)	August 1 - August 31	X	X
Cowlitz River (26.0002)	August 1 - August 15	X	X
Cispus River (26.0668) - Mouth to Squaw Creek (26.1010)	August 1 - August 15	X	X
Cispus River (26.0668) - Squaw Creek to Chambers Creek	July 16 - February 28	X	X
Cispus River (26.0668) - Upstream of Chambers Creek	July 16 - February 28	X	-
Yellowjacket Creek (26.0757)	August 1 - August 15	X	-
McCoy Creek (26.0766) - Mouth to lower falls	August 1 - August 15	X	-
McCoy Creek (26.0766) - Upstream of lower falls	July 16 - February 28	X	-
Walupt Creek (26.1010)	Submit Application	-	-
Packwood Lake tributaries	August 16 - September 15	X	-

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Tilton River (26.0560) - Mouth to North Fork	August 1 - September 30	X	X
Tilton River (26.0560) - Upstream of North Fork	August 1 - September 30	X	-
Toutle River (26.0227)	August 1 - August 31	X	X
North Fork Toutle River (26.0314)	July 16 - August 15	X	X
Green River (26.0323)	July 16 - September 30	X	X
Deschutes River (13.0028)	July 16 - August 31	X	X
Little Deschutes River (13.0110)	July 16 - February 28	X	-
Nisqually River (11.0008) - Upstream of Alder Lake	July 16 - September 30	X	X
<b>Lincoln County</b>	June 16 - February 28	X	-
Columbia River	See Below	-	-
Hawk Creek (53.0101) - Mouth to falls	June 16 - August 31	X	-
Hawk Creek (53.0101) - Upstream of falls	June 16 - February 28	X	-
Upper Crab Creek (42.0001)	June 16 - February 28	X	-
Wilson Creek (43.0020)	June 16 - February 28	X	-
<b>Mason County</b>	August 1 - October 15	X	-
Cloquallum Creek (22.0501)	August 1 - September 30	X	-
Coulter Creek (15.0002)	August 1 - August 31	X	-
Dewatto River (15.0420)	August 1 - August 31	X	-
Goldsborough Creek (14.0035)	August 1 - October 15	X	-
John Creek (16.0253)	August 1 - August 31	X	-
Hamma Hamma River (16.0251) - Mouth to falls	August 1 - August 31	X	-
Johns Creek (14.0049)	August 1 - August 15	X	-
Lilliwaup River (16.0230) - Mouth to falls	August 1 - August 31	X	X
Lilliwaup River (16.0230) - Upstream of falls	August 1 - February 28	X	-
Mill Creek (14.0029)	August 1 - August 15	X	-
Satsop River (22.0360)	August 1 - August 31	X	-
Schaerer Creek (16.0326)	August 1 - August 31	X	-
Sherwood Creek (14.0094)	August 1 - August 15	X	-

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Skokomish River (16.0001) - Mouth to Forks	August 1 - August 31	X	X
Skokomish River (16.0001) - Upstream of Forks	August 1 - August 31	X	-
Tahuya River (15.0446)	August 1 - August 31	X	-
Twanoh Creek (14.0134)	August 1 - October 31	X	-
Union River (15.0503)	August 1 - August 31	X	X
<b>Okanogan County</b>	July 1 - August 15	X	-
Aneas Creek (49.0243) - Mouth to falls	July 16 - August 31	X	-
Aneas Creek (49.0243) - Upstream of falls	July 1 - March 31	X	-
Chewiliken Creek (49.0232) - Mouth to falls	July 16 - August 31	X	-
Chewiliken Creek (49.0232) - Upstream of falls	July 1 - March 31	X	-
Chiliwist Creek (49.0034) - Mouth to falls	July 16 - August 31	X	-
Chiliwist Creek (49.0034) - Upstream of falls	July 1 - March 31	X	-
Foster Creek (50.0065)	July 1 - February 28	X	-
Methow River (48.0007) - Columbia confluence to Twisp River	July 1 - July 31	X	X
Methow River tributaries between Black Canyon Creek and Gold Creek	July 1 - February 28	X	-
Black Canyon Creek (48.0015) - Mouth to Left Fork	Submit Application	-	-
Black Canyon Creek (48.0015) - Upstream of Left Fork	July 1 - February 28	X	-
Gold Creek (48.0104) - Mouth to Foggy Dew Creek	Submit Application	-	-
Foggy Dew Creek (48.0153) - Mouth to Foggy Dew Falls	Submit Application	-	-
Foggy Dew Creek (48.0153) - Upstream of Foggy Dew Falls	July 1 - February 28	X	-
Middle Fork Gold Creek (48.0139)	July 1 - February 28	X	-

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North Fork Gold Creek (48.0104)	Submit Application	-	-
Crater Creek (48.0177) - Mouth to Martin Creek	Submit Application	-	-
Crater Creek (48.0177) - Upstream of Martin Creek	July 1 - February 28	X	-
Martin Creek (48.0177)	July 1 - February 28	X	-
South Fork Gold Creek (48.0105) - Mouth to Rainy Creek	Submit Application	-	-
South Fork Gold Creek (48.0105) - Upstream of Rainy Creek	July 1 - February 28	X	-
Rainy Creek (48.0105)	July 1 - February 28	X	-
McFarland Creek (48.0090) - Mouth to Vinegar Gulch	Submit Application	-	-
McFarland Creek (48.0090) - Upstream of Vinegar Gulch	July 1 - February 28	X	-
Methow River tributaries between Libby Creek and Beaver Creek	July 1 - February 28	X	-
Beaver Creek (48.0307)	Submit Application	-	-
Frazer Creek (48.0309)	July 1 - February 28	X	-
Lightning Creek (48.0361)	July 1 - February 28	X	-
Middle Fork Beaver Creek (48.0307)	July 1 - February 28	X	-
South Fork Beaver Creek (48.0342)	July 1 - February 28	X	-
Libby Creek (48.0203) - Mouth to Hornet Draw Creek	Submit Application	-	-
Libby Creek (48.0203) - Upstream of Hornet Draw	July 1 - February 28	X	-
Methow River (48.0007) - Twisp River to Goat Creek	July 1 - July 31	X	X
Methow River (48.0007) - Upstream of Goat Creek	July 1 - July 31	X	-
Chewuch River (48.0728) - Mouth to Meadow Creek	July 1 - July 31	X	X
Chewuch River (48.0728) - Upstream of Meadow Creek	July 1 - February 28	X	-



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Early Winters Creek (48.1408) - Mouth to Silver Star Creek	Submit Application	-	-
Early Winters Creek (48.1408) - Upstream of Silver Star Creek	July 1 - February 28	X	-
Goat Creek (48.1364) - Mouth to 500 feet upstream of Montana Creek	Submit Application	-	-
Goat Creek (48.1364) - 500 feet Upstream of Montana Creek to Roundup Creek	July 1 - February 28	X	-
Goat Creek (48.1364) - Upstream of Roundup Creek	Submit Application	-	-
Lost River (48.0592)	July 16 - August 15	X	X
Twisp River (48.0374)	July 1 - July 31	X	X
Buttermilk Creek (48.0466)	Submit Application	-	-
North Creek (48.0674)	Submit Application	-	-
North Fork Twisp River (48.0691)	July 1 - February 28	X	-
South Creek (48.0641) - Upstream of Louis Creek	July 1 - February 28	X	-
South Creek (48.0641) - Mouth to Louis Creek	Submit Application	-	-
South Fork Twisp River (48.0698)	July 1 - February 28	X	-
Wolf Creek (48.1300)	Submit Application	-	-
Myers Creek (60.0517)	July 1 - February 28	X	-
Bolster Creek (60.0517)	July 1 - February 28	X	-
Ethel Creek (60.0517)	July 1 - February 28	X	-
Gold Creek (60.0517)	July 1 - February 28	X	-
Mary Ann Creek (60.0517)	July 1 - February 28	X	-
North Fork Mary Ann Creek (60.0517)	July 1 - February 28	X	-
Okanogan River (49.0019) - Mouth to Zosel Dam	July 1 - August 31	X	X
Antoine Creek (49.0294) - Mouth to velocity gradient at river mile 1.0	July 1 - February 28	X	-
Antoine Creek (49.0294) - Upstream of falls	July 1 - March 31	X	-

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Bonaparte Creek (49.0246) - Upstream of falls	July 1 - March 31	X	-
Bonaparte Creek (49.0246) - Mouth to Bonaparte Falls at river mile 1.0	July 1 - February 28	X	-
Loup Loup Creek (49.0048) - Mouth to Loup Loup Falls at river mile 2.4	July 1 - February 28	X	-
Loup Loup Creek (49.0048) - Upstream of Loup Loup Falls at river mile 2.4	July 1 - March 31	X	-
Mosquito Creek (49.0321) - Mouth to falls	July 1 - August 31	X	-
Mosquito Creek (49.0321) - Upstream of falls	July 1 - March 31	X	-
Nine Mile Creek (49.0516)	July 1 - February 28	X	-
Omak Creek (49.0138) - Mouth to Mission Falls at river mile 5.4	July 1 - February 28	X	-
Omak Creek (49.0138) - Upstream of falls	July 1 - March 31	X	-
Salmon Creek (49.0079) - Mouth to diversion	July 1 - August 31	X	-
Salmon Creek (49.0079) - Upstream of diversion	July 1 - February 28	X	-
Similkameen River (49.0325) - Mouth to Enloe Dam	July 1 - August 31	X	X
Similkameen River (49.0325) - Enloe Dam to Palmer Creek	June 1 - October 31	X	X
Similkameen River (49.0325) - Upstream of Palmer Creek	July 1 - October 31	X	X
Sinlahekin Creek (49.0349) - Mouth to barrier dam at Connors Lake	July 1 - August 31	X	-
Cecile Creek (49.0447)	July 1 - February 28	X	-
Chopaka Creek (49.0357)	July 1 - February 28	X	-
Toats Coulee Creek (49.0368)	July 1 - February 28	X	-
Cougar Creek (49.0368)	July 1 - February 28	X	-
Siwash Creek (49.0284) - Falls to headwaters	July 1 - March 31	X	-

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Siwash Creek (49.0284) - Mouth to falls at river mile 1.4	July 1 - February 28	X	-
Tonasket Creek (49.0501) - Mouth to Tonasket Falls at river mile 1.8	July 1 - February 28	X	-
Tonasket Creek (49.0501) - Upstream of Tonasket Falls at river mile 1.8	July 1 - March 31	X	-
Tunk Creek (49.0211) - Mouth to falls	July 1 - February 28	X	-
Tunk Creek (49.0211) - Upstream of falls	July 1 - March 31	X	-
San Poil River (52.0004)	June 16 - September 30	X	X
West Fork San Poil (52.0192)	June 16 - September 30	X	X
Gold Creek (52.0197)	June 16 - February 28	X	-
Toroda Creek (60.0410)	July 1 - September 30	X	-
<b>Pacific County</b>	August 1 - September 30	X	-
Bear River (24.0689)	August 1 - September 30	X	X
Bone River (24.0405)	August 1 - September 30	X	-
Chehalis River (22.0190/23.0190)	August 1 - August 15	X	X
Columbia River	See Below	-	-
Chinook River (24.MISC)	August 1 - September 30	X	X
Grays River (25.0093)	July 16 - September 15	X	X
Naselle River (24.0543)	August 1 - September 15	X	X
Nemah River (24.0460)	August 1 - September 30	X	X
Niawiakum River (24.0417)	August 1 - September 30	X	-
North River (24.0034)	August 1 - September 30	X	X
Palix River (24.0426)	August 1 - September 30	X	-
Willapa River (24.0251)	August 1 - September 30	X	X
<b>Pend Oreille County</b>	July 1 - August 31	X	-
Little Spokane River (55.0003)	August 1 - March 15	X	-
West Branch Little Spokane River (55.0439)	August 1 - March 15	X	-
Harvey Creek (62.0310) - Mouth to Rocky Fork of Harvey Creek	August 1 - August 31	X	-

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Harvey Creek (62.0310) - Upstream of Rocky Fork of Harvey Creek	July 16 - February 28	X	-
Pend Oreille River (62.0002)	Submit Application	-	-
Big Muddy Creek (62.0279)	August 1 - March 15	X	-
Bracket Creek (62.0815)	August 1 - March 15	X	-
Calispel Creek (62.0628)	August 1 - August 31	X	-
Exposure Creek (62.0261)	August 1 - August 31	X	-
Kent Creek (62.0819)	August 1 - March 15	X	-
Le Clerc Creek (62.0415)	August 1 - August 31	X	-
Lime Creek (62.0014)	August 1 - March 15	X	-
Lodge Creek (62.0859)	August 1 - August 31	X	-
Lost Creek (62.0322)	August 1 - March 15	X	-
Marmust Creek (62.0842)	August 1 - March 15	X	-
Pee Wee Creek (62.0007) - Mouth to falls	August 1 - August 31	X	-
Pee Wee Creek (62.0007) - Upstream of falls	August 1 - March 15	X	-
Renshaw Creek (62.0310)	August 1 - March 15	X	-
Sullivan (O'Sullivan) Creek (62.0074)	August 1 - August 31	X	-
North Fork Sullivan Creek (62.0075)	August 1 - August 31	X	-
Tributaries of Deep Creek in Pend Oreille County (61.0195)	July 16 - August 15	X	-
Currant Creek (61.0249)	July 16 - August 15	X	-
Meadow Creek (61.0351)	July 16 - August 15	X	-
Rocky Creek (61.0364)	July 16 - August 15	X	-
Silver Creek (61.0195)	July 16 - August 15	X	-
Smackout Creek (61.0226)	July 16 - August 15	X	-
<b>Pierce County</b>	July 16 - August 31	X	-
Chambers/Clover Creek Watershed (12.MISC)	July 16 - September 30	X	-
Flett Creek (12.0009)	July 16 - October 31	X	-
Leach Creek (12.0008)	July 16 - September 30	X	-
Nisqually River (11.0008) - Mouth to Alder Lake	July 16 - August 31	X	X
Nisqually River (11.0008) - Upstream of Alder Lake	July 16 - September 30	X	X

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Mashel River (11.0101) - Mouth to Busy Wild Creek	July 16 - September 30	X	X
Mashel River (11.0101) - Upstream of Busy Wild Creek	July 16 - September 30	X	-
Puyallup River (10.0021) - Mouth to PSE Electron Powerhouse Outfall	July 16 - August 31	X	X
Puyallup River (10.0021) - Upstream of PSE Electron Powerhouse Outfall	July 16 - August 15	X	X
Carbon River (10.0413)	July 16 - August 15	X	X
Cayada Creek (10.0525) - Mouth to falls about 800 feet upstream	July 16 - August 31	X	-
Cayada Creek (10.0525) - Upstream of the falls	January 1 - December 31	X	-
South Prairie Creek (10.0429)	July 16 - August 15	X	-
Voight Creek (10.0414) - Mouth to falls at river mile 4.0	July 16 - August 31	X	-
Voight Creek (10.0414) - Upstream of falls river mile 4.0	July 16 - February 28	X	-
White River (10.0031)	July 16 - August 15	X	X
Clearwater River (10.0080)	July 16 - August 15	X	X
Greenwater River (10.0122)	July 16 - August 15	X	X
Huckleberry Creek (10.0253)	July 16 - August 15	X	-
West Fork White River (10.0186)	July 16 - August 15	X	X
Sequalitchew Creek (12.0019)	July 16 - September 30	X	-
<b>San Juan County</b>	July 1 - August 31	X	-
Cascade Creek (02.0057), Orcas Island - Upstream of Lower Falls	July 1 - February 28	X	-
Cascade Creek (02.0057), Orcas Island, Buck Bay to falls located approximately 300 feet above mouth	July 1 - October 31	X	-

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Doe Creek (02.MISC), San Juan Island, Westcott Bay to falls (approximately 250 feet from mouth)	June 16 - October 15	X	-
False Bay Creek (02.MISC) - San Juan Island; mouth to lake	July 1 - October 31	X	-
Glenwood Springs, Orcas Island; direct tributary to Eastsound Bay	July 1 - October 15	X	-
Moran Creek (02.MISC) - Orcas Island; from Cascade Lake delta upstream 1/4 mile	July 1 - October 15	X	-
Unnamed Creek (02.0041) - San Juan Island; mouth to lake	July 1 - October 15	X	-
<b>Skagit County</b>	August 1 - September 15	X	-
Granite Creek (04.2313) - Upstream of East Creek	July 16 - February 28	X	-
North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek	August 1 - August 15	X	X
North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek	August 1 - August 15	X	-
North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek	July 16 - February 28	X	-
Samish River (03.0005)	August 1 - September 15	X	-
Skagit River (03.0176/04.0176)	Submit Application	-	-
Baker River (04.0435) - Mouth to Baker Dam	Submit Application	-	-
Cascade River (04.1411)	Submit Application	-	-
Day Creek (03.1435)	July 16 - February 28	X	-
Lookout Creek (04.1447)	July 16 - February 28	X	-
Sibley Creek (04.1481)	July 16 - February 28	X	-
Day Creek (03.0299) - Mouth to Rocky Creek	Submit Application	-	-
Day Creek (03.0299) - Upstream of Rocky Creek	August 1 - February 28	X	-

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Finney Creek (04.0392) - Mouth to Big Fir Creek	Submit Application	-	-
Finney Creek (04.0392) - Upstream of Big Fir Creek	July 16 - February 28	X	-
Illabot Creek (04.1346)	Submit Application	-	-
Sauk River (04.0673) - Mouth to Forks	Submit Application	-	-
Sauk River (04.0673) - Upstream of Forks	August 1 - August 15	X	-
Suiattle River (04.0710)	Submit Application	X	X
Wiseman Creek (03.0280) - Mouth to SR20	Submit Application	-	-
Wiseman Creek (03.0280) - Upstream of SR20	July 16 - February 28	X	-
South Fork Nooksack River (01.0246) - Mouth to falls at river mile 30	Submit Application	-	-
South Fork Nooksack River (01.0246) - Falls at river mile 30 to Wanlick Creek	Submit Application	-	-
South Fork Nooksack River (01.0246) - Upstream of Wanlick Creek	Submit Application	-	-
<b>Skamania County</b>	July 15 - September 15	X	-
Columbia River	See Below	-	-
Cispus River (26.0668)	August 1 - August 15	X	X
Cispus River (26.0668) tributaries located in Skamania County	August 1 - October 31	X	-
East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls	August 1 - February 28	X	X
East Fork Lewis River (27.0173) - Upstream of Sunset Falls	August 1 - February 28	X	-
Green River (26.0323) (Tributary of North Fork Toutle River)	July 16 - September 30	X	X
Hamilton Creek (28.0303)	August 1 - August 31	X	-
Hardy Creek (28.0303)	August 1 - August 31	X	-

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Little White Salmon River (29.0131) - Mouth to Hatchery	July 16 - August 15	X	X
Little White Salmon River (29.0131) - Hatchery to Cabage Creek	July 16 - January 31	X	X
Little White Salmon River (29.0131) - Upstream of Cabage Creek	July 16 - January 31	X	-
North Fork Lewis River (27.0168) - Merwin Dam to Lower Falls	July 16 - August 15	X	X
Canyon Creek (27.0442)	July 16 - February 28	X	-
North Fork Lewis River (27.0168) - Upstream of Lower Falls	July 16 - February 28	X	X
Washougal River (28.0159) - Mouth to Stebbins Creek	August 1 - August 31	X	X
Washougal River (28.0159) - Upstream of Stebbins Creek	August 1 - August 31	X	-
White Salmon River (29.0160) - Mouth to Cascade Creek	July 16 - August 15	X	X
White Salmon River (29.0160) - Upstream of Cascade Creek	July 16 - August 15	X	-
Wind River (29.0023)	August 1 - August 15	X	X
Woodward Creek (28.0298)	August 1 - August 31	X	-
<b>Snohomish County</b>	July 16 - September 15	X	-
Lake Washington tributaries	August 1 - August 15	X	-
Sauk River (04.0673) - Mouth to Forks	August 1 - August 15	X	X
Sauk River (04.0673) - Upstream of Forks	August 1 - August 15	X	-
Suiattle River (04.0710)	August 1 - August 15	X	X
Snohomish River (07.0012) - Mouth to Highway 9	August 1 - October 31	X	X
Snohomish River (07.0012) - Upstream of Highway 9	August 1 - August 15	X	X
Pilchuck River (07.0125) - Mouth to city of Snohomish Diversion Dam	August 1 - August 31	X	X



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Pilchuck River (07.0125) - City of Snohomish Diversion Dam to Boulder Creek	August 1 - September 15	X	X
Pilchuck River (07.0125) - Upstream of Boulder Creek	August 1 - September 15	X	-
Skykomish River (07.0012) - Mouth to Forks	August 1 - August 15	X	X
Deer Creek (05.0173) - Mouth to stream mile 0.5	August 1 - August 31	X	-
Deer Creek (05.0173) - Upstream of stream mile 0.5	August 1 - February 28	X	-
North Fork Skykomish River (07.0982) - Mouth to Bear Creek Falls	August 1 - August 31	X	X
North Fork Skykomish River (07.0982) - Bear Creek Falls to Deer Falls	August 1 - August 31	X	X
North Fork Skykomish River (07.0982) - Deer Falls to West Cady Creek	August 1 - February 28	X	X
North Fork Skykomish River (07.0982) - Upstream of West Cady Creek	August 1 - February 28	X	-
Howard Creek (07.1042)	July 16 - February 28	X	-
Silver Creek (07.1053) - Mouth to Lake Gulch	August 1 - August 31	X	-
Silver Creek (07.1053) - Upstream of Lake Gulch	August 1 - February 28	X	-
Troublesome Creek (07.1085)	August 1 - February 28	X	-
West Fork Troublesome Creek (07.1092)	August 1 - August 31	X	-
South Fork Skykomish River (07.0012) - Mouth to Sunset Falls	August 1 - August 15	X	X
Beckler River (07.1413) - Mouth to Boulder Creek	August 1 - August 15	X	X
Beckler River (07.1413) - Upstream of Boulder Creek	July 16 - February 28	X	-
Rapid River (07.1461) - Mouth to Meadow Creek	August 1 - August 31	X	X

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Rapid River (07.1461) - Upstream of Meadow Creek	August 1 - February 28	X	X
Sultan River (07.0881) - Mouth to Diversion Dam at river mile 9.4	August 1 - August 31	X	X
Sultan River (07.0881) - Diversion Dam to anadromous fish blockage at river mile 15.7 (0.7 river miles downstream from Culmback Dam)	August 1 - August 31	X	X
Sultan River (07.0881) anadromous fish blockage at river mile 15.7 (0.7 river miles downstream from Culmback Dam) to Elk Creek	July 16 - February 28	X	X
Sultan River (07.0881) - Upstream of Elk Creek	July 16 - February 28	X	-
Wallace River (07.0940) - Mouth to Wallace Falls	August 1 - August 31	X	X
Wallace River (07.0940) - Upstream of Wallace Falls	August 1 - February 28	X	-
Olney Creek (07.0946) - Mouth to Olney Falls	August 1 - August 31	X	-
Olney Creek (07.0946) - Upstream of Olney Falls	August 1 - February 28	X	-
Snoqualmie River Mouth to falls (07.0219)	August 1 - August 15	X	X
All other Snohomish River tributaries	August 1 - August 31	X	-
Stillaguamish River (05.0001) - Mouth to Forks	August 1 - August 31	X	X
North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek	August 1 - August 15	X	X
North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek	August 1 - August 15	X	-
North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek	July 16 - February 28	X	-

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South Fork Stillaguamish River (05.0001) - Mouth to Deer Creek	August 1 - August 15	X	X
South Fork Stillaguamish River (05.0001) - Upstream of Deer Creek	August 1 - August 15	X	-
<b>Spokane County</b>	June 16 - August 31	X	-
Latah Creek (56.0003)	June 16 - August 31	X	-
Little Spokane River (55.0600) - Mouth to Deer Creek	June 16 - August 31	X	X
Little Spokane River (55.0600) - Upstream of Deer Creek	June 16 - August 31	X	-
Spokane River (57.0001)	June 16 - August 31	X	X
<b>Stevens County</b>	July 16 - August 31	X	-
Columbia River	See Below	-	-
Big Sheep Creek (61.0150)	July 16 - August 15	X	-
Colville River (59.0002) - Mouth to the falls	July 16 - September 30	X	X
Colville River (59.0002) - Upstream of the falls	July 16 - September 30	X	X
Deep Creek (61.0195)	July 16 - August 15	X	-
Onion Creek (61.0098)	July 16 - August 15	X	-
Sheep Creek (59.0861)	July 16 - September 30	X	-
Lake Roosevelt tributaries from the mouth of the Spokane River to mouth of the Colville River	July 16 - February 28	X	-
Lake Roosevelt tributaries from the mouth of the Colville River north to the B.C. border	July 16 - February 28	X	-
Tributaries of Little Spokane River (55.0600)	June 16 - August 31	X	-
Calispel Creek (62.0628)	August 1 - August 31	X	-
Other tributaries to the Pend Oreille River in Stevens County	July 1 - August 31	X	-
<b>Thurston County</b>	July 16 - September 15	X	-
Cedar Creek (23.0570)	August 1 - September 30	X	-

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Chehalis River (22.0190/23.0190) - Upstream of Porter Creek	August 1 - August 15	X	X
Skookumchuck River (23.0761) - Mouth to Skookumchuck Reservoir	August 1 - August 31	X	X
Skookumchuck River (23.0761) - Upstream of Skookumchuck Reservoir	August 1 - August 31	X	-
Deschutes River (13.0028) - Mouth to Deschutes Falls	July 16 - August 31	X	X
Deschutes River (13.0028) - Upstream of Deschutes Falls	July 16 - August 31	X	-
Ellis Creek (13.0022)	May 16 - September 30	X	-
Little Deschutes River (13.0110)	July 16 - February 28	X	-
McLane Creek (13.0138)	August 1 - October 31	X	-
Percival Creek (13.0029)	July 16 - August 31	X	-
Nisqually River (11.0008)	July 16 - August 31	X	X
Tributaries of Nisqually River (11.0008)	July 16 - August 31	X	-
Porter Creek (23.0543)	August 1 - September 30	X	-
Schneider Creek (14.0009)	August 1 - October 31	X	-
Waddell Creek (23.0677)	August 1 - September 30	X	-
Woodard Creek (13.0012)	July 16 - August 31	X	-
Woodland Creek (13.0006)	July 16 - September 30	X	-
<b>Wahkiakum County</b>	July 16 - September 15	X	-
Columbia River	See Below	-	-
Abernathy Creek (25.0297)	July 16 - September 15	X	-
Deep River (25.0011)	July 16 - September 15	X	X
Elochoman River (25.0236)	July 16 - September 15	X	X
Grays River (25.0093)	July 16 - September 15	X	X
Mill Creek (25.0284)	July 16 - September 15	X	-
Naselle River (24.0543)	July 16 - September 15	X	X
Skamokowa Creek (25.0194)	July 16 - September 15	X	-
<b>Walla Walla County</b>	July 16 - September 30	X	-
Walla Walla River (32.0008) - Mouth to Oregon state line	July 16 - September 15	X	X
Mill Creek (32.1436) - Mouth to Oregon state line	August 1 - August 15	X	-

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Touchet River (32.0097) - Mouth to Forks	August 1 - August 15	X	X
North Fork Touchet/Wolf Fork (32.0761)	Submit Application	-	-
South Fork Touchet (32.0708)	Submit Application	-	-
<b>Whatcom County</b>	July 16 - August 15	X	-
Damfino Creek (00.0032)	July 16 - August 31	X	-
Nooksack River (01.0120)	Submit Application	-	-
Cascade Creek (02.0057) - Mouth to FR 37	Submit Application	-	-
Cascade Creek (02.0057) - Upstream of FR 37	July 16 - February 28	X	-
Middle Fork Nooksack River (01.0339) - Mouth to city of Bellingham Diversion Dam	Submit Application	-	-
Middle Fork Nooksack River (01.0339) - Upstream of city of Bellingham Diversion Dam	Submit Application	-	-
North Fork Nooksack River (01.0120) - Mouth to Nooksack Falls	Submit Application	-	-
North Fork Nooksack River (01.0120) - Upstream of Nooksack Falls	Submit Application	-	-
Barometer Creek (01.0513)	July 16 - February 28	X	-
Ruth Creek (01.0531)	July 16 - February 28	X	-
Swamp Creek (01.0518)	July 16 - February 28	X	-
Wells Creek (02.0057)	Submit Application	-	-
Bar Creek (01.0500)	July 16 - February 28	X	-
South Fork Nooksack (01.0246) - Mouth to Wanlick Creek	Submit Application	-	-
South Fork Nooksack (01.0246) - Upstream of Wanlick Creek	Submit Application	-	-
Samish River (03.0005)	July 16 - August 15	X	-
Skagit River (03.0176/04.0176)	Submit Application	-	-

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Baker River (04.0435) - Mouth to Baker Lake Dam (04.0435)	Submit Application	-	-
Baker River (04.0435) - Baker Lake to National Park boundary	Submit Application	-	-
Boulder Creek (04.0499)	July 16 - February 28	X	-
Park Creek (04.0506) - Mouth to fish passage barrier at river mile 1.6	Submit Application	-	-
Park Creek (04.0506) - Upstream of river mile 1.6	July 16 - February 28	X	-
Swift Creek (04.0509) - Mouth to Rainbow Creek	Submit Application	-	-
Swift Creek (04.0509) - Upstream of Rainbow Creek	July 16 - February 28	X	-
Ross Lake tributaries (03.0176/04.0176)	Submit Application	-	-
Ruby Creek (04.2199)	Submit Application	-	-
Canyon Creek (04.2458) - Mouth to Barron Creek	Submit Application	-	-
Canyon Creek (04.2458) - Upstream of Barron Creek and tributaries	October 1 - February 28	X	-
Barron Creek (04.2591)	October 1 - February 28	X	-
Boulder Creek (04.2478) - Mouth to 300 feet upstream	Submit Application	-	-
Boulder Creek (04.2478) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	-
Friday Creek (04.2549) - Mouth to 300 feet upstream	Submit Application	-	-
Friday Creek (04.2549) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	-
Holmes Creek (04.2473) - Mouth to 300 feet upstream	Submit Application	-	-
Holmes Creek (04.2473) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	-
Mill Creek (04.2504) - Mouth to 300 feet upstream	Submit Application	-	-

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Mill Creek (04.2504) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	-
Nickol Creek (04.2476) - Mouth to 300 feet upstream	Submit Application	-	-
Nickol Creek (04.2476) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	-
North Fork Canyon Creek (04.2583) - Mouth to Elk Creek	Submit Application	-	-
Cascade Creek (05.2584)	October 1 - February 28	X	-
North Fork Canyon Creek (04.2583) - Upstream of Elk Creek	October 1 - February 28	X	-
Slate Creek (04.2557) - Mouth to falls at river mile 0.6	Submit Application	-	-
Slate Creek (04.2557) - Upstream of falls at river mile 0.6	October 1 - February 28	X	-
Granite Creek (04.2313) - Mouth to East Creek	Submit Application	-	-
Granite Creek (04.2313) - Upstream of East Creek and tributaries	October 1 - February 28	X	-
Saar Creek (00.0003)	August 1 - September 30	X	-
Silesia Creek (00.0042) - Canadian border to Middle Fork	July 16 - August 15	X	-
Silesia Creek (00.0042) - Middle Fork to National Park boundary	July 16 - February 28	X	-
Rapid Creek (00.0048)	July 16 - February 28	X	-
West Fork Silesia Creek (00.0044)	July 16 - February 28	X	-
Winchester Creek (00.0045)	July 16 - February 28	X	-
<b>Whitman County</b>	July 16 - December 15	X	-
Snake River (35.0002)	See Below	-	-
Alkali Flats Creek (35.0570)	July 16 - December 15	X	-
Almota Creek (35.1017)	July 16 - December 15	X	-

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Little Almota Creek (35.1018)	July 16 - December 15	X	-
Palouse River (34.0003) - Mouth to Palouse Falls	July 16 - September 30	X	X
Palouse River (34.0003) - Upstream of Palouse Falls	July 16 - February 28	X	X
Penewawa Creek (35.0916)	July 16 - December 15	X	-
Wawawai Canyon Creek (35.1165)	July 16 - December 15	X	-
<b>Yakima County</b>	June 1 - September 15	X	-
Glade Creek (31.0851)	August 1 - September 30	X	-
Klickitat River (30.0002)	Submit Application	-	-
Yakima River (37.0002/38.0002/39.0002) - Mouth to Roza Dam	June 1 - September 15	X	X
Ahtanum Creek (37.1382)	June 16 - September 30	X	-
North Fork Ahtanum Creek (37.1382)	Submit Application	-	-
South Fork Ahtanum Creek (37.1382)	Submit Application	-	-
Naches River (38.0003) - Mouth to Tieton River	July 1 - October 15	X	X
Naches River (38.0003) - Upstream of mouth of Tieton River to Bumping River	July 1 - August 15	X	X
Bumping River (38.0998)	July 16 - August 15	X	X
American River (38.1000)	Submit Application	-	-
Gold Creek (38.MISC)	July 16 - February 28	X	-
Kettle Creek (38.1033)	Submit Application	-	-
Miner Creek (38.1027)	July 16 - February 28	X	-
Morse Creek (38.1072) - Mouth to SR410 crossing	August 1 - August 15	X	-
Morse Creek (38.1072) - Upstream of SR410 crossing	August 1 - February 28	X	-
Rock Creek (38.MISC)	July 16 - February 28	X	-
Timber Creek (38.1062)	August 1 - August 15	X	-
Union Creek (38.1045) - Upstream of 500 feet above falls	August 1 - February 28	X	-
Union Creek (38.1045) - Mouth to 500 feet above falls	Submit Application	-	-



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Other American River tributaries not listed	August 1 - February 28	X	-
Deep Creek (38.MISC)	Submit Application	-	-
Copper Creek (38.MISC)	August 1 - August 15	X	-
Cowiche Creek (38.0005) - Mouth to South Fork Cowiche Creek	July 1 - September 30	X	-
North Fork Cowiche Creek (38.0008)	July 1 - February 28	X	-
South Fork Cowiche Creek (38.0031) - Mouth to Reynolds Creek	July 1 - September 30	X	-
South Fork Cowiche Creek (38.0031) - Upstream of Reynolds Creek	July 16 - October 31	X	-
Granite Creek (38.MISC)	August 1 - August 15	X	-
Little Naches River (38.0852) - Mouth to Matthews Creek	July 16 - August 15	X	X
Little Naches River (38.0852) - Upstream of Matthews Creek	July 16 - August 15	X	-
Crow Creek (38.0858)	July 16 - August 15	X	-
Nile Creek (38.0692)	July 16 - October 15	X	-
Rattlesnake Creek (38.0518)	July 16 - August 15	X	-
Tieton River (38.0166) - Mouth to Rimrock Dam	July 1 - August 31	X	X
North Fork Tieton River (38.0291) - Below Clear Lake Dam	Submit Application	-	-
North Fork Tieton River (38.0291) - Upstream of Clear Lake	July 1 - August 15	X	-
Clear Creek (38.0317)	July 16 - February 28	X	-
South Fork Tieton River (38.0374) - Below South Fork Falls	Submit Application	-	-
South Fork Tieton River (38.0374) - Upstream of South Fork Falls	July 16 - February 28	X	-
Indian Creek (38.0302)	Submit Application	-	-
Tributaries of Tieton River below Rimrock Dam	July 16 - February 28	X	-

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Umtanum Creek (39.0553)	July 16 - September 30	X	-
Wenas Creek (39.0032)	July 16 - October 15	X	-
Other Yakima River tributaries	July 16 - August 31	X	-
Columbia River	-	-	-
Mouth to the I-205 Bridge	August 1 - March 31	X	X
I-205 Bridge to Bonneville Dam	July 16 - September 15	X	X
Bonneville Dam to Snake River	July 16 - February 28	X	X
Snake River to Priest Rapids Dam	July 16 - September 30	X	X
Priest Rapids Dam to Mouth of Crab Creek	July 16 - February 28	X	X
Mouth of Crab Creek to Wanapum Dam	July 16 - September 30	X	X
Wanapum Dam to the SR 285 bridge in South Wenatchee	July 16 - February 28	X	X
SR 285 bridge in South Wenatchee to the SR 2 bridge	July 16 - September 30	X	X
SR 2 bridge to one mile downstream of the Chelan River	July 16 - February 28	X	X
From one mile downstream of the Chelan River to the SR 97 bridge	July 16 - September 30	X	X
From SR 97 bridge to Chief Joseph Dam	July 16 - February 28	X	X
Chief Joseph Dam to Grand Coulee Dam	June 16 - March 31	X	X
Grand Coulee Dam to Canadian border	Submit Application	-	-
All Columbia River tributaries	See County Listings	-	-
Snake River	-	X	-
Mouth to Ice Harbor Dam	July 16 - September 30	X	X
Ice Harbor Dam to Mouth of Clearwater River	July 16 - March 31	X	X
Mouth of Clearwater River to state line	August 1 - August 31	X	X
All Snake River tributaries	See County Listings	-	-

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Lakes	Submit Application	-	-
Strait of Juan de Fuca, Puget Sound, Hood Canal	Submit Application	-	-
Ocean beaches within the Seashore Conservation Area established under RCW 79A.05.605	January 1 - December 31	X	X
All waters within Indian tribal reservation, National Park, state park, or wilderness boundaries, except those within the Seashore Conservation Area established under RCW 79A.05.605	Submit Application	-	-

(8) **Suction dredge activity reporting.** By February 1st of each year, a person issued a suction dredge HPA must report to the department regarding the date, amount, type, and location of any suction dredging activity conducted during the preceding calendar year for which the HPA is in effect.