

WSR 19-12-002
PERMANENT RULES
SECRETARY OF STATE

[Filed May 22, 2019, 12:47 p.m., effective June 22, 2019]

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

Purpose: Updates to the rules used by the address confidentiality program.

Citation of Rules Affected by this Order: New WAC 434-840-015, 434-840-017, 434-840-025, 434-840-027 and 434-840-035; and amending all citations in WAC 434-840-310, 434-840-005, 434-840-010, 434-840-020, 434-840-030, and 434-840-040.

Statutory Authority for Adoption: RCW 40.24.090, 40.24.030.

Adopted under notice filed as WSR 19-09-072 on April 16, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 5, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 6, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 11, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 22, 2019.

Mark Neary
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

WAC 434-840-005 Definitions. For the purposes of this chapter:

(1) "Actual residential address" means any physical locations where the participant resides, works, or attends school, for which the participant is requesting confidentiality.

(2) "Address confidentiality program (ACP)" means the agency employee designated by the secretary of state with responsibility for developing and administering the program that implements the provisions of chapter 40.24 RCW.

(3) "Agency" means ~~((an office))~~ every elected or appointed state or local public office, public officer, or official, department, division, bureau, board, commission, committee, council, authority, agency, institution of higher education, or other unit of the executive, legislative, or judicial branch of the state; or any city, county, city and county, town, special district, school district, local improvement district, or other statutory unit of state or local government or any functional subdivision of that agency, or any other kind of municipal, quasi-municipal, or public corporation.

(4) "Applicant" means an adult person, a parent or guardian acting on behalf of a minor, if the minor resides with the applicant, or a guardian acting on behalf of an incapacitated person as defined in RCW 11.88.010.

(5) "Application assistant" means an employee of a state or local agency, or of a nonprofit program that provides advocacy, counseling, referral, or shelter services to victims of sexual assault, domestic violence, trafficking, or stalking who has been designated by the respective agency, and has been accepted by the secretary of state to assist individuals with threat assessment, safety planning, determining whether the program's services can help keep the victim safe, and the completion and submission of the ACP application.

~~((5))~~ (6) "Authorization card" means the official card issued by the secretary of state to a participant, which must state the participant's name, date of birth, substitute address, certification expiration date, and signature of the program participant.

(7) "Authorization card application form" means the incomplete form for an authorization card on which no identifying program participant information has been entered.

~~((6))~~ (8) "Authorized personnel" means an employee of a county auditor's office, a county recording office, the Washington state department of health, or the office of the secretary of state who has been designated by the chief executive officer of the respective agency, to process and have access to voter application, voting records, marriage applications and records pertaining to program participants.

~~((7))~~ (9) "Bona fide statutory or administrative requirement" means that without possession of an individual's actual residential address the agency is incapable of fulfilling its statutory duties and obligations.

~~((8))~~ (10) "Certification" means that the secretary of state has determined that the eligible person meets the requirements for entering into or continuing in the program.

(11) "Change of identity" means that the program participant has changed the participant's name and Social Security number in an attempt to sever all connections to a previous name.

(12) "Criminal justice participant" means a criminal justice employee as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020 (2)(b)(iii) or (iv), and any family members residing with them.

(13) "Domestic violence" means an act as defined in RCW 10.99.020, including a threat of such acts, committed against an individual in a domestic situation, regardless of whether these acts of threats have been reported to law enforcement officers.

(14) "Mail" means first class letters and flats delivered via the United States Postal Service, including priority, express, certified, and registered mail, and excluding packages, parcels, periodicals, and catalogues, unless they are clearly identifiable as pharmaceuticals or clearly indicate they are sent by a government agency.

(15) "Mailing address" means the residential street address to which the secretary of state must forward a participant's mail, except in those cases where the United States Postal Service provides no delivery service to the residential address.

(16) "Minor child" means an individual who has not attained the age of eighteen, residing with or under the guardianship of an adult applicant or program participant.

(17) "Participant mail box (PMB)" means the specific identifier assigned by the secretary of state to a program participant for use in sorting mail and confirming program participation in accordance with subsection (10) of this section.

(18) "Program participant" means an individual accepted as certified for the program under RCW 40.24.030.

(19) "Protected records marriage" means a program participant who has applied for and qualified for protected marriage records, as provided under WAC 434-840-200 and 434-840-310.

(20) "Protected records voter" means a program participant who has applied and qualified for confidential voter registration, as provided under RCW 40.24.060, WAC 434-840-100, and 434-840-310.

~~((9) "Record")~~ (21) "Public record" means any (information relating to the conduct or performance of a governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

~~(10) "Substitute mailing address" means the mailing address designated by the secretary of state which shall not be the program participant's residential address as documented on her or his application for program participation)~~ paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any state or local governmental agency of the state of Washington in connection with the transaction of public business, and legislative records as described in RCW 40.14.100.

(22) "Sexual assault" means an act as defined in RCW 70.125.030 and includes an attempt to commit such acts against an individual, regardless of whether these acts, attempts, or threats have been reported to law enforcement officers.

(23) "Stalking" means an act as defined in RCW 9A.46.110 and includes threats of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.

(24) "Substitute address" means an address designated by the secretary, including the identification number that is used by a participant to receive mail, instead of providing their actual residence address.

(25) "Trafficking" means an act as defined in RCW 9A.40.100 or an act recognized as a severe form of trafficking under 22 U.S.C. Sec. 7102(8) as it existed on June 12, 2008, or such subsequent date as may be provided by the secretary of state by rule, consistent with the purposes of this subsection, regardless of whether the act has been reported to law enforcement.

AMENDATORY SECTION (Amending WSR 08-23-094, filed 11/19/08, effective 12/20/08)

WAC 434-840-010 Application (~~and certification~~) process. ~~(1) The (program applicant shall provide all the information required on the certification application and date and sign the form. An applicant shall specify any) secretary of state shall certify an eligible person as a program participant when the secretary of state receives an application that contains:~~

(a) The full legal name and date of birth of the applicant(s);

(b) A listing of all minor children residing at the residential address, each minor child's full legal name, and each minor child's date of birth, and each minor child's relationship to the applicant;

(c) A listing of all adults residing at the residential address requesting participation, each adult's full legal name, date of birth, and relationship to the applicant;

(d) The Washington state residential addresses, work, and school addresses, if any, for which confidentiality is requested~~(.The standard application form shall also include the application preparation date, and the signature of the application assistant as provided in RCW 40.24.080.~~

~~(2) An individual who has filed a properly completed application shall be certified as a program participant and issued a program participant authorization card. The authorization card shall include the program participant's name; authorization code; substitute mailing address; certification expiration date, and applicant's signature.~~

~~(3) A properly completed application shall be effective on the day it is received by the address confidentiality program.~~

~~(4) The term of a program participant's certification shall be four years following the effective date of her or his application unless the certification is withdrawn or invalidated before that date);~~

(e) The telephone number of the applicant(s);

(f) The address to which mail should be sent, this may be the same as the residential address;

(g) A sworn statement, under penalty of perjury, by the applicant, that the applicant has good reason to believe either:

(i) That the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking, and that the applicant fears for their safety or the safety of their children, or the safety of any minor children or incapacitated person on whose behalf the application is made; or

(ii) That the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020.

(h) The state of Washington personnel number, if the applicant or any of the persons covered by the application is a Washington state employee;

(i) The applicant's signature;

(j) The date on which the applicant signed the application;

(k) The signature, printed name, and phone number of the application assistant designated by the secretary of state under RCW 40.24.080 who assisted in preparation of the application;

(l) A completed checklist of understanding, signed and dated by the applicant designating the secretary of state as legal agent for purposes of service of process and for the purpose of receipt of mail.

(m) Signed authorization card form for each member of household.

(2) The application must be completed and signed in the presence of an application assistant;

(3) The application assistant shall submit completed applications and any additional materials to the secretary of state using first class mail; and

(4) If the completed application does not meet the requirements of this part, the secretary of state shall contact the applicant to obtain missing information. The applicant shall be certified only if the missing information is provided.

NEW SECTION

WAC 434-840-015 Certification of participants. (1)

The secretary of state shall certify an eligible person, minor children, and adults residing at the residential address for whom a properly completed application or renewal is filed as a program participant.

(2) Upon certification of the applicant, the secretary of state shall issue, and mail, an address confidentiality program participant authorization card to the applicant's mailing address with instructions on how to use the address confidentiality program card. For participants under age eighteen, the card must be signed by the adult responsible for the participant. The authorization card shall include the program participant's name, authorization code, substitute mailing address, certification expiration date, and applicant's signature.

(3) A properly completed application shall be effective on the day it is received by the address confidentiality program.

(4) The term of a program participant's certification shall be four years following the effective date of her or his application unless the certification is withdrawn or invalidated before that date.

(5) At the time of certification, the secretary of state will send a voter registration application to the applicant accompanied by information related to participating in voting as a protected records voter.

(6) Secretary of state staff members must first verify the identity of an application assistant, program applicant, or program participant prior to any discussion of any data related to any applicant or participant or their certification.

NEW SECTION

WAC 434-840-017 Substitute address. (1) Program participants may use the substitute address provided by the secretary of state when interacting with any state or local agency on all forms or applications that require an address. This is done by providing the substitute address and presenting the authorization card and PMB authorization number to the agency.

(2) Every state or local government agency, or office, shall accept the substitute address issued by the secretary of state as the only address for all program participants when the participant provides the address and authorization card and

authorization number. Program participants are not required to respond to any question regarding the details or circumstances of the person's inclusion in the program. The public agency may contact the secretary of state to verify program participation and for additional program information.

(3) Program participants are solely responsible for requesting the use of a substitute address by any agency as the participant's address for use in interaction with each agency or office.

(4) The secretary of state is the agent for receipt of all mail sent to program participants at the substitute address.

(5) All first class mail specifically addressed to the program participant at the substitute address must be forwarded at least every second business day to each participant's mailing address, using "return service requested" designation on the envelope. The secretary of state is not required to forward mail that is not specifically addressed to the participant.

(6) The secretary of state may hold a participant's mail for up to three business days upon request of the participant. The hold may be up to three weeks if the participant's request is written and signed and provides a contact telephone number for the hold period. The secretary of state must compare the signature on the hold request with that on file for the participant prior to holding the mail. In the absence of a specific hold date from the participant, the hold date is the date of receipt by the secretary of state.

(7) For services delivered to an actual physical address or tied to residency in a particular jurisdiction, the state or local agency must request only the smallest portion of the actual address needed to provide service, in addition to the substitute address.

(a) In cases in which all or part of the actual address has been disclosed pursuant to this section, the substitute address must be used by the agency as the address of the program participant for all public data or purposes that the actual address is not required.

(b) The secretary of state, upon request of the agency, shall suggest measures that assist in protecting the actual address and the participant's name against disclosure in any way. Measures may include, but are not limited to, assigning a pseudonym to the participant, keeping the actual address in the participant's paper file at an agency (not in an electronic system), and making the records password protected and limiting record access to a small pool of staff.

AMENDATORY SECTION (Amending WSR 05-13-059, filed 6/9/05, effective 7/10/05)

WAC 434-840-020 Exercise of program participant's privileges. (1) At the time any state or local government agency creates a new record or updates an existing record, a program participant may request that the agency use the substitute mailing address as the participant's residence, work and/or school address.

(2) Program participants are solely responsible for requesting the use of a substitute address.

(3) A program participant shall show ((her or his)) their authorization card to the agency official creating a new record and request address confidentiality through the use of

the substitute mailing address as it appears on the authorization card, in lieu of ~~((her or his))~~ their actual location.

~~((3))~~ (4) The agency official creating a new record may make a file photocopy of the authorization card and shall immediately return the authorization card to the program participant. The agency official may call the program to verify an individual's current participation status in the program.

~~((4))~~ (5) An agency shall accept the substitute ~~((mailing))~~ address unless the agency has received a written exemption from the secretary of state pursuant to RCW 40.24.050 and WAC 434-840-070.

(6) For services delivered to an actual address or tied to residency in a particular jurisdiction, the state or local agency must request only the smallest portion of the actual address needed to provide services, in addition to the substitute address.

(7) In cases in which all or part of the actual address has been disclosed pursuant to this section, the substitute address must be used by the agency as the address of the program participant for all public data or purposes that the actual address is not required.

(8) The secretary of state, upon request of the agency, shall suggest measures that assist in protecting the actual address and the participant's name against disclosure in any way.

NEW SECTION

WAC 434-840-025 Attaining age of majority. When a participant reaches the age of eighteen, the secretary of state shall inform the participant of options related to continued participation in the address confidentiality program. These options include leaving the program, applying for continuation in the program, and reapplying on their own behalf.

(1) In anticipation of the participant's eighteenth birthday, the secretary of state shall send an application packet via first class mail to the participant's substitute address. The packet must include instructions on actions to be taken by age eighteen. The packet must include notice that if the participant does not respond within thirty days they will be removed from the program, they must return their authorization card, and mail forwarding will stop. If thirty days passes without contact from the participant, the secretary of state shall mail a final notice that the participant's certification will be canceled if the participant fails to submit the certification of continuance within ten days.

(2) The packet shall include the application form, checklist of understanding, authorization card form, and information about voter registration. The secretary of state must offer the participant the opportunity to register to vote as a protected records voter.

(3) The secretary of state shall renew the certification of a participant upon receipt of a completed application form and checklist of understanding. If the form is for continuance of participation, it does not require the signature of an application assistant. Responsibility for changes in information and renewal belong to the participant once the participant reaches age eighteen.

(4) A participant who reaches age eighteen and changes residence may reapply through an application assistant, or withdraw.

(5) Program participants that have reached age eighteen who have withdrawn, or allowed certification to expire, may reapply on their own behalf by contacting an application assistant.

NEW SECTION

WAC 434-840-027 Updating participant information. (1) Participants and applicants shall send signed, written notification of any change in mailing or actual address, telephone number, legal name, or permanent contact data to the secretary of state.

(2) In order to add minor children to the residence of a program participant, the participant must send a signed written notification to the secretary of state. The notification must clearly state the relationship to the participant, the child's date of birth, and that the participant is responsible for the minor children. The secretary of state must certify the minor children as participants and issue program authorization cards to each minor child.

(3) If a participant changes their legal name, they must send a signed written notification to the secretary of state accompanied by a copy of the court order or other formal document indicating the legal name change. At the same time the participant must return their authorization card or a signed statement documenting the loss of the authorization card. The secretary of state shall verify the change, by signature comparison, and send a new authorization card with the participant's new legal name within two business days of receiving the notice.

(4) Prior to making any change in participant information, the secretary of state must compare the signature on the original application, or other documents on file, and conclude that the signatures are the same.

(5) On or before the effective date of a change in identity, a program participant must withdraw from the program. The participant may apply for recertification in the address confidentiality program under their new identity.

AMENDATORY SECTION (Amending WSR 05-13-059, filed 6/9/05, effective 7/10/05)

WAC 434-840-030 Certification renewal. (1) At least thirty days prior to the expiration of a certification, the secretary of state shall inform a program participant, of the option of renewing certification in the program by sending a renewal form to the participant's mailing address. The notice must provide instructions on actions the participant must take upon expiration of certification, if the participant chooses to leave the program. These include return of the authorization card, notifying senders of the former participant's actual address and notifying that the substitute address is no longer valid for the former participant. Ten days prior to expiration of certification, the secretary of state must mail a second notice to the participant unless the participant has responded with a renewal or communication indicating intent to withdraw from the program.

(2) Information about voter registration should be provided to the participant as part of the notification process.

(3) A program participant may renew her or his program certification by first class mail filing with the address confidentiality program: (a) ~~((Her or his))~~ The participant's current authorization card; (b) a properly completed renewal application and checklist of understanding forms; and (c) a new authorization card form~~((The program participant shall provide all the information required on the renewal application form and date and sign the form))~~ with signature.

~~((2))~~ (4) If the completed renewal does not meet the requirements of this part, the secretary of state shall contact the participant or applicant to obtain the missing information.

(5) The address confidentiality program shall: (a) Certify a program participant, who has filed a properly completed renewal application form, to participate in the program for an additional four year term unless the certification is withdrawn or invalidated before that date; (b) issue to the program participant a new authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and signature.

(6) A properly completed renewal, postmarked on or before the expiration date, is effective on the day it is reviewed and certified by the secretary of state.

NEW SECTION

WAC 434-840-035 Certification cancellation. (1) The address confidentiality program shall terminate a participant's certification and invalidate that participant's authorization card if:

(a) The participant's certification term has expired and renewal of certification is not completed;

(b) The address confidentiality program has determined that false information was used in the application process; or

(c) The participant fails to respond to the program's request for verification of the participant's residential address.

(2) The address confidentiality program may terminate a participant's certification and invalidate that participant's authorization card if:

(a) The participant no longer resides at the residential address on file, and has not provided at least two days prior notice in writing of a change of address;

(b) Any first class or certified mailing, or service of process document forwarded by the program is returned as non-deliverable, refused, or unclaimed; or

(c) The participant obtains a legal change of identity.

(3) The address confidentiality program shall send written notification of the pending termination to the participant's last known mailing or residential address. The participant shall have ten business days in which to appeal the termination under procedures developed by the secretary of state.

(4) After the secretary of state has provided notice as required in subsection (3) of this section the participant's certification is considered to be in pending status. While in this status, the secretary of state must hold the participant's mail without forwarding to the participant. Pending status ends after ten business days, or upon the participant's compliance with this section, whichever occurs first. This does not pre-

vent the secretary of state from forwarding correspondence marked "service of process."

(5) If the participant's pending cancellation status expires, the secretary of state must cancel the certification of the program participant.

(6) The address confidentiality program shall notify authorized election officials and authorized Washington state department of health personnel if the participant is registered to vote or has a protected records marriage license when a participant's authorization has been terminated from the program. The authorized elections and health department personnel shall transmit to the address confidentiality program all appropriate administrative records pertaining to the participant.

(7) If the certification of a participant is canceled, mail addressed to the program participant must be returned to sender.

AMENDATORY SECTION (Amending WSR 05-13-059, filed 6/9/05, effective 7/10/05)

WAC 434-840-040 Certification withdrawal, invalidation, expiration, and termination. (1) A program participant or applicant may withdraw from program participation by submitting to the address confidentiality program: Written notification of withdrawal and ~~((her or his))~~ the names of any minor children who are being withdrawn and their current authorization ~~((and))~~ card(s).

(2) The program participant or applicant may include an effective date on which the participant or applicant would like the withdrawal to be effective. In absence of a specific date, certification shall be terminated on the date of receipt of this notification. If the program participant requests cancellation but does not return ~~((her or his))~~ their current authorization card and/or does not submit written notification of the request, the secretary of state may, at his/her discretion, cancel program participation based solely on the verbal request.

~~((2))~~ The address confidentiality program shall terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant's certification term has expired and certification renewal has not been completed; (b) the address confidentiality program has determined that false information was used in the application process; or (c) the program participant fails to respond to the program's request for verification of the participant's residential address.

~~(3)~~ The address confidentiality program may terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant no longer resides at the residential address on file, and has not provided at least two days' prior notice in writing of a change of address; (b) first class mail, certified mail, or a service of process document forwarded to the program participant by the address confidentiality program is returned as nondeliverable, refused, or unclaimed; or (c) the program participant obtains a legal change of identity.

~~(4)~~ The address confidentiality program shall send written notification of the termination to the participant's last known mailing or residential address. The program participant shall have five business days in which to appeal the ter-

mination under procedures developed by the secretary of state.

(5) ~~The address confidentiality program shall notify the appropriate authorized personnel when a participant has been terminated from the program. The authorized personnel shall transmit to the address confidentiality program all appropriate administrative records pertaining to the participant. The transmitting agency is no longer responsible for maintaining record confidentiality for a terminated program participant under chapter 40.24 RCW.)~~ (3) It is the responsibility of the program participant to notify all persons of a new mailing address at which the participant can be contacted.

(4) The program participant may request continued mail forwarding up to thirty days immediately following the date on which withdrawal is effective and may provide an address on record. The secretary of state may only forward mail to addresses within the United States.

(5) Mail received at the designated address for the participant other than mail designated as "Do Not Forward," "Return Service Requested," "Service of Process" or similarly designated, must be forwarded to the program participant for thirty days after the effective date of withdrawal unless the participant or applicant has designated a shorter period. After thirty days mail must be returned to sender.

(6) A program participant whose certification is withdrawn may reapply or have an application assistant reapply on the program participant's behalf.

AMENDATORY SECTION (Amending WSR 08-23-094, filed 11/19/08, effective 12/20/08)

WAC 434-840-310 Protected records voter status. An address confidentiality program participant who is eligible to vote may register to vote as a protected records voter.

(1) ~~A program participant ((shall)) may apply for protected records voter status by appearing in person before the appropriate county authorized personnel or requesting ((an)) a protected records voter registration application from the address confidentiality program. ((The program participant shall: (a) Cancel any previously existing voter registration; and (b) provide all the information required on the protected records voter registration application.))~~ In order to register as a protected records voter, the applicant must be an address confidentiality program participant, provide their participant authorization number, and provide all of the information required for voter registration under RCW 29A.08.010 and 29A.08.107.

(2) ~~The program participant shall disclose ((to the authorized personnel)) the actual address of her or his residence on the protected records voter application only for the purpose of determining the proper precinct, and taxing districts.~~

(3) Upon receipt of a protected records voter application, the county election official must confirm with program staff that the applicant is a program participant and confirm that the information required by RCW 29A.08.010 and 29A.08.107 is included on the form.

(a) If the voter registration applicant is not a program participant, the voter registration application may be processed in the same manner as all voter registration applications.

(b) If the information required by RCW 29A.08.010 and 29A.08.107 is not included, the county election office must seek the missing information, using the address confidentiality program substitute mailing address for communication to the protected records voter applicant.

(4) Upon receipt of a properly filled out form, the county election official shall:

(a) Cancel all previously existing voter registration records for the participant;

(b) Process the application as a protected records voter; and

(c) Provide the registrant with information related to voting participation as a protected records voter.

WSR 19-12-005
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 22, 2019, 3:59 p.m., effective June 22, 2019]

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

Purpose: The purpose of this filing is to add twenty-seven month review language to WAC 181-78A-105.

Citation of Rules Affected by this Order: Amending WAC 181-78A-105.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Adopted under notice filed as WSR 19-08-100 on April 3, 2019.

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

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

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Date Adopted: May 17, 2019.

Chloe Smyth
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-17-089, filed 8/14/18, effective 9/14/18)

WAC 181-78A-105 Procedures for initial approval of an educator preparation program. A prospective provider desiring to establish a preparation program shall comply with the following:

(1) Notification of intent. Prospective providers must submit the appropriate form, published by the professional

educator standards board, declaring an intent to apply for approval to offer an educator preparation program or a new educator certification program.

(a) The notification of intent will be posted on the board web site as public notice.

(b) The board will contact the prospective provider to begin the preproposal process.

(2) Preproposal. The prospective provider will develop and submit a preproposal that addresses all requirements approved and published by the board including evidence of necessary capacity, resources, and projected sustainability of the program. After board staff verify the preproposal is complete, the preproposal will be brought to the board.

(3) Final proposal. The prospective provider may be approved to develop a final proposal or the preproposal may be denied.

(a) If denied, the provider may resubmit its preproposal informed by suggestions of the board.

(b) If the preproposal is approved by the board, the prospective provider must develop and submit a written plan which addresses all final proposal elements including domains, components, and other program approval requirements contained in WAC 181-78A-220 and 181-78A-300 as established in this chapter and published by the board, including letters of support from partner districts and/or community agencies as evidence of how the program will meet Washington educator workforce needs.

(c) Final proposals submitted by prospective providers of school counselor preparation programs shall include verification of program approval by the council for the accreditation for counseling and related education programs.

(d) Final proposals submitted by prospective providers of school psychologist programs shall include verification of program approval by the National Association for School Psychology.

(4) After reviewing a prospective provider's final program proposal, the board may approve or deny the program approval:

(a) The program may be approved in a specific location(s) for an initial approval period of up to twenty-seven months following the beginning of instruction. The prospective provider must notify the board when instruction has begun. If initial approval is denied, the prospective provider may resubmit a revised plan informed by suggestions given by the board and its staff.

(b) School counselor and school psychologist programs: Approve the program for a time period to align with their respective national association approvals.

(5) Prior to the expiration of initial approval, staff of the board shall conduct a site visit to determine if the program is in full compliance and performance aligned with the state approval requirements. This includes a review of all applicable indicators and domain components for the type of program.

(a) The twenty-seven-month review is a formal review to evaluate recently approved educator preparation programs and consider them for continued approval.

(i) The formal review will incorporate the following elements:

(A) The board shall determine the schedule for formal reviews and the forms of documentation and validation that will be used for evaluation.

(B) Preparation program providers will submit requested evidence to the staff of the board.

(C) A review team will review the evidence and request additional information including information provided through documents and interviews with program provider staff or affiliates as needed. One board staff member will serve as chair on the review team during the review process but will not serve in an evaluative role. Additional members of the review team shall include one member of the programs professional educator advisory board, one P-12 practitioner with expertise related to the program scheduled for review, and two representatives of peer programs. Any two of these review team members, or two additional members must be identified individuals with expertise related to the domains of practice and standard components identified in annual written program feedback analyses.

(ii) The twenty-seven-month review team will use multiple data sources to address the specific goals listed in this section.

(A) The twenty-seven-month review team and the preparation program provider will use annual performance indicator data available at the time of review. Performance of programs on board approved indicators will be used by the review team to write the review report and by the board in consideration of the program's continued approval status.

(B) The twenty-seven-month review team and the preparation program provider will use evidence compiled by the provider that demonstrates performance aligned with all program standards and requirements. Programs' demonstration of upholding board approved standards and requirements will be used by the review team to write the review report and will be used by the board in consideration of continued approval status. Staff of the board will offer program providers guidance regarding the evidence required, how it may be gathered and used, and how it must be submitted.

(C) The twenty-seven-month review team and the preparation program provider will evaluate whether and to what degree the provider of the program under review has implemented the program in alignment with the goals and design for which it was approved. Fidelity to approved program designs and outcomes will be used by the review team to write the review report and by the board in consideration of continued approval status.

(D) The twenty-seven-month review team and the preparation program provider will evaluate whether and to what degree the provider of the program under review has demonstrated continuous improvement in its implementation and outcomes. Providers' ability to demonstrate continuous improvement in processes and outcomes will be used by the review team to write the review report and by the board in consideration of continued approval status.

(iii) Following the review, the review team will provide a report identifying any areas of practice in which program performance is out of alignment with standards and requirements.

(A) The report may also verify or contradict that the approved indicators or thresholds are functioning as intended.

(B) The review team's report and other appropriate documentation will be submitted to the provider and the board within six months of the formal twenty-seven-month review.

(C) Providers may submit a reply to the review team report within three weeks following receipt of the report. The board shall publish the process for submitting and reviewing the reply.

(D) In considering the review team's report, the board may request additional information for review, or take action to extend or change the educator preparation program's approval status.

(iv) Based upon the review team's report, the program provider's response, and any subsequent requests for information, as applicable, the board shall take one of the following actions:

(A) The board shall give full approval as described in WAC 181-78A-110 (1)(a).

(B) Limited approval as described in WAC 181-78A-110 (1)(b).

(C) Disapproval as described in WAC 181-78A-110 (1)(c).

(v) The board's staff may provide technical assistance to providers to help them improve their performance as described in WAC 181-78A-110 (1)(b)(iv).

(b) A provider may request a hearing in instances where it disagrees with the professional educator standards board's decision. This request must be made within twenty days from the decision date. The hearing will be conducted through the office of administrative hearings by an administrative law judge per chapter 34.05 RCW. The provider seeking a hearing will provide a written request to the board in accordance with WAC 10-08-035.

WSR 19-12-006

PERMANENT RULES

CASCADIA COLLEGE

[Filed May 22, 2019, 6:13 p.m., effective June 22, 2019]

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

Purpose: Cascadia College is updating terminology regarding current modes of transportation and advancement in parking technology (i.e. electric assisted bicycle and virtual permit parking) traveling to/from and through campus. This information in this WAC chapter has also been updated to reflect current practices regarding parking and parking related products, systems, and privileges, parking fees, citations, fines, immobilization and impoundment, and related appeals.

Citation of Rules Affected by this Order: New WAC 132Z-116-012, 132Z-116-035, 132Z-116-042, 132Z-116-043, 132Z-116-055, 132Z-116-235, 132Z-116-325, 132Z-116-330 and 132Z-116-340; repealing WAC 132Z-116-070, 132Z-116-080, 132Z-116-280, 132Z-116-400 and 132Z-116-410; and amending WAC 132Z-116-010, 132Z-116-020, 132Z-116-030, 132Z-116-040, 132Z-116-050, 132Z-116-060, 132Z-116-090, 132Z-116-100, 132Z-116-110,

132Z-116-200, 132Z-116-220, 132Z-116-240, 132Z-116-270, 132Z-116-300, 132Z-116-310, and 132Z-116-320.

Statutory Authority for Adoption: RCW 28B.10.560 and 28B.50.140(10).

Adopted under notice filed as WSR 19-06-034 on March 1, 2019.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 9, Amended 16, Repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 16, Repealed 5.

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

Date Adopted: May 22, 2019.

Vicki L. Newton
Rules Coordinator

PART I

AUTHORITY, GENERAL INFORMATION, AND DEFINITIONS

AMENDATORY SECTION (Amending WSR 15-07-109, filed 3/18/15, effective 4/18/15)

WAC 132Z-116-010 Objectives of parking and traffic rules. The objectives of these rules are:

(1) To protect and control pedestrian and vehicular traffic on the campus of University of Washington, Bothell and Cascadia College.

(2) To ~~((assure))~~ ensure access at all times for emergency equipment.

(3) To minimize traffic disturbances.

(4) To facilitate the operation of the institutions by ~~((assuring))~~ ensuring access to vehicles.

(5) To allocate limited parking space for the most efficient use.

(6) To protect state property.

(7) To encourage and support travel to the campus by means other than single occupancy vehicle.

NEW SECTION

WAC 132Z-116-012 Knowledge of parking and traffic rules. It is the responsibility of all individuals parking or operating a vehicle on the campus to comply with these rules. Lack of knowledge of these rules shall not be grounds for the dismissal of any citation for a violation of the parking or traffic rules.

AMENDATORY SECTION (Amending WSR 15-07-109, filed 3/18/15, effective 4/18/15)

WAC 132Z-116-020 Definitions. The following definitions apply to this chapter:

~~((1) Campus: The colocated campus of University of Washington, Bothell and Cascadia College.~~

~~(2) College: Cascadia College, and collectively those responsible for its control and operations.~~

~~(3) Employee: An employee of the college or the university.~~

~~(4) Institutions: The college and the university.~~

~~(5) Public safety officers: Employees of the college or the university who are responsible for campus security, safety, and parking and traffic control.~~

~~(6) Student: A person enrolled in the college or the university.~~

~~(7) University: The University of Washington, Bothell, and collectively those responsible for its control and operations.~~

~~(8) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.~~

~~(9) Visitor: A person who is neither an employee nor a student of the college or the university.)~~ **(1) Authorized valid payment:** Any payment accepted by commuter services, including the online, mobile application, and pay stations.

(2) Bicycle: Any device defined as a bicycle in RCW 46.04.071.

(3) Campus: The colocated campus of University of Washington, Bothell and Cascadia College to include those lands and leased facilities where parking is managed or controlled by commuter services.

(4) Campus safety officers: Employees of the college or the university who are responsible for campus security, safety, parking, and traffic control.

(5) Carpool: A group of two or more employees or students who commute to campus in the same vehicle and complete the campus commuter services carpool registration process.

(6) Citation: Formal written notice of a parking violation.

(7) College: Cascadia College, and collectively those responsible for its control and operations.

(8) Commuter services: The campus department that manages and maintains parking facilities, issues parking products, issues citations, processes citation appeals, and collects fees and fines.

(9) Day: Unless otherwise specified, the term "day" refers to a calendar day.

(10) Disability parking: See persons with a disability.

(11) Disability zone/area: A parking zone designated for exclusive use by persons with a disability and identified with a sign bearing the associated international symbol.

(12) Electric assisted bicycle: As defined under RCW 46.04.169.

(13) Employee: Any individual hired as or appointed to the faculty, staff, or administration of the college or university.

(14) Fee: A charge for the use of services provided and facilities managed by commuter services.

(15) Fine: Monetary penalty for a parking violation.

(16) Immobilization: The attachment of a device to a parked motor vehicle so that the vehicle cannot be moved.

(17) Impoundment: The removal of the vehicle to a storage facility by an authorized agent of campus safety, commuter services, or an authorized agent of commuter services.

(18) Institutions: The college and the university.

(19) License plate recognition (LPR): Technology that uses optical character recognition to automatically read license plate characters.

(20) Meter: A single fixed device that registers and collects payment for the length of time a vehicle occupies a single parking space. A meter does not produce a receipt, physical permit, or virtual permit. A meter is not a permit issuance machine.

(21) Moped: As defined under RCW 46.04.304.

(22) Motorcycle: As defined under RCW 46.04.330.

(23) Motor vehicle: As defined under RCW 46.04.320.

(24) Nonmotorized vehicle: A device other than a motor vehicle used to transport persons including, but not limited to, bicycles, skateboards, in-line skates, hover boards, personal conveyance devices, and roller skates.

(25) Operator or driver: Every person who drives or is in actual physical control of a motor vehicle or nonmotorized vehicle.

(26) Overtime parking: The occupation by a vehicle of a time-limited space beyond the posted time limit or time provided on a permit, meter, or permit-issuance machine.

(27) Parking product: A product issued by commuter services to manage motorized and nonmotorized access to the campus. Parking products include, but are not limited to, visual permits, virtual permits, access to bicycle lockers and other bicycle parking facilities, and parking access cards.

(28) Parking space: A space for parking one motor vehicle normally designated by lines painted on either side of the space, a wheel stop positioned in the front of the space, a sign or signs, or other markings.

(29) Pay station: A commuter services deployed and managed machine that issues virtual permits.

(30) Permit: A visual permit or virtual permit.

(31) Persons with disability: For the purpose of this chapter, persons with disability shall refer to a person or persons with a disability or disabilities who qualify for a state-issued individual with disabilities parking identification and permit.

(32) Registered owner: The person who has the lawful right of possession of a vehicle most recently recorded with any state department of licensing.

(33) Roller skate/in-line skate: A device used to attach wheels to the foot or feet of a person.

(34) Skateboard: Any oblong board of whatever composition, with a pair of wheels at each end, which may be ridden by a person.

(35) Student: A person enrolled in the college or the university.

(36) Traffic: The movement of motorized vehicles, non-motorized vehicles and pedestrians in an area or along a street as is defined in RCW 46.04.590.

(37) **University:** The University of Washington, Bothell, and collectively those responsible for its control and operations.

(38) **Vehicle:** As defined under RCW 46.04.670.

(39) **Virtual permit:** An authorization to park, issued by commuter services, or an authorized agent, that is associated with a vehicle's license plate.

(40) **Visitor:** A person who is neither an employee nor a student of the university or college and who only visits campus on an occasional basis.

(41) **Visual permit:** A physical permit issued by campus commuter services that when properly filled out and displayed according to instructions, authorizes a vehicle to park on campus.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-030 Applicable parking and traffic rules. The applicable parking and traffic rules upon the campus are:

(1) The motor vehicle and other traffic laws of the state of Washington, Title 46 RCW.

(2) The ~~((traffic code of the city of Bothell.~~

~~(3) The parking and traffic rules in this chapter. If the Washington laws or the Bothell traffic code conflicts with these rules, the Washington laws or the Bothell traffic code shall govern))~~ parking and traffic rules in this chapter and chapter 478-117 WAC.

NEW SECTION

WAC 132Z-116-035 Severability—Savings clause. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-040 Enforcement of parking and traffic rules. The institutions share responsibility for parking and traffic management on campus. Duly appointed ~~((pub- lie))~~ campus safety officers, designated commuter services employees, or independent contractors hired by the institutions are authorized to enforce these parking and traffic rules and may conduct traffic control on campus.

NEW SECTION

WAC 132Z-116-042 Liability of institutions. Except for vehicles that the institutions own or operate, the institutions assume no liability under any circumstances for vehicles on the campus. No bailment, but only a license, is created by the purchase and/or issuance of a permit.

PART II

PARKING RULES

NEW SECTION

WAC 132Z-116-043 General parking regulations. (1) No person may utilize any vehicle parked on campus as a living unit without specific approval from the campus safety director. Violators may be cited and/or towed.

(2) Vehicles are to be maintained in operating condition at all times while on campus, except those in a garage, research facility, or automotive shop designated for parking such vehicles by the commuter services manager or designee.

(3) A vehicle which appears to be abandoned, with or without a current parking product or license plate(s), may be impounded after an attempt is made to locate and notify the owner of the impending action.

(4) Stopped or parked vehicles must do so in line with the flow of traffic where they are located.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-050 Permits required for all motorized vehicles parked on campus. No person shall park((-)) or leave any motor vehicle ~~((other than bicycles))~~, whether attended or unattended, upon the campus without a permit issued by the institutions. Permission to park on campus will be shown by the display of a valid visual permit((-

(1) A valid permit is:

~~(a) A current vehicle permit displayed in accordance with WAC 132Z-116-110. Vehicle permits are valid until revoked.~~

~~(b) A temporary permit authorized by the institutions and displayed in accordance with instructions. Temporary permits are valid through the date or time on the permit.~~

~~(c) A parking permit issued by a gate attendant and displayed on the vehicle in accordance with instructions.~~

~~(d) A parking permit dispensed by machine at the campus and displayed in accordance with instructions.~~

~~(2) Parking permits are not transferable, except as provided in WAC 132Z-116-060 and 132Z-116-090.~~

~~(3) The college and university reserve the right to refuse to issue parking permits.~~

~~(4) This section does not apply to vehicles that the institutions own or operate.~~

~~(5) The institutions may allow persons without permits to drive through the campus without parking.~~

~~(6) A public safety officer may require visitors to wait at the entrances to the campus when pedestrian or vehicular traffic congestion is above normal.))~~ or registration of a valid virtual permit. Persons wishing to obtain virtual permits are required to complete a registration process established by commuter services and pay the corresponding fee. A vehicle associated with a virtual permit must have a visible license plate.

(1) A valid permit is:

(a) A current unexpired, visual permit issued by commuter services, or an authorized agent designated by com-

muter services, and displayed in accordance with the instructions given at the time of issuance.

(b) A current unexpired virtual permit issued by commuter services, or an authorized agent, that is associated with a vehicle's license plate.

(i) Vehicles with virtual permits associated with a vehicle's license plate must have the license plate exposed to the lane of travel and be clearly visible, unobstructed, and able to be read by the LPR equipment.

(ii) Parking permits are not transferable, except as provided in WAC 132Z-116-060 and 132Z-116-090.

(2) Commuter services reserves the right to refuse to issue parking products.

(3) The institutions may allow persons without permits to drive through the campus without parking.

(a) This section does not apply to vehicles that the institutions own or operate.

(b) Any vehicle, attended or unattended, must have a valid parking permit when parked on the campus, unless the vehicle is:

(i) Parked in a metered parking space with meter payment;

(ii) Parked in a loading zone in compliance with posted limits;

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

(iv) Parked in a posted short-term parking space in compliance with posted time limits; or

(v) Public safety or emergency vehicle parked while performing emergency services.

NEW SECTION

WAC 132Z-116-055 Overtime parking violations.

After a motor vehicle has been cited for parking beyond the time posted, the vehicle may be cited at a frequency of one additional citation for each period of time equal to the maximum time limit posted for the space.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-060 Carpool and disability parking permits. (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the institutions for each carpool. This permit is transferable only among the registered members of the carpool. This permit must be displayed in accordance with the instructions provided with the permit. A carpool ~~((is a group of two or more employees or students who commute to the campus in the same vehicle))~~ permit may be used with only one vehicle per day. Members of the campus carpool program must register their carpool with commuter services.

(2) The institutions provide parking for the disabled in accordance with the requirements of federal and state law, including parking spots reserved for persons who display a state of Washington disabled driver permit.

(3) Use of disability accommodation parking on campus requires payment for parking in the form of a campus parking permit issued by commuter services, payment at a pay sta-

tion, or payment at a parking meter for the designated space to which the vehicle is parked.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-090 Transfer of ~~((permits))~~ parking products limited. (1) As provided herein, a permit holder(s) may transfer ~~((one))~~ a permit between motor vehicles when used by ~~((the))~~ that permit holder. Improper transfer of a permit shall include, but is not limited to, the wrongful sale, the resale, lending, or transfer of a parking product or parking permit other than as provided herein. Multiple motor vehicles may be associated with a virtual permit but only one vehicle associated with a specific virtual permit may be parked on campus per calendar day. If more than one vehicle associated with a virtual permit is parked on campus during the course of a day, all additional vehicles are subject to a parking citation unless each additionally parked vehicle has a separate valid permit.

(2) Permits displaying license plate numbers shall be used only in the vehicles whose license number is written on the permit.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-100 Responsibility of person to whom ~~((permit))~~ parking product issued. (1) The ~~((person))~~ person(s) to whom a ~~((permit))~~ parking product is issued is responsible for ~~((the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of this chapter charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule of this chapter simply because he or she is not also the holder of the permit))~~ paying for the product until it expires or is returned to commuter services, unless stated otherwise in these rules. All associated outstanding commuter services related fees and fines must be satisfactorily settled before a parking product may be issued, reissued, or renewed.

(2) When requested, a parking permit holder shall provide commuter services with the current valid license plate number of any vehicle(s) with which they intend to use a parking permit.

(3) Subject to WAC 132Z-116-340, the person(s) to whom a parking product is issued is responsible for any violations of this chapter associated with a vehicle with which the product is used during the time the product is valid and up to the date and time the product expires or is reported lost or stolen.

(4) Commuter services may also require proof of a vehicle registration for certain designated parking products.

AMENDATORY SECTION (Amending WSR 15-07-109, filed 3/18/15, effective 4/18/15)

WAC 132Z-116-110 Display of permits. (1) ~~((Parking permits shall be displayed by hanging from the rear view mirror, affixed to the front window, or displayed face up on the~~

~~dashboard of the motor vehicle and shall be fully visible from the exterior of the motor vehicle.~~

~~(2) When applicable, the area designator (numeral, letter or combination) shall be affixed to the vehicle permit and shall be fully visible from the exterior of the motor vehicle.)~~ Visual permits shall be prominently displayed in accordance with the instructions printed in the permit and shall be fully visible from the exterior of the vehicle. Virtual permits are associated with a vehicle's license plate, and accordingly, a vehicle associated with a virtual permit must have its license plate exposed to the lane of travel and be clearly visible, unobstructed, and able to be read by the LPR equipment.

~~(2) Instructions relating to the display and assignment of a permit to a vehicle(s) will be provided by commuter services at the time of issuance and are located on the commuter services web site.~~

~~(3) Motorcycle and scooter permits shall be registered with ((the affiliated institution.~~

~~(4) Permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed))~~ commuter services.

~~(4) Commuter services may authorize certain designated virtual permit holders to use a vehicle's license plate as a permit. Certain designated virtual permits may require the completion of a permit registration process. Virtual permit instructions will be provided at the time of permit issuance.~~

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-200 Parking fees. The institutions' governing boards shall adopt parking fees, specifying the charge per day, quarter, and year. Each institution may set its own rates for quarterly and yearly permits, but the rates for daily parking permits must be uniform for both institutions. ~~((Each institution))~~ Commuter services, or its designee, shall sell quarterly and yearly permits to the institutions' employees and students ((only of its own institution. Each institution)), Commuter services, or its designee, may also sell quarterly and yearly permits ((it)) at its discretion to regular visitors to ((that)) each institution. A person who parks a vehicle in a metered parking space must pay for time used during posted times of operation.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-220 Parking within designated spaces. (1) No motor vehicle shall be parked on the campus except in areas designated as parking areas, unless expressly authorized by commuter services or campus safety.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not excuse a violation of this section.

(3) No person shall stop, stand, or park any motor vehicle so as to create a safety hazard, obstruct traffic along or upon any street, parking lot drive aisle, or roadway, or obstruct pedestrian movement along any plaza, path, or side-

walk unless expressly authorized by commuter services or campus safety.

NEW SECTION

WAC 132Z-116-235 Denial or revocation of parking privileges. Commuter services reserves the right to deny or revoke parking privileges to anyone who has:

- (1) Had a permit revoked.
- (2) Falsified a parking application or registration.
- (3) Counterfeited or altered a permit.
- (4) Failed to pay outstanding citations.
- (5) Been found to be in possession of or using a lost, refunded, or stolen permit.
- (6) Removed an immobilization device without authorization.
- (7) Been banned from campus.
- (8) Failed to comply with commuter services directions.
- (9) Damaged campus property while driving or parking on campus.
- (10) Verbally abused or assaulted staff, including commuter services staff.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-240 Regulatory signs, markings, barricades, etc. (1) The institutions may erect permanent or temporary signs, barricades, and other structures, and paint marks and other directions upon the streets and parking areas within the campus. Drivers of vehicles shall obey the signs, barricades, structures, markings, and directions. Drivers of vehicles shall comply with directions given to them by ~~((public safety officers in the))~~ commuter services employees, campus facilities employees, campus safety officers, or authorized commuter services contractors in the control and regulation of traffic. Drivers shall also comply with directions given to them by ~~((the traffic guides or parking checkers))~~ commuter services employees, campus safety officers, or authorized commuter services contractors in the assignment of parking space and in the collection of parking fees.

(2) No person without authorization from the institutions shall move, deface, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

PART III

USE OF MOTORIZED AND NONMOTORIZED VEHICLES

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-270 Motorcycles, bicycles, scooters. (1) Motorcycles, bicycles, and scooters are subject to all traffic rules controlling other motor vehicles.

(2) Motorcycles and motorized scooters ~~((may))~~ must be parked in designated motorcycle parking areas ~~((in addition to the regular parking lots)).~~

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas, or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. Improperly parked bicycles may be impounded and a citation and fine imposed upon the owner.

(5) No bicycles or foot-propelled devices shall be operated on campus corridors, hallways, or buildings unless their use is required as part of the educational process in an authorized program, or authorized by campus personnel. A "foot-propelled device" is a wheeled device designed or used for recreation or transportation, including but not limited to skateboards, roller skates, and roller blades.

PART IV

FINES, CITATIONS, IMMOBILIZATION, AND IMPOUNDMENT

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-300 Issuance of ~~((traffic))~~ parking citations. Upon probable cause ~~((to believe))~~ that a violation of these rules has occurred, a ~~((public safety officer or designated contractor))~~ campus safety officer, commuter services employee, or contractor designated by commuter services may issue a citation setting forth the date, the approximate time, the locality, the nature of the violation, the ~~((permit))~~ license plate number, ((license number;)) infraction, officer, and the amount of fine(s). The citation shall be served on the person responsible for the violation by: Attaching a copy of the citation to, or placing it prominently within, the vehicle allegedly involved in the violation; mailing a copy of the citation to the person responsible; or serving a copy of the citation personally on the person responsible.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-310 Fines, immobilization, and impounding. (1) The current schedule of fines shall be published by the institutions and made available for review ~~((in the Central Plant Building))~~ online and in the commuter services office.

(2) All fines are due upon receipt of the citation and must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be delivered in person to the ~~((citation hearing office))~~ UW Bothell cashier's office, paid online, or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the institution shall impose an additional fine of ten dollars per offense and may:

- (a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid.
- (b) Delay registration for the following quarter.
- (c) Impound or immobilize the violator's vehicle.
- (d) Deny future parking privileges to the violator.

(e) Refuse to issue keys to a violator who is an employee or student.

(f) Refer outstanding balances associated with unpaid fines for collection in accordance with applicable statutes and institutional procedure.

(3) In addition to imposing fines, ~~((public))~~ campus safety officers ~~((may impound or immobilize any vehicle parked on campus in violation of these rules. The expenses of impounding, immobilization, and storage shall be charged to the owner or operator, or both, of the vehicle and must be paid before the vehicle's release)),~~ commuter services employees, or authorized commuter services contractors or agents may immobilize and/or impound any vehicle parked on campus in violation of these rules. Grounds for impounding or immobilizing vehicles shall include, but not be limited to the following:

- (a) Blocking a roadway so as to impede the flow of traffic.
- (b) Blocking a walkway so as to impede the flow of pedestrian traffic.
- (c) Blocking a fire hydrant or fire lane.
- (d) Creating a safety hazard.
- (e) Blocking another legally parked vehicle.
- (f) Parking in a marked "tow-away" zone.
- (g) Leaving a vehicle unattended on campus for longer than two days, unless the vehicle has a valid student housing resident permit.
- (h) Failing to pay a fine(s) imposed under this chapter.
- (i) Parking a vehicle on campus that has no license plate(s) and no observable vehicle identification number.
- (4) Not more than ~~((twenty-four hours))~~ one business day after impoundment or immobilization of any motor vehicle, ((the institution)) commuter services shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. ~~((The institutions shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. Impounding a vehicle does not remove the obligation for any fines associated with the violation.~~

(4)) Similar notice shall be given to each person who seeks to redeem an immobilized or impounded motor vehicle. If a motor vehicle is redeemed prior to the mailing of the notice, the notice may not be mailed. The notice shall contain the date of immobilization or impoundment, reason for the action, the location of the motor vehicle if impounded, redemption procedures, and an opportunity to contest the immobilization or impoundment as provided in WAC 132Z-116-320. The institutions shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. All parking fines, fees, the cost of immobilization and/or impoundment (e.g., booting, towing, and storage fees) must be paid prior to the removal of an immobilization device or the release of an impounded motor vehicle. Impounded motor vehicles shall be redeemed only by the registered owner who has a valid driver's license or a person authorized by the registered owner who has a valid driver's license and who produces proof of authorization and signs a receipt for motor vehicle. Proof of ownership may be required before a vehicle is released from immobilization or impound.

(5) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the student's institution.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-320 Appeals of fines, immobilizations, and impoundments. (1) Any immobilization, impoundment, or fine under this chapter may be appealed in writing, ~~or when available, appealed through the online parking portal,~~ within twenty calendar days from the date of the citation ~~((or)),~~ the notice of immobilization, or the notice of impoundment. The notice of appeal must be addressed to the location indicated on the citation, notice of immobilization, or notice of impoundment. ~~((The institutions))~~ Commuter services will make appeal forms available at the ~~((university's cashiers office in Room UW1 176 and at the college's cashiers office in Room CC1 103))~~ commuter services office. The notice of appeal must explain the reasons for contesting the citation, immobilization or impoundment. If the person who files a notice of appeal desires an opportunity to make an oral statement in the appeal, the request to make an oral statement must be included in the notice of appeal. Online appeal instructions can be accessed through the commuter services web site.

(2) The hearing on the appeal shall be a brief adjudicative hearing as provided by RCW 34.05.482 et seq. If a request for an oral statement was made, the presiding officer or officers shall provide reasonable notice of the time and place for receiving the oral statement. The presiding officer(s) shall review the notice of appeal and provide a written decision to the person submitting the appeal within ten calendar days of taking action. If the appeal is denied, the decision shall include a brief statement of its reasons and information about the opportunity for further review. Any fine owed on a written decision that is not further appealed as provided in subsection (3) of this section shall be paid within twenty-one calendar days after service of the decision.

(3) A person wishing to contest the written decision may request a review by contacting the institution in writing within twenty-one calendar days after service of the decision. The request for review shall explain why the decision was incorrect. The reviewing officer shall, within twenty calendar days of the date of the request, review the matter and render a final written decision, which shall include a brief statement of its reasons and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (4) of this section shall be paid within ten calendar days after service of the decision.

(4) A person wishing to appeal a final decision of the citation hearing office to the district court may, within ten calendar days of service of the final decision, file a written notice with the institution. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

NEW SECTION

WAC 132Z-116-325 Permit and parking product revocations. Parking products are the property of the institutions, and may be recalled by the issuer for any of the following reasons:

- (1) When the purpose for which the parking product was issued changes or no longer exists;
- (2) When a parking product is used on an unauthorized vehicle, by an unauthorized individual, or in an unauthorized manner;
- (3) Falsification on a parking product application;
- (4) Multiple or continued violations of parking rules;
- (5) Counterfeiting, altering, or using a lost/stolen parking product;
- (6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer;
- (7) Nonpayment of parking product fees or parking fines.

NEW SECTION

WAC 132Z-116-330 Right to appeal revocation. Parking product revocations under this chapter may be appealed pursuant to the procedures in WAC 132Z-116-320.

NEW SECTION

WAC 132Z-116-340 Motorized vehicles—Responsible parties for illegal parking. (1) For any motor vehicle citation involving a violation of this chapter where the motor vehicle is registered to a permit holder, there shall be a prima facie presumption that the permit holder was the person who operated the motor vehicle in violation of these rules. Such responsibility does not afford a defense to another person who violated these rules.

(2) For any motor vehicle citation involving a violation of this chapter where the motor vehicle is not registered to a permit holder, there shall be a prima facie presumption that the registered owner of the motor vehicle was the person who operated the motor vehicle in violation of these rules. Such responsibility does not afford a defense to another person who violated these rules.

(3) This section shall not apply to university or college operated motor vehicles. The operator of a university owned or a college owned motor vehicle is personally liable for any citation issued to the motor vehicle.

(4) A third party other than the permit holder or registered owner can assume responsibility for a citation by either paying the citation within twenty calendar days of the date of the citation or submitting a petition where the third party agrees to take responsibility.

(5) When mitigating circumstances exist, authorized commuter services personnel may reduce or dismiss fines.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132Z-116-070 Permit revocations.
- WAC 132Z-116-080 Right to appeal revocation.
- WAC 132Z-116-280 Distribution of literature.
- WAC 132Z-116-400 Report of accident.
- WAC 132Z-116-410 Liability of institutions.

**WSR 19-12-008
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT**

[Filed May 23, 2019, 12:50 p.m., effective June 23, 2019]

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

Purpose: To establish official pay dates for state officers and employees for calendar year 2019.

Citation of Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 19-06-014 on February 26, 2019.

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

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

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

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

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

Date Adopted: May 23, 2019.

Roselyn Marcus
Assistant Director for
Legal and Legislative Affairs
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-10-052, filed 4/26/18, effective 5/27/18)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ~~((2018 and))~~ 2019 and 2020:

~~((CALENDAR YEAR 2018~~
~~Wednesday, January 10, 2018~~
~~Thursday, January 25, 2018~~
~~Friday, February 9, 2018~~
~~Monday, February 26, 2018~~
~~Friday, March 9, 2018~~
~~Monday, March 26, 2018~~
~~Tuesday, April 10, 2018~~
~~Wednesday, April 25, 2018~~
~~Thursday, May 10, 2018~~
~~Friday, May 25, 2018~~
~~Monday, June 11, 2018~~
~~Monday, June 25, 2018~~
~~Tuesday, July 10, 2018~~
~~Wednesday, July 25, 2018~~
~~Friday, August 10, 2018~~
~~Friday, August 24, 2018~~
~~Monday, September 10, 2018~~
~~Tuesday, September 25, 2018~~
~~Wednesday, October 10, 2018~~
~~Thursday, October 25, 2018~~
~~Friday, November 9, 2018~~
~~Monday, November 26, 2018~~
~~Monday, December 10, 2018~~
~~Monday, December 24, 2018~~)

CALENDAR YEAR 2019
Thursday, January 10, 2019
Friday, January 25, 2019
Monday, February 11, 2019
Monday, February 25, 2019
Monday, March 11, 2019
Monday, March 25, 2019
Wednesday, April 10, 2019
Thursday, April 25, 2019
Friday, May 10, 2019
Friday, May 24, 2019
Monday, June 10, 2019
Tuesday, June 25, 2019
Wednesday, July 10, 2019
Thursday, July 25, 2019
Friday, August 9, 2019
Monday, August 26, 2019
Tuesday, September 10, 2019
Wednesday, September 25, 2019
Thursday, October 10, 2019
Friday, October 25, 2019
Friday, November 8, 2019
Monday, November 25, 2019
Tuesday, December 10, 2019
Tuesday, December 24, 2019

CALENDAR YEAR 2019
 Thursday, January 10, 2019
 Friday, January 25, 2019
 Monday, February 11, 2019
 Monday, February 25, 2019
 Monday, March 11, 2019
 Monday, March 25, 2019
 Wednesday, April 10, 2019
 Thursday, April 25, 2019
 Friday, May 10, 2019
 Friday, May 24, 2019
 Monday, June 10, 2019
 Tuesday, June 25, 2019
 Wednesday, July 10, 2019
 Thursday, July 25, 2019
 Friday, August 9, 2019
 Monday, August 26, 2019
 Tuesday, September 10, 2019
 Wednesday, September 25, 2019
 Thursday, October 10, 2019
 Friday, October 25, 2019
 Friday, November 8, 2019
 Monday, November 25, 2019
 Tuesday, December 10, 2019
 Tuesday, December 24, 2019))

CALENDAR YEAR 2020
Friday, January 10, 2020
Friday, January 24, 2020
Monday, February 10, 2020
Tuesday, February 25, 2020
Tuesday, March 10, 2020
Wednesday, March 25, 2020
Friday, April 10, 2020
Friday, April 24, 2020
Monday, May 11, 2020
Friday, May 22, 2020
Wednesday, June 10, 2020
Thursday, June 25, 2020
Friday, July 10, 2020
Friday, July 24, 2020
Monday, August 10, 2020
Tuesday, August 25, 2020
Thursday, September 10, 2020
Friday, September 25, 2020
Friday, October 9, 2020
Monday, October 26, 2020
Tuesday, November 10, 2020
Wednesday, November 25, 2020
Thursday, December 10, 2020
Thursday, December 24, 2020

WSR 19-12-013
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 24, 2019, 6:45 a.m., effective June 24, 2019]

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

Purpose: The purpose of this rule-making order is to amend the office of superintendent of public instruction's leave sharing rules to align them with the underlying statutes, RCW 41.04.650 through 41.04.665, establish appropriate parameters and procedures for district shared leave programs, and make technical and housekeeping revisions. The rules also recodify WAC 392-126-004 through 392-126-104 as a standalone WAC chapter and make several housekeeping revisions to improve the clarity of the rules.

Citation of Rules Affected by this Order: New WAC 392-136A-010, 392-136A-015, 392-136A-020, 392-136A-025, 392-136A-030, 392-136A-035, 392-136A-040, 392-136A-045, 392-136A-050, 392-136A-055, 392-136A-060, 392-136A-065, 392-136A-070 and 392-136A-075; and repealing WAC 392-126-004, 392-126-006, 392-126-009, 392-126-015, 392-126-020, 392-126-022, 392-126-025, 392-126-026, 392-126-027, 392-126-030, 392-126-032, 392-126-035, 392-126-040, 392-126-045, 392-126-050, 392-126-053, 392-126-055, 392-126-060, 392-126-065, 392-126-070, 392-126-075, 392-126-080, 392-126-085, 392-126-087, 392-126-090, 392-126-095, 392-126-099, 392-126-101, and 392-126-104.

Statutory Authority for Adoption: RCW 28A.400.380.

Adopted under notice filed as WSR 19-09-056 on April 15, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 14, Amended 0, Repealed 0.

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

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

Date Adopted: May 24, 2019.

Chris P. S. Reykdal
 State Superintendent
 of Public Instruction

Chapter 392-136A WAC
FINANCE—SHARED LEAVE

NEW SECTION

WAC 392-136A-010 Authority. The authority for this chapter is RCW 28A.400.380, which authorizes the superin-

tendent of public instruction to adopt rules promulgating standards governing the administration of the shared leave program which permits sharing of leave by qualified school district and educational service district employees.

NEW SECTION

WAC 392-136A-015 Purpose. The purpose of this chapter is to set forth standards establishing appropriate parameters for shared leave programs administered by school districts and educational service districts that are consistent with the provisions of RCW 41.04.650 through 41.04.665 and procedures to ensure that the program does not significantly increase the cost of providing leave.

NEW SECTION

WAC 392-136A-020 Definitions. As used in this chapter the term:

(1) "Annual leave" means vacation leave that an employee accrues and is maintained in records of a district for employees eligible to accrue annual leave.

(2) "District" means a school district or an educational service district.

(3) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members;

(b) Sexual assault of one family or household member by another family or household member; or

(c) Stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(4) "Donated annual leave" means the amount of annual leave donated by a leave donor under the shared leave program.

(5) "Donated sick leave" means the amount of sick leave donated by a leave donor under the shared leave program.

(6) "Donated personal holiday" means the amount of personal holiday donated by a leave donor under the shared leave program of an educational service district pursuant to RCW 1.16.050.

(7) "Employee" means any school district or educational service district employee entitled to use and accrue annual and/or sick leave and for whom accurate leave records are maintained.

(8) "Employee's relative" means the employee's spouse, child, stepchild, grandchild, grandparent, parent, sibling, or other close relative by blood or marriage.

(9) "Extraordinary or severe" means serious or extreme and/or life threatening.

(10) "Family or household members" has the same meaning as set forth in RCW 26.50.010.

(11) "Household members" means persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. The term does not include persons sharing the same house when the living style is primarily that of a dormitory or commune.

(12) "Leave donor" means an employee who has an approved written request for the transfer of annual leave, sick leave, or personal holiday to the shared leave program.

(13) "Leave recipient" means a current employee who has an approved application to receive shared leave.

(14) "Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care, for a period of up to sixteen weeks after the birth or placement.

(15) "Personal holiday" means the additional paid holiday per calendar year granted to an educational service district employee pursuant to RCW 1.16.050.

(16) "Pregnancy disability" means a pregnancy-related medical condition or miscarriage.

(17) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(18) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(19) "Sick leave" means leave granted to an employee for the purpose of absence from work with pay in the event of illness, injury, and emergencies as authorized in RCW 28A.400.300.

(20) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(21) "State employer" means a state agency, the legislature, an institution of higher education, or a related higher education board.

(22) "Uniformed services" means the armed forces, the Army National Guard, and the Air National Guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time National Guard duty, or state active duty, the commissioned corps of the Public Health Service, the Coast Guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

(23) "Victim" means a person against whom domestic violence, sexual assault, or stalking has been committed as defined in this section.

NEW SECTION

WAC 392-136A-025 Permissibility of shared leave program. Pursuant to RCW 28A.400.380, districts may institute a shared leave program for employees. This chapter shall govern such programs.

NEW SECTION

WAC 392-136A-030 Eligibility. In the event a district implements a shared leave program, an employee shall be eligible to receive shared leave if the district has determined the employee meets the following conditions:

(1) The employee:

(a) Suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or

mental condition which is of an extraordinary or severe nature;

(b) Has been called to service in the uniformed services;

(c) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has the needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;

(d) Is a victim of domestic violence, sexual assault, or stalking;

(e) Is a current member of the uniformed services or is a veteran as defined under RCW 41.04.005, and is attending medical appointments or treatments for a service connected injury or disability;

(f) Is a spouse of a current member of the uniformed services or a veteran as defined under RCW 41.04.005, who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointment or treatment;

(g) Needs the time for parental leave; or

(h) Is sick or temporarily disabled because of pregnancy disability.

(2) The condition(s) listed in subsection (1) of this section has caused, or is likely to cause, the employee to go on leave without pay or terminate district employment.

(3) The employee's absence and the use of shared leave are justified.

(4) The employee has exhausted or will shortly exhaust leave in accordance with WAC 392-136A-040. If the employee qualifies under subsection (1)(g) or (h) of this section, the employee is not required to deplete all of his or her annual leave or sick leave in accordance with WAC 392-136A-040.

(5) The employee has abided by district policies regarding:

(a) Sick leave use if the employee qualifies under subsection (1)(a), (d), (g), or (h) of this section; or

(b) Military leave use if the employee qualifies under subsection (1)(b) of this section.

(6) If the illness or injury is work-related, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW.

(7) The employee's job is one in which annual leave, sick leave, military leave, or personal holiday can be used and accrued.

NEW SECTION

WAC 392-136A-035 Donation of leave. An employee may donate annual leave, sick leave, or all or part of a personal holiday to another employee or pool for purposes of the state leave sharing program under the following conditions:

(1) **Annual leave.**

(a) The leave donor may donate any amount of accrued annual leave provided the donation does not cause the leave donor's annual leave balance to fall below ten days. For the

purpose of this section, annual leave does not accrue if the leave donor receives compensation in lieu of accumulating a balance of annual leave.

(b) Employees may not donate excess annual leave that the leave donor would not be able to take because of an approaching date after which the annual leave cannot be used.

(2) **Sick leave.**

(a) The leave donor must have accrued more than twenty-two days of sick leave.

(b) The leave donor may not donate an amount of sick leave that will result in his or her sick leave account going below twenty-two days.

(3) **Personal holiday.** An educational service district employee may donate part or all of his or her personal holiday to specific individuals or pool.

(4) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave.

NEW SECTION

WAC 392-136A-040 Exhaustion of leave. (1) Employees who qualify for shared leave under WAC 392-136A-030 (1)(a) must first use all of their personal holiday, accrued sick leave, and accrued annual leave before using shared leave.

(2) Employees who qualify for shared leave under WAC 392-136A-030 (1)(b) must first use all of their personal holiday, accrued vacation leave, and paid military leave allowed under RCW 38.40.060 before using shared leave.

(3) Employees who qualify for shared leave under WAC 392-136A-030 (1)(c) and (d) must first use all personal holiday and annual leave that they have accrued before using shared leave.

(4) Employees who qualify for shared leave under WAC 392-136A-030 (1)(e) or (f) must first use all personal holiday, sick leave, and annual leave before using shared leave.

(5)(a) Educational service district employees who qualify for shared leave under WAC 392-136A-030 (1)(g) and/or (h) must first use their personal holiday before using shared leave; and

(b) Employees who qualify for shared leave under WAC 392-136A-030 (1)(g) and/or (h) are not required to deplete all of their accrued annual leave and sick leave and can maintain up to forty hours of annual leave and forty hours of sick leave.

NEW SECTION

WAC 392-136A-045 Maximum amount. The district determines the amount of shared leave, if any, which a leave recipient may receive. However, a leave recipient must not receive more than five hundred twenty-two days of shared leave during total district employment.

Districts are encouraged to consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time, or special assignments in place of shared leave.

NEW SECTION

WAC 392-136A-050 Repayment of shared leave used. A leave recipient who uses leave that is donated under the state leave sharing program is not required to repay the value of the leave that he or she used.

NEW SECTION

WAC 392-136A-055 Documentation. An employee may be required to submit the following documentation before the district approves or disapproves the employee's request for shared leave:

(1) For employees seeking shared leave under WAC 392-136A-030 (1)(a), the district may require the employee to submit a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(2) For employees seeking shared leave under WAC 392-136A-030 (1)(b), the district may require the employee to submit a copy of the military orders verifying the employee's required service in the uniformed services.

(3) For employees seeking shared leave under WAC 392-136A-030 (1)(c), the district may require proof of acceptance of an employee's offer to volunteer for either a governmental agency or a nonprofit organization during a declared state of emergency.

(4) For employees seeking shared leave under WAC 392-136A-030 (1)(d), the district may require that the request be supported by documentation. An employee may satisfy the verification requirement by providing the employer with one or more of the following:

(a) A police report indicating that the employee was a victim of domestic violence, sexual assault or stalking;

(b) A court order protecting or separating the employee from the perpetrator of the act of domestic violence, sexual assault or stalking;

(c) Evidence from the court or prosecuting attorney that the employee appeared or is scheduled to appear in court in connection with an incident of domestic violence, sexual assault or stalking;

(d) An employee's written statement that the employee is a victim of domestic violence, sexual assault or stalking; or

(e) Documentation that the employee is a victim of domestic violence, sexual assault or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault or stalking: An advocate for victims of domestic violence, sexual assault or stalking; an attorney; a member of the clergy; or a medical or other professional.

(5) For employees seeking shared leave under WAC 392-136A-030 (1)(e) or (f), the district may require the employee provide a veterans affairs benefits summary letter from the U.S. Department of Veterans Affairs and a copy of "DD Form 214" or a letter from the employee's command indicating the employee is a current member of the uniformed services and verifying that:

(a) The employee is attending medical appointments or treatments for a service connected injury or disability including U.S. Department of Veterans Affairs compensation and pension examinations; or

(b) The employee is a spouse of a veteran who requires assistance while attending medical appointments or treatments for a service connected injury or disability including U.S. Department of Veterans Affairs compensation and pension examinations.

(6) For employees seeking shared leave under WAC 392-136A-030 (1)(g), the district may require verification of the birth or adoption of the child or proof of a current foster parent license or a court document for foster care or placement.

(7) For employees seeking shared leave under WAC 392-136A-030 (1)(h), the employer may require a medical certification from a licensed physician or health care practitioner verifying that the employee has a pregnancy disability.

NEW SECTION

WAC 392-136A-060 Calculation of shared leave benefit—Proration. Shared leave between employees of the same district shall be calculated as follows:

(1) The leave recipient shall be paid his or her regular rate of pay. Therefore, the value of one hour of shared leave may cover more or less than one hour of the recipient's salary. The dollar value of the leave shall be converted from the donor to the recipient. The leave received shall be coded as shared leave and shall be maintained separately from all other leave balances.

(2) In the alternative, the dollar value of the leave donated shall be ignored and the leave shall be calculated on a day donated and day received basis.

NEW SECTION

WAC 392-136A-065 Shared leave benefits—Transfers between districts—Calculations of donated leave amounts. (1) Districts shall have the option, as a matter of board policy, of allowing their employees to share leave with employees of other districts or state employers, or to receive leave from employees of other districts or state employers.

(2) The leave recipient shall be paid his or her regular rate of pay. Therefore, the value of one hour of shared leave may cover more or less than one hour of the recipient's salary.

(3) Leave shared between districts and/or state employers shall be calculated in a format designated by the office of superintendent of public instruction. Donated shared leave shall be converted into the dollar equivalent. Received shared leave shall be converted from the dollar amount received into days to be paid. Shared leave shall be transferred between districts and/or state employers based on the dollar equivalent computed under this section.

(4) Leave received shall be coded as shared leave and shall be maintained separately from all other leave balances.

NEW SECTION

WAC 392-136A-070 Unused shared leave. (1) Any shared leave not used by the leave recipient during each incident or occurrence as determined by the district must be returned to the leave donor(s).

(2) If shared leave has been granted for a leave recipient who suffers from an illness, injury, impairment, or physical

mental condition which is of an extraordinary or severe nature, unused shared leave may not be returned to the leave donor until one of the following occurs:

(a) The district receives a statement from the leave recipient's licensed physician or health care practitioner verifying that the illness or injury is resolved; or

(b) The leave recipient is released by his or her licensed physician or health care practitioner to return to the leave recipient's normal schedule; has not received additional medical treatment for his or her current condition or any other qualifying condition for at least six months; and his or her licensed physician or health care practitioner has declined, in writing, the leave recipient's request for a statement indicating the leave recipient's condition has been resolved.

(3) The remaining unused shared leave must be returned to the leave donors and reinstated to the respective donors' appropriate leave balances.

(4) Any portion of a personal holiday that is accrued by an educational service district employee, donated as shared leave, and then returned during the same calendar year to the leave donor may be taken by the leave donor.

NEW SECTION

WAC 392-136A-075 Annual conversion of accumulated sick leave. The provisions of this chapter shall not reduce the ability of the employee to convert accumulated sick leave under WAC 392-136A-015.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-126-004 Authority.

WAC 392-126-006 Purpose.

WAC 392-126-009 Definition—Program.

WAC 392-126-015 Definition—Annual leave.

WAC 392-126-020 Definition—Sick leave.

WAC 392-126-022 Definition—Personal holiday.

WAC 392-126-025 Definition—Employee.

WAC 392-126-026 Definition—Service in the uniformed services.

WAC 392-126-027 Definition—Uniformed services.

WAC 392-126-030 Definition—District.

WAC 392-126-032 Definition—Agency.

WAC 392-126-035 Definition—Leave recipient.

WAC 392-126-040 Definition—Leave donor.

WAC 392-126-045 Definition—Donated annual leave.

WAC 392-126-050 Definition—Donated sick leave.

WAC 392-126-053 Definition—Donated personal holiday.

WAC 392-126-055 Definition—Employee's relative.

WAC 392-126-060 Definitions—Household members.

WAC 392-126-065 Definition—Extraordinary or severe.

- WAC 392-126-070 Permissibility of shared leave program.
 WAC 392-126-075 Eligibility.
 WAC 392-126-080 Donation of annual leave.
 WAC 392-126-085 Donation of sick leave.
 WAC 392-126-087 Donation of personal holiday.
 WAC 392-126-090 Maximum amount.
 WAC 392-126-092 Repayment of shared leave used.
 WAC 392-126-095 Documentation.
 WAC 392-126-099 Calculation of shared leave benefit—
 Proration.
 WAC 392-126-101 Shared leave benefits—Transfers
 between districts—Calculations of
 donated leave amounts.
 WAC 392-126-104 Annual conversion of accumulated sick
 leave.

WSR 19-12-026**PERMANENT RULES****DEPARTMENT OF TRANSPORTATION**

[Filed May 29, 2019, 9:50 a.m., effective June 29, 2019]

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

Purpose: The purpose of the small and veteran-owned business enforceable goals program is to increase contracting opportunities for small and veteran-owned businesses within the Washington state department of transportation (WSDOT).

Citation of Rules Affected by this Order: New WAC 468-17-010, 468-17-020, 468-17-030, 468-17-040, 468-17-050, 468-17-060, 468-17-070, 468-17-080, 468-17-090, 468-17-100, 468-17-110, 468-17-120, 468-17-130, and 468-17-140.

Statutory Authority for Adoption: RCW 39.04.155, 43.19.727, 47.01.101, and 47.28.030.

Adopted under notice filed as WSR 19-09-070 on April 16, 2019.

Changes Other than Editing from Proposed to Adopted Version: In WAC 468-17-110 Overhead reimbursement, was changed from "WSDOT shall" to "WSDOT may" implement overhead reimbursement.

A final cost-benefit analysis is available by contacting Jackie Bayne, P.O. Box 47314, 310 Maple Park, Olympia, WA 98504-7314, phone 360-705-7090, email BayneJ@wsdot.wa.gov, web site <http://www.wsdot.wa.gov/EqualOpportunity/default.htm>.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 14, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 11, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 14, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 29, 2019.

Kara Larsen, Director
 Risk Management and
 Legal Services Division

Chapter 468-17 WAC**SMALL AND VETERAN-OWNED BUSINESS
 ENFORCEABLE GOALS PROGRAM****PART ONE****PURPOSE AND AUTHORITY**NEW SECTION

WAC 468-17-010 Authority. RCW 47.28.030 provides that the Washington state department of transportation (WSDOT) may adopt rules to enable a larger number of small businesses and veteran contractors to compete for department contracts.

NEW SECTION

WAC 468-17-020 Purpose. (1) The small and veteran-owned business enforceable goals program increases contracting opportunities for small and veteran-owned businesses with WSDOT in a race and gender-neutral fashion. The measures described in this chapter:

(a) Ensure that only eligible firms receive credit for and participate in the small and veteran-owned business enforceable goals program;

(b) Augment the pool of qualified and competitive companies performing work on WSDOT projects, thereby:

(i) Increasing competition for contracts;

(ii) Reducing the cost of public works projects;

(iii) Expanding the pool of talented and qualified consultants bidding on consultant agreements; and

(iv) Creating new opportunities for firms to participate in Washington state transportation projects.

(2) Increased participation by and opportunities for small and veteran-owned businesses, which shall be indicated by:

(a) New WSDOT subcontracts and subcontractors;

(b) New private sector contracts;

(c) Increased bonding;

(d) Increased gross receipts;

(e) Increased bidding; and

(f) Decreased disparity.

The secretary of transportation may, at his/her discretion, implement or suspend implementation of a small and veteran-owned business enforceable goals program based upon marketplace conditions.

PART TWO

GENERAL REQUIREMENTS

NEW SECTION

WAC 468-17-030 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Award" means the formal decision by the department to accept a bid and the intent to enter into a contract with the bidder.

(2) "Commercially useful function" means the activity conducted by a firm responsible for the execution of the work of the contract and that is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the firm must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. Additional requirements are discussed in WAC 468-17-060.

(3) "Condition of award (COA)" means that a prime contractor or consultant, on a design-bid-build or consultant agreement, commits to subcontracting with a small business enterprise (SBE) or veteran-owned business (VOB). On design-build or general contractor/construction manager contracts, all SBEs and VOBs in the quarterly small and veteran business plans are considered COA firms.

(4) "Consultant agreement" means a contract entered into by a public body for architectural and engineering services (performed pursuant to chapter 39.80 RCW) with another party, i.e., an independent individual or firm, in which the other party agrees to perform a service, render an opinion, or recommendations according to the consultant's methods and without being subject to the control of the public body except as to the result of the work.

(5) "Contract goal" means a percentage of the contract award amount the prime contractor or prime consultant must meet with small, mini, micro and veteran-owned businesses in order to receive award of the contract:

(a) For design-bid-build contracts, the contract goal is a percentage of the prime contractor's total bid plus any executed change orders;

(b) For design-build and consulting agreements, the contract goal is a percentage of the original contract amount plus any executed change orders or supplements;

(c) For general contractor/construction manager contracts, the contract goal is a percentage of the maximum allowable contract cost (MACC) plus any executed change orders or supplements.

(6) "Department" means the Washington state department of transportation (WSDOT).

(7) "Design-bid-build (DBB) contract" means a contract between a public body and another party in which the public body contracts separately with a designer and a contractor for the design and construction of a facility, portion of the facility, or other item specified in the contract. Designers and contractors bear no contractual obligation to one another under a DBB contract.

(8) "Design-build (DB) contract" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract as defined in chapter 39.10 RCW.

(9) "General contractor/construction manager (GC/CM)" means a contract between a public body and another party in which the party agrees to both build and manage the construction of the facility, portion of the facility, or other item specified in the contract as defined in chapter 39.10 RCW.

(10) "Good faith efforts (GFE)" means efforts to achieve a goal or other requirement of this chapter which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement. GFE is not necessary when a contract goal has been met.

(11) "Mini-business" means any business that:

(a) Is owned and operated independently from all other businesses;

(b) Has a gross revenue of less than three million dollars annually as reported on its federal tax return or on its return filed with the department of revenue;

(c) Is self-certified as a "mini-business" through the Washington state department of enterprise services (DES); and

(d) Is listed as a "mini-business" on the Washington electronic business service (WEBS).

(12) "Micro-business" means any business that:

(a) Is owned and operated independently from all other businesses;

(b) Has a gross revenue of less than one million dollars annually as reported on its federal tax return or on its return filed with the department of revenue;

(c) Is self-certified as a "micro-business" through the Washington state department of enterprise services (DES); and

(d) Is listed as a "micro-business" on the WEBS.

(13) "Quarterly small and veteran business plans" means documents design-builders are required to submit which outline the strategies the organization will be utilizing to meet the established contract goals.

(14) "Small business enterprise (SBE)" means an in-state business that:

(a) Is owned and operated independently from all other businesses and has either:

(i) Fifty or fewer employees; or

(ii) A gross revenue of less than seven million dollars annually as reported on its federal income tax return or its return filed with the department of revenue over the previous three consecutive years; or

(b) Is certified with the office of minority and women's business enterprises (OMWBE) as a DBE, MBE, WBE or SBE under chapter 39.19 RCW; or is self-certified as a "small business enterprise (SBE)" through the Washington state department of enterprise services and is listed as a SBE on the WEBS.

(15) "Tiered participation" means the amount of additional contract goal credit the prime contractor or prime consultant may receive for using SBE and VOBs of different designations, as detailed in WAC 468-17-080.

(16) "Veteran-owned businesses (VOB)" means a business certified by the Washington state department of veterans affairs, pursuant to RCW 43.60A.190.

NEW SECTION

WAC 468-17-040 Application of chapter. The small and veteran-owned business enforceable goals program authorized under this chapter is limited to:

(1) Heavy construction public works contracts with a minimum engineer's or preliminary estimate of two hundred fifty thousand dollars and above.

(2) Consultant agreements with a minimum preliminary estimate of two hundred fifty thousand dollars and above.

NEW SECTION

WAC 468-17-050 Condition of award goals. On solely state-funded projects, the small and veteran business goals for participation of small and veteran-owned enterprises shall be as directed by the department or other state agencies conducting disparity studies. Presently these goals are set as follows:

- (1) Veteran business goal of five percent; and
- (2) Small business goal of five percent.

NEW SECTION

WAC 468-17-060 Commercially useful function. Under the enforceable goals program, commercially useful function (CUF) restrictions apply to all SBEs, mini-businesses, micro-businesses and VOBs. These businesses must perform a CUF in order for their participation to be counted against any condition of award goal. A business performs a CUF when it is both responsible for the execution of the work of the contract and it meets its responsibility under the contract by actually performing, managing, and supervising the work involved. If any materials or supplies are needed to perform the contract, the business must negotiate price, determine quality and quantity, order the material, install (if applicable), and pay for those materials or supplies itself.

Additional considerations when making a determination on a CUF are as follows:

(1) A SBE, VOB, micro-business or mini-business does not perform a CUF if its role is limited to that of an extra participant in a transaction or contract or it is involved in a project for the purposes of creating a semblance of SBE, VOB, micro-business or mini-business participation.

(2) Other relevant factors that may be considered when evaluating whether a SBE, VOB, micro-business or mini-business is performing a CUF include industry practices, the amount of work subcontracted and whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing.

(3) In addition, a business that functions as a supplier shall:

(a) Be the manufacturer of the goods or materials or assume the actual and contractual responsibility for furnishing the goods or materials and executing material changes in the configuration of those goods or materials; or

(b) Secure a contract or distributor agreement with a manufacturer to act as an independent authorized representative capable of passing on product warranties to the purchaser.

(4) Factors which may indicate that a supplier is not performing a commercially useful function include, but are not limited to, the following:

- (a) A minimum amount of inventory is not maintained;
- (b) Billing and shipping arrangements are performed by nonowners or staff of nonowners;
- (c) A significant amount of deliveries are shipped directly from the producer or manufacturer to the end user;
- (d) The firm does not take ownership of the product.

PART THREE

RACE AND GENDER NEUTRAL MEASURES

NEW SECTION

WAC 468-17-070 Mandatory small and veterans' business program. Small business enterprises and veteran-owned businesses intending to benefit from the small and veteran-owned business enforceable goals program must attain a SBE certification from OMWBE, a VOB certification from the Washington department of veteran's affairs, or be self-certified as a SBE, mini-business, or micro-business through the WEBS.

NEW SECTION

WAC 468-17-080 Tiered participation in state goals.

(1) When WSDOT has determined tiered participation will be available on a contract, a prime contractor, design-builder, general contractor/construction manager or consultant may meet the small and veteran business goals by using any combination of qualified contractors or consultants (i.e., VOB or small business contractors including SBEs, mini-businesses and micro-businesses). Prime contractors may receive a multiplied credit for utilizing businesses that fall into certain categories. The categories and respective multipliers are as follows:

(a) Category A. SBEs, mini-businesses, micro-businesses and VOBs that have not worked with WSDOT in the past five years may be credited at four times the actual dollars paid.

(b) Category B. A micro-business not eligible for credit as defined in category A may be credited at three times the actual dollars paid.

(c) Category C. A mini-business not eligible for credit as defined in category A or B may be credited at two times the actual dollars paid.

(d) Category D. SBEs and VOBs that are not eligible for a credit as defined in categories A, B or C will be credited at the actual dollars paid with no additional multiplier.

(2) Prime and subcontractors are responsible for verifying their eligibility for tiered credit participation. Eligible firms submitting multiple quotes as categories A, B, C, and D firms, on multiple projects with bids due on the same week, shall be regarded as such on all projects that receive awards from quotes entered on that week.

NEW SECTION**WAC 468-17-090 Small and veteran business plans.**

(1) Prime contractors, design-builders, general contractors/construction managers and consultants must submit a small and veterans' business plan that specifies how the contractor will meet SBE and VOB participation goals, prior to the award of any contract. The small and veteran business plan for design-bid-build and consultant contracts must list all of the SBEs, VOBs, mini-businesses and micro-businesses that will participate in the contract; a description of the work that each SBE, VOB, micro-business or mini-business will perform; the dollar amount of the participation of each SBE, VOB, micro-business or mini-business; the contractor's written commitment to use the SBE, VOB, micro-business or mini-business submitted; and written confirmation from each SBE or VOB firm that it is participating in the contract in the kind and amount of work provided in the inclusion plan. The small and veteran business plan for design-build and general contractor/construction manager contracts must list in detail the contractor's means and methods that it will use to meet the goal and a commitment by the contractor to attempt to meet the goal. If the total SBE and VOB participation in the small and veteran business plan does not meet the condition of award goal, then the contractor must also submit evidence of good faith efforts (GFEs) to meet the contract goal. A contractor may be awarded a project only after WSDOT has approved its small and veteran business plan or confirmed its GFEs. Revisions of small and veteran business plans may be necessary prior to plan approvals.

(2) Quarterly small and veteran business plans are required for design-build and general contractor/construction manager projects. The first quarterly small and veteran business plan shall be submitted prior to contract award and must be approved by the department prior to contract execution. Subsequent small and veteran business plans must include information, as applicable, regarding:

- (a) Small and veteran business goal attainment;
- (b) A list all of the SBEs, VOBs, mini-businesses or micro-businesses that have been contracted to date;
- (c) A description of the work that each SBE, VOB, micro-business or mini-business will perform;
- (d) The dollar amount of the participation of each SBE, VOB, micro-business or mini-business;
- (e) The contractor's written commitment to use the SBE, VOB, micro-business or mini-business submitted;
- (f) Written confirmation from each SBE, VOB, micro-business or mini-business firm that it is participating in the contract in the kind and amount of work provided in the small and veteran business plan;
- (g) Corrective actions necessary to meet the established goals;
- (h) Outreach strategies;
- (i) Innovative approaches to secure goal(s); and
- (j) Other evidence of GFEs to meet the contract goal.

NEW SECTION

WAC 468-17-100 Good faith efforts. The efforts employed by the prime contractor, design-builder, or consultant should be commercially reasonable and should demon-

strate that they are actively and aggressively trying to fulfill the established small and veteran business goals. Mere pro forma efforts are not commensurate with good faith efforts. Actions that may be considered as part of good faith efforts to achieve small and veteran business goals include, but are not limited to:

- (1) Identification of interested small and veteran-owned firms that have the capability to perform the work of the contract;
- (2) Providing reasonable time for SBE, VOB, mini-businesses and micro-businesses to fully and meaningfully respond to bid solicitations, that includes providing adequate information about the plans, specifications, and requirements of the contract along with timely responses to subcontractor inquiries and proposals;
- (3) Apportioning contract work items into economically feasible units to facilitate SBE, VOB, micro-business or mini-business participation and where possible, establishing flexible time frames for performance to encourage participation;
- (4) Effectively using the services of available veteran and small business community organizations, contractors' groups, local and state support offices, and other organizations in the recruitment and placement of targeted firms;
- (5) Adequately researching interested subcontractors and their capabilities before rejecting their proposals;
- (6) Not relying on price alone in the selection of subcontractors and considering reasonable quotes from SBE, VOB, micro-business or mini-business, even if other quotes are less expensive.

NEW SECTION**WAC 468-17-110 Overhead reimbursement.**

WSDOT may reimburse each prime contractor or consultant five percent of the actual amount that the prime contractor or consultant paid to SBEs, VOBs, micro-businesses or mini-businesses and that is counted toward the goal. This overhead reimbursement is available only on construction projects, is to be based on actual dollars paid, excludes multiplier credits, and may not exceed one hundred thousand dollars for any prime contractor or consultant in a single calendar year. Overhead reimbursement payments will be made only after a contractor has fulfilled its small and veteran business goals. Reimbursement payments will not be paid to contractors for partial completion of aforementioned goals. No contractor may receive an overhead reimbursement if it meets the contract goal using work performed with its own forces.

NEW SECTION

WAC 468-17-120 Sanctions. (1) Upon completion of a project, a prime contractor performance report will display a contractor's goal attainment or GFE. Failure to meet the goal or provide an acceptable GFE may lead to the following sanctions:

- (a) Suspension of a contractor's prequalification; or
 - (b) Liquidated damages as defined under RCW 62A.2-718.
- (2) Failure to secure WSDOT approval on quarterly small and veteran business plans for design-build projects

may also subject a prime contractor or consultant to fines, penalties, or sanctions, including:

- (a) Suspension of a contractor's prequalification; or
- (b) Liquidated damages as defined under RCW 62A.2-718.

NEW SECTION

WAC 468-17-130 Severability. If any provision of these regulations, or their application to any person or circumstance, is held invalid, the remainder of the regulations or the application of their provision to other persons or circumstances shall not be affected.

NEW SECTION

WAC 468-17-140 Effective date. Reserved.

**WSR 19-12-049
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed May 31, 2019, 8:40 a.m., effective July 1, 2019]

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

Purpose: The office of superintendent of public instruction is amending chapter 392-725 WAC to clarify provisions of the college in the high school program to explicitly define "college in the high school program," explain the process for colleges to regain eligibility to offer a college in the high school program after being held accountable for unmet program standards, modify a high school faculty standard pertaining to instructor participation in annual professional development, and add language from WAC 180-51-050 to the explanation of conferring high school credit.

Citation of Rules Affected by this Order: New WAC 392-725-170; and amending WAC 392-725-015, 392-725-050, 392-725-120, 392-725-130, 392-725-140, 392-725-150, 392-725-160, 392-725-200, 392-725-225, 392-725-300, and 392-725-325.

Statutory Authority for Adoption: RCW 28A.600.290.

Adopted under notice filed as WSR 19-08-042 on March 28, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 6, Repealed 0.

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

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

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

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

Date Adopted: May 30, 2019.

Chris P. S. Reykdal
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 17-21-001, filed 10/5/17, effective 11/5/17)

WAC 392-725-015 Definitions. The following definitions in this section apply throughout this chapter.

(1) **"College in the high school course"** means a dual credit course provided on a high school campus or in a high school environment in which an eligible student is given the opportunity to earn high school credit to be awarded by a district, charter school, or tribal compact school and college credit awarded by the participating institution of higher education by completing a college ((level)) course with a passing grade. College in the high school courses may be either academic or career and technical (vocational) education.

(2) **"College in the high school program"** means the subset of dual credit courses meeting NACEP quality standards and provided on a high school campus or in a high school environment in which an eligible student is given the opportunity to earn high school credit to be awarded by a district, charter school, or tribal compact school and college credit awarded by the participating institution of higher education by completing a college course with a passing grade.

(3) **"Eligible student"** means any student who meets the following conditions:

(a) The student meets the definition of an enrolled student pursuant to WAC 392-121-106.

(b) The student under the grade placement policies of the district, charter school, or tribal compact school through which the high school credits will be awarded has been deemed to be a tenth, eleventh, or twelfth grade student.

~~((c)) The student has met the student standards pursuant to WAC 392-725-130 and the general requirements and conditions pursuant to WAC 392-725-225(2).~~

~~((3))~~ (4) **"Participating institution of higher education"** means an institution of higher education that:

(a) A district, charter school, or tribal compact school has contracted with to provide the college in the high school ~~((courses))~~ program;

(b) Meets the definition in RCW 28B.10.016, is authorized or exempt under the requirements of chapter 28B.85 RCW, or is a public tribal college located in Washington as noted in RCW 28A.600.290 (7)(a);

(c) Meets the college in the high school program standards outlined in WAC 392-725-130 through ~~((392-725-150))~~ 392-725-170; and

(d) Is accredited by National Alliance of Concurrent Enrollment Partnerships or commits to the ~~((annual))~~ reporting of evidence requirement outlined in WAC 392-725-120.

~~((4))~~ (5) **"National Alliance of Concurrent Enrollment Partnerships"** is the professional organization that works to ensure that college in the high school courses are as rigorous as courses offered on the sponsoring college campuses. National Alliance of Concurrent Enrollment Partnerships (NACEP) has defined a set of quality standards that is the basis of their accreditation process.

~~((5))~~ (6) "Council of presidents" is defined throughout this chapter as the organization representing the interest of public baccalaureate institutions, specific to RCW 28A.600.290(6).

~~((6) "Provisional status" is the status that a college in the high school program may be assigned after the program's evidence of meeting the standards submitted in the annual report was found to be unsatisfactory by the review committee. A program is in provisional status up to six months after the review of the annual report.))~~

(7) "Fees."

(a) **"College in the high school fees"** means the per credit or per course fee charged by the participating institution of higher education for the registration for the college course.

(i) The maximum ~~((dual credit))~~ college in the high school fee shall not exceed the college in the high school state-funded subsidies ~~((allocated in the current Omnibus Appropriations Act))~~ described in RCW 28A.600.290.

(ii) The ~~((dual credit))~~ college in the high school fee may be less than the college in the high school state-funded subsidies ~~((allocation)).~~

(iii) The institution of higher education must receive the corresponding fee for any student seeking to earn college credit from the college in the high school course in accordance with the general requirements identified in WAC 392-725-225 (2)(a) unless the student qualifies for the state-funded subsidies in accordance with WAC 392-725-325(4).

(b) **"Other associated college in the high school fees"** means additional fees required to fully participate in the college in the high school ~~((course))~~ program charged by the participating institution of higher education such as registration fees and fees for consumables.

(8) **"College in the high school state-funded subsidies"** means the amount provided in the Omnibus Appropriations Act that pays the ~~((dual credit))~~ college in the high school fee for specific eligible eleventh or twelfth grade students pursuant to RCW 28A.600.290 (1)(b)(i) only and for the limited amount provided in WAC 392-725-325(2).

AMENDATORY SECTION (Amending WSR 16-14-030, filed 6/27/16, effective 7/28/16)

WAC 392-725-050 ((Interlocal)) Local agreement requirement. Prior to the start of the college in the high school ~~((course(s), an interlocal))~~ program(s), a local agreement between the district, charter school, or tribal compact school and the participating institution of higher education must be developed and in place. The agreement shall be for no more than one school year, meet the district, charter school, or tribal compact school's board policies and the policies of the institution of higher education regarding contracting agreements, and address the following requirements:

- (1) List of college in the high school courses.
- (2) College in the high school student standards pursuant to WAC 392-725-130 will be met.
- (3) College in the high school curriculum and assessment standards pursuant to WAC 392-725-140 will be met.
- (4) College in the high school faculty standards pursuant to WAC 392-725-150 will be met.

(5) College in the high school evaluation standards pursuant to WAC 392-725-160 will be met.

(6) College in the high school partnership standards pursuant to WAC 392-725-170 will be met.

~~(7)~~ Award of high school credits pursuant to WAC 392-725-200 will be met.

~~((7))~~ (8) District, charter school, or tribal compact school's responsibilities for offering college in the high school ~~((course))~~ program.

~~((8))~~ (9) Institution of higher education's ~~((dual credit))~~ fee amount per college credit or per college course and a description and amount of other associated college in the high school fees.

~~((9))~~ (10) Course materials including, but not limited to, textbooks for each college in the high school course, and which party will be responsible to provide.

~~((10))~~ For any compensation paid to the instructor by the participating institution of higher education for work performed beyond the district, charter school, or tribal compact school contract, explanation of how the compensation will be calculated and provided and details of what duties the compensation represents.))

(11) Provide an explanation of how any compensation paid to the instructor for work performed beyond their contract with the district, charter school, or tribal compact school will be calculated and provide details of what duties the compensation represents.

(12) Method and collection of ((dual credit)) college in the high school fee and other associated college in the high school fees.

~~((12))~~ (13) Districts, charter schools, tribal compact schools, and institutions of higher education shall as necessary assure compliance with their respective duties under federal and state law.

AMENDATORY SECTION (Amending WSR 17-21-001, filed 10/5/17, effective 11/5/17)

WAC 392-725-120 Demonstration and reporting of evidence of required college in the high school standards.

(1) Participating institutions of higher education shall, unless exempt under subsection (3) of this section, provide evidence that they meet the ~~((most recent National Alliance of Concurrent Enrollment Partnerships))~~ current NACEP student ~~((standards)),~~ curriculum ~~((and)),~~ assessment ~~((standards)),~~ faculty ~~((standards)),~~ partnership, and evaluation standards ~~((unless recommended differently))~~ as described in WAC 392-725-130 through ((392-725-160. National Alliance of Concurrent Enrollment Partnerships accreditation is recommended.

~~((2) As a condition of eligibility pursuant to WAC 392-725-015(3), after the college in the high school course concludes.))~~ 392-725-170.

(2) Upon program completion, participating institutions of higher education shall ((provide an annual report consisting of)) submit to the college in the high school standards report review committee evidence that the required standards were met((-consistent with the evidence National Alliance of Concurrent Enrollment Partnerships requires to meet standards. The annual report shall be submitted no later than July

1st for review by the college in the high school standards report review committee), or receive accreditation, no later than the subsequent July 1st.

(3) Participating institutions of higher education that are accredited by the ((National Alliance of Concurrent Enrollment Partnerships)) NACEP for the current year of enrollment will be exempt from ((this)) the reporting requirement outlined in subsection (2) of this section.

(4) Institutions of higher education in the process of applying for NACEP accreditation are required to provide evidence in accordance with subsection (2) of this section.

((3)) (5) The Washington student achievement council shall be the convener of a college in the high school standards report review committee. This review committee will consist of a representative from the state board of community and technical colleges, the council of presidents, and the student achievement council. Additional members may be included at the discretion of college in the high school standards report review committee.

((4) The review committee will no later than)) (6) By the subsequent August 15th, the review committee will complete a review of participating institutions of higher education. The review committee will advise the institution of higher education whether the required standards have been met.

((5)) (7) Institutions of higher education that meet the required standards:

(a) Are eligible to offer the college in the high school program the following two academic years; and

(b) Must provide evidence in accordance with this section every other year beginning with the year in which they first meet the standards as determined by the review committee.

(8) If the review committee finds that the institution of higher education's evidence of meeting the required standards is not satisfactory, the institution of higher education will have ((no more than six months)) until the subsequent October 15th to make any necessary reporting corrections and/or program adjustments to provide ((satisfactory evidence. During this period, the program will be under provisional status until evidence shows the program has met the standards or the program is made ineligible.

(6) If after review of the additional evidence, the review committee deems that the standards were not met, then the institution of higher education is ineligible and may not offer the college in the high school program starting with the following fall term. To regain eligibility, the institution of higher education must, by July 1, submit an updated plan for how the standards will be met.

(7) If the institution of higher education is deemed ineligible, the institution of higher education can appeal to a three person appeals committee convened by the student achievement council, and including representatives from the student achievement council, state board of community and technical colleges and council of presidents. The original review committee members would be excluded from the appellate process.

((8)) evidence of meeting outlined standards.

(9) The review committee will complete a final review of participating institutions of higher education no later than

November 1st. The review committee will advise the institution of higher education whether the required standards have been met.

(10) If after the final review, the review committee deems that the standards were not met, then the institution of higher education is ineligible to offer the college in the high school program the following academic year.

(11) An institution of higher education may regain eligibility to offer the college in the high school program by providing evidence that they meet the current NACEP student, curriculum, assessment, faculty, partnership, and evaluation standards unless exempt in WAC 392-725-130 through 392-725-170 for the following state review cycle.

(12) The review committee will review the ((National Alliance of Concurrent Enrollment Partnerships)) NACEP standards beginning in 2019 and every three years thereafter, and update the college in the high school standards in WAC 392-725-130 through ((392-725-160)) 392-725-170 as informed by the current ((National Alliance of Concurrent Enrollment Partnerships)) NACEP standards and feedback from participating school districts, charter schools, tribal compact schools, and institutions of higher education.

AMENDATORY SECTION (Amending WSR 16-14-030, filed 6/27/16, effective 7/28/16)

WAC 392-725-130 College in the high school student standards. (1) Participating institutions of higher education shall:

(a) Ensure ((students meet the course)) registration and transcription policies and practices for students are consistent with those on campus.

(b) Ensure there is a process to meet the course prerequisites of the institution of higher education.

((b) Officially register or admit students as degree-seeking, nondegree-seeking, or nonmatriculated students of the institution of higher education and record courses administered through college in the high school program on official institution of higher education transcripts.

(c) Provide students and high schools with a comprehensive publication that outlines the rights and responsibilities of enrolled students.) (c) Ensure students are advised about the benefits and implications of taking college courses, as well as the institution of higher education's policies and expectations.

(d) Provide, in conjunction with secondary partners, students with suitable access to learning resources and student support services.

(2) Participating institutions of higher education, not accredited by the ((National Alliance of Concurrent Enrollment Partnerships)) NACEP for the current year of enrollment, shall provide evidence of meeting the required student standards of this section.

AMENDATORY SECTION (Amending WSR 16-14-030, filed 6/27/16, effective 7/28/16)

WAC 392-725-140 College in the high school curriculum and assessment standards. (1) Participating institutions of higher education shall ((require that)):

(a) Ensure college in the high school courses are catalogued courses with the same departmental designations,

course descriptions, numbers, titles, and credits (~~as sections offered on campus~~).

(b) Ensure college in the high school courses reflect the learning objectives, and the pedagogical, theoretical and philosophical orientation of the ((participating)) respective institution of higher education ((departments)) discipline.

(c) Faculty (~~site visits ensure that courses offered through the college in the high school program are the same as the courses offered on campus.~~

(d) Students are held to the same standards of achievement as those expected of students in on-campus sections.

(e) Students are held to the same grading standards as those expected of students in on-campus sections.

~~(2) Participating institutions of higher education are recommended to ensure students are assessed using the same methods (examples: Papers, portfolios, quizzes, labs, etc.) as students in on-campus sections.)~~ liaisons conduct site visits to observe course content and delivery, student discourse and rapport to ensure the course offered through the college in the high school program are equivalent to the courses offered on campus.

(d) Ensure students' proficiency of learning outcomes is measured using comparable grading standards and assessment methods to on campus sections.

(2) Participating institutions of higher education, not accredited by ((National Alliance of Concurrent Enrollment Partnerships)) NACEP for the current year of enrollment, shall provide evidence of meeting the required curriculum and assessment standards of this section.

AMENDATORY SECTION (Amending WSR 16-14-030, filed 6/27/16, effective 7/28/16)

WAC 392-725-150 College in the high school faculty standards. (1) Participating institutions of higher education shall require that:

(a) Instructors providing the college in the high school instruction in the high school classroom (~~(must be))~~ are approved by the ((participating institution of higher education's respective academic department and meet the same institution's requirements for teaching the college course at the institution of higher education)) appropriate college/university academic leadership and meet the minimum qualifications for instructors teaching the course on the college campus.

(b) (~~New instructors are provided with discipline specific training and orientation regarding, but not limited to, course curriculum, assessment criteria, pedagogy, course philosophy and administrative responsibilities and procedures prior to the instructor teaching the college in the high school course.~~

(c) Procedures address instructor noncompliance with the institution of higher education's expectations for courses offered through the institution.

(d) Noncompliance issues will be addressed in consultation with the district, charter school, or tribal compact school.

~~(2) Participating institutions of higher education are recommended to provide annual discipline specific professional development activities and ongoing collegial interaction to address course content, course delivery, assessment, evalua-~~

~~tion, and/or research and development in the field.)~~ Faculty liaisons at the institution of higher education provide all new instructors with course-specific training in course philosophy, curriculum, pedagogy and assessment prior to the instructor teaching the course.

(c) Instructors participate in college/university provided annual discipline-specific professional development and ongoing collegial interaction to further enhance instructors' pedagogy and breadth of knowledge in the discipline.

(d) Instructors are informed of and adhere to program policies and procedures.

(2) Participating institutions of higher education, not accredited by ((National Alliance of Concurrent Enrollment Partnerships)) NACEP for the current year of enrollment, shall provide the evidence of meeting the required faculty standards of this section.

(3) Any compensation paid to the instructor by the institution of higher education must be for work performed beyond their contract with the district, charter school, or tribal compact school.

AMENDATORY SECTION (Amending WSR 16-14-030, filed 6/27/16, effective 7/28/16)

WAC 392-725-160 College in the high school evaluation standards. (1) Participating institutions of higher education shall:

(a) Conduct an end-of-term student course evaluation for each college in the high school course section offered through the institution of higher education to provide instructors with student feedback.

(b) Conduct (~~surveys of participating high school instructors, principals, and guidance counselors at least once every three years. Surveys shall include the following as outlined in the most current National Alliance of Concurrent Enrollment Partnerships survey guide:~~

(i) National Alliance of Concurrent Enrollment Partnerships essential questions (additional questions may be used);

(ii) One follow-up contact with nonrespondents within the methodology; and

(iii) Collaboration of a qualified institutional evaluator or researcher in the development of the survey and data analysis.

~~(2) Participating institutions of higher education are recommended to conduct an annual survey of alumni who are one year out of high school and who are four years out of high school, at least once every three years. Surveys shall include the following as outlined in the most current National Alliance of Concurrent Enrollment Partnerships survey guide:~~

(a) National Alliance of Concurrent Enrollment Partnerships essential questions (additional questions may be used);

(b) One follow-up contact with nonrespondents within the methodology; and

(c) Collaboration of a qualified institutional evaluator or researcher in the development of the survey and data analysis.

~~(3))~~ and report regular and ongoing evaluations of the college in the high school program effectiveness and use the results for continuous improvement.

(2) Participating institutions of higher education, not accredited by ~~((National Alliance of Concurrent Enrollment Partnerships))~~ NACEP for the current year of enrollment, shall provide the evidence of meeting the evaluation required standards of this section.

NEW SECTION

WAC 392-725-170 College in the high school partnership standards. (1) Participating institutions of higher education shall:

(a) Ensure alignment with the college/university mission and support by the institution's administration and academic leadership.

(b) Show ongoing collaboration with the secondary school partners.

(2) Participating institutions of higher education, not accredited by National Alliance of Concurrent Enrollment Partnerships for the current year of enrollment, shall provide the evidence of meeting the evaluation required standards of this section.

AMENDATORY SECTION (Amending WSR 17-21-001, filed 10/5/17, effective 11/5/17)

WAC 392-725-200 ~~((Prior))~~ Confirmation of high school credit. ~~((As a condition to an eligible student's enrollment in college courses,))~~ The eligibility of the college in the high school courses which the student intends to take for the award of high school credit and the amount of such credit shall ~~((first))~~ be established, as follows:

(1) The district, charter school, or tribal compact school shall establish on a course by course basis the amount of high school required or elective credit, or combination thereof, that shall be awarded for each college in the high school course ~~((successfully completed))~~. Successful course completion by the student based upon the conversion rate set forth in ~~((WAC 180-51-050))~~ RCW 28A.230.090(6) which states "At the college or university level, five quarter or three semester hours equals one high school credit." This conversion rate holds true for all college in the high school classes regardless of whether or not the student elects to earn the available college credit.

(2) If a college in the high school course is not comparable to a district, charter school, or tribal compact ~~((school))~~ school's specific course required for high school graduation, the district, charter school, or tribal compact school superintendent shall determine the amount of required high school credit which shall be awarded following consultation with a representative of the institution of higher education designated for that purpose. The difference between the amount of credit required ascribed to that course and the amount of credit earned at the conversion rate set forth in ~~((WAC 180-51-050))~~ RCW 28A.230.090(6) shall be awarded as elective credit.

(3) Within five school days of a student's request for confirmation of credit, the district, charter school, or tribal compact school superintendent or other designated representative shall confirm in writing the amount of high school required or elective credit, or combination thereof, which shall be

awarded upon successful completion of the college in the high school course~~((s))~~.

(4) Upon confirmation by the college in the high school instructor of a student's successful completion of a college in the high school course under this chapter, the district, charter school, or tribal compact school shall record on the student's secondary school records and transcript the high school credit previously confirmed under the section with a notation that the courses were taken at an institution of higher education pursuant to WAC 392-415-070.

(5) Each district, charter school, or tribal compact school and institution of higher education shall independently have and exercise exclusive jurisdiction over academic and discipline matters involving a student's enrollment and participation in courses of, and the receipt of services and benefits from the district, charter school, tribal compact school or the institution of higher education.

AMENDATORY SECTION (Amending WSR 17-21-001, filed 10/5/17, effective 11/5/17)

WAC 392-725-225 College in the high school general requirements. (1) Participating districts, charter schools, or tribal compact schools must provide general information about the college in the high school program to all students in grades nine through twelve and to the parents and guardians of those students.

(2) The enrollment of a student who meets the definition of WAC 392-725-015(2) in the college in the high school program shall be governed as follows:

(a) An eligible student seeking to earn college credit is responsible for enrolling into an institution of higher education on or before the deadline established by the institution of higher education.

(b) An eligible student is entitled to enroll in an institution of higher education for college in the high school program purposes subject to each of the following conditions and limitations:

(i) Enrollment is limited to college ~~((level))~~ courses.

(ii) Prior confirmation pursuant to WAC 392-725-200 by the district, charter school, or tribal compact school of the amount of high school credit to be awarded for a college in the high school course on or before the deadline for enrollment established by the institution of higher education.

(iii) Acceptance of the student by the institution of higher education subject to enrollment requirements and limitations established by the institution.

AMENDATORY SECTION (Amending WSR 16-14-030, filed 6/27/16, effective 7/28/16)

WAC 392-725-300 Finance. (1) Districts, charter schools, and tribal compact schools claim the college in the high school courses for basic education funding based on the course's average enrolled weekly minutes pursuant to WAC 392-121-122. Courses that qualify for vocational enhanced funding can be claimed pursuant to WAC 392-121-138.

(2) The participating institution of higher education receives college in the high school fees as defined in WAC 392-725-015 (7)(a) and other associated college in the high school fees for eligible students as defined in WAC 392-725-

015 (7)(b). The amount and method of collection of these fees shall be outlined in ~~((interlocal))~~ local agreement.

(3) For college in the high school courses that qualify for state funded subsidies as defined in WAC 392-725-015(8) and based on the per student limitations provided in WAC 392-725-325(2), these subsidies are provided in lieu of college in the high school fees as defined in WAC 392-725-015 (7)(a).

AMENDATORY SECTION (Amending WSR 17-21-001, filed 10/5/17, effective 11/5/17)

WAC 392-725-325 College in the high school state funded subsidies. Pursuant to RCW 28A.600.290 ~~((and subject to the amount appropriated for such purposes in the Omnibus Appropriations Act))~~, state funded subsidies may be available to pay the cost of college in the high school fees for specific eligible eleventh or twelfth grade students only enrolled in college in the high school courses provided by institutions of higher education that meet the definition in RCW 28B.10.016, or a public tribal college located in Washington as noted in RCW 28A.600.290 (7)(a), and for the limited amount provided in subsection (2) of this section. Public institutions of higher education that are outside of the state of Washington or private institutions of higher education do not qualify for the state funded subsidies.

(1) Prioritization of the available college in the high school state-funded subsidies will be allocated ~~((in the following method:~~

~~((a) High schools that are and students that reside twenty driving miles or more as measured by the most direct route from the nearest institution of higher education offering running start.~~

~~((b) High schools who receive small high school funding enhancement as provided in the Omnibus Appropriations Act.~~

~~((c) For the remaining high schools, eligible students who qualify for the new school year for free and reduced price lunch)) as provided under RCW 28A.600.290.~~

(2) Limitation of college in the high school state-funded subsidies are ~~((as follows:~~

~~((a) For each eligible eleventh and twelfth grade student, the annual credit amounts for subsection (1)(a) through (b) of this section are limited to the annual credit amounts provided in the Omnibus Appropriations Act but may not exceed ten credits for any school year.~~

~~((b) The annual credit amounts for subsection (1)(c) of this section are limited to the annual credit amounts provided in the Omnibus Appropriations Act but may not exceed five credits for any school year)) provided under RCW 28A.600.290.~~

(3) The office of superintendent of public instruction will provide an application process that districts, charter schools, and tribal compact schools will use to apply annually for the college in the high school state-funded subsidies.

(a) Districts, charter schools, and tribal compact schools will apply by July 1st for the new school year's subsidies.

(b) The office of superintendent of public instruction will notify districts, charter schools, and tribal compact schools

by September 1st the amount of subsidies awarded for the new school year.

(c) Through the application process, districts, charter schools, and tribal compact schools will provide a list of college in the high school courses per high school for the new school year. The award of subsidies will be limited to the courses provided in the application ~~((process))~~ and subsequent course/enrollment updates.

(d) The list of college in the high school courses will contain the amount of college quarter credits awarded for each course. For this section only, college semester credits will be converted into quarter credits by multiplying the semester credits by 1.5 and rounding up to the nearest whole credit.

(e) Districts, charter schools, and tribal compact schools will provide an estimate of eligible students expected to receive the subsidies within the per student credit limitation provided in the Omnibus Appropriations Act.

~~((i) For high schools that qualify for the priorities according to subsection (1)(a) and (b) of this section, applicant will provide an estimate of eligible eleventh and twelfth grade students.~~

~~((ii) For high schools that qualify for the priorities according to subsection (1)(b) and (c) of this section, applicant will provide an estimate of eligible eleventh and twelfth grade students that live more than twenty miles from a college offering running start.~~

~~((iii) For high schools that qualify for subsection (1)(c) of this section, applicant will provide an estimate of eligible eleventh and twelfth grade students that are expected to qualify for free and reduced price lunch.))~~

(4) High schools may submit changes to the course offering list, and/or update estimate of eligible eleventh and twelfth grade students expected to qualify for subsidy. A school may submit no more than three updates per academic year.

(a) Updated requests cannot exceed original subsidy award.

(b) Additional funds may be awarded to a school that has reached its maximum award only if other schools have failed to use their original subsidy amount.

(5) High schools participating in the college in the high school subsidy will report actual student participation counts at the midpoint of each high school term to the office of superintendent of public instruction. Failure to provide participant counts may result in the school's loss of future subsidies for the current academic year.

(6) Reimbursement of the college in the high school state-funded subsidies will occur as follows:

(a) ~~((Beginning with the 2015-16 school year, the))~~ College in the high school state-funded subsidies for college in the high school will be allocated at minimum sixty-five dollars per quarter credits.

(b) Starting with the ~~((2017))~~ 2019 calendar year, and ~~((for))~~ every four years after, the funding level for the college in the high school state-funded subsidies will be reviewed by the office of superintendent of public instruction, the student achievement council, the state board for community and technical colleges, and the council of presidents representing the public baccalaureate institutions and ~~((make))~~ a recommen-

dation will be made to the legislature ~~((for))~~ when an increase to the funding level of the college in the high school state funded subsidies is warranted.

(c) The college in the high school state-funded subsidies will be paid after the completion of the course.

(d) Districts, charter schools, and tribal compact schools with high schools eligible for the college in the high school state-funded subsidies will submit a request for payment of subsidies form to the office of the superintendent of public instruction. The request for payment will include the actual number of completed credits for eligible eleventh and twelfth grade students who have not exceeded the credit limitation pursuant to subsection (2) of this section.

(e) The office of the superintendent of public instruction will review the request for payment of subsidies form and fund the reporting district, charter school, and tribal compact school one hundred percent of the approved college in the high school subsidies on the following monthly apportionment payment.

(f) One hundred percent of the subsidies generated will be forwarded to the participating institution of higher education that provided the college in the high school program.

WSR 19-12-050
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 31, 2019, 8:41 a.m., effective July 1, 2019]

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

Purpose: The purpose of this permanent rule is to repeal existing sections of chapter 392-400 WAC before the commencement of the 2019-20 school year and make minor housekeeping revisions to sections that are set to go into effect July 1, 2019.

Citation of Rules Affected by this Order: New WAC 392-400-115; repealing WAC 392-400-023, 392-400-225, 392-400-226, 392-400-230, 392-400-233, 392-400-235, 392-400-240, 392-400-245, 392-400-250, 392-400-255, 392-400-260, 392-400-265, 392-400-270, 392-400-275, 392-400-280, 392-400-285, 392-400-295, 392-400-300, 392-400-305, 392-400-310, 392-400-315, 392-400-317, 392-400-320 and 392-400-410; and amending WAC 392-400-430, 392-400-440, 392-400-445, 392-400-465, 392-400-510, 392-400-525, and 392-400-530.

Statutory Authority for Adoption: RCW 28A.600.015, 28A.600.020.

Adopted under notice filed as WSR 19-09-073 on April 16, 2019.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 7, Repealed 24.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 7, Repealed 24.

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

Date Adopted: May 31, 2019.

Chris P. S. Reykdal
State Superintendent
of Public Instruction

NEW SECTION

WAC 392-400-115 Completing academic requirements. A school district may not:

(1) Suspend the provision of educational services to a student in response to behavioral violations; or

(2) Administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.

AMENDATORY SECTION (Amending WSR 18-16-081, filed 7/30/18, effective 7/1/19)

WAC 392-400-430 Suspensions and expulsions—General conditions and limitations. A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

(1) **Parent involvement.** A school district must:

(a) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations; and

(b) Must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

(2) **Considerations.** Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

(3) ~~((Completing academic requirements. A school district may not:~~

~~(a) Suspend the provision of educational services to a student in response to behavioral violations; or~~

~~(b) Administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.~~

~~(4))~~ **Opportunity to receive educational services.** A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.

~~((5))~~ **(4) Reporting.** The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

~~((6))~~ **(5) Reentry.** After suspending or expelling a student, a school district must:

(a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.

(b) Allow the student to petition for readmission at any time.

~~((7))~~ **(6) Absences and tardiness.** A school district may not suspend or expel a student from school for absences or tardiness.

~~((8))~~ **(7) Access to school district property.** When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

~~((9))~~ **(8) End date.**

(a) An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.

(b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:

(i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;

(ii) The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or

(iii) The student is otherwise precluded under law from returning to the student's regular educational setting.

AMENDATORY SECTION (Amending WSR 18-16-081, filed 7/30/18, effective 7/1/19)

WAC 392-400-440 Long-term suspensions—Additional conditions and limitations. (1) **Other forms of discipline.** Before administering a long-term suspension, a school district must consider one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) **Limitations on long-term suspensions.** A school district may only administer a long-term suspension:

(a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and

(b) After the school district has determined that, if the student returned to school before completing a long-term suspension:

(i) The student would pose an imminent danger to students or school personnel; or

(ii) The student would pose an imminent threat of material and substantial disruption of the educational process.

(3) **Length of exclusion.**

(a) A long-term suspension may not exceed the length of an academic term.

(b) A school district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

(4) **Grade-level limitations.** Except for a violation of WAC 392-400-820, a school district may not administer a long-term suspension for any student in kindergarten through fourth grade.

AMENDATORY SECTION (Amending WSR 18-16-081, filed 7/30/18, effective 7/1/19)

WAC 392-400-445 Expulsions—Additional conditions and limitations. (1) **Other forms of discipline.** Before administering an expulsion, a school district must consider one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) **Limitations on expulsions.** A school district may only administer an expulsion:

(a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and

(b) After the school district has determined that if the student returned to school before completing an expulsion, the student would pose an imminent danger to students or school personnel.

(3) **Length of exclusion.** An expulsion may not exceed the length of an academic term, unless the principal or designee petitions the school district superintendent for extension of an expulsion under WAC 392-400-480, and the petition is granted.

(4) **Grade-level limitations.** Except for violations of WAC 392-400-820, a school district may not administer an expulsion for any student in kindergarten through fourth grade.

AMENDATORY SECTION (Amending WSR 18-16-081, filed 7/30/18, effective 7/1/19)

WAC 392-400-465 Suspensions and expulsions—Appeal. (1) **Requesting an appeal.** A student or the parents may appeal a suspension or expulsion to the school district superintendent or designee orally or in writing.

(2) **Time limit.** A school district may establish a time limit to appeal a suspension or expulsion. Appeal time limits must be no less than five school business days from the date the school district provides the written notice under WAC 392-400-455.

(3) **Short-term and in-school suspensions.**

(a) **Appeal.** The superintendent or designee must provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

(b) **Appeal decision.** The superintendent or designee must deliver a written appeal decision to the student and parents in person, by mail, or by email within two school business days after receiving the appeal. The written decision must include:

(i) The decision to affirm, reverse, or modify the suspension;

(ii) The duration and conditions of the suspension, including the dates on which the suspension will begin and end;

(iii) The educational services the school district will offer to the student during the suspension under WAC 392-400-610; and

(iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under

WAC 392-400-470, including where and to whom to make the request.

(4) Long-term suspensions and expulsions.

(a) **Notice.** Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

- (i) The time, date, and location of the appeal hearing;
- (ii) The name(s) of the official(s) presiding over the appeal;
- (iii) The student's and parents' rights to inspect the student's education records under (e) of this subsection;
- (iv) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under (e) of this subsection;
- (v) The student's and parents' rights under (f) of this subsection; and
- (vi) Whether the school district will offer to hold a reengagement meeting under WAC 392-400-710 before the appeal hearing.

(b) **Reengagement.** Before the appeal hearing, the student, parents, and school district may agree to hold a reengagement meeting and develop a reengagement plan under WAC 392-400-710. The student, parents, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

(c) **Appeal hearing.** The school district must hold an appeal hearing within three school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.

(d) **Presiding officials.** The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(e) Evidence and witnesses.

(i) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(ii) Upon request, the student and parents may review the student's education records. The district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(iii) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

- (A) The district made a reasonable effort to produce the witness; and
- (B) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(f) **Student and parent rights.** During the appeal hearing, the student and parents have the right to:

- (i) Be represented by legal counsel;
- (ii) Question witnesses;
- (iii) Share the student's perspective and provide explanation regarding the behavioral violation; and
- (iv) Introduce relevant documentary, physical, or testimonial evidence.

(g) **Recording of hearing.** The appeal hearing must be recorded by (~~manual, electronic~~) analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(h) **Appeal decision.** The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) must provide a written decision to the student and parents in person, by mail, or by email within three school business days after the appeal hearing. The written decision must include:

- (i) The findings of fact;
- (ii) A determination whether:
 - (A) The student's behavior violated the school district's discipline policy adopted under WAC 392-400-110;
 - (B) The behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and
 - (C) The suspension or expulsion is affirmed, reversed, or modified;
- (iii) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
- (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request; and

(v) Notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710 and the contact information for the person who will coordinate scheduling of the reengagement meeting.

(5) **Language assistance.** The school district must ensure that the notice, appeal proceedings, and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(6) **Pending appeal.** If the student or parents request an appeal under this section, the school district may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:

- (a) The school district may temporarily continue to administer the suspension or expulsion for no more than ten consecutive school days from the initial hearing under WAC 392-400-450 or until the appeal is decided, whichever is earlier;
- (b) Any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;
- (c) If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the school district must provide the student an

opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

AMENDATORY SECTION (Amending WSR 18-16-081, filed 7/30/18, effective 7/1/19)

WAC 392-400-510 Emergency expulsions—Conditions and limitations. A school district may immediately remove a student from the student's current school placement, subject to the following requirements:

(1) **Sufficient cause.** The school district must have sufficient cause to believe that the student's presence poses:

(a) An immediate and continuing danger to other students or school personnel; or

(b) An immediate and continuing threat of material and substantial disruption of the educational process.

(2) **Determination of immediate and continuing threat of disruption.** For purposes of this section, an immediate and continuing threat of material and substantial disruption of the educational process means:

(a) The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and

(b) School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

(3) **Time limit.** An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten school days from the start of the emergency expulsion.

(4) **Conversion.** If a school district converts an emergency expulsion to a suspension or expulsion, the district must:

(a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and

(b) Provide the student and parents notice and due process under WAC ((392-400-455)) 392-400-430 through 392-400-480.

(5) **Reporting.** All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the district superintendent or designee within twenty-four hours after the start of the emergency expulsion.

AMENDATORY SECTION (Amending WSR 18-16-081, filed 7/30/18, effective 7/1/19)

WAC 392-400-525 Emergency expulsions—Appeal.

(1) **Requesting an appeal.** A student or the parents may appeal an emergency expulsion to the school district superintendent or designee orally or in writing.

(2) **Time limit.** A school district may establish a time limit to appeal an emergency expulsion. Appeal time limits must be no less than three school business days from the date the school district provides the written notice of the emergency expulsion.

(3) **Notice.** Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide

the student and parents written notice in person, by mail, or by email of:

(a) The time, date, and location of the appeal hearing;

(b) The name(s) of the official(s) presiding over the appeal;

(c) The student's and parents' rights to inspect the student's education records under subsection (6) of this section;

(d) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under subsection (6) of this section; and

(e) The student's and parents' rights under subsection (7) of this section.

(4) **Appeal hearing.** The school district must hold an appeal hearing as soon as reasonably possible, but no later than two school business days after the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.

(5) **Presiding official(s).** The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to emergency expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(6) **Evidence and witnesses.**

(a) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(b) Upon request, the student and parents may review the student's education records. The school district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(c) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

(i) The district made a reasonable effort to produce the witness; and

(ii) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(7) **Student and parent rights.** The student and parents have the right to:

(a) Be represented by legal counsel;

(b) Question witnesses;

(c) Share the student's perspective and provide explanation regarding the events that led to the emergency expulsion; and

(d) Introduce relevant documentary, physical, or testimonial evidence.

(8) **Recording of hearing.** The appeal hearing must be recorded by ((manual, electronic)) analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(9) **Appeal decision.** The school district must provide a written decision to the student and parents in person, by mail, or by email within one school business day after the appeal hearing. The written decision must include:

- (a) The findings of fact;
- (b) A determination whether the student's presence continues to pose:
 - (i) An immediate and continuing danger to students or school personnel; or
 - (ii) An immediate and continuing threat of material and substantial disruption of the educational process.
- (c) Whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC ((392-400-455)) 392-400-430 through 392-400-480; and
- (d) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-530, including where and to whom to make the request.

(10) **Language assistance.** The school district must ensure that any appeal proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

AMENDATORY SECTION (Amending WSR 18-16-081, filed 7/30/18, effective 7/1/19)

WAC 392-400-530 Emergency expulsions—Review and reconsideration. (1) **Requesting review.** The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-525. The student or parents may request the review orally or in writing.

(2) **Time limit.** A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than five school business days from the date the school district provided the written appeal decision to the student and parents under WAC 392-400-525.

(3) **Review procedure.**

(a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the events that led to the emergency expulsion, any records from the appeal under WAC 392-400-525, relevant state law, and the district's discipline policy adopted under WAC 392-400-110.

(b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the events that led to the emergency expulsion, the decision to emergency expel the student, or the

appeal decision under WAC 392-400-525. If the discipline appeal council presided over the appeal under WAC 392-400-525, the decision must be made by the school board.

(4) **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within five school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms or reverses the school district's decision that the student's presence posed:

- (i) An immediate and continuing danger to students or school personnel; or
- (ii) An immediate and continuing threat of material and substantial disruption of the educational process.

(b) If the emergency expulsion has not yet ended or been converted, whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC ((392-400-455)) 392-400-430 through 392-400-480.

(5) **Language assistance.** The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-400-023 Definitions.
- WAC 392-400-225 School district rules defining misconduct—Distribution of rules.
- WAC 392-400-226 School district rules defining harassment, intimidation and bullying prevention policies and procedures—Distribution of rules.
- WAC 392-400-230 Persons authorized to impose discipline, suspension, or expulsion upon students.
- WAC 392-400-233 Absences, tardiness, and school meals.
- WAC 392-400-235 Discipline—Conditions and limitations.
- WAC 392-400-240 Discipline—Grievance procedure.
- WAC 392-400-245 Short-term suspension—Conditions and limitations.
- WAC 392-400-250 Short-term suspension—Prior conference required—Notice to parent.
- WAC 392-400-255 Short-term suspension—Grievance procedure.

- WAC 392-400-260 Long-term suspension—Conditions and limitations.
- WAC 392-400-265 Long-term suspension—Notice of hearing—Waiver of hearing.
- WAC 392-400-270 Long-term suspension—Prehearing and hearing process.
- WAC 392-400-275 Expulsion—Conditions and limitations.
- WAC 392-400-280 Expulsion—Notice of hearing—Waiver of hearing.
- WAC 392-400-285 Expulsion—Prehearing and hearing process.
- WAC 392-400-295 Emergency expulsion—Limitations.
- WAC 392-400-300 Emergency expulsion—Notice of hearing—Waiver of hearing right.
- WAC 392-400-305 Emergency expulsion—Prehearing and hearing process.
- WAC 392-400-310 Appeals—Long-term suspension and expulsion.
- WAC 392-400-315 Appeals—Hearing before school board or disciplinary appeal council—Procedures.
- WAC 392-400-317 Appeals—Discipline and short-term suspension grievances.
- WAC 392-400-320 School board or disciplinary appeal council decisions.
- WAC 392-400-410 Appeal for extension of an expulsion.

WSR 19-12-056**PERMANENT RULES****DEPARTMENT OF HEALTH**

(Board of Physical Therapy)

[Filed May 31, 2019, 9:57 a.m., effective July 1, 2019]

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

Purpose: WAC 246-915A-010, HB 1278 passed in 2017 and was codified in chapter 18.74 RCW, which enacted the physical therapy licensure compact (PTLC) in Washington state to facilitate interstate practice of physical therapists and physical therapist assistants. The purpose of the adopted new rule is to comply with RCW 18.74.500, Article IX(2), which mandates that in order to participate in PTLC in the state of Washington the board of physical therapy must adopt PTLC rules. The adopted rule complies with the statute by incorporating by reference to the compact commission's rules as of October 28, 2018.

Citation of Rules Affected by this Order: New WAC 246-915A-010.

Statutory Authority for Adoption: RCW 18.74.500, 18.74.023, and HB 1278 (chapter 108, Laws of 2017).

Adopted under notice filed as WSR 19-06-081 on March 6, 2019.

A final cost-benefit analysis is available by contacting Kris Waidely, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4847, fax 360-236-2901, TTY 360-833-6388 or 711, email kris.waidely@doh.wa.gov, web site www.doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: April 10, 2019.

Andrew J. Wodka, PT, DPT, MBA, Vice Chair
Board of Physical Therapy

NEW SECTION

WAC 246-915A-010 Physical therapy licensure compact—Compact commission rules. (1) The physical therapy licensure compact (compact) is established in Washington under RCW 18.74.500. Its purpose is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services.

(2) The rules of the physical therapy compact commission, in effect as of October 28, 2018, are adopted and incorporated by reference.

(3) A copy of the rules is available for public inspection from the department of health at <https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/PhysicalTherapyLicensureCompact/RulesInProgress> or by calling the department of health's office of customer service at 360-236-4700.

(4) A licensee may exercise a compact privilege as provided in RCW 18.74.500, Article IV. Applicable fees are set forth in WAC 246-915A-990.

WSR 19-12-058**PERMANENT RULES****DEPARTMENT OF****CHILDREN, YOUTH, AND FAMILIES**

[Filed May 31, 2019, 11:02 a.m., effective July 1, 2019]

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

Purpose: Amend the working connections and seasonal child care programs to:

(1) Establish conditions under which certain children and families may receive program benefits regardless of meeting eligibility threshold.

(2) Implement 2019-2021 collective bargaining agreements negotiated between the state of Washington and represented family home child care [center]s.

(3) Increase centers' rates.

(4) Clarify which providers will receive early achievers quality improvement awards.

(5) Clarify the conditions under which a consumer may be disqualified from receiving subsidy program benefits.

(6) Clarify that notice of payment changes is not required when the department of children, youth, and families (DCYF) determines that enrolled children are exposed to a serious health or safety risk that impacts the provider's license or approval to participate in the subsidy program.

(7) Clarify when a family may be eligible for the minimum copayment.

(8) Clarify what is necessary for income verification and deadlines for receiving requested information.

(9) Clarify that DCYF is solely responsible for service delivery of the working connections and seasonal child care programs.

(10) Make housekeeping updates necessary after the decodification of chapter 43.215 RCW and Title 170 WAC and recodification to chapter 43.216 RCW and Title 110 WAC.

Citation of Rules Affected by this Order: New WAC 110-15-0024 and 110-15-0278; repealing WAC 110-15-0130; and amending WAC 110-15-0015, 110-15-0034, 110-15-0090, 110-15-0120, 110-15-0200, 110-15-0205, 110-15-0210, 110-15-0240, 110-15-0249, 110-15-0266, 110-15-0267, 110-15-0275, 110-15-3850, and 110-15-3857.

Statutory Authority for Adoption: RCW 43.216.055 and 43.216.065.

Adopted under notice filed as WSR 19-09-076 on April 17, 2019.

Changes Other than Editing from Proposed to Adopted Version:

- Modest changes were made to various rates in WAC 110-15-0200 to implement child care center rate increases authorized in ESHB 1109 (2019-21 biennium operating appropriations).
- Spokane County's full-day toddler rate in WAC 110-15-0205 corrected.
- WAC 110-15-0210 revised to clarify which providers will receive early achievers quality improvement awards.
- The definition of "conviction" in WAC 110-15-0278 has been simplified.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 10, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 1.

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

Date Adopted: May 31, 2019.

Brenda Villarreal
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0015 Determining family size. (1) ((~~DSHS~~)) DCYF determines a consumer's family size as follows:

(a) For a single parent, including a minor parent living independently, ((~~DSHS~~)) DCYF counts the consumer and the consumer's children;

(b) For unmarried parents who have at least one mutual child, ((~~DSHS~~)) DCYF counts both parents and all of their children living in the household;

(c) Unmarried parents who have no mutual children are counted as separate WCCC ((~~families~~)) households, the unmarried parents and their respective children living in the household;

(d) For married parents, ((~~DSHS~~)) DCYF counts both parents and all of their children living in the household;

(e) For parents who are undocumented aliens as defined in WAC 388-424-0001, ((~~DSHS~~)) DCYF counts the parents and children, documented and undocumented, and all other family rules in this section apply. Children needing care must meet citizenship requirements described in WAC ((~~170-290-0005~~)) 110-15-0005;

(f) For a legal guardian verified by a legal or court document, adult sibling or step-sibling, nephew, niece, aunt, uncle, grandparent, any of these relatives with the prefix "great," such as a "great-nephew," or an in loco parentis custodian who is not related to the child as described in WAC ((~~170-290-0005, DSHS~~)) 110-15-0005, DCYF counts only the children and only the children's income is counted;

(g) For a parent who is out of the household because of employer requirements, such as training or military service, and expected to return to the household, ((~~DSHS~~)) DCYF counts the consumer, the absent parent, and the children;

(h) For a parent who is voluntarily out of the household for reasons other than requirements of the employer, such as unapproved schooling and visiting family members, and is expected to return to the household, ((~~DSHS~~)) DCYF counts the consumer, the absent parent, and the children. WAC ((~~170-290-0020~~)) 110-15-0020 and all other family and household rules in this section apply;

(i) For a parent who is out of the country and waiting for legal reentry in to the United States, ((~~DSHS~~)) DCYF counts only the consumer and children residing in the United States and all other family and household rules in this section apply;

(j) An incarcerated parent is not part of the household count for determining income and eligibility. ((~~DSHS~~)) DCYF counts the remaining household members using all other family rules in this section; and

(k) For a parent incarcerated at a Washington state correctional facility whose child lives with them at the facility,

(DSHS) DCYF counts the parent and child as their own household.

(2) ~~(In addition to family members described in subsection (1)(a) through (k) of this section, siblings of the child needing care, unless they are parents themselves, who meet the following criteria are counted by DSHS as part of the family for WCCC eligibility:~~

~~(a) Eighteen year old siblings who are enrolled in high school or a general equivalency diploma (GED) program until turning nineteen or completing high school/GED, whichever comes first; and~~

~~(b) Siblings up to twenty one years of age who are participating in an approved program through a school district's special education department under RCW 28A.155.020.)~~
When the household consists of the consumer's own child and another child identified in subsection (1)(f) of this section, the household may be combined into one household or kept as distinct households for the benefit of the consumer.

NEW SECTION

WAC 110-15-0024 Categorical eligibility for families receiving child protective, child welfare, or family assessment response services. (1) Families with children who have received child protective services as defined and used by chapters 26.44 and 74.13 RCW, child welfare services as defined and used by chapter 74.13 RCW, or services through a family assessment response, as defined and used by chapter 26.44 RCW in the six months previous to application or reapplication for working connections child care (WCCC) benefits are eligible for WCCC benefits for a twelve-month period if, in addition the:

(a) Consumer is a Washington resident;

(b) Family has been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(c) Child or children are residing with a biological parent or guardian.

(2) Families eligible for WCCC under this section will:

(a) Have no copayment;

(b) Be authorized for full-time child care regardless of participation in an approved activity; and

(c) Be eligible to have benefits paid only to a licensed, certified, or contracted child care provider that meets the requirements in WAC 110-15-0125.

AMENDATORY SECTION (Amending WSR 19-01-111, filed 12/18/18, effective 1/18/19)

WAC 110-15-0034 Providers' responsibilities. Child care providers who accept child care subsidies must do the following:

(1) Licensed or certified child care providers who accept child care subsidies must comply with all child care licensing or certification requirements contained in this chapter, chapter 43.216 RCW and chapters 110-06, 110-300, 110-300A, 110-300B, and 110-305 WAC.

(2) In-home/relative child care providers must comply with the requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06 and 110-16 WAC.

(3) In-home/relative child care providers must not submit an invoice for more than six children for the same hours of care.

(4) All child care providers must use DCYF's electronic attendance recordkeeping system or a DCYF-approved electronic attendance recordkeeping system as required by WAC 110-15-0126. Providers must limit attendance system access to authorized individuals and for authorized purposes, and maintain physical and environmental security controls.

(a) Providers using DCYF's electronic recordkeeping system must submit monthly attendance records prior to claiming payment. Providers using a DCYF-approved electronic recordkeeping system must finalize attendance records prior to claiming payment.

(b) Providers must not edit attendance records after making a claim for payment.

(5) All child care providers must complete and maintain accurate daily attendance records. If requested by DCYF or DSHS, the provider must provide to the requesting agency the following records:

(a) Attendance records must be provided to DCYF or DSHS within twenty-eight calendar days of the date of a written request from either department.

(b) Pursuant to WAC 110-15-0268, the attendance records delivered to DCYF or DSHS may be used to determine whether a provider overpayment has been made and may result in the establishment of an overpayment and in an immediate suspension of the provider's subsidy payment.

(6) All child care providers must maintain and provide receipts for billed field trip/quality enhancement fees as follows. If requested by DCYF or DSHS, the provider must provide the following receipts for billed field trip/quality enhancement fees:

(a) Receipts from the previous twelve months must be available immediately for review upon request by DCYF;

(b) Receipts from one to five years old must be provided within twenty-eight days of the date of a written request from either department.

(7) All child care providers must collect copayments directly from the consumer or the consumer's third-party payor, and report to DCYF if the consumer has not paid a copayment to the provider within the previous sixty days.

(8) All child care providers must follow the billing procedures required by DCYF.

(9) Child care providers who accept child care subsidies must not:

(a) Claim a payment in any month a child has not attended at least one day within the authorization period in that month; however, in the event a ten-day notice terminating a provider's authorization extends into the following month, the provider may claim a payment for any remaining days of the ten calendar day notice in that following month;

(b) ~~((Submit))~~ Claim an invoice for payment later than ~~((one calendar year))~~ six months after the ~~((actual date))~~ month of service, or the date of the invoice, whichever is later; or

(c) Charge consumers the difference between the provider's customary rate and the maximum allowed state rate.

(10) Licensed and certified providers must not charge consumers for:

- (a) Registration fees in excess of what is paid by subsidy program rules;
 - (b) Days for which the child is scheduled and authorized for care but absent;
 - (c) Handling fees to process consumer copayments, child care services payments, or paperwork;
 - (d) Fees for materials, supplies, or equipment required to meet licensing rules and regulations; or
 - (e) Child care or fees related to subsidy billing invoices that are in dispute between the provider and the state.
- (11) Providers who care for children in states bordering Washington state must verify they are in compliance with their state's licensing regulations and notify DCYF within ten days of any suspension, revocation, or changes to their license.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0090 Minimum copayment. (1) The consumer is eligible for the minimum copayment ((is paid)) when:

- (a) The consumer has countable monthly income at or below eighty-two percent of the federal poverty guidelines;
- (b) The consumer is a minor parent and receives TANF;
or
- (c) The consumer is a minor parent and is part of the consumer's parent's or consumer's relative's TANF assistance unit.

(2) ~~((First application. The consumer pays the minimum copayment at first application for WCCC when benefits are paid. The consumer pays the minimum copayment:~~

- ~~(a) Beginning in the month that DSHS pays for WCCC child care services; and~~
- ~~(b) The first full calendar month thereafter.~~
- ~~(3) **Reapplication.** The consumer pays the minimum copayment at reapplication for WCCC after a break of at least thirty days in the consumer's approved activities. The consumer pays the minimum copayment:~~

- ~~(a) Beginning in the month that DSHS pays for WCCC services; and~~
- ~~(b) The first full calendar month thereafter.~~
- ~~(4) The consumer pays the minimum copayment when he or she is a minor parent, and:~~
 - ~~(a) Receives TANF; or~~

~~(b) Is part of the parent's or relative's TANF assistance unit.~~

~~(5) DSHS)) The consumer is eligible for the minimum copayment beginning the first month that DCYF pays for WCCC child care services and the first full calendar month thereafter for:~~

- ~~(a) A consumer's first approved application; and~~
- ~~(b) A consumer's approved application following a break of at least one calendar month of eligibility.~~

~~(3) If the consumer meets the conditions described in subsection (2) of this section, the consumer pays the minimum copayment beginning the first month that DCYF pays for WCCC child care services and the first full calendar month thereafter, even if the consumer's copayment for later months calculated under the provisions of WAC 110-15-0075 exceeds the cost of care.~~

~~(4) DCYF does not prorate the copayment.~~

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0120 When notice of payment changes is not required. ~~((DSHS))~~ DCYF does not give a consumer written notice of changes to WCCC eligibility or provider payments when:

- (1) The consumer tells ~~((DSHS))~~ DCYF that he or she no longer wants WCCC; ~~((or))~~
- (2) The consumer has not informed ~~((DSHS))~~ DCYF of his or her new mailing address; or
- (3) DCYF has determined that children have been exposed to a serious health or safety risk.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0200 Daily child care rates—Licensed or certified child care centers and ~~((DEL))~~ DCYF contracted seasonal day camps. (1) **Base rate.** ~~((DSHS))~~ DCYF pays the lesser of the following to a licensed or certified child care center or ~~((DEL))~~ DCYF contracted seasonal day camp:

- (a) The provider's private pay rate for that child; or
- (b) The maximum child care subsidy daily rate for that child as listed in the following table:

		(Infants (One month—11 mos.))	Toddlers (12—29 mos.)	Preschool (30 mos.—6 yrs not attending kindergarten or school)	School-age (5—12 yrs attending kin- dergarten or school)
Region 1	Full Day	\$34.03	\$28.62	\$27.03	\$25.46
	Half Day	\$17.02	\$14.31	\$13.52	\$12.73
Spokane County	Full Day	\$34.81	\$29.28	\$27.67	\$26.05
	Half Day	\$17.41	\$14.64	\$13.84	\$13.03
Region 2	Full Day	\$34.39	\$28.68	\$26.61	\$23.53
	Half Day	\$17.20	\$14.34	\$13.31	\$11.77
Region 3	Full Day	\$45.50	\$37.93	\$32.78	\$31.82
	Half Day	\$22.75	\$18.97	\$16.39	\$15.91

		(Infants (One month - 11 mos.))	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kin- dergarten or school)
Region 4	Full-Day	\$52.94	\$44.20	\$37.10	\$33.41
	Half-Day	\$26.47	\$22.10	\$18.55	\$16.71
Region 5	Full-Day	\$38.82	\$33.41	\$29.40	\$26.12
	Half-Day	\$19.41	\$16.71	\$14.70	\$13.06
Region 6	Full-Day	\$38.18	\$32.78	\$28.62	\$28.01
	Half-Day	\$19.09	\$16.39	\$14.31	\$14.01

(Chart effective 09/01/17))

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
<u>Region 1</u>	<u>Full-Day</u>	<u>\$35.29</u>	<u>\$32.44</u>	<u>\$30.53</u>	<u>\$29.41</u>
	<u>Half-Day</u>	<u>\$17.65</u>	<u>\$16.22</u>	<u>\$15.27</u>	<u>\$14.71</u>
<u>Spokane County</u>	<u>Full-Day</u>	<u>\$45.45</u>	<u>\$38.77</u>	<u>\$35.69</u>	<u>\$27.90</u>
	<u>Half-Day</u>	<u>\$22.73</u>	<u>\$19.39</u>	<u>\$17.85</u>	<u>\$13.95</u>
<u>Region 2</u>	<u>Full-Day</u>	<u>\$39.44</u>	<u>\$31.67</u>	<u>\$30.56</u>	<u>\$23.84</u>
	<u>Half-Day</u>	<u>\$19.72</u>	<u>\$15.84</u>	<u>\$15.28</u>	<u>\$11.92</u>
<u>Region 3</u>	<u>Full-Day</u>	<u>\$58.64</u>	<u>\$49.47</u>	<u>\$42.59</u>	<u>\$31.82</u>
	<u>Half-Day</u>	<u>\$29.32</u>	<u>\$24.74</u>	<u>\$21.30</u>	<u>\$15.91</u>
<u>Region 4</u>	<u>Full-Day</u>	<u>\$71.76</u>	<u>\$60.14</u>	<u>\$55.57</u>	<u>\$33.41</u>
	<u>Half-Day</u>	<u>\$35.88</u>	<u>\$30.07</u>	<u>\$27.79</u>	<u>\$16.71</u>
<u>Region 5</u>	<u>Full-Day</u>	<u>\$48.86</u>	<u>\$42.51</u>	<u>\$37.88</u>	<u>\$26.12</u>
	<u>Half-Day</u>	<u>\$24.43</u>	<u>\$21.26</u>	<u>\$18.94</u>	<u>\$13.06</u>
<u>Region 6</u>	<u>Full-Day</u>	<u>\$46.39</u>	<u>\$40.82</u>	<u>\$35.56</u>	<u>\$28.01</u>
	<u>Half-Day</u>	<u>\$23.20</u>	<u>\$20.41</u>	<u>\$17.78</u>	<u>\$14.01</u>

(i) Centers in Clark County are paid Region 3 rates.

(ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) The child care center WAC (~~(170-295-0010 and 170-295-0050)~~) 110-300A-0010 and 110-300A-0050 allows providers to care for children from one month up to and including the ~~((day before))~~ end of their eligibility period after their thirteenth birthday. The provider must obtain a child-specific and time-limited exception from their child care licensor to provide care for a child outside the age listed on the center's license. If the provider has an exception to care for a child who has ~~((reached))~~ exceeded the child's thirteenth birthday, the payment rate is the same as subsection (1) of this section, and the five through twelve year age range column is used for comparison. WAC 110-300A-0010 and 110-300A-0050 are superseded by WAC 110-300-0005 and 110-300-0356, respectively, effective August 1, 2019.

(3) If the center provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited exception ~~((and))~~. The child must meet the special needs requirement according to WAC (~~(170-290-0220)~~) 110-15-0220 when thirteen or older at application or reapplication.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0205 Daily child care rates—Licensed or certified family home child care providers. (1) Base rate. ((~~DSHS~~) DCYF pays the lesser of the following to a licensed or certified family home child care provider:

- (a) The provider's private pay rate for that child; or
- (b) The maximum child care subsidy daily rate for that child as listed in the following table((

		Infants (Birth—11 mos.)	Enhanced Toddlers (12—17 mos.)	Toddlers (18—29 mos.)	Preschool (30 mos.—6 yrs not attending kindergarten- or school)	School-age (5—12 yrs attending kindergarten or school)
Region 1	Full Day	\$29.62	\$29.62	\$25.76	\$23.78	\$21.14
	Half Day	\$14.81	\$14.81	\$12.88	\$11.89	\$10.57
Spokane County	Full Day	\$30.32	\$30.32	\$26.36	\$24.32	\$21.60
	Half Day	\$15.16	\$15.16	\$13.18	\$12.16	\$10.80
Region 2	Full Day	\$30.66	\$30.66	\$26.66	\$24.44	\$22.46
	Half Day	\$15.33	\$15.33	\$13.33	\$12.22	\$11.23
Region 3	Full Day	\$41.98	\$41.98	\$35.54	\$35.54	\$28.80
	Half Day	\$20.99	\$20.99	\$17.77	\$17.77	\$14.40
Region 4	Full Day	\$53.30	\$53.30	\$44.42	\$39.98	\$31.68
	Half Day	\$26.65	\$26.65	\$22.21	\$19.99	\$15.84
Region 5	Full Day	\$36.34	\$36.34	\$31.60	\$26.66	\$22.46
	Half Day	\$18.17	\$18.17	\$15.80	\$13.33	\$11.23
Region 6	Full Day	\$32.68	\$32.68	\$28.42	\$26.66	\$25.10
	Half Day	\$16.34	\$16.34	\$14.21	\$13.33	\$12.55

(Chart effective until ratification of the 2017-19 collective bargaining agreement with SEIU 925, or July 1, 2017, whichever occurs later.)

		Infants (Birth—11 mos.)	Enhanced Toddlers (12—17 mos.)	Toddlers (18—29 mos.)	Preschool (30 mos.—6 yrs not attending kindergarten- or school)	School-age (5—12 yrs attending kindergarten or school)
Region 1	Full Day	\$30.21	\$30.21	\$26.28	\$24.26	\$21.56
	Half Day	\$15.11	\$15.11	\$13.14	\$12.13	\$10.78
Spokane County	Full Day	\$30.93	\$30.93	\$26.89	\$24.81	\$22.03
	Half Day	\$15.47	\$15.47	\$13.45	\$12.41	\$11.02
Region 2	Full Day	\$31.27	\$31.27	\$27.19	\$24.93	\$22.91
	Half Day	\$15.64	\$15.64	\$13.60	\$12.47	\$11.46
Region 3	Full Day	\$42.82	\$42.82	\$36.25	\$36.25	\$29.38
	Half Day	\$21.41	\$21.41	\$18.13	\$18.13	\$14.69
Region 4	Full Day	\$54.37	\$54.37	\$45.31	\$40.78	\$32.31
	Half Day	\$27.19	\$27.19	\$22.66	\$20.39	\$16.16
Region 5	Full Day	\$37.07	\$37.07	\$32.23	\$27.19	\$22.91
	Half Day	\$18.54	\$18.54	\$16.12	\$13.60	\$11.46
Region 6	Full Day	\$33.33	\$33.33	\$28.99	\$27.19	\$25.60
	Half Day	\$16.67	\$16.67	\$14.50	\$13.60	\$12.80

(Chart effective upon ratification of the 2017-19 collective bargaining agreement with SEIU 925, or July 1, 2017, whichever occurs later.)) effective July 1, 2019:

		<u>Infants</u> (Birth - 11 mos.)	<u>Enhanced</u> <u>Toddlers</u> (12 - 17 mos.)	<u>Toddlers</u> (18 - 29 mos.)	<u>Preschool</u> (30 mos. - 6 yrs not attending kindergarten or school)	<u>School-age</u> (5 - 12 yrs attending kindergarten or school)
<u>Region 1</u>	<u>Full-Day</u>	<u>\$31.25</u>	<u>\$31.25</u>	<u>\$26.79</u>	<u>\$25.89</u>	<u>\$22.32</u>
	<u>Half-Day</u>	<u>\$15.63</u>	<u>\$15.63</u>	<u>\$13.39</u>	<u>\$12.95</u>	<u>\$11.16</u>
<u>Spokane</u> <u>County</u>	<u>Full-Day</u>	<u>\$32.59</u>	<u>\$32.59</u>	<u>\$27.68</u>	<u>\$26.79</u>	<u>\$26.79</u>
	<u>Half-Day</u>	<u>\$16.29</u>	<u>\$16.29</u>	<u>\$13.84</u>	<u>\$13.39</u>	<u>\$13.39</u>
<u>Region 2</u>	<u>Full-Day</u>	<u>\$32.14</u>	<u>\$32.14</u>	<u>\$29.46</u>	<u>\$26.79</u>	<u>\$25.00</u>
	<u>Half-Day</u>	<u>\$16.07</u>	<u>\$16.07</u>	<u>\$14.73</u>	<u>\$13.39</u>	<u>\$12.50</u>
<u>Region 3</u>	<u>Full-Day</u>	<u>\$42.86</u>	<u>\$42.86</u>	<u>\$37.50</u>	<u>\$36.25</u>	<u>\$29.38</u>
	<u>Half-Day</u>	<u>\$21.43</u>	<u>\$21.43</u>	<u>\$18.75</u>	<u>\$18.13</u>	<u>\$14.69</u>
<u>Region 4</u>	<u>Full-Day</u>	<u>\$54.37</u>	<u>\$54.37</u>	<u>\$48.70</u>	<u>\$41.07</u>	<u>\$32.31</u>
	<u>Half-Day</u>	<u>\$27.19</u>	<u>\$27.19</u>	<u>\$24.35</u>	<u>\$20.54</u>	<u>\$16.16</u>
<u>Region 5</u>	<u>Full-Day</u>	<u>\$37.07</u>	<u>\$37.07</u>	<u>\$34.90</u>	<u>\$31.25</u>	<u>\$26.79</u>
	<u>Half-Day</u>	<u>\$18.54</u>	<u>\$18.54</u>	<u>\$17.45</u>	<u>\$15.63</u>	<u>\$13.39</u>
<u>Region 6</u>	<u>Full-Day</u>	<u>\$33.93</u>	<u>\$33.93</u>	<u>\$31.25</u>	<u>\$28.41</u>	<u>\$25.89</u>
	<u>Half-Day</u>	<u>\$16.96</u>	<u>\$16.96</u>	<u>\$15.63</u>	<u>\$14.20</u>	<u>\$12.95</u>

(c) The maximum child care subsidy daily rate for that child as listed in the following table beginning July 1, 2020:

		<u>Infants</u> (Birth - 11 mos.)	<u>Enhanced</u> <u>Toddlers</u> (12 - 17 mos.)	<u>Toddlers</u> (18 - 29 mos.)	<u>Preschool</u> (30 mos. - 6 yrs not attending kindergarten or school)	<u>School-age</u> (5 - 12 yrs attending kindergarten or school)
<u>Region 1</u>	<u>Full-Day</u>	<u>\$33.13</u>	<u>\$33.13</u>	<u>\$28.39</u>	<u>\$27.45</u>	<u>\$23.66</u>
	<u>Half-Day</u>	<u>\$16.56</u>	<u>\$16.56</u>	<u>\$14.20</u>	<u>\$13.72</u>	<u>\$11.83</u>
<u>Spokane</u> <u>County</u>	<u>Full-Day</u>	<u>\$34.54</u>	<u>\$34.54</u>	<u>\$29.34</u>	<u>\$28.39</u>	<u>\$28.39</u>
	<u>Half-Day</u>	<u>\$17.27</u>	<u>\$17.27</u>	<u>\$14.67</u>	<u>\$14.20</u>	<u>\$14.20</u>
<u>Region 2</u>	<u>Full-Day</u>	<u>\$34.07</u>	<u>\$34.07</u>	<u>\$31.23</u>	<u>\$28.39</u>	<u>\$26.50</u>
	<u>Half-Day</u>	<u>\$17.04</u>	<u>\$17.04</u>	<u>\$15.62</u>	<u>\$14.20</u>	<u>\$13.25</u>
<u>Region 3</u>	<u>Full-Day</u>	<u>\$45.43</u>	<u>\$45.43</u>	<u>\$39.75</u>	<u>\$38.43</u>	<u>\$31.14</u>
	<u>Half-Day</u>	<u>\$22.71</u>	<u>\$22.71</u>	<u>\$19.88</u>	<u>\$19.21</u>	<u>\$15.57</u>
<u>Region 4</u>	<u>Full-Day</u>	<u>\$57.63</u>	<u>\$57.63</u>	<u>\$51.62</u>	<u>\$43.54</u>	<u>\$34.25</u>
	<u>Half-Day</u>	<u>\$28.82</u>	<u>\$28.82</u>	<u>\$25.81</u>	<u>\$21.77</u>	<u>\$17.13</u>
<u>Region 5</u>	<u>Full-Day</u>	<u>\$39.29</u>	<u>\$39.29</u>	<u>\$37.00</u>	<u>\$33.13</u>	<u>\$28.39</u>
	<u>Half-Day</u>	<u>\$19.65</u>	<u>\$19.65</u>	<u>\$18.50</u>	<u>\$16.56</u>	<u>\$14.20</u>
<u>Region 6</u>	<u>Full-Day</u>	<u>\$35.96</u>	<u>\$35.96</u>	<u>\$33.13</u>	<u>\$30.11</u>	<u>\$27.45</u>
	<u>Half-Day</u>	<u>\$17.98</u>	<u>\$17.98</u>	<u>\$16.56</u>	<u>\$15.06</u>	<u>\$13.72</u>

(2) Effective July 1, 2019, the half-day rate is increased for family home providers in all regions and for all ages to a partial-day rate that is seventy-five percent of the full-day rate when:

(a) The family home provider provides child care services for the child during a morning session and an afternoon session. A morning session shall begin at any time after 12:00 a.m. and end before 12:00 p.m. An afternoon session shall begin at any time after 12:00 p.m. and end before 12:00 a.m.;

(b) The family home provider is not entitled to payment at the full-day rate; and

(c) In no event shall a child care provider be entitled to two partial-day rates totaling one hundred fifty percent of the daily rate.

(3) The family home child care WAC ((170-296A-0010 and 170-296A-5550)) 110-300B-0010 and 110-300B-5550 allow((s)) providers to care for children from birth up to and including the ((day before)) end of their eligibility period after their thirteenth birthday. WAC 110-300B-0010 and 110-300B-5550 are superseded by WAC 110-300-0005 and 110-300-0355, respectively, effective August 1, 2019.

((3)) (4) If the family home provider cares for a child who is thirteen years of age or older, the provider must follow WAC ((170-296A-0050 and 170-296A-5625 and the)) 110-

300B-0050 and 110-300B-5625. A child who is thirteen years of age or older at application must meet the special needs requirement according to WAC ~~((170-290-0220.~~

~~(4) DSHS)) 110-15-0220. If the provider has an exception to care for a child who has reached the child's thirteenth birthday, the payment rate is the same as subsection (1) of this section and the five through twelve year age range column is used for comparison. WAC 110-300B-0050 and 110-300B-5625 are superseded by WAC 110-300-0300 and 110-300-0355, respectively, effective August 1, 2019.~~

~~(5) DCYF pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection ~~((5))~~ (6) of this section). (Refer to subsection (1) and the five through twelve year age range column for comparisons.~~

~~(5) DSHS))~~

~~(6) DCYF cannot pay family home child care providers to provide care for children in their care if the provider is:~~

- ~~(a) The child's biological, adoptive or step-parent;~~
- ~~(b) The child's legal guardian or the guardian's spouse or live-in partner; or~~
- ~~(c) Another adult acting in loco parentis or that adult's spouse or live-in partner.~~

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0210 Tiered reimbursement and quality improvement awards. (1) ~~((Starting September 1, 2013, providers receiving payment under the WCCC program will receive a two percent increase in the subsidy rate, calculated on the base rate, for enrolling in level 2 in the early achievers program. Providers must complete level 2, advance to level 3 within thirty months, and maintain a level 3 rating in order to maintain this increase.))~~ Providers receiving payment under the WCCC program will receive a tiered reimbursement as outlined in the "Early Achievers Operating Guidelines."

(2) Quality improvement awards, as described by chapter ~~((43-215))~~ 43.216 RCW, are reserved for early achievers participating providers offering programs to an enrollment population consisting of at least five percent of ~~((nonschool age))~~ children receiving a state subsidy for licensed family homes and at least five percent of nonschool age children receiving subsidy for licensed centers.

(a) Qualifying state subsidy programs include working connections child care (WCCC), seasonal child care (SCC), ~~((children's administration (CA)))~~ DCYF child welfare child care programs, homeless child care program (HCCP), ECLIPSE and ~~((medicare))~~ medicaid child care programs. Other qualifying programs may include those supported by municipalities, colleges or universities, local school districts, or federally recognized tribal organizations.

(i) Participants providing homeless child care program, ECLIPSE, or medicaid services must present ~~((DEL))~~ DCYF with information indicating that services were provided under these programs.

(ii) Participants providing subsidized child care supported by municipalities, colleges or universities, local school districts, or federally recognized tribal organizations

must present ~~((DEL))~~ DCYF with information indicating that services were provided under these programs.

(b) Percent subsidy calculations are derived from a monthly average of the number of children receiving ~~((state))~~ qualifying subsidy divided by the monthly average licensed capacity of a specific provider over a twelve-month period.

(i) The twelve-month period utilized for the above calculation will include the twelve months prior to the formal release of a facility's early achievers rating.

(ii) Facilities must have provided care at least one day in a given month for that month to be utilized in the above calculation.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0240 Child care subsidy rates—In-home/relative providers. (1) **Base rate.** When a consumer employs an in-home/relative provider, ~~((DSHS))~~ DCYF pays the lesser of the following to an eligible in-home/relative provider for child care:

- (a) The provider's private pay rate for that child; or
- (b) The maximum child care subsidy rate of two dollars and ~~((forty-seven))~~ fifty-five cents per hour ~~((for the))~~ per child ~~((who needs the greatest number of hours of care and two dollars and forty four cents per hour for the care of each additional child in the family. Beginning July 1, 2017, or upon ratification of the 2017-19 collective bargaining agreement with SEIU 925, whichever occurs later, the maximum child care subsidy rate and the rate for each additional child in the family increase to two dollars and fifty cents per hour)).~~ Beginning July 1, 2020, the maximum child care subsidy rate is two dollars and sixty-five cents per hour per child.

(2) ~~((DSHS))~~ DCYF may pay above the maximum hourly rate for children who have special needs ~~((under WAC 170-290-0235))~~ pursuant to WAC 110-15-0235.

(3) ~~((DSHS))~~ DCYF makes the WCCC payment directly to a consumer's eligible provider.

(4) When applicable, ~~((DSHS))~~ DCYF pays the employer's share of the following:

- (a) Social Security and medicare taxes (FICA) up to the wage limit;
 - (b) Federal Unemployment Taxes (FUTA); and
 - (c) State unemployment taxes (SUTA).
- (5) If an in-home/relative provider receives less than the wage base limit per family in a calendar year, ~~((DSHS))~~ DCYF refunds all withheld taxes to the provider.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0249 Nonstandard hours bonus. (1) A consumer's provider may receive a nonstandard hours bonus (NSHB) payment ~~((of seventy-five dollars))~~ per child per month for care provided if:

- (a) The provider is licensed or certified;
- (b) The provider provides at least thirty hours of non-standard hours care during one month; and
- (c) The total cost of the NSHB to the state does not exceed the amount appropriated for this purpose by the legislature for the current state fiscal year.

(2) Nonstandard hours are defined as:

- (a) Before 6 a.m. or after 6 p.m.;
- (b) Any hours on Saturdays and Sundays; and
- (c) Any hours on legal holidays, as defined in RCW

1.16.050.

(3) NSHB amounts are:

- (a) Seventy-six dollars and fifty cents for family homes;
- and
- (b) Seventy-five dollars for centers.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0266 Payment discrepancies—Generally. (1) Payment discrepancies include both underpayments and overpayments.

(2) For consumers not covered under WAC (~~((470-290-0267 through 170-290-0275))~~) 110-15-0267 through 110-15-0275, payment discrepancies are subject to chapter 388-410 WAC.

(3) For providers covered under the collective bargaining agreement, all other payment discrepancy issues are covered under WAC (~~((470-290-0275 and 170-290-0277))~~) 110-15-0275 and 110-15-0277.

(4) For all providers, payment discrepancies resulting from program violations or suspected fraud are covered under WAC (~~((470-290-0277 and 170-290-0279))~~) 110-15-0277 and 110-15-0278.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0267 Payment discrepancies—Provider underpayments. (1) Underpayments to a provider occur if (~~((DSHS))~~) DCYF pays less than the amount the provider is eligible to receive.

(2) Underpayment requests will only be considered by DSHS if the provider submitted the original invoice for payment to (~~((DSHS))~~) DCYF no later than (~~((twelve))~~) six months after the date of service.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0275 Payment discrepancies—Providers. (1) This section applies to all child care providers.

(2) (~~((For in-home/relative and licensed family home child care providers, disputes regarding underpayments are grievable.~~

~~((3) Payment discrepancies may be corrected based on time frames for payment. Correction of payment discrepancies depends on the following circumstances:~~

~~((a))~~) Providers must submit a billing invoice for payment within (~~((twelve))~~) six months of the date (~~((of service))~~) child care services are provided. Any invoice submitted more than (~~((twelve))~~) six months from date (~~((of service))~~) child care services are provided will not be processed.

~~((b) If the billing invoice for payment is made within the twelve-month period, the time limits for correcting payment errors are:))~~ (3) For purposes of correcting payment errors

based on correctly submitted invoices under the provisions of subsection (2) of this section, the following time limits apply:

(a) For underpayments:

(i) Two years back from the date the payment was issued if the error ((is)) was based on rates paid by age or region, ((unless the error is discovered by a federal audit, in which case the provider has up to twenty-four months after the date of service to ask for a corrected payment)) except as provided in (a)(iii) of this subsection; or

(ii) Three years back from the date payment was issued if the error was based on any issue other than rates paid by age or region; and

(iii) Three years back ((if the error was for any other reason, including an error discovered)) from the date the payment was issued for any underpayment identified by a federal or state audit((, in which case the provider has up to three years after the date of service to ask for a corrected payment)).

(b) For overpayments:

(i) Two years back from the date payment was issued if the error was based on rates paid by age or region, except as provided in (b)(iii) of this subsection; and DSHS or DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within two years of the date the payment was issued; or

(ii) Three years back from the date payment was issued if the error was based on any issue other than rates paid by age or region; DSHS or DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within three years of the date the payment was issued; and

(iii) Three years back from the date the payment was issued for any overpayment identified by a federal or state audit; DSHS or DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within three years of the date the payment was issued.

(4) For in-home/relative and family home child care providers, disputes regarding underpayments may be addressed through the grievance process provided for in the collective bargaining agreement.

NEW SECTION

WAC 110-15-0278 Consumer program violation. A consumer who has been convicted of fraud to obtain child care subsidy benefits will be disqualified from receiving child care subsidy program benefits for five years.

"Conviction" or "convicted" means a finding by a state or federal court that an individual is guilty of a criminal offense that involves the commission of fraud to obtain child care subsidy payments or benefits. A guilty finding includes an adjudication of guilt, a verdict of guilt, and acceptance of a plea of guilty. A guilty finding constitutes a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3850 Payment discrepancies generally. Child care subsidy payment discrepancies are described in WAC ~~((170-290-0266 through 170-290-0275))~~ 110-15-0266 through 110-15-0275, with the exception of underpayments requested by licensed child care centers, which will only be considered for ~~((twelve))~~ six months after the date of services.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3857 Program violations and suspected fraud. WAC ~~((170-290-0277 and 170-290-0279))~~ 110-15-0277 and 110-15-0278 apply to the seasonal child care program.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 110-15-0130 In-home/relative providers—Eligibility.

WSR 19-12-085
PERMANENT RULES
HEALTH CARE AUTHORITY

[Filed June 4, 2019, 10:35 a.m., effective July 15, 2019]

Effective Date of Rule: July 15, 2019.

Purpose: The agency is amending this rule to create a second eligibility methodology based on household size for the qualified medicare beneficiary program. The new methodology in effect increases the income limit and will allow more households to become eligible for this benefit.

Citation of Rules Affected by this Order: Amending WAC 182-517-0100.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 19-04-072 on February 1, 2019.

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

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

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

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

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

Date Adopted: June 4, 2019.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-13-157, filed 6/22/16, effective 7/23/16)

WAC 182-517-0100 Federal medicare savings programs. (1) Available programs. The medicaid agency offers eligible clients the following medicare savings programs (MSPs):

- (a) The qualified medicare beneficiary (QMB) program;
- (b) The specified low-income medicare beneficiary (SLMB) program;
- (c) The qualified individual (QI-1) program; and
- (d) The qualified disabled and working individuals (QDWI) program.

(2) Eligibility requirements.

(a) To be eligible for an MSP, a ~~((person))~~ client must:

- (i) Be entitled to medicare Part A; and
- (ii) ~~((Be a U.S. citizen, U.S. national, qualified American Indian born abroad, or a qualified alien who satisfies or is exempt from the five-year bar under WAC 182-503-0535;~~
- ~~((iii) Not exceed the income limits in (d) of this subsection; and~~
- ~~((iv) Not exceed the resource limits in (e) of this subsection;))~~ Meet the general eligibility requirements under WAC 182-503-0505.

(b) To be eligible for QDWI, a ~~((person))~~ client must be under age sixty-five.

(c) ~~((Except as provided under (d) and (e) of this subsection, MSPs follow the income, resource, and deeming rules for SSI-related persons in chapter 182-512 WAC.~~

~~((d))~~ Income and resource limits.

(i) Income limits for all MSPs are found at <https://www.hca.wa.gov/health-care-services-and-supports/program-administration/program-standard-income-and-resources>.

(ii) If a ~~((person's))~~ client's countable income is less than or equal to one hundred percent of the federal poverty level (FPL), the ~~((person may qualify))~~ client is income eligible for the QMB program.

~~((iii))~~ (iii) If a ~~((person's))~~ client's countable income is over one hundred percent of the FPL, but does not exceed one hundred twenty percent of the FPL, the ~~((person may qualify))~~ client is income eligible for the SLMB program.

~~((iii))~~ (iv) If a ~~((person's))~~ client's countable income is over one hundred twenty percent of the FPL, but does not exceed one hundred thirty-five percent of the FPL, the ~~((person may qualify))~~ client is income eligible for the QI-1 program.

~~((iv))~~ (v) If a ~~((person's))~~ client's countable income is over one hundred thirty-five percent of the FPL, but does not exceed two hundred percent of the FPL, the ~~((person may qualify))~~ client is income eligible for the QDWI program if the client is employed and meets disability requirements described in WAC 182-512-0050.

~~((e))~~ (vi) Resource limits.

~~((i))~~ (A) The resource limit for the QMB, SLMB, and QI-1 programs ~~((may be found at <http://www.hca.wa.gov/medicaid/eligibility/pages/standards.aspx>).~~

~~(ii))~~ are found at <https://www.hca.wa.gov/health-care-services-and-supports/program-standard-income-and-resources>.

~~(B)~~ The resource limit for the QDWI program is \$4,000 for a single person and \$6,000 for a married couple.

~~((F))~~ ~~(3)~~ MSP income eligibility determinations.

~~(a)~~ The agency has two methods for determining if a client is eligible for an MSP:

~~(i)~~ The agency first determines if the client is eligible based on SSI-rated methodologies under chapter 182-512 WAC. Under this method, the agency calculates the household's net countable income and compares the result to the one-person standard. However, if the spouse's income is deemed to the client, or if both spouses are applying, the household's net countable income is compared to the two-person standard.

~~(ii)~~ If the client is not eligible under the methodology described in (a)(i) of this subsection, the agency compares the same countable income, as determined under (a)(i) of this subsection, to the appropriate FPL standard based on family size. The number of individuals that count for family size include:

~~(A)~~ The client;

~~(B)~~ The client's spouse who lives with the client;

~~(C)~~ The client's dependents who live with the client;

~~(D)~~ The spouse's dependents who live with the spouse, if the spouse lives with the client; and

~~(E)~~ Any unborn children of the client, or of the spouse if the spouse lives with the client.

~~(b)~~ Under both eligibility determinations, the agency follows the rules for SSI-related people under chapter 182-512 WAC for determining:

~~(i)~~ Countable income and resources;

~~(ii)~~ Availability of income and resources;

~~(iii)~~ Allowable income deductions and exclusions; and

~~(iv)~~ Deemed income from and allocated income to a non-applying spouse and dependents.

~~(c)~~ The agency uses the eligibility determination that provides the client with the highest level of coverage.

~~(i)~~ If the MSP applicant is eligible for QMB coverage under (a)(i) of this subsection, the agency approves the coverage.

~~(ii)~~ If the MSP applicant is not eligible for QMB coverage, the agency determines if the applicant is eligible under (a)(ii) of this subsection.

~~(iii)~~ If neither eligibility determination results in QMB coverage, the agency uses the same process to determine if the client is eligible under any other MSP.

~~(d)~~ When calculating income under this section:

~~(i)~~ The agency subtracts client participation from a long-term care client's countable income under WAC 182-513-1380, 182-515-1509, or 182-515-1514.

~~(ii)~~ The agency counts the annual Social Security cost-of-living increase beginning April 1st each year.

~~((g))~~ ~~Relationship of MSPs to other medicaid programs:~~

~~(i)~~ ~~A client eligible for another medicaid program may also receive QMB or SLMB coverage.~~

~~(ii)~~ ~~A client eligible for another medicaid program is not eligible for QI-1 or QDWI.~~

~~(3))~~ ~~(4)~~ Covered costs.

~~(a)~~ The QMB program pays:

~~(i)~~ Medicare Part A and Part B premiums using the start date in WAC 182-504-0025; and

~~(ii)~~ Medicare coinsurance, copayments, and deductibles for Part A, Part B, and ~~((medicare advantage))~~ Part C, subject to the limitations in WAC 182-502-0110.

~~(b)~~ If the client is eligible for both SLMB and another medicaid program:

~~(i)~~ The SLMB program pays the Part B premiums using the start date in WAC 182-504-0025; and

~~(ii)~~ The medicaid program pays medicare coinsurance, copayments, and deductibles for Part A, Part B, and ~~((medicare advantage))~~ Part C subject to the limitations in WAC 182-502-0110.

~~(c)~~ If the client is only eligible for SLMB, the SLMB program covers medicare Part B premiums using the start date in WAC 182-504-0025.

~~(d)~~ The QI-1 program pays medicare Part B premiums using the start date in WAC 182-504-0025 until the agency's federal funding allotment is spent. The agency resumes QI-1 benefit payments the beginning of the next calendar year.

~~(e)~~ The QDWI program covers medicare Part A premiums using the start date in WAC 182-504-0025.

~~((4))~~ ~~(5)~~ MSP eligibility. Medicaid eligibility may affect MSP eligibility:

~~(a)~~ QMB and SLMB clients may receive medicaid and still be eligible to receive QMB or SLMB benefits.

~~(b)~~ QI-1 and QDWI clients who begin receiving medicaid are no longer eligible for QI-1 or QDWI benefits, but may be eligible for the state-funded medicare buy-in program under WAC 182-517-0300.

~~((5))~~ ~~The FPL standards are found at: <http://www.hca.wa.gov/medicaid/eligibility/pages/standards.aspx>.)~~

~~(6)~~ Right to request administrative hearing. A person who disagrees with agency action under this section may request an administrative hearing under chapter 182-526 WAC.

WSR 19-12-088

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed June 4, 2019, 11:10 a.m., effective July 5, 2019]

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

Purpose: This amended rule and new rule are necessary to help the developmental disabilities administration (DDA) comply with federal medicaid law and receive federal funding. The changes clarify the care provided at residential habilitation centers by cross-referencing the level of care for nursing facilities under WAC 388-106-0355, and by incorporating language from C.F.R. to describe active treatment services in intermediate care facilities for individuals with intellectual disabilities.

Citation of Rules Affected by this Order: New WAC 388-837-9010; and amending WAC 388-825-091.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.12.120, 42 C.F.R. 483.440.

Adopted under notice filed as WSR 19-08-043 on March 29, 2019.

A final cost-benefit analysis is available by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: June 4, 2019.

Cheryl Strange
Secretary

AMENDATORY SECTION (Amending WSR 15-17-094, filed 8/18/15, effective 9/18/15)

WAC 388-825-091 Am I eligible for residential habilitation center (RHC) services? (1) If you are twenty-one years of age or over, you are eligible to receive residential habilitation center (RHC) services if:

(a) You have been determined to meet DDA eligibility criteria;

(b) You choose to receive services in the RHC;

(c) ~~((You need the level of care provided at the RHC; and~~
~~(d)))~~ DDA has determined that you can be supported safely in an RHC environment and will not pose a danger to other residents of the RHC; ~~((~~or~~))~~ and

(d) You need the level of care provided at the RHC, which is either:

(i) Nursing facility level of care under WAC 388-106-0355 for a client admitted to, or seeking admission to, a state-operated nursing facility; or

(ii) Intermediate care facility for individuals with intellectual disabilities (ICF/IID) level of care under WAC 388-828-1020 for a client admitted to, or seeking admission to, a state-operated ICF/IID.

(2) If you are sixteen through twenty years of age, and meet (1)(a) through (d) above you may not be admitted to receive services at a residential habilitation center unless there are no service options available in the community to appropriately meet your needs. Such admission is limited to the provision of short-term respite or crisis stabilization services.

(3) If you are under age sixteen you are not eligible to receive services at a residential habilitation center.

(4) Admission to a nursing facility at a RHC also requires completion of preadmission screening and resident review (PASRR) requirements as described in chapter 388-97 WAC.

NEW SECTION

WAC 388-837-9010 Must a client who is admitted by a residential habilitation center's ICF/IID be in need of and receiving active treatment services? (1) An individual who is admitted by a residential habilitation center's intermediate care facility for individuals with intellectual disabilities must be in need of and receiving active treatment services.

(2) Active treatment services means a continuous active treatment program, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services, and related services described in 42 C.F.R. 483.400 through 483.480, that is directed toward:

(a) The acquisition of the behaviors necessary for the client to function with as much self-determination and independence as possible; and

(b) The prevention or deceleration of regression or loss of current optimal functional status.

WSR 19-12-091

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 4, 2019, 11:50 a.m., effective July 22, 2019]

Effective Date of Rule: July 22, 2019.

Purpose: As recommended by Unemployment Insurance Program Letter No. 3-17 (December 8, 2016), the department is implementing an automated scheduling service to allow claimants to self-schedule the dates they will receive reemployment services. The rules need to be adjusted to reflect a more flexible scheduling approach.

Citation of Rules Affected by this Order: Amending WAC 192-140-090.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department.

Adopted under notice filed as WSR 19-03-165 on January 23, 2019.

A final cost-benefit analysis is available by contacting Scott E. Michael, P.O. Box 9046, phone 360-902-9587, fax 360-902-9662, TTY relay 711, email rules@esd.wa.gov, web site <https://esd.wa.gov/newsroom/ui-rule-making/automated-scheduler>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: June 4, 2019.

Daniel Zeitlin, Director
Employment System Policy

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

WAC 192-140-090 What happens if I do not schedule or report for reemployment services as provided in RCW 50.20.010 (1)(e)? (1) Written directives.

(a) The commissioner may direct you in writing to schedule a time to report in person for reemployment services. ((+)) The written directive will contain a deadline by which you must schedule and participate in reemployment services.

(b) If you fail to schedule a time to participate in reemployment services by the deadline, you will be ineligible to receive benefits for the week containing the date of the deadline, unless you show justifiable cause.

(c) If you fail to participate in reemployment services at the time you scheduled, you will be ineligible to receive benefits for the week containing the time you scheduled, unless you show justifiable cause.

(d) The department may verify the reasons you failed to schedule or participate in reemployment services. In all such cases, your ability to work or availability for work may be questioned.

(2) **Exceptions.** You will not be required to participate in reemployment services if you:

(a) Are a member of a full referral union and are eligible for dispatch and referral according to union rules;

(b) Are attached to an employer as provided in WAC 192-180-005; ((or))

(c) Are participating in a training program approved by the commissioner; or

(d) Within the previous year have completed, or are currently scheduled for or participating in, similar services.

((2)) (3) **Minimum services.** The services will consist of one or more sessions which include, but are not limited to:

- (a) Local labor market information;
- (b) Available reemployment and training services;
- (c) Successful job search attitudes;
- (d) Self-assessment of job skills and interests;
- (e) Job interview techniques;
- (f) The development of a resume or fact sheet; and
- (g) The development of a plan for reemployment.

((3) ~~Penalty. If you have received a directive, and fail to participate in reemployment services during a week, you will be disqualified from benefits for that week unless justifiable cause is demonstrated.~~)

(4) **Justifiable cause.** Justifiable cause for failure to schedule or participate in reemployment services as directed will include factors specific to you which would cause a rea-

sonably prudent person in similar circumstances to fail to schedule or participate in reemployment services. Justifiable cause includes, but is not limited to:

(a) Your illness or disability or that of a member of your immediate family;

(b) Conflicting employment or your presence at a job interview scheduled with an employer; or

(c) Severe weather conditions (~~precluding safe travel. Reasons for absence may be verified. In all such cases, your ability to or availability for work is in question.~~).

WSR 19-12-103

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 5, 2019, 7:00 a.m., effective July 6, 2019]

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

Purpose: This rule making amends the mint commission marketing order by eliminating the requirement for an annual audit and making the audit subject to scheduling by the state auditor's office.

Citation of Rules Affected by this Order: Amending WAC 16-540-020 (10)(g).

Statutory Authority for Adoption: RCW 15.65.047.

Adopted under notice filed as WSR 19-08-074 on April 2, 2019.

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

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

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

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

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

Date Adopted: June 5, 2019.

Derek I. Sandison
Director

AMENDATORY SECTION (Amending WSR 05-09-013, filed 4/8/05, effective 5/9/05)

WAC 16-540-020 The mint commodity board. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of eight members. Seven members shall be affected producers appointed or elected as provided in this marketing order. The director shall appoint one member of the board who is neither an affected producer

nor an affected handler to represent the director. The position representing the director shall be a voting member.

(i) Director-appointed affected producer positions on the board shall be designated as position 1, position 2, position 6, and position 7.

(ii) Elected affected producer positions on the board shall be designated as position 3, position 4, and position 5.

(iii) The position representing the director who is neither an affected producer nor an affected handler shall be designated as position 8.

(b) For the purpose of nomination, appointment, and election of affected producer members of the board, the affected area of the state of Washington shall be divided into two representative districts as follows:

(i) District I shall have four board members, being positions 1, 2, 3 and 4 and shall include the counties of Kittitas, Yakima and Benton.

(ii) District II shall have three board members, being positions 5, 6 and 7 and shall include all other counties located in the state of Washington.

(3) Board membership qualifications.

(a) The affected producer members of the board must be practical producers of mint plants in the district in and for which they are nominated and appointed or elected and each shall be a citizen and resident of the state of Washington, over the age of eighteen years. Each affected producer board member must be and have been actually engaged in producing mint plants within the state of Washington for a period of five years and has during that time derived a substantial portion of his/her income therefrom and is not engaged in business, directly or indirectly, as a handler or other dealer.

(b) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be appointed or elected each year.

(b) The term of office for the initial board members shall be as follows:

Positions one and two - One year

Positions three, four and eight - Two years

Positions five, six and seven - Three years

(c) Except for the director's representative, no appointed or elected member of the board may serve more than two full consecutive three-year terms.

(d) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in positions one, two, six and seven shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(5) Nomination of elected or director-appointed board members.

(a) For the purpose of nominating candidates for appointment or election to board membership the director shall call separate meetings of affected producers.

(b) Each year the director shall call a nomination meeting for both elected and director-appointed affected producer board members in those districts whose board members' term are about to expire. The meeting shall be held at least thirty

days in advance of the date set by the director for the election or advisory vote of board members.

(c) Notice of a nomination meeting shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of the meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district according to the list maintained by the board pursuant to RCW 15.65.295.

(d) Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

(e) Any qualified affected producer may be nominated orally for membership on the board at the nomination meeting. Nominations may also be made within five days after the nomination meeting by written petition filed with the director signed by not less than five affected producers.

(f) When only one nominee is nominated by the affected producers for any position, RCW 15.65.250 shall apply.

(6) Election or advisory vote of board members.

(a) An election or advisory vote shall be conducted by secret ballot under the supervision of the director within the month of June. Each affected producer shall be entitled to one vote.

(b) Elected affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. If a nominee does not receive a majority of the votes on the first ballot a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) An advisory vote shall be conducted for affected producer board members appointed by the director under the provisions of RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of the election or advisory vote. Not less than ten days prior to every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the board pursuant to RCW 15.65.295. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications.

(e) Nonreceipt of a ballot by an affected producer shall not invalidate the election or advisory vote of any board member.

(7) Vacancies.

(a) In the event of a vacancy on the board in an elected position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member may be compensated in accordance with RCW 43.03.230 and shall be reimbursed for subsistence, lodging, and mileage in accordance with RCW 43.03.050 and 43.03.060, as provided for in RCW 15.65.270. The board may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order.

(f) To establish a "mint board revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited (~~at least annually~~) subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the commission. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such

bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year. The board, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules of a technical or administrative nature for the operation of the board, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(p) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW.

(q) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(r) To enter into contract or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of mint.

(s) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(t) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(u) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of mint including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(v) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each affected producer's

production for a minimum three-year period pursuant to RCW 15.65.280.

(w) To maintain a list of the names and addresses of persons who handle mint within the affected area and data on the amount and value of the mint handled for a minimum three-year period by each person pursuant to RCW 15.65.280.

(x) To maintain a list of the names and addresses of all affected persons who produce mint and the amount, by unit, of mint produced during the past three years pursuant to RCW 15.65.295.

(y) To maintain a list of all persons who handle mint and the amount of mint handled by each person during the past three years pursuant to RCW 15.65.295.

(z) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(aa) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board and the meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting through regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver from that member of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

WSR 19-12-114

PERMANENT RULES

SECRETARY OF STATE

(Election Administration and Certification Board)

[Filed June 5, 2019, 9:52 a.m., effective January 1, 2020]

Effective Date of Rule: January 1, 2020.

Purpose: The secretary of state with the election administration and certification board administers a certification program for election administrators. The amendments include increasing the renewal period to two years, increasing the renewal training hours required to forty hours, increasing Washington election specific training required, giving the secretary of state authority to determine the training that meets the initial certification and renewal requirements and eliminating the assistant election administrator level.

Citation of Rules Affected by this Order: Repealing WAC 434-260-225, 434-260-235, 434-260-260, 434-260-305 and 434-260-309; and amending WAC 434-260-220, 434-260-240, 434-260-300, 434-260-307, 434-260-310, and 434-260-320.

Statutory Authority for Adoption: RCW 29A.04.630.

Adopted under notice filed as WSR 19-10-039 on April 26, 2019.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 6, Repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 5.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 6, Repealed 5; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 5, 2019.

Mark Neary

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-260-220 Certification of election administrators. Election administrators shall become certified upon completion of the following:

(1) Completion of the secretary of state's mandatory ~~((orientation))~~ certification course;

(2) Two years of service in election administration during the three-year period immediately prior to the request for initial certification;

(3) Taking and passing the open book written ~~((test described in WAC 434-260-260))~~ exam on Title 29A RCW, Title 434 WAC, the Washington state Constitution, and other applicable state and federal election laws as prepared by the secretary of state;

(4) A minimum of forty hours participation in conferences and workshops ~~((provided by:~~

~~(a) The Washington Association of County Auditors;~~

~~(b) The secretary of state;~~

~~(c) The elections center;~~

~~(d) The United States Election Assistance Commission;~~

~~(e) The Federal Voting Assistance Program; or~~

~~(f) Other conferences or courses related to election administration or government administration approved by the Election Administration and Certification Board.~~

Election administrators may also claim up to four hours of training credit for training received while visiting other county election departments)) as preapproved by the secretary of state.

(a) At least thirty of the required forty hours must be election-specific training.

(i) At least twenty hours of election training must specifically address Washington state elections and must include training hours from attending an annual Washington elections conference.

(ii) Up to four hours of training may be for observing election procedures in other county election departments.

(b) Up to ten hours of training may be for professional development as determined by the county or state approving authority.

(c) All training shall be received not more than five years prior to the date of a request for initial certification ((and shall include at least thirty hours of election-specific training)).

(d) The secretary of state shall publish a list of election-specific training approved for election administrator certification by January 1, 2020.

(5) A high school diploma or its equivalent.

AMENDATORY SECTION (Amending WSR 07-12-032, filed 5/30/07, effective 6/30/07)

WAC 434-260-240 Mandatory ((orientation)) certification course. (1) All election administrators ~~((and assistant election administrators shall, within eighteen months of undertaking those responsibilities;))~~ shall attend a mandatory ~~((orientation workshop))~~ certification course sponsored by the secretary of state to be eligible for certification. ~~((Mandatory orientation workshops))~~ The mandatory certification course will be offered ((for new)) to election administrators ((and deputy election administrators)) annually.

(2) ~~((Mandatory orientation))~~ The mandatory certification course will consist of at least eight hours of training in election-related subjects.

AMENDATORY SECTION (Amending WSR 05-06-036, filed 2/25/05, effective 3/28/05)

WAC 434-260-300 ((Maintaining)) Renewal of certification as an election administrator. ~~((After attaining initial certification the election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of;))~~ Applications for certification renewal must be submitted by December 31st of every odd-numbered year. The secretary of state will renew certification with the following qualifications:

(1) Continuous service as an election administrator during the two years for which ~~((maintenance))~~ renewal is required(~~(?)~~).

(2) Participation in ~~((an annual))~~ a minimum of ~~((eighteen))~~ forty hours of ~~((continuing education, at least six hours of which shall be on election-specific training. This training may be received at any election-oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in election workshops or conferences, election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board. A maximum of six hours, of the eighteen required, may be derived from a surplus of hours earned in the previous year))~~ conferences and workshops attended

within the renewal period, as preapproved by the secretary of state.

(a) At least thirty of the required forty hours must be election-specific training.

(i) At least twenty hours of election training must specifically address Washington state elections and must include training hours from attending an annual Washington elections conference.

(ii) Up to four hours of training may be for observing election procedures in other county election departments.

(b) Up to ten hours of training may be for professional development as determined by the county or state approving authority.

Election administrators who become initially certified within a two-year renewal period may use any training taken during the renewal period, including training used for initial certification.

The two-year renewal period and provisions begin January 1, 2020.

AMENDATORY SECTION (Amending WSR 01-11-111, filed 5/21/01, effective 6/21/01)

WAC 434-260-307 ((Lapse of certification)) Recertification of election administrator. Certification as an election administrator shall ~~((lapse))~~ expire when minimum requirements for ~~((maintaining))~~ certification renewal are not met ~~((for two consecutive years. Recertification shall occur upon the following)).~~ An election administrator may recertify within two years of certification expiration. To recertify, an election administrator must:

(1) ~~((Completion of))~~ Attend the secretary of state's mandatory ~~((orientation))~~ certification course;

(2) Have two years continuous service as an election administrator immediately prior to the date of a request for recertification;

(3) ~~((Taking and passing the open book written test described in WAC 434-260-260;~~

~~(4) A minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than twenty hours of training used for prior certification and maintenance;))~~ Take and pass a recertification exam;

(4) Attend twenty hours of Washington state election-specific training as defined in WAC 434-260-220.

To maintain certification, a recertified election administrator must take an additional twenty hours of training as required by WAC 434-260-300 by the next renewal deadline.

An election administrator shall be allowed one recertification in any ~~((five-year))~~ ten-year period.

New recertification requirements are effective January 1, 2020.

AMENDATORY SECTION (Amending WSR 09-18-098, filed 9/1/09, effective 10/2/09)

WAC 434-260-310 ((Maintenance of certification-)) Applications. The secretary of state shall make available certification applications ~~((and maintenance forms))~~ to ~~((the~~

~~county auditors~~) election administrators. Applications to ~~(maintain)~~ renew certification must be submitted to the secretary of state by ~~(the county auditor by January)~~ December 31st each odd-numbered year.

Two-year renewal requirements are effective January 1, 2020.

AMENDATORY SECTION (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

WAC 434-260-320 Training program for county canvassing board members. The secretary of state shall prepare a training program for county canvassing board members. The training shall be made available ~~((on an annual basis))~~ upon request.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-260-225 Certification of assistant election administrators.
- WAC 434-260-235 Recertification of assistant election administrators as election administrators.
- WAC 434-260-260 Open book written test.
- WAC 434-260-305 Maintaining certification as an assistant election administrator.
- WAC 434-260-309 Lapse of certification of assistant election administrator.

WSR 19-12-115
PERMANENT RULES
SECRETARY OF STATE

[Filed June 5, 2019, 9:53 a.m., effective July 6, 2019]

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

Purpose: To adjust timelines and create procedures required to implement expanded voter registration periods up to and including the day of each primary or election. The new and revised rules establish the hierarchy of ballots to allow counting of the most recent ballot for each voter, while protecting against counting more than one ballot per voter.

Citation of Rules Affected by this Order: Amending WAC 434-250-030, 434-250-070, 434-250-080, 434-250-095, 434-250-105, 434-250-110, 434-250-120, 434-324-005, 434-324-026, 434-324-028, 434-324-031, 434-324-036, 434-324-076, 434-215-005, 434-230-015, 434-262-031, and 434-262-032.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 19-10-066 on April 30, 2019.

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

Recently Enacted State Statutes: New 0, Amended 17, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 17, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 17, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 17, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 5, 2019.

Mark Neary
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-215-005 Filing information—Questionnaire—Compiling and dissemination. (1) Prior to February 1, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.321 and 29A.04.330. The questionnaire must be sent during the twelve months before the local jurisdiction is scheduled to elect officers. The purpose of the questionnaire shall be to confirm information which the auditor must use to properly conduct candidate filings for each office. The questionnaire should request, at a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. Responses should be received prior to March 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

(2) If a jurisdiction fails to notify the county auditor prior to the regular candidate filing period that an office is to be filled at the general election and therefore the office is not included in the regular candidate filing period, the county auditor shall:

(a) Open the position during the remainder of the regular filing period if the county auditor is notified in time to provide at least three days in the regular filing period. The county auditor must post information online and notify the press; or

(b) Open the position during a special three-day filing period and treat the election as though there is a void in candidacy per RCW 29A.24.181.

AMENDATORY SECTION (Amending WSR 18-24-007, filed 11/26/18, effective 12/27/18)

WAC 434-230-015 Ballots and instructions. (1) Each ballot shall specify the county, the date, and whether the election is a primary, special or general.

(2) Each ballot must include instructions directing the voter how to mark the ballot, including write-in votes if candidate races appear on the ballot.

(3) Instructions that accompany a ballot must:

(a) Instruct the voter how to cancel a vote by drawing a line through the text of the candidate's name or ballot measure response;

(b) Notify the voter that, unless specifically allowed by law, more than one vote for an office or ballot measure will be an overvote and no votes for that office or ballot measure will be counted;

(c) Explain how to complete and sign the ballot declaration. The following declaration must accompany the ballot:

"I do solemnly swear or affirm under penalty of perjury that I am:

A citizen of the United States;

A ~~(legal)~~ resident of the state of Washington and meet the requirements for voting mandated by state law;

At least 18 years old on election day;

Voting only once in this election;

Not under the authority of the Department of Corrections for a Washington felony conviction;

Not disqualified from voting due to a court order; and

Not voting in any other jurisdiction in the United States for this election.

It is illegal to forge a signature or cast another person's ballot. Attempting to vote when not qualified, attempting to vote more than once, or falsely signing this declaration is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both."

The declaration must include space for the voter to sign and date the declaration, for the voter to write his or her phone number, and for two witnesses to sign if the voter is unable to sign.

(d) Explain how the voter may make a mark, witnessed by two other people, if the voter is unable to write their signature;

(e) Explain that a power of attorney cannot be used to sign a ballot for someone else;

(f) Explain how to place the ballot in the security envelope/sleeve and place the security envelope/sleeve in the return envelope;

(g) Explain how to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

(h) Explain how the voter may update their address;

(i) If applicable, include language with the reissued ballot notifying the voter that the reissued ballot is their current ballot;

(j) If applicable, explain that postage is required, or exactly how much postage is required. See WAC 434-250-200 on return postage;

~~((+))~~ (k) Explain that, in order for the ballot to be counted, it must be either postmarked no later than election day or deposited at a ballot drop box no later than 8:00 p.m. election day;

~~((+))~~ (l) Explain how to learn about the locations, hours, and services of voting centers and ballot drop boxes, including the availability of accessible voting equipment;

~~((+))~~ (m) Include, for a primary election that includes a partisan office other than a presidential primary race, a notice on an insert explaining:

"In each race, you may vote for any one candidate listed. The two candidates who receive the most votes in the primary will advance to the general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

~~((+))~~ (n)(i) Include, for a general election that includes a partisan office, the following explanation:

"If a primary election was held for an office, the two candidates who received the most votes in the primary advanced to the general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(ii) In a year that president and vice president appear on the general election ballot, the following must be added to the statement required by ~~((+))~~ (n)(i) of this subsection:

"The election for president and vice president is different. Candidates for president and vice president are the official nominees of their political party."

(4) Instructions that accompany a special absentee ballot authorized by RCW 29A.40.050 must also explain that the voter may request and subsequently vote a regular ballot, and that if the regular ballot is received by the county auditor, the regular ballot will be tabulated and the special absentee ballot will be voided.

(5) Each ballot must explain, either in the general instructions or in the heading of each race, the number of candidates for whom the voter may vote (e.g., "vote for one").

(6)(a) If the ballot includes a partisan office other than a presidential primary race, the ballot must include the following notice in bold print immediately above the first partisan congressional, state or county office: "READ: Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(b) When the race for president and vice president appears on a general election ballot, instead of the notice required by (a) of this subsection, the ballot must include the following notice in bold print after president and vice president but immediately above the first partisan congressional, state or county office: "READ: Each candidate for president and vice president is the official nominee of a political party. For other partisan offices, each candidate may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(c) The same notice may also be listed in the ballot instructions.

(7) Counties may use varying sizes and colors of ballots, provided such size and color is used consistently throughout

a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color and size may also be used to designate various types of ballots.

(8) Ballots shall be formatted as provided in RCW 29A.36.170.

(9) Removable stubs are not considered part of the ballot.

(10) If ballots are printed with sequential numbers or other sequential identifiers, the county auditor must take steps to prevent ballots from being issued sequentially, in order to protect secrecy of the ballot.

Counties may use ballot envelopes ~~((and instruction in stock until May 31, 2019))~~ with the previous declaration through December 2020.

AMENDATORY SECTION (Amending WSR 19-01-102, filed 12/18/18, effective 1/18/19)

WAC 434-250-030 Special absentee ballots. (1) As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. The form must include:

(a) A space for the voter to print ~~((his or her))~~ the voter's name and address where registered to vote;

(b) A postal or mailing address;

(c) A space for an overseas or service voter not registered to vote in Washington to indicate ~~((his or her))~~ the voter's last residential address in Washington;

(d) A checkbox indicating that the voter will be unable to vote and return a regular ballot by normal delivery within the period provided for regular ballots; and

(e) A checkbox requesting that a regular ballot be forwarded as soon as possible.

(2) The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section. Any application for a special absentee ballot received more than ninety days prior to a primary or general election may be either returned to the applicant with the explanation that the request is premature or held by the auditor until the appropriate time for processing. When regular mail ballots are available, a signed request for a special absentee ballot is not required.

(3) Upon receipt of a special absentee ballot request, a regular ballot is mailed if available. If regular ballots are not available, the county auditor shall immediately send a special absentee ballot containing the known offices and measures scheduled to appear on the ballot; space for the voter to write in the name of any eligible candidate for each office and vote on any measure; and a list of any known candidates and issues referred to the ballot.

(4) If a regular ballot is returned, the special ballot is not counted.

(5) Write-in votes on special ballots are counted in the same manner as other valid write-in votes for declared candidates.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-250-070 Forwarding ballots. (1) ~~((If the county auditor chooses to forward ballots,))~~ The county auditor must utilize postal service endorsements that allow ~~((the))~~

ballots to be forwarded, allow the county auditor to receive the updated address information for forwarded ballots, and allow the return of ballots not capable of being forwarded. A voter may only vote a ballot specific to the address where he or she is currently registered to vote, rather than a ballot specific to a new address.

~~(2) ((If the county auditor does not forward ballots, the envelope must clearly indicate the ballot is not to be forwarded and is to be returned to the county auditor with any available address updates. If the county auditor receives updated address information from the post office, the county auditor may send the voter a ballot specific to the address where the voter is registered to vote.~~

~~(3))~~ (3) If a ballot is returned or forwarded, the county auditor must, following certification of the election, either:

(a) Transfer the voter registration and send the voter an acknowledgment notice, if the updated address is within the county; or

(b) Place the voter on inactive status and send the voter a confirmation notice to all known addresses, if no updated address information was received or the updated address is outside the county.

AMENDATORY SECTION (Amending WSR 18-10-003, filed 4/19/18, effective 5/20/18)

WAC 434-250-080 Replacement and reissued ballots. The county auditor shall issue a replacement ballot, as authorized by RCW 29A.40.070, if the request is received prior to 8:00 p.m. on election day. Requests may be made in person, in writing, by telephone, or electronically, by the voter, a family member, or a registered domestic partner.

The request for a replacement ballot does not update the voter's ballot type or style. The replacement ballot becomes the voter's current ballot and the original ballot is suspended. However, should the original ballot be received first, it shall be processed.

The county auditor shall reissue a new ballot when the registered voter has taken action to update their voter registration and the ballot type or style has changed. After the deadline for mail and online registration, a person who is already registered to vote in Washington must request a reissued ballot in person. The reissued ballot becomes the current ballot and all other ballots are suspended.

No additional ballot may be issued to a voter whose ballot has already been accepted. If the voter asserts they have not voted and requests a ballot, then a provisional ballot must be issued pursuant to WAC 434-262-032.

Each county auditor shall allow access to an electronic ballot system to both active and inactive voters for replacement ballots no later than the eighth day prior to election day.

If a voter appears in person at a county auditor's office before 8:00 p.m. election day and requests a ballot, the county auditor must determine if the voter is registered to vote in Washington.

(1) If the voter is registered in the same county, issue a replacement or reissued ballot.

(2) If the voter is registered in another county, and the voter does not wish to update their registration, access and

print a replacement ballot from that county, if the electronic ballot system is available.

(3) If the voter is not registered within the state (~~((or the electronic ballot system is not available))~~), the county auditor (~~((must offer the voter a provisional))~~) shall register the voter and issue a current ballot.

~~((Replacement ballots or the original ballot, whichever is received first,))~~ The current ballot shall be ((credited to the voter's registration file and tabulated)) accepted for initial processing if the ballot meets all requirements for tabulation. If the auditor receives additional ballots from a voter, as indicated by the fact that the ~~((voter is already credited with voting))~~ voter's cast ballot has been accepted, the additional ballots shall not be counted and shall be forwarded to the county canvassing board for ~~((rejection))~~ informational purposes only.

(4) When a voter's ballot has been accepted, additional ballots are considered invalid and shall not be rejected by the county canvassing board.

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

WAC 434-250-095 Direct recording electronic voting devices. (1) Before a direct recording electronic voting device may be used by a voter, an election officer must verify:

(a) The paper printer or paper canister is secured so that the paper record may not be removed from the device by anyone other than an election officer;

(b) Only a blank portion of the paper record is visible to the voter as he or she approaches the device; and

(c) The paper printer or paper canister is sealed with a numbered seal to ensure the paper tape cannot be removed by the voter.

(2) Before a direct recording electronic voting device may be used by a voter, an election officer must confirm that ~~((the voter has not already returned a voted ballot))~~ a ballot has not been accepted for that voter. Confirmation that ~~((the voter))~~ a ballot has not already ((returned a voted ballot)) been accepted may be achieved by accessing the ~~((county))~~ voter registration system by electronic, telephonic, or other means. ~~((In order to prevent multiple voting, the voter must be immediately credited or otherwise flagged as having voted.))~~ If the county auditor is unable to confirm whether ~~((the voter has already returned a voted ballot))~~ a ballot has been accepted for that voter, the voter may not vote on a direct recording electronic voting device. The voter may vote a paper provisional ballot. If a voted ~~((mail))~~ paper ballot is subsequently ~~((returned))~~ received after a ballot is cast on the direct recording electronic voting device, the ~~((mail))~~ paper ballot must not be counted.

(3)(a) If a ballot on a direct recording electronic device has not been cast but has been printed by the voter, the election officer may cast the ballot.

(b) If a ballot on a direct recording electronic device has not been printed nor cast by the voter, the election officer must cancel the ballot and make a corresponding notation in the accountability form.

(4) If any seal or lock on a direct recording electronic device, including seals for the paper printer or paper canister, has been broken or tampered with, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. A written report regarding the circumstances of the removal from service must be sent to the county canvassing board.

(5) If the paper printer for a direct recording electronic device malfunctions or runs out of paper, the following must occur:

(a) If the election officer has confirmed that no ballots have been cast after the printer ran out of paper or malfunctioned, he or she must remove the direct recording electronic device and paper printer from service, and document the problem. The direct recording electronic device and paper printer may be returned to service only if the problem has been corrected.

(b) If the election officer is unable to confirm that no ballots were cast after the printer ran out of paper or malfunctioned, or if the problem cannot be corrected, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. The auditor must present a written report regarding the circumstances of the removal from service to the county canvassing board.

(6) If an electronic ballot has been cast without a readable corresponding paper record, the county auditor may print the ballot image stored on the device for use as a paper record for that device, in the case of an audit or manual recount. This may require printing all ballot images from that machine.

(7) A provisional ballot may only be voted on a direct recording electronic voting device if the voting system has been certified by the secretary of state for provisional voting and the county auditor has submitted approved procedures to the secretary of state.

(8)(a) If a direct recording electronic voting device must be transferred from a voting center that is not in the same location as the counting center, the paper records must be either:

(i) Placed in transfer containers; or

(ii) Transferred in the paper printer or paper canister if the paper printer or paper canister is sealed so the paper record cannot be removed without breaking the seal.

(b) Paper records must be accompanied by a transmittal sheet which must include at a minimum:

(i) The voting center where the direct recording electronic device was utilized;

(ii) The seal number from the paper printer; and

(iii) The serial number or other identifier of the direct recording electronic device if distinctly unique from the seal number on the paper record printer or paper canister.

(c) If paper records are placed in a transfer container, the election officer must sign the transmittal sheet and place it in the transfer container. The number of paper record tapes included in the container must be recorded on the transmittal sheet. A unique prenumbered seal must be applied to the container.

(d) The data pack or cartridge of the direct recording device must be transported to the counting center in a sealed container.

AMENDATORY SECTION (Amending WSR 16-13-063, filed 6/13/16, effective 7/14/16)

WAC 434-250-105 Voting centers. (1) If a location offers replacement ballots, reissued ballots, provisional ballots, or voting on a direct recording electronic device, it is considered a voting center. ~~((The requirements for staffed ballot deposit sites apply to voting centers.))~~

(2) At least one voting center must be open during business hours during the voting period, which begins eighteen days before, and ends at 8:00 p.m. on the day of the special, primary, or general election. Additional voting centers, and additional locations that are not voting centers, established by the county auditor to provide other services are not required to be open for the full eighteen-day voting period. In addition to the requirements of RCW 29A.40.160, each voting center must:

(a) Be an accessible location. "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters. The environment consists of the routes of travel to and through the buildings or facilities used for voting. The Americans with Disabilities Act Checklist for Polling Places shall be used when determining the accessibility of a voting center. A voting center is fully accessible if all responses in each category are "Yes";

(b) Be located in a public building or building that is leased by a public entity including, but not limited to, libraries;

(c) Be marked with signage outside the building indicating the location as a place for voting;

~~((e))~~ (d) Issue ballots that include a declaration in the ballot materials;

~~((f))~~ (e) Offer disability access voting in a location or manner that provides for voter privacy. For each voting center, the county auditor must have a contingency plan to accommodate accessible voting in the event that an accessible voting unit malfunctions or must be removed from service;

~~((g))~~ (f) Offer provisional ballots, which may be sample ballots that meet provisional ballot requirements;

~~((h))~~ (g) Have electronic or telephonic access to the voter registration system, consistent with WAC 434-250-095, if the voting center offers voting on a direct recording electronic voting device. The county auditor shall require the voter to print and sign the ballot declaration provided in WAC 434-230-015. Ballot declaration signatures may not be maintained in the order in which they were signed. Before the voter may vote on a direct recording electronic voting device, the county auditor must either:

(i) Verify the signature on the ballot declaration against the signature in the voter registration record; or

(ii) Require the voter to provide photo identification, consistent with RCW 29A.40.160~~((;))~~.

~~((g))~~.

(h) Provide either a voters' pamphlet or sample ballots;

~~((h))~~ (i) Provide voter registration ~~((forms))~~ services pursuant to RCW 29A.08.140. If the voter registration system is unable to process applications, the county auditor shall offer conditional registration and balloting services;

~~((i))~~ (j) Display a HAVA voter information poster, containing an example of an actual ballot or a sample ballot in substantially the same format as an actual ballot;

~~((j))~~ (k) Display the date of that election;

~~((k))~~ (l) During a primary that includes a partisan office, ~~((display the notice provided in WAC 434-230-015 (3)(j);))~~ and ~~((during))~~ a general election that includes a partisan office, display the appropriate party preference notice provided in WAC 434-230-015 ~~((3)(k))~~. The party preference notices may also be posted on-screen in direct recording electronic voting devices;

~~((l))~~ (m) Provide instructions on how to properly mark the ballot; and

~~((m))~~ (n) Provide election materials in alternative languages if required by the Voting Rights Act.

~~((n))~~ (3) Where it appears that a particular voter is having difficulty casting ~~((his/her))~~ their vote, and as a result, is impeding other voters from voting, the staff may provide assistance to that voter in the same manner as provided by law for those voters who request assistance. Where it appears that a voter is impeding other voters from voting to simply cause delay, the staff shall ask the voter to expedite the voting process. In the event the voter refuses to cooperate, the staff shall, whenever practical, contact the county auditor, who may request assistance from the appropriate law enforcement agencies if he or she deems such action necessary.

~~((3))~~ (4) At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or secured to prevent the deposit of additional ballots; however, any voter who is in a voting center or in line at a voting center at 8:00 p.m. must be allowed to vote and deposit ~~((his or her))~~ their ballot. Voted ballots, including provisional, mail-in, and direct recording electronic and paper records, must be placed into secured transport carriers for return to the county auditor's office or another designated location.

(5) The requirements for staffed ballot deposit sites per WAC 434-250-100 apply to voting centers.

(6) The county auditor may establish which services will be provided at additional locations, which days and hours the additional locations will be open, and shall publish the information for voters.

AMENDATORY SECTION (Amending WSR 19-01-102, filed 12/18/18, effective 1/18/19)

WAC 434-250-110 Processing ballots. (1) Ballot processing definitions:

(a) "Initial processing" means all steps taken to prepare ballots for tabulation.

~~((Initial processing includes, but is not limited to:~~

~~((a)))~~ (b) "Final processing" means the reading of ballots by an optical scan voting system for the purpose of producing returns of votes cast, but does not include tabulation.

(c) "Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be

read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

(d) "Conditional" means a ballot issued when the voter registration system is unable to process an application submitted in person. The voter is conditionally registered and the voter's current ballot shall be accepted only after the application has been processed.

(2) Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of ballots.

(3) Initial processing includes, but is not limited to:

(a) Identification and receipt of current and suspended ballots:

(i) Current ballots are received and prepared for signature verification:

(ii) Suspended ballots are received and held until the seventh day following election day to allow time for a voter's current ballot to be received.

(b) Sorting of suspended ballots due to voter registration transfers:

(i) In-county suspended ballots are secured and held;

(ii) Out-of-county suspended ballots are sent with expedited shipping to the voter's new county in Washington. The suspended ballot must be sent to the new county as soon as possible, but not more than two business days after receipt. Suspended ballots received between seven days after election day and prior to certification shall be mailed to the voter's new county within one day of receipt. Following certification, suspended ballots are mailed to the voter's new county for retention.

(c) Processing of current and suspended ballots:

(i) If the voter's current ballot is received and accepted for tabulation prior to the seventh day after election day, the suspended ballot becomes invalid:

(ii) If the voter's current ballot is not received prior to the seventh day after election day, duplicate the suspended ballot onto the precinct ballot that matches the voter's current registration record.

(d) Verification of the signature and postmark on the ballot declaration by the county of current registration:

~~((b))~~ (e) Removal of the security envelope or sleeve from the return envelope;

~~((e))~~ (f) Removal of the ballot from the security envelope;

~~((d))~~ (g) Manual inspection for damage, write-in votes, and incorrect or incomplete marks;

~~((e))~~ (h) Duplication of ballots;

~~((f))~~ (i) Digital scanning and resolution of ballots by batch where tabulation does not take place; and

~~((g))~~ (j) Other preparation of ballots for final processing.

~~((2))~~ "Final processing" means the reading of ballots by an optical scan voting system for the purpose of producing returns of votes cast, but does not include tabulation.

~~(3)~~ "Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

~~(4)~~ Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of ballots.

~~((5))~~ (4) Initial processing of voted ballots may begin as soon as voted ballots are received. Initial processing includes digital scanning and resolution of ballots where tabulation does not take place. All ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel. The county auditor must ensure that all security envelopes and return envelopes are empty, either by a visual inspection of the punched hole to confirm that no ballots or other materials are still in the envelopes, or by storing the envelopes with a tie, string, or other object through the holes.

~~((6))~~ (5) Final processing of voted ballots, which may include scanning ballots on an optical scan voting system, may begin after 7:00 a.m. on the day of the election. Final processing may begin after 7:00 a.m. the day before the election if the county auditor follows a security plan that has been submitted by the county auditor and approved by the secretary of state to prevent tabulation until after 8:00 p.m. on the day of the election.

~~((7))~~ (6) Tabulation may begin after 8:00 p.m. on the day of the election.

~~((8))~~ (7) In counties tabulating ballots on an optical scan vote tallying system, the vote tallying system must reject all overvotes and blank ballots.

(a) All rejected ballots shall be outstacked for additional manual inspection.

(b) The outstacked ballots shall be inspected in a manner similar to the original inspection with special attention given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.

(c) If inspection reveals that a ballot must be duplicated in order to be read correctly by the vote tallying system, the ballot must be duplicated.

AMENDATORY SECTION (Amending WSR 19-05-041, filed 2/14/19, effective 3/17/19)

WAC 434-250-120 Verification of the signature and return date. (1) A ~~(mail)~~ ballot shall be counted if:

(a) The voter has not already cast a ballot that has been accepted in the election;

(b) The ballot declaration is signed with a valid signature. A valid signature may be the voter's name or a distinctive mark or symbol signed by the voter((-));

(i) If the voter is unable to sign (~~(his or her)~~) their name, the voter may make a mark or symbol with two witnesses' signatures. A signature stamp accompanied by two witness signatures is an acceptable mark((-));

(ii) A power of attorney cannot be used as a signature for a voter((-
(b))).

(c) The signature has been verified by the county of current registration pursuant to WAC 434-379-020; and

~~((e))~~ (d)(i) The envelope is postmarked not later than the day of the election and received not later than the day before certification of the election. A postmark is any official mark, imprint, or application that verifies when a ballot entered the U.S. postal system. The postmark on the envelope is the official date of mailing. If there are two postmarks, the earlier postmark is the date of mailing. A hand cancellation by an agent of the U.S. Postal Service is a postmark.

If the postmark is illegible or missing, the date of the voter's signature is the date of mailing as per RCW 29A.40.-110. If the postmark is illegible or missing and the voter did not include a date with their signature, county auditors may use available U.S. Postal Service tools to verify the date of mailing;

(ii) The ballot is deposited in a ballot drop box no later than 8:00 p.m. on election day; or

(iii) For service and overseas voters, the ballot is received by fax or email no later than 8:00 p.m. on election day. Only service and overseas voters can submit ballots by fax or email.

(2) Postage that includes a date, such as meter postage or a dated stamp, does not qualify as a postmark. If an envelope lacks a postmark or if the postmark is unreadable, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.110. If a ballot is from a service or overseas voter, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.100.

(3) Consistent with WAC 434-250-080, the voter's current ballot and signed declaration shall be accepted for initial processing; ballots previously or subsequently received are not counted nor rejected by the county canvassing board. Such ballots shall be invalid and categorized as informational only.

(a) If the first ballot received is identical to the voter's current ballot because the voter submitted a replacement ballot, the replacement ballot shall be referred to signature verification for initial processing.

(b) If the first ballot received is suspended because of a voter registration update, the suspended ballot shall be held by the county of current registration. The county of registration may choose to manually check the suspended ballot for signature issues and send a cure form, while allowing time for the current ballot to be received and accepted.

(4) The signature on the ballot declaration must be compared with the signature in the voter's voter registration file

using the standards established in WAC 434-379-020. The signature on a ballot declaration may not be rejected merely because the signature is not dated, unless the date is necessary to validate the timeliness of the ballot. The signature on a ballot declaration may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of (~~(his or her)~~) their duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

~~((4))~~ (5) For service and overseas ballots returned by fax or email, the county auditor must apply procedures to protect the secrecy of the ballot. If returned by email, the county auditor must print the email and attachments; the printed email and signed declaration page must be processed and retained like other ballot declarations, and the printed ballot must be processed and retained like other ballots. The electronic versions of the email, ballot declaration, and ballot are exempt from public disclosure in order to maintain secrecy of the ballot. Voted service and overseas ballots returned by email may be returned with multiple attachments or in multiple emails.

(a) Service and overseas ballots returned by fax or email with a missing or mismatched signature are processed as established in RCW 29A.60.165 and WAC 434-261-050.

(b) Only service and overseas voters are eligible to return a ballot electronically. For electronic ballots received from voters who are not service or overseas voters the county auditor must:

(i) Contact the voter immediately if a fax or email ballot is received to notify the voter that they must return their ballot by mail or ballot drop box.

(ii) Count only the ballot received by mail or ballot drop box if the voter returns both an electronic ballot and a ballot by mail or ballot drop box.

(iii) Send the electronic ballot to the canvassing board for rejection if the voter did not return a ballot by mail or ballot drop box.

~~((5))~~ (6) The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

AMENDATORY SECTION (Amending WSR 16-13-063, filed 6/13/16, effective 7/14/16)

WAC 434-262-031 Rejection of ballots or parts of ballots. (1) The disposition of provisional ballots is governed by WAC 434-262-032. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

~~((b))~~ (a) ~~((Where a voter has already voted one ballot; (b)))~~ Where two voted ballots are returned together:

(i) If the two ballots are returned with only one valid signature on the ballot declaration, the races and measures voted the same on both ballots may be counted once~~((:))~~;

(ii) If the two ballots are returned with two valid signatures on the ballot declaration, both ballots may be counted in their entirety~~((:))~~.

~~((c))~~ (b) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

~~((d))~~ (c) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

~~((e))~~ (d) Where the voter has overvoted;

~~((f))~~ ~~Where the voter validly transferred out of the county;~~

~~((g))~~ (e) Where the ballot was created for a prior election.

AMENDATORY SECTION (Amending WSR 16-13-063, filed 6/13/16, effective 7/14/16)

WAC 434-262-032 Provisional ballots—Disposition.

Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the county auditor must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election. A voted ballot received from an unregistered voter, other than a service ~~((or))~~, overseas, or conditionally registered voter, is considered a provisional ballot. A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record. Once the provisional ballot has been investigated, disposition of the ballot is as follows:

(1) ~~((If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the provisional ballot is not counted.~~

~~((2))~~ (2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration must be immediately restored and the provisional ballot counted.

~~((3))~~ (2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was not in error, ~~((the voter must be offered the opportunity to reregister and the provisional ballot is not counted))~~ register the voter and count the ballot.

~~((4))~~ (3) If ~~((the voter is))~~ a registered voter ~~((but))~~ has voted a ballot ~~((other than the one which the voter would have received for his or her precinct))~~ for a previous address, the auditor must ensure that only those votes for the positions and measures for which the voter was eligible to vote are counted.

~~((5))~~ (4) If the voter is ~~((a))~~ registered ~~((voter))~~ in another county, the auditor shall immediately forward the ballot ~~((and a corresponding voter guide, or other means by which the ballot can be interpreted,))~~ to the elections official for the jurisdiction in which the voter is registered. The provisional ballot must be forwarded within seven calendar days after a primary or special election and fourteen calendar days

after a general election, and as soon as possible if past that date.

~~((6))~~ (5) If the voter voted a regular ballot and a provisional ballot, the provisional ballot is not counted if the regular ballot has already been counted. The regular ballot is not counted if the provisional ballot has already been counted.

~~((7))~~ (6) If the voter voted a provisional ballot because he or she failed to produce identification at a voting center, the ballot is counted if the signature on the envelope matches the signature in the voter registration record.

~~((8))~~ (7) If the voter voted a provisional ballot because the voter is provisionally registered and the voter's registration record is still flagged as requiring verification of identity, the provisional ballot is not counted.

~~((9))~~ (8) Provisional ballots voted for reasons not covered by this section or state statute must be determined by the county canvassing board.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-324-005 Definitions. As used in this chapter:

(1) "Accepted" means the voter's ballot has been signature verified and is ready for initial processing.

(2) "Active status" means a designation assigned to voters with complete voter registration records signifying that the voter is eligible to vote.

~~((2))~~ (3) "Applicant" means a person who has applied, or is applying, to become a registered voter in the state of Washington.

~~((3))~~ (4) "Auditor" means "county auditor" and means the county auditor in a noncharter county or the officer in a charter county, irrespective of title, having the overall responsibility to maintain voter registration to conduct state and local elections.

~~((4))~~ "County election management system" means software used by county auditors to manage computer files pertaining to elections and includes, but is not limited to, voter registration records.

~~((5))~~ "County registration number" means an identifier assigned to each registered voter by the county auditor.) (5) "Conditional registration" means an in-person voter registration application submitted when the voter registration system is unable to process applications. Conditionally registered voters are issued a current ballot for their precinct whenever possible; they are not issued a provisional ballot.

(6) "Current ballot" means the ballot which matches the precinct in which the voter is currently registered to vote. This is the most recently issued ballot type or style.

(7) "Electronic registration" means the electronic submission of voter registration applications.

~~((7))~~ (8) "Extraction," as used in this chapter, means the creation of an electronic list of specific information from the entire official statewide voter registration database.

~~((8))~~ (9) "New county" means a county in Washington state that a registered voter is moving to from another county within Washington state.

~~((9))~~ (10) "Previous county" means a county in Washington state that a registered voter lived in prior to moving to a new county.

~~((10))~~ (11) "Pending status" means a voter registration record is not yet complete, and the applicant is not yet a registered voter.

~~((11))~~ (12) "Pending cancellation" means the registered voter's registration record must be canceled within a specified amount of time and he or she is not eligible to vote.

~~((12))~~ (13) "Received" means the voter's ballot has been returned to the county and entered into the system, but not yet accepted.

(14) "Registered voter" means any elector who has completed the statutory registration procedures established by Title 29A RCW.

~~((13))~~ (15) "Registration number" means a unique identifier assigned to each registered voter, pursuant to RCW 29A.08.125.

(16) "Reissued ballot" means a new ballot issued to a voter due to an address update within the state that changes the voter's ballot type or style. A reissued ballot becomes the current ballot and all other ballots are suspended.

(17) "Replacement ballot" means a ballot that is the same type or style as the most recently issued. The request for a replacement ballot does not update the voter's current ballot type or style.

(18) "Secretary" means secretary of state or any other person authorized by the secretary of state to act on his or her behalf.

~~((14))~~ "State registration number" means a unique identifier assigned to each registered voter by the state, pursuant to RCW 29A.08.125.) (19) "Suspended ballot" means any ballot that is not the current ballot. The suspended ballot may be accepted when the current ballot is not received or accepted.

AMENDATORY SECTION (Amending WSR 17-12-090, filed 6/6/17, effective 7/7/17)

WAC 434-324-026 Voter registration form.

((

Fold and seal, or use an envelope

Instructions

Use this form to register to vote or update your current registration.

Print all information clearly using black or blue pen. Mail this completed form to your county elections office (address on back).

Deadline

This registration will be in effect for the next election if postmarked no later than the Monday four weeks before Election Day.

Voting

You will receive your ballot in the mail. Contact your county elections office for accessible voting options.

Public Information

Your name, address, gender, and date of birth will be public information.

Notice

Knowingly providing false information about yourself or your qualifications for voter registration is a class C felony punishable by imprisonment for up to 5 years, a fine of up to \$10,000, or both.

Public Benefits Offices

If you received this form from a public benefits office, where you received the form will remain confidential and will be used for voter registration purposes only.

Registering or declining to register will not affect the assistance provided to you by any public benefits office. If you decline to register, your decision will remain confidential.

If you believe someone interfered with your right to register, or your right to privacy in deciding whether to register, you may file a complaint with the Washington State Elections Division.

Contact Information

If you would like help with this form, contact the Washington State Elections Division.

web www.vote.wa.gov
call (800) 448-4881
email elections@sos.wa.gov
mail PO Box 40229
Olympia, WA 98504-0229

For official use:

fold in half

2/2016

Washington State Voter Registration Form

Register online at www.myvote.wa.gov.

1 Personal Information

last first middle suffix
date of birth (mm/dd/yyyy) gender
residential address in Washington apt#
city ZIP
mailing address, if different
city state and ZIP
phone number (optional) email address (optional)

2 Qualifications

If you answer no, do not complete this form.
I am a citizen of the United States of America.
I will be at least 18 years old by the next election.

3 Military / Overseas Status

I am currently serving in the military.
I live outside the United States.

4 Identification - Washington Driver License, Permit, or ID

Grid for driver license/ID number and Social Security number.

5 Change of Name or Address

This information will be used to update your current registration, if applicable.
former last name first middle
former residential address city state and ZIP

6 Declaration

I declare that the facts on this voter registration form are true. I am a citizen of the United States, I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, I will be at least 18 years old when I vote, I am not disqualified from voting due to a court order, and I am not under Department of Corrections supervision for a Washington felony conviction.

sign here

date here

))

Fold and seal, or use an envelope

Instructions

Use this form to register to vote or update your current registration.

Print all information clearly using black or blue pen. Mail this completed form to your county elections office (address on back).

Deadline

This registration will be in effect for the next election if received by the elections office no later than eight days before Election Day.

Voting

You will receive your ballot in the mail. Contact your county elections office for accessible voting options.

Public Information

Your name, address, gender, and date of birth will be public information if you are at least eighteen years of age.

Notice

Knowingly providing false information about yourself or your qualifications for voter registration is a class C felony punishable by imprisonment for up to five years, a fine of up to \$10,000, or both.

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If you believe someone interfered with your right to register, or your right to privacy in deciding whether to register, you may file a complaint with the Washington State Elections Division.

Contact Information

If you would like help with this form, contact the Washington State Elections Division.

- web www.votewa.gov
call (800) 448-4881
email elections@sos.wa.gov
mail PO Box 40229 Olympia, WA 98504-0229

For official use:

3/2019

Washington State Voter Registration Form

Register online at www.votewa.gov.

1 Personal Information

Form fields for personal information: last, first, middle, suffix, date of birth, gender, residential address, apt #, city, ZIP, mailing address, city, state and ZIP, phone number, email address.

2 Qualifications

If you answer no, do not complete this form. I am a citizen of the United States of America. I am at least eighteen years old, or at least sixteen years old and will vote only after I turn eighteen.

3 Military / Overseas Status

I am currently serving in the military. Includes National Guard and Reserves, and spouses or dependents away from home due to service. I live outside the United States.

4 Identification - Washington Driver License, Permit, or ID

Form fields for identification: driver license, permit, or ID, and Social Security number.

5 Change of Name or Address

This information will be used to update your current registration, if applicable. former last name, first, middle, former residential address, city, state and ZIP.

6 Declaration

I declare that the facts on this voter registration form are true. I am a citizen of the United States, I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, I will be at least eighteen years old when I vote, I am not disqualified from voting due to a court order, and I am not under Department of Corrections supervision for a Washington felony conviction.

Sign here and date here fields.

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

WAC 434-324-028 ((Illegible or missing postmarks.)) Date of application. ((+)) Consistent with RCW 29A.08.-020, ((if the postmark on a voter registration application submitted by mail is illegible or missing,)) the date of receipt by

((the)) an elections ((office)) official is considered the date of voter registration application. ((If an application is received by the elections official by the close of business on the fifth day after the cutoff date for voter registration, the application is considered to have arrived by the voter registration deadline.

(2) ~~Postage that contains a date, such as metered postage or a dated stamp, is not a postmark. If an application has dated postage and no postmark, it is an application missing a postmark.~~)

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-324-031 Electronic voter registration. (1) The secretary of state's electronic voter registration web page must have the capability to:

(a) Reject applicants without a Washington state driver's license ~~((or))~~, state identification card, or valid tribal identification as defined by RCW 29A.08.123 and 29A.40.160;

(b) Require the applicant to affirmatively assent to the use of his or her driver's license ~~((or))~~, state identification card, or tribal identification card signature for voter registration purposes;

(c) Require the applicant to attest to the truth of the information provided on the application;

(d) Retrieve a digital copy of each applicant's driver's license or state identification card signature from the department of licensing or from an issuer of tribal identification that has agreed to make digitized signature information available for this purpose, and include it with the other information required for each applicant's voter registration; and

(e) Electronically transfer all information required for each applicant's voter registration to his or her county auditor for entry into the statewide voter registration database through the county election management system.

(2) Once election registration information is entered into county election management systems, the same timelines and processes used for registration by mail apply to electronic registration. A county auditor ~~((may allow voters registering))~~ shall accept online and by mail applications no later than eight days before an election, and in-person ((at the county auditor's office between twenty-nine days before an election and eight days before an election to register using the electronic voter registration system)) applications at locations designated by the county auditor until 8:00 p.m. on election day.

AMENDATORY SECTION (Amending WSR 12-14-074, filed 7/2/12, effective 8/2/12)

WAC 434-324-036 County-to-county transfers. A registered voter may transfer his or her registration to another county by submitting a new voter registration application, or returning a signed confirmation notice that provides the new address.

The county auditor shall expedite the mailing of a confirmation notice to complete the county-to-county transfer.

The minimum information necessary to complete the transfer to the new county is:

- (1) Name;
- (2) Residential address;
- (3) A signature on the oath in RCW 29A.08.230; and
- (4) Either date of birth~~((, county voter ID number,))~~ or ~~((state))~~ voter ID number. The new county may request additional information to confirm that the registration application is a transfer.

When a voter requests to transfer after ballots have been mailed, the county auditor shall verify that a ballot has not been accepted for that voter. If a ballot has not been accepted, complete the transfer and issue the voter a current ballot.

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

WAC 434-324-076 Voter registration updates. (1) Pursuant to RCW 29A.08.140, a person already registered to vote in Washington may update their registration by submitting an address change using a registration application or making notification via any non-in-person method that is physically received by an election official no later than eight days before election day, or by appearing in person no later than 8:00 p.m. on election day.

(2) The county auditor may request additional identifying information before processing a voter registration update submitted on behalf of a family or household member.

~~((2))~~ (3) If a voter submits a registration transfer to a new county by the statutory deadline, but the voter's previous county ~~((issues))~~ issued the voter a ballot before the transfer is processed and the ~~((voter votes the))~~ voter's ballot issued by the previous county was received but not yet accepted, the previous county must ~~((treat the voted ballot as if it is a provisional ballot and forward it))~~ mail the suspended ballot to the voter's new county. ~~((The previous county does not need to forward the ballot if none of the races or issues on the voted ballot from the previous county is on a ballot in the voter's new county.))~~ If any races or issues on the suspended ballot from the ~~((old))~~ previous county are applicable to the voter's residential address in the new county, the votes on those races and issues should ~~((only))~~ be counted by the new county ~~((if))~~ only when the voter does not vote and return a current ballot ((issued by the new county)), or when the current ballot is not accepted.

WSR 19-12-118

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed June 5, 2019, 10:32 a.m., effective July 6, 2019]

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

Purpose: The agency is amending language to (1) update and clarify WAC language to be consistent with current drafting practices; and (2) clarify the presumptions and burdens regarding asset transfers for long-term care to align with the Social Security Act.

Citation of Rules Affected by this Order: Amending WAC 182-513-1363.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: 42 U.S.C. 1396p(a).

Adopted under notice filed as WSR 19-09-050 on April 12, 2019.

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

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: June 5, 2019.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-03-116, filed 1/17/17, effective 2/17/17)

WAC 182-513-1363 Evaluating an asset transfer for ~~((people))~~ clients applying for or receiving long-term care (LTC) services. (1) When determining a ~~((person's))~~ client's eligibility for long-term care (LTC) services, the medicaid agency or ~~((its))~~ the agency's designee evaluates the effect of an asset transfer made within the sixty-month period before the month that the ~~((person))~~ client:

(a) Attained institutional status, or would have attained institutional status but for a period of ineligibility; and

(b) Applied for LTC services.

(2) The agency or ~~((its))~~ the agency's designee evaluates all transfers for recipients of LTC services made ~~((on))~~ during or after the month the recipient attained institutional status.

(3) The agency or ~~((its))~~ the agency's designee establishes a period of ineligibility during which the ~~((person))~~ client is not eligible for LTC services if the ~~((person))~~ client, the ~~((person's))~~ client's spouse, or someone acting on behalf of either:

(a) Transfers an asset within the time period under subsection (1) or (2) of this section; and

(b) Does not receive adequate consideration for the asset, unless the transfer meets one of the conditions in subsection (4)(a) through (g) of this section.

(4) The agency or ~~((its))~~ the agency's designee does not apply a period of ineligibility for uncompensated value if:

(a) The total of all asset transfers in a month does not exceed the ~~((average daily private nursing facility rate in that month))~~ statewide average daily private cost for nursing facilities at the time of application or the date of transfer, whichever is later;

(b) The transferred ~~((resource))~~ asset was an excluded resource under WAC 182-513-1350 except a home, unless the transfer of the home meets the conditions under (d) of this subsection;

(c) The asset was transferred for less than fair market value (FMV), and the ~~((person))~~ client can establish one of the following:

(i) An intent to transfer the asset at FMV. ~~((To establish such an intent, the agency or its designee must be provided~~

~~with convincing evidence of the attempt to dispose the asset for FMV;~~

~~((ii) The transfer was not made to qualify for medicaid, continue to qualify for medicaid, or avoid estate recovery. Convincing evidence must be presented regarding the specific purpose of the transfer;))~~ This intent is established by providing convincing evidence to the agency or the agency's designee;

~~((ii) The asset was transferred exclusively for a purpose other than to qualify for medicaid, continue to qualify for medicaid, or avoid estate recovery.~~

(A) An asset transfer is presumed to be for the purpose of establishing or continuing medicaid eligibility, avoiding estate recovery, or both;

(B) A client can rebut this presumption by providing convincing evidence that the transfer of an asset was exclusively for a purpose other than to qualify for medicaid, continue to qualify for medicaid, or avoid estate recovery.

(iii) All assets transferred for less than FMV have been returned to the ~~((person))~~ client or the ~~((person's))~~ client's spouse; or

(iv) ~~((The))~~ Denial of eligibility ~~((would))~~ results in an undue hardship under WAC 182-513-1367~~((;))~~.

(d) The transferred asset was a home, if the home was transferred to the person's:

(i) Spouse;

(ii) Child who meets the disability criteria under WAC 182-512-0050 (1)(b) or (c);

(iii) Child who was under age twenty-one; or

(iv) Child who lived in the home and provided care, but only if:

(A) The child lived in the person's home for at least two years;

(B) The child provided verifiable care to that person during the time period in (d)(iv)(A) of this subsection for at least two years;

(C) The period of care under (d)(iv)(B) of this subsection was immediately before ~~((the))~~ that person's current period of institutional status;

(D) The care was not paid for by medicaid;

(E) The care enabled ~~((the))~~ that person to remain at home; and

(F) The ~~((person provided))~~ physician's documentation verifies that the in-home care was necessary to prevent ~~((the))~~ that person's current period of institutional status; or

(v) Sibling, who has lived in and has had an equity interest in the home for at least one year immediately before the date the person attained institutional status~~((;))~~.

(e) The asset was transferred to the ~~((person's))~~ client's spouse; or to the ~~((person's))~~ client's or their spouse's child, if the child meets the disability criteria under WAC 182-512-0050 (1)(b) or (c);

(f) The transfer was to a family member before the current period of institutional status, and all the following conditions are met. If all the following conditions are not met, the transfer is an uncompensated transfer, regardless of consideration received:

(i) The transfer is in exchange for care services the family member provided to the ~~((person))~~ client or their spouse;

(ii) The ~~((person))~~ client or their spouse had a documented need for the care services provided by the family member;

(iii) The care services provided by the family member are allowed under the medicaid state plan or the department's home and community-based waiver services;

(iv) The care services provided by the family member do not duplicate those that another party is being paid to provide;

(v) The FMV of the asset transferred is comparable to the FMV of the care services provided;

(vi) The time for which care services are claimed is reasonable based on the kind of services provided; and

(vii) The assets were transferred as the care services were performed, ~~((or))~~ with no more time delay than one calendar month between the provision of the service and the transfer.

(g) The transfer meets the conditions under subsection (5) of this section, and the asset is transferred ~~((or))~~:

(i) To another party for the sole benefit of the ~~((person's))~~ client's spouse;

(ii) From the ~~((person's))~~ client's spouse to another party for the sole benefit of the client's spouse;

(iii) To a trust established for the sole benefit of the ~~((person's))~~ client's or their spouse's child who meets the disability criteria under WAC 182-512-0050 (1)(b) or (c); or

(iv) To a trust established for the sole benefit of a person who is under age sixty-five who meets the disability criteria under WAC 182-512-0050 (1)(b) or (c).

(5) An asset transfer or establishment of a trust is for the sole benefit of a person under subsection (4)(g) of this section if the document transferring the asset:

(a) Was made in writing;

(b) Is irrevocable;

(c) States that the ~~((person's))~~ client's spouse, their blind or disabled child, or another disabled person can benefit from the transferred assets; and

(d) States that all assets involved must be spent for the sole benefit of the person over an actuarially sound period, based on the life expectancy of that person or the term of the document, whichever is less, unless the document is a trust that meets the conditions of a trust established under Section 42 U.S.C. 1396p (d)(4)(A) or Section 42 U.S.C. 1396 (d)(4)(C) as described under chapter 182-516 WAC.

(6) To calculate the period of ineligibility under subsection (3) of this section:

(a) Add together the total uncompensated value of all transfers under subsection (3) of this section; and

(b) Divide the total in (a) of this subsection by the statewide average daily private cost for nursing facilities at the time of application or the date of transfer, whichever is later. The result is the length, in days rounded down to the nearest whole day, of the period of ineligibility ~~((;))~~.

(7) The period of ineligibility under subsection (6) of this section begins:

(a) For an LTC services applicant: The date the ~~((person))~~ client would be otherwise eligible for LTC services, but for the transfer, based on an approved application for LTC services or the first day after any previous period of ineligibility has ended; or

(b) For an LTC services recipient: The first of the month following ten-day advance notice of the period of ineligibility, but no later than the first day of the month that follows three full calendar months from the date of the report or discovery of the transfer; or the first day after any previous period of ineligibility has ended.

(8) The period of ineligibility ends after the number of whole days, calculated in subsection (6) of this section, pass from the date the period of ineligibility began in subsection (7) of this section.

(9) If the transfer was to the ~~((person's))~~ client's spouse, from the client's spouse to the client, and it ~~((includes))~~ included the right to receive an income stream, the agency or ~~((its))~~ the agency's designee determines availability of the income stream under WAC 182-513-1330.

(10) If the transferred asset, for which adequate consideration was not received ~~((was made to someone other than the person's spouse and))~~, included the right to receive a stream of income not generated by ~~((the))~~ a transferred asset, the length of the period of ineligibility is calculated and applied in the following way:

(a) The amount of reasonably anticipated future monthly income, after the transfer, is multiplied by the actuarial life expectancy in months of the ~~((person who owned))~~ previous owner of the income. The actuarial life expectancy is based on age of the ~~((person))~~ previous owner in the month the transfer occurs. If the client and their spouse co-owned the asset, the longer actuarial life expectancy is used. This product is the FMV of the asset;

(b) Any consideration received in return for the FMV of the asset under (a) of this subsection is subtracted to calculate the uncompensated value;

~~((b))~~ (c) The ~~((amount))~~ uncompensated value in ~~((a))~~ (b) of this subsection is divided by the statewide average daily private cost for nursing facilities at the time of application or the date of transfer, whichever is later. The result is the length, in days rounded down to the nearest whole day, of the period of ineligibility; and

~~((c))~~ (d) The period of ineligibility begins under subsection (7) of this section and ends under subsection (8) of this section.

(11) A period of ineligibility for the transfer of an asset that is applied to one spouse is not applied to the other spouse, unless both spouses have attained institutional status. When both spouses are institutionalized, the agency or ~~((its))~~ the agency's designee divides the penalty equally between the two spouses. If one spouse is no longer subject to a period of ineligibility, the remaining period of ineligibility that applied to both spouses will be applied to the other spouse.

(12) Throughout this section, the date of an asset transfer is:

(a) For real property:

(i) The day the deed is signed by the grantor if the deed is recorded; or

(ii) The day the signed deed is delivered to the grantee ~~((;))~~.

(b) For all other assets, the day the intentional act or the failure to act resulted in the change of ownership or title.

(13) If a ~~((person))~~ client or ~~((the person's))~~ their spouse disagrees with the determination or application of a period of

ineligibility, a hearing may be requested under chapter 182-526 WAC.

(14) Additional statutes that apply to transfer of asset penalties, real property transfer for inadequate consideration, disposal of realty penalties, and transfers to qualify for assistance can be found at:

(a) RCW 74.08.331 Unlawful practices—Obtaining assistance—Disposal of realty—Penalties;

(b) RCW 74.08.338 Real property transfers for inadequate consideration;

(c) RCW 74.08.335 Transfers of property to qualify for assistance; and

(d) RCW 74.39A.160 Transfer of assets—Penalties.

WSR 19-12-124

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed June 5, 2019, 11:26 a.m., effective July 1, 2019]

Effective Date of Rule: July 1, 2019.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The components of Initiative 1639 related to the fee go into effect July 1, 2019.

Purpose: With the passage of Initiative 1639, the department of licensing is adopting rules related to a fee the agency may require firearms dealers to collect from each semiautomatic assault rifle purchaser or transferee.

Citation of Rules Affected by this Order: New WAC 308-500-010 Semiautomatic assault rifle fee.

Statutory Authority for Adoption: RCW 9.41.090.

Other Authority: Initiative 1639 (2018).

Adopted under notice filed as WSR 19-10-056 on April 30, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: June 5, 2019.

Damon Monroe
Rules Coordinator

Chapter 308-500 WAC

FIREARMS PROGRAM

NEW SECTION

WAC 308-500-010 Semiautomatic assault rifle fee.

(1) Dealers shall charge each semiautomatic assault rifle purchaser or transferee an eighteen dollar fee per semiautomatic assault rifle purchase or transfer of ownership. The fee must be collected by dealers and remitted to the department of licensing.

(2) For purposes of this section:

(a) "Dealer" has the same meaning as provided in RCW 9.41.010.

(b) "Semiautomatic assault rifle" has the same meaning as provided in RCW 9.41.010.

WSR 19-12-126

PERMANENT RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed June 5, 2019, 11:54 a.m., effective November 1, 2019]

Effective Date of Rule: November 1, 2019.

Purpose: The Washington department of fish and wildlife (WDFW) adopts amendments to hydraulic code rules WAC 220-660-030 and 220-660-300, and adopts new WAC 220-660-305. WDFW's purpose for this rule making is to permit motorized and nonmotorized suction dredging activities in the state through standard written hydraulic project approval (HPA) permits while maintaining current protections for fish life. Rule changes:

- Modify existing rules and create a new rule that permits motorized and nonmotorized suction dredging activities in the state through standard written 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; and
- 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 are significant legislative rules under RCW 34.05.328.

Citation of Rules Affected by this Order: New WAC 220-660-305 Suction dredging; and amending WAC 220-660-030 Definitions and 220-660-300 Mineral prospecting.

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.

Adopted under notice filed as WSR 19-05-094 on February 20, 2019.

Changes Other than Editing from Proposed to Adopted Version: There are four minor changes between the CR-102 version of the rules and the proposed adoption version rules. The changes are highlighted in bold in the following table:

WAC Section	Proposed Change from CR-102	Reason for Change
220-660-030(36) update definition of "dredge" to exclude subsurface hard rock mining.	"Dredging" means removal of bed material using other than hand-held tools. <u>This does not include metals mining and milling operations as defined in chapter 78.56 RCW or subsurface hard rock mining.</u>	Minor wording change reflecting stakeholder comment from Teck Washington International that further clarifies the exclusion of hard rock mining, which is regulated under Title 78 RCW.
220-660-300(1) removes suction dredges from equipment authorized for use under the Gold and Fish Pamphlet and clarifies this section does not apply to hard rock mining.	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) <u>a variety of small mineral prospecting equipment.</u> <u>This section does not apply to metals mining and milling operations as defined in chapter 78.56 RCW.</u> Suction dredging is not authorized in this section. See WAC 220-660-305 for suction dredging rules.	Added " <u>This section does not apply to metals mining and milling operations as defined in chapter 78.56 RCW.</u> " in response to comment from Teck Washington International.
220-660-300(6) ... (iv) remove suction dredge gear under ocean beach prospecting subsection and edit remaining content for clarity.	Power sluice/suction dredge combinations, <u>when configured and used as high-bankers or power sluices,</u> that have riffle areas totaling ten square feet or less, including ganged equipment.	Correcting typographic error where underlined text was inadvertently added to WAC 220-660-300 (6) ... (v) instead of (6) ... (iv)
220-660-300 (6) ... (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.	

A final cost-benefit analysis is available 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, web site HPA rule making web page <https://wdfw.wa.gov/licenses/environmental/hpa/rulemaking/>, the final cost-benefit analysis is contained in the 2019 HPA suction dredge rule making final regulatory analyses document that also contains the least burdensome alternative analysis and significant legislative rule determinations. The final small business economic impact statement, concise explanatory statement, and implementation plan are also available at the HPA rule making web page noted above.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 2, Repealed 0.

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

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

Date Adopted: May 31, 2019.

Larry M. Carpenter, Chair
Fish and Wildlife Commission

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 metals mining and milling operations as defined in chapter 78.56 RCW.

(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 freshwater 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.

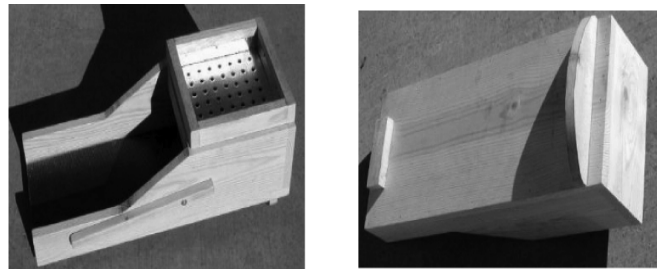


Figure 3: Mini rocker box (top view and bottom view)

((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 salt-water 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

((417)) (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.

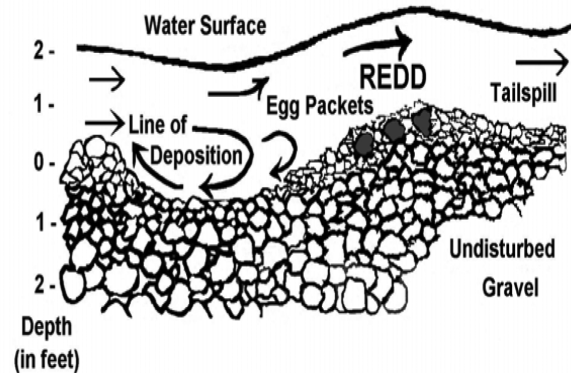


Figure 6: Cross-section of a typical redd

(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.

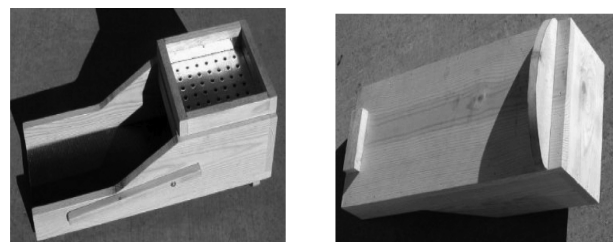


Figure 7: Rocker box

(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 sniffers 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. This section does not apply to metals mining and milling operations as defined in chapter 78.56 RCW. 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.

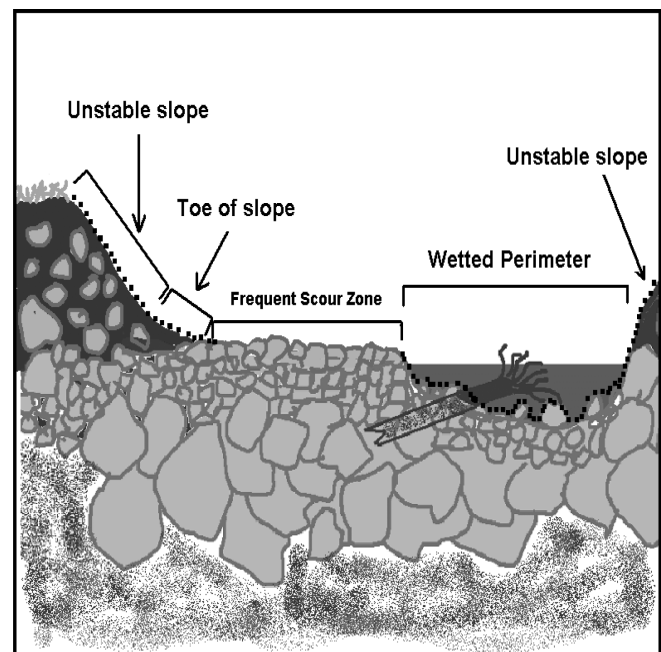


Figure 1: Cross section of a typical body of water, showing areas where excavation is not permitted under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(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.

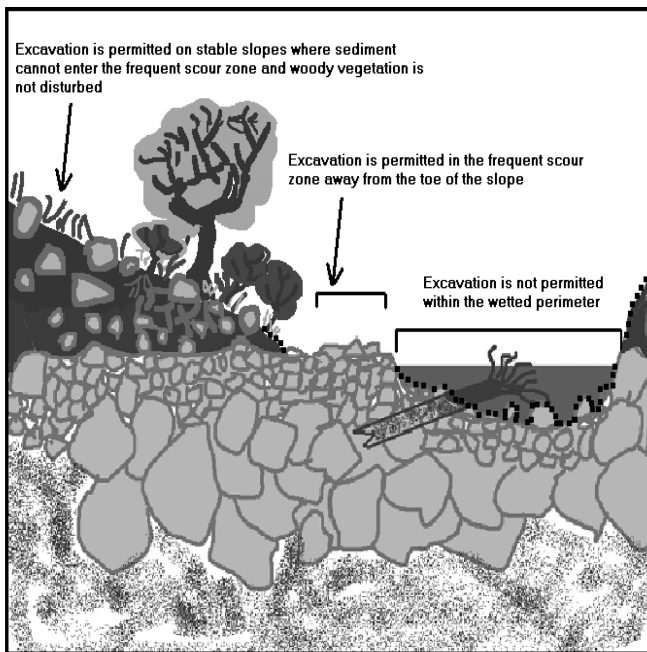


Figure 2: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(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.

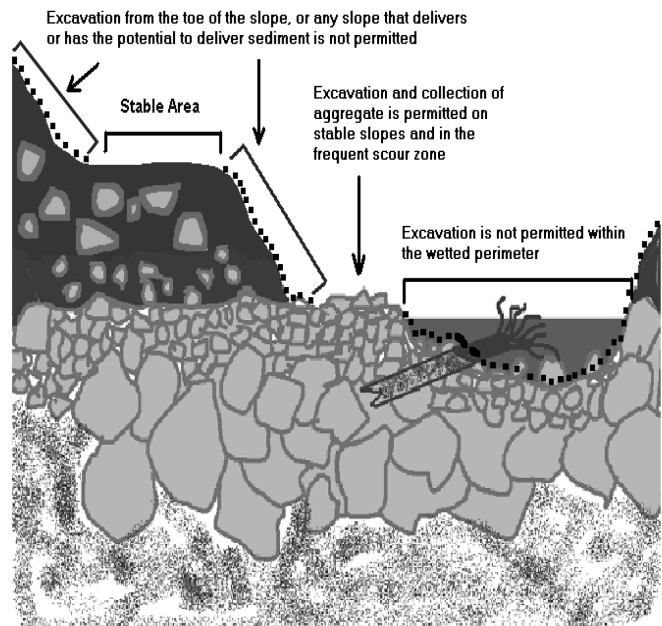


Figure 3: Limits on excavating, collecting, and removing aggregate on stream banks.

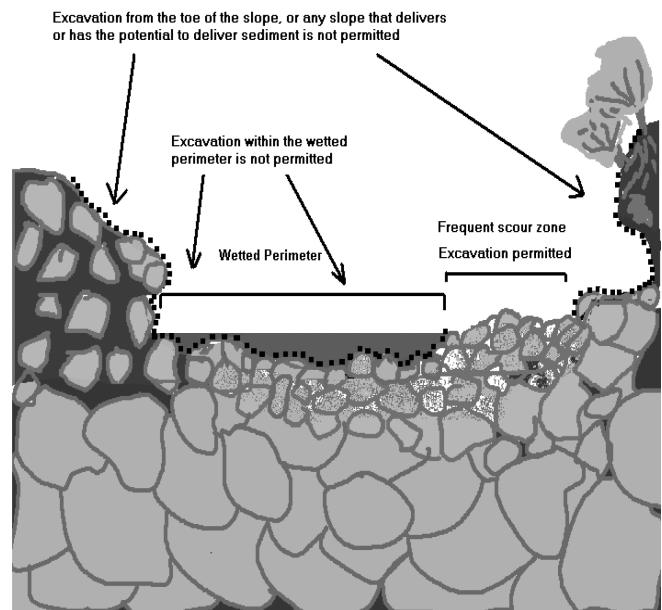


Figure 4: Excavating, collecting and removing aggregate within the wetted perimeter is not permitted.

(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.))~~

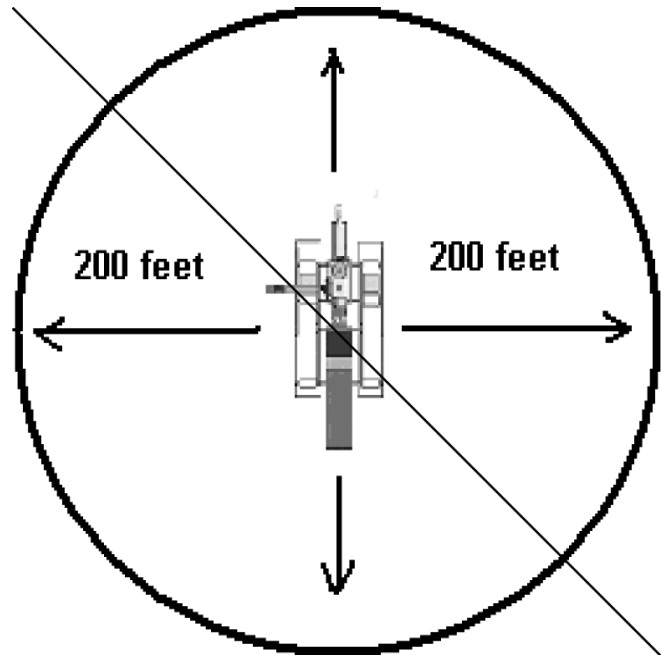


Figure 6: Equipment separation requirement.

(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.

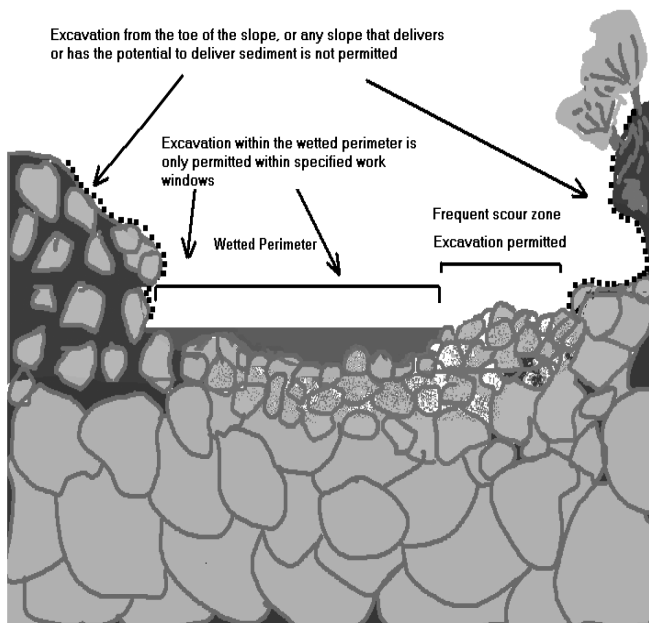


Figure ((7)) 5: Cross section of a typical body of water showing unstable slopes, stable areas, and permitted or prohibited excavation sites under rules for mineral prospecting with timing restrictions. Dashed line indicates areas where excavation is not permitted.

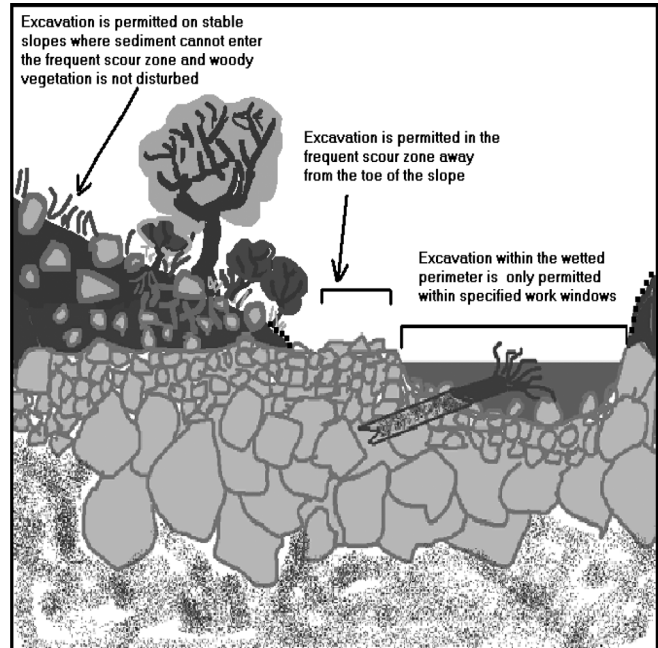


Figure ((8)) 6: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting with timing restrictions. Dashed lines indicates areas where excavation is not permitted.

(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; or 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.

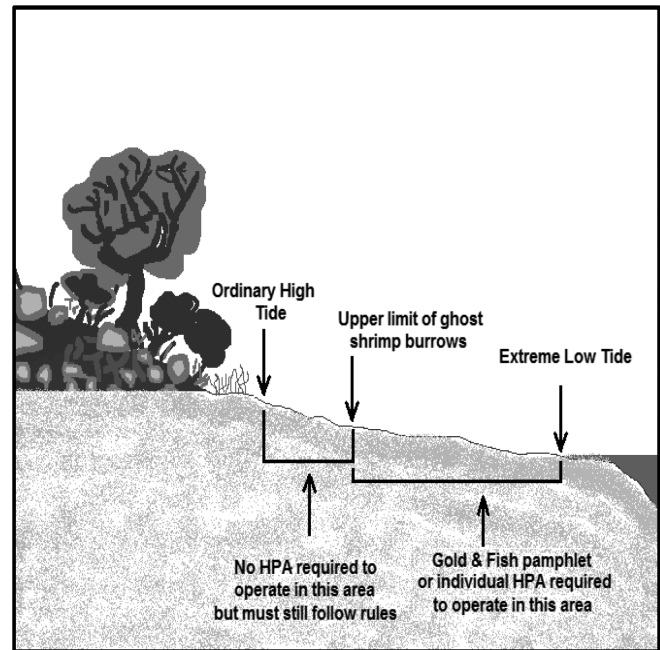


Figure ((9)) 7. Beach area where no written or pamphlet HPA is required.

(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, 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))~~); 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.

(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) 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.

((f)) (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.

((g)) (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.

((h)) (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.

((i)) (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.

((j)) (k) A person may not undermine, cut, disturb, or move embedded large woody material or woody debris jams.

((k)) (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.

((l)) (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.

((m)) (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.

((o)) (p) A person may use pressurized water only for redistributing dredge tailings within the wetted perimeter. No other use of pressurized water is permitted.

((p)) (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.

((q)) (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)) 2.

(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.

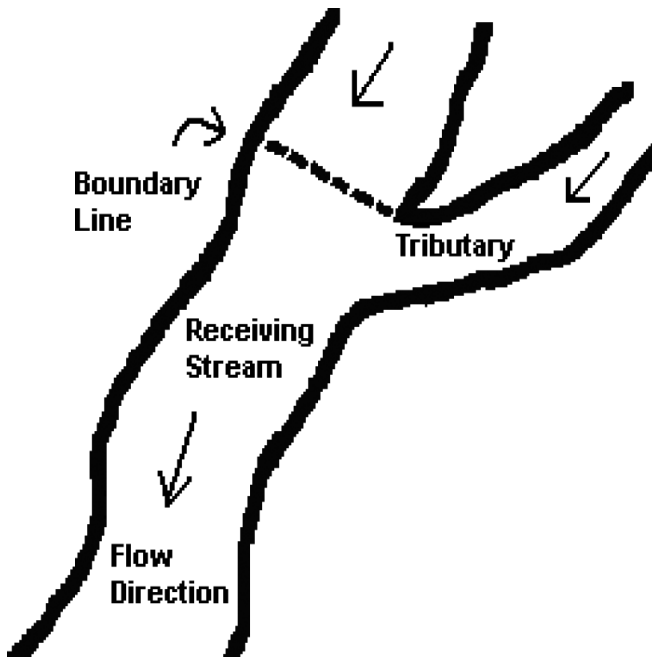


Figure ((40)) 8: Where the boundary is located if a tributary listed as a boundary.

~~((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	((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	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
Adams County	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	✗	✗
Asotin County	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	✗	-
Benton County	June 1 - September 30	✗	-
Columbia River	See Below	-	-
Glade Creek (31.0851)	August 1 - September 30	✗	-

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates	((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	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
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	✗	-
Chelan County	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	✗	-
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	✗	-

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates	((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	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
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	✗	-
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	✗	-

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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	✗	-
Clallam County	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	✗	-
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	✗	-

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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	✗	-
Clark County	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	✗	-
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	✗	✗
Columbia County	July 16 - September 30	✗	-
Touchet River (32.0097)	August 1 - August 15	✗	✗
Grande Ronde River tributaries (35.2192)	July 16 - August 15	✗	-

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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	✗	-
Cowlitz County	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	✗	-
Burriss Creek (27.0151)	August 1 - August 31	✗	-
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	✗	✗

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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	✗	✗
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	✗	-
Douglas County	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	✗	-
Ferry County	July 1 - August 31	✗	-
Columbia River	See Below	-	-
Kettle River (60.0002)	June 16 - August 31	✗	✗

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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	✗	✗
West Fork San Poil River (52.0192) - Upstream of Deep Creek	June 16 - September 30	✗	-
Gold Creek (52.0197)	June 16 - February 28	✗	-
Franklin County	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	✗	-
Garfield County	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	✗	-

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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	✗	-
Grant County	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	✗	-
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	✗	✗

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Island County	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	✗	-
Jefferson County	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	✗	-
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	✗	-

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Tarboo Creek (17.0129)	August 1 - September 30	✗	-
Thorndyke Creek (17.0170)	August 1 - October 15	✗	-
King County	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	✗	✗
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	✗	-

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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	✗	-
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	✗	-

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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	✗	-
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	✗	✗
Kittitas County	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	✗	-

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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	✗	-
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	✗	-

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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	✗	-
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	✗	-
Kitsap County	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	✗	-

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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	✗	✗
Klickitat County	July 15 - September 30	✗	-
Alder Creek (31.0459)	August 1 - September 30	✗	-
Chapman Creek (31.0192)	August 1 - September 30	✗	-
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	✗	-

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Lewis County	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	✗	✗
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	✗	-

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Nisqually River (11.0008) - Upstream of Alder Lake	July 16 - September 30	✗	✗
Lincoln County	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	✗	-
Mason County	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	✗	-
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	✗	✗
Okanogan County	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	✗	-

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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	-	-
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	✗	-

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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	-	-
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	✗	✗

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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	✗	-
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	✗	-

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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	✗	✗
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	✗	-

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Toroda Creek (60.0410)	July 1 - September 30	✗	-
Pacific County	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	✗	✗
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	✗	-

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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	✗	-
Pierce County	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	✗	-

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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	✗	-
San Juan County	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	✗	-
Skagit County	August 1 - September 15	✗	-
Granite Creek (04.2313) - Upstream of East Creek	July 16 - February 28	✗	-

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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	✗	-
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	-	-
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	-	-

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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	-	-
Skamania County	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	✗	✗
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	✗	✗

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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	✗	-
Snohomish County	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	✗	-
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	✗	✗

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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	✗	-
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	✗	-

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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	✗	✗
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	✗	-
Spokane County	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	✗	✗
Stevens County	July 16 - August 31	✗	-
Columbia River	See Below	-	-
Big Sheep Creek (61.0150)	July 16 - August 15	✗	-

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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	✗	-
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	✗	-
Thurston County	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	✗	-

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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	✗	-
Wahkiakum County	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	✗	✗
Mill Creek (25.0284)	July 16 - September 15	✗	-
Naselle River (24.0543)	July 16 - September 15	✗	✗
Skamokawa Creek (25.0194)	July 16 - September 15	✗	-
Walla Walla County	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	-	-
Whatcom County	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	-	-

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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	✗	-
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	-	-

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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	-	-
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	-	-

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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	✗	-
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	✗	-
Whitman County	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	✗	-
Yakima County	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	-	-

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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	✗	-
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	✗	✗

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates	((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	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
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	✗	-
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	✗	✗

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates	((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	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
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	✗	✗
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 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. 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.

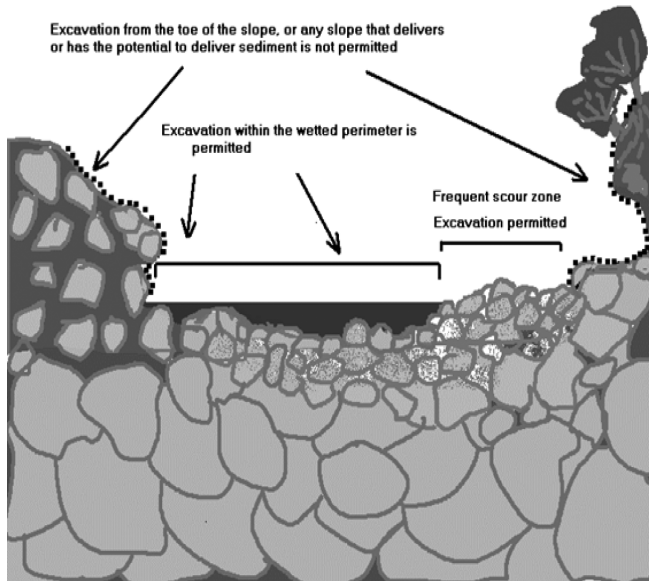


Figure 2: Cross section of a typical body of water showing unstable slopes, stable areas, and permitted or prohibited excavation sites when operating a dryland dredge. Dashed lines indicate areas where excavation is not permitted.

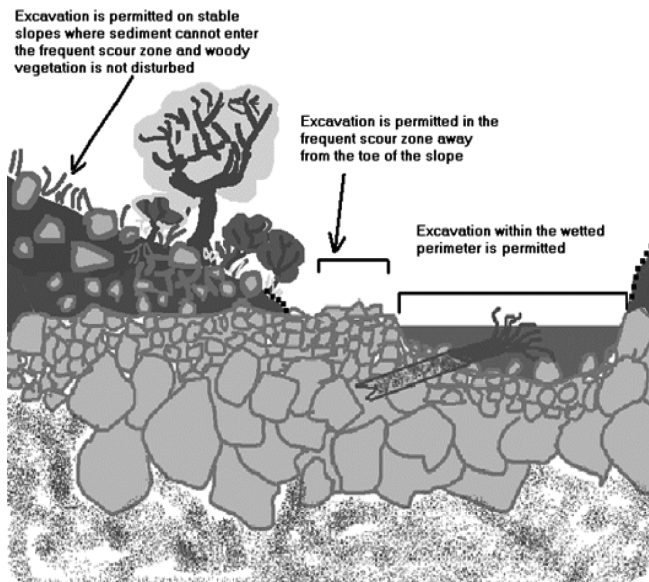


Figure 3: Permitted and prohibited excavation sites in a typical body of water under rules for dryland dredging. Dashed lines indicate areas where excavation is not permitted.

(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.

(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.

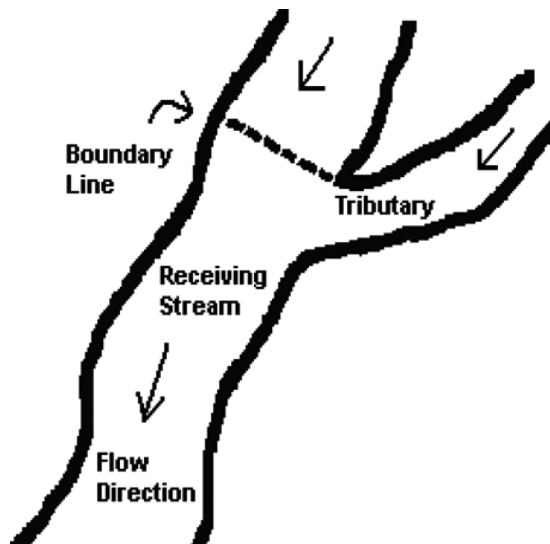


Figure 4: Where the boundary is located if a tributary listed as a boundary.

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
Adams County	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
Asotin County	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	-
Benton County	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	-
Chelan County	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	-

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
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	-
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	-

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
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	-
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	-
Clallam County	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	-

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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	-	-
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	-
Clark County	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	-

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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
Washougal River (28.0159) - Mouth to headwaters	August 1 - August 31	X	X
Columbia County	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	-
Cowlitz County	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	-

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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	-
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

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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	-
Douglas County	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	-
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	-
Ferry County	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

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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	-
Franklin County	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	-
Garfield County	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	-
Grant County	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	-

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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
Humtulpis River (22.0004) - Mouth to Forks	August 1 - September 30	X	X
Humtulpis 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
Island County	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	-
Jefferson County	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	-

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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	-
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	-
King County	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

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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
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	-

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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
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	-

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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	-
White River (10.0031)	July 16 - August 15	X	X
Greenwater River (10.0122)	July 16 - August 15	X	X
Kittitas County	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	-

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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	-	-
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	-

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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	-
Kitsap County	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
Klickitat County	July 15 - September 30	X	-
Alder Creek (31.0459)	August 1 - September 30	X	-
Chapman Creek (31.0192)	August 1 - September 30	X	-

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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	-
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	-
Lewis County	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

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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	-
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
Lincoln County	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	-
Mason County	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	-

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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	-
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
Okanogan County	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	-	-

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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	-
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	-	-

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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	-
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	-

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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	-
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

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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	-
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	-
Pacific County	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

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Pend Oreille County	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	-
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	-

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Pierce County	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
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	-

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San Juan County	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	-
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	-
Skagit County	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	-	-

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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	-
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	-	-
Skamania County	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

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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	-
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	-
Snohomish County	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	-

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
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
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	-

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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
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

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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	-
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	-
Spokane County	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
Stevens County	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	-

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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	-
Thurston County	July 16 - September 15	X	-
Cedar Creek (23.0570)	August 1 - September 30	X	-
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	-
Wahkiakum County	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

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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	-
Walla Walla County	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	-
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	-	-
Whatcom County	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	-

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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	X	-
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	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	-	-

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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	-	-
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	-

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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	-
Whitman County	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	-
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	-
Yakima County	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	-

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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	-	-
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	-

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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	-
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

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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	-	-
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.