

WSR 20-10-007
PROPOSED RULES
HEALTH CARE AUTHORITY

[Filed April 23, 2020, 2:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-16-020.

Title of Rule and Other Identifying Information: WAC 182-546-0001 (repeal) Definitions, 182-546-0050 (new) Ambulance transportation—General, 182-546-0100 The MAA ambulance transportation program, 182-546-0125 (new) Ambulance transportation—Definitions, 182-546-0150 Client eligibility for ambulance transportation, 182-546-0200 Scope of coverage for ambulance transportation, 182-546-0250 Ambulance services the agency does not cover, 182-546-0300 General requirements for ambulance providers, 182-546-0400 General limitations on payment for ambulance services, 182-546-0425 Ambulance coverage during inpatient hospital stays, 182-546-0450 Payment for ground ambulance services, 182-546-0500 Payment for ground ambulance services in special circumstances, 182-546-0505 (repeal) GEMT definitions, 182-546-0510 GEMT program overview, 182-546-0515 GEMT provider participation and qualifications, 182-546-0520 GEMT supplemental payments, 182-546-0525 GEMT claim submission and cost reporting, 182-546-0545 GEMT auditing, 182-546-0600 Procedure code modifiers, 182-546-0700 Payment limitations for air ambulance services, 182-546-0800 Payment for ambulance services provided in another state or US territory, 182-546-0900 Ambulance coverage in Canada, Mexico, and other countries, 182-546-1000 Coverage for nonemergency ground ambulance transportation, 182-546-1500 Coverage for non-emergency air ambulance transportation, 182-546-2500 Transportation to or from out-of-state treatment facilities—Coordination of benefits, 182-546-3000 Transporting qualified trauma cases, 182-546-4000 (repeal) Transportation coverage under the Involuntary Treatment Act (ITA), 182-546-4100 (new) Ambulance transportation—Behavioral health treatment—General, 182-546-4200 Ambulance transportation—Behavioral health treatment—Coverage, 182-546-4300 Ambulance transportation—Behavioral health treatment—Reimbursement, and 182-546-4600 (repeal) Ambulance transportation—Involuntary substance use disorder treatment—Ricky Garcia Act.

Hearing Location(s): On June 9, 2020, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Sue Crystal 106A, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than June 10, 2020.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by June 9, 2020.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.lougheed@hca.wa.gov, by May 29, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is revising these sections to update ambulance program policies, clarify existing policies and coverage, remove outdated information, update erroneous rule citations, reorganize sections for clarity, and perform other housekeeping fixes.

Specifically, the agency added new definitions; updated client eligibility; added certificate requirements for air ambulance providers; clarified documentation requirements for medical necessity, clarified coverage for inpatient hospital stays; clarified payment for transport provided in another state, clarified nonemergency air payment, and added a new behavioral health section to align with integrated care.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160; SHB 1721, chapter 157, Laws of 2015; ESSHB [E2SHB] 1358, chapter 273, Laws of 2017; E3SHB 1713, chapter 29, Laws of 2016.

Statute Being Implemented: RCW 41.05.021, 41.05.160; SHB 1721, chapter 157, Laws of 2015; ESSHB [E2SHB] 1358, chapter 273, Laws of 2017; E3SHB 1713, chapter 29, Laws of 2016.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Valerie Freudenstein, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Abigail Cole, P.O. Box 45510, Olympia, WA 98504-5510, 360-725-1835.

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

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

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

April 23, 2020

Wendy Barcus

Rules Coordinator

NEW SECTION

WAC 182-546-0050 Ambulance transportation—General. See WAC 182-546-0100 through 182-546-4300 for ambulance transportation and WAC 182-546-5000 through 182-546-6200 for brokered/nonemergency transportation.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-0100 ((The MAA)) Ambulance transportation—Program. (1) The provisions of this chapter take precedence with respect to ambulance ((coverage)) services in cases of ambiguity in, or conflict with, other agency rules governing eligibility for ((medical)) health care services.

(2) The ~~((medical assistance administration (MAA) covers medically necessary))~~ medicaid agency covers emergency and nonemergency ambulance transportation to and from ~~((the provider of MAA covered services that is closest and most appropriate to meet the client's medical need. See WAC 388-546-0150 through 388-546-4000 for ambulance transportation and WAC 388-546-5000 through 388-546-5600 for brokered/nonemergency transportation))~~ a covered health care service, subject to the limitations and requirements in this chapter.

NEW SECTION

WAC 182-546-0125 Ambulance transportation—

Definitions. The following definitions and those found in chapter 182-500 WAC apply to ambulance transportation services.

"Advanced life support (ALS)" - See RCW 18.73.030.

"Advanced life support (ALS) assessment" - Means an assessment performed by ALS trained personnel as part of an emergency response that was necessary because the client's reported conditions at the time of dispatch was such that only an ALS crew was qualified to perform the assessment. An ALS assessment does not necessarily result in an ambulance transport or determination that the client requires an ALS level of service or that the transport will be reimbursed at the ALS rate.

"Advanced life support, Level 1 (ALS1)" - Means the transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including the provision of an ALS assessment or at least one ALS intervention.

"Advanced life support, Level 1 (ALS1) emergency" - Means medically necessary ALS1 services, as previously specified, in the context of an emergency response. An emergency response is one that, at the time the ambulance provider is called, it responds immediately.

"Advanced life support, Level 2 (ALS2)" - Means transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including at least three separate administrations of one or more medications by intravenous push/bolus or by continuous infusion (excluding crystalloid fluids) or ground ambulance transport, medically necessary supplies and services, and the provision of at least one of the ALS2 procedures listed below:

- (a) Endotracheal intubation;
- (b) Cardiac pacing;
- (c) Chest decompression;
- (d) Creation of a surgical airway;
- (e) Manual defibrillation/cardioversion;
- (f) Placement of central venous line; or
- (g) Placement of intraosseous line.

"Advanced life support (ALS) intervention" - Means a procedure that is in accordance with state and local laws, required to be done by an emergency medical technician intermediate, emergency medical technician advanced, or paramedic.

"Aid vehicle" - See RCW 18.73.030.

"Air ambulance" - Means a helicopter or airplane designed and used to provide transportation for the ill and

injured, and to provide personnel, facilities, and equipment to treat clients before and during transportation. Air ambulance is considered an ALS service.

"Allowable costs" - For the ground emergency medical transportation (GEMT) program only, allowable costs means an expenditure that meets the test of the appropriate Executive Office of the President of the United States, Office of Management and Budget (OMB) Circular.

"Ambulance" - Means a ground vehicle or aircraft designed and used to transport the ill and injured, provide personnel, facilities, and equipment to treat clients before and during transportation, and licensed in accordance with RCW 18.73.140.

"Bariatric patient" - Means a patient whose weight, height, or width exceeds the capacity standards of a normal ambulance gurney.

"Bariatric transport unit" - Means a specially equipped ambulance designed for the transportation of bariatric patients.

"Base rate" - Means the agency's minimum payment amount per covered trip, which includes allowances for emergency medical personnel and their services, the costs of standing orders, reusable supplies and equipment, hardware, stretchers, oxygen and oxygen administration, intravenous supplies and IV administration, disposable supplies, waiting time, and the normal overhead costs of doing business. The base rate excludes mileage.

"Basic life support (BLS)" - Means transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including BLS ambulance services as defined in chapter 18.73 RCW. The ambulance must be staffed by a person qualified as an emergency medical technician-basic (EMT basic) according to department of health (DOH) regulations. BLS does not require the ability to provide or deliver invasive medical procedures and services.

"Basic life support (BLS) emergency" - BLS services provided in an emergency response.

"Bed-confined" - Means the client is unable to perform all of the following actions:

- (a) Get up from bed without assistance;
- (b) Unable to bear weight or ambulate;
- (c) Sit in a chair or wheelchair.

"Behavioral health disorder" - Means mental disorders and substance use disorders.

"Bordering city hospital" - Means a licensed hospital in a designated bordering city (see WAC 182-501-0175).

"Brokered transportation" - Means nonemergency transportation arranged by a broker under contract with the agency, to or from covered health care services for an eligible client (also, see "Transportation provider" in WAC 182-546-5100).

"By report" - See WAC 182-500-0015.

"Chemical dependency professional (CDP)" - See substance use disorder professional (SUDP).

"Children's long-term inpatient program (CLIP)" - Means psychiatric residential treatment provided as a result of judicial commitment or review of the CLIP committee for children five through seventeen years of age.

"Closest and most appropriate" - The agency-contracted facility or level of care in which the expected clinical

benefits (e.g., improved symptoms) outweigh the expected negative effect (e.g., adverse reactions) to such an extent that the treatment or transportation is justified. This facility may not necessarily be the closest provider based solely on driving distance.

"Conditional release" - Means a period of time the client is released from inpatient care to outpatient care, provided that the client continues to meet certain conditions according to RCW 71.05.340.

"Cost allocation plan (CAP)" - Means a document that identifies, accumulates, and distributes allowable direct and indirect costs to cost objectives. The document also identifies the allocation methods used for distribution to cost objectives, based on relative benefits received.

"Designated crisis responder (DCR)" - Means a behavioral health professional appointed by the county or other authority authorized in rule to perform duties specified in chapter 71.05 RCW and who has received chemical dependency training as determined by the division of behavioral health and recovery.

"Detention" or "detain" - Means the lawful confinement of a person, under chapter 71.05 RCW.

"Direct costs" - Means all costs identified specifically with a particular final cost objective in order to meet emergency medical transportation requirements. This includes unallocated payroll costs for personnel work shifts, medical equipment and supplies, professional and contracted services, travel, training, and other costs directly related to delivering covered medical transportation services.

"Emergency medical service" - Means medical treatment and care that may be rendered at the scene of any medical emergency or while transporting a client in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

"Emergency medical transportation" - Means ambulance transportation during which a client receives necessary emergency medical services immediately prior to, or in transit to, an appropriate medical facility.

"Emergency response" - Means a BLS or ALS level of service that has been provided in immediate response to a 911 call or the equivalent.

"Evaluation and treatment facility" - See RCW 71.05.020.

"Federal financial participation (FFP)" - Means the portion of medical assistance expenditures for emergency medical services that are paid or reimbursed by the Centers for Medicare and Medicaid Services (CMS) according to the state plan for medical assistance. Clients under Title 19, U.S. Health Resources and Services Administration (HRSA) are eligible for FFP.

"Gravely disabled" - Means a condition in which a person, as a result of a mental disorder, or as the result of the use of alcohol or other psychoactive chemicals:

(a) Is in danger of serious physical harm as a result of being unable to provide for personal health or safety; or

(b) Shows repeated and escalating loss of cognitive control over personal actions and is not receiving care essential for personal health or safety.

"Ground ambulance" - Means a ground vehicle designed and used to transport the ill and injured and to provide

personnel, facilities, and equipment to treat clients before and during transportation.

"Indirect costs" - Means the costs for a common or joint purpose benefiting more than one cost objective and allocated to each objective using an agency-approved indirect rate or an allocation methodology.

"Initial detention" - Means the period, up to seventy-two hours, in which a person is involuntarily placed in an evaluation and treatment facility under RCW 71.05.150 or 71.05.153 (see RCW 71.05.160). This period begins on the date and time the evaluation and treatment facility provisionally accepts the client for admission. See definition for "petition for initial detention."

"Interfacility" - Means transportation services between hospitals.

"Invasive procedure" - Means a medically necessary operative procedure in which skin or mucous membranes and connective tissues are cut or an instrument is introduced through a natural body orifice, e.g., an intubation tube. Invasive procedures include a range of procedures from minimally invasive (biopsy, excision) to extensive (organ transplantation). This does not include use of instruments for examinations or very minor procedures such as drawing blood.

"Involuntary Treatment Act (ITA)" - See chapters 71.05 and 71.34 RCW.

"Less restrictive alternative treatment" - Means a program of individualized treatment in a less restrictive setting than inpatient treatment and that includes the services described in RCW 71.05.585.

"Lift-off fee" - Means either of the two base rates the agency pays to air ambulance providers for transporting a client. The agency establishes separate lift-off fees for helicopters and airplanes.

"Loaded mileage" - Means the distance the client is transported in the ambulance.

"Medical control" - Means the medical authority upon which an ambulance provider relies to coordinate prehospital emergency services, triage, and trauma center assignment/destination for the person being transported. The medical control is designated in the trauma care plan, by the department of health's (DOH) contracted medical program director, of the region in which the ambulance service is provided.

"Medical attestation" - Means the medical professional is attesting to the fact that the client has a condition that justifies medical transportation and the level of care that is specified by BLS or ALS services and supplies. The condition must also be such that other means of transportation (such as taxi, bus, car, or other means) would be harmful to the client. (See WAC 182-500-0070 for additional information - Medically necessary definition.)

"Nonemergency ambulance transportation" - Means the use of a ground ambulance to carry a client who may be confined to a stretcher but typically does not require the provision of emergency medical services in transit, or the use of an air ambulance to or from an out-of-state health care service when the out-of-state health care service and air ambulance transportation are prior authorized by the agency. Nonemergency ambulance transportation is usually sched-

uled or prearranged. See definitions for "prone or supine transportation."

"Parent" - For the purpose of family initiated treatment under RCW 71.34.600 through 71.34.670, means a legal guardian, a person that has been given authorization to make health care decisions for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent who may be required to provide a declaration under penalty of perjury stating that they are a relative responsible for the health care of the adolescent under RCW 9A.72.085.

"Petition for initial detention" - A document required by the superior court of Washington for admission of the client by the evaluation and treatment facility. This form is available on the Washington state superior court mental proceedings rules web page.

"Petition for revocation of a conditional release or less restrictive treatment" - Means a document completed by a designated crisis responder (DCR).

"Point of destination" - Means a health care facility generally equipped to provide the necessary medical, nursing, or behavioral health care necessary to treat the client's injury, illness, symptoms, or complaint.

"Point of pickup" - Means the location of the client at the time the client is placed on board the ambulance or transport vehicle.

"Prehospital care" - Means an assessment, stabilization, and emergency medical care of an ill or injured client by an emergency medical technician, paramedic, or other person before the client reaches the hospital.

"Prone or supine transportation" - Means transporting a client confined to a stretcher or gurney, with or without emergency medical services being provided in transit.

"Public institution" - Means a facility that is either an organizational part of a government entity or over which a governmental unit exercises final administrative control, (e.g., city/county jails and state correctional facilities).

"Publicly owned or operated" - Means an entity that is owned or operated by a unit of government. The unit of government is a state, city, county, special purpose district, or other governmental unit in the state that has taxing authority, has direct access to tax revenues, or is an Indian tribe as defined in the Indian Self-Determination and Education Assistance Act, Section 4.

"Qualifying expenditure" - Means an expenditure for covered services provided to an eligible beneficiary.

"Secure withdrawal management and stabilization facility" - Means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder.

"Service period" - Means July 1st through June 30th of each Washington state fiscal year.

"Shift" - Means a standard period of time assigned for a complete cycle of work as set by each participating provider.

"Specialty care transport (SCT)" - Means interfacility (hospital-to-hospital or hospital-to-skilled nursing facility) transportation of a critically injured or ill client by a ground

ambulance vehicle under the command of ALS-trained personnel with additional training above the level of a paramedic.

"Standing order" - Means an order remaining in effect indefinitely until canceled or modified by an approved medical program director (regional trauma system) or attending physician.

"Substance use disorder professional (SUDP)" - Means a person certified as a substance use disorder professional by the department of health (DOH) under chapter 18.205 RCW.

"Transfer-down" - Means a transfer from a higher level facility to a facility of lower or equivalent level of care, or back to the original point of pickup (e.g., referring hospital or skilled nursing facility).

"Transfer-up" - Means a transfer from one hospital to a hospital of higher level care when the transfer and discharging hospital has inadequate facilities or care, or appropriate personnel to provide the necessary medical services required by the client.

"Trip" - Means a transportation one-way from the point of pickup to the point of destination by an authorized transportation provider.

AMENDATORY SECTION (Amending WSR 18-12-091, filed 6/5/18, effective 7/6/18)

WAC 182-546-0150 Ambulance transportation— Client eligibility ((for ambulance transportation)). (1) ~~((Except for people in the Family Planning Only and TAKE CHARGE programs, fee for service clients are eligible for ambulance transportation to covered services with the following limitations:))~~ Clients are eligible for ambulance transportation to covered services subject to the requirements and limitations in this chapter.

(a) ~~((People))~~ Clients in the following ~~((Washington apple health))~~ programs are eligible for ambulance services within Washington state or bordering cities only, as designated in WAC 182-501-0175:

(i) Medical care services (MCS) as described in WAC 182-508-0005;

(ii) Alien emergency medical (AEM) services as described in ~~((chapter 182-507))~~ WAC 182-507-0115.

(b) ~~((People in the apple health))~~ Clients in the categorically needy/qualified medicare beneficiary (CN/QMB) and ~~((apple health))~~ medically needy/qualified medicare beneficiary (MN/QMB) programs are covered by medicare and medicaid, with the payment limitations described in WAC 182-546-0400~~((5))~~ (4).

(2) ~~((People enrolled in an agency contracted managed care organization (MCO) must coordinate:))~~

(a) ~~Ground ambulance services through the agency under fee for service, subject to the coverage and limitations within this chapter; and~~

(b) ~~Air ambulance services through the agency under fee for service, subject to the coverage and limitations within this chapter.~~

~~((3))~~ People) Clients enrolled in the agency's primary care case management (PCCM) program are eligible for ambulance services that are emergency medical services or that are

approved by the PCCM in accordance with the agency's requirements. The agency pays for covered services for these ~~((people))~~ clients according to the agency's published billing guides ~~((and provider alerts))~~ including, but not limited to, the Tribal Health Billing Guide.

~~((4))~~ (3) People under the Involuntary Treatment Act (ITA) are not eligible for ambulance transportation coverage outside the state of Washington. This exclusion from coverage applies to people who are being detained involuntarily for ~~((mental))~~ behavioral health treatment and being transported to or from bordering cities. See ~~((also WAC 182-546-4000))~~ WAC 182-546-4100 through 182-546-4300.

~~((5))~~ (4) See WAC 182-546-0800 and 182-546-2500 for additional limitations on out-of-state coverage and coverage for ~~((people))~~ clients with other insurance.

~~((6))~~ (5) The agency does not pay for ambulance services for ~~((jail inmates and people))~~ persons living in ~~((a))~~ public institutions, correctional ((facility)) facilities, and local jails, including people in work-release status with the following exceptions:

(a) If an incarcerated person is put on a legal ITA hold, the ITA eligibility supersedes the incarcerated status;

(b) If an incarcerated person is admitted to an inpatient care facility (not the emergency department), and must be transported to a second inpatient care facility to obtain the services needed. See WAC 182-503-0505(5).

(6) Clients in family planning only programs are not eligible for ambulance transportation services.

AMENDATORY SECTION (Amending WSR 19-19-090, filed 9/18/19, effective 10/19/19)

WAC 182-546-0200 Ambulance transportation—~~Scope of coverage ((for ambulance transportation)).~~ (1) The ambulance program is a medical transportation service. The medicaid agency pays for ambulance transportation to and from covered medical services when the transportation is:

(a) Within the scope of an eligible client's medical care program (see WAC 182-501-0060);

(b) Medically necessary as defined in WAC ~~((182-500-0005))~~ 182-500-0070 based on the client's condition at the time of the ambulance trip and as documented in the client's record;

(c) Appropriate to the client's actual medical need; and

(d) To one of the following destinations:

(i) The ~~((nearest))~~ closest and most appropriate agency-contracted medical provider of agency-covered services; or

(ii) The designated trauma facility as identified in the emergency medical services and trauma regional patient care procedures manual.

(2) The agency limits coverage to medically necessary ambulance transportation that is required because the client cannot be safely or legally transported any other way. If a client can safely travel by car, van, taxi, or other means, the ambulance trip is not medically necessary and the ~~((ambulance service is not covered by the))~~ agency does not cover the ambulance service. See WAC 182-546-0250 (1) and (2) for noncovered ambulance services.

(3) If medicare or another third party is the client's primary health insurer and that primary insurer denies coverage of an ambulance trip due to a lack of medical necessity, the agency requires the provider when billing the agency for that trip to:

(a) ~~((Report))~~ Attach the third-party determination ~~((on))~~ to the claim; and

(b) Submit documentation showing that the trip meets the agency's medical necessity criteria ~~((of the agency)).~~ See WAC 182-546-1000 and 182-546-1500 for requirements for nonemergency ambulance coverage.

(4) The agency covers the following ambulance transportation:

(a) Ground ambulance when the eligible client:

(i) Has an emergency medical need for the transportation;

(ii) Needs medical attention to be available during the trip; or

(iii) Must be transported by stretcher or gurney.

(b) Air ambulance when justified under the conditions of this chapter or when the agency determines that air ambulance is less costly than ground ambulance in a particular case. In the latter case, the agency must prior authorize the air ambulance transportation ((must be prior authorized by the agency)). See WAC 182-546-1500 for nonemergency air ambulance coverage.

(5) See also WAC 182-531-1740 Treat and refer services.

AMENDATORY SECTION (Amending WSR 19-19-090, filed 9/18/19, effective 10/19/19)

WAC 182-546-0250 Ambulance transportation—~~Noncovered services ((the agency does not cover)).~~ (1) The medicaid agency does not cover ambulance services when the transportation is:

(a) Not medically necessary based on the client's condition at the time of service (see exception at WAC 182-546-1000);

(b) Refused by the client (see exception for ITA clients in WAC ~~((182-546-4000(2)))~~ 182-546-4100 through 182-546-4300;

(c) For a client who is deceased at the time the ambulance arrives at the scene;

(d) For a client who dies after the ambulance arrives at the scene but prior to transport and the ambulance crew provided minimal to no medical interventions/supplies at the scene (see WAC 182-546-0500(2));

(e) Requested for the convenience of the client or the client's family;

(f) More expensive than bringing the necessary medical service(s) to the client's location in nonemergency situations;

(g) To transfer a client from a medical facility to the client's residence (except when the residence is a nursing facility);

(h) Requested solely because a client has no other means of transportation;

(i) Provided by other than licensed ambulance providers (e.g., wheelchair vans, cabulance, stretcher cars); or

(j) Not to the nearest appropriate medical facility.

(2) If transport does not occur, the agency does not cover the ambulance service, except as provided in WAC 182-546-0500(2) and 182-531-1740 Treat and refer services.

(3) The agency evaluates requests for services that are listed as noncovered in this chapter under the provisions of WAC 182-501-0160.

(4) For ambulance services that are otherwise covered under this chapter but are subject to one or more limitations or other restrictions, the agency evaluates, on a case-by-case basis, requests to exceed the specified limits or restrictions. The agency approves such requests when medically necessary, according to the provisions of WAC 182-501-0165 and 182-501-0169.

(5) An ambulance provider may bill a client for noncovered services as described in this section, if the requirements of WAC 182-502-0160 are met.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-0300 Ambulance transportation—General requirements for ambulance providers. (1) Ambulances must be licensed, operated, and equipped according to applicable federal, state, and local statutes, ordinances and regulations. An air ambulance provider must have a current Federal Aviation Administration (FAA) air carrier operating certificate, or have a contractual relationship with an operator with a valid medical certificate.

(2) Ambulances must be staffed and operated by appropriately trained and certified personnel. ~~(Personnel who provide any invasive procedure/emergency medical services for a client during an ambulance trip must be properly authorized and trained per RCW 18.73.150 and 18.73.170.~~

~~(3) The medical assistance administration (MAA) requires providers of ambulance services to document medical justification for transportation and related services billed to MAA. Documentation in the provider's client record must include adequate descriptions of the severity and complexity of the client's condition (including the circumstances that made the conditions acute and emergent) at the time of the transportation. MAA may review the client record to ensure MAA's)) in accordance with chapter 18.73 RCW.~~

~~(3) Providers of ambulance services must:~~

~~(a) Meet the requirements of chapter 182-502 WAC and this chapter; and~~

~~(b) Document the medical necessity for transportation and related services billed to the medicaid agency. This documentation must be kept in the provider's file and include adequate descriptions of the severity and complexity of the client's condition at the time of the transportation and services, interventions, and supplies provided to the client prior to loading and in transit. The documentation must be made available for the agency to review upon request to ensure the agency's medical necessity criteria ((were)) are met.~~

AMENDATORY SECTION (Amending WSR 19-19-090, filed 9/18/19, effective 10/19/19)

WAC 182-546-0400 Ambulance transportation—General limitations on payment for ambulance services.

(1) In accordance with WAC 182-502-0100(8), the agency

pays providers the lesser of the provider's usual and customary charges or the maximum allowable rate established by the agency. The agency's fee schedule payment for ambulance services includes a base rate or lift-off fee plus mileage.

~~(2) ((The agency-~~

~~(a) Pays providers under fee for service for ground ambulance services provided to a client who is enrolled in an agency contracted managed care organization (MCO).~~

~~(b) Pays providers under fee for service for air ambulance services provided to a client who is enrolled in an agency contracted MCO.~~

~~(3))~~ (3) The agency does not pay providers for mileage incurred traveling to the point of pickup or any other distances traveled when the client is not on board the ambulance. The agency pays for loaded mileage only as follows:

(a) The agency pays ground ambulance providers for the actual mileage incurred for covered trips by paying from the client's point of pickup to the point of destination.

(b) The agency pays air ambulance providers for the statute miles incurred for covered trips by paying from the client's point of pickup to the point of destination.

~~((4))~~ (3) The agency does not pay for ambulance services if:

(a) The client is not transported, unless the services are provided under WAC 182-531-1740 Treat and refer services;

(b) The client is transported but not to an appropriate treatment facility; or

(c) The client dies before the ambulance trip begins (see the single exception for ground ambulance providers at WAC 182-546-0500(2)).

~~((5))~~ (4) For clients in the categorically needy/qualified medicare beneficiary (CN/QMB) and medically needy/qualified medicare beneficiary (MN/QMB) programs, the agency's payment is as follows:

(a) If medicare covers the service, the agency pays the lesser of:

(i) The full coinsurance and deductible amounts due, based upon medicaid's allowed amount; or

(ii) The agency's maximum allowable for that service minus the amount paid by medicare.

(b) If medicare does not cover or denies ambulance services that the agency covers according to this chapter, the agency pays its maximum allowable fee; except the agency does not pay for clients on the qualified medicare beneficiaries (QMB) only program.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-0425 Ambulance ((coverage)) transportation—During inpatient hospital((s)) stays. (1) The ~~((medical assistance administration (MAA)))~~ medicaid agency does not ~~((cover))~~ pay separately for ambulance transportation ~~((services under fee for service))~~ when a client remains as an inpatient client ~~((in a))~~ at the admitting hospital and the transportation to ~~((and/or))~~ or from another facility is for diagnostic or treatment services (e.g., MRI scanning, kidney dialysis). Transportation of an inpatient client for such services is the responsibility of the admitting hospital, ~~((whether MAA pays the hospital under the diagnosis related~~

group (DRG) or ratio of costs to charges (RCC) method) regardless of the payment method the agency uses to pay the hospital.

(2) **Hospital-to-hospital transfers.** Except as provided in subsections (3) and (5) of this section, ~~((MAA)) the agency does not ((cover hospital to hospital)) pay for hospital-to-hospital transfers of ((clients under fee-for-service)) a client when ambulance transportation is requested solely to:~~

(a) Accommodate a physician's or other health care provider's preference for facilities;

(b) Move the client closer to family or home (i.e., for personal or family convenience); or

(c) Meet insurance requirements or hospital/insurance agreements.

(3) ~~((MAA covers under fee-for-service))~~ **Transfer-up services.** ~~The agency pays for transfer-up ambulance transportation ((for a client being transferred from one hospital to another when the transferring or discharging hospital has inadequate facilities to provide the necessary medical services required by the client. MAA covers)) services as follows:~~

(a) Air ambulance transportation ~~((for hospital transfers only if))~~ only when transportation by ground ambulance would cause sufficient delay as to endanger the client's life or ~~((health))~~ substantially impair the client's health (e.g., in major trauma cases).

(b) Air ambulance transportation for medical and surgical procedures only and not for diagnostic purposes.

(c) The reason for ~~((transferring a client from one hospital to another, as well as the need for air ambulance transport, if applicable,))~~ the transfer-up must be clearly documented in the client's hospital chart and in the ambulance trip report.

(4) ~~((MAA does not cover under fee-for-service ambulance transportation for a client being transferred from a hospital providing a higher level of care to a hospital providing a lower level of care, except as allowed under subsection (5) of this section.~~

~~(5) MAA considers requests for fee-for-service ambulance coverage under the provisions of WAC 388-501-0160 (exception to rule) for transportation of a client from an intervening hospital to the discharging hospital. MAA evaluates such requests based on clinical considerations and cost effectiveness. MAA's decision under the provisions of WAC 388-501-0160 is final. The reason for transferring a client from a hospital to another medical facility must be clearly documented in the client's hospital chart and in the ambulance trip record.~~

(6)) **Transfer-down services.** The agency pays for ground ambulance transfer-down services with a signed physician certification statement (PCS) or a nonphysician certification statement (NPCS).

(5) **Specialty care transport (SCT)** ~~((is hospital to hospital transportation by ground ambulance of a critically injured or ill client, at a level of service beyond the scope of a paramedic. MAA)).~~ The agency pays an ambulance provider the advanced life support (ALS) rate for an SCT-level transport, provided:

(a) The criteria for covered hospital transfers ~~((under fee-for-service))~~ are met; and

(b) ~~((There is a written reimbursement agreement between the ambulance provider and SCT personnel. If there is no written reimbursement agreement between the ambulance provider and SCT personnel, MAA pays the provider at the basic life support (BLS) rate.))~~ The SCT is from an acute care hospital to another acute care hospital.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-0450 ((Payment for)) Ambulance transportation—Ground ambulance ((services))—Payment. (1) The ~~((medical assistance administration (MAA)))~~ medicaid agency pays for two levels of service for ground ambulance transportation: Basic life support (BLS) and advanced life support (ALS):

(a) A BLS ambulance trip is one in which the client ~~((requires and))~~ receives basic, noninvasive medical services at the scene ~~((and/or en route from the scene of the acute and emergent illness or injury)),~~ point-of-pickup, or in transit to a hospital or other appropriate treatment facility. ~~((Examples of basic medical services are: Controlling bleeding, splinting fracture(s), treating for shock, and performing cardiopulmonary resuscitation (CPR).))~~

(b) An ALS ambulance trip is one in which the client requires ~~((and receives))~~ more complex life-saving services at the scene ~~((and/or en route from the scene of the acute and emergent illness or injury)),~~ point-of-pickup, or in transit to a hospital or other appropriate treatment facility. To qualify for payment at the ALS level, certified paramedics or other ALS-qualified personnel ~~((on board))~~ must provide the advanced medical services ~~((in))~~ on board a properly equipped vehicle as defined by chapter ~~((+8-83))~~ 18.73 RCW. Examples of complex medical services or ALS procedures ~~((are))~~ include, but are not limited to, the following:

- (i) Administration of medication, not to include saline flush, by intravenous push/bolus or by continuous infusion;
- (ii) Airway intubation;
- (iii) Cardiac pacing;
- (iv) Chemical restraint;
- (v) Chest decompression;
- (vi) Creation of surgical airway;
- (vii) Initiation of intravenous therapy;
- (viii) Manual defibrillation/cardioversion;
- (ix) Placement of central venous line; and
- (x) Placement of intraosseous line.

(2) ~~((MAA))~~ The agency pays for ambulance services (BLS or ALS) based on the client's ~~((actual))~~ medical condition and the ~~((level of))~~ medical services ~~((needed and))~~ provided immediately prior to or during the trip.

(a) Local ordinances or standing orders that require all ambulance vehicles be ALS-equipped do not qualify ~~((a))~~ an ambulance trip for ~~((MAA))~~ the agency's payment at the ALS level of service unless ALS services were provided on-scene or in transit to the treatment facility.

(b) A ground ambulance trip is classified and paid at a BLS level, even if certified paramedics or ALS-qualified personnel are on board the ambulance, if no ALS-type interventions were provided ~~((en route))~~ on-scene or in transit to the treatment facility.

(c) An ALS assessment does not qualify as an ALS transport if no ALS-type interventions were provided to the client (~~(en route)~~) in transit to the treatment facility.

~~(3) (MAA's base rate includes: Necessary personnel and services; oxygen and oxygen administration; intravenous supplies and IV administration reusable supplies, disposable supplies, required equipment, and waiting time. MAA does not pay separately for chargeable items/services that are provided to the client based on standing orders.~~

~~(4) MAA pays ground ambulance providers the same mileage rate, regardless of the level of service. Ground ambulance mileage is paid when the client is transported to and from medical services within the local community only, unless necessary medical care is not available locally. The provider must fully document in the client's record the circumstances that make medical care outside of the client's local community necessary.~~

~~(5) MAA pays for extra mileage when sufficient justification is documented in the client's record and the ambulance trip report. Acceptable reasons for allowable extra mileage include, but are not limited to:~~

~~(a) A hospital was on "divert" status and not accepting patients; or~~

~~(b) A construction site caused a detour, or had to be avoided to save time.~~

~~(6) When multiple ambulance providers respond to an emergency call, MAA pays only the ambulance provider that actually furnishes the transportation.~~

~~(7) MAA pays for an extra attendant, when the ground ambulance provider documents in the client's file the justification for the extra attendant, and that the extra attendant is on board for the trip because of one or more of the following:~~

~~(a) The client weighs three hundred pounds or more;~~

~~(b) The client is violent or difficult to move safely;~~

~~(c) The client is being transported for Involuntary Treatment Act (ITA) purposes and the client must be restrained during the trip; or~~

~~(d) More than one client is being transported, and each requires medical attention and/or close monitoring.~~

~~(8) MAA pays ambulance providers "by report" for ferry and bridge tolls incurred when transporting MAA clients. To be paid, providers must document the toll(s) by attaching the receipt(s) for the toll(s) to the claim.) An assessment and other intervention performed on-scene with no resulting transport does not qualify for payment from the agency, except when the client dies after treatment but before transport as provided in WAC 182-546-0500(2).~~

~~(4) The agency pays ground ambulance providers for mileage as follows:~~

~~(a) Loaded mileage only.~~

~~(b) Actual mileage incurred for covered trips (i.e., from the point-of-pickup to the destination) based on trip odometer readings.~~

~~(i) The agency uses the Washington state department of transportation's (WSDOT) mileage chart. The WSDOT mileage chart indicates shortest distance between points, including the use of the ferry system.~~

~~(ii) The agency uses alternative sources to calculate distance traveling when the origin or destination points are not listed in the WSDOT's mileage chart.~~

(iii) If the ferry system is the normal route for travel but is not used, the reason must be documented on the claim form when billing the agency. In this case, normal means the shortest route.

(iv) Miles traveled by the ferry. To be paid, providers must report by statute miles using the Washington state department of transportation (WSDOT) ferry route mileage chart located on the WSDOT website. Providers must thoroughly document the ferry route used, including a copy of the ferry ticket.

(5) The agency's base rate includes:

(a) Necessary personnel and services;

(b) Oxygen and oxygen administration; and

(c) Intravenous supplies and intravenous administration reusable supplies, disposable supplies, required equipment, and waiting time.

(6) The agency pays ground ambulance providers the same rate for mileage, regardless of the level of service (ALS or BLS). An odometer reading showing a fraction of a mile (partial mile) at the conclusion of a transport must be rounded up to the next whole unit (one mile). The agency pays for mileage when the client is transported to and from medical services within the local community only, unless necessary medical care is not available locally. The provider must fully document in the client's record the circumstances that make medical care outside of the client's local community necessary.

(7) The agency pays for extra mileage when sufficient justification is documented in the client's record and the ambulance trip report. All records are subject to agency review. Acceptable reasons for allowable extra mileage include, but are not limited to:

(a) The initial destination hospital was on "divert" status and not accepting patients; or

(b) A road construction project or other major obstacle caused a detour, or had to be avoided to save time.

(8) When multiple ambulance providers respond to an emergency call, the agency pays only the ambulance provider who actually provides the transportation.

(9) The agency pays for an extra attendant when the ground ambulance provider documents in the client's file the justification for the extra attendant and the extra attendant is on board for the trip because of one or more of the following:

(a) The client weighs three hundred pounds or more;

(b) The client is violent or difficult to move safely;

(c) The client is being transported for ITA purposes and the client must be restrained during the trip; or

(d) More than one client is being transported, and each requires medical attention or close monitoring.

(10) The agency pays ambulance providers "by report" for ferry and bridge tolls incurred when transporting clients. Receipts must be attached to the claim submission for reimbursement. All ferry and bridge toll documentation must be kept in the client's file and made available to the agency for six years from the date of service in accordance with WAC 182-502-0020.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-0500 Ambulance transportation—Ground ambulance—Payment ((for ground ambulance services)) in special circumstances. (1) When more than one client is transported in the same ground ambulance at the same time, the ~~((provider must bill the medical assistance administration (MAA)))~~ medicaid agency:

(a) Pays the ambulance providers at a reduced base rate for the ((additional)) second client((-and)) who is being transported in the ambulance for medical treatment. This rate is set at seventy-five percent of the base rate for the applicable level of service (ALS or BLS) for the first client.

(b) ~~((No mileage charge for the additional client.))~~ Does not pay the ambulance provider a separate mileage charge for the second client being transported in the ambulance for medical treatment. The total payable mileage for the transport is from the first point of pickup.

(2) ~~((MAA))~~ The agency pays an ambulance provider at the appropriate base rate (BLS or ALS) if no transportation takes place because the client died ~~((at the scene of the illness or injury but))~~ before transport could occur but after the ambulance crew provided medical interventions/supplies to the client at the scene prior to the client's death. ((See WAC 388-546-0450(1) for examples of medical interventions associated with each base rate.)) The intervention(s)/supplies provided must be documented in the client's record. No mileage charge is allowed with the base rate when the client dies ~~((at the scene of the illness or injury))~~ after medical interventions/supplies are provided but before transport takes place.

(3) In situations where a BLS entity provides the transport of the client and an ALS entity provides a service that meets ~~((MAA's))~~ the agency's fee schedule definition of an ALS intervention, the BLS provider may bill ~~((MAA))~~ the agency the ALS rate for the transport, provided a written reimbursement agreement between the BLS and ALS entities exists. The provider must give ~~((MAA))~~ the agency a copy of the agreement upon request. If ~~((there is no))~~ a written agreement does not exist between the BLS and ALS entities, ~~((MAA))~~ the agency will pay only for the BLS level of service. Only one ambulance provider may bill the agency for the transport.

(4) In ~~((areas))~~ ambulance service areas/jurisdictions that distinguish between residents and nonresidents, ~~((MAA must be billed))~~ the provider must bill the agency the same rate for ambulance services provided to a client in a particular jurisdiction as would be billed ~~((by that provider to the general public in))~~ for ambulance services to residents of the same jurisdiction.

AMENDATORY SECTION (Amending WSR 19-08-058, filed 3/29/19, effective 5/1/19)

WAC 182-546-0510 GEMT program overview. (1) The ground emergency medical transportation (GEMT) program permits publicly owned or operated providers to receive cost-based payments for emergency ground ambulance transportation of ~~((medicaid fee for service))~~ clients as described in subsection (2) of this section.

(2) This program is for clients under Title XIX of the federal Social Security Act and the Affordable Care Act (ACA) only. Participating providers do not receive supplemental payments for transporting:

(a) Medicaid applicants; or

(b) Medicare/medicaid ~~((recipients))~~ clients with dual eligibility.

(3) The cost-based payment, when combined with the amount received from all other sources of reimbursement for medicaid, must not exceed one hundred percent of allowable costs.

(4) Fire departments/districts must use the approved CAP of their local government. If the local government does not have a CAP, they must use the Centers for Medicare and Medicaid Services (CMS)-approved cost report.

(5) The state general fund cannot be used for GEMT cost-based payments.

AMENDATORY SECTION (Amending WSR 19-08-058, filed 3/29/19, effective 5/1/19)

WAC 182-546-0515 GEMT provider participation and qualifications. (1) Participation in the program by a GEMT provider is voluntary.

(2) To qualify under this program and receive supplemental payments, a participating provider must:

(a) Provide ground emergency transportation services to ~~((medicaid fee for service))~~ clients as described in WAC 182-546-0510(2).

(b) Be publicly owned or operated as defined in WAC ~~((182-546-0505))~~ 182-546-0125.

(c) Be enrolled as a medicaid provider, with an ~~((active))~~ approved core provider agreement, for the service period specified in the claim.

(d) Submit a participation agreement.

(e) Renew GEMT participation annually by submitting ~~((a participation agreement and))~~ the Centers for Medicare and Medicaid Services (CMS)-approved cost report to the agency.

AMENDATORY SECTION (Amending WSR 19-08-058, filed 3/29/19, effective 5/1/19)

WAC 182-546-0520 GEMT supplemental payments.

(1) The agency makes supplemental payments for the uncompensated and allowable costs incurred while providing GEMT services to ~~((medicaid fee for service))~~ clients, as defined by the United States Office of Management and Budget (OMB).

(a) The amount of supplemental payments, when combined with the amount received from all other sources of reimbursement from the medicaid program, will not exceed one hundred percent of allowable costs.

(b) If the participating provider does not have any uncompensated care costs, then the participating provider will not receive payment under this program.

(2) The total payment is equal to the participating provider's allowable costs of providing the services.

(a) The participating provider must certify the uncompensated expenses using the cost reporting process described under WAC 182-546-0525. This cost reporting process

allows medicaid to obtain federal matching dollars to be distributed to participating providers.

(b) The participating provider must:

(i) Include the expenditure in its budget.

(ii) Certify that the claimed expenditures for the GEMT services are eligible for FFP and that the costs were allocated to the appropriate cost objective according to the cost allocation plan.

(iii) Provide evidence, specified by the agency, supporting the certification.

(iv) Submit data, specified by the agency, determining the appropriate amounts to claim as expenditures qualifying for FFP.

AMENDATORY SECTION (Amending WSR 19-08-058, filed 3/29/19, effective 5/1/19)

WAC 182-546-0525 GEMT claim submission and cost reporting. (1) Each participating provider is responsible for submitting claims to the agency for services provided to eligible clients. Participating providers must submit the claims according to the rules and billing instructions in effect at the time the service is provided.

(2) On an annual basis, participating providers must certify and allocate their direct and indirect costs as qualifying expenditures eligible for FFP.

(3) The claimed costs must be necessary to carry out GEMT.

(4) Participating providers must complete cost reporting according to the Centers for Medicare and Medicaid Services (CMS)-approved cost identification principles and standards such as the most current editions of the CMS *Provider Reimbursement Manual* and the United States Office of Management and Budget Circular (OMB) Circular A-87.

(5) Participating providers must completely and accurately document the CMS-approved cost report as required under OMB Circular A-87 Attachment A.

(6) Participating providers must allocate direct and indirect costs to the appropriate cost objectives as indicated in the cost report instructions.

(7) Reported personnel costs including wages, salaries, and fringe benefits must be exclusively attributable to ground emergency ambulance services provided. Services do not include fire suppression.

(8) Revenues received directly, such as foundation grants and money from private fund-raising, are not eligible for certification because such revenues are not expenditures of a government entity.

(9) The sum of a participating provider's allowable direct and indirect costs are divided by the number of ground emergency medical transports to determine a participating provider's average cost per qualifying transport.

(10) Participating providers must complete an annual cost report documenting the participating provider's total CMS-approved, ~~((medicaid allowable,))~~ direct and indirect costs of delivering medicaid-covered services using a CMS-approved cost-allocation methodology. Participating providers must:

(a) Submit the cost report within five months after the close of the service period.

(b) Request an extension to the cost report deadline in writing to the agency, if needed. The agency will review requests for an extension on a case-by-case basis.

(c) Provide additional documentation justifying the information in the cost report, upon request by the agency.

(d) Assure the agency receives the cost report or additional documentation according to WAC 182-502-0020.

(i) Participating providers must comply with WAC 182-502-0020 to receive the supplemental payment under this program.

(ii) The agency pays the claims for the following service period according to the agency's current ambulance fee schedule.

(11) The costs associated with releasing a client on the scene without transportation by ambulance to a medical facility are eligible for FFP and are eligible expenditures.

(12) Other expenses associated with the prehospital care are eligible costs associated with GEMT.

(13) Expenditures are not eligible costs until the services are provided.

AMENDATORY SECTION (Amending WSR 19-08-058, filed 3/29/19, effective 5/1/19)

WAC 182-546-0545 GEMT auditing. (1) ~~((Participating providers must follow the terms and conditions outlined in the agency's core provider agreement.~~

~~(2))~~ The agency may conduct audit or investigation activities, as described under chapters 74.09 RCW and 182-502A WAC, to determine compliance with the rules and regulations of the core provider agreement, as well as of the GEMT program.

~~((3))~~ (2) If an audit or investigation is initiated, the participating provider must retain all original records and supporting documentation until the audit or investigation is completed and all issues are resolved, even if the period of retention extends beyond the required six-year period required under WAC 182-502-0020.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-0600 Ambulance transportation—Procedure code modifiers. When billing the medicaid agency for ambulance trips, ambulance providers must use procedure code modifiers ~~((published by MAA when billing MAA for ambulance trips. The appropriate modifiers must be used for all services related to the same trip for the same client)).~~

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-0700 Ambulance transportation—Air ambulance—Payment ~~((limitations for air ambulance services)).~~ (1) ~~((MAA))~~ The medicaid agency pays for air ambulance ~~((services only when all of the following apply:~~

~~(a) The necessary medical treatment is not available locally or the client's point of pick up is not accessible by ground ambulance;~~

(b) The vehicle and crew meet the provider requirements in WAC 388-546-0300 and 388-546-0800;

(c) The client's destination is an acute care hospital; and

(d) The client's physical/medical condition requires immediate and rapid ambulance transportation that cannot be provided by ground ambulance; or

(e) The client's physical or medical condition is such that traveling on a commercial flight is not safe.

(2) MAA pays providers for one lift-off fee per client, per trip.

(3) Air mileage is based on loaded miles flown, as expressed in statute miles.

(4) Except as provided in WAC 388-546-0800(6), MAA pays for extra air mileage with sufficient justification. The reason for the added mileage must be documented in the client's record and the ambulance trip report. Acceptable reasons include, but are not limited to:

(a) Having to avoid a "no fly zone"; or

(b) Being forced to land at an alternate destination due to severe weather.

(5) MAA pays a lift-off fee for each client when two or more clients are transported on a single air ambulance trip. In such a case, the provider must divide equally the total air mileage by the number of clients transported and bill MAA for the mileage portion attributable to each eligible client.

(6) If a client's transportation requires use of more than one ambulance to complete the trip to the hospital or other approved facility, MAA limits its payment as follows:

(a) If air ambulance is used and the trip involves more than one lift-off, MAA pays only one lift-off fee per client and the total of air miles. If an air ambulance transport for the same client involves both rotary and fixed-wing aircraft, the lift-off fee and mileage payment will be based on the mode of air transport used for the greater distance traveled.

(b) If both air and ground ambulances are used, MAA pays one lift-off fee and total air miles to the air ambulance provider, and the applicable base rate and ground mileage to each ground ambulance provider involved in the trip, except when ground ambulance fees are included in the negotiated trip payment as provided in WAC 388-546-0800(6).

(7) MAA does not pay separately for individual services or an extra attendant for air ambulance transportation. MAA's lift-off fee and mileage payment includes all personnel, services, supplies, and equipment related to the transport.

(8) MAA does not pay private organizations for volunteer medical air ambulance transportation services, unless the organization has MAA's prior authorization for the transportation services and fees. If authorized, MAA's payment is based on the actual cost to provide the service or at MAA's established rates, whichever is lower. MAA does not pay separately for items or services that MAA includes in the established rate(s).

(9) If MAA determines, upon review, that an air ambulance trip was not:

(a) Medically necessary, MAA may deny or recoup its payment and/or limit payment based on MAA's established rate for a ground ambulance trip provided ground ambulance transportation was medically necessary; or

(b) To the nearest available and appropriate hospital, MAA may deny or recoup its payment and/or limit its maxi-

mum payment for the trip based on the nearest available and appropriate facility.

(10) Providers must have prior authorization from MAA for any nonemergency air transportation, whether by air ambulance or other mode of air transportation. Nonemergency air transportation includes scheduled transports to or from out-of-state treatment facilities.

(11) MAA uses commercial airline companies (i.e., MAA does not authorize air ambulance transports) whenever the client's medical condition permits the client to be transported by nonmedical and/or scheduled carriers.

(12) MAA does not pay for air ambulance services if no transportation is provided.) transportation for clients only when all of the following conditions are met:

(a) The client's medical condition requires immediate and rapid transportation beyond what ground ambulance can provide;

(b) The client's destination is an acute care hospital or appropriate trauma designated facility; and

(c) The vehicle and crew meet the requirements in WAC 182-502-0016 and this chapter.

(2) Other factors the agency may consider in payment decisions for air ambulance include:

(a) The point-of-pickup is not accessible by ground ambulance (e.g., mountain rescue);

(b) The necessary medical care is not available locally and time is of the essence; and

(c) The use of other means of air travel (e.g., commercial flight) is medically contraindicated.

(3) **Lift-off fee.** The agency pays a lift-off fee for each client being transported by air ambulance to an acute care facility for medical treatment.

(a) When more than one client is transported in the same ambulance at the same time, each client must meet medical necessity criteria for the provider to receive a lift-off fee for each client transported.

(b) The agency does not pay a lift-off fee:

(i) For a client onboard an air ambulance when the client is not being transported for medical treatment (e.g., a mother accompanying a child to the hospital).

(ii) When the air ambulance is dispatched in response to a call but the client is not transported by the aircraft.

(4) **Statute miles.** The agency pays an air ambulance provider for statute miles incurred for covered trips by paying from the client's point-of-pickup to the point of destination.

(a) When more than one client requiring medical treatment is transported in the same air ambulance at the same time, the ambulance provider must divide the statute miles traveled by the number of clients being transported for medical treatment and bill the agency the mileage portion attributable to each client.

(b) The agency does not pay for mileage for a client who is traveling in an air ambulance but is not being transported for medical treatment (e.g., a mother accompanying a child to the hospital). Only the statute miles directly associated with the client transported for treatment may be billed to the agency.

(5) **Extra mileage.** The agency does not pay for extra mileage incurred during an air ambulance transport, except in an unusual circumstance. The unusual circumstance must be

clearly described and documented in the ambulance trip report and the client's file. The exception for an unusual circumstance does not apply to nonemergency air transports that are prior authorized by the agency. Unusual circumstances for incurring additional air miles include, but are not limited to:

(a) Having to avoid a no fly zone;
 (b) Being forced to land at an alternate destination due to severe weather; and

(c) Being diverted to another designated trauma facility.

(6) **Lift-off fee plus mileage.** The agency's payment for an air ambulance transport (lift-off fee plus mileage) includes all necessary personnel, services, supplies, and equipment. The agency does not make separate payment to air ambulance providers for unbundled services (e.g., pediatric ventilators).

(7) **More than one travel segment.** When an ambulance transport requires more than one travel segment (leg) to complete, the agency limits its payment for the transport as follows:

(a) If a fixed-wing aircraft is used and the transport involves more than one lift-off for the same client on the same trip (e.g., transportation from Spokane to Portland, but the aircraft makes a stop in the Tri-Cities), the agency pays the air ambulance provider for one lift-off fee for the client and the total air miles.

(b) For nonemergency air ambulance transports that are prior authorized by the agency, the negotiated rate includes both air and ground ambulance services, unless the agency's authorization letter specifically allows for ground ambulance services to be billed separately.

(8) **Nonemergency air transportation - Prior authorization and negotiated rate.** Nonemergency air ambulance transportation must be prior authorized by the agency.

(a) Nonemergency air ambulance transportation includes scheduled transports to or from out-of-state treatment facilities (see WAC 182-546-1500).

(b) Nonemergency air ambulance transportation that is prior authorized by the agency are paid a negotiated rate. The negotiated rate is an all-inclusive rate and may include transportation for a legally responsible family member or legal guardian accompanying the client being transported for medical treatment.

(9) The agency does not pay:

(a) For food, lodging, and other expenses of air ambulance personnel when a scheduled transport is delayed because of changes in the medical status of the client to be transported, weather conditions, or other factors;

(b) For fuel, maintenance and other aircraft-related expenses resulting from transportation delays because of changes in the medical status of the client to be transported, weather conditions, or other factors;

(c) Separately for ground ambulance services to and from airports and treatment facilities when these transportation services are specifically included in the negotiated air ambulance rate; and

(d) For canceled air ambulance transports, for any reason.

(10) The agency does not pay private organizations for volunteer medical air ambulance transportation services unless no other air ambulance option is available. The use of

private, volunteer air transportation must be prior authorized by the agency to be payable. If authorized by the agency, the agency's payment for the transport is the lesser of:

(a) The provider's actual incurred and documented cost (e.g., fuel); or

(b) The agency's established rate (fee schedule).

(11) If the agency determines, upon review, that an air ambulance transport was not:

(a) Medically necessary, the agency may deny, recoup, or limit its payment to the amount the agency would have paid to a ground ambulance provider for the same distance traveled; or

(b) To the closest, most appropriate agency-contracted hospital, the agency may deny, recoup, or limit its payment to the maximum amount it would have paid an air ambulance provider for a transport to the nearest, most appropriate agency-contracted facility.

(12) The agency uses commercial airline companies whenever the client's medical condition permits the client to be transported safely by nonmedical or scheduled carriers.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-0800 Ambulance transportation—Provided in another state or U.S. territory—Payment ((for ambulance services provided in another state or U.S. territory)). (1) The ((department)) medicaid agency pays for emergency ambulance transportation provided to ((eligible Washington state fee-for-service medical assistance)) clients who are in another state or U.S. territory ((when the emergency medical situation occurs)) according to the provisions of WAC ((388-501-0180, 388-501-0182, and 388-502-0120)) 182-501-0180, 182-501-0182, and 182-502-0120.

(2) To receive payment from the ((department)) agency, an out-of-state ambulance provider must:

(a) Meet the licensing requirements for Washington state and of the ambulance provider's home state or province; ((and))

(b) Have ((a signed)) an approved core provider agreement with the ((department)) agency.

(3) The ((department)) agency pays for emergency ambulance transportation provided out-of-state for ((an)) eligible ((Washington state medical assistance client under fee-for-service)) clients when the transport is:

(a) Within the scope of the client's medical care program;

(b) Medically necessary as defined in WAC ((388-500-0005)) 182-500-0070; and

(c) To the ((nearest)) closest, most appropriate treatment facility.

(4) The ((department)) agency does not pay for an ambulance transport provided in another state for a ((fee-for-service Washington state medical assistance)) client when:

(a) The client's medical eligibility program covers ((medical)) health care services within Washington state ((and/or)) or designated bordering cities only. See WAC ((388-546-0150 and 388-546-0200(5))) 182-546-0150 and 182-546-0200(5);

(b) The ~~((ambulance))~~ transport was ~~((nonemergency))~~ nonemergency and was not prior authorized by the ~~((department))~~ agency.

(5) The ~~((department))~~ agency pays for emergency ambulance transportation at the lower of:

- (a) The provider's billed amount; or
- (b) The rate established by the ~~((department))~~ agency.

~~(6) ((To receive payment from the department for a nonemergency transport, an ambulance provider, who transports a Washington state medical assistance client to a facility that is out of state or brings a client into the state from a location that is out of state, must obtain prior authorization from the department.~~

~~(7) The department pays a negotiated rate for a medically necessary nonemergency interstate ambulance transport that the department has prior authorized. The ambulance provider is responsible for ensuring that all medical services necessary for the client's safety during the transport are available on-board the vehicle or aircraft. The contractual amount for a nonemergency air ambulance transport may include:~~

~~(a) The cost of medically necessary ground ambulance transport from the discharging facility to the point of pickup (airstrip); and~~

~~(b) The cost of medically necessary ground ambulance transport from the landing point (airstrip) to the receiving facility.~~

~~(8) The department does not pay to transport clients under the Involuntary Treatment Act (ITA) program to or from locations outside the state of Washington. For ITA purposes, transports to or from designated bordering cities are not covered. See WAC 388-546-4000.~~

~~(9) The department requires out-of-state ground ambulance providers who transport a Washington state medical assistance client into, within, or outside the state of Washington, to comply with RCW 18.73.180 regarding stretcher transportation.) The agency does not pay for nonemergency (ground or air ambulance) transportation outside the state of Washington (i.e., both origin and destination points are outside the state's borders).~~

(7) An ambulance provider who transports a client to a facility outside the state (excluding designated bordering cities) or brings a client into the state from a location outside the state (excluding designated border cities) must obtain prior authorization from the agency for a nonemergency transport in order to be paid. See WAC 182-546-4000 for transports under the ITA.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-0900 Ambulance ((coverage in Canada, Mexico, and other countries)) transportation—Provided outside the United States and U.S. territories—Payment. The ~~((department))~~ medicaid agency does not ~~((cover))~~ pay for ambulance transportation for eligible ~~((medical assistance))~~ clients traveling outside of the United States and U.S. territories. See WAC ~~((388-501-0184))~~ 182-501-0184 for ambulance coverage in British Columbia, Canada.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-1000 ((Coverage for nonemergency ground)) Ambulance transportation—Nonemergency ground—Payment. ~~((1) The medical assistance administration (MAA) pays for nonemergency ground ambulance transportation at the BLS ambulance level of service under the following conditions:~~

~~(a) The client is bed-confined and must be transported by stretcher or gurney (in the prone or supine position) for medical or safety reasons. Justification for stretcher or gurney must be documented in the client's record; or~~

~~(b) The client's medical condition requires that he or she have basic ambulance level medical attention available during transportation, regardless of bed confinement.~~

~~(2) MAA requires ambulance providers to thoroughly document the circumstances requiring nonemergency ground ambulance transportation as follows:~~

~~(a) For nonemergency, scheduled ambulance services that are repetitive in nature, the ambulance provider must obtain a written physician certification statement (PCS) from the client's attending physician certifying that the ambulance services are medically necessary. The PCS must specify the expected duration of treatment or span of dates during which the client requires repetitive nonemergency ambulance services. The PCS must be dated no earlier than sixty days before the first date of service. A PCS for repetitive, non-emergency ambulance services is valid for sixty days as long as the client's medical condition does not improve. Kidney dialysis clients may receive nonemergency ground ambulance transportation to and from outpatient kidney dialysis services for up to three months per authorization span.~~

~~(b) For nonemergency ambulance services that are either unscheduled or scheduled on a nonrepetitive basis, the ambulance provider must obtain from the client's attending physician a signed PCS within forty-eight hours after the transport. The PCS must certify that the ambulance services are medically necessary.~~

~~(c) If the ambulance provider is not able to obtain a signed PCS from the attending physician, a signed certificate of medical necessity form must be obtained from a qualified provider who is employed by the client's attending physician or by the hospital or facility where the client is being treated and who has personal knowledge of the client's medical condition at the time the ambulance service was furnished. In lieu of the attending physician, one of the following may sign the certification form: a physician assistant, a nurse practitioner, a registered nurse, a clinical nurse specialist, or a hospital discharge planner. The signed certificate must be obtained from the alternate provider no later than twenty-one calendar days from the date of service.~~

~~(d) If, after twenty-one days, the ambulance provider is unable to obtain the signed PCS from the attending physician or alternate provider for nonemergency ambulance services that are either unscheduled or scheduled on a nonrepetitive basis, the ambulance provider may submit a claim to MAA, as long as the provider is able to show acceptable documentation of the attempts to obtain the PCS.~~

~~(e) In addition to the signed certification statement of medical necessity, all other program criteria must be met in order for MAA to pay for the service.~~

~~(3) Ground ambulance providers may choose to enter into contracts with MAA's transportation brokers to provide nonemergency transportation at a negotiated payment rate. Any such subcontracted rate may not exceed the costs MAA would incur under subsection (1) of this section. (1) The medicaid agency pays for nonemergency ground ambulance transportation when a client is transferred to a higher level facility, or when all of the following requirements are met:~~

~~(a) The ambulance transportation is medically necessary. See subsection (3) of this section for documentation requirements.~~

~~(b) The agency pays for nonemergency ground ambulance transportation with a completed PCS or NPCS form.~~

~~(i) All requests for nonemergency transports must be directed to the client's primary or attending physician or health care team who will complete the physician certification statement (PCS) form or nonphysician certification statement (NPCS) form. See subsection (3) of this section. The PCS/NPCS form or medical documentation must be maintained in the client's file.~~

~~(ii) In the event that the provider is unable to obtain the PCS or NPCS, the provider must maintain evidence of the attempts to obtain the PCS or NPCS in the client's file.~~

~~(2) The agency pays for nonemergency ground ambulance transportation at the BLS ambulance level of service under the following conditions:~~

~~(a) The client is bed-confined and must be transported by stretcher or gurney (in the prone or supine position) for medical or safety reasons. Justification for stretcher or gurney must be documented in the client's record; or~~

~~(b) The client's medical condition requires that they have basic ambulance level medical attention available during transportation, regardless of bed confinement.~~

~~(3) For nonemergency ambulance services from a psychiatric unit within a hospital to a behavioral health facility, the ambulance provider must obtain a licensed mental health professional (LMHP) (e.g., psychiatrist, MSW) signed PCS or NPCS within forty-eight hours after the transport.~~

~~(4) The agency covers medically necessary nonemergency ambulance services that are either unscheduled or that are scheduled on a nonrepetitive basis under the following circumstances:~~

~~(a) From any point of origin to the nearest hospital with the ability to provide the type and level of care necessary for the client's illness or injury.~~

~~(b) From a hospital to the client's home when the place of residence is a residential care facility, the client must be transported by stretcher in a prone or supine position, the client is morbidly obese, or medical attention/monitoring is required in transit.~~

~~(c) For a bed-confined client who is receiving renal dialysis for treatment of end stage renal disease (ESRD), from the place of origin to the nearest facility with the ability to provide renal dialysis, including the return trip.~~

~~(5) The agency requires ambulance providers to thoroughly document the medical necessity for use of nonemergency ground ambulance transportation as follows:~~

(a) For scheduled, nonemergency ambulance services that are repetitive in nature, the ambulance provider must obtain a signed PCS from the client's attending physician or other designated medical professional certifying that the ambulance services are medically necessary. The PCS must specify the place of origin, destination, and the expected duration of treatment or span of dates during which the client requires repetitive nonemergency ambulance services.

(b) A PCS for repetitive, nonemergency ambulance services (e.g., wound treatment center) is valid for sixty calendar days as long as the agency's medical necessity requirement for use of ambulance transportation is met. A new PCS is required every thirty calendar days after the initial sixty-day period for a client using repetitive, nonemergency ambulance services. Kidney dialysis clients may receive nonemergency ground ambulance transportation to and from outpatient kidney dialysis services for up to three months per authorization span.

(c) For unscheduled, nonrepetitive, nonemergency ambulance services, the ambulance provider must obtain a signed PCS or NPCS within forty-eight hours after the transport. The PCS or NPCS must specify the place of origin and destination and certify that the ambulance services are medically necessary. If the provider is unable to obtain the signed PCS or NPCS within twenty-one calendar days following the date of transport from the attending physician or alternate provider, the provider must submit a claim to the agency. The provider must be able to show acceptable documentation of the attempts to obtain the PCS or NPCS.

(d) For an unscheduled, nonrepetitive, nonemergency ambulance service, if the ambulance provider is not able to obtain a signed PCS from the attending physician, a signed nonphysician certification statement (NPCS) form must be obtained from a qualified provider who is employed by the client's attending physician or by the hospital or facility where the client is being treated and who has knowledge of the client's medical condition at the time the ambulance service was furnished. One of the following members of the client's health care team may sign the certification form:

(i) A physician assistant;

(ii) A nurse practitioner;

(iii) A registered nurse;

(iv) A clinical nurse specialist;

(v) A hospital discharge planner;

(vi) A licensed practical nurse;

(vii) A social worker; or

(viii) A case manager.

(e) A copy of the signed PCS or NPCS must accompany the claim submitted to the agency.

(f) In addition to the signed PCS or NPCS, all other program criteria must be met in order for the agency to pay for the service.

(g) A signed PCS or NPCS must be attached to the claim submission for the following conditions:

(i) Altered mental status (i.e., alzheimer, dementia, acute psychosis, and suicide ideation - Not services that fall under the Involuntary Treatment Act;

(ii) Bariatric;

(iii) Bedbound (not able to stand or bear weight unassisted);

- (iv) Continuous cardiac monitoring;
- (v) Quadriplegic;
- (vi) Requires a ventilator;
- (vii) Requires continuous oxygen usage in transit; and
- (viii) Tracheostomy (needed for prolonged respiratory support).

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-1500 (~~Coverage for~~) Ambulance transportation—Nonemergency air (~~ambulance transportation~~)—Payment. (1) The (~~medical assistance administration (MAA)~~) medicaid agency pays for a nonemergency air ambulance transport only when the transport is prior authorized by (~~MAA~~) the agency.

(2) (~~MAA~~) The agency authorizes a nonemergency air ambulance transport only when the following conditions are met:

- (a) The client's destination is an acute care hospital or approved rehabilitation facility; and
- (b) The client's physical or medical condition is such that travel by any other means endangers the client's health; or
- (c) Air ambulance is less costly than ground ambulance under the circumstances.

(3) (~~MAA~~) The agency requires providers to thoroughly document the circumstances requiring a nonemergency air ambulance transport. The medical necessity justification and all supporting documentation must be (~~submitted to MAA prior to transport and must be documented in the client's medical record and ambulance trip report. Documentation must include adequate descriptions of the severity and complexity of the client's condition at the time of transportation~~) received, evaluated, and approved by the agency before the air ambulance transport takes place.

(4) The agency pays a negotiated rate for a medically necessary nonemergency interstate air ambulance transportation that the agency has prior authorized. The air ambulance provider is responsible for ensuring that all medical services necessary for the client's health and safety during the transport are available on board the vehicle or aircraft.

(5) Unless otherwise specified in the agency's authorization letter, the contractual amount for a nonemergency air ambulance transport includes:

(a) The cost of medically necessary ground transportation from the discharge facility to the point-of-pickup (air-strip); and

(b) The cost of medically necessary ground ambulance transportation from the landing point (airstrip) to the receiving facility.

(6) Payment for nonemergency air ambulance transportation clients may not exceed published fee schedule amounts, except when the agency expressly allows payment of a negotiated rate for a prior authorized nonemergency transport.

(7) Billing documentation must include a copy of the agency's authorization letter, adequate descriptions of the severity and complexity of the transport, and the medical interventions provided in transit.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-2500 Ambulance transportation to (~~or from~~) out-of-state treatment facilities—Coordination of benefits. (1) The (~~medical assistance administration (MAA)~~) medicaid agency does not pay for a client's ambulance transportation to (~~or from~~) an out-of-state treatment facility when the medical service, treatment, or procedure sought by the client is available from an in-state facility or in a designated bordering city, whether or not the client has other insurance coverage.

(2) For clients who are otherwise eligible for out-of-state coverage under WAC (~~(388-546-0150)~~) 182-546-0150, but have other third-party insurance, (~~(MAA does)~~) the agency may not pay for transportation to or from out-of-state treatment facilities when the client's primary insurance:

(a) Denies the client's request for medical services out-of-state (~~for lack of medical necessity; or~~) as not medically necessary;

(b) Denies the client's request for transportation (~~for lack of medical necessity~~) as not medically necessary; or

(c) Denies the client's requested mode of transportation as not medically necessary.

(3) For clients who are otherwise eligible for out-of-state coverage under WAC (~~(388-546-0150)~~) 182-546-0150, but have other third-party insurance, (~~MAA~~) the agency does not consider requests for transportation to or from out-of-state treatment facilities unless the client has (~~tried all of the following:~~

(a)) requested coverage of the benefit from (~~his/her~~) their primary insurer and been denied(;

(b) ~~Appealed the denial of coverage by the primary insurer; and~~

(c) ~~Exhausted his/her administrative remedies through the primary insurer).~~

(4) If (~~MAA~~) the agency authorizes transportation to or from an out-of-state treatment facility for a client with other third-party insurance, (~~MAA's~~) the agency's liability is limited to the cost of the least costly means of transportation that does not jeopardize the client's health, as determined by (~~MAA~~) the agency in consultation with the client's referring physician.

(5) For clients eligible for out-of-state coverage but have other third-party insurance, (~~MAA~~) the agency considers requests for transportation to or from out-of-state treatment facilities under the provisions of WAC (~~(388-501-0165)~~) 182-501-0165.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-546-3000 Ambulance transportation—Transporting qualified trauma cases. The (~~department~~) medicaid agency does not pay ambulance providers who meet department of health (DOH) criteria for participation in the statewide trauma network an additional amount for transports involving qualified trauma cases described in WAC (~~(388-550-5450)~~) 182-550-5450. Subject to the availability of trauma care fund (TCF) monies allocated for such purpose, the (~~department~~) agency may make supplemental payments

to these ambulance providers, also known as verified prehospital providers.

NEW SECTION

WAC 182-546-4100 Ambulance transportation—Behavioral health treatment—General. The medicaid agency pays for medically necessary ambulance transportation to and from a covered behavioral health service (see WAC 182-546-4300) subject to the conditions and limitations within this chapter. For purposes of Involuntary Treatment Act (ITA) and voluntary behavioral health services:

(1) The agency pays for transportation services for people involuntarily detained for behavioral health services when they have been assessed by a DCR and found to be one of the following:

- (a) A danger to self;
- (b) A danger to others;
- (c) At substantial risk of inflicting physical harm upon the property of others; or
- (d) Gravely disabled as a result of their behavioral health condition.

(2) The agency pays for ambulance transportation to take a client to and from an inpatient facility for behavioral health admission under the ITA.

(3) The agency pays for ambulance transportation services to take a client to the hospital for a voluntary inpatient behavioral health stay when medically necessary.

(4) The DCR authorizes the treatment destination based on the client's legal status.

NEW SECTION

WAC 182-546-4200 Ambulance transportation—Behavioral health treatment—Coverage. (1) To be considered an Involuntary Treatment Act (ITA) transport, a client's involuntary status must have resulted from:

(a) A petition for initial detention filed by a DCR (seventy-two hour hold); and

(b) Continued hospitalization (fourteen-day, ninety-day, or one hundred eighty-day holds) under order of the superior court in a community hospital (not for clients residing in western or eastern state hospitals); or

(c) A petition for revocation of a conditional release or less restrictive treatment agreement.

(2) ITA transportation for a client is covered:

(a) From:

(i) The site of initial detention;

(ii) A court competency hearing;

(iii) A local emergency room department;

(iv) An evaluation and treatment facility;

(v) A state hospital; and

(vi) A secured detoxification facility or crisis response center.

(b) To:

(i) A state hospital;

(ii) A less restrictive alternative setting (except home);

(iii) A court competency hearing;

(iv) A local emergency room department;

(v) An evaluation and treatment facility; and

(vi) A secured detoxification facility or crisis response center.

(c) When provided by an ambulance transportation provider or law enforcement.

(d) When transported to the closest and most appropriate destination or a place designated by the DCR and/or courts. The reason for a diversion to a more distant facility must be clearly documented in the client's file.

(3) **Children's long-term inpatient program (CLIP)** - Transportation provided to a children's long-term inpatient program (CLIP) facility is considered a form of non-emergency medical transportation and requires a physician certification statement (PCS) or nonphysician certification statement (NPCS).

(4) **Parent initiated treatment (PIT)** - Use of non-emergency ambulance transportation to an inpatient psychiatric facility for voluntary inpatient admission must be medically necessary at the time of transport. The agency requires a PCS or NPCS signed by a psychiatric registered nurse, psychiatric advanced registered nurse practitioner (ARNP), or psychiatric physician's assistant (PA). The PCS or NPCS form documents the client's medical condition at the time of the transport.

(5) **Persons without apple health or other coverage** - If the person does not have apple health or any third-party health insurance, and the person or the person's family cannot pay for transportation related to services in RCW 71.05.150 through 71.05.310 and 71.05.340:

(a) The ambulance provider may submit a claim to the agency for that person; and

(b) The claim must be accompanied by back-up documentation consistent with Washington superior court mental proceeding Rule 2.2 and show that the transport occurred within three days of the person's detention.

NEW SECTION

WAC 182-546-4300 Ambulance transportation—Behavioral health treatment—Reimbursement. (1) The agency, as payer of last resort, pays the transportation costs for clients that a Washington designated crisis responder (DCR) detains under the ITA on a seventy-two hour initial detention or five-day revocation hold until the client is discharged from the evaluation and treatment facility or admitted to a state-managed inpatient facility.

(2) The agency pays only when it determines that the involuntarily detained client:

(a) Does not have any other third-party liability (TPL) payment source; and

(b) When requiring the client to pay would result in a substantial hardship upon the client or the client's family. Refer to WAC 182-502-0160.

(3) The DCR must complete and sign a copy of the agency's authorization of Secure Ambulance Transportation Services to/from Behavioral Health Services form (HCA 42-0003) and must keep it in the client's file.

(4) The agency establishes payment for behavioral health related transportation services when the transportation provider complies with the agency's requirements for drivers, driver training, vehicle and equipment standards and mainte-

nance. Providers must clearly identify ITA transportation on the claim when billing the agency.

(5) The agency does not pay for transportation costs to or from out-of-state or bordering cities for clients under the ITA program under any circumstance.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 182-546-0001	Definitions.
WAC 182-546-0505	GEMT definitions.
WAC 182-546-4000	Transportation coverage under the Involuntary Treatment Act (ITA).
WAC 182-546-4600	Ambulance transportation—Involuntary substance use disorder treatment—Ricky Garcia Act.

WSR 20-10-010

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed April 24, 2020, 10:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-05-090.

Title of Rule and Other Identifying Information: WAC 182-501-0165 Medical and dental coverage—Fee-for-service (FFS) prior authorization—Determination process for payment.

Hearing Location(s): On June 9, 2020, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than June 10, 2020.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by June 9, 2020.

Assistance for Persons with Disabilities: Contact Amber Loughheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.loughheed@hca.wa.gov, by May 29, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is updating this rule to further implement full integration of behavioral health in HCA's medicaid program by replacing the term "mental health" with "behavioral health." This change will ensure clarity that clients receiving behavioral health services under HCA's medicaid fee-for-service program receive appropriate notices and opportunities for hearings based on adverse benefit decisions resulting from prior authorization.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1408; Implementation and Enforcement: Josh Morse, P.O. Box 42712, Olympia, WA 98504-2712, 360-725-0839.

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

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

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

April 24, 2020

Wendy Barcus

Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-15-053, filed 7/9/15, effective 8/9/15)

WAC 182-501-0165 Medical and dental coverage—Fee-for-service (FFS) prior authorization—Determination process for payment. (1) This section applies to fee-for-service (FFS) requests for medical or dental services and medical equipment that:

(a) Are identified as covered services or early and periodic screening, diagnosis, and treatment services; and

(b) Require prior authorization by the medicaid agency.

(2) The following definitions and those found in chapter 182-500 WAC apply to this section:

"Controlled studies" - Studies in which defined groups are compared with each other to reduce bias.

"Credible evidence" - Type I-IV evidence or evidence-based information from any of the following sources:

- Clinical guidelines
- Government sources
- Independent medical evaluation (IME)
- Independent review organization (IRO)
- Independent technology assessment organizations
- Medical and hospital associations
- Policies of other health plans
- Regulating agencies (for example, the Federal Drug Administration or Department of Health)

- Treating provider
- Treatment pathways

"Evidence-based" - The ordered and explicit use of the best evidence available (see "hierarchy of evidence" in subsection (6)(a) of this section) when making health care decisions.

"Health outcome" - Changes in health status (mortality and morbidity) which result from the provision of health care services.

"Institutional review board (IRB)" - A board or committee responsible for reviewing research protocols and determining whether:

- (1) The rights and welfare of human subjects are adequately protected;
- (2) The risks to people are minimized and are not unreasonable;
- (3) The risks to people are outweighed by the potential benefit to them or by the knowledge to be gained; and
- (4) The proposed study design and methods are adequate and appropriate in the light of stated study objectives.

"Independent review organization (IRO)" - A panel of medical and benefit experts intended to provide unbiased, independent, clinical, evidence-based reviews of adverse decisions.

"Independent medical evaluation (IME)" - An objective medical examination of the client to establish the medical facts.

"Provider" - The person who is responsible for diagnosing, prescribing, and providing medical, dental, or (~~men-~~~~tal~~) behavioral health services to agency clients.

(3) The agency authorizes, on a case-by-case basis, requests described in subsection (1) of this section when the agency determines the service or equipment is medically necessary as defined in WAC 182-500-070. The process the agency uses to assess medical necessity is based on:

- (a) The evaluation of submitted and obtainable medical, dental, or (~~mental~~) behavioral health evidence as described in subsections (4) and (5) of this section; and
- (b) The application of the evidence-based rating process described in subsection (6) of this section.

(4) The agency reviews available evidence relevant to a medical, dental, or (~~mental~~) behavioral health service or equipment to:

- (a) Determine its efficacy, effectiveness, and safety;
- (b) Determine its impact on health outcomes;
- (c) Identify indications for use;
- (d) Evaluate pertinent client information;
- (e) Compare to alternative technologies; and
- (f) Identify sources of credible evidence that use and report evidence-based information.

(5) The agency considers and evaluates all available clinical information and credible evidence relevant to the client's condition. The provider responsible for the client's diagnosis, or treatment, or both, must submit with the request credible evidence specifically related to the client's condition including, but not limited to:

- (a) A physiological description of the client's disease, injury, impairment, or other ailment;
- (b) Pertinent laboratory findings;
- (c) Pertinent X-ray and/or imaging reports;
- (d) Individual patient records pertinent to the case or request;
- (e) Photographs, or videos, or both, if requested; and
- (f) Objective medical/dental/(~~mental~~) behavioral health information such as medically/dentally acceptable clinical findings and diagnoses resulting from physical or (~~mental~~) behavioral health examinations.

(6) The agency uses the following processes to determine whether a requested service described in subsection (1) is medically necessary:

(a) **Hierarchy of evidence - How defined.** The agency uses a hierarchy of evidence to determine the weight given to available data. The weight of medical evidence depends on objective indicators of its validity and reliability including the nature and source of the evidence, the empirical characteristics of the studies or trials upon which the evidence is based, and the consistency of the outcome with comparable studies. The hierarchy (in descending order with Type I given the greatest weight) is:

- (i) Type I: Meta-analysis done with multiple, well-designed controlled studies;
- (ii) Type II: One or more well-designed experimental studies;
- (iii) Type III: Well-designed, quasi-experimental studies such as nonrandomized controlled, single group pre-post, cohort, time series, or matched case-controlled studies;
- (iv) Type IV: Well-designed, nonexperimental studies, such as comparative and correlation descriptive, and case studies (uncontrolled); and
- (v) Type V: Credible evidence submitted by the provider.

(b) **Hierarchy of evidence - How classified.** Based on the quality of available evidence, the agency determines if the requested service is effective and safe for the client by classifying it as an "A," "B," "C," or "D" level of evidence:

(i) **"A" level evidence:** Shows the requested service or equipment is a proven benefit to the client's condition by strong scientific literature and well-designed clinical trials such as Type I evidence or multiple Type II evidence or combinations of Type II, III or IV evidence with consistent results (An "A" rating cannot be based on Type III or Type IV evidence alone).

(ii) **"B" level evidence:** Shows the requested service or equipment has some proven benefit supported by:

(A) Multiple Type II or III evidence or combinations of Type II, III or IV evidence with generally consistent findings of effectiveness and safety (A "B" rating cannot be based on Type IV evidence alone); or

(B) Singular Type II, III, or IV evidence in combination with agency-recognized:

- (I) Clinical guidelines;
- (II) Treatment pathways; or
- (III) Other guidelines that use the hierarchy of evidence in establishing the rationale for existing standards.

(iii) **"C" level evidence:** Shows only weak and inconclusive evidence regarding safety, or efficacy, or both. For example:

(A) Type II, III, or IV evidence with inconsistent findings; or

(B) Only Type V evidence is available.

(iv) **"D" level evidence:** Is not supported by any evidence regarding its safety and efficacy, for example that which is considered investigational or experimental.

(c) **Hierarchy of evidence - How applied.** After classifying the available evidence, the agency:

- (i) Approves "A" and "B" rated requests if the service or equipment:

(A) Does not place the client at a greater risk of mortality or morbidity than an equally effective alternative treatment; and

(B) Is not more costly than an equally effective alternative treatment.

(ii) Approves a "C" rated request only if the provider shows the requested service is the optimal intervention for meeting the client's specific condition or treatment needs, and:

(A) Does not place the client at a greater risk of mortality or morbidity than an equally effective alternative treatment;

(B) Is less costly to the agency than an equally effective alternative treatment; and

(C) Is the next reasonable step for the client in a well-documented tried-and-failed attempt at evidence-based care.

(iii) Denies "D" rated requests unless:

(A) The requested service or equipment has a humanitarian device exemption from the Food and Drug Administration (FDA); or

(B) There is a local institutional review board (IRB) protocol addressing issues of efficacy and safety of the requested service that satisfies both the agency and the requesting provider.

(7) Within fifteen days of receiving the request from the client's provider, the agency reviews all evidence submitted and:

(a) Approves the request;

(b) Denies the request if the requested service is not medically necessary; or

(c) Requests the provider submit additional justifying information. The agency sends a copy of the request to the client at the same time.

(i) The provider must submit the additional information within thirty days of the agency's request.

(ii) The agency approves or denies the request within five business days of the receipt of the additional information.

(iii) If the provider fails to provide the additional information, the agency will deny the requested service.

(8) When the agency denies all or part of a request for a covered service or equipment, the agency sends the client and the provider written notice, within ten business days of the date the information is received, that:

(a) Includes a statement of the action the agency intends to take;

(b) Includes the specific factual basis for the intended action;

(c) Includes reference to the specific WAC provision upon which the denial is based;

(d) Is in sufficient detail to enable the recipient to:

(i) Learn why the agency's action was taken; and

(ii) Prepare an appropriate response.

(e) Is in sufficient detail to determine what additional or different information might be provided to challenge the agency's determination;

(f) Includes the client's administrative hearing rights;

(g) Includes an explanation of the circumstances under which the denied service is continued or reinstated if a hearing is requested; and

(h) Includes examples(s) of "lesser cost alternatives" that permit the affected party to prepare an appropriate response.

(9) If an administrative hearing is requested, the agency or the client may request an independent review organization (IRO) or independent medical examination (IME) to provide an opinion regarding whether the requested service or equipment is medically necessary. The agency pays for the independent assessment if the agency agrees that it is necessary, or an administrative law judge orders the assessment.

WSR 20-10-023

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed April 27, 2020, 12:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-04-014.

Title of Rule and Other Identifying Information: WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Hearing Location(s): On June 16, 2020, at 10:00 a.m., at 6400 Linderson Way S.W., Conference Room 114A, Tumwater, WA 98501. Copies of draft rules are available for viewing and printing on our website at dor.wa.gov. Call in option can be provided upon request no later than three days before the hearing date.

Date of Intended Adoption: June 26, 2020.

Submit Written Comments to: Brenton M. Madison, P.O. Box 47453, Olympia, WA 98504-7453, email BrentonM@dor.wa.gov, fax 360-534-1606, by June 16, 2020.

Assistance for Persons with Disabilities: Contact Julie King or Renee Cosare, phone 360-704-5733 or 360-704-5734, TTY 800-833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 84.33.091 requires the department to revise the stumpage value tables every six months. The department establishes the stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The values in the proposed rule will apply July 1, 2020, through December 31, 2020.

Reasons Supporting Proposal: This proposal provides the revised stumpage value tables for July 1, 2020, through December 31, 2020.

Statutory Authority for Adoption: RCW 82.01.060(2) and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Brenton M. Madison, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1583; Implementation and Enforcement: John Ryser, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1605.

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

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Brenton M. Madison, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1583, fax 360-534-1606.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. Only large businesses are required to use the values contained in the rules, small businesses have other statutory authority for their tax reporting obligations.

April 27, 2020
 Atif Aziz
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 20-02-053, filed 12/23/19, effective 1/1/20)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ~~((January))~~ July 1 through ~~((June 30))~~ December 31, 2020:

**Washington State Department of Revenue
 WESTERN WASHINGTON STUMPAGE VALUE TABLE
 ((January)) July 1 through ((June 30)) December 31, 2020**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾
 Starting January 1, 2019, there are no Haul Zone adjustments.

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
Douglas-fir ⁽²⁾	DF	1	\$(365)) <u>358</u>
		2	((456)) <u>447</u>
		3	((433)) <u>452</u>
		4	((502)) <u>471</u>
		5	((459)) <u>453</u>
		9	((351)) <u>344</u>

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
Western Hemlock and Other Conifer ⁽³⁾	WH	1	((206)) <u>199</u>
		2	((276)) <u>254</u>
		3	((280)) <u>256</u>
		4	((281)) <u>296</u>
		5	((265)) <u>258</u>
		9	((192)) <u>185</u>
Western Redcedar ⁽⁴⁾	RC	1-5	((892)) <u>899</u>
		9	((878)) <u>885</u>
Ponderosa Pine ⁽⁵⁾	PP	1-5	((184)) <u>167</u>
		9	((170)) <u>153</u>
Red Alder	RA	1-5	((552)) <u>418</u>
		9	((538)) <u>404</u>
Black Cottonwood	BC	1-5	((53)) <u>29</u>
		9	((39)) <u>15</u>
Other Hardwood	OH	1-5	((309)) <u>251</u>
		9	((295)) <u>237</u>
Douglas-fir Poles & Piles	DFL	1-5	((763)) <u>786</u>
		9	((749)) <u>772</u>
Western Redcedar Poles	RCL	1-5	((1447)) <u>1301</u>
		9	((1433)) <u>1287</u>
Chipwood ⁽⁶⁾	CHW	1-5	((13)) <u>9</u>
		9	((11)) <u>7</u>

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	1-9	301
Posts ⁽⁸⁾	LPP	1-9	0.35
DF Christmas Trees ⁽⁹⁾	DFX	1-9	0.25
Other Christmas Trees ⁽⁹⁾	TFX	1-9	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed on this page.
- (4) Includes Alaska-Cedar.
- (5) Includes all Pines in SVA 1-5 & 9.
- (6) Stumpage value per ton.
- (7) Stumpage value per cord.
- (8) Includes Lodgepole posts and other posts, Stumpage value per 8 lineal feet or portion thereof.
- (9) Stumpage value per lineal foot.

Washington State Department of Revenue
EASTERN WASHINGTON STUMPAGE VALUE TABLE
 ((January)) July 1 through ((June-30)) December 31, 2020

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾
 Starting January 1, 2019, there are no Haul Zone adjustments.

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
Douglas-fir ⁽²⁾	DF	6	258 <u>225</u>
		7	272 <u>239</u>
Western Hemlock and Other Conifer ⁽³⁾	WH	6	273 <u>200</u>
		7	287 <u>214</u>
Western Redcedar ⁽⁴⁾	RC	6	904 <u>719</u>
		7	918 <u>733</u>
Ponderosa Pine ⁽⁵⁾	PP	6	170 <u>153</u>
		7	184 <u>167</u>
Other Hardwood	OH	6	9
		7	9 <u>18</u>

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
Western Redcedar Poles	RCL	6	1369 <u>1370</u>
		7	1383 <u>1384</u>
Chipwood ⁽⁶⁾	CHW	6	1
		7	1 <u>2</u>
Small Logs ⁽⁶⁾	SML	6	21 <u>17</u>
		7	23 <u>19</u>
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	6-7	301
Posts ⁽⁸⁾	LPP	6-7	0.35
DF Christmas Trees ⁽⁹⁾	DFX	6-7	0.25
Other Christmas Trees ⁽⁹⁾	TFX	6-7	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes all Hemlock, Spruce and true Fir species, and Lodgepole Pine in SVA 6-7, or any other conifer not listed on this table.
- (4) Includes Alaska-Cedar.
- (5) Includes Western White Pine in SVA 6-7.
- (6) Stumpage value per ton.
- (7) Stumpage value per cord.
- (8) Includes Lodgepole posts and other posts, Stumpage value per 8 lineal feet or portion thereof.
- (9) Stumpage value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A

harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber** - Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber** - Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ~~(January)~~ July 1 through ~~(June 30)~~ December 31, 2020:

**TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 9
~~(January)~~ July 1 through ~~(June 30)~~ December 31, 2020**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$85.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		

Proposed

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
~~(January)~~ July 1 through ~~(June 30)~~ December 31, 2020**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 8 thousand board feet per acre and less.	-\$8.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$50.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$75.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
	SVAs 1 through 5 only:	\$0.00
Note:	This adjustment only applies to published MBF sawlog values.	

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before

the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

(5) **Forest-derived biomass**, has a \$0/ton stumpage value.

WSR 20-10-066

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed May 1, 2020, 12:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-11-114.

Title of Rule and Other Identifying Information: WAC 458-20-17802 (Rule 17802) Collection of use tax by county auditors and department of licensing—Measure of tax. Rule 17802 provides a framework for county auditors and the department of licensing to determine and collect use tax imposed by chapter 82.12 RCW when a person applies to transfer the certificate of title of a vehicle acquired without the payment of retail sales tax. As part of the process, an automated valuing system is used to verify the purchase price of the vehicle represents the true value.

A presumption is made in the rule that the purchase price represents the true value of the vehicle if one of the following conditions is met:

(a) The vehicle's average retail value (as determined by the automated valuing system) is less than \$5,000; or

(b) The vehicle's purchase price is not more than \$2,000 below the vehicle's average retail value (as determined by the automated valuing system).

Hearing Location(s): On June 11, 2020, at 10:00 a.m., at 6400 Linderson Way S.W., Conference Room 114A, Tumwater, WA 98501. Due to the current *Stay Home, Stay Safe* order, this meeting may be held telephonically only. The department will announce if the hearing changes to telephone only.

Date of Intended Adoption: June 22, 2020.

Submit Written Comments to: Brenton Madison, P.O. Box 47453, Olympia, WA 98504-7453, email BrentonM@dor.wa.gov, fax 360-534-1606, by June 10, 2020.

Assistance for Persons with Disabilities: Contact Julie King or Renee Cosare, phone 360-704-5733 or 360-704-5734, TTY 800-833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes to update Rule 17802 to adjust the conditions discussed above. Specifically, for condition (a), the department proposes increasing the threshold from \$5,000 to \$7,500. Therefore, if the vehicle's average retail value (as determined by the automated valuing system) is less than \$7,500, the purchase price will be used as the measure of the use tax. For condition (b), the department proposes changing the amount from \$2,000 to twenty percent.

Reasons Supporting Proposal: RCW 82.12.045(6) authorizes the department to promulgate rules for the administration and collection of use tax on vehicles. Periodically, the department has increased the thresholds in the rule in response to the effects of inflation, and to reduce the number of transactions where the department or its duly authorized agents are unable to presume the reported purchase price is also the taxable value of the vehicle. These changes are expected to ease administrative burdens for tax collectors and vehicle owners.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2), and 82.12.045.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Brenton Madison, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1583; Implementation and Enforcement: John Ryser, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1605.

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

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not a significant legislative rule as defined by RCW 34.05.328.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. This rule proposal do [does] not impose any new performance requirement, administrative burden, or cost on any small business not already imposed by statute.

May 1, 2020

Atif Aziz

Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-12-075, filed 5/27/16, effective 6/27/16)

WAC 458-20-17802 Collection of use tax by county auditors and department of licensing—Measure of tax.

(1) **Introduction.** The department of revenue (department) has authorized county auditors and the department of licens-

ing to collect the use tax imposed by chapter 82.12 RCW when a person applies to transfer the certificate of title of a vehicle acquired without the payment of sales tax. See RCW 82.12.045. This rule explains how county auditors, their sub-agents, and the department of licensing determine the measure of the use tax. This rule does not relieve a seller registered with the department of the statutory requirement to collect sales tax when selling tangible personal property, including vehicles. RCW 82.08.020 and 82.08.0251. The use tax reporting responsibilities of Washington residents in other situations and the general nature of the use tax are addressed in WAC 458-20-178 (Use tax). The application of tax to vehicles acquired by Indians and Indian tribes is discussed in WAC 458-20-192 (Indians—Indian country).

Vehicle licensing locations and information about vehicle titles and registration are available from the department of licensing on their website at: dol.wa.gov. This information is also available by contacting the local county auditor's office listed in the government pages of a telephone directory.

(2) **What is use tax based on?** For purposes of computing the amount of use tax due, the value of the article used is the measure of tax. The value of the article used is generally the purchase price. If the purchase price does not represent the true value of the article used, the value must be determined as nearly as possible according to the retail selling price at place of use of similar vehicles of like quality and character. RCW 82.12.010.

(3) **Use of automated system to verify measure of tax.** When a person applies to transfer the certificate of title of a vehicle, county auditors, their sub-agents, or the department of licensing must verify that the purchase price represents the true value. In doing so, county auditors, their sub-agents, or the department of licensing compare the vehicle's purchase price to the average retail value of comparable vehicles using an automated valuing system. The automated valuing system identifies the average retail value using a database that is provided by a regional industry standard source specializing in providing valuation services to local, state, and federal governments, and the private sector.

In limited situations, the automated valuing system's database may not provide the average retail value for a vehicle. For example, the automated valuing system's database does not provide average retail value information for collectible vehicles or vehicles that are over twenty years of age. In the absence of an average retail value, county auditors, their sub-agents, or the department of licensing will determine the true value as nearly as possible according to the retail selling price at place of use of similar vehicles of like character and quality. To assist in this process, the department of revenue and the department of licensing may approve the use of alternative valuing authorities as necessary.

(4) **What happens when the purchase price is presumed to represent the true value?** County auditors, their sub-agents, or the department of licensing will use the purchase price to compute the amount of use tax due when the purchase price represents the vehicle's true value. County auditors, their sub-agents, or department of licensing will presume the purchase price represents the vehicle's true value if one of the following conditions is met:

(a) The vehicle's average retail value, as provided by the automated valuing system, is less than ~~\$(5,000)~~ 7,500.

For example, a person buys a vehicle for \$2,800. The automated valuing system indicates that the vehicle's average retail value is \$4,900. The purchase price is presumed to represent the vehicle's true value because the average retail value is less than ~~\$(5,000)~~ 7,500.

(b) The vehicle's purchase price is not more than ~~\$(2,000)~~ 20 percent below the average retail value as provided by the automated valuing system.

For example, a person buys a used vehicle for ~~\$(10,000)~~ 17,000. The automated valuing system indicates the vehicle's average retail value is ~~\$(11,500)~~ 20,000. When compared to the average retail value, the purchase price is not more than ~~\$(2,000)~~ 20 percent (\$4,000) below the average retail value. Consequently, the purchase price is presumed to represent the vehicle's true value.

(5) **What happens when the purchase price is not presumed to represent the true value?** If the vehicle's purchase price is not presumed to be the true value as explained in subsection (4) of this rule, a person may remit use tax based on the average retail value as indicated by the automated valuing system or substantiate the true value of the vehicle using any one of the following methods.

(a) **Industry-accepted pricing guide.** A person applying to transfer a certificate of title may provide the county auditor, a subagent, or the department of licensing with documentation from one of the various industry-accepted pricing guides. The value from the industry-accepted pricing guide must represent the retail value of a similarly equipped vehicle of the same make, model, and year in a comparable condition. The purchase price is presumed to represent the vehicle's true value if the purchase price is not more than \$2,000 below the retail value.

For example, a person buys a vehicle for ~~\$(3,500)~~ 6,500. The automated valuing system indicates that the vehicle's average retail value is ~~\$(5,700)~~ 8,700. An industry-accepted pricing guide shows that the retail value of a similarly-equipped vehicle in a comparable condition of the same make, model, and year is ~~\$(5,000)~~ 8,000. When compared to the retail value established by the industry-accepted pricing guide, the purchase price is not more than \$2,000 below the retail value. Consequently, the purchase price is presumed to represent the vehicle's true value.

(b) **Declaration of buyer and seller.** A person applying to transfer a certificate of title may provide to the county auditor, a subagent, or the department of licensing a Declaration of Buyer and Seller Regarding Value of Used Vehicle Sale (REV 32 2501) to substantiate that the purchase price is the true value of the vehicle. The declaration must be signed by both the buyer and the seller and must certify to the purchase price and the vehicle's condition under penalty of perjury. The department may review a declaration and assess additional tax, interest, and penalties. A person may seek review of an assessment to the department as provided in WAC 458-20-100 (Informal administrative reviews).

The declaration is available on the department's website at dor.wa.gov. It is also available at all vehicle licensing locations, department's field offices, or by writing:

Department of Revenue

Taxpayer Services
P.O. Box 47478
Olympia, WA 98504-7478

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[Filed May 1, 2020, 2:26 p.m.]

(c) **Written appraisal.** A person applying to transfer a certificate of title may present to the county auditor, a subagent, or the department of licensing a written appraisal from an automobile dealer, insurance or other vehicle appraiser to substantiate the true value of the vehicle. If an automobile dealer performs the appraisal, the dealer must be currently licensed with the department of licensing dealer services division or be a licensed vehicle dealer in another jurisdiction.

The written appraisal must appear on company stationery or have the business card attached and include the vehicle description, including the vehicle make, model, and identification number (VIN). The person performing the appraisal must certify that the stated value represents the retail selling price of a similarly equipped vehicle of the same make, model, and year in a comparable condition. The department may review an appraisal and assess additional tax, interest, and penalties. A person may seek review of an assessment to the department as provided in WAC 458-20-100 (Informal administrative reviews).

(d) **Declaration of use tax.** A person applying to transfer a certificate of title may present to the county auditor, a subagent, or the department of licensing a Declaration of Use Tax (REV 32 2486e) to substantiate the true value of the vehicle. An authorized employee of the department must complete the declaration. Determining the true value may require a visual inspection that is not available at all department locations.

(e) **Repair estimate.** A person applying to transfer a certificate of title may present to the county auditor, a subagent, or the department of licensing a written repair estimate, prepared by an auto repair or auto body repair business. This estimate will then be used to assist with determining the true value of the vehicle. The written estimate must appear on company stationery or have the business card attached. In addition, the written estimate must include the vehicle description, including the vehicle make, model, and identification number (VIN), and an itemized list of repairs. The department may review an appraisal and assess additional tax, interest, and penalties. A person may seek review of an assessment to the department as provided in WAC 458-20-100 (Informal administrative reviews).

The purchase price is presumed to represent the true value if the total of the purchase price and the repair estimate is not more than ~~(\$2,000)~~ 20 percent below the average retail value. For example, a person purchases a vehicle with extensive bumper damage for ~~\$(1,700)~~ 13,700. The automated valuing system indicates that the vehicle's average retail value is ~~\$(6,000)~~ 18,000. An estimate from an auto body repair business indicates a cost of \$2,500 to repair the bumper damage. The purchase price is presumed to represent the vehicle's true value because when the total of the purchase price and the repair estimate (~~\$(1,700)~~ 13,700 + \$2,500 = ~~\$(4,200)~~ 16,200) is compared to the average retail value, the total is not more than ~~(\$2,000)~~ 20 percent below the average retail value (~~\$(6,000)~~ 18,000).

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-07-113.

Title of Rule and Other Identifying Information: WAC 458-20-141 Duplicating activities and mailing bureaus.

Hearing Location(s): On June 10, 2020, at 10:00 a.m., at 6400 Linderson Way S.W., Conference Room 114A, Tumwater, WA 98501. Due to COVID-19 precautions, this meeting may be held telephonically only. The department will announce if the hearing changes to telephone only.

Date of Intended Adoption: June 16, 2020.

Submit Written Comments to: Leslie Mullin, P.O. Box 47453, Olympia, WA 98504-7453, email LeslieMu@dor.wa.gov, fax 360-534-1606.

Assistance for Persons with Disabilities: TTY 800-833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 458-20-141 is being amended to add information on the taxability and sourcing of direct mail services, update all rule examples, and for overall clarity and readability purposes.

Reasons Supporting Proposal: Businesses that engage in the activities subject to this rule will find the updated rule easier to understand and more informative regarding the taxability and sourcing for these types of activities.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2).

Statute Being Implemented: RCW 82.04.050, 82.32.730.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Mullin, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1589; Implementation and Enforcement: John Ryser, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1605.

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

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not a significant legislative rule as defined by RCW 34.05.328.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. While the proposed rule draft for WAC 458-20-141 does not meet the exemptions in chapter 34.05 RCW, the amendments do not impose more than minor costs on businesses, as defined in RCW 19.85.020(2), as the amendments do not propose any new requirements not already provided for in statute. Most of the information incorporated into this rule regarding direct mail is described in RCW 82.32.730, so the department used this information, in the context of examples, to explain the taxability and sourcing of direct mail services.

May 1, 2020

Atif Aziz
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-03-053, filed 1/11/05, effective 7/1/05)

WAC 458-20-141 Duplicating activities (~~(and)~~), mailing bureaus, and direct mail services. (1) **Introduction.** This rule discusses the business and occupation (B&O) tax and retail sales and use tax reporting responsibilities of persons who engage in duplicating activities, or who provide mailing bureau or direct mail services in Washington. (~~Persons engaged in printing activities should refer to WAC 458-20-144 (Printing industry):~~)

(a) Other rules to reference. Persons engaged in duplicating activities or who provide mailing bureau or direct mail services may want to refer to the following rules for additional guidance:

(i) WAC 458-20-102 Reseller permits;

(ii) WAC 458-20-113 Ingredients or components, chemicals used in processing new articles for sale;

(iii) WAC 458-20-136 Manufacturing, processing for hire, fabricating;

(iv) WAC 458-20-13601 Manufacturers and processors for hire—Sales and use tax exemptions for machinery and equipment;

(v) WAC 458-20-144 Printing industry;

(vi) WAC 458-20-15503 Digital products;

(vii) WAC 458-20-178 Use tax and the use of tangible personal property;

(viii) WAC 458-20-193 Interstate sales of tangible personal property;

(ix) WAC 458-20-19301 Multiple activities tax credits; and

(x) WAC 458-20-243 Litter tax.

(b) Examples. This rule includes examples that identify a number of facts and then state a conclusion. These examples should only be used as a general guide. The tax results of other situations must be determined after a review of all the facts and circumstances.

(2) Duplicating activities.

(a) Duplicating is the activity of copying (~~(of typed, written, drawn, photographed,)~~) identically from an original for any purpose. The original being duplicated may include previously duplicated(~~(s)~~) or previously printed materials (~~(using a photographic process such as photocopying, color copying, or blueprinting)~~). Duplicating activities do not include:

(i) Data migration processes for transferring data between storage types, formats, or computer systems; or

(ii) Nondigital printing methods involving plates, including offset lithography, flexography, letterpress, gravure, mimeograph, and multigraph.

(~~(a) Sales of duplicated products.~~) (b) Taxability of duplicating activities. Income from the sale of (~~(photostats, photocopies, blueprint copies and other duplicated tangible personal property to consumers)~~) duplicating activities to consumers that are sourced to Washington under RCW 82.32.730 is subject to the retailing B&O tax. (~~(The measure of tax is)~~) The retailing B&O tax is based on the gross proceeds of sales. The seller is also responsible for collecting

and remitting retail sales tax on the selling price when making sales to consumers, unless a specific exemption applies.

The wholesaling B&O tax applies to the gross proceeds of sales when the buyer purchases the duplicated property for resale without intervening use. The seller must obtain (~~(a resale certificate from the buyer)~~) the required information to document the (~~(wholesale nature of any)~~) sale as provided in WAC 458-20-102 (~~(Resale certificates)~~).

If the seller is also the manufacturer of the duplicated products, (~~(the seller may be eligible for a multiple activities tax credit. Refer to WAC 458-20-19301 (Multiple activities tax credits) for more information about the credit)~~) then refer to (c) of this subsection.

(~~(b)~~) (c) Duplicating as a manufacturing activity. A person duplicating tangible personal property for sale or for commercial or industrial use (the use of manufactured property as a consumer) is subject to the manufacturing B&O tax (~~(classification. For further information about manufacturing activities, refer to WAC 458-20-112 (Value of products), WAC 458-20-134 (Commercial or industrial use), and WAC 458-20-136 (Manufacturing, processing for hire, fabricating))~~) in WAC 458-20-136. A manufacturer of duplicated products may also be eligible for the multiple activities tax credit as described in WAC 458-20-19301 if the manufacturer also sells that product.

(~~(c)~~) (d) Self-service copying. (~~(Some persons provide consumers with access to duplicating equipment to make their own copies (frequently referred to "self-service copying"). These customers are generally charged on a per page basis. The gross proceeds of sales made to consumers for self-service copying)~~) Self-service copying is the activity of providing a customer access to duplicating equipment to make copies. The business generally charges the customer on a per page basis. The business is subject to the retailing B&O tax on the gross proceeds of sales made to consumers for self-service copying. The seller is also responsible for collecting retail sales tax, unless a specific exemption applies. In such cases, the (~~(person)~~) business providing access to duplicating equipment is not engaged in a manufacturing activity (~~(and charges for)~~), therefore, the gross proceeds of sales from self-service copying are not subject to the manufacturing B&O tax.

(~~(d)~~) (e) Potential litter tax liability. Chapter 82.19 RCW imposes a litter tax on manufacturers (~~(including duplicators)~~), including businesses engaging in duplicating activities, wholesalers, and retailers of certain products. These products include(~~(, but are not limited to,)~~) newspapers, magazines, (~~(and)~~) household paper (~~(and)~~), paper products, etc. Thus, persons who duplicate tangible personal property for sale or who provide facilities for self-service copying may incur a litter tax liability. (~~(The measure of the litter tax is the gross proceeds of sale. For further)~~) Information about the litter tax(~~(, refer to chapter 82.19 RCW and)~~) is provided in WAC 458-20-243 (~~(Litter tax)~~).

(~~(e)~~) Purchases for resale. The purchase of tangible personal property for resale as tangible personal property or as a component or ingredient of duplicated property is a purchase at wholesale. (~~(f) Wholesale purchases.~~) A person who engages in duplicating activities and acquires tangible personal property for resale, without intervening use, or as a

component or ingredient of duplicated property, is making a wholesale purchase. Examples of items that may be purchased at wholesale include paper, ink, toner, ~~((and))~~ staples, etc. ~~((Refer to))~~ Information about ingredients, components, and chemicals used in the processing of new articles for sale is provided in WAC 458-20-113 ~~((Ingredients or components, chemicals used in processing new articles for sale)). Wholesale purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller)). The seller must obtain the required information to document the sale as provided ~~((by))~~ in WAC 458-20-102 ~~((Resale certificates))~~.~~

~~((f))~~ **(g) Purchases subject to retail sales or use tax.**

A person who engages in duplicating activities and acquires tangible personal property for use as a consumer must pay retail ~~((sale))~~ sales tax ~~((commonly referred to as "deferred sales tax"))~~ or use tax directly to the department when the seller fails to collect retail sales tax. Examples of purchases by a person engaged in duplicating activities that are subject to retail sales tax or use tax include photocopiers for use by customers, cutting boards, office computers, cash registers, and office furniture. ~~((For further))~~ Information about the use tax ~~((refer to WAC 458-20-178 (Use tax)))~~ is provided in WAC 458-20-178.

Persons who engage in the activity of duplicating products for sale should refer to WAC 458-20-13601 ~~((Manufacturers and processors for hire—Sales and use tax exemption for machinery and equipment))~~ for information about the retail sales and use tax exemptions for certain machinery and equipment used directly in a manufacturing operation.

~~((g))~~ **Example 1.** Copy Company provides a public area with photocopying equipment and materials (paper, toner, and staples) to allow customers to make their own copies. Copy Company has a separate area where Copy Company employees make copies for customers. The ~~((income))~~ gross proceeds attributable to copies made both by the customers and by Copy Company employees ~~((is))~~ are subject to ~~((the))~~ retailing B&O and retail sales taxes. The value of the copies made by Copy Company employees is also subject to ~~((the))~~ manufacturing B&O tax, and Copy Company may claim a multiple activities tax credit as described ~~((above in subsection (2)(a)))~~ in WAC 458-20-19301. Litter tax may also be due as explained ~~((above in subsection (2)(d)))~~ in WAC 458-20-243.

Copy Company may purchase ~~((the))~~ paper, toner, and staples that are used or provided in both areas at wholesale, if Copy Company provides the seller ~~((receives a resale certificate))~~ with a copy of its reseller permit. Retail sales or use tax applies to the purchase of photocopying equipment in both areas. However, the purchase ~~((and/or))~~ or use of the equipment where Copy Company employees make copies may qualify for the machinery and equipment exemption described in WAC 458-20-13601.

(3) Mailing bureaus ((services)). Mailing bureaus, also referred to as mail houses, prepare mail pieces for distribution ~~((mail pieces))~~ such as bulletins, form letters, advertising material, political publications, and flyers as directed by their customers. Mailing bureaus may also provide direct mail services, as defined in subsection (4) of this rule. The customer may provide the mail pieces to be prepared for distribution or

the mailing bureau itself may sell the material to the customer. Mailing bureaus that duplicate the material being prepared should also refer to subsection (2) ~~((above))~~ of this rule. Mailing bureaus that print ~~((the))~~ material ~~((being prepared))~~ for their customers should ~~((also))~~ refer to WAC 458-20-144.

(a) Mailing bureau activities. Activities conducted by mailing bureaus involve mailing the mail pieces and at least one activity that alters, imprints, or improves tangible personal property of or for the customer. These activities include ~~((but are not limited to, picking up,))~~ addressing, labeling, binding, folding, enclosing, sealing, imprinting, bar coding, tabbing, ~~((and mailing the mail pieces. The mailing bureau generally charges the customer on a per-piece basis for each separate service provided plus the actual cost of any postage.~~

~~Charges for labor and services rendered in respect to altering, imprinting, or improving tangible personal property of or for consumers are retail sales. RCW 82.04.050 (2)(a). Thus, the retailing B&O tax applies to income received from consumers for services that include addressing, labeling, binding, folding, enclosing, sealing, and/or tabbing))~~ etc.

(b) Taxability of mailing bureau activities. Charges for mailing bureau activities are retail sales and are considered services rendered in respect to altering, imprinting, or improving tangible personal property of or for consumers. RCW 82.04.050. Therefore, income from sales of mailing bureau services that are sourced to Washington, under subsection (4)(c) of this rule or RCW 82.32.730(1), whichever applicable, is subject to the retailing B&O tax. Mailing bureaus ~~((businesses))~~ are also responsible for collecting and remitting retail sales tax, which is based on the selling price for these activities, when making sales to ~~((consumers,))~~ customers unless a specific exemption applies.

~~((b) Measure of tax. The measure of the B&O and retail sales taxes is the gross proceeds of sale and selling price, respectively. These terms include all consideration paid by the buyer, however identified, without any deduction for costs of doing business, such as material, labor, and delivery costs. RCW 82.04.070 and 82.08.010.~~

(i) Postage. Charges for postage or other delivery costs are included in the measure of tax for both B&O tax and retail sales tax if the costs are part of the consideration paid by the customer. It is immaterial if the amounts charged for postage are stated or shown separately on the sales invoice or reflect actual mailing costs to the mailing bureau. Amounts charged for postage and other delivery costs are not included in the measure of tax only if the amounts are not part of the consideration paid by the customer.

~~(A) When is postage part of the consideration paid?~~ Charges for postage costs are considered part of the consideration paid if the permit to use precancelled stamps, a postage meter, or an imprint account for bulk mailings is in the name of the mailing bureau. The mailing bureau is liable to the post office for payment and the customer's payment of such amounts represents a payment on the sale of tangible personal property or the services provided. For further information, refer to WAC 458-20-111 (Advances and reimbursements).

~~(B) **When is postage not part of the consideration paid?** Charges for postage are not considered part of the consideration paid if the permit to use precancelled stamps or a permit imprint account for bulk mailings is in the customer's name. The mailing bureau in these cases has no primary or secondary liability for payment of the postage costs. (Refer to WAC 458-20-111 for information about advances and reimbursements.)~~

~~(ii) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of any situation must be determined after a review of all facts and circumstances. For purposes of the following examples, sales invoices to the customer separately identify charges for postage.~~

~~(A) **Example 1.** Mailing Bureau receives mail pieces from Department Store to prepare and mail. Mailing Bureau advises Department Store of the estimated amount of postage. Department Store deposits an amount equal to the estimated cost of postage in its own permit imprint account. The estimated postage is not part of the total consideration paid because the Department Store is personally liable to the post office for postage. The total charge, excluding postage, is the consideration paid by Department Store and subject to tax.~~

~~(B) **Example 2.** Assume facts as described above in Example 1. The post office determines that the actual cost of postage exceeds the estimated amount deposited by Department Store in its permit imprint account. Post office transfers the additional amount for postage from Mailing Bureau's account. Mailing Bureau invoices Department Store for the additional amount. The additional amount for postage is not part of the consideration paid and is not included in the measure of tax because Mailing Bureau's liability for payment of the additional postage is limited to that of an agent.~~

~~(C) **Example 3.** Mailing Bureau receives from Political Candidate B mail pieces to prepare and mail. Mailing Bureau uses its own postage meter to apply metered postage. Postage is a part of the consideration paid by Candidate B and is included in the measure of tax.~~

~~(D) **Example 4.** Mailing Bureau receives prestamped mail pieces from Medical Clinic to prepare and mail. The mail pieces qualify for the lower bulk mail rates after Mailing Bureau prepares the mail pieces. The post office refunds the difference between the single piece rate and the bulk mail rate to Mailing Bureau. Mailing Bureau retains the amount due for services rendered and in turn remits the balance of the refunded postage to Medical Clinic. Postage is not a part of the consideration paid and is not included in the measure of tax.~~

~~(E) **Example 5.** Mailing Bureau prints, prepares, and mails mail pieces for Non-Profit Organization's fund-raising drive. Mailing Bureau applies metered postage using its own postage meter. The charge for postage is a part of the consideration paid and included in the measure of tax.~~

~~(F) **Example 6.** Mailing Bureau duplicates, prepares, and mails advertising for Restaurant. Mailing Bureau applies precancelled stamps that it purchases from the post office. The charge for postage is a part of the consideration paid and included in the measure of tax.~~

~~(G) **Example 7.** Mailing Bureau picks up mail pieces from Washington City to prepare and mail. Mailing Bureau applies metered postage using its own postage meter. The charge for postage is a part of the consideration paid by Washington City and included in the measure of tax.~~

~~(H) **Example 8.** Mailing Bureau prepares and mails advertising for Insurance Company. To apply postage, Mailing Bureau uses a postage meter leased by Insurance Company from a third party vendor. Insurance Company is liable to the third party vendor for payment of postage. The consideration does not include charges for postage.~~

~~(I) **Example 9.** Assume same facts as described in Example 8 above. The postage meter account contains insufficient funds required for mailing pieces. Mailing Bureau advances sufficient funds to Insurance Company's metering account. Mailing Bureau invoices Insurance Company for the additional amount. The consideration does not include postage because Mailing Bureau's liability for payment is limited to that of an agent.~~

~~(e) **Retail sales tax exemptions.** Certain sales tax exemptions may apply to the sale of tangible personal property or labor and services rendered to tangible personal property.~~

~~(i) **Interstate sales of tangible personal property.** The sale of tangible personal property is not subject to retail sales tax when the seller agrees to and does deliver the property outside the state. Refer to WAC 458-20-193 (Inbound and outbound interstate sales of tangible personal property) for further information about interstate sales.~~

~~(ii) **Labor and services rendered in respect to tangible personal property of or for a nonresident.** RCW 82.08-0265 provides a retail sales tax exemption for charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving tangible personal property of or for a nonresident when the seller agrees to and does deliver the property to the purchaser at a point outside this state or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state. For further information about this exemption, refer to WAC 458-20-173 (Installing, cleaning, repairing or otherwise altering or improving personal property of consumers).~~

~~(d) **Purchases for resale.** The purchase of tangible personal property for resale as tangible personal property or to become a component or ingredient of property upon which mailing bureau services will be performed is a purchase at wholesale. Examples of items that may be purchased at wholesale include paper, printing ink, envelopes, and staples. Wholesale purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as provided by WAC 458-20-102 (Resale certificates). Refer to WAC 458-20-113 (Ingredients or components, chemicals used in processing new articles for sale) for further information regarding ingredients and components.~~

~~(e) **Purchases subject to retail sales or use tax.** A mailing bureau business that purchases, leases, or otherwise acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the retail sales tax. Examples of such property include photocopiers, cutting boards, computers,~~

office furniture, and equipment to address, label, fold, seal, insert, meter, stamp, or sort. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

(f) **Purchases of mailing lists.** Persons acquiring mailing lists are purchasing an information service regardless of the medium used to provide or transfer the information. Thus, the purchase of a mailing list by a mailing bureau business is not subject to either retail sales or use tax.)

(c) **Delivery charges.** Delivery charges are charges by a seller of personal property or services for preparation and delivery to a location designated by the purchaser. These charges include transportation, shipping, postage, handling, crating, packing, etc. RCW 82.08.010. Delivery charges, such as postage, are included in the selling price unless an exemption applies. Refer to subsection (4) of this rule for a description of the B&O tax deduction and retail sales and use tax exemption available for separately stated delivery charges of direct mail.

Example 2. Mailing Bureau Company (MBC), located in Seattle, Washington, provides a service to its customers that entails receiving all of the pieces to be included in a particular mailing and then assembling the pieces by machine so the smaller advertisement flyers and coupons are contained inside the largest folded piece. MBC then mails the advertisements to addresses throughout Washington provided by the customer. Based on these facts, MBC is providing mailing bureau activities because it improves tangible personal property by sorting and assembling advertising flyers and then mails the advertising flyers. MBC's sales of these mailing bureau services are retail sales sourced to Washington under subsection (4)(c) of this rule. The sales are subject to retail sales tax and MBC's gross proceeds from the sales are subject to B&O tax under the retailing classification.

(d) **Purchases of tangible personal property by a mailing bureau.**

(i) Purchases for resale. The purchase of tangible personal property for resale without intervening use, or to become a component or ingredient of property upon which mailing bureau services will be performed is a purchase at wholesale. Examples of items a mailing bureau might purchase at wholesale include paper, printing ink, envelopes, staples, etc. Wholesale purchases are not subject to retail sales tax when the seller obtains the required information to document the sale as provided in WAC 458-20-102. Information about ingredients, components, and chemicals used in processing new articles for sale is provided in WAC 458-20-113.

(ii) Purchases subject to retail sales or use tax. A mailing bureau business that purchases, leases, or otherwise acquires tangible personal property for use as a consumer must pay retail sales tax or use tax directly to the department when the seller fails to collect the retail sales tax. Examples of such property include photocopiers, cutting boards, computers, office furniture, equipment to address, label, fold, seal, insert, meter, stamp, or sort, etc. Information about the use tax is provided in WAC 458-20-178.

(4) Direct mail.

(a) **"Direct mail"** means printed material delivered or distributed by U.S. mail or other delivery service to a mass audience or to addresses on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of

the items are not billed directly to the recipients. Direct mail includes tangible personal property supplied directly or indirectly by the purchaser to a direct mail seller, such as a mailing bureau, for inclusion in the package containing the printed material. Direct mail does not include multiple items of the same printed material delivered to a single address. RCW 82.32.730(9). The two types of "direct mail" are "advertising and promotional direct mail" and "other direct mail," which are defined as follows:

(i) "Advertising and promotional direct mail" means printed material that meets the definition of "direct mail," and of which the primary purpose is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization.

(ii) "Other direct mail" means any "direct mail" that is not considered "advertising and promotional direct mail" regardless of whether advertising and promotional direct mail is included in the same mailing, but does not include the development of billing information or the provision of any data processing services that is more than incidental. The term "other direct mail" includes, but is not limited to:

(A) Transactional direct mail that contains personal information specific to the addressee such as invoices, bills, and statements of account;

(B) Any legally required mailing including privacy notices, tax reports, and stockholder reports; and

(C) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents, such as newsletters and informational pieces.

(b) Taxability of direct mail activities.

(i) Retail sales. Sales of direct mail services sourced to Washington are retail sales and subject to the retailing B&O tax and the retail sales tax, unless the sale is exempted by law. RCW 82.32.730 and subsection (4)(c) of this rule explain how to determine where a sale of direct mail is sourced.

(ii) B&O tax deduction. Direct mail delivery charges may be deducted from the measure of B&O tax if the delivery charge is separately stated on the invoice. If the delivery charge is not separately stated on the invoice, it is considered part of the measure of tax and subject to the retailing B&O tax, RCW 82.04.4272.

(iii) Sales and use tax exemption. Sales and use taxes do not apply to delivery charges for the delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser. RCW 82.08.807; RCW 82.12.807.

Example 3. Bar Coding Services, Inc. (BCS) is located in Washington and provides a bar coding service for businesses that desire automated postage rates that are lower than standard rates. BCS's customer, Department Store, delivers direct mail to BCS for service, processing, and delivery. BCS adds the appropriate postage using its own postage account equaling \$120 and separately invoices this cost. BCS also charges a service fee of \$600. BCS then delivers the letters to the U.S. postal service. BCS's service fee of \$600 invoiced to Department Store is subject to retailing B&O tax and retail sales tax. The separately invoiced postage charge of \$120 is deductible from both the B&O tax and retail sales tax because of the direct mail delivery deduction in RCW 82.04.4272 and

exemptions from retail sales and use tax in RCW 82.08.807 and 82.12.807.

(c) Sourcing sales of direct mail - "Advertising and promotional direct mail" versus "other direct mail."

(i) Intrastate direct mail - Direct mail delivered from and to locations within Washington. Intrastate direct mail, whether "advertising and promotional direct mail" or "other direct mail" delivered to a location in Washington is subject to retailing B&O tax and retail sales tax, and the sales are sourced one of two ways:

(A) If the purchaser provides the seller with a direct pay permit, a streamlined sales and use tax agreement (SSUTA) exemption certificate claiming direct mail, or other written statement approved, authorized, or accepted by the department, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay, or remit any taxes to which the direct pay permit, SSUTA exemption certificate, or statement applies. The purchaser must source the sale to the jurisdictions to which the direct mail is to be delivered and must pay and report any applicable tax due.

(B) If the purchaser does not meet (c)(i)(A) of this subsection, the sale of intrastate direct mail is sourced to the location from which the direct mail was shipped. However, if the seller knows that a portion of the sale will be delivered or distributed to locations in another state, the seller must collect tax on that portion pursuant to RCW 82.32.730 (6)(c)(ii). RCW 82.32.730 (6)(c)(i) and (ii). In the case of intrastate sales of advertising and promotional direct mail services, the seller may instead elect to source the sales pursuant to (c)(ii)(A)(II) of this subsection; i.e., according to the delivering information provided by the purchaser. RCW 82.32.730 (6)(c)(iii) and (5)(a)(iii).

(ii) Interstate direct mail - Direct mail delivered from Washington to locations outside of Washington or delivered to Washington from locations outside of Washington. Interstate sales of "advertising and promotional direct mail" or "other direct mail" are sourced as follows:

(A) For "advertising and promotional direct mail," if the purchaser:

(I) Provides the seller with either a direct pay permit or SSUTA exemption certificate claiming direct mail, or other written statement approved, authorized, or accepted by the department, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay, or remit any taxes to which the direct pay permit, SSUTA exemption certificate, or other written statement approved, authorized, or accepted by the department applies. RCW 82.32.730 (5)(a)(i). The purchaser must source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered and must pay and report any applicable tax due;

(II) Provides the seller with information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients, the seller must source the sale to the jurisdictions to which the direct mail is to be delivered and must collect and remit the applicable tax. RCW 82.32.730 (5)(a)(iii). In the absence of bad faith, the seller is relieved of any further obligation to collect any additional tax on the sale of advertising and promotional direct mail where the seller has sourced the sale according to the delivery information provided by the purchaser;

(III) Does not provide the seller with any of the information in (A)(I) or (II) of this subsection, the sale must be sourced to the location from which the advertising and promotional direct mail was shipped. RCW 82.32.730 (5)(a)(iv).

(B) For "other direct mail," if the purchaser:

(I) Provides the seller with either a direct pay permit or SSUTA exemption certificate claiming direct mail, or other written statement approved, authorized, or accepted by the department, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay, or remit any taxes to which the direct pay permit, SSUTA exemption certificate, or approved statement applies. RCW 82.32.730 (5)(b)(iii). The purchaser must source the sale to the jurisdictions to which the other direct mail is to be delivered, and the purchaser must report and pay any applicable tax due;

(II) Does not provide the seller with any of the information in (A)(I) of this subsection, the sale must be sourced to the address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of business. RCW 82.32.730 (1)(c) and (5)(b)(i).

Example 4. Washington Grocery Store (WGS) hires Out-of-State Mailing Bureau (OSMB), which has substantial nexus with Washington, to alter, imprint, improve, and deliver advertising and promotional direct mail consisting of brochures and discount coupons to its customers in Washington. WGS provides OSMB with a mailing address list containing jurisdictional information for its customers. OSMB sends an invoice to WGS charging a service fee of \$1,200 and a separately stated postage charge of \$200. Under these facts, OSMB has made a retail sale that is sourced to Washington in accordance with (c)(ii)(A) of subsection (4) because: (1) The activity involves an interstate sale of "advertising and promotional" direct mail; (2) WGS did not provide OSMB with a direct pay permit or SSUTA exemption certificate, but did provide a mailing address list containing jurisdictional information for its customers; and (3) The advertising and promotional direct mailings are to be delivered to WGS's customers in Washington.

OSMB must collect from WGS and remit to the department the retail sales tax based on the delivery location of the mailings. The postage charge of \$200 is a separately stated direct delivery charge that is exempt from the retail sales tax. OSMB also owes retailing B&O tax on the gross proceeds of the sale. However, the postage charge is deductible from the measure of B&O tax.

Example 5. Out-of-State Bank (OSB) is located in Portland, Oregon. OSB hires Quick Statement Printers (QSP), located in Vancouver, Washington, to mail bank statements to its customers. OSB does not provide QSP with a direct pay permit or SSUTA exemption certificate, but QSP has the Oregon business address of OSB in its business records. OSB sends a mailing address list containing its customers' jurisdictional information to QSP. QSP invoices OSB a service fee of \$1,500 and separately stated postage of \$200. Under these facts, the retail sale is sourced to Oregon in accordance with (c)(ii)(B) of subsection (4) because: (1) The activity involves an interstate sale of "other direct mail;" (2) OSB did not provide QSP with a direct pay permit or SSUTA exemption certificate; and (3) OSB's Oregon address is available from QSP's business records.

Washington retail sales tax and retailing B&O tax is not owed on this sale because the sale is sourced outside of Washington based on OSB's address.

Example 6. A printer produces 1,000 copies of a form letter, each personalized with customer information. Under the contract, the printer is required to shrink-wrap the pallet and release the statements to the custody of a third-party mailing service provider selected by the purchaser. The purchaser has contracted separately with the mailing service provider to fold, insert the form letters into envelopes, and mail them. This printed material is not "direct mail" because the seller/printer is not delivering or distributing the printed material to a mass audience or to addressees on a mailing list at the direction of the purchaser.

(5) Purchases of mailing lists. Persons purchasing mailing lists that are transferred electronically are purchasing a digital product that is subject to retail sales or use tax unless purchased for resale, without intervening use, or if some other exemption applies. Information about the sale and use of digital products and how to determine tax liability for digital products is provided in WAC 458-20-15503.

WSR 20-10-069
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed May 1, 2020, 2:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-07-112.

Title of Rule and Other Identifying Information: WAC 458-20-243 Litter tax.

Hearing Location(s): On June 10, 2020, at 11:00 a.m., at 6400 Linderson Way S.W., Tumwater, WA 98501. Due to COVID-19 precautions, this meeting may be held telephonically only. The department will announce if the hearing changes to telephone only.

Date of Intended Adoption: June 17, 2020.

Submit Written Comments to: Katie Koontz, P.O. Box 47453, Olympia, WA 98504-7453, email Katieko@dor.wa.gov, fax 360-534-1529.

Assistance for Persons with Disabilities: Contact Julie King or Renee Cosare, phone 360-704-5733 or 360-704-5734, TTY 800-833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department has received comments and questions regarding the administration of WAC 458-20-243, particularly as it relates to clarifying business use, and the consumption of items on the premises for certain business types. New examples are being added to the rule to help address these concerns. The department intends to provide clarity in these areas, and may update other parts of the rule based on comments received.

Reasons Supporting Proposal: Businesses that engage in the activities subject to this rule will find the updated rule easier to understand and more informative regarding the litter tax.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2), and 82.19.030.

Statute Being Implemented: Chapter 82.19 RCW.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Katie Koontz, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1529; Implementation and Enforcement: John Rysler, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1605.

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

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not a significant legislative rule as defined by RCW 34.05.328.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. While the proposed rule draft for WAC 458-20-243 does not meet the exemptions in chapter 34.05 RCW, the amendments do not impose more than minor costs on businesses, as defined in RCW 19.85.020(2), as the amendments do not propose any new requirements not already provided for in statute. Most of the information incorporated into this rule regarding litter tax is described in RCW 82.19.010 and 82.19.020, so the department used this information to clarify the application of litter tax through added examples and clarified definitions using definitions already in department statutes and rules.

May 1, 2020

Atif Aziz

Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-17-187, filed 8/23/06, effective 9/23/06)

WAC 458-20-243 Litter tax. (1) Introduction. Chapter 82.19 RCW imposes a litter tax on manufacturers, wholesalers, and retailers of certain products. Litter tax is imposed independently of the business and occupation (B&O) tax and retail sales and use taxes. RCW 82.19.010. This section provides detailed information about the litter tax, including the measure of the tax, the products to which the tax applies, and specific exemptions from the tax.

(2) Tax measure. For manufacturers, the measure of the tax is the value of products listed in subsection (4) of this section, including by-products manufactured in this state. For wholesalers and retailers, the measure of the tax is the gross proceeds of sales within this state of the products listed in subsection (4) of this section. In the case of publishers of newspapers and magazines, the measure of the tax is the gross proceeds of sales, and does not include advertising income.

Litter tax is imposed on subsequent sales of the same goods from the manufacturer to the wholesaler, from the wholesaler to the retailer, and from the retailer to the consumer, if the goods are listed in subsection (4) of this section, and the sales are not specifically exempt by law.

(a) Value of products and gross proceeds of sales. For purposes of the litter tax, "value of products" and "gross proceeds of sales" have the same meanings as defined in RCW

82.04.450 and 82.04.070, respectively. See also WAC 458-20-112 for more information regarding "value of products."

(b) **Alternative method for grocery stores and drugstores.** ~~(Where it is impractical to separate products that are and are not subject to litter tax, an)~~ Instead of requiring grocery stores and drugstores to account for all items that are and are not subject to litter tax separately, the following alternative methods ~~(is)~~ are allowed~~(-):~~:

(i) Persons operating drugstores may report and pay litter tax measured by fifty percent of total sales in lieu of separately accounting for sales of nondrug drugstore sundry products. ~~((f))~~ See subsection (4)(n) of this section for information about what constitutes nondrug drugstore sundry products. ~~((g))~~ For purposes of this rule, "drug" has the same meaning as provided in RCW 82.08.0281.

(ii) Persons operating grocery stores may report and pay the litter tax measured by ninety-five percent of total sales in lieu of separately accounting for grocery and nongrocery products sold. ~~((f))~~ See subsection (4)(b) of this section for information about what constitutes grocery products. ~~((g))~~

(3) **When do I report and pay litter tax?** The frequency of reporting and paying litter tax coincides with the reporting periods of taxpayers for their B&O tax. For example, a wholesaler who reports B&O tax monthly would also report any litter tax liability on the monthly return. For more information on tax reporting frequency, see WAC 458-20-22801 Tax reporting frequency~~((Forms))~~.

(4) **What products are subject to litter tax?** Litter tax applies to the manufacture or sale of products ~~((in the product categories))~~ listed in this subsection, unless a specific exemption applies. Litter tax applies whether these products are sold packaged, unpackaged, or in recyclable containers. See subsection (5) of this section for the litter tax exemptions available for the manufacture or sale of products in these categories.

(a) **Food for human or pet consumption.** Food for human or pet consumption is any substance, except drugs, where the chief, general use is for human or pet nourishment, regardless of whether the substance is sold in a consumable form. Food for human or pet consumption includes candy, chewing gum, condiments, packaged or unpackaged meat, bulk foods, shellfish, and ingredients used in processing food for human or pet consumption such as industrial chocolate, grain, barley, or hops. This category includes sales of meals, snacks, lunches, or other food and beverages at restaurants, drive-ins, snack bars, taverns, or by concessionaires.

(b) **Groceries.** Groceries are all products sold by persons in a place of business selling food and food ingredients, as defined in RCW 82.08.0293, for off-premises consumption, but excluding drugs, building materials, clothing, furniture, and appliances.

(c) **Cigarettes and tobacco products.** Cigarettes and tobacco products include all of the products subject to the excise taxes imposed by chapters 82.24 and 82.26 RCW.

(d) **Soft drinks and carbonated waters.** Soft drinks are nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume. Carbonated waters are nonalcoholic beverages, contain-

ing carbon dioxide, that do not contain natural or artificial sweeteners.

(e) **Beer and other malt beverages.** Beer and other malt beverages are all beverages defined as beer or malt liquor by ~~((Title 66))~~ RCW 66.04.010 or rules of the Washington state liquor ~~((control))~~ and cannabis board.

(f) **Wine.** Wine includes all alcoholic beverages defined as wine in ~~((Title 66))~~ RCW 66.04.010 or rules of the Washington state liquor ~~((control))~~ and cannabis board, but does not include "spirits" as defined in RCW 66.04.010.

(g) **Newspapers and magazines.** Newspapers and magazines are all daily and periodical publications, including real estate guides, vehicle trader publications, free community newspapers, and the like.

(h) **Household paper and paper products.** Household paper and paper products are materials or substances made into sheets or leaves from natural organic or synthetic fibrous material for home or other personal use. Household paper and paper products include products or articles made from such sheets or leaves for home or other personal use, such as toilet tissue, paper cups, plates, napkins, cards, wrapping paper, stationery, personal banking checks or deposit slips, computer printer or copier paper, and the like. Household paper and paper products do not include paper products manufactured or sold for business or commercial use. Business and commercial use requires that the paper products be consumed by the business or used by the business in the manufacturing of articles, substances, or commodities.

(i) **Glass containers.** Glass containers are articles made wholly or in substantial part of processed silicates that can be, or are, used to hold other things within themselves. Glass containers include only those containers that are sold with, and that contain, another product or products otherwise subject to litter tax, or containers that are produced so that they can later contain and be sold with another product or products otherwise subject to litter tax. Glass containers do not include containers that are produced to be sold at retail as empty reusable containers, such as drinking glasses, vases, and the like.

(j) **Metal containers.** Metal containers are articles made wholly or in substantial part of materials such as iron, steel, tin, aluminum, copper, zinc, lead, silver and any alloys thereof; and that can be, or are, used to hold other things within themselves. In addition, metal containers include only those containers that are sold with, and that contain, another product or products otherwise subject to litter tax, or containers that are produced so that they can later contain and be sold with another product or products otherwise subject to litter tax. Metal containers do not include containers that are produced to be sold at retail as empty reusable containers, such as pots and pans, or metal containers made for transporting other products.

(k) **Plastic or fiber containers made of synthetic material.** Plastic or fiber containers made of synthetic material will be referred to as plastic or fiber containers for purposes of this subsection (4)(k). Plastic or fiber containers are articles that can be, or are, used to hold other things within themselves, and that are made of synthetically produced ethylene derivatives, resins, waxes, adhesives, or polymers, or made by synthesis of fiber materials with adhesives, polymers, waxes, resins, or other materials. Plastic or fiber containers

include containers made of paper, pasteboard, or cardboard ~~((in which the container materials consist))~~ consisting of fibrous substances synthesized with other materials. Synthetic material is ~~((material that is))~~ produced by ~~((synthesis, which is))~~ the process of making or building up by a composition or union of simpler parts or elements, as distinguished from the process of extraction or refinement. Plastic or fiber containers include only those containers that are sold with, and that contain, another product or products otherwise subject to litter tax, or containers that are produced so that they can later contain and be sold with another product or products otherwise subject to litter tax. Plastic or fiber containers do not include containers that are produced to be sold at retail as empty reusable containers.

(l) **Cleaning agents.** Cleaning agents are all soaps, detergents, solvents, or other cleansing substances used for cleaning buildings, places, persons, animals, or other things. Cleaning agents include packaged products and products sold in bulk form, as well as products sold in recyclable containers.

(m) **Toiletries.** Toiletries are all substances such as soap, powder, shampoo, cologne, perfume, cosmetics, toothpaste, and the like, used in connection with personal dressing or grooming.

(n) **Nondrug drugstore sundry products.** Nondrug drugstore sundry products are all products sold by persons in the business of selling prescription drugs to consumers, except the following: Drugs, building materials, clothing, furniture, and appliances. ~~((For purposes of this section, "drug" has the same meaning as defined in RCW 82.08-0281.))~~

(5) **Exemptions.** This subsection provides information about products listed under subsection (4) of this section that are exempt from litter tax as provided by RCW 82.19.050. A person claiming an exemption from the litter tax must maintain adequate records to substantiate the exempt status of the product being manufactured or sold.

The litter tax does not apply to the following categories of products:

(a) **Products for use and consumption out-of-state.** The manufacture or sale of products for use and consumption outside the state~~((;))~~.

(b) **Agricultural products exempt from B&O tax.** The value of products or gross proceeds of the sales by farmers exempt from tax under RCW 82.04.330~~((;))~~.

(c) **Certain wholesale sales by qualified grocery distribution cooperatives.** The sale of products for resale by a qualified grocery distribution cooperative to customer-owners of the grocery distribution cooperative. For the purposes of this section, "qualified grocery distribution cooperative" and "customer-owner" have the meanings given in RCW 82.04.298~~((;))~~.

(d) **Food or beverages sold for ~~((indoor))~~ on-premises consumption.** The sale of food or beverages by retailers that are sold solely for immediate consumption indoors at the seller's place of business ~~((or))~~ at a deck or patio at the seller's place of business, or ~~((indoors))~~ at an eating area that is contiguous to the seller's place of business~~((or))~~.

(e) **Certain retail sales by caterers.** ~~((Effective July 24, 2005.))~~ The sale of prepared food or beverages by caterers

where the food or beverages are to be served for immediate consumption in or on individual, nonsingle use containers at premises occupied or controlled by the customer. For the purposes of this section, "prepared food" has the same meaning as provided in RCW 82.08.0293. "Nonsingle use container" and "caterer" have the meanings given in RCW 82.19.050.

(6) **Examples.** Examples included in this rule identify a number of facts and then state a general conclusion; they should be used only as a general guide. The tax consequences of all situations must be determined after a review of all the facts and circumstances.

(a) **Example 1.** Tina's Burgers is a restaurant that operates in a food court. Tina's Burgers offers the option to dine-in or take the food to-go. Dine-in sales are for customers who will be immediately consuming their food purchases within the food court dining area. To-go sales will be taken from the food court area to be consumed off of the premises. If a customer orders a burger and indicates they will dine-in, the purchase is not subject to litter tax. If a customer indicates that they will take the burger to-go, the purchase is subject to litter tax. To qualify for the exemption, Tina's Burgers must maintain adequate records demonstrating which sales were dine-in, and which were to-go.

(b) **Example 2.** ABC Cinema sells popcorn and other food and beverage items at its concession stand. Customers purchase the concession items to consume at the theater while watching movies. The purchases from the theater's concession stand are not subject to litter tax.

(c) **Example 3.** Prairie Oaks Golf Course has a restaurant on site called Chipper's. The golf course does not own the restaurant. Chipper's has a dining area, but also has servers driving golf carts through the golf course to serve patrons as they golf. Sales for immediate consumption in the restaurant dining area are not subject to litter tax, but sales occurring on the golf course are subject to litter tax because the food is not being consumed on the premises of the restaurant.

WSR 20-10-072

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed May 4, 2020, 8:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-21-043.

Title of Rule and Other Identifying Information: Leave of absence, WAC 192-170-080 (1)(a).

Hearing Location(s): On June 11, 2020, at 9:00 a.m.

Telephone conference, call 360-407-3790.

When prompted for the Conference ID number, press 51750 and then the # key.

Date of Intended Adoption: June 15, 2020.

Submit Written Comments to: Joshua Dye, P.O. Box 9046, Olympia, WA 98507-9046, email rules@esd.wa.gov, fax 844-652-7096, by June 10, 2020.

Assistance for Persons with Disabilities: Contact Teresa Eckstein, phone 360-507-9890, fax 360-586-4600, TTY relay 711, email teckstein@esd.wa.gov, by June 3, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 192-170-080 (1)(a) was determined to be "invalid" by the commissioner of the employment security department (ESD) under *In re Ausburn*, Empl. Sec. Comm'r Dec.2d 971 (2011). In that decision, the commissioner determined the rule was in "direct conflict" with RCW 50.04.310. Consequently, the department is repealing WAC 192-170-080 (1)(a). The remainder of WAC 192-170-080 will remain in effect.

Reasons Supporting Proposal: WAC 192-170-080 (1)(a) should be repealed so the public does not mistakenly rely on an invalid rule.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to ESD, including the authority to repeal rules.

Statute Being Implemented: RCW 50.04.310(1).

Rule is necessary because of state court decision, *In re Ausburn*, Empl. Sec. Comm'r Dec.2d 971 (2011).

Name of Proponent: ESD, governmental.

Name of Agency Personnel Responsible for Drafting: Scott Michael, Olympia, 360-890-3448; Implementation and Enforcement: Julie Lord, Olympia, 360-890-9579.

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

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Joshua Dye, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, email Rules@esd.wa.gov, <https://esd.wa.gov/newsroom/ui-rule-making/>.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. When considering the total claims spread across the state-wide employer base, the proposed rule would have a negligible impact on total costs for each employer.

May 4, 2020
Dan Zeitlin
Policy Director

AMENDATORY SECTION (Amending WSR 10-11-046, filed 5/12/10, effective 6/12/10)

WAC 192-170-080 Leave of absence. (1) A leave of absence is an absence from work mutually and voluntarily agreed upon by you and your employer or a collective bargaining agent, or leave to which you are entitled under federal or state law, where the employer-employee relationship is continued and you will be reinstated in the same or similar job when the leave expires.

~~(a) ((If you are on a leave of absence, you are not unemployed and thus not eligible for benefits.~~

~~(b))~~ If you choose not to return to work when the leave of absence ends, the separation is treated as a voluntary quit. The separation date will be the first working day after the leave expires.

~~((e))~~ ~~(b)~~ If no job is available with the employer when the leave of absence ends, the separation is treated as a layoff due to a lack of work.

~~((d))~~ ~~(c)~~ If you have been on medical leave and are released for work by your medical provider, but your

employer refuses to permit you to return to work, you are considered to be laid off due to a lack of work and potentially eligible for benefits.

(2) A leave of absence does not exist if the employer offers you only a preference for rehire or a promise of a job if work exists at the end of the leave. An employee-initiated leave that only provides fringe benefits during the leave or preferential status for reemployment is not a leave of absence but a voluntary quit.

(3) A temporary or indefinite disciplinary suspension from work by the employer is not a leave of absence. The department will treat this as a suspension.

WSR 20-10-080

PROPOSED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Filed May 4, 2020, 11:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-15-019.

Title of Rule and Other Identifying Information: This rule making considers modification of chapter 480-100 WAC, Electric companies; and chapter 480-90 WAC, Gas companies, related to consumer protection in response to investor-owned utility deployment of advanced metering infrastructure (AMI) technologies. This rule making addresses key concerns expressed by regulated companies, commission staff, and utility stakeholders regarding data privacy; disconnection and reconnection of service; customer notice requirements; and meter testing, identification, and accuracy requirements. This rule making was assigned Commission Docket U-180525.

Hearing Location(s): On July 13, 2020, at 9:30 a.m., at the Richard Hemstad Hearing Room, Room 110, 621 Woodland Square Loop S.E., Lacey, WA. Public hearing to consider adoption of the proposed rules. To join by phone, call 360-407-3810 and enter Conference ID: 4818239.

Date of Intended Adoption: July 13, 2020.

Submit Written Comments to: Mark L. Johnson, Executive Director and Secretary, P.O. Box 47250, Olympia, WA 98504-7250, email records@utc.wa.gov, by June 22, 2020.

Assistance for Persons with Disabilities: Contact Susan Holman, phone 360-664-1243, TTY 1-800-833-6384 or 711, email susan.holman@utc.wa.gov, by June 29, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules incorporate necessary regulatory protections for consumers in reaction to investor-owned utility deployment of AMI technologies.

Reasons Supporting Proposal: The proposed AMI rules formalize and standardize the expectations and requirements for companies implementing AMI technologies and revises requirements for data protection and disconnection and reconnection of service. The commission held workshops and solicited company and stakeholder comments, and is sat-

ified that the proposed rules both provide a framework for companies and protect the interests of consumers.

Statutory Authority for Adoption: Chapter 80.28 RCW; RCW 80.01.040, 80.01.160.

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

Name of Proponent: [No information supplied by agency], governmental.

Name of Agency Personnel Responsible for Drafting: Gregory J. Kopta, 621 Woodland Square Loop S.E., Lacey, WA 98503, 360-664-1355; Implementation and Enforcement: Mark L. Johnson, 621 Woodland Square Loop S.E., Lacey, WA 98503, 360-664-1115.

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

A cost-benefit analysis is not required under RCW 34.05.328. The Washington utilities and transportation commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rules will have no effect on small business because the rules apply only to the large investor-owned utility companies. Nevertheless, the commission issued an SBEIS Questionnaire, soliciting comments and information on the financial impact of the proposed rules. The commission received comments from three stakeholders. Puget Sound Energy (PSE) and Avista Corporation d/b/a Avista Utilities (Avista) expressed concern that it would be costly and burdensome for companies to adopt new systems and processes to comply with the draft revised data privacy rules and then to do so again if the legislature establishes comprehensive standards for data privacy, as it has considered in the last two legislative sessions. PSE and Avista further contended that the breadth and lack of specificity in the definition of "customer information" subject to protection would require companies to expend significant resources to identify, protect, and disclose such information in compliance with the rules. The proposed rules address these concerns by requiring only "reasonable" measures to safeguard "customer information," defining such information using existing statutory definitions of protected information, and requiring customer access only to "account and usage information," a subset of "customer information."

UtilityAPI, Inc. (UtilityAPI), commented that requiring consent for disclosure of protected information in paper, rather than electronic, form would be needlessly expensive and burdensome. UtilityAPI further observed that the National Institute of Standards and Technology (NIST) has dozens of conflicting standards for data privacy, and the requirement in the draft rules to comply with those standards would result in costs in the millions of dollars. The proposed rules address these concerns by defining "written consent" to include both paper and electronic documentation, and by deleting the requirement to comply with NIST standards.

The commission is unaware of any more-than-minor costs utilities must incur to comply with the proposed rules.

May 4, 2020
Mark L. Johnson

Executive Director and Secretary

AMENDATORY SECTION (Amending WSR 05-06-051, filed 2/28/05, effective 3/31/05)

WAC 480-90-023 Definitions. "Account and usage information" means customer-specific data in the records a utility keeps for each customer to provide and bill for utility service including, but not limited to, the customer's name, account number, address where service is provided, customer contact information, services the utility is providing or has provided to the customer, energy usage, customer financial information, bills the utility has issued, payment history, and medical or low-income status.

"Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"Aggregate data" means any collection of customer data by a utility from which identifiable information has been removed or modified so that the information cannot be attributed to any individual customer.

"Applicant" means any person, corporation, partnership, government agency, or other entity that applies, or is named in an application as a person having joint responsibility, for service with a gas utility or who reapplies for service at a new or existing location after service has been (~~disconnected~~) disconnected if the utility requires the person to reapply for service.

"British thermal unit" (Btu) means the quantity of heat required to raise the temperature of one pound of water at 60° Fahrenheit and standard pressure, one degree Fahrenheit.

"Business day" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"Commission" means the Washington utilities and transportation commission.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Cubic foot of gas" means a volumetric unit of measure used in sales and testing.

"Customer" means any person, corporation, partnership, government agency, or other entity that applied, or is named as a person having joint responsibility, for(;) service and that has been accepted for, and is currently receiving or is entitled to receive such service. "Customer" for purposes of this chapter may also include a person or other entity whose service has been involuntarily disconnected and that person or entity then seeks to have the utility reconnect service.

(~~"Cubic foot of gas"~~ means a volumetric unit of measure used in sales and testing.

~~"Sales volume"~~ means a cubic foot of gas for billing purposes is the amount of gas that occupies a volume of one cubic foot under the temperature and pressure conditions existing in the customer's meter. Temperature and/or pressure recording or compensating devices may be used to reflect temperature or pressure base conditions for computing the volume sold. Temperature and/or pressure compensation factors may be used to compute the volume of gas sold as provided in the utility's tariff.

"Testing volume" means a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of 60° Fahrenheit and pressure of 14.73 pounds per square inch absolute.) **"Customer information"** means private customer information and proprietary customer information as defined in RCW 19.29A.010 and personal information as defined in RCW 19.255.010.

"Gas" means any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.

"Gas utility (utility)" means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that is subject to the commission's jurisdiction and that owns, controls, operates, or manages any gas plant in Washington and manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation.

"Liquefied petroleum gas" means a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

"Manufactured gas" means any gas produced artificially by any process.

"Natural gas" means a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.

"Primary purpose" means a business need to provide regulated utility services as required by state or federal law, or as specifically authorized in the utility's effective tariff or by the commission.

"Sales volume" means a cubic foot of gas for billing purposes is the amount of gas that occupies a volume of one cubic foot under the temperature and pressure conditions existing in the customer's meter. Temperature and/or pressure recording or compensating devices may be used to reflect temperature or pressure base conditions for computing the volume sold. Temperature and/or pressure compensation factors may be used to compute the volume of gas sold as provided in the utility's tariff.

"Subsidiary" means any company in which the gas utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control.

"Testing volume" means a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of 60° Fahrenheit and pressure of 14.73 pounds per square inch absolute.

"Therm" means a unit of heat equal to 100,000 Btus.

"Gas utility" (utility) means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the three following conditions:

Owns, controls, operates, or manages any gas plant in Washington state;

Manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation; and

Is subject to the commission's jurisdiction.) **"Written consent"** means permission or authorization in writing, whether electronic or in hard (paper) copy.

Other terms. Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally

Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the gas industry, or their ordinary meaning if there is no meaning generally accepted in the gas industry.

AMENDATORY SECTION (Amending WSR 01-11-003, filed 5/3/01, effective 6/3/01)

WAC 480-90-128 Disconnection of service. (1) **Customer-directed.** The utility may require customers to give at least three days' advance notice of customer-directed disconnection prior to the date the utility must disconnect service ((is to be discontinued)). The customer is not responsible for usage after the requested date for ((discontinuance)) **disconnection** of service, provided the customer gave ((proper)) **the utility the notice required in this rule and the utility's tariff.** If the customer moves from the service address and fails to request that service be ((discontinued)) **disconnected**, the customer will be responsible ((to pay)) **for paying** for service taken at that service address until the utility can confirm ((either)) **the date** that the customer ((has)) vacated the premises and **the utility** can access the meter, **if necessary**, or that a new responsible party is taking service **at that address.**

(2) ~~(Utility directed without notice or without further notice.~~ The utility may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has fraudulently obtained service. The utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(i) First offense. The utility may disconnect service without notice when it discovers theft, tampering, or fraud, unless the customer immediately pays all of the following:

(A) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(B) All utility costs resulting from such theft, tampering, or fraud; and

(C) Any required deposit.

(ii) Second offense. The utility may disconnect service without notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud, subject to appeal to the commission.

(b) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

(c) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer;

(d) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (6) of this section;

(e) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice as described in subsection (6) of this section; or

~~(f) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's filed tariff. This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility;~~

~~(3)) Utility-directed with notice. After ~~((properly))~~ notifying the customer~~(s)~~ as ~~((explained))~~ required in subsection ~~((6))~~ (4) of this section, the utility may ~~((discontinue))~~ disconnect service for any one of the following conditions:~~

~~(a) ~~((For))~~ The customer has delinquent charges associated with regulated gas service ~~((or, for regulated gas and regulated electric service if the utility provides both services))~~, including any required deposit~~(s)~~; however, the utility ~~((cannot))~~ may not disconnect service when the customer has met the requirements of subsection ~~((5))~~ (8) of this section for medical conditions or emergencies or has agreed to ~~((or))~~ and maintains agreed-upon payment arrangements with the utility, as described in WAC 480-90-143~~(s)~~ Winter low-income payment program;~~

~~(b) ~~((For use of))~~ Gas service the utility provides is being used~~ for purposes or properties other than those specified in the customer's service application;

~~(c) ~~((Under))~~ Flat-rate service for nonmetered load~~(s)~~ ~~((or))~~ has increased natural gas use without the utility's approval;~~

~~(d) ~~((For refusing))~~ The customer refuses to allow, or utility representatives are otherwise unable to obtain, access to the customer's premises as required in WAC 480-90-168, Access to premises; identification;~~

~~(e) ~~((For violating))~~ Violation of utility rules, service agreements, or filed tariff~~(s)~~; or~~

~~(f) ~~((For use of))~~ Equipment is being used that detrimentally affects the utility's service to its other customers or may result in detrimental impacts to the safety of those customers or other persons, customers' equipment or property, or utility service.~~

~~((4)) (3) A utility may not disconnect gas service ~~((may not be disconnected))~~ for amounts ~~((that may be owed))~~ the customer may owe the utility for nonregulated services.~~

~~((5) Medical emergencies. When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service during the same business day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice.~~

~~(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of gas service would aggravate an existing medical condition of a resident of the household. "Qualified medical professional"~~

means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may not require more than the following information:

~~(i) Residence location;~~

~~(ii) An explanation of how the current medical condition will be aggravated by disconnection of service;~~

~~(iii) A statement of how long the condition is expected to last; and~~

~~(iv) The title, signature, and telephone number of the person certifying the condition;~~

~~(b) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed;~~

~~(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a five-business-day grace period:~~

~~(i) Pay a minimum of ten percent of the delinquent balance;~~

~~(ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and~~

~~(iii) Agree to pay subsequent bills when due.~~

~~Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility may not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement;~~

~~(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five-business-day grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may not disconnect service without first mailing a written notice providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or by personally delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;~~

~~(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any one hundred twenty-day period.~~

~~(6)) (4) Disconnection notification requirements. The utility must notify a customer~~(s)~~ as provided in this subsection before disconnecting ~~((their))~~ the customer's service, except as described in subsection ~~((2))~~ (7) of this section. ~~((Notification consists of the following requirements:))~~~~

~~(a) The utility must ~~((serve a written))~~ provide at least two separate disconnection notices to the customer ~~((either by mail or by personal delivery to the customer's address with notice attached to the primary door. If the disconnection notice is for nonpayment during the winter months, the utility must advise the customer of the payment plan described in WAC 480-90-138, Payment arrangements, and WAC 480-~~~~

90-143, Winter low-income payment program. Each disconnection notice must include:

~~(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing if mailed from inside the states of Washington, Oregon, or Idaho, or a disconnection date that is not less than eleven business days if mailed from outside the states of Washington, Oregon, and Idaho.~~

~~((ii))~~.

(i) The utility must provide the first disconnection notice in writing by delivery of a hard (paper) copy to the service premises. The utility must either mail a hard copy of the notice or deliver the notice to the service premises by attaching the notice to the customer's primary door. The notice must be mailed or delivered to the premises at least eight business days before the disconnection date. If the notice is mailed from outside the states of Washington, Oregon, or Idaho, the utility must mail the notice eleven days before the disconnection date. In addition, the utility must provide an electronic copy of the notice, if the utility has such contact information for the customer and the customer has consented to electronic delivery of notices from the utility, at the time the utility mails or delivers the hard copy of the notice.

(ii) The utility must provide the second disconnection notice electronically (if the utility has such contact information and customer consent to electronic delivery of notices) at least two business days before the disconnection date and by one of the three options listed below:

(A) Delivered notice. The utility must deliver a paper copy of the second notice to the service premises and attach it to the customer's primary door at least two business days before the disconnection date.

(B) Mailed notice. The utility must mail a hard copy of the second notice at least three business days before the disconnection date unless mailed outside of the states of Washington, Oregon, or Idaho, in which case the utility must mail the notice no less than six business days before the disconnection date.

(C) Telephone notice. The utility must attempt at least two times to contact the customer by telephone during regular business hours at least three business days before the disconnection date to enable sufficient time to send a timely written notice if the utility is unable to speak with the customer by telephone. The utility must keep a log or record of the calls for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to speak with the customer by telephone, the utility must deliver or mail a paper copy of the second notice as provided in (a)(ii)(A) or (B) of this subsection.

(b) Each disconnection notice must include all relevant information about the disconnection action including:

(i) The cause for disconnection, the amount owed for regulated ((natural)) gas service ((and, if applicable, regulated electric service;)), and how to avoid disconnection including, but not limited to, the availability of, and how to apply for, energy assistance, low-income assistance, exemptions for low-income assistance and medical conditions or emergencies, and a payment plan as required under WAC 480-90-138 Payment arrangements;

~~((iii))~~ (i) All relevant information about any charges that the utility is assessing or that it may ((be assessed)) assess; ((and

~~((iv))~~ (ii) The utility's name, address, and toll-free telephone number by which a customer may contact the utility to discuss the pending disconnection of service; and

~~((b))~~ (iv) If the notices are for nonpayment and the utility is scheduling disconnection during the late fall and winter between November 15th and March 15th, the utility must advise the customer of the payment plan option in WAC 480-90-143 Winter low-income payment program.

(c) If the utility discovers ((the)) that an issue notice does not contain the information required in (a) of this subsection, or if the information in the notice is inaccurate, the utility must issue another notice to the customer as described in (a)(i) or (ii) of this subsection(;

~~((e))~~, as applicable, and must recalculate the scheduled disconnection date to the extent necessary to ensure that the utility complies with the minimum prior notice requirements.

(d) If the utility ((has not disconnected)) does not disconnect service within ten business days of the disconnection date stated in a disconnection notice under (a)(i) or (ii) of this subsection, the ((disconnection notice will be considered void)) utility must restart the disconnection notice process required in (a) of this subsection unless the customer and the utility have agreed to a payment arrangement. ((Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

~~((d))~~ In addition to the notice required by (a) of this subsection, a second notice must be provided by one of the three options listed below:

(i) Delivered notice. The utility must deliver a second notice to the service premises and attach it to the customer's primary door. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(ii) Mailed notice. The utility must mail a second notice which must include a scheduled disconnection date that is not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, or Idaho.

(iii) Telephone notice. The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.

For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (a)(iii) of this subsection;

(e) If the utility discovers that the written notice information required under the options in (d) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(f) If the utility provides a second notice within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection date is extended an additional ten working days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten business day period, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide an additional notice as required in (d) of this subsection.

(g) If the utility provides a second notice after the ten business days of the disconnection date required by (a)(i) of this subsection, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(h) Utilities))

(e) A utility with combined accounts for both ((natural)) gas and electric service ((will have the option of choosing which service will be disconnected;

(+)) may disconnect the gas service in compliance with these rules if the reason for the disconnection applies or is attributable to that service. The utility may disconnect the electric service in compliance with chapter 480-100 WAC if the reason for the disconnection applies or is attributable to that service. The utility must state which service it intends to disconnect and any measures the customer needs to undertake to retain the other service. If the utility seeks to disconnect both services, the utility must distinctly identify both services it intends to disconnect.

(f) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If they are not the same party, the utility must provide notice to the service user as described in (a) of this subsection prior to disconnecting service((;

(+))).

(g) Except in case of danger to life or property, the utility may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day((;

(k) A utility)).

(h) Any representative ((dispatched to disconnect)) the utility dispatches in connection with service disconnection must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any overpayment to the customer's account. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff((;

(+))).

(i) When the utility provides service ((is provided)) through a master meter, or when the utility has reasonable grounds to believe it is providing service ((is)) to a person other than the customer of record, the utility must undertake

reasonable efforts to inform the occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to a person other than the customer of record, the utility must allow at least five days past the original disconnection date to permit the service users to arrange for continued service((;

(m))).

(j) Medical facilities. ((When service is known to be provided to:)) The utility must take the following additional steps when the utility is aware that it is providing service to specified types of medical facilities.

(i) If the utility is providing service to a hospital, medical clinic, ambulatory surgery center, renal dialysis facility, chemical dependency residential treatment facility, or other medical care facility licensed or certified by the department of health (DOH), the utility must provide a notice of pending disconnection ((must be provided)) to the DOH secretary ((of the department of health)) and to the customer. ((The department of health)) Upon request of the DOH secretary or designee ((may request to)), the utility must delay the disconnection for at least five business days past the original disconnection date to allow ((the department)) DOH to take the necessary steps to protect the interests of the patients residing at the facility((;

(ii) If the utility is providing service to a nursing home, boarding home, adult family home, group care facility, intermediate care facility for ((the mentally retarded (ICF/MR))) individuals with intellectual disabilities, intensive tenant support residential property, ((chemical dependency residential treatment facility,)) crisis residential center for children, or ((other group home or)) residential care facility licensed or certified by the department of social and health services (DSHS), the utility must provide a notice of pending disconnection ((must be provided)) to the DSHS secretary ((of the department of social and health services)) and to the customer. ((The department of social and health services)) Upon request of the DSHS secretary or designee ((may request to)), the utility must delay the disconnection for at least five business days past the original disconnection date to allow ((the department)) DSHS to take the necessary steps to protect the interests of the patients residing at the facility((;

(n))).

(k) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must offer all customers the opportunity to make such a designation. If the utility has reasonable grounds to believe((s)) that a customer is not able to understand the effect of the disconnection, the utility must ((consider a)) take reasonable steps to ascertain whether a third party, such as DSHS or other social services agency ((to be a third party)), is responsible for the customer's affairs. In either ((ease)) circumstance, the utility must delay service disconnection for at least five business days past the original disconnection date after issuing a disconnection notice to the third party. The utility must determine which social services agencies are appropriate and willing to receive the disconnection notice((s)) and the name and/or title of the person able to deal with the disconnection, and the utility must provide that information to the customer.

~~((7))~~ (5) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

~~((8))~~ (6) **Remote disconnection.** A utility may not disconnect gas services remotely unless the commission authorizes utilities to remotely disconnect gas services.

(7) **Utility-directed disconnection without prior notice.**

(a) A utility may disconnect service without prior notice or without further prior notice under any of the following circumstances:

(i) After conducting a thorough investigation the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has fraudulently obtained service. In any challenge to that determination, the utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(A) First offense. The utility may disconnect service without prior notice when it discovers theft, tampering, or fraud, unless the customer immediately pays all of the following:

(I) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(II) All utility costs resulting from such theft, tampering, or fraud; and

(III) Any required deposit.

(B) Second offense. The utility may disconnect service without prior notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud unless the commission determines otherwise.

(ii) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

(iii) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer;

(iv) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued notice as required in subsection (4) of this section;

(v) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued notice as required in subsection (4) of this section; or

(vi) The utility has determined a person has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's filed tariff. If the utility has reasonably sufficient grounds to conclude that the unauthorized usage is in good faith, the utility should notify the person and provide an opportunity to apply for service prior to disconnection.

(b) If the utility disconnects service without prior notice as authorized in this subsection, the utility must subsequently make a reasonable effort to notify the customer or affected person of the reason for the disconnection within five business days. Such notice must also describe the means by which the customer or person may dispute the utility's actions including, but not limited to, contacting the commission.

(c) This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(8) **Medical conditions or emergencies.** When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical condition or emergency that requires gas to continue to be provided. The utility must reinstate service during the same business day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of gas service would aggravate an existing medical condition of an occupant of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may not require more than the following information:

(i) Residence location;

(ii) An explanation of how the current medical condition will be aggravated by disconnection of service;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature, and telephone number of the person certifying the condition.

(b) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed.

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a five-business-day grace period:

(i) Pay a minimum of ten percent of the delinquent balance;

(ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and

(iii) Agree to pay subsequent bills when due.

Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility must not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement.

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five business days grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may disconnect service after complying with the notice requirements in subsection (4)(a)(i) of this section.

(9) Payments at a payment agency. Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment. The utility must promptly verify the payment upon notification from the customer.

~~((9))~~ (10) Remedy and appeals. ~~((Service))~~ A utility may not ~~((be disconnected))~~ disconnect service while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the utility's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The utility will inform the customer of these provisions when referring the customer ~~((is referred))~~ to a ~~((utility's))~~ utility supervisor or to the commission.

(11) Disconnecting service during inclement weather. A utility must establish conditions in its tariff(s) under which the utility will cease nonvoluntary service disconnections during inclement weather events.

AMENDATORY SECTION (Amending WSR 01-11-003, filed 5/3/01, effective 6/3/01)

WAC 480-90-133 Reconnecting service after disconnection. (1) A ~~((gas))~~ utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or other time mutually agreeable between the customer and the utility, after the customer has paid, or at the time the utility has agreed to bill, any applicable reconnection charge, and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays any delinquent ~~((regulated))~~ tariffed charges, plus any required deposit; or

(b) The customer has entered into an agreed-upon payment arrangement for a delinquent account, and pays any required deposit as defined in WAC 480-90-113, Residential service deposit requirement, or WAC 480-90-118, Nonresidential service deposit requirements; or

(c) The customer has paid all ~~((regulated))~~ tariffed amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC 480-90-113, Residential service deposit requirements, or WAC 480-90-118, Nonresidential service deposit requirements.

(2) A utility may not reconnect gas service remotely unless the commission authorizes utilities to remotely reconnect gas services.

(3) The commission may require reconnection pending resolution of a ~~((bona fide))~~ dispute between the utility and the customer over the propriety of disconnection.

AMENDATORY SECTION (Amending WSR 11-06-032, filed 2/25/11, effective 3/28/11)

WAC 480-90-153 Protection and disclosure of ~~((private))~~ customer information. (1) A utility must use reasonable security practices and procedures to safeguard all customer information within the utility's possession or control from unauthorized access or disclosure.

(2) A utility may only collect and retain customer information that is reasonably necessary for the utility to perform duties directly related to the utility's primary purpose unless the utility has first obtained the customer's written consent to collect and retain customer information for another purpose.

(3) A utility may disclose customer information without written customer consent to an affiliate, subsidiary, or parent organization only to the extent necessary for the utility to perform duties directly related to the utility's primary purpose. The utility must obtain the customer's written consent to disclose customer information to an affiliate, subsidiary, or parent organization for any other purpose.

(4) A utility may disclose customer information to third parties only to the extent necessary for the utility to perform duties directly related to the utility's primary purpose unless the utility has first obtained the customer's written consent to disclose customer information to third parties for other specified purposes. The utility must require all third parties to which it provides access to customer information to have policies, procedures, and technological safeguards in place to protect customer information that are no less stringent than the utility's own standards.

(5) A utility is ultimately responsible for safeguarding customer information. The utility must ensure that it has and enforces contractual obligations with third parties, affiliates, subsidiaries, and parent organizations that require such entities to have and comply with policies, procedures, and technological safeguards sufficient to prevent the misuse or improper or unauthorized disclosure of customer information.

(6) A ~~((gas))~~ utility may not ~~((disclose or))~~ sell ~~((private consumer))~~ customer information ~~((with or)).~~ A utility may not otherwise disclose customer information except as provided in this rule. A utility may not disclose customer information to its affiliates, subsidiaries, parent organization, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written ~~((or electronic permission to do so.~~

~~(2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.~~

~~(3) The utility must obtain a customer's prior permission for each instance of disclosure or sale of his or her private customer information to an affiliate, subsidiary or other third party for purposes of marketing services or products that the customer does not already subscribe to and maintain a record of each instance of permission for disclosing his or her private customer information.~~

~~(4))~~ consent. The utility must maintain a record of each customer's written consent as required in subsection (9) of this section.

(7) Nothing in this rule may be construed to preclude the utility from complying with demands for customer informa-

tion as required by law, such as through a warrant or subpoena.

(8) If a customer discloses or directs the utility to disclose customer information to a third party other than in response to a request or requirement of the utility, the utility will not be responsible for the security of that information or its use or misuse by that third party.

(9) The utility ~~((will))~~ must retain the following information for each ~~((instance of a customer))~~ written consent a customer gives to the utility for disclosure of ~~((his or her private))~~ customer information ~~((if provided electronically))~~:

(a) The date and customer confirmation of consent ~~((for the disclosure of private))~~ to disclose customer information;

(b) A list of the ~~((date of the consent and the))~~ affiliates, subsidiaries, parent organization, or third parties to which the customer has authorized ~~((disclosure of his or her private))~~ the utility to disclose customer information; ~~((and))~~

(c) ~~((A confirmation))~~ Information provided to the customer about how the customer can revoke consent; and

(d) Verification that the name, service address, and account number ~~((exactly matches))~~ match the utility record for such account.

~~((5))~~ (10) Subject to agreements a customer has made with third parties, a customer has the right to revoke, at any time, any previously granted consent for the utility to disclose customer information in the future to an affiliate, subsidiary, parent organization, or third party for purposes that are not necessary for the utility to perform duties directly related to the utility's primary purpose. The utility may require that any such revocation not be effective until up to ten business days after the customer submits that revocation to the utility.

(11) The utility must post and maintain its privacy policy on its website in a prominent location.

(a) The utility must notify new customers how they can access a copy of the utility's privacy policy upon initiating utility service.

(b) Whenever the utility amends its privacy policy it must notify existing customers by whatever method the utility uses to transmit the customers' bills.

(c) The utility must provide a written copy of its privacy policy upon customer request.

(d) Any notice regarding the utility's privacy policy must include a customer service phone number and website address where customers can direct additional questions or obtain additional information.

(12) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided ~~((for))~~ in WAC 480-80-143 ~~((f))~~ Special contracts for gas, electric, and water companies~~((h))~~.

~~((6))~~ (13) This section does not prevent the utility or its approved third parties from inserting any marketing information into the customer's billing package.

~~((7))~~ (14) The utility must provide a user-friendly website interface through which customers may access their own account and usage information without charge. The utility may implement reasonable procedures to verify the customer's identity before providing access to customer account and usage information through this interface.

(15) The utility must make a reasonable effort to respond to requests from customers for their own account and usage information within ten business days of the customer request.

(16) The utility must ensure that the information it collects, stores, uses, and discloses is reasonably accurate and complete and otherwise complies with applicable rules and tariffs regarding the quality of energy usage data.

(17) Each customer must have the opportunity to dispute the accuracy or completeness of the customer account and usage information the utility has collected for that customer. The utility must provide adequate procedures for customers to dispute the accuracy of their customer account and usage information and to request appropriate corrections or amendments.

(18) The utility must take all reasonable steps to destroy, or arrange for the destruction of, customer information in accordance with the utility's data retention policies and practices.

(19) The utility must notify customers of any security breach involving disclosure of personal information as defined in RCW 19.255.010 in accordance with that statute. If a security breach involves customer information that does not contain such personal information, the utility shall notify customers and the commission as soon as practicable of the breach and the measures the utility is taking to remedy the breach. The utility must take all reasonable measures including, but not limited to, cooperating fully with law enforcement agencies, to recover lost information and prevent the loss of further customer information.

(20) The utility must review at least annually the type of customer information the utility has collected and ensure collection and retention of that information is reasonably necessary for the utility to perform duties directly related to the utility's primary purpose or other purpose to which the customer has consented to the utility collecting that information.

(21) The utility may collect and release ~~((customer information in))~~ aggregate ~~((form if))~~ data to the extent reasonably necessary for the utility to perform duties directly related to the utility's primary purpose but must have sufficient policies, procedures, and safeguards in place to ensure that the aggregated information does not allow any specific customer to be identified. The utility may collect and release aggregate data on energy usage to the extent necessary to comply with legal requirements, or to facilitate voluntary efforts, to promote energy efficiency, conservation, or resource management but must have sufficient policies, procedures, and safeguards in place to ensure that the aggregated information does not allow any specific customer to be identified.

AMENDATORY SECTION (Amending WSR 16-06-038, filed 2/23/16, effective 3/25/16)

WAC 480-90-178 Billing requirements and payment date. (1) Customer bills must:

(a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission;

(b) Show the total amount due and payable;

(c) Show the date the bill becomes delinquent if not paid;

(d) Show the utility's business address, business hours, and toll-free telephone number and emergency telephone number by which a customer may contact the utility;

(e) Show the ~~((current and previous))~~ beginning and ending meter readings for the current billing period, the current monthly or bimonthly read date, as applicable, and the total amount of therms used for the billing cycle, provided that the customer bill must provide the meter readings and read date for the final reading for the applicable monthly or bimonthly billing cycle; the bill need not include interval readings, although customers must be provided access to their usage data in accordance with WAC 480-90-153;

(f) Show the amount of therms used for each billing rate, the applicable billing rates per therm, the basic charge or minimum bill;

(g) Show the amount of any municipal tax surcharges or their respective percentage rates, if applicable;

(h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner:

(i) Flat-rate service must be prorated on the basis of the proportionate part of the period that service was rendered;

(ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full;

(i) Clearly identify when a bill is based on an estimation.

(i) A utility must detail its method(s) for estimating customer bills in its tariff;

(ii) The utility may not estimate for more than four consecutive months unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer; and

(j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its filed tariff the method of applying charges and of ascertaining the demand.

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the states of Washington, Oregon, or Idaho, or eighteen days if mailed from outside the states of Washington, Oregon, and Idaho.

(3) The utility must allow a customer to change a designated payment-due date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a designated payment-due date to parallel receipt of income. The preferred payment date must be prior to the next billing date.

(4) With the consent of the customer, a utility may provide billings in electronic form if the bill meets all the requirements for the use of electronic information in this chapter. The utility must maintain a record of the consent as a part of the customer's account record, and the customer may change from electronic to printed billing upon request, as provided in this chapter. The utility must complete the change within two billing cycles of the request.

(5) Corrected bills:

(a) A utility must issue a corrected bill upon finding that an underbilling or overbilling occurred as a result of a meter failure, meter malfunction, meter with unassigned energy

usage, or any other situation where energy usage was not billed or was inaccurately billed. The utility must use the rates and rate schedule in effect during the billing period(s) covered by the corrected bill. The utility must issue the corrected bill within sixty days from the date the utility discovered that an account had been underbilled or overbilled. Except as provided in subsection (7) of this section, when a utility's investigation finds that it has underbilled energy usage, it may not collect underbilled amounts for any period greater than six months from the date the error occurred. The maximum period for which utilities are required to adjust bills for overbilling is six years.

(b) For the purposes of this rule:

(i) A meter failure or malfunction is defined as: A mechanical malfunction or failure that prevents the meter or any ancillary data collection or transmission device from registering or transmitting the actual amount of energy used. A meter failure or malfunction includes, but is not limited to, a stopped meter, a meter that is faster or slower than the metering tolerance specified in WAC 480-90-338, or an erratic meter.

(ii) An unassigned energy usage meter is defined as a meter that is installed at a valid service address and accurately records energy usage during a period of time where there was no active gas service account at that premises.

(c) A utility must develop and maintain procedures that establish practices for the prompt identification, repair and replacement of meters that are not functioning correctly and for identification of unassigned usage meters. The objective of such procedures shall be to mitigate the number of underbilling occurrences that exceed six months in duration. These procedures must address, at a minimum:

(i) Practices to prevent the issuance of corrected bills due to incorrect prorated bills, improperly assigned meters, incorrectly installed meters, incorrect billing rate schedules, incorrect billing multipliers, or any other event that may affect billing accuracy.

(ii) Processes for the investigation of meter issues include, but are not limited to, stopped, slowed, and erratic usage meters.

(iii) Processes for the investigation of meter usage from unidentified usage meters.

(6) For the purpose of this rule, a corrected bill may take the form of a newly issued bill or may be reflected as a line item adjustment on a subsequent monthly or bimonthly bill. When a corrected bill is issued, the utility must provide the following information on the corrected bill, in a bill insert, letter, or any combination of methods that clearly explains all the information required to be sent to the customer:

(a) The reason for the bill correction;

(b) A breakdown of the bill correction for each month included in the corrected bill;

(c) The total amount of the bill correction that is due and payable;

(d) The time period covered by the bill correction; and

(e) When issuing a corrected bill for underbilling, an explanation of the availability of payment arrangements in accordance with WAC 480-90-138(1) payment arrangements.

(7) Exceptions to billing correction rules:

(a) Corrected bills related to an underbilling due to tampering or interference with the utility's property, use of the utility's service through an illegal connection, or the fraudulent use of a utility's service, are exempt from the six-month restriction set forth in subsection (5)(a) of this section.

(b) Adjustments for underbilling of nonresidential customers will be limited to six months. However, the utility may extend this period for good cause if a longer period is appropriate due to circumstances such as the complexity of specific accounts, changing metering configurations, load changes of large industrial customers, special meter configuration involving current transformers, or wiring reconfigurations by the customer. Utilities must report to the commission within sixty days the reasons for any adjustments longer than six months.

(c) The utility may choose not to issue a corrected bill to recover underbilled amounts less than fifty dollars.

(8) An estimated meter read made in accordance with subsection (1)(i) of this section is not considered a meter failure or malfunction or a billing error. A bill true-up based on an actual meter reading after one or more estimated bills is not considered a corrected bill for purposes of subsection (5)(a) of this section.

AMENDATORY SECTION (Amending WSR 05-06-051, filed 2/28/05, effective 3/31/05)

WAC 480-100-023 Definitions. "Account and usage information" means customer-specific data in the records a utility keeps for each customer to provide and bill for utility service including, but not limited to, the customer's name, account number, address where service is provided, customer contact information, services the utility is providing or has provided to the customer, energy usage, customer financial information, bills the utility has issued, payment history, and medical or low-income status.

"Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"Aggregate data" means any collection of customer data by a utility from which identifiable information has been removed or modified so that the information cannot be attributed to any individual customer.

"Applicant" means any person, corporation, partnership, government agency, or other entity that applies, or is named in an application as a person having joint responsibility, for service with an electric utility or who reapplies for service at a new or existing location after service has been ~~((discontinued))~~ disconnected if the utility requires the person to reapply for service.

"Business day" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"Commission" means the Washington utilities and transportation commission.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Customer" means any person, corporation, partnership, government agency, or other entity that has applied, or is named as a person having joint responsibility, for ~~((;))~~ ser-

vice and that has been accepted, and is currently receiving or is entitled to receive such service. "Customer" for purposes of this chapter may also include a person or other entity whose service has been involuntarily disconnected and that person or entity then seeks to have the utility reconnect service.

"Customer information" means private customer information and proprietary customer information as defined in RCW 19.29A.010 and personal information as defined in RCW 19.255.010.

"Electric utility (utility)" means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver that ~~((meets the following conditions))~~ is subject to the commission's jurisdiction and that owns, controls, operates, or manages any electric plant for hire in Washington ~~((state; and~~
Is subject to the commission's jurisdiction)).

"Primary purpose" means a business need to provide regulated utility services as required by state or federal law, or as specifically authorized in the utility's effective tariff or by the commission.

"Subsidiary" means any company in which the electric utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control of that company.

"Written consent" means permission or authorization in writing, whether electronic or in hard (paper) copy.

Other terms. Terms used in this chapter and defined in the public service laws of Washington ~~((state))~~ (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

AMENDATORY SECTION (Amending WSR 01-11-004, filed 5/3/01, effective 6/3/01)

WAC 480-100-128 Disconnection of service. (1) Customer-directed. ~~((The))~~ A utility may require customers to give at least three days' advance notice ~~((prior to the date service is to be discontinued))~~ of customer-directed disconnection when the utility uses dispatched utility personnel to disconnect service. The utility may require up to twenty-four hours advance notice of customer-directed disconnection from customers serviced via a meter with remote disconnect capability. The customer is not responsible for usage after the requested date for ~~((discontinuance))~~ disconnection of service, provided the customer gave ~~((proper))~~ the utility the notice required in this rule and the utility's tariff. If the customer moves from the service address and fails to request that service be ~~((discontinued))~~ disconnected, the customer will be responsible ~~((to pay))~~ for paying for service taken at that service address until the utility can confirm ~~((either))~~ the date that the customer ~~((has))~~ vacated the premises and the utility can access the meter, if necessary, or that a new responsible party is taking service at that address.

(2) ~~((Utility directed without notice or without further notice.~~ The utility may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation, the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has fraudulently obtained service. The utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(i) First offense. The utility may disconnect service without notice when it discovers theft, tampering, or fraud, unless the customer immediately pays all of the following:

(A) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(B) All utility costs resulting from such theft, tampering, or fraud; and

(C) Any required deposit.

(ii) Second offense. The utility may disconnect service without notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud, subject to appeal to the commission.

(b) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

(c) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer;

(d) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (6) of this section;

(e) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice as described in subsection (6) of this section; or

(f) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's filed tariff.

This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility.

~~(3))~~ **Utility-directed with notice.** After ~~((properly))~~ notifying the customer ~~((, as explained))~~ as required in subsection ~~((6))~~ (4) of this section, the utility may ~~((disconnect))~~ disconnect service for any one of the following conditions:

(a) ~~((For))~~ The customer has delinquent charges associated with regulated electric service ~~((or for regulated electric and gas service if the utility provides both services)),~~ including any required deposit~~((:))~~; however, the utility ~~((cannot))~~ may not disconnect service when the customer has met the requirements of subsection ~~((5))~~ (8) of this section for medical conditions or emergencies, or has agreed to ~~((or))~~ and maintains agreed-upon payment arrangements with the utility, as described in WAC 480-100-143, Winter low-income payment program;

(b) ~~((For use of))~~ Electric service the utility provides is being used for purposes or properties other than those specified in the customer's service application;

(c) ~~((Under))~~ Flat-rate service for nonmetered load~~((; for))~~ has increased electric use without the utility's approval;

(d) ~~((For refusing))~~ The customer refuses to allow ~~((the utility's)),~~ or utility representatives are otherwise unable to obtain, access to the customer's premises as required in WAC 480-100-168, Access to premises; identification;

(e) ~~((For violating))~~ Violation of utility rules, service agreements, or filed tariff(s); or

(f) ~~((For use of))~~ Equipment is being used that detrimentally affects the utility's service to its other customers or may result in detrimental impacts to the safety of those customers or other persons, customers' equipment or property, or utility service.

~~((4))~~ (3) A utility may not disconnect electric service ~~((may not be disconnected))~~ for amounts that ~~((may be owed))~~ the customer may owe the utility for nonregulated service.

~~((5))~~ **Medical emergencies.** When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service during the same day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of electric service would aggravate an existing medical condition of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may not require more than the following information:

(i) Residence location;

(ii) An explanation of how the current medical condition will be aggravated by disconnection of service;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature, and telephone number of the person certifying the condition;

(b) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed;

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a five-business-day grace period:

(i) Pay a minimum of ten percent of the delinquent balance;

(ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and

(iii) Agree to pay subsequent bills when due.

Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility may not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement;

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five-business-day grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may not disconnect service without first mailing a written notice providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho, or by personally delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any one hundred twenty-day period.

~~(6))~~ (4) Disconnection notification requirements. The utility must notify a customer~~(s)~~ as provided in this subsection before disconnecting ~~(their)~~ the customer's service, except as described in subsection ~~((2))~~ (7) of this section. ~~(Notification consists of the following requirements:)~~

(a) The utility must ~~((serve a written))~~ provide at least two separate disconnection notices to the customer ~~((either by mail or by personal delivery to the customer's address with notice attached to the primary door. If the disconnection notice is for nonpayment during the winter months, the utility must advise the customer of the payment plan described in WAC 480-100-138, Payment arrangements, and WAC 480-100-143, Winter low-income payment program. Each disconnection notice must include:~~

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing, if mailed from inside the states of Washington, Oregon, or Idaho, or a disconnection date that is not less than eleven business days, if mailed from outside the states of Washington, Oregon, and Idaho.

~~((ii))~~.

(i) The utility must provide the first disconnection notice in writing by delivery of a paper copy to the service premises. The utility must either mail a hard (paper) copy of the notice or deliver the notice to the service premises by attaching the notice to the customer's primary door. The notice must be mailed or delivered to the premises at least eight business days before the disconnection date. If the notice is mailed from outside the states of Washington, Oregon, or Idaho, the utility must mail the notice eleven days before the disconnection date. In addition, the utility must provide an electronic copy of the notice, if the utility has such contact information for the customer and the customer has consented to electronic delivery of notices from the utility, at the time the utility mails or delivers the hard copy of the notice.

(ii) The utility must provide the second disconnection notice electronically (if the utility has such contact information and customer consent to electronic delivery of notices) at

least two business days before the disconnection date and by one of the three options listed below:

(A) Delivered notice. The utility must deliver a paper copy of the second notice to the service premises and attach it to the customer's primary door at least two business days before the disconnection date.

(B) Mailed notice. The utility must mail a hard copy of the second notice at least three business days before the disconnection date unless mailed outside of the states of Washington, Oregon, or Idaho, in which case the utility must mail the notice no less than six business days before the disconnection date.

(C) Telephone notice. The utility must attempt at least two times to contact the customer by telephone during regular business hours at least three business days before the disconnection date to enable sufficient time to send a timely written notice if the utility is unable to speak with the customer by telephone. The utility must keep a log or record of the calls for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to speak with the customer by telephone, the utility must deliver or mail a paper copy of the second notice as provided in (a)(ii)(A) or (B) of this subsection.

(b) Each disconnection notice must include all relevant information about the disconnection action including:

(i) The cause for disconnection~~(s)~~, the amount owed for regulated electric service ~~(and, if applicable, regulated natural gas service)~~, and how to avoid disconnection including, but not limited to, the availability of, and how to apply for, energy assistance, low-income assistance, exemptions for low-income assistance and medical conditions or emergencies, and a payment plan as required under WAC 480-100-138 Payment arrangements;

~~((iii))~~ (ii) All relevant information about any charges that ~~((may be assessed; and~~

~~((iv))~~ (iii) the utility is assessing or that it may assess;

(ii) The utility's name, address, and toll-free telephone number by which a customer may contact the utility to discuss the pending disconnection of service;

~~((b))~~ (iv) If the notices are for nonpayment and the utility is scheduling disconnection during the late fall and winter between November 15th and March 15th, the utility must advise the customer of the payment plan option in WAC 480-100-143 Winter low-income payment program; and

(v) If the utility may be disconnecting service via a remote disconnection device, the notice must include a statement that the utility may disconnect the customer's service without a final visit from utility personnel.

(c) If the utility discovers ~~((the))~~ that an issued notice does not contain the information ~~((in (a)))~~ required under (b) of this subsection, or if the information in the notice is inaccurate, the utility must issue another notice to the customer as described in ~~((subsection (6)))(a)(i) or (ii) of this ((section;~~

~~((e))~~ subsection, as applicable, and must recalculate the scheduled disconnection date to the extent necessary to ensure that the utility complies with the minimum prior notice requirements.

(d) If the utility ~~((has))~~ does not ~~((disconnected))~~ disconnect service within ten business days ~~((of))~~ from the discon-

nection date stated in a disconnection notice under (a)(i) or (ii) of this subsection, the ~~((disconnection notice will be considered void))~~ utility must restart the disconnection notice process required in (a) of this subsection unless the customer and the utility have agreed to a payment arrangement. ~~((Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;~~

(d) In addition to the notice required by (a) of this subsection, a second notice must be provided by one of the three options listed below:

(i) ~~Delivered notice.~~ The utility must deliver a second notice to the service premises and attach it to the customer's primary door. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(ii) ~~Mailed notice.~~ The utility must mail a second notice which must include a scheduled disconnection date that is not earlier than 5:00 p.m. of the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho; or the sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho; or

(iii) ~~Telephone notice.~~ The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.

For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (a)(iii) of this subsection;

(e) If the utility discovers the written notice information required under the options in (d) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(f) If the utility provides a second notice within ten business days of the disconnection date required by (a)(i) of this subsection, the disconnection date is extended an additional ten working days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten business day period, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide an additional notice as required under (d) of this subsection;

(g) If the utility provides a second notice after the ten business days of the disconnection date required by (a)(i) of this subsection, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

~~(h) Utilities))~~

(e) A utility with combined accounts for both natural gas and electric service ~~((will have the option of choosing which service will be disconnected;~~

~~(i))~~ may disconnect the electric service in compliance with these rules if the reason for the disconnection applies or is attributable to that service. The utility may disconnect the natural gas service in compliance with chapter 480-90 WAC if the reason for the disconnection applies or is attributable to that service. The utility must state which service it intends to disconnect and any measures the customer needs to undertake to retain the other service. If the utility seeks to disconnect both services, the utility must distinctly identify both services it intends to disconnect.

(f) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If they are not the same party, the utility must provide notice to the service user as described in (a) of this subsection prior to disconnecting service(;

~~(j))~~;

(g) Except in case of danger to life or property, the utility may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day(;

~~(k) A utility))~~;

(h) Any representative ((dispatched to disconnect)) the utility dispatches in connection with service disconnection must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any over-payment to the customer's account. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff(;

~~(l))~~;

(i) When the utility provides service ((is provided)) through a master meter, or when the utility has reasonable grounds to believe it is providing service ((is)) to a person other than the customer of record, the utility must undertake reasonable efforts to inform the occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to a person other than the customer of record, the utility must allow at least five days past the original disconnection date to permit the service users to arrange for continued service(;

~~(m))~~;

(j) Medical facilities. ((When service is known to be provided to:)) The utility must take the following additional steps when the utility is aware that it is providing service to specified types of medical facilities.

(i) If the utility is providing service to a hospital, medical clinic, ambulatory surgery center, renal dialysis facility, chemical dependency residential treatment facility, or other medical care facility licensed or certified by the department of health (DOH), the utility must provide a notice of pending disconnection ((must be provided)) to the DOH secretary ((of the department of health)) and to the customer. ((The department of health)) Upon request of the DOH secretary or designee ((may request to)), the utility must delay the disconnection for at least five business days past the original disconnection

tion date to allow ~~((the department))~~ DOH to take the necessary steps to protect the interests of the patients residing at the facility~~((; or))~~.

(ii) If the utility is providing service to a nursing home, boarding home, adult family home, group care facility, intermediate care facility for ~~((the mentally retarded (ICF/MR)))~~ individuals with intellectual disabilities, intensive tenant support residential property, ~~((chemical dependency residential treatment facility,))~~ crisis residential center for children, or ~~((other group home or))~~ residential care facility licensed or certified by the department of social and health services (DSHS), the utility must provide a notice of pending disconnection ~~((must be provided))~~ to the DSHS secretary ~~((of the department of social and health services))~~ and to the customer. ~~((The department of social and health services))~~ Upon request of the DSHS secretary or designee ~~((may request to))~~, the utility must delay the disconnection for at least five business days past the original disconnection date to allow ~~((the department))~~ DSHS to take the necessary steps to protect the interests of the patients residing at the facility~~((; or))~~.

(iii) A utility may not remotely disconnect customers who the utility is aware provide the services described in (j) (i) and (ii) of this subsection, and the utility must take reasonable precautions to prevent any unauthorized disconnection of those customers.

(k) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must offer all customers the opportunity to make such a designation. If the utility has reasonable grounds to believe~~((s))~~ that a customer is not able to understand the effect of the disconnection, the utility must ~~((consider a))~~ take reasonable steps to ascertain whether a third party, such as DSHS or other social services agency ~~((to be the third party))~~, is responsible for the customer's affairs. In either ~~((ease))~~ circumstance, the utility must delay service disconnection for at least five business days past the original disconnection date after issuing a disconnection notice to the third party. The utility must determine which social services agencies are appropriate and willing to receive the disconnection notice~~((s))~~ and the name and/or title of the person able to deal with the disconnection, and the utility must provide that information to the customer.

~~((7))~~ (5) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

~~((8))~~ (6) **Remote disconnection.** When disconnecting services remotely, the utility must:

(a) Disable remote disconnection functionality for medical facilities and critical infrastructure as identified in or pursuant to the Washington state military department's Washington state infrastructure protection plan; and limit the number of remote disconnections in a twenty-four hour period or take other reasonable measures to prevent unauthorized disconnections;

(b) Perform all remote disconnections for nonpayment between the hours of 8:00 a.m. and 12:00 p.m. and remotely disconnect service only if the utility provides customers with a reasonable opportunity to reestablish service upon receiving payment on the same day;

(c) Prior to disconnecting a customer who has an active medical certificate in accordance with subsection (8) of this section, visit the customer's premises and provide the customer with an opportunity to pay via appropriate methods including providing payment to the dispatched utility representative;

(d) Prior to disconnecting a customer for nonpayment who the utility is aware has received low-income assistance in the prior two years, visit the customer's premises and provide the customer with an opportunity to pay via appropriate methods including providing payment to the dispatched utility representative;

(e) If a site visit is not required to disconnect the service, the utility may not charge any fees for the disconnection.

(7) Utility-directed disconnection without prior notice.

(a) A utility may disconnect service without prior notice or without further prior notice under any of the following circumstances:

(i) After conducting a thorough investigation, the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has fraudulently obtained service. In any challenge to that determination, the utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(A) First offense. The utility may disconnect service without prior notice when it discovers theft, tampering, or fraud, unless the customer immediately pays all of the following:

(I) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(II) All utility costs resulting from such theft, tampering, or fraud; and

(III) Any required deposit.

(B) Second offense. The utility may disconnect service without prior notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud unless the commission determines otherwise.

(ii) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

(iii) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer;

(iv) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued notice as required in subsection (4) of this section;

(v) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued notice as required in subsection (4) of this section; or

(vi) The utility has determined a person has used service prior to applying for service. The utility must charge the person for service used in accordance with the utility's filed tariff. If the utility has reasonably sufficient grounds to conclude that the unauthorized usage is in good faith, the utility should

notify the person and provide an opportunity to apply for service prior to disconnection.

(b) If the utility disconnects service without prior notice as authorized in this subsection, the utility must subsequently make a reasonable effort to notify the customer or affected person of the reason for the disconnection within five business days. Such notice must also describe the means by which the customer or person may dispute the utility's actions including, but not limited to, contacting the commission.

(c) This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(8) Medical conditions or emergencies. When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical condition or emergency that requires electricity to continue to be provided. The utility must reinstate service during the same day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of electric service would aggravate an existing medical condition of an occupant of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a utility from accepting other forms of certification, but the most the utility can require is written certification. If the utility requires written certification, it may not require more than the following information:

(i) Residence location;

(ii) An explanation of how the current medical condition will be aggravated by disconnection of service;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature, and telephone number of the person certifying the condition.

(b) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed.

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a five business day grace period:

(i) Pay a minimum of ten percent of the delinquent balance;

(ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and

(iii) Agree to pay subsequent bills when due. Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility must not require the customer to pay more than this subsection prescribes. The utility must

send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement.

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five business days grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may disconnect service after complying with the notice requirements in subsection (4)(a)(ii) of this section.

(9) Payments at a payment agency. Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment. The utility must promptly verify the payment upon notification from the customer.

~~((9))~~ **(10) Remedy and appeals.** ~~((Service))~~ A utility may not ~~((be disconnected))~~ disconnect service while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the utility's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The utility must inform the customer of these provisions when referring the customer ~~((is referred to a utility's))~~ to a utility supervisor or to the commission.

(11) Disconnecting service during inclement weather. A utility must establish conditions in its tariff(s) under which the utility will cease nonvoluntary service disconnections during inclement weather events.

AMENDATORY SECTION (Amending WSR 01-11-004, filed 5/3/01, effective 6/3/01)

WAC 480-100-133 Reconnecting service after disconnection. (1) ~~((An electric))~~ A utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or within four hours for customers who the utility has remotely disconnected, or other time mutually agreeable between the customer and the company, after the customer has paid, or at the time the utility has agreed to bill, any applicable reconnection charge, and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays any delinquent ~~((regulated))~~ tariffed charges, plus any required deposit; or

(b) The customer has entered into an agreed-upon payment arrangement for a delinquent account and pays any required deposit as defined in WAC 480-100-113((;)) Residential service deposit requirements or WAC 480-100-118((;)) Nonresidential service deposit requirements; or

(c) The customer has paid all ~~((regulated))~~ tariffed amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC 480-100-113((;)) Residential service deposit requirements or WAC 480-100-118 Nonresidential service deposit requirements((;)).

(2) If a site visit is not required to reconnect service, the utility may not charge any fees for the reconnection.

(3) The commission may require reconnection pending resolution of any (~~bona fide~~) dispute between the utility and the customer over the propriety of disconnection.

AMENDATORY SECTION (Amending WSR 11-06-032, filed 2/25/11, effective 3/28/11)

WAC 480-100-153 Protection and disclosure of (~~private~~) customer information. (1) (~~An electric~~) A utility must use reasonable security practices and procedures to safeguard all customer information within the utility's possession or control from unauthorized access or disclosure.

(2) A utility may only collect and retain customer information that is reasonably necessary for the utility to perform duties directly related to the utility's primary purpose unless the utility has first obtained the customer's written consent to collect and retain customer information for another purpose.

(3) A utility may disclose customer information without written customer consent to an affiliate, subsidiary, or parent organization only to the extent necessary for the utility to perform duties directly related to the utility's primary purpose. The utility must obtain the customer's written consent to disclose customer information to an affiliate, subsidiary, or parent organization for any other purpose.

(4) A utility may disclose customer information to third parties only to the extent necessary for the utility to perform duties directly related to the utility's primary purpose unless the utility has first obtained the customer's written consent to disclose customer information to third parties for other specified purposes. The utility must require all third parties to which it provides access to customer information to have policies, procedures, and technological safeguards in place to protect customer information that are no less stringent than the utility's own standards.

(5) A utility is ultimately responsible for safeguarding customer information. The utility must ensure that it has and enforces contractual obligations with third parties, affiliates, subsidiaries, and parent organizations that require such entities to have and comply with policies, procedures, and technological safeguards sufficient to prevent the misuse or improper or unauthorized disclosure of customer information.

(6) A utility may not (~~disclose or~~) sell (~~private consumer~~) customer information (~~with or~~). A utility may not otherwise disclose customer information except as provided in this rule. A utility may not disclose customer information to its affiliates, subsidiaries, parent organization, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written (~~or electronic permission to do so~~.

(2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer utility relationship.

(3) The utility must obtain a customer's prior permission for each instance of disclosure or sale of his or her private

customer information to an affiliate, subsidiary or other third party for purposes of marketing services or products that the customer does not already subscribe to and maintain a record of each instance of permission for disclosing his or her private customer information.

(4) consent. The utility must maintain a record of each customer's written consent as required in subsection (9) of this section.

(7) Nothing in this rule may be construed to preclude the utility from complying with demands for customer information as required by law, such as through a warrant or subpoena.

(8) If a customer discloses or directs the utility to disclose customer information to a third party other than in response to a request or requirement of the utility, the utility will not be responsible for the security of that information or its use or misuse by that third party.

(9) The utility (~~will~~) must retain the following information for each (~~instance of a customer~~) written consent a customer gives to the utility for disclosure of (~~his or her private~~) customer information (~~if provided electronically~~):

(a) The date and customer confirmation of consent (~~for the disclosure of private~~) to disclose customer information;

(b) A list of the (~~date of the consent and the~~) affiliates, subsidiaries, parent organizations, or third parties to which the customer has authorized (~~disclosure of his or her private~~) the utility to disclose customer information; (~~and~~)

(c) (~~A confirmation~~) Information provided to the customer about how the customer can revoke consent; and

(d) Verification that the consenting customer's name, service address, and account number (~~exactly matches~~) match the utility record for such account.

(~~5~~) (10) Subject to agreements a customer has made with third parties, a customer has the right to revoke, at any time, any previously granted consent for the utility to disclose customer information in the future to an affiliate, subsidiary, parent organization, or third party for purposes that are not necessary for the utility to perform duties directly related to the utility's primary purpose. The utility may require that any such revocation not be effective until up to ten business days after the customer submits that revocation to the utility.

(11) The utility must post and maintain its privacy policy on its website in a prominent location.

(a) The utility must notify new customers how they can access a copy of the utility's privacy policy upon initiating utility service.

(b) Whenever the utility amends its privacy policy it must notify existing customers by whatever method the utility uses to transmit the customers' bills.

(c) The utility must provide a written copy of its privacy policy upon customer request.

(d) Any notice regarding the utility's privacy policy must include a customer service phone number and website address where customers can direct additional questions or obtain additional information.

(12) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided (~~for~~) in WAC 480-80-143 (~~6~~) Special contracts for gas, electric, and water companies(3).

~~((6))~~ (13) This section does not prevent the utility or its approved third parties from inserting any marketing information into the customer's billing package.

~~((7))~~ (14) The utility must provide a user-friendly website interface through which customers may access their own account and usage information without charge. The utility may implement reasonable procedures to verify the customer's identity before providing access to customer account and usage information through this interface.

(15) The utility must make a reasonable effort to respond to requests from customers for their own account and usage information within ten business days of the customer request.

(16) The utility must ensure that the information it collects, stores, uses, and discloses is reasonably accurate and complete and otherwise complies with applicable rules and tariffs regarding the quality of energy usage data.

(17) Each customer must have the opportunity to dispute the accuracy or completeness of the customer account and usage information the utility has collected for that customer. The utility must provide adequate procedures for customers to dispute the accuracy of their customer account and usage information and to request appropriate corrections or amendments.

(18) The utility must take all reasonable steps to destroy, or arrange for the destruction of, customer information in accordance with the utility's data retention policies and practices.

(19) The utility must notify customers of any security breach involving disclosure of personal information as defined in RCW 19.255.010 in accordance with that statute. If a security breach involves customer information that does not contain such personal information, the utility shall notify customers and the commission as soon as practicable of the breach and the measures the utility is taking to remedy the breach. The utility must take all reasonable measures including, but not limited to, cooperating fully with law enforcement agencies, to recover lost information and prevent the loss of further customer information.

(20) The utility must review at least annually the type of customer information the utility has collected and ensure collection and retention of that information is reasonably necessary for the utility to perform duties directly related to the utility's primary purpose or other purpose to which the customer has consented to the utility collecting that information.

(21) The utility may collect and release ~~((customer information in))~~ aggregate ~~((form if))~~ data to the extent reasonably necessary for the utility to perform duties directly related to the utility's primary purpose but must have sufficient policies, procedures, and safeguards in place to ensure that the aggregated information does not allow any specific customer to be identified. The utility may collect and release aggregate data on energy usage to the extent necessary to comply with legal requirements, or to facilitate voluntary efforts, to promote energy efficiency, conservation, or generating resource management but must have sufficient policies, procedures, and safeguards in place to ensure that the aggregated information does not allow any specific customer to be identified.

AMENDATORY SECTION (Amending WSR 16-06-038, filed 2/23/16, effective 3/25/16)

WAC 480-100-178 Billing requirements and payment date. (1) Customer bills must:

(a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission;

(b) Show the total amount due and payable;

(c) Show the date the bill becomes delinquent if not paid;

(d) Show the utility's business address, business hours, and a toll-free telephone number and an emergency telephone number by which a customer may contact the utility;

(e) Show the ~~((current and previous))~~ beginning and ending meter readings for the current billing period, the current monthly or bimonthly read date, as applicable, and the total amount of kilowatt hours used for the billing cycle, provided that the customer bill must provide the meter readings and read date for the final reading for the applicable monthly or bimonthly billing cycle; the bill need not include interval readings, although the utility must provide customers with access to their usage data in accordance with WAC 480-100-153;

(f) Show the amount of kilowatt hours used for each billing rate, the applicable billing rates per kilowatt hour, the basic charge or minimum bill;

(g) Show the amount of any municipal tax surcharges or their respective percentage rates, if applicable;

(h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner:

(i) Flat-rate service must be prorated on the basis of the proportionate part of the period the service was rendered;

(ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full.

(i) Clearly identify when a bill is based on an estimation.

(i) The utility must detail its method(s) for estimating customer bills in its tariff;

(ii) The utility may not estimate for more than four consecutive months, unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer;

(j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its filed tariff the method of applying charges and of ascertaining the demand.

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the states of Washington, Oregon, or Idaho, or eighteen days if mailed from outside the states of Washington, Oregon, and Idaho.

(3) The utility must allow a customer to change a designated payment-due date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a designated payment-due date to parallel receipt of income. The preferred payment date must be prior to the next billing date.

(4) With the consent of the customer, a utility may provide billings in electronic form if the bill meets all the requirements for the use of electronic information in this chapter. The utility must maintain a record of the consent as a part of the customer's account record, and the customer may change from electronic to printed billing upon request, as provided in this chapter. The utility must complete the change within two billing cycles of the request.

(5) Corrected bills:

(a) A utility must issue a corrected bill upon finding that an underbilling or overbilling occurred as a result of a meter failure, meter malfunction, meter with unassigned energy usage, or any other situation where energy usage was not billed or was inaccurately billed. The utility must use the rates and rate schedule in effect during the billing period(s) covered by the corrected bill. The utility must issue the corrected bill within sixty days from the date the utility discovered that an account had been underbilled or overbilled. Except as provided in subsection (7) of this section, when a utility's investigation finds that it has underbilled energy usage, it may not collect underbilled amounts for any period greater than six months from the date the error occurred. The maximum period for which utilities are required to adjust bills for overbilling is six years.

(b) For the purposes of this rule:

(i) A meter failure or malfunction is defined as: A mechanical malfunction or failure that prevents the meter or any ancillary data collection or transmission device from registering or transmitting the actual amount of energy used. A meter failure or malfunction includes, but is not limited to, a stopped meter, a meter that is faster or slower than the metering tolerance specified in WAC 480-100-338, or an erratic meter.

(ii) An unassigned energy usage meter is defined as a meter that is installed at a valid service address and accurately records energy usage during a period of time where there was no active electric service account at that premises.

(c) A utility must develop and maintain procedures that establish practices for the prompt identification, repair and replacement of meters that are not functioning correctly and for identification of unassigned usage meters. The objective of such procedures shall be to mitigate the number of underbilling occurrences that exceed six months in duration. These procedures must address, at a minimum:

(i) Practices to prevent the issuance of corrected bills due to incorrect prorated bills, improperly assigned meters, incorrectly installed meters, incorrect billing rate schedules, incorrect billing multipliers, or any other event that may affect billing accuracy.

(ii) Processes for the investigation of meter issues include, but are not limited to, stopped, slowed, and erratic usage meters.

(iii) Processes for the investigation of meter usage from unidentified usage meters.

(6) For the purpose of this rule, a corrected bill may take the form of a newly issued bill or may be reflected as a line item adjustment on a subsequent monthly or bimonthly bill. When a corrected bill is issued, the utility must provide the following information on the corrected bill, in a bill insert,

letter, or any combination of methods that clearly explains all the information required to be sent to the customer:

(a) The reason for the bill correction;

(b) A breakdown of the bill correction for each month included in the corrected bill;

(c) The total amount of the bill correction that is due and payable;

(d) The time period covered by the bill correction; and

(e) When issuing a corrected bill for underbilling, an explanation of the availability of payment arrangements in accordance with WAC 480-100-138(1) payment arrangements.

(7) Exceptions to billing correction rules:

(a) Corrected bills related to an underbilling due to tampering or interference with the utility's property, use of the utility's service through an illegal connection, or the fraudulent use of a utility's service, are exempt from the six-month restriction set forth in subsection (5)(a) of this section.

(b) Adjustments for underbilling of nonresidential customers will be limited to six months. However, the utility may extend this period for good cause if a longer period is appropriate due to circumstances such as the complexity of specific accounts, changing metering configurations, load changes of large industrial customers, special meter configuration involving current transformers, or wiring reconfiguration by the customer. Utilities must report to the commission within sixty days the reasons for any adjustments longer than six months.

(c) The utility may choose not to issue a corrected bill to recover underbilled amounts less than fifty dollars.

(8) An estimated meter read made in accordance with subsection (1)(i) of this section is not considered a meter failure or malfunction or a situation where energy usage was inaccurately billed. A bill true-up (correction) based on an actual meter reading after one or more estimated bills is not considered a corrected bill for purposes of subsection (5)(a) of this section.

AMENDATORY SECTION (Amending WSR 01-11-004, filed 5/3/01, effective 6/3/01)

WAC 480-100-318 Meter readings, multipliers, and test constants. (1) Electric utilities must use electric meters or other such devices to accurately record or indicate the quantity of electricity sold to customers. Such measuring devices will allow utilities to calculate a customer's consumption in units of kilowatt hours or other units as filed in the company's tariffs.

(2) Electric utilities that decide to either measure a customer's consumption with a device that employs a multiplier or calculate consumption from recording devices must provide customers, upon request, information sufficient to enable the customer to compute the quantity consumed.

(3) Indirect reading meters and those that operate from instrument transformers must have the multiplier plainly marked on the dial of the instrument or be otherwise suitably marked.

(4) The watt-hour constant for the meter itself must be placed on all watt-hour meters (as specified in ANSI C12.1). Information about the ANSI C12.1 regarding the version

adopted and where to obtain it is set out in WAC 480-100-999(7). Adoption by reference.

(5) Measuring devices that have the capability to do so must measure all energy sold to customers at a minimum of sixty-minute intervals for residential customers and fifteen-minute intervals for nonresidential customers.

WSR 20-10-087

WITHDRAWAL OF PROPOSED RULES EMPLOYMENT SECURITY DEPARTMENT

(By the Code Reviser's Office)

[Filed May 5, 2020, 11:12 a.m.]

WAC 192-700-020, proposed by the employment security department in WSR 19-21-095, appearing in issue 19-21 of the Washington State Register, which was distributed on November 6, 2019, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Jennifer C. Meas, Editor
Washington State Register

WSR 20-10-088

WITHDRAWAL OF PROPOSED RULES EMPLOYMENT SECURITY DEPARTMENT

(By the Code Reviser's Office)

[Filed May 5, 2020, 11:12 a.m.]

WAC 192-170-080, proposed by the employment security department in WSR 19-21-043, appearing in issue 19-21 of the Washington State Register, which was distributed on November 6, 2019, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Jennifer C. Meas, Editor
Washington State Register

WSR 20-10-093

PROPOSED RULES SECRETARY OF STATE

[Filed May 5, 2020, 2:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-05-062.

Title of Rule and Other Identifying Information: Permanent adoption of WAC changes related to acceptable mailing dates for ballots returned using commercial mailing services instead of the Postal Service, addressing voter error of returning two ballots in a single envelope when one of the ballots is blank, adding clarification for the future voter program,

updating voter registration WAC to the new voter registration database, and updating the Voter Registration form in WAC.

Hearing Location(s): On June 9, 2020, at 2:00 p.m., at 520 Union Avenue, Olympia, 98504. The hearing will be conducted using WebEX, to join the hearing a person can call the following telephone number (206.207.1700) and enter the attendance code (967 561 331). People will be able to hear and comment.

Date of Intended Adoption: June 10, 2020.

Submit Written Comments to: Sheryl Moss, P.O. Box 40229, Olympia, WA 98504, email sheryl.moss@sos.wa.gov, fax 360-664-4169, by June 8, 2020.

Assistance for Persons with Disabilities: Contact Sheryl Moss, phone 360-902-4146, fax 360-664-4169, email Sheryl.moss@sos.wa.gov, by June 8, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Update rules in conformance with recent legislation.

Reasons Supporting Proposal: Consistency in operation in all county election offices within the state.

Statutory Authority for Adoption: RCW 29A.04.611.

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

Name of Proponent: Mark Neary, assistant secretary of state, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Lori Augino, Olympia, 360-902-4151.

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

A cost-benefit analysis is not required under RCW 34.05.328.

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

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

May 5, 2020

Mark Neary

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 19-12-115, filed 6/5/19, effective 7/6/19)

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:

(a) 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;

(iii) If two ballots are returned with one valid signature on the ballot declaration, one voted ballot and one blank ballot without marked votes, the voted ballot may be counted in its entirety.

(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;

(c) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(d) Where the voter has overvoted;

(e) Where the ballot was created for a prior election.

AMENDATORY SECTION (Amending WSR 19-12-115, filed 6/5/19, effective 7/6/19)

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.

(3) "Applicant" means a person who has applied, or is applying, to become a registered voter in the state of Washington.

(4) "Auditor" or "county 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.

(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, precinct portion or split 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.

(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.

(9) "New county" means a county in Washington state that a registered voter is moving to from another county within Washington state.

(10) "Previous county" means a county in Washington state that a registered voter lived in prior to moving to a new county.

(11) "Pending status" means a voter registration record is not yet complete, and the applicant is not yet a registered voter or the registration is a potential felon, potential duplicate match, or a future voter.

(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.~~) "Qualified tribal identification" means tribal identification from an

issuer of tribal identification that has agreed to make digitized signature information available for the purpose of voter registration.

(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.

(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~~) the secretary's behalf.

(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 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-324-008 ((~~Review of county~~) Election management system(~~s~~)). (~~((1) Each auditor must notify the secretary of the intent to purchase or install a new county election management system. The county election management system must be approved by the secretary to ensure it meets the technical specifications promulgated by the secretary to interface with the official statewide voter registration database. This approval must be obtained prior to the purchase or installation of the system.~~)

~~((2) A county))~~ The secretary of state shall provide an election management system ((~~must have~~) that has the capability to:

~~((a))~~ (1) Store information required in WAC 434-324-010;

~~((b))~~ (2) Generate a list of registered voters in a county and their registration statuses;

~~((c))~~ (3) Track information specific to single elections, including the issuance and return of ballots;

~~((d))~~ (4) Scan voter registration forms; and

~~((e))~~ (5) Store and provide access to images of signatures of registered voters.

~~((3) A county's))~~ The election management system must conform to all of the requirements of state law and of these regulations((~~and if it does not, the secretary must notify the auditor of the nature of the nonconformity. The auditor must correct the nonconforming aspects of the county election management system and provide to the secretary such evidence of the change or changes in the system as the secretary may deem appropriate~~)).

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-324-010 ((County)) Election management system—Applications for voter registration. (1) Each auditor must enter and maintain voter registration records in the official statewide voter registration database by using ((a county)) the election management system. Each record must contain at least the following information from the voter registration application in a format compatible with the official statewide voter registration database:

- (a) Name;
- (b) Complete residential address;
- (c) Complete mailing address;
- (d) ~~((County registration number;~~
- ~~((e) State))~~ Voter registration number;
- ~~((f))~~ (e) Gender;
- ~~((g))~~ (f) Date of birth;
- ~~((h))~~ (g) Date of original registration;
- ~~((i))~~ (h) Applicable district and precinct codes;
- ~~((j))~~ (i) Elections in which the individual ~~((has))~~ was eligible to vote and if the voter voted, if available;
- ~~((k))~~ (j) Washington state driver license number, Washington state identification card number, valid tribal identification card, and/or the last four digits of the applicant's Social Security number; and
- ~~((l-A))~~ (k) An electronic scanned image file ~~((format .tiff))~~ of the applicant's signature.

(2) In the case of an applicant who provides a copy of one of the alternative forms of identification listed in RCW 29A.08.107 for registration purposes, the auditor must either maintain a scanned image of the identifying document or make a notation in the registration record indicating which alternative form of identification was provided to the auditor. Pursuant to RCW 29A.08.710, a scanned image of the identification is not available for public inspection or copying.

(3)(a) If a voter registration application is incomplete, the county auditor may use other government resources and public records to confirm the missing information, except if the missing information is the applicant's signature or confirmation of United States citizenship. The county auditor may also attempt to contact the applicant by phone, email or other means to obtain identification information.

(b) If, after these attempts, the county auditor is still unable to obtain the incomplete information, the county auditor must send the applicant a verification notice as defined by RCW 29A.08.030.

(4) ~~((Upon entry of an applicant's information, the auditor must check for duplicate entries.))~~ When the county auditor enters an applicant's information into the secretary of state's voter registration database, the auditor must check for potential duplicate registrations found by the system.

(5) Each auditor must ~~((have a))~~ use quality assurance ~~((program))~~ procedures to maintain accurate data entry into the statewide voter registration database.

AMENDATORY SECTION (Amending WSR 19-12-115, filed 6/5/19, effective 7/6/19)

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, 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))~~ the applicant's driver's license, state identification card, or valid 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))~~ their 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 shall accept online and by mail applications no later than eight days before an election, and in-person applications at locations designated by the county auditor until 8:00 p.m. on election day.

AMENDATORY SECTION (Amending WSR 19-12-115, filed 6/5/19, effective 7/6/19)

WAC 434-324-036 County-to-county transfers. (1) A registered voter may transfer ~~((his or her))~~ their registration to another county by submitting a new voter registration application, or returning a signed confirmation notice that provides the ~~((new address))~~ minimum information required for a county-to-county transfer: Name, residential address, date of birth or voter registration number, and signature on the voter registration declaration.

(2) 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))~~ (a) Name;
- ~~((2))~~ (b) Residential address;
- ~~((3))~~ (c) A signature on the oath in RCW 29A.08.230; and
- ~~((4))~~ (d) Either date of birth or voter ID number.

(3) The new county may request additional information to confirm that the registration application is a transfer.

If the voter provides the required information, the county shall forward the confirmation notice by mail or electronically to the county auditor of the voter's new county of residence.

(4) If the voter provides a mailing address, but no residence address, the county auditor shall update the mailing address and keep the voter on active status. The county auditor may contact the voter to verify they still reside in the county of registration.

(5) If the request is missing information other than a residence address, the county auditor must send the request to the county where the voter currently resides. The receiving county will process the request and contact the voter as is necessary to transfer the registration in the same manner as other incomplete voter registration applications.

When ~~((a voter requests to))~~ the county auditor receives a transfer request after ballots have been mailed, the county auditor shall verify that ~~((a))~~ no ballot has ~~((not))~~ been accepted for that voter. If a ballot has not been accepted, the county auditor shall complete the transfer and issue the voter a current ballot.

AMENDATORY SECTION (Amending WSR 09-18-098, filed 9/1/09, effective 10/2/09)

WAC 434-324-040 ~~((Data transfer to secretary and registration status))~~ Processing voter registrations. (1) ~~((Following entry into the county election management system, all information in the application for voter registration must be transferred electronically to the secretary for identity verification. The secretary must assign the application a state identification number))~~ Upon entry of a new voter registration, the statewide voter registration database must assign a registration identification number to the registration.

(2) If the applicant provided a Washington driver's license number ~~((or))~~, state identification card number or valid tribal identification card, the applicant's identity is verified with the department of licensing. If the applicant provided the last four digits of ~~((his or her))~~ their Social Security number, the applicant's identity is verified with the Social Security Administration through the department of licensing.

(3) If the applicant's identity is not verified or cannot be verified in the ~~((computerized))~~ automated verification process, ~~((the secretary must notify the county election management system accordingly.))~~ the county auditor must ~~((first))~~ confirm the accuracy of the information entered ~~((in the county election management system))~~ from the voter registration application. The county auditor must correct any errors and again attempt to verify the applicant's identity automatically.

(4) If the applicant provided a Washington driver's license number ~~((or))~~, state identification number, or valid tribal identification number and the identity is not verified in the ~~((computerized))~~ automated verification process, the county auditor may check department of licensing records to verify the applicant's identity. If the county auditor has the voter's Washington driver's license number, state identification number, or valid tribal identification card number, information on the application may be considered a "match" if ~~((the number on the application exactly matches a number issued by the department of licensing, and))~~ it is clear to the county auditor that the information on the application describes the person on the department of licensing record. Reasons that the county auditor may conclude that the infor-

mation on the application describes the person on the department of licensing record include, but are not limited to, the following:

(a) The first, middle, or last name on the application is a variation of the first, middle, or last name in the department of licensing record;

(b) The first, middle, or last name has transposed letters or another typographical error on the application or in the department of licensing record;

(c) The first and last names are transposed on the application or in the department of licensing record;

(d) The first and middle names are transposed on the application or in the department of licensing record;

(e) The applicant has a compound or hyphenated name which is not accurately or completely set forth on the application or in the department of licensing record;

(f) The first or middle name is abbreviated with initials on the application or in the department of licensing record;

(g) The last name on the application and the last name in the department of licensing record are not the same but, based on other information, the county auditor concludes that one of the names is a maiden name or a former name of the same person; or

(h) The month and day of the applicant's date of birth are transposed on the application or in the department of licensing record.

If the county auditor concludes that the information on the application describes the person on the department of licensing record, the county auditor must override the ~~((computerized))~~ failure to verify through the automated verification process and must note the reason it is considered a match. The county auditor must place the applicant on the official list of registered voters in active status.

~~((5))~~ (i) If the applicant's identity is not verified in the ~~((computerized))~~ automated verification process ~~((either because the information did not match or because the applicant claimed he or she did not have a driver's license or Social Security number))~~ and the voter's identification could not be confirmed through the department of licensing, the applicant must be provisionally registered pursuant to RCW 29A.08.-107. The registration record must be flagged as still requiring verification of the applicant's identity before the applicant's ballot may be counted.

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

WAC 434-324-045 Verification of applicant's identity. (1) If the applicant is provisionally registered pursuant to WAC 434-324-040(5), the county auditor may use other government resources and public records to confirm the applicant's driver's license or state identification card number, valid tribal identification card, or the last four digits of the applicant's Social Security number. The county auditor may also attempt to contact the applicant by phone, email or other means to obtain identification information.

(2) If, after these attempts, the county auditor is still unable to verify the applicant's identity, the county auditor must send the applicant an identification notice at the time of registration that includes a postage prepaid, preaddressed

form by which the applicant may verify or send additional information. The identification notice must include:

(a) A statement explaining that because the applicant's identity cannot be verified with the information provided on the application, ~~((he or she is))~~ they have been provisionally registered to vote.

(b) A statement explaining that if this additional information is not provided, the applicant's ballot will not be counted.

(c) A statement explaining that federal law requires the applicant to provide ~~((his or her))~~ their driver's license number, state identification card number, valid tribal identification card number or the last four digits of ~~((his or her))~~ their Social Security number, or a copy of one of the following forms of identification, either before or when ~~((he or she votes))~~ they vote:

- (i) Valid photo identification;
- (ii) A valid enrollment card of a federally recognized tribe in Washington;
- (iii) A current utility bill, or a current bank statement;
- (iv) A current government check;
- (v) A current paycheck; or
- (vi) A government document, other than a voter registration card, ~~((that))~~ which shows both the registrant's name and current address.

(3) If the applicant responds with updated driver's license, state ~~((ID))~~ identification card, valid tribal identification card, or Social Security information, or with a copy of one of the alternative forms of identification, the flag on the voter registration record must be removed, allowing the applicant's ballot to otherwise be counted the first time ~~((he or she votes))~~ they vote after registering.

(4) If the applicant fails to respond with adequate documentation to verify ~~((his or her))~~ the applicant's identity, the applicant's voter registration record must remain flagged. The applicant must be notified at the time of each election that the ballot will not be counted unless ~~((he or she provides))~~ adequate verification of identity is provided.

(5) A provisional registration must remain on the official list of registered voters for at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified ~~((his or her))~~ or provided information to verify identity, the provisional registration shall be canceled.

(6) The county auditor shall not mail an identification notice to a participant in the future voter program established under RCW 29A.08.170 until the participant becomes a registered voter.

AMENDATORY SECTION (Amending WSR 07-02-100, filed 1/3/07, effective 2/3/07)

WAC 434-324-055 Duplicate voter registration search conducted by secretary. Upon receipt of an applicant's electronic voter registration record from the auditor, and on a ~~((monthly))~~ daily basis, the secretary must search for potential duplicate registration records in the official statewide voter registration database by comparing the applicant's name and date of birth or other identifying information provided by the applicant on the voter registration form. Dupli-

cates will be determined by comparing the signatures on all available records. If a voter is transferring ~~((his or her))~~ their registration to a new county or if any other information on the application has been updated, the auditor of the new county must update the registration record in the state database. ~~((A duplicate registration record must not be maintained as a new registration record.))~~

AMENDATORY SECTION (Amending WSR 19-12-115, filed 6/5/19, effective 7/6/19)

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.

(3) If a voter submits a registration transfer to a new county by the statutory deadline, but the voter's previous county issued the voter a ballot before the transfer is processed and the voter's ballot issued by the previous county was received but not yet accepted, the previous county must mail the suspended ballot to the voter's new county. If any races or issues on the suspended ballot from the previous county are applicable to the voter's residential address in the new county, the votes on those races and issues should be counted by the new county only when the voter does not vote and return a current ballot, or when the current ballot ~~((is not accepted))~~ cannot be processed due to incorrect or incomplete information on the ballot envelope.

(4) If a participant in the future voter program established under RCW 29A.08.170 submits an address change, the county auditor must change the address listed on the application.

AMENDATORY SECTION (Amending WSR 09-18-098, filed 9/1/09, effective 10/2/09)

WAC 434-324-085 Acknowledgment notice. (1) The auditor must send an acknowledgment notice to an individual by nonforwardable, address correction requested mail if an individual:

- (a) Registers to vote;
- (b) Transfers ~~((his or her))~~ their registration record within the county;
- (c) Transfers ~~((his or her))~~ their registration record from another county within Washington state; or
- (d) Changes from one precinct to another because of a change in precinct boundaries.

(2) The acknowledgment notice must include:

- (a) Voter's full name;
- (b) Mailing address;
- (c) County name;
- (d) Precinct name and/or number; and
- (e) The date the voter registered.

(3) The county auditor shall not mail an acknowledgment notice to a participant in the future voter program established under RCW 29A.08.170 until the participant becomes a registered voter.

AMENDATORY SECTION (Amending WSR 12-14-074, filed 7/2/12, effective 8/2/12)

WAC 434-324-087 Confirmation notice. (1) When a voter is placed on inactive status, the county auditor must send a confirmation notice ((sent)) to ((an inactive)) the voter ((must be sent)) by first-class forwardable mail, and must include a response form that:

- (a) Is preaddressed and postage prepaid;
- (b) Includes either the voter's date of birth(~~((county voter ID number, or state voter ID))~~) or voter registration number;
- (c) Asks the voter to verify ~~((his or her))~~ their current address; and
- (d) Asks the voter to sign the oath in RCW 29A.08.230. ~~((County auditors may use an existing stock of confirmation notices until December 31, 2012.))~~

(2) When the voter sends the county auditor a response to the confirmation notice, the auditor must:

- (a) Transfer the voter's registration and send the voter an acknowledgment notice if the response indicates that the voter has moved within the county((, the auditor must transfer the voter's registration and send the voter an acknowledgment notice)).

~~((3)(a) If))~~ (b) Forward the confirmation notice to the voter's new county by mail or electronically if the response indicates that the voter has moved to another county within Washington and the confirmation notice contains the minimum information required by WAC 434-324-036((, the county auditor shall not cancel the voter but must immediately forward the confirmation notice to the county auditor in the voter's new county)).

The county auditor in the voter's new county must register the voter using the information and signature on the confirmation notice. The new county must transfer the registration from the old county to the new county and send the voter an acknowledgment notice.

~~((b))~~ (c) Send the voter a voter registration application if the response indicates that the voter has moved to another county within Washington but the confirmation notice does not contain the minimum information required by WAC 434-324-036((, the county auditor shall not cancel the voter but must send the voter a registration application)). The voter shall remain on inactive status according to RCW 29A.08.-635.

~~((4)(a))~~ (d) Cancel the voter's registration if the response indicates that the voter has moved out-of-state and the response is signed((, the county auditor must cancel the voter)).

~~((b) If))~~ (e) Keep the voter on inactive status according to RCW 29A.08.635 if the response indicates that the voter has moved out-of-state but is not signed((, the county auditor shall not cancel the voter)).

(3) The county auditor shall not mail a confirmation notice to a participant in the future voter program established

under RCW 29A.08.170 until the participant becomes a registered voter.

AMENDATORY SECTION (Amending WSR 09-18-098, filed 9/1/09, effective 10/2/09)

WAC 434-324-090 Cancellation due to death—Process. (1) An auditor must cancel the voter registration records of a deceased voter as authorized by RCW 29A.08.510.

(2) In addition to comparing a list of deceased persons prepared by the registrar of vital statistics with voter registration records pursuant to RCW 29A.08.510, the secretary may also compare voter registration records with deceased persons' information from the Social Security Administration. Comparisons must be conducted on a monthly basis. For any potential matches identified through the registrar of vital statistics or Social Security Administration, the secretary must confirm that the dates of birth are identical. The secretary must generate a county list of matching names, identified as potentially deceased voters, and provide the names to each auditor electronically. The auditor must review the list ~~((within five days))~~ and approve or reject the proposed cancellations. The secretary may assist the auditor with this review.

(3) The county auditor must remove a participant from the future voter program established under RCW 29A.08.170 upon receipt of documentation from Vital Statistics, Social Security Administration or written confirmation from another registered voter that the participant is deceased.

AMENDATORY SECTION (Amending WSR 16-13-063, filed 6/13/16, effective 7/14/16)

WAC 434-324-103 Verification notices. A verification notice must be sent when a voter registration application does not contain all the minimum information required in RCW 29A.08.010. The notice must be sent by first-class forwardable mail and must include a response form that:

- (1) Is preaddressed and postage paid or is accompanied by a preaddressed and postage paid return envelope.
- (2) Requests that the applicant provide the missing information only.
- (3) Requests that the applicant provide the missing information within forty-five days from the date the verification notice was mailed.

If the applicant does not respond by the forty-five day deadline, the voter registration application is considered void.

The county auditor shall not mail a verification notice to a participant in the future voter program established under RCW 29A.08.170 until the participant becomes a registered voter.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-324-106 Felony screening process—Potential match check. (1) The law on when the right to vote is restored following a felony conviction is established in RCW 29A.08.520. ~~((Three times a year))~~ Upon receiving new data from the department of corrections or at least on a monthly basis, the secretary must compare the voter registration

records to lists of ~~((felons))~~ persons who are either incarcerated or on community supervision with the Washington state department of corrections, and to lists of ~~((felons))~~ persons convicted in federal district courts with a sentence of at least fifteen months incarceration. The secretary must create a list of ~~((felon))~~ voters potentially under authority of DOC by matching the first name, last name, date of birth, and other identifying information.

(2) For each ~~((felon))~~ voter, the secretary must change the voter's registration status to "pending ~~((cancellation))~~ This change of status must be entered prior to the first extraction or pull of mail ballots. The official statewide voter registration database must automatically notify the county election management system of the change) status" with a status reason that indicates the record is a potential felon. Voters with pending ~~((cancellation))~~ status must not be issued a ballot.

~~((3))~~ The secretary must mail a notification letter to each felon whose status is pending cancellation. The notification letter must be sent to the felon's last known registration mailing address and, if the person is incarcerated or on community supervision with the department of corrections, to the offender's department of corrections address indicating that his or her voter registration is about to be canceled. The letter must contain language notifying the felon that he or she must contact the auditor's office to contest the pending cancellation. The letter must also inform the felon that he or she may request a provisional ballot for any pending elections. The notification letter must include:

(a) An explanation that a felon loses the right to vote until the right is restored;

(b) For a conviction in a Washington state court, the right to vote is restored as long as the felon is not serving a sentence of confinement or subject to community custody with the department of corrections. For a conviction in another state or federal court, the right to vote is restored as long as the felon is no longer incarcerated;

(c) The reason the felon has been identified as ineligible to vote;

(d) An explanation that the felon's voter registration will be canceled due to the felony conviction; and

(e) How to contest the pending cancellation. The secretary must send to each auditor the voter registration and conviction information for each matched felon registered in that county.

(4) If the felon fails to contact the auditor within thirty days, the felon's voter registration must be canceled. If an election in which the felon would otherwise be eligible to vote is scheduled to occur during the thirty days, the felon must be allowed to vote a provisional ballot.

(5) The felon's eligibility status may be resolved and the pending cancellation status reversed without scheduling a hearing if the felon provides satisfactory documentation that the felon's voting rights have been restored, the conviction is not a felony, the person convicted is not the registered voter, or the felon is otherwise eligible to vote. The auditor must notify the voter, retain a scanned copy of all documentation provided, and notify the secretary. The secretary must flag the voter registration record to prevent future cancellation on the same basis.

~~(6)~~ If the felon requests a hearing, the auditor must schedule a public hearing to provide the felon an opportunity to dispute the finding. In scheduling the hearing, the auditor may take into account whether an election in which the felon would otherwise be eligible to vote is scheduled. The notice must be mailed to the felon's last known registration mailing address and must be postmarked at least seven calendar days prior to the hearing date. Notice of the hearing must also be provided to the prosecuting attorney.

(7) The auditor must provide the prosecuting attorney a copy of all relevant registration and felony conviction information. The prosecuting attorney must obtain documentation, such as a copy of the judgment and sentence or custody or supervision information from the Washington department of corrections, the out-of-state court or prison, or the federal court or Bureau of Prisons, sufficient to prove by clear and convincing evidence that the felon is ineligible to vote. It is not necessary that the copy of the document be certified.

(8) If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the felon's voting eligibility in time to hold a hearing prior to certification of an election in which the felon would otherwise be eligible to vote, the prosecuting attorney must request that the auditor dismiss the current cancellation proceedings. The auditor must reverse the voter's pending cancellation status, cancel the hearing, and notify the voter. A provisional ballot voted in the pending election must be counted if otherwise valid. The prosecuting attorney must continue to research the felon's voting eligibility. If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the felon's voting eligibility prior to the next election in which the felon would otherwise be eligible to vote, the prosecuting attorney must notify the auditor. The auditor must notify the secretary, who must flag the voter registration record to prevent future cancellation on the same basis.

(9) A hearing to determine voting eligibility is an open public hearing pursuant to chapter 42.30 RCW. If the hearing occurs within thirty days before, or during the certification period of, an election in which the felon would otherwise be eligible to vote, the hearing must be conducted by the county canvassing board. If the hearing occurs at any other time, the county auditor conducts the hearing. Before a final determination is made that the felon is ineligible to vote, the prosecuting attorney must show by clear and convincing evidence that the voter is ineligible to vote due to a felony conviction. The felon must be provided a reasonable opportunity to respond. The hearing may be continued to a later date if continuance is likely to result in additional information regarding the felon's voting eligibility. If the felon is determined to be ineligible to vote due to felony conviction and lack of rights restoration, the voter registration must be canceled. If the voter is determined to be eligible to vote, the voter's pending cancellation status must be reversed and the secretary must flag the voter registration record to prevent future cancellation on the same basis. The felon must be notified of the outcome of the hearing and the final determination is subject to judicial review pursuant to chapter 34.05 RCW.

(10) If the felon's voter registration is canceled after the felon fails to contact the auditor within the thirty day period, the felon may contact the auditor at a later date to request a

~~hearing to dispute the cancellation. The auditor must schedule a hearing in substantially the same manner as provided in subsections (6) through (9) of this section.)~~

NEW SECTION

WAC 434-324-1065 Felony screening process—Mailing to potential matches. The secretary must mail a notification letter to each person under authority of DOC whose status is pending cancellation. The notification letter must be sent to the person's last known registration mailing address and, if the person is incarcerated or on community supervision with the department of corrections, to the person's department of corrections address indicating that their voter registration is about to be canceled. The letter must contain language notifying the person that they must contact the auditor's office to contest the pending cancellation. The letter must also inform the person that they may request a provisional ballot for any pending elections. The notification letter must include:

- (1) An explanation that a person under authority of DOC loses the right to vote until the right is restored;
- (2) For a conviction in a Washington state court, the right to vote is restored as long as the person is not serving a sentence of confinement or subject to community custody with the department of corrections. For a conviction in another state or federal court, the right to vote is restored as long as the person is no longer incarcerated;
- (3) The reason the person has been identified as ineligible to vote;
- (4) An explanation that the person's voter registration will be canceled due to the felony conviction if they do not respond within thirty days from the date of the letter; and
- (5) How to contest the pending cancellation. The secretary must send to each auditor the voter registration and conviction information for each matched person under authority of DOC registered in that county.

NEW SECTION

WAC 434-324-107 Felony screening process—Contesting cancellation or canceling. (1) If a person under authority of DOC fails to contact the auditor within thirty days of the date of the letter, that person's voter registration must be canceled. If an election in which the person would otherwise be eligible to vote is scheduled to occur during the thirty days, the person must be allowed to vote a provisional ballot.

(2) The person's eligibility status may be resolved and the pending status reversed without scheduling a hearing if the person provides satisfactory documentation that the person's voting rights have been restored, the conviction is not a felony, the person convicted is not the registered voter, or the person is otherwise eligible to vote. The auditor must notify the voter, retain a scanned copy of all documentation provided, and notify the secretary. The secretary must flag the voter registration record to prevent future cancellation on the same basis.

(3) If the person under the authority of DOC requests a hearing, the auditor must schedule a public hearing to provide the person an opportunity to dispute the finding. In schedul-

ing the hearing, the auditor may take into account whether an election in which the person would otherwise be eligible to vote is scheduled. The notice must be mailed to the person's last known registration mailing address and must be post-marked at least seven calendar days prior to the hearing date. Notice of the hearing must also be provided to the prosecuting attorney.

(4) The auditor must provide the prosecuting attorney a copy of all relevant registration and felony conviction information. The prosecuting attorney must obtain documentation, such as a copy of the judgment and sentence or custody or supervision information from the Washington department of corrections, the out-of-state court or prison, or the federal court or Bureau of Prisons, sufficient to prove by clear and convincing evidence that the person is ineligible to vote. It is not necessary that the copy of the document be certified.

(5) If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the person's voting eligibility in time to hold a hearing prior to certification of an election in which the person would otherwise be eligible to vote, the prosecuting attorney must request that the auditor dismiss the current cancellation proceedings. The auditor must reverse the voter's pending status, cancel the hearing, and notify the voter. A provisional ballot voted in the pending election must be counted if otherwise valid. The prosecuting attorney must continue to research the person's voting eligibility. If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the person's voting eligibility prior to the next election in which the person would otherwise be eligible to vote, the prosecuting attorney must notify the auditor. The auditor must notify the secretary, who must flag the voter registration record to prevent future cancellation on the same basis.

(6) A hearing to determine voting eligibility is an open public hearing pursuant to chapter 42.30 RCW. If the hearing occurs within thirty days before, or during the certification period of, an election in which the person would otherwise be eligible to vote, the hearing must be conducted by the county canvassing board. If the hearing occurs at any other time, the county auditor conducts the hearing. Before a final determination is made that the person is ineligible to vote, the prosecuting attorney must show by clear and convincing evidence that the voter is ineligible to vote due to a felony conviction. The person must be provided a reasonable opportunity to respond. The hearing may be continued to a later date if continuance is likely to result in additional information regarding the person's voting eligibility. If the person is determined to be ineligible to vote due to felony conviction and lack of rights restoration, the voter registration must be canceled. If the voter is determined to be eligible to vote, the voter's pending status must be reversed and the secretary must flag the voter registration record to prevent future cancellation on the same basis. The person must be notified of the outcome of the hearing and the final determination is subject to judicial review pursuant to chapter 34.05 RCW.

(7) If the person's voter registration is canceled after the person fails to contact the auditor within the thirty day period, the person may contact the auditor at a later date to request a hearing to dispute the cancellation. The auditor must sched-

ule a hearing in substantially the same manner as provided in subsections (3) through (6) of this section.

AMENDATORY SECTION (Amending WSR 12-14-074, filed 7/2/12, effective 8/2/12)

WAC 434-324-108 Incapacitated persons lacking voting rights—Notice from court. Upon receipt of a court order declaring an incapacitated person does not retain voting rights as outlined in RCW 11.88.010, the auditor must search ~~((his or her county))~~ the state election management system to determine whether the person is a registered voter. If the auditor determines the incapacitated person's name and other identifying information match, ~~((he or she))~~ they must cancel the incapacitated person's voter registration and send ~~((notification to the secretary through the county election management system. After canceling an incapacitated person's registration, the auditor must send))~~ a cancellation notice to the incapacitated person using the last known address.

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

WAC 434-324-111 Voluntary cancellation of voter registration. A voter may cancel ~~((his or her))~~ their own voter registration by submitting a signed written notification to the auditor for the county in which ~~((he or she))~~ the voter is registered to vote. Prior to cancellation of such a registration record, the auditor must ensure the signature on the notification matches the signature in the voter registration file by utilizing criteria outlined in WAC 434-379-020. A county auditor may not process a voluntary cancellation between the deadline in RCW 29A.08.140 for updating a registration and certification of the primary or election.

A participant in the future voter program established under RCW 29A.08.170 may be removed from the program by submitting a signed written notification to the auditor for the county in which they live. The auditor shall process the notification in the same manner as other voluntary cancellations.

AMENDATORY SECTION (Amending WSR 09-18-098, filed 9/1/09, effective 10/2/09)

WAC 434-324-113 Lacking the qualifications necessary to vote. (1) If, at any time, the secretary finds that a registered voter does not possess the qualifications required by state law to exercise ~~((his or her))~~ their right to vote for reasons not listed in this chapter, the secretary must refer such information to the appropriate county auditor and county prosecutor.

(2) If, at any time, the auditor finds that a registered voter does not possess the qualifications required by state law to exercise ~~((his or her))~~ their right to vote for reasons not listed in this chapter, the auditor must notify the county prosecutor.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-324-125 Voter registration database manual. The secretary of state and each county auditor must con-

duct voter registration list maintenance, process online voter registrations, motor voter registrations and agency-based registrations, and update registrations according to procedures and instructions in the statewide voter registration database ~~((online help))~~ manual.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-324-118 Data auditing of county voter election management system with the official statewide voter registration database.

AMENDATORY SECTION (Amending WSR 19-12-115, filed 6/5/19, effective 7/6/19)

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 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.

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.votewa.gov
call (800) 448-4881
email elections@sos.wa.gov
mail PO Box 40229 Olympia, WA 98504-0229

For official use:

fold in half

3/2019

Washington State Voter Registration Form

Register online at www.votewa.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 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.
I live outside the United States.

4 Identification - Washington Driver License, Permit, or ID

Grid for driver license/ID number and Social Security number (xx-xx-xxxx).

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 [] 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.

Future Voters

If you are at least 16 years old, use this form to sign up. You'll be automatically registered when you turn 18.

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.

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.votewa.gov
call (800) 448-4881
email elections@sos.wa.gov
mail PO Box 40229 Olympia, WA 98504-0229

For official use:

fold in half

4/2020

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, if different; 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: 12 digit boxes for license/ID number; Social Security number format: x x x - x x - x x x x.

5 Change of Name or Address

Form fields for change of name or address: 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 am at least sixteen years old, 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.

Signatures and dates: sign here, date here.

return address: PO Box 40229, Olympia, WA 98504-0229



first class postage required



Please write your county elections office address below:

[Empty box for county elections office address]

↑ fold in half

Adams County
210 W Broadway, Ste 200
Ritzville, WA 99169
(509) 659-3249

Asotin County
PO Box 129
Asotin, WA 99402
(509) 243-2084

Benton County
PO Box 1440
Prosser, WA 99350
(509) 736-3085

Chelan County
350 Orondo Ave Ste. 306
Wenatchee, WA 98801-2885
(509) 667-6808

Clallam County
223 E 4th St, Ste 1
Port Angeles, WA 98362
(360) 417-2221

Clark County
PO Box 8815
Vancouver, WA 98666-8815
(564) 397-2345

Columbia County
341 E Main St, Ste 3
Dayton, WA 99328
(509) 382-4541

Cowlitz County
207 4th Ave N, Rm 107
Kelso, WA 98626-4124
(360) 577-3005

Douglas County
PO Box 456
Waterville, WA 98858
(509) 888-6402

Ferry County
350 E Delaware Ave, Ste 2
Republic, WA 99166
(509) 775-5200

Franklin County
PO Box 1451
Pasco, WA 99301
(509) 545-3538

Garfield County
PO Box 278
Pomeroy, WA 99347-0278
(509) 843-1411

Grant County
PO Box 37
Ephrata, WA 98823
(509) 754-2011 ext. 2704

Grays Harbor County
100 W Broadway, Ste 2
Montesano, WA 98563
(360) 964-1556

Island County
PO Box 1410
Coupeville, WA 98239
(360) 679-7366

Jefferson County
PO Box 563
Port Townsend, WA 98368-0563
(360) 385-9119

King County
919 SW Grady Way
Renton, WA 98057
(206) 296-8683

Kitsap County
614 Division St, MS 31
Port Orchard, WA 98366
(360) 337-7128

Kittitas County
205 W 5th Ave, Ste 105
Ellensburg, WA 98926-2891
(509) 962-7503

Klickitat County
205 S Columbus, Rm 203
Goldendale, WA 98620
(509) 773-4001

Lewis County
PO Box 29
Chehalis, WA 98532-0029
(360) 740-1164

Lincoln County
PO Box 28
Davenport, WA 99122-0028
(509) 725-4971

Mason County
PO Box 400
Shelton, WA 98584
(360) 427-9670 ext 469

Okanogan County
PO Box 1010
Okanogan, WA 98840-1010
(509) 422-7240

Pacific County
PO Box 97
South Bend, WA 98586-0097
(360) 875-9317

Pend Oreille County
PO Box 5015
Newport, WA 99156
(509) 447-6472

Pierce County
2501 S 35th St, Ste C
Tacoma, WA 98409
(253) 798-VOTE

San Juan County
PO Box 638
Friday Harbor, WA 98250-0638
(360) 378-3357

Skagit County
PO Box 1306
Mount Vernon, WA 98273-1306
(360) 416-1702

Skamania County
PO Box 790, Elections Dept
Stevenson, WA 98648-0790
(509) 427-3730

Snohomish County
3000 Rockefeller Ave, MS 505
Everett, WA 98201-4060
(425) 388-3444

Spokane County
1033 W Gardner Ave
Spokane, WA 99260
(509) 477-2320

Stevens County
215 S Oak St, Rm 106
Colville, WA 99114-2836
(509) 684-7514

Thurston County
2000 Lakeridge Dr SW
Olympia, WA 98502-6090
(360) 786-5408

Wahkiakum County
PO Box 543
Cathlamet, WA 98612
(360) 795-3219

Walla Walla County
PO Box 2176
Walla Walla, WA 99362-0356
(509) 524-2530

Whatcom County
PO Box 369
Bellingham, WA 98227-0369
(360) 778-5102

Whitman County
PO Box 191
Colfax, WA 99111
(509) 397-5284

Yakima County
PO Box 12570
Yakima, WA 98909-2570
(509) 574-1340

WA State Elections Division
PO Box 40229
Olympia, WA 98504-0229
(800) 448-4881

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WSR 20-10-096
PROPOSED RULES
STATE BOARD OF HEALTH

[Filed May 6, 2020, 7:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-15-087.

Title of Rule and Other Identifying Information: Chapter 246-650 WAC, Newborn screening, the Washington state board of health (board) is proposing to amend the newborn screening (NBS) rules to add spinal muscular atrophy (SMA) to the list of mandatory conditions for which newborn screening is conducted by the department of health.

Hearing Location(s): On June 10, 2020, at 11:05 a.m.

In response to the coronavirus disease 2019 (COVID-19) public health emergency, the state board of health will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. Board members, presenters, and staff will all participate remotely. The public may login using a computer or device, or call-in using a phone, to listen to the meeting through the GoTo Webinar application. The public may submit verbal comments during the specified public comment and rules hearing segments.

To access the meeting online and register: Registration URL: <https://attendee.gotowebinar.com/register/1641009416538872079>.

You can also dial in using your phone. Call in: +1 (951) 384-3421. Access Code: 920-590-411.

Date of Intended Adoption: June 10, 2020.

Submit Written Comments to: Samantha Pskowski, P.O. Box 47990, Olympia, WA 98504-7990, email <https://fortress.wa.gov/doh/policyreview>, by June 5, 2020.

Assistance for Persons with Disabilities: Contact Samantha Pskowski, phone 360-789-2358, TTY 711, email samantha.pskowski@sboh.wa.gov, by May 29, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to amend chapter 246-650 WAC to add SMA to the panel of disorders that every newborn must be tested for, unless so objected by the newborn's parents or guardians due to religious tenets. The United States Department of Health and Human Services included SMA to the Recommended Uniform Screening Panel (RUSP) in July 2018. SMA is a severe condition that results in the breakdown of the skeletal muscles and cardiac and respiratory deficiencies.

Reasons Supporting Proposal: Performing population based screening is the most effective method of early identification of SMA to diagnosis [diagnose] and begin treatment earlier. Delaying diagnosis and treatment can lead to debilitating outcomes and possible early death. The board and department of health have proposed changes to chapter 246-650 WAC to include SMA in order to protect the public's health, safety, and wellbeing through early detection of a debilitating genetic disorder.

Statutory Authority for Adoption: RCW 70.83.030, 70.83.050.

Statute Being Implemented: RCW 70.83.020.

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

Name of Proponent: Washington state board of health and Washington state department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Samantha Pskowski, 101 Israel Road S.E., Tumwater, WA 98504-7990, 360-789-2358; **Implementation and Enforcement:** John Thompson, 1610 N.E. 150th Street, Shoreline, WA 98155, 206-418-5531.

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

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Samantha Pskowski, 101 Israel Road S.E., Tumwater, WA, 98504-7990, phone 360-789-2358, TTY 711, email samantha.pskowski@sboh.wa.gov.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The cost threshold for the industry of direct health and medical insurance carriers (NAICS Code: 524114) is \$81,828.

$(\text{Annual Payroll/Total establishments}) * (0.01) = (556,430.40 * 1,000) / 68 * (0.01) = \$81,828.$

Half of births in Washington are covered by medicaid and it is assumed that the other half are covered by private insurance. The total cost of the rule to private industry would be \$180,600.00.

Total cost of the rule: \$4.30 fee increase per baby * 84,000 estimated births = \$361,200.00.

$\$360,200.00 / 2 = \$180,600.00$ (half of the births are medicaid, half are private insurance).

We do not have a way of knowing how many babies will be covered by each of the sixty-eight different establishments so we calculated an average cost per establishment of \$2,655.88.

$\$180,600.00$ (total cost to private industry) / 68 (total establishments) = \$2,655.88

Therefore, the average cost of the rule per establishment does not exceed the average cost threshold for the industry and does not require a small business economic impact statement.

May 5, 2020
 Michelle A. Davis
 Executive Director

AMENDATORY SECTION (Amending WSR 19-20-025, filed 9/23/19, effective 10/24/19)

WAC 246-650-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Amino acid disorders" means argininosuccinic acidemia (ASA), citrullinemia type I (CIT), homocystinuria (HCY), maple syrup urine disease (MSUD), phenylketonuria (PKU), and tyrosinemia type I (TYR I), which may cause severe complications including intellectual disability, coma, seizures, and possibly death.

(2) "Board" means the Washington state board of health.

(3) "Biotinidase deficiency" means a deficiency of an enzyme (biotinidase) that facilitates the body's recycling of

biotin. The result is biotin deficiency, which if undetected and untreated, may result in severe neurological damage or death.

(4) "Congenital adrenal hyperplasia" means a severe disorder of adrenal steroid metabolism which may result in death of an infant during the neonatal period if undetected and untreated.

(5) "Congenital hypothyroidism" means a disorder of thyroid function during the neonatal period causing impaired mental functioning if undetected and untreated.

(6) "Critical congenital heart disease" means an abnormality in the structure or function of the heart that exists at birth, causes severe, life-threatening symptoms, and requires medical intervention within the first year of life.

(7) "Cystic fibrosis" means a life-shortening disorder caused by mutations in the gene encoding the cystic fibrosis transmembrane conductance regulator (CFTR), a transmembrane protein involved in ion transport. Affected individuals suffer from chronic, progressive pulmonary disease and nutritional deficits. Early detection and enrollment in a comprehensive care system provides improved outcomes and avoids the significant nutritional and growth deficits that are evident when diagnosed later.

(8) "Department" means the Washington state department of health.

(9) "Fatty acid oxidation disorders" means carnitine uptake defect (CUD), long-chain L-3-OH acyl-CoA dehydrogenase deficiency (LCHADD), medium-chain acyl-CoA dehydrogenase deficiency (MCADD), trifunctional protein deficiency (TFP), and very long-chain acyl-CoA dehydrogenase deficiency (VLCADD). These disorders can lead to hypoglycemia and metabolic crises resulting in serious damage affecting the brain, liver, heart, eyes, muscle, and possibly death.

(10) "Galactosemia" means a deficiency of enzymes that help the body convert the simple sugar galactose into glucose resulting in a buildup of galactose and galactose-1-PO₄ in the blood. If undetected and untreated, accumulated galactose-1-PO₄ may cause significant tissue and organ damage often leading to sepsis and death.

(11) "Hemoglobinopathies" means a group of hereditary blood disorders caused by genetic alteration of hemoglobin which results in characteristic clinical and laboratory abnormalities and which leads to developmental impairment or physical disabilities.

(12) "Newborn" means an infant born in any setting in the state of Washington.

(13) "Newborn screening specimen/information form" means a form provided by the department for collecting a newborn's dried blood spots and information used to screen for congenital disorders under this chapter. This includes the filter paper portion and associated dried blood spots.

(14) "Mucopolysaccharidosis I (MPS-I)" means a multi-system disorder caused by mutations in the alpha-L-iduronidase gene in which a lysosomal enzyme is deficient, leading to accumulation of mucopolysaccharides (a type of carbohydrate) and other metabolites. This includes Hurler, Hurler-Scheie, and Scheie syndromes.

(15) "Organic acid disorders" means 3-OH 3-CH₃ glutaric aciduria (HMG), beta-ketothiolase deficiency (BKT),

glutaric acidemia type I (GA 1), isovaleric acidemia (IVA), methylmalonic acidemia (CblA,B), methylmalonic acidemia (mutase deficiency) (MUT), multiple carboxylase deficiency (MCD), and propionic acidemia (PROP). These disorders can lead to metabolic crises resulting in severe nerve damage, physical damage, and possibly death.

(16) "Pompe disease" means a neuromuscular disorder caused by mutations in the acid glucosidase gene which result in reduced or absent activity of the acid alpha glucosidase enzyme.

(17) "Significant screening test result" means a laboratory test result indicating a suspicion of abnormality and requiring diagnostic evaluation of the involved infant for a specific congenital disorder.

(18) "Severe combined immunodeficiency (SCID)" means a group of congenital disorders characterized by profound deficiencies in T- and B- lymphocyte function. This results in very low or absent production of the body's primary infection fighting processes that, if left untreated, results in severe recurrent, and often life-threatening infections within the first year of life.

(19) "Spinal muscular atrophy (SMA)" means a genetic disorder caused by mutations in the survival motor neuron 1 (SMN1) gene, which impairs the function of the survival motor neuro (SMN) protein. This results in the loss of motor neurons and causes progressive atrophy of skeletal muscles.

(20) "X-linked adrenoleukodystrophy (X-ALD)" means a peroxisomal disorder caused by mutations in the ABCD1 gene located on the X chromosome. If untreated this can lead to adrenocortical deficiency, damage to the nerve cells of the brain, paralysis of the lower limbs, mental decline, disability, or death.

AMENDATORY SECTION (Amending WSR 19-20-025, filed 9/23/19, effective 10/24/19)

WAC 246-650-020 Performance of screening tests.

(1) Hospitals and other providers of birth and delivery services or neonatal care to infants shall:

(a) Inform parents or guardians, by providing a departmental information pamphlet or by other means, of:

(i) The purpose of screening newborns for congenital disorders;

(ii) Disorders of concern as listed in WAC 246-650-020(2);

(iii) The requirement for newborn screening;

(iv) The legal right of parents or guardians to refuse testing because of religious tenets or practices as specified in RCW 70.83.020; and

(v) The specimen storage, retention and access requirements specified in WAC 246-650-050.

(b) Obtain a blood specimen for laboratory testing as specified by the department from each newborn no later than forty-eight hours following birth.

(c) Use department-approved newborn screening specimen/information forms and directions for obtaining specimens.

(d) Enter all identifying and related information required on the newborn screening specimen/information form following directions of the department.

(e) In the event a parent or guardian refuses to allow newborn screening, obtain signatures from parents or guardians on the newborn screening specimen/information form.

(f) Forward the newborn screening specimen/information form with dried blood spots or signed refusal to the Washington state public health laboratory so that it will be received no later than seventy-two hours following collection of the specimen, excluding any day that the state laboratory is closed.

(2) Upon receipt of specimens, the department shall:

(a) Record the time and date of receipt;

(b) Perform appropriate screening tests for:

(i) Amino acid disorders;

(ii) Biotinidase deficiency;

(iii) Congenital hypothyroidism;

(iv) Congenital adrenal hyperplasia;

(v) Cystic fibrosis;

(vi) Fatty acid oxidation disorders;

(vii) Galactosemia;

(viii) Hemoglobinopathies;

(ix) Mucopolysaccharidosis type I (MPS-I);

(x) Organic acid disorders;

(xi) Pompe disease;

(xii) Severe combined immunodeficiency (SCID);

(xiii) Spinal muscular atrophy (SMA);

(xiv) X-linked adrenoleukodystrophy (X-ALD).

(c) Report significant screening test results to the infant's attending health care provider or parent or guardian if an attending health care provider cannot be identified; and

(d) Offer diagnostic and treatment resources to health care providers attending infants with significant screening test results within limits determined by the department.

(3) Once the department notifies the attending health care provider of significant screening test results, the attending health care provider shall notify the department of the date upon which the results were disclosed to the parent or guardian of the infant. This requirement expires January 1, 2020.

Submit Written Comments to: Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, email drs.rules@drs.wa.gov, by June 8, 2020.

Assistance for Persons with Disabilities: Contact Jilene Siegel, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, by June 3, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To change the default retirement plan for new members in the public employees' retirement system (PERS), the teachers' retirement system (TRS) and the school employees' retirement system (SERS) who do not make a plan choice selection within ninety days of hire, and to clarify provisions for new members with a break in service during their plan choice period.

Reasons Supporting Proposal: Chapter 313, Laws of 2019 (HB [SB] 5360) changed the default provisions for new members in PERS, TRS and SERS who do not make a plan choice selection within ninety days of hire. The department of retirement systems (DRS) also identified a need to clarify provisions for a member with a break in service prior to the expiration of the ninety day plan choice period.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.32.835, 41.35.610, and 41.40.785.

Name of Proponent: DRS, governmental.

Name of Agency Personnel Responsible for Implementation: Seth Miller, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7304.

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

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(a)(i) does not apply to this proposed rule and is not voluntarily made applicable by the agency.

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

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rule content is explicitly and specifically dictated by statute.

May 5, 2020

Jilene Siegel

Rules Coordinator

WSR 20-10-097

PROPOSED RULES

DEPARTMENT OF

RETIREMENT SYSTEMS

[Filed May 6, 2020, 8:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-07-083.

Title of Rule and Other Identifying Information: WAC 415-02-030 Definitions, and 415-108-425 How do I determine if I have plan choice rights or transfer rights to PERS Plan 3?

Hearing Location(s): On June 9, 2020, at 10:30 a.m.

The hearing will be conducted by telephone conference only: 360-407-3830 or 855-682-0796 (toll free).

Conference ID: 5840028.

Date of Intended Adoption: June 10, 2020.

AMENDATORY SECTION (Amending WSR 20-01-079, filed 12/11/19, effective 1/11/20)

WAC 415-02-030 Definitions. This section contains definitions of words and phrases commonly used in the department of retirement systems' rules. It also serves as a directory for finding definitions within the RCW and WAC.

(1) **Accumulated contributions** means the sum of all contributions paid into a member's defined benefit account, including interest.

(2) **Appeal** means the proceeding through which a party obtains review of a department action in an adjudicative proceeding conducted under chapter 34.05 RCW (the Adminis-

trative Procedure Act) and chapter 415-08 WAC (the department's appeal rules).

(3) **Average final compensation** is defined in RCW 41.32.010(30) (TRS); RCW 41.35.010(14) (SERS); RCW 41.40.010(17) (PERS); and RCW 41.37.010(14) (PSERS).

(4) **Average final salary** for WSPRS is defined in RCW 43.43.120(15).

(5) **Cafeteria plan** means a "qualified" employee benefit program under IRC section 125, such as certain health and welfare plans.

(6) **Calendar month.**

(a) Refers to one of the twelve named months of the year, extending from the first day of the named month through the last day. For example: January 1st through January 31st is a calendar month. February 1st through February 29th is a calendar month in a leap year. March 13th through April 12th is *not* a calendar month.

(b) Exception: For the purpose of administering the break in employment required by RCW 41.32.570, 41.32.802, 41.32.862, 41.35.060, 41.37.050 and 41.40.037 for retirees returning to work, one calendar month means thirty consecutive calendar days. For example: Kim's retirement date is August 1st. August 31st would be the earliest Kim could return to work and meet the requirement for a one calendar month break in employment.

(7) **Compensation earnable or earnable compensation** definitions can be found in RCW 41.32.010(10) and 41.32.345 (TRS); RCW 41.35.010(6) (SERS); RCW 41.37.010(6) (PSERS); and RCW 41.40.010(8) (PERS).

(8) **Contribution rate** is:

(a) For employees: The fraction (percent) of compensation a member contributes to a retirement system each month.

(b) For employers: The fraction (percent) of payroll a member's employer contributes to a retirement system each month. Contribution rates vary for the different systems and plans.

(9) **Deferred compensation** refers to the amount of the participant's compensation, which the participant voluntarily defers from earnings before taxes to a deferred compensation program.

(10) **Defined benefit plan** is a pension plan in which a lifetime retirement allowance is available, based on the member's service credit and compensation.

(11) **Defined contribution plan** is a plan in which part of members' or participants' earnings are deferred into investment accounts in which tax is deferred until funds are withdrawn. The benefit is based on the contributions and the amount of return from the investment of the contributions. Members or participants receive the full market rate of return minus expenses. There is no guaranteed rate of return and the value of an account will increase or decrease based upon market fluctuations.

(12) **Department** means the department of retirement systems.

(13) **Director** means the director of the department of retirement systems.

(14) **Employee** means a worker who performs labor or services for a retirement systems employer under the control and direction of the employer as determined under WAC 415-02-110(2). An employee may be eligible to participate as

a member of one of the state-administered retirement systems according to eligibility requirements specified under the applicable retirement system.

(15) **Employer** is defined in RCW 41.26.030(2) (LEOFF), 41.32.010(11) (TRS), 41.34.020(5) (Plan 3), 41.35.010(4) (SERS), 41.37.010(4) (PSERS) and 41.40.010(4) (PERS).

(16) **Ex-spouse** refers to a person who is a party to a "dissolution order" as defined in RCW 41.50.500(3).

(17) **Final average salary for LEOFF** is defined in RCW 41.26.030(12).

(18) **First employed by an eligible employer in an eligible position** means, for purposes of plan default, first employment with an employer, in an eligible position, with which a member has fully exhausted their plan choice rights.

(19) **HERPs** mean higher education retirement plans described in chapter 28B.10 RCW, which are non-DRS retirement plans offered by institutions of higher education, such as, but not limited to, University of Washington retirement plan (UWRP) and Western Washington University retirement plan (WWURP).

~~((19))~~ (20) **Independent contractor** means a contract worker who is not under the direction or control of the employer as determined under WAC 415-02-110 (2) and (3).

~~((20))~~ (21) **IRC** means the Federal Internal Revenue Code of 1986, as subsequently amended.

~~((21))~~ (22) **Indexed retirement allowance** means a defined benefit retirement allowance from an indexed retirement plan, payable to a member who separates after having completed at least twenty service credit years, that is increased by twenty-five one-hundredths of one percent, compounded for each month from the date of separation to the date that the retirement allowance commences.

~~((22))~~ (23) **Indexed retirement plan** means one of the following retirement plans, which are administered by the department of retirement systems and provide an indexed retirement allowance: Law Enforcement Officers' and Firefighters Retirement System Plan 2 (RCW 41.26.530), Public Employees' Retirement System Plan 3 (RCW 41.40.790), School Employees' Retirement System Plan 3 (RCW 41.35.620), and Teachers' Retirement System Plan 3 (RCW 41.32.840).

~~((23))~~ (24) **JRF** means the judges' retirement fund created by chapter 2.12 RCW.

~~((24))~~ (25) **JRS** means the Washington judicial retirement system created by chapter 2.10 RCW.

~~((25))~~ (26) **LEOFF** means the Washington law enforcement officers' and firefighters' retirement system created by chapter 41.26 RCW.

~~((26))~~ (27) **Member** means a person who is included in the membership of one of the retirement systems created by chapters 2.10, 2.12, 41.26, 41.32, 41.34, 41.35, 41.37, 41.40, or 43.43 RCW.

~~((27))~~ (28) **Nonadministrative position or nonadministrative capacity** refers to retirees returning to work in a position at a school district, charter school, educational service district, state school for the deaf, state school for the blind, or tribal school which:

(a) Does not require an administrative certification, as defined by the office of the superintendent of public instruc-

tion, (currently positions requiring the certification include: Principal, vice principal, program administrator, conditional administrator, superintendent or program administrator certifications); or

(b) Does not evaluate staff.

~~((28))~~ **(29) Normal retirement** means qualifying for retirement based on the standard age and service credit requirements as specified in RCW 2.10.100 (JRS), 2.12.020 (JRF), 41.26.090 (LEOFF Plan 1), 41.26.430(1) (LEOFF Plan 2), 41.32.470 (TRS Plan 1), 41.32.765(1) (TRS Plan 2), 41.32.875(1) (TRS Plan 3), 41.35.420(1) (SERS Plan 2), 41.35.680(1) (SERS Plan 3), 41.37.210(1) (PSERS), 41.40.180 (PERS Plan 1), 41.40.630(1) (PERS Plan 2), 41.40.820(1) (PERS Plan 3), or 43.43.250 (WSPRS).

~~((29))~~ **(30) Participant** means an eligible employee who participates in a deferred compensation plan.

~~((30))~~ **(31) Participation agreement** means an agreement that an eligible employee signs to become a participant in a deferred compensation plan.

~~((31))~~ **(32) Pension plan** is a plan that provides a life-long post retirement payment of benefits to employees.

~~((32))~~ **(33) PERS** means the Washington public employees' retirement system created by chapter 41.40 RCW.

~~((33))~~ **(34) Petition** means the method by which a party requests a review of an administrative determination prior to an appeal to the director. The department's petitions examiner performs the review under chapter 415-04 WAC.

~~((34))~~ **(35) Plan 1** means the retirement plans in existence prior to the enactment of chapters 293, 294 and 295, Laws of 1977 ex. sess.

~~((35))~~ **(36) Plan 2** means the retirement plans established by chapters 293, 294 and 295, Laws of 1977 ex. sess., chapter 341, Laws of 1998, and chapter 329, Laws of 2001.

~~((36))~~ **(37) Plan 3** means the retirement plans established by chapter 239, Laws of 1995, chapter 341, Laws of 1998, and chapter 247, Laws of 2000.

~~((37))~~ **(38) Plan choice rights** refers to a member's right, within a ninety-day period, to make an irrevocable choice to become a member of Plan 2 or Plan 3 or be defaulted into a plan after the full ninety-day period has expired.

(a) A member will be reported in Plan 2 until plan choice rights have been exercised.

(b) A member must make a choice within ninety calendar days (computed as described in RCW 1.12.040) from the first day of employment in an eligible position.

(c) A member will be defaulted into a plan if they continue employment in an eligible position past the ninety-day plan choice period without making a choice.

(d) A member may exercise plan choice rights only once per system.

(39) Plan year is the twelve-month period that begins on January 1st and ends on December 31st of the same calendar year.

~~((38))~~ **(40) Portability** is the ability to use membership in more than one Washington state retirement system in order to qualify for retirement benefits. See chapters 41.54 RCW and 415-113 WAC.

~~((39))~~ **(41) PSERS** means the Washington public safety employees' retirement system created by chapter 41.37 RCW.

~~((40))~~ **(42) Public record** is defined in RCW 42.17.020(41).

~~((41))~~ **(43) Restoration** is the process of restoring a member's service credit for prior periods.

~~((42))~~ **(44) Retirement system employer - See "employer."**

~~((43))~~ **(45) Rollover** means a distribution that is paid to or from an eligible retirement plan within the statutory time limit allowed.

~~((44))~~ **(46) Separation date** is the date a member ends employment in a position eligible for retirement.

~~((45))~~ **(47) SERS** means the Washington school employees' retirement system created by chapter 41.35 RCW.

~~((46))~~ **(48) Split account** is the account the department establishes for a member or retiree's ex-spouse.

~~((47))~~ **(49) Surviving spouse** refers to a person who was married to the member at the time of the member's death and who is receiving or is eligible to receive a survivor benefit.

~~((48))~~ **(50) Survivor beneficiary** means a person designated by the member to receive a monthly benefit allowance after the member dies.

~~((49))~~ **(51) Survivor benefit** is a feature of a retirement plan that provides continuing payments to a designee after the death of a member or retiree.

~~((50))~~ **(52) TRS** means the Washington state teachers' retirement system created by chapter 41.32 RCW.

~~((51))~~ **(53) The Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA)** is the federal law that requires employers to reemploy and preserve job security, pension and welfare benefits for qualified employees who engage in military service.

~~((52))~~ **(54) WSPRS** means the Washington state patrol retirement system created by chapter 43.43 RCW.

AMENDATORY SECTION (Amending WSR 03-15-007, filed 7/3/03, effective 8/1/03)

WAC 415-108-425 How do I determine if I have plan choice rights or transfer rights to PERS Plan 3? (1) Definitions:

(a) **"Concurrently employed"** means you are employed at the same time, in eligible positions, by a Phase 1 employer and by a Phase 2 employer.

(b) **"Exercising plan choice rights"** means choosing Plan 2 or Plan 3 or defaulting into a plan ~~((3))~~.

(c) **"Phase 1 employer"** means state agencies and institutes of higher education.

(d) **"Phase 2 employer"** means all other employers.

(e) **"Phase 1 transfer period"** is the period from March 1, 2002, through and including August 31, 2002.

(f) **"Phase 2 transfer period"** is the period from September 1, 2002, through and including May 31, 2003.

(2) **What determines if I have "plan choice rights" or "transfer rights"?** Your current employment status and your employment history will be used to determine if you

have plan choice rights (refer to WAC 415-02-030 for definition) or transfer rights. If your employment status changes, your rights must be reevaluated. A change in your employment status, such as separating from employment or becoming reemployed, may change your rights.

~~(3) **(What are "choice rights" and how are they applied?** "Choice rights" refers to your right, within a ninety-day period, to make an irrevocable choice to become a member of Plan 2 or Plan 3.~~

~~(a) You will be reported in Plan 2 until you exercise choice rights.~~

~~(b) You must make a choice within ninety days of your first day of employment in an eligible position.~~

~~(c) You will be defaulted into Plan 3 if you continue employment past the ninety-day choice period without making a choice.~~

~~(d) You may exercise choice rights only once.~~

~~(4)) **Do I have "plan choice rights"?**~~

(a) You have plan choice rights if your initial PERS membership began on or after March 1, 2002, with a Phase 1 employer in an eligible position.

(i) If you separate from employment and did not exercise your plan choice rights, you retain plan choice rights if you are reemployed in an eligible position with a Phase 1 employer.

(ii) If you separate from employment and did not exercise your plan choice rights, and you are not employed by a Phase 2 employer during Phase 2, you retain plan choice rights if you begin another period of employment in an eligible position with a Phase 2 employer after May 31, 2003.

(b) You have plan choice rights if your initial PERS membership began on or after September 1, 2002, with a Phase 2 employer in an eligible position. If you separate from employment and did not exercise your plan choice rights, you retain plan choice rights if you begin another period of employment in an eligible position with a Phase 1 or Phase 2 employer.

(c) You have plan choice rights if you transferred from membership in PERS to membership in the school employees' retirement system and then became employed in an eligible PERS position on or after March 1, 2002, with a Phase 1 employer or on or after September 1, 2002, with a Phase 2 employer.

~~((5)) (4) **What are "transfer rights" and how are they applied?** "Transfer rights" refers to your right as a Plan 2 member to transfer into Plan 3 during an applicable transfer period to your employment type.~~

(a) You are not required to exercise transfer rights. If you have transfer rights, you will remain in Plan 2 unless you decide to transfer to Plan 3.

(b) If you do not transfer to Plan 3 during the Phase 1 or the Phase 2 transfer periods, you will not qualify to receive the additional transfer payment under RCW 41.40.795 or retroactive gainsharing payment under RCW 41.31A.040.

~~((6)) (5) **Do I have transfer rights?**~~

(a) You have transfer rights if you:

(i) Are a Plan 2 member;

(ii) Are employed in an eligible position by a Phase 1 employer during the Phase 1 transfer period; and

(iii) Were not eligible for plan choice rights under subsection ~~((4)) (3)(a)~~ or (c) of this section.

(b) You have transfer rights if you:

(i) Are a Plan 2 member;

(ii) Are employed in an eligible position by a Phase 2 employer during the Phase 2 transfer period; and

(iii) Were not eligible for plan choice rights under subsection ~~((4)) (3)(b)~~ or (c) of this section.

~~((7)) (6) **What are "January transfer rights" and how are they applied?** "January transfer rights" refers to a Plan 2 member's right to transfer to Plan 3 during any January after the close of a transfer period.~~

(a) If you are employed by a Phase 1 employer, in an eligible position, the first January you can transfer is January 2003.

(b) If you are employed by a Phase 2 employer, in an eligible position, the first January you can transfer is January 2004.

(c) You must earn service credit in the January in which you transfer.

~~((8)) (7) **Do I have January transfer rights?**~~

(a) You have January transfer rights if you were eligible for transfer rights and did not transfer to PERS Plan 3 **during** the transfer period that applied to you.

(b) You have January transfer rights if you:

(i) Were employed in an eligible position with a Phase 1 employer **before** the Phase 1 transfer period, or were employed in an eligible position by a Phase 2 employer **before** the Phase 2 transfer period;

(ii) Were not employed by a Phase 1 employer **during** the Phase 1 transfer period;

(iii) Were not employed by a Phase 2 employer **during** the Phase 2 transfer period; and

(iv) Are employed by a Phase 1 employer in an eligible position that you began **after** the Phase 1 transfer period ended, or are employed by a Phase 2 employer in an eligible position that you began **after** the Phase 2 transfer period ended.

~~((9)) (8) **What happens after I become a ((Plan 3)) member of a plan by choice, transfer or default?** Once you choose ~~((Plan 3 or default to Plan 3 or transfer to Plan 3, you will remain a Plan 3 member))~~, transfer, or default into a plan, you will remain a member of that plan regardless of whether you change employers. You will not have any additional transfer rights or plan choice rights to exercise.~~

~~((10)) (9) **What rules apply to me if I am concurrently employed?** If you are, or become concurrently employed during the Phase 1 transfer period in an eligible position, you will have transfer rights but must wait until the Phase 2 transfer period to transfer. If you separate from one of the employers, your membership rights must be reevaluated.~~

Examples: *The examples are written, for the most part, for a Phase 1 employer. Use the Phase 2 transfer period (September 1, 2002, through and including May 31, 2003) to apply the rules to a Phase 2 employer.*

Plan Choice Rights:
Example 1: Pat starts working for a state agency in an eligible position (Phase 1 employer) as of:
A. April 1, 2002. Since Pat has not previously been a member of PERS, Pat has ninety days to make a plan choice for Plan 2 or Plan 3. See subsection (3)((4)) (3)(a)(i) of this section.
B. After forty-five days, Pat leaves service without making a choice, and then returns in an eligible position one year later. Pat has a new ninety day period in which to make (his) a plan choice . See subsection ((4)) (3)(a)(i) of this section.
C. Pat chooses Plan 3 within (his) ninety days. Pat is now a Plan 3 member regardless of future employment. See subsection ((9)) (8) of this section.
D. Instead of choosing Plan 3, Pat lets (his) the ninety day plan choice period go by ((with-out)) without choosing Plan 2 or Plan 3. Pat is defaulted into a plan (3) and is now a ((Plan-3)) member of that plan regardless of future employment. See subsection ((s-3)(e)-and-(9)) (8) of this section.

Transfer Rights:
Example 2:
A. Chris has been a Plan 2 member since 1977. Chris is working at a state agency (Phase 1 employer) as of March 1, 2002. Since Chris was a member prior to the start of Plan 3, Chris has the right to transfer to Plan 3 in the transfer period (March 1, 2002, through August 31, 2002). See subsection ((6)) (5)(a) of this section.
B. However, Chris did not make a decision to transfer prior to the close of the Phase 1 transfer period . If Chris remains employed for a Phase 1 employer, the right to transfer to Plan 3 is limited to January of each year. See subsection ((8)) (7)(a) of this section.
C. In this variation, Chris was a Plan 2 member from March 1, 1987, through February 1, 2002. Chris returns on October 15, 2002, for a state agency (Phase 1 employer). Since Chris returned to service after the transfer period (March 1, 2002, through August 31, 2002), Chris only has the right to transfer to Plan 3 in January of each year. See subsection ((8)) (7)(b) of this section.

Irrevocable Choice Rule:
Example 3: Mike starts working for a state agency (Phase 1 employer) as of April 1, 2002. Since Mike has not previously been a member of PERS, ((he)) Mike has ninety days to make a plan choice for Plan 2 or Plan 3. Mike chooses Plan 3 within (his) ninety days. Mike is now a Plan 3 member regardless of future employment. See subsection ((9)) (8) of this section.

Irrevocable Choice Rule:
Example 4: Pat starts working for a state agency (Phase 1 employer) as of April 1, 2002. Since Pat has not previously been a member of PERS, ((he)) Pat has ninety days to make a plan choice for Plan 2 or Plan 3. Pat chooses Plan 2 within (his) ninety days. Pat is now a Plan 2 member who can no longer have a plan choice regardless of future employment. See subsection ((3)(4)) (8) of this section.

Concurrent Employment in Phase 1 and 2:
Example 5: Using example 2A, Chris also accepts employment for a county (Phase 2 employer) on April 1, 2002, prior to transferring to Plan 3. Since Chris is concurrently employed at a Phase 1 and a Phase 2 employer, Chris must wait for the Phase 2 window ((before he can)) to transfer to Plan 3. See subsection ((10)) (9) of this section.

WSR 20-10-098
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed May 6, 2020, 8:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-07-114.

Title of Rule and Other Identifying Information: WAC 415-100-051 Married member's benefit selection—Spousal consent required, 415-100-055 Retirement benefit options, 415-103-225 What are my WSPRS Plan 2 retirement benefit options?, 415-104-215 What are my retirement benefit options—LEOFF Plan 2?, 415-106-600 What are my retirement benefit options?, 415-106-610 How do I apply for retirement benefits?, 415-108-326 What are my retirement benefit options?, 415-108-434 PERS Plan 1 nonduty disability benefits, 415-110-610 What are my retirement benefit options?, 415-112-015 Definitions, 415-112-504 What are the benefit options for Plan 1 members?, 415-112-505 What are the benefit options for Plan 2 and 3 members?, and 415-112-507 How do I apply for retirement benefits?

Hearing Location(s): On June 9, 2020, at 9:30 a.m.

The hearing will be conducted by telephone conference only: 360-407-3830 or 855-682-0796 (toll free).

Conference ID: 9980806.

Date of Intended Adoption: June 10, 2020.

Submit Written Comments to: Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, email drs.rules@drs.wa.gov, by June 8, 2020.

Assistance for Persons with Disabilities: Contact Jilene Siegel, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, by June 3, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To provide alter-

natives to requirements for a notarized signature in retirement applications, forms and documents.

Reasons Supporting Proposal: These amendments will allow members of Washington state's retirement systems to submit verified documentation required by the department when circumstances require alternatives to notarization.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.50.050.

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

Name of Proponent: Department of retirement systems (DRS), governmental.

Name of Agency Personnel Responsible for Implementation: Seth Miller, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7304.

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

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(a)(i) does not apply to this proposed rule and is not voluntarily made applicable by the agency.

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

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

May 5, 2020
Jilene Siegel
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-01-047, filed 12/14/95, effective 1/14/96)

WAC 415-100-051 Married member's benefit selection—Spousal consent required. The member, if married, must provide the spouse's (~~written~~) consent to the option selected under WAC 415-100-055, verified by a notarized signature or other means acceptable to the department. If a married member does not provide (~~(spousal)~~) verified consent, the department will pay the retired member a joint and one-half survivor benefit allowance and record the member's spouse as the survivor, in compliance with RCW 2.10.146(2). (~~("Spousal consent" means that the married member's spouse consents to the retirement option selected by the member. (The spouse's notarized signature on a completed retirement application constitutes spousal consent.))~~)

AMENDATORY SECTION (Amending WSR 01-13-009, filed 6/8/01, effective 7/9/01)

WAC 415-100-055 Retirement benefit options. RCW 2.10.146, enables the department to provide retiring members with four retirement benefit options. The member must choose an option when applying for service or disability retirement.

(1) **Option One: Benefit option without survivor features (standard allowance).** The department pays the retiree a monthly retirement allowance based solely on the single life of the member, in accordance with RCW 2.10.146. When

the retiree dies, all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

(a) Such person or persons, trust, or organization as the judge has nominated by written designation duly executed and filed with the department of retirement systems; or

(b) If there is no such designated person or persons still living at the time of the judge's death, then to the surviving spouse; or

(c) The member's estate; or

(d) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the judge's legal representative.

(2) **Benefit options with a survivor feature.**

(a) A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) Such person or persons, trust, or organization as the judge has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) If there is no such designated person or persons still living at the time of the judge's death, then to the surviving spouse; or

(iii) The member's estate; or

(iv) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the judge's legal representative.

(b) Option Two (joint and whole allowance). When the retiree dies, the department pays the survivor a monthly retirement allowance equal to the gross monthly allowance received by the retiree.

(c) Option Three (joint and one-half allowance). When the retiree dies, the department pays the survivor one-half of the amount of the retiree's gross monthly retirement allowance.

(d) Option Four (joint and two-thirds allowance).

(i) Option Four is available to members retiring on or after January 1, 1996.

(ii) When the retiree dies, the department pays the survivor two-thirds (66.667%) of the member's gross monthly retirement allowance.

(3) **Benefit increases when survivor predeceases retiree (pop-up provision).**

(a) This subsection applies to members retiring on or after January 1, 1996, who selected Option Two, Three, or Four.

(b) If the survivor dies before the retiree, the retiree's monthly retirement allowance will increase, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen Option One described in subsection (1) of this section; plus

(ii) Any cost-of-living adjustments received prior to the survivor's death based on original selection.

(c) Pop-up recalculation example.

Agnes retires in 1996 (Year 0). She would like Beatrice, her daughter, to receive a monthly allowance after Agnes dies. Therefore, Agnes selects a retirement benefit option with a survivor feature. As a result her monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Unfortunately, Beatrice dies in January 2001 (Year 5). Under the pop-up provision, Agnes' monthly benefit will increase to the amount she would have received had she chosen Option One (standard allowance) plus her accumulated COLA's:

Year	Option One (Standard Allow.)	Survivor Option (2,3,4) plus COLAs	COLA incr. (3% max)	\$ Increase
0 (1996)	2,000.00	1,750.00	(ineligible)	0.00
1 (1997)		1,750.00	.02	35.00
2 (1998)		1,785.00	.03	53.55
3 (1999)		1,838.55	.025	45.96
4 (2000)		1,884.51	.03	56.54
5 (2001)	2,000.00	1,941.05	—	—
			Total COLAs	191.05
Original Option One Benefit Amount		+ Total COLAs		= New Benefit Amount
\$2000		+ \$191.05		= \$2,191.05*

* In the future (i.e., Year 5), Agnes' COLA will be based on the increased benefit amount (\$2,191.05).

(d) If the survivor dies and the retiree's benefit increases under this subsection, and thereafter the retiree also dies before all contributions are exhausted, all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

(a) Such person or persons, trust, or organization as the judge has nominated by written designation duly executed and filed with the department of retirement systems; or

(b) If there is no such designated person or persons still living at the time of the judge's death, then to the surviving spouse; or

(c) The member's estate; or

(d) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the judge's legal representative.

(4) **Survivor.** For the purposes of this section, "survivor" means a person nominated by the member to receive a monthly benefit allowance after the member dies. A member nominates the survivor at the time of retirement by filing a completed (~~and notarized~~) form provided by the department, verified by a notarized signature or other means acceptable to the department.

AMENDATORY SECTION (Amending WSR 20-06-040, filed 2/27/20, effective 3/29/20)

WAC 415-103-225 What are my WSPRS Plan 2 retirement benefit options? This section applies to WSPRS Plan 2 members. Upon retirement for service under RCW 43.43.250, you must choose to have your monthly retirement benefit paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly benefit after my death?** Options described in subsection (2)(b) through (d) of this section include a survivor option. The person you name at the time of retirement to receive a monthly benefit after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly benefit for the duration of his or her life. Your monthly retirement benefit will be actuarially reduced to offset the cost of the survivor option. See WAC 415-02-380 for more information on how your monthly benefit is affected by choosing a survivor option.

(2) **What are my benefit options?**

(a) **Option one: Standard benefit (nonsurvivor option).** The department will pay you a monthly retirement benefit throughout your life. Your monthly benefit will cease upon your death.

(b) **Option two: Joint and one hundred percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to your gross monthly benefit.

(c) **Option three: Joint and fifty percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to fifty percent of your gross monthly benefit.

(d) **Option four: Joint and two-thirds survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to two-thirds (66.667 percent) of your gross monthly benefit.

(3) **Do I need my spouse's consent on the option I choose?** The option you select will determine whether spousal consent is required.

(a) If you are married and select a nonsurvivor benefit option, you must submit your spouse's (~~notarized~~) consent, verified by notarization or other means acceptable to the department. If you do not provide verified spousal consent, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 43.43.271(2).

(b) If you are married and select a survivor benefit option for your spouse, spousal consent is not required. The department will pay you a monthly benefit based on the option you selected.

(c) If you are married and select a survivor benefit option for someone other than your spouse, verified spousal consent is required. If you do not provide (~~notarized~~) spousal consent, verified by notarization or other means acceptable to the department, the department will pay you a monthly retire-

ment benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 43.43.271(2).

(d) If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What happens if I choose a benefit with a survivor option and my survivor beneficiary dies before I do?** If your survivor beneficiary dies before you do, you may request to have your benefit increased as described in WAC 415-02-380.

(6) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement.

(b) **Postretirement marriage option.** If you select the standard benefit option at the time of retirement and marry after retirement, you may select a benefit option with a survivor option and name your current spouse as survivor, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date.

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor option and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard benefit. You may exercise this option one time only.

(7) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(ii) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(iii) If not paid according to (a)(i) or (ii) of this subsection, then to your estate.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of

the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(ii) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(iii) If not paid according to (b)(i) or (ii) of this subsection, then to your survivor beneficiary's estate.

(8) For more information, see RCW 43.43.271.

AMENDATORY SECTION (Amending WSR 20-06-040, filed 2/27/20, effective 3/29/20)

WAC 415-104-215 What are my LEOFF Plan 2 retirement benefit options? If you retire for service under RCW 41.26.430 or nonduty disability under RCW 41.26.470, or if you choose to receive a monthly benefit for duty disability under RCW 41.26.470, you must choose to have your monthly retirement benefit paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly benefit after my death?** Options described in subsection (2)(b) through (d) of this section will pay a monthly benefit to your survivor after your death. The person you name at the time of retirement to receive a monthly benefit after your death is referred to as your "survivor beneficiary." After your death, your survivor beneficiary will receive a monthly benefit for the duration of their life. Your monthly retirement benefit will be reduced to offset the cost of the survivor option. See WAC 415-02-380 for more information on how your monthly benefit will be affected if you choose a survivor option.

(2) **What are my benefit options?**

(a) **Option one: Standard benefit (nonsurvivor option).** The department will pay you a monthly retirement benefit throughout your lifetime. Your monthly benefit will cease upon your death.

(b) **Option two: Joint and one hundred percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to your gross monthly benefit.

(c) **Option three: Joint and fifty percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to fifty percent of your gross monthly benefit.

(d) **Option four: Joint and two-thirds benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to two-thirds (66.667%) of your gross monthly benefit.

(3) **Do I need my spouse's consent on the option I choose?** The option you select will determine whether spousal consent is required.

(a) If you are married and select a nonsurvivor benefit option, you must provide your spouse's (~~notarized~~) consent,

verified by notarization or other means acceptable to the department. If you do not provide verified spousal consent, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.26.460(2).

(b) If you are married and select a survivor benefit option for your spouse, spousal consent is not required. The department will pay you a monthly benefit based on the option you selected.

(c) If you are married and select a survivor benefit option for someone other than your spouse, verified spousal consent is required. If you do not provide (~~notarized~~) spousal consent, verified by notarization or other means acceptable to the department. the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.26.460(2).

(d) If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) Can a dissolution order require that a former spouse be designated as a survivor beneficiary? Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) What happens if I choose a benefit option with a survivor option and my survivor beneficiary dies before I do? If your survivor beneficiary dies before you do, you may request to have your benefit increased as described in WAC 415-02-380.

(6) May I change my benefit option after retirement? Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement.

(b) **Postretirement marriage option.** If you select the standard benefit option at the time of retirement and marry after retirement, you may select a benefit option with a survivor option and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date.

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor option and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard benefit. You may exercise this option one time only.

(7) Who will receive the balance of my accumulated contributions, if any, after my death?

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(ii) If you have not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your surviving spouse.

(iii) If not paid according to (a)(i) or (ii) of this subsection, then to your estate.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(ii) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(iii) If not paid according to (b)(i) or (ii) of this subsection, then to your survivor beneficiary's estate.

(8) For more information, see RCW 41.26.460.

AMENDATORY SECTION (Amending WSR 20-06-040, filed 2/27/20, effective 3/29/20)

WAC 415-106-600 What are my retirement benefit options? Upon retirement for service under RCW 41.37.210 or retirement for disability under RCW 41.37.230, you must choose to have your retirement benefit paid to you by one of the options described in this section.

(1) Which option will pay my beneficiary a monthly benefit after my death? Options described in subsection (2)(b) through (d) of this section will pay a monthly benefit to your survivor after your death. The person you name at the time of retirement to receive a monthly benefit after your death is referred to as your "survivor beneficiary." After your death, your survivor beneficiary will receive a monthly benefit for the duration of their life. Your monthly retirement benefit will be reduced to offset the cost of the survivor option. See WAC 415-02-380 for more information on how your monthly benefit will be affected if you choose a survivor option.

(2) What are my benefit options?

(a) Option one: Standard benefit (nonsurvivor option). The department will pay you a monthly retirement benefit throughout your lifetime. Your monthly benefit will cease upon your death.

(b) Option two: Joint and one hundred percent survivor benefit. The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to your gross monthly benefit.

(c) **Option three: Joint and fifty percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to fifty percent of your gross monthly benefit.

(d) **Option four: Joint and two-thirds survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to two-thirds (66.667%) of your gross monthly benefit.

(3) **Do I need my spouse's consent on the option I choose?** The option you select will determine whether spousal consent is required.

(a) If you are married and select a nonsurvivor benefit option, you must provide your spouse's (~~notarized~~) consent, verified by a notarized signature or other means acceptable to the department. If you do not provide verified spousal consent, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.37.170(2).

(b) If you are married and select a survivor benefit option for your spouse, spousal consent is not required. The department will pay you a monthly benefit based on the option you selected.

(c) If you are married and select a survivor benefit option for someone other than your spouse, spousal consent is required. If you do not provide (~~notarized~~) spousal consent, verified by a notarized signature or other means acceptable to the department, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.37.170(2).

(d) If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What happens if I choose a benefit with a survivor option and my survivor beneficiary dies before I do?** If your survivor beneficiary dies before you do, you may request to have your benefit increased as described in WAC 415-02-380.

(6) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership for at least two years of uninterrupted service, you may choose a different retirement option upon your subsequent retirement. See RCW 41.37.050(3).

(b) **Postretirement marriage option.** If you select the standard benefit option at the time of retirement and marry after retirement, you may select a survivor benefit option and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date.

(c) **Removal of a nonspouse survivor option.** If you select a survivor benefit option and name a nonspouse as your survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard benefit. You may exercise this option one time only.

(7) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(ii) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(iii) If not paid according to (a)(i) or (ii) of this subsection, then to your estate.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(ii) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(iii) If not paid according to (b)(i) or (ii) of this subsection, then to your survivor beneficiary's estate. See RCW 41.37.170.

AMENDATORY SECTION (Amending WSR 20-06-040, filed 2/27/20, effective 3/29/20)

WAC 415-106-610 How do I apply for retirement benefits? You should apply for retirement benefits at least thirty days before your intended retirement date. You can apply online at the department's website or by submitting to the department:

(1) A completed(~~(;)~~) and signed ((~~and notarized~~)) retirement application, verified by notarization or other means acceptable to the department, including:

(a) Your selection of one of the benefit options described in WAC 415-106-600.

(b) Designation of a survivor beneficiary if you selected a benefit option with a survivor feature.

(c) If you are married, your spouse's consent may be required as described in WAC 415-106-600.

(2) Evidence of your birth date, only if requested by the department, such as a photocopy of your birth certificate, passport or passport card, government-issued driver license or identification card, NEXUS card, naturalization certificate, certificate of armed services record U.S. DD-214, or other documentation acceptable to the department. If you are requested to submit evidence, the document you submit must include the month, day, and year of your birth.

(3) If you selected a benefit option with a survivor feature, acceptable evidence of your designated survivor beneficiary's birth date which includes the month, day, and year of birth.

AMENDATORY SECTION (Amending WSR 20-06-040, filed 2/27/20, effective 3/29/20)

WAC 415-108-326 What are my retirement benefit options? Upon retirement for service under RCW 41.40.180, 41.40.630, or 41.40.820, or for disability under RCW 41.40.-210, 41.40.230, 41.40.670, or 41.40.825, you must choose to have the defined benefit portion of your retirement benefit paid to you by one of the options described in this section. If you are a Plan 1 member, you may also select an optional supplemental cost of living adjustment (COLA).

(1) **Which option will pay my beneficiary a monthly benefit after my death?** Options described in subsection (2)(b) through (d) of this section will pay a monthly benefit to your survivor after your death. The person you name at the time of retirement to receive a monthly benefit after your death is referred to as your "survivor beneficiary." After your death, your survivor beneficiary will receive a monthly benefit for the duration of their life. Your monthly retirement benefit will be reduced to offset the cost of the survivor option. See WAC 415-02-380 for more information on how your monthly benefit will be affected if you choose a survivor option.

(2) **What are my benefit options?**

(a) **Option one: Standard benefit (nonsurvivor option).** The department will pay you a monthly retirement benefit throughout your lifetime. Your monthly benefit will cease upon your death.

(b) **Option two: Joint and one hundred percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to your gross monthly benefit.

(c) **Option three: Joint and fifty percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to fifty percent of your gross monthly benefit.

(d) **Option four: Joint and two-thirds survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to two-thirds (66.667%) of your gross monthly benefit.

(3) **Do I need my spouse's consent on the option I choose?** The option you select will determine whether spousal consent is required.

(a) If you are married and select a nonsurvivor benefit option, you must provide your spouse's (~~notarized~~) consent, verified by a notarized signature or other means acceptable to the department. If you do not provide spousal consent, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.40.188, 41.40.660 and 41.40.845.

(b) If you are married and select a survivor benefit option for your spouse, spousal consent is not required. The department will pay you a monthly benefit based on the option you selected.

(c) If you are married and select a survivor benefit option for someone other than your spouse, spousal consent is required. If you do not provide (~~notarized~~) spousal consent, verified by a notarized signature or other means acceptable to the department, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.40.188, 41.40.660 and 41.40.845.

(d) If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What is the supplemental COLA option for Plan 1 members?** If you are a Plan 1 member, in addition to choosing a retirement benefit option described in subsection (2) of this section, you may choose to receive a supplemental annual COLA. If you select this option, your monthly retirement benefit will be actuarially reduced to offset the cost of this benefit.

(6) **What happens if I choose a benefit with a survivor option and my survivor beneficiary dies before I do?** If your survivor beneficiary dies before you do, you may request to have your benefit increased as described in WAC 415-02-380.

(7) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership for at least two years of uninterrupted service, you may choose a different retirement option upon your subsequent retirement. See RCW 41.40.037.

(b) **Postretirement marriage option.** If you select the standard benefit option at the time of retirement and marry after retirement, you may select a survivor benefit option and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date.

(c) **Removal of a nonspouse survivor option.** If you select a survivor benefit option and name a nonspouse as your survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard benefit. You may exercise this option one time only.

(8) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) **Plan 1 and 2 members:**

(i) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(B) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(C) If not paid according to (a)(i)(A) or (B) of this subsection, then to your estate.

(ii) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(B) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(C) If not paid according to (a)(ii)(A) or (B) of this subsection, then to your survivor beneficiary's estate.

(b) **Plan 3 members:** The defined benefit stops upon your death or upon the death of your survivor beneficiary, if applicable. As a Plan 3 member, you do not contribute to the defined benefit portion of your retirement benefit. The defined contribution portion of your benefit will be distributed according to WAC 415-111-310.

(9) For more information, see RCW 41.40.188 (Plan 1), RCW 41.40.660 (Plan 2) and RCW 41.40.845 (Plan 3).

¹ Available to members retiring on or after January 1, 1996.

AMENDATORY SECTION (Amending WSR 09-18-051, filed 8/27/09, effective 9/27/09)

WAC 415-108-434 PERS Plan 1 nonduty disability benefits. This section covers benefits provided in RCW 41.40.230 through 41.40.250 for PERS Plan 1 members who incur a disability outside the performance of duty. You may also be eligible for benefits from the Washington state

departments of labor and industries and social and health services, the U.S. Social Security Administration, your employer, and other disability insurers.

(1) **Am I eligible for a PERS Plan 1 nonduty disability benefit?** You are eligible for a PERS Plan 1 nonduty disability benefit if the department determines that all of the following are true:

(a) You are a PERS Plan 1 member and have been employed with a PERS eligible employer for at least five years;

(b) You separate from PERS employment;

(c) At the time you separated from PERS employment, you were totally incapacitated to perform the duties of your job or any other position for which you are qualified by training or experience;

(d) Your disability is likely to be permanent;

(e) Your disability was not incurred during the performance of your job duties; and

(f) Your disability is not the result of your criminal conduct committed after April 21, 1997. See RCW 41.40.054.

(2) **What is the PERS Plan 1 nonduty disability benefit?** If you qualify to receive a nonduty disability benefit, you will receive a benefit under RCW 41.40.235 or, if you were a PERS Plan 1 member on February 25, 1972, you may irrevocably choose to receive a benefit under RCW 41.40.250.

If you are eligible to receive a benefit under RCW 41.40.235, your benefit will equal two percent of your average final compensation for each year of service credit, reduced by two percent for every year or fraction of a year that your age is less than fifty-five. For example, if you are fifty years old, your monthly disability benefit will be reduced by ten percent.

(a) Your monthly disability benefit will not exceed sixty percent of your average final compensation.

(b) The degree of your disability or impairment will not affect the amount of your benefit.

(c) Your monthly disability benefit will be reduced by any amounts you receive for the same disability under workers' compensation or similar law. See RCW 41.40.300.

(d) Your monthly disability benefit will be actuarially reduced if you choose a benefit option with a survivor feature. See WAC 415-108-326.

(3) **How do I apply?** To apply for a nonduty disability benefit the following documents must be submitted to the department:

(a) A properly completed three-part disability retirement application, consisting of:

(i) Part 1: Application for disability retirement. You must complete and sign the application. If you are married, your spouse must sign consenting to the option you choose. Your signature(s) must be (~~notarized~~) verified by notarization or other means acceptable to the department.

(ii) Part 2: Employer's statement and report. You must complete the member information portion. The remainder must be completed, signed, and returned directly to the department by your employer.

(iii) Part 3: Medical report. You must complete the member information portion. The remainder must be completed, signed, and returned directly to the department by a person licensed according to Washington state law to practice medi-

cine and/or surgery (including osteopathic medicine and/or surgery), advanced nursing, or psychology.

(b) Additional information, such as vocational and/or occupational information, requested by the department; and

(c) Any other material you want the department to consider.

(4) **Who is responsible for expenses related to my application?** You are responsible for all costs associated with your application for benefits.

(5) **What is the time limit for filing an application for a nonduty disability benefit?** There is no time limit for filing an application for a nonduty disability benefit. However, you must prove that you were totally incapacitated at the time you separated from PERS employment.

(6) **What information will the department use to determine whether I am entitled to a nonduty disability benefit?** To determine your eligibility for a nonduty disability benefit, the department will consider any relevant information submitted by you, your employer, or your physician, or otherwise available, including:

(a) Information and determinations by the department of labor and industries or a self-insurer;

(b) Medical, vocational, and other information about your disability;

(c) Your job description;

(d) Your membership records, maintained by the department; and

(e) Any other relevant evidence.

(7) **If I am eligible for a service retirement under RCW 41.40.180, may I still apply for a disability retirement?** Yes, if you are eligible for both you may elect a disability retirement or a service retirement. If you elect a service retirement, you may not later change to a disability retirement.

(8) **When will the department evaluate my eligibility for benefits?** The department will evaluate your eligibility for a nonduty disability benefit once it receives all three parts of your properly completed application, supporting documentation, and all other information requested by the department.

(9) **If my application is approved, when will my benefit accrue?** If your application for a nonduty disability benefit is approved, your benefit will accrue from the first day of the calendar month following the month you separate from service.

(a) If you separate from service **before** your application is approved, you will be eligible for a retroactive payment of the benefit that accrued between the month following your date of separation from service and the approval of your application.

(b) If you separate from service **after** your application is approved, your disability benefit will not begin to accrue **until** you separate from service. If you are on an approved leave of absence (either paid or unpaid) at the time of your application for a benefit, you have not separated from service.

(i) If you do not separate from service within ninety days of the department's approval of your application, the approval will lapse.

(ii) If your approval for a benefit lapses while you are still on an authorized leave of absence, you may request a

reinstatement of approval. The department will reinstate its approval only if your employer verifies that you have been on an authorized leave of absence continuously from the time your application was first approved.

(10) **What are my options if my application is denied?**

(a) If your application is denied and you continue in or resume PERS employment, you may reapply for a nonduty disability benefit at a later time if your condition worsens. You must submit new information to the department that shows you meet the requirements in subsection (1) of this section.

(b) If your application is denied, you may petition for review of the department's decision under the provisions of chapter 415-04 WAC.

(11) **What happens if I die within sixty days of applying for nonduty disability benefits?** If you die within sixty days of the date the department receives your application for a nonduty disability benefit, the beneficiary you name on the application may choose to receive either:

(a) A lump sum amount equal to the contributions in your PERS account; or

(b) A monthly benefit calculated according to whichever of the following methods will give your beneficiary the greatest benefit:

(i) A benefit calculated according to subsection (2) of this section and the benefit option indicated on your application; or

(ii) If otherwise qualified, the benefit provided in RCW 41.40.270 (4)(a).

(12) **What information must I provide to the department if I am receiving nonduty disability benefits?** If you are receiving nonduty disability benefits, you must report the following to the department:

(a) Any compensation you are eligible to receive under workers' compensation or similar law for the same disability;

(b) Any improvement in your condition. Your doctor is also responsible to report any improvements; and

(c) If you resume employment, either public or private, the name of your employer and amount of compensation, regardless of the number of hours you work.

(13) **Is my medical condition monitored while I receive disability benefits?** The department may require comprehensive medical examinations, pursuant to RCW 41.40.310, to reevaluate your eligibility for disability benefits. The department will pay the medical fees associated with these examinations.

(14) **How long will I receive a monthly disability benefit?** During your lifetime, you will receive a monthly disability benefit unless one of the following occurs:

(a) If you return to gainful employment, your monthly disability benefit will be recalculated, as set forth in subsection (15) of this section.

(b) If you return to active PERS membership, your disability benefit will be discontinued.

(c) If a doctor determines that you are no longer totally incapacitated, your disability benefit will be discontinued.

(d) If you refuse to submit to medical examinations required by RCW 41.40.310, your disability benefit will be discontinued.

(15) **If I return to employment, how will my monthly disability benefit be recalculated?** The recalculation of your disability benefit is based on whether your current compensation is greater than your allowable earnings. Your "allowable earnings" are the difference of your compensation at retirement, adjusted for inflation, and your monthly disability benefit.

(a) If your current compensation is **greater** than your allowable earnings your benefit will be reduced or discontinued.

Example of benefit being reduced:

Due to a nonduty-related disability, Joe separated from service and began receiving a disability benefit of \$1,000 per month. Joe became gainfully employed earning \$2,500 per month. Joe's compensation at the time of separation adjusted for inflation is \$3,000. Because Joe's current compensation, \$2,500, is greater than his allowable earnings (\$3,000 - \$1,000 = \$2,000) by \$500, his benefit will be reduced by \$500. Joe's reduced disability benefit will be \$500 per month (\$1,000 - \$500).

Example of benefit being discontinued:

Due to a nonduty-related disability, Heidi separated from service and began receiving a disability benefit of \$1,000 per month. Heidi became gainfully employed earning \$4,000 per month. Heidi's compensation at the time of separation adjusted for inflation is \$3,000. Because Heidi's current compensation, \$4,000, is greater than her allowable earnings (\$3,000 - \$1,000 = \$2,000) by an amount (\$2,000) that is greater than her disability benefit (\$1,000), her benefit will be discontinued.

(b) If your current compensation is **less** than your allowable earnings, then your benefit will not be reduced or discontinued.

Example:

Due to a nonduty-related disability, you separated from service and began receiving a disability benefit of \$1,000 per month. You become gainfully employed earning \$1,000 per month. Your compensation at the time of separation adjusted for inflation is \$3,000. Because your current compensation, \$1,000, is less than your allowable earnings (\$3,000 - \$1,000 = \$2,000), your disability benefit will not be reduced or discontinued.

(16) **Is my PERS Plan 1 nonduty disability benefit taxable?** You should consult with your tax advisor regarding all payments you receive from the department. The department reports disability benefits to the Internal Revenue Service as required by federal law and does not:

(a) Guarantee that payments are exempt from federal income tax;

(b) Guarantee that it was correct in withholding or not withholding taxes from disability payments;

(c) Represent or guarantee that any particular federal or state income, payroll, personal property, or other tax consequence will occur because of its determination; or

(d) Assume any liability for your compliance with the Internal Revenue Code.

(17) **Are disability benefits subject to court or administrative orders?** Your nonduty disability benefit may be subject to court or administrative orders. For more information, see RCW 41.40.052(3) or contact the department.

(18) **If I am a member of more than one retirement system, does my eligibility for a PERS Plan 1 nonduty disability make me eligible for a benefit from the other system?** If you are a member of more than one retirement system, you may be entitled to additional benefits under portability law. See chapters 41.54 RCW and 415-113 WAC.

AMENDATORY SECTION (Amending WSR 20-06-040, filed 2/27/20, effective 3/29/20)

WAC 415-110-610 What are my retirement benefit options? Upon retirement for service under RCW 41.35.420 or 41.35.680, or for disability under RCW 41.35.440 or 41.35.690, you must choose to have the defined benefit portion of your retirement benefit paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly benefit after my death?** Options described in subsection (2)(b) through (d) of this section will pay a monthly benefit to your survivor after your death. The person you name at the time of retirement to receive a monthly benefit after your death is referred to as your "survivor beneficiary." After your death, your survivor beneficiary will receive a monthly benefit for the duration of their life. Your monthly retirement benefit will be reduced to offset the cost of the survivor option. See WAC 415-02-380 for more information on how your monthly benefit will be affected if you choose a survivor option.

(2) **What are my benefit options?**

(a) **Option one: Standard benefit (nonsurvivor option).** The department will pay you a monthly retirement benefit throughout your lifetime. Your monthly benefit will cease upon your death.

(b) **Option two: Joint and one hundred percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to your gross monthly benefit.

(c) **Option three: Joint and fifty percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to fifty percent of your gross monthly benefit.

(d) **Option four: Joint and two-thirds survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to two-thirds (66.667%) of your gross monthly benefit.

(3) **Do I need my spouse's consent on the option I choose?** The option you select will determine whether spousal consent is required.

(a) If you are married and select a nonsurvivor benefit option, you must provide your spouse's (~~notarized~~) consent, verified by a notarized signature or other means acceptable to the department. If you do not provide verified spousal consent, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.35.220.

(b) If you are married and select a survivor benefit option for your spouse, spousal consent is not required. The department will pay you a monthly benefit based on the option you selected.

(c) If you are married and select a survivor benefit option for someone other than your spouse, spousal consent is required, verified by a notarized signature or other means acceptable to the department. If you do not provide (~~notarized~~) verified spousal consent, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.35.220.

(d) If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) Can a dissolution order require that a former spouse be designated as a survivor beneficiary? Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) What happens if I choose a benefit option with a survivor option and my survivor beneficiary dies before I do? If your survivor beneficiary dies before you do, you may request to have your benefit increased as described in WAC 415-02-380.

(6) May I change my benefit option after retirement? Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership for at least two years of uninterrupted service, you may choose a different retirement option upon your subsequent retirement. See RCW 41.35.060.

(b) **Postretirement marriage option.** If you select the standard benefit option at the time of retirement and marry after retirement, you may select a survivor benefit option and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-01-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date.

(c) **Removal of a nonspouse survivor option.** If you select a survivor benefit option and name a nonspouse as your survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your

benefit adjusted to a standard benefit. You may exercise this option one time only.

(7) Who will receive the balance of my accumulated contributions, if any, after my death?

(a) **Plan 2 members:**

(i) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(B) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(C) If not paid according to (a)(i)(A) or (B) of this subsection, then to your estate.

(ii) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(B) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(C) If not paid according to (a)(ii)(A) or (B) of this subsection, then to your survivor beneficiary's estate.

(b) **Plan 3 members:** The defined benefit stops upon your death or upon the death of your survivor beneficiary, if applicable. As a Plan 3 member, you do not contribute to the defined benefit portion of your retirement benefit. The defined contribution portion of your benefit will be distributed according to WAC 415-111-310.

(8) For more information, see RCW 41.35.220.

AMENDATORY SECTION (Amending WSR 08-10-025, filed 4/25/08, effective 5/26/08)

WAC 415-112-015 Definitions. All definitions in RCW 41.32.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.32 RCW are defined in this chapter.

(1) **Accrual date** means the first date from which a member's or beneficiary's benefit is calculated. See WAC 415-112-520, RCW 41.32.795 and 41.32.855.

(2) **Annual leave** means leave provided by an employer for the purpose of taking regularly scheduled work time off with pay. Annual leave does not usually include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work. However, if an employer authorizes only one type of leave, covering paid leave for vacation, illness, and any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

(3) **Dual member** means a person who:

(a) Is or becomes a member of a retirement system, as defined in RCW 41.50.030 or 41.54.010(6), on or after July 1, 1988;

(b) Has been a member of one or more other systems; and

(c) Has never been retired for service from a retirement system and is not receiving a disability retirement or disability leave benefit from any retirement system listed in RCW 41.50.030 or 41.54.010(6). See WAC 415-113-041.

(4) **Ineligible position** means a position that does not meet the requirements of an eligible position as stated in RCW 41.32.010(37).

(5) **Pension benefit** means that portion of a retiree's monthly retirement allowance that is funded by the state of Washington and the retiree's former employer or employers.

(6) **Public educational institution** means a school district, the state school for the deaf, the state school for the blind, educational service districts, institutions of higher education, or community or technical colleges.

(7)(a) **Public school** as defined in RCW 41.32.010 includes school districts, educational service districts, the state school for the deaf, and the state school for the blind but does not include the office of the superintendent of public instruction.

(b) As applied to TRS employers other than those listed in (a) of this subsection, "public school" means an institution, fifty percent or more of whose employees are "qualified to teach," whose primary function is to educate students. See subsection (8) of this section.

(8) **Qualified to teach** as used under RCW 41.32.010 (29) means:

(a) Having a valid certificate issued by the office of the superintendent of public instruction pursuant to WAC 181-79A-140;

(b) Having a valid permit to teach issued by a lawful authority of this state pursuant to WAC 181-79A-128; or

(c) Being employed under a contract to teach with an institution of higher education as defined in RCW 28B.10.-016.

(9) **Service in an administrative or supervisory capacity** as used under RCW 41.32.010 and in this chapter:

(a) Means:

(i) Service in a managerial role relating to the administration of a public school; or

(ii) Service involving the exercise of direction over employees of the public school.

(b) Includes, but is not limited to, service as: Principal, assistant principal, superintendent, assistant superintendent, personnel manager and business manager.

(10) **Spousal consent** requires verified written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's (~~notarized~~) signature on the retirement application filed with the department, duly executed and (~~filed with~~) verified by notarization or other means acceptable to the department, constitutes "verified written evidence."

(11) **System acronyms** used in this chapter are defined as follows:

- "PERS" means the public employees' retirement system.

- "SERS" means the school employees' retirement system.

- "TRS" means the teachers' retirement system.

AMENDATORY SECTION (Amending WSR 20-06-040, filed 2/27/20, effective 3/29/20)

WAC 415-112-504 What are my TRS Plan 1 retirement benefit options? Upon retirement from Plan 1 for service under RCW 41.32.480 or disability under RCW 41.32.-550 (1)(c), you must choose to have your retirement benefit paid to you by one of the options described in this section. You may also select an optional supplemental cost-of-living (COLA) adjustment.

(1) **May I withdraw any of my contributions?** You may withdraw some or all of your accumulated contributions as follows:

(a) If you retire according to the provisions of RCW 41.32.498, you may withdraw some or all of your accumulated contributions at the time of retirement. Your monthly retirement benefit will be reduced according to the amount you withdraw.

(b) If you terminate service due to a disability under the conditions of RCW 41.32.550 (1)(a), you may withdraw all your accumulated contributions in a lump sum payment. You will receive no monthly retirement benefit.

(2) **Which option will pay my beneficiary a monthly benefit after my death?** Options described in subsection (3)(c) through (e) of this section will pay a monthly benefit to your survivor after your death. The person you name at the time of retirement to receive a monthly benefit after your death is referred to as your "survivor beneficiary." After your death, your survivor beneficiary will receive a monthly benefit for the duration of their life. Your monthly retirement benefit will be reduced to offset the cost of the survivor option. See WAC 415-02-380 for more information on how your monthly benefit will be affected if you choose a survivor option.

(3) **What are my benefit options?**

(a) **Maximum benefit (nonsurvivor option).** The department will pay you the maximum benefit allowed by statute. Under this option you will receive a monthly retirement benefit throughout your lifetime. Your monthly benefit will cease upon your death, and any remaining balance of accumulated contributions will be:

(i) Retained by the retirement fund if you retired for service under RCW 41.32.497 or 41.32.498; or

(ii) Paid according to subsection (9) of this section if you retired because of disability and were receiving a monthly retirement benefit under RCW 41.32.550 (1)(c).

(b) **Option one: Standard benefit for service retirement (nonsurvivor option).** The department will pay you a monthly retirement benefit throughout your lifetime. Your monthly benefit will cease upon your death, and any remaining balance of accumulated contributions will be paid according to subsection (9) of this section.

(i) This benefit option has a lower monthly benefit than the **maximum benefit** in (a) of this subsection because, with this option, any remaining accumulated contributions will be paid to your beneficiaries upon your death.

(ii) If you are retiring because of disability under RCW 41.32.550 (1)(c), you will not benefit from this option because your beneficiaries will receive any remaining accumulated contributions under the maximum benefit in (a) of this subsection.

(c) **Option two: Joint and one hundred percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to your gross monthly benefit.

(d) **Option three: Joint and fifty percent benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to fifty percent of your gross monthly benefit.

(e) **Option four: Joint and two-thirds benefit.**¹ The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to two-thirds (66.667%) of your gross monthly benefit.

(4) **Do I need my spouse's consent on the option I choose?** The option you select will determine whether spousal consent is required.

(a) If you are married and select a nonsurvivor benefit option, you must provide your spouse's (~~notarized~~) consent, verified by a notarized signature or other means acceptable to the department. If you do not provide verified spousal consent, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.32.530(2).

(b) If you are married and select a survivor benefit option for your spouse, spousal consent is not required. The department will pay you a monthly benefit based on the option you selected.

(c) If you are married and select a survivor benefit option for someone other than your spouse, spousal consent is required. If you do not provide (~~notarized~~) spousal consent, verified by a notarized signature or other means acceptable to the department, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.32.530(2).

(d) If your survivor beneficiary has been designated by a dissolution order according to subsection (5) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(5) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(6) **What is the supplemental COLA option?** In addition to choosing a retirement benefit option described in subsection (3) of this section, you may choose a supplemental annual COLA. If you select this option, your monthly retirement benefit will be reduced to offset the cost of this benefit.

(7) **What happens if I choose a benefit option with a survivor option and my survivor beneficiary dies before I**

do? If your survivor beneficiary dies before you do, you may request to have your benefit increased as described in WAC 415-02-380.

(8) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement. See RCW 41.32.044.

(b) **Postretirement marriage option.** If you select the maximum benefit option or the standard benefit option at the time of retirement and marry after retirement, you may select a benefit option with a survivor option and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date.

(c) **Removal of a nonspouse survivor option.** If you select a survivor benefit option and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard benefit. You may exercise this option one time only.

(9) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid according to this subsection.

(i) Except as provided in (a)(ii) of this subsection, any remaining balance will be paid to the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(ii) If you retired for service and chose the maximum benefit option, any remaining balance will be retained by the retirement fund.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid to the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(10) For more information, see RCW 41.32.530 and 41.32.550.

¹ Available to members retiring on or after January 1, 1996.

AMENDATORY SECTION (Amending WSR 20-06-040, filed 2/27/20, effective 3/29/20)

WAC 415-112-505 What are my TRS Plan 2 or Plan 3 retirement benefit options? Upon retirement for service under RCW 41.32.765 or 41.32.875, or disability under RCW

41.32.790 or 41.32.880, you must choose to have the defined benefit portion of your retirement benefit paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly benefit after my death?** Options described in subsection (2)(b), (c), and (d) of this section will pay a monthly benefit to your survivor after your death. The person you name at the time of retirement to receive a monthly benefit after your death is referred to as your "survivor beneficiary." After your death, your survivor beneficiary will receive a monthly benefit for the duration of their life. Your monthly retirement benefit will be reduced to offset the cost of the survivor option. See WAC 415-02-380 for more information on how your monthly benefit will be affected if you choose a survivor option.

(2) **What are my benefit options?**

(a) **Option one: Standard benefit for service retirement (nonsurvivor option).** The department will pay you a monthly retirement benefit throughout your lifetime. Your monthly benefit will cease upon your death, and any remaining balance of accumulated contributions will be paid according to subsection (7) of this section.

(b) **Option two: Joint and one hundred percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to your gross monthly benefit.

(c) **Option three: Joint and fifty percent survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to fifty percent of your gross monthly benefit.

(d) **Option four: Joint and two-thirds survivor benefit.** The department will pay you a reduced monthly retirement benefit throughout your lifetime. After your death, your survivor beneficiary will receive a gross monthly benefit equal to two-thirds (66.667%) of your gross monthly benefit.

(3) **Do I need my spouse's consent on the option I choose?** The option you select will determine whether spousal consent is required.

(a) If you are married and select a nonsurvivor benefit option, you must provide your spouse's (~~notarized~~) consent, verified by a notarized signature or other means acceptable to the department. If you do not provide verified spousal consent, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.32.785(2) and 41.32.851(2).

(b) If you are married and select a survivor benefit option for your spouse, spousal consent is not required. The department will pay you a monthly benefit based on the option you selected.

(c) If you are married and select a survivor benefit option for someone other than your spouse, spousal consent is required. If you do not provide (~~notarized~~) spousal consent, verified by a notarized signature or other means acceptable to the department, the department will pay you a monthly retirement benefit based on option three (joint and fifty percent benefit) with your spouse as the survivor beneficiary as required by RCW 41.32.785(2) and 41.32.851(2).

(d) If your survivor beneficiary has been designated by a dissolution order under RCW 41.50.790, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What happens if I choose a benefit option with a survivor option and my survivor beneficiary dies before I do?** If your survivor beneficiary dies before you do, you may request to have your benefit increased as described in WAC 415-02-380.

(6) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement. See RCW 41.32.044.

(b) **Postretirement marriage option.** If you select the standard benefit option at the time of retirement and marry after retirement, you may select a benefit option with a survivor option and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department;

(iv) You provide proof of your current spouse's birth date; and

(v) You exercise this option one time only.

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor option and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard benefit. You may exercise this option one time only.

(7) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) **Plan 2:**

(i) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement benefit paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(B) If you have not designated a beneficiary, or if your designated beneficiary is no longer living, then to your surviving spouse.

(C) If not paid according to (a)(i)(A) or (B) of this subsection, then to your estate.

(ii) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement benefit paid equals the amount of your accu-

mulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(B) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living, then to your survivor beneficiary's spouse.

(C) If not paid according to (a)(ii)(A) or (B) of this subsection, then to your survivor beneficiary's estate.

(b) **Plan 3:** The defined benefit stops upon your death or upon the death of your survivor beneficiary, if applicable. As a Plan 3 member, you do not contribute to the defined benefit portion of your retirement benefit. The defined contribution portion of your benefit will be distributed according to WAC 415-111-310.

(8) For more information, see RCW 41.32.785 and 41.32.790 (Plan 2) and RCW 41.32.851 (Plan 3).

¹ Available to members retiring on or after January 1, 1996.

AMENDATORY SECTION (Amending WSR 20-06-040, filed 2/27/20, effective 3/29/20)

WAC 415-112-507 How do I apply for TRS retirement benefits? You should apply for retirement benefits at least thirty days before your intended retirement date. You can apply online at the department's website or by submitting to the department:

(1) A completed(~~(;)~~) and signed(~~(, and notarized)~~) retirement application, verified by a notarized signature or other means acceptable to the department, including:

(a) Your selection of one of the benefit options described in WAC 415-112-493.

(b) Designation of a survivor beneficiary if you selected a benefit option with a survivor feature.

(c) If you are married, your spouse's consent may be required as described in WAC 415-112-504 (Plan 1) or WAC 415-112-505 (Plan 2 or Plan 3).

(2) Evidence of your birth date, only if requested by the department, such as a photocopy of your birth certificate, passport or passport card, government-issued driver license or identification card, NEXUS card, naturalization certificate, certificate of armed services record U.S. DD-214, or other documentation acceptable to the department. If you are requested to submit evidence, the document you submit must include the month, day, and year of your birth.

(3) If you selected a benefit option with a survivor feature, acceptable evidence of your designated survivor beneficiary's birth date which includes the month, day, and year of birth.

Preproposal statement of inquiry was filed as WSR 20-07-111.

Title of Rule and Other Identifying Information: WAC 458-57-135 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment.

This rule contains filing requirements and penalty provisions for Washington's estate tax.

Hearing Location(s): On June 10, 2020, at 9:00 a.m., at 6400 Linderson Way S.W., Conference Room 114C, Tumwater, WA 98501.

Due to COVID-19 precautions, this meeting may be held telephonically only. The department will announce if the hearing changes to telephone-only.

Date of Intended Adoption: June 17, 2020.

Submit Written Comments to: Darius Massoudii, P.O. Box 47453, Olympia, WA 98504-7453, email dariusm@dor.wa.gov, fax 360-534-1606, by June 9, 2020.

Assistance for Persons with Disabilities: Contact Julie King or Renee Cosare, phone 360-704-5733 or 360-704-5734, TTY 800-833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Part VI of SSB 5358 (2017) updated the penalties associated with the late filing of an estate tax return. The department is proposing to amend this rule to implement these statutory requirements and further clarify filing and penalty provisions.

Reasons Supporting Proposal: The department is amending WAC 458-57-135 to delineate the penalties and filing requirements for an estate tax return.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: Title 83 RCW.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Darius Massoudii, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1572; Implementation and Enforcement: John Ryser, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1605.

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

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not a significant legislative rule as defined by RCW 34.05.328.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rule does not impose more than minor costs on businesses, as it does not propose any new tax rate or tax measure. Filing or reporting requirements have been clarified to ease compliance.

WSR 20-10-103
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed May 6, 2020, 10:25 a.m.]

Original Notice.

May 6, 2020
Atif Aziz
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-07-051, filed 3/9/06, effective 4/9/06)

WAC 458-57-135 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment. (1) **Introduction.** This rule applies to deaths occurring on or after May 17, 2005, and discusses the due date for filing of Washington's estate tax return and payment of the tax due. It explains that a penalty is imposed on the taxes due with the state return when the return is not filed on or before the due date, and that interest is imposed when the tax due is not paid by the due date. The rule also discusses the limited circumstances under which the law allows the department of revenue to cancel or waive the penalty, and the procedure for requesting that cancellation or waiver. The estate tax rule on the estate tax return etc., for deaths occurring on or before May 16, 2005, can be found in WAC 458-57-035.

(2) **Estate tax return.** The Washington state estate and transfer tax return and the instructions for completing the return can be found on the department's website at (~~http://www.dor.wa.gov/~~ under the heading titled forms. The return and instructions can also be obtained by calling the estate tax section at 360-570-3265, option 2) <https://www.dor.wa.gov>. They may also be requested by emailing estates@dor.wa.gov.

(3) **Filing the state return—Payment of the tax due.**

(a) The Washington estate tax return (state return) (~~referred to in RCW 83.100.050~~) must be filed with the Washington state department of revenue (department) if the gross estate of a decedent equals or exceeds the applicable exclusion amount described in RCW 83.100.020(1) and WAC 458-57-105 (3)(b). The state return and payment is due nine months after the date of the decedent's death. A granted extension of time to file will extend the time to file the return, but the payment is still due nine months after the date of the decedent's death. The state return must be signed by the person required to file. The following (~~is the list of documents that~~) items must accompany the state return:

(i) All applicable state return schedules and addendums, if any;

(ii) If the person required to file the state return is also required to file a federal return or has filed a federal return, a copy of the filed federal tax return (Form 706 (United States Estate (and Generation-skipping Transfer)), Form 706-NA, or Form 706-QDT) (Tax Return(s)), signed by the person required to file, including all applicable schedules and statements;

~~((i))~~ (iii) One copy of all supporting documentation for completed (federal) state return schedules. If federal return schedules differ from state return schedules, provide an explanation for differences;

~~((iii))~~ If applicable, a copy of an approved Form 4768 Application for Extension of Time to File a Return and/or Pay U.S. Estate (and Generation-skipping Transfer) Taxes;

(iv) Copy(ies) of any Washington schedules that differ from the federal form schedules, along with supporting documentation;

~~(v) Photocopy)~~ (iv) A copy of any previously filed extension request(s). If a federal Form 4768 extension

request has been filed, provide an Internal Revenue Service approved copy:

(v) A copy of the decedent's death certificate;

(vi) ~~((Photocopy))~~ A copy of the letters testamentary or the letters of administration, if any;

(vii) A copy of the decedent's will, if any, and a copy of all trust((s)) agreements that pertain to the decedent, if any;

(viii) A copy of ((either)) state estate or inheritance return (s) filed with any other state, and proof of ((payment(s)) payment of the estate or inheritance tax owed to another state(s), if any; and

(ix) Payment((, if tax is due.

~~The tax due with the state return must be paid on or before the due date.~~

~~(b) In any case where a federal return must be filed under the current Internal Revenue Code (IRC) or in the year 2009 and thereafter, if the gross estate of a decedent exceeds two million dollars,) of the Washington estate tax due, if any.~~

(b) A state return must be filed with the ((Washington state)) department ((of revenue (department))) on or before the date that the federal return is required or would have been required to be filed. (((This may include a federally granted extension of time for filing. See subsection (2)(b)-.))) That date is typically nine months after the date of the decedent's death, as specified in section 6075 of the ((IRC requires that the federal return be filed within nine months after the date of the decedent's death)) Internal Revenue Code (IRC). The due date for filing the state return may be extended, as described in (c) of this subsection.

(c) **Extensions to file or extensions for payment of tax.**

(i) Section 6081 of the IRC permits the granting of a reasonable extension of time for filing the federal return, generally not to exceed six months from the original due date. If a federal extension of the time to file is granted, the personal representative is required to file a true copy of that extension or installment approval with the department on or before the original due date, or within thirty days of the issuance of the federal extension or installment approval, whichever is later. RCW 83.100.050(~~((2))~~). If the personal representative fails to do so, the department may (~~require the personal representative to file the state return on the date that the federal return would have been due had the federal extension not been granted~~) deny the extension request.

(ii) When the personal representative obtains an extension of time for payment of the federal tax, or elects to pay that tax in installments, the personal representative may choose to pay the state estate tax over the same time period and in the same manner as the federal tax. The personal representative is required to file a true copy of that extension with the department on or before the original due date, or within thirty days of the issuance of the federal extension, whichever is later. RCW 83.100.060(2). If the personal representative fails to do so, the department may require the personal representative to pay the state tax (~~on the date that the federal tax would have been due had the federal extension not been granted~~) immediately.

(iii) **Extensions to file for estates that are not required to file a federal estate tax return.** For those estates that are not required to file a federal return, the personal representative may request a one-time automatic six-month extension to

file. The request must be in writing and acknowledge that interest will begin to accrue from the original due date of the state return on any outstanding tax. The written request for the extension must be made prior to the date the state return is due.

(iv) **Extension to pay tax owed for estates that are not required to file a federal estate tax return.** For those estates that are not required to file a federal return, the personal representative may request an extension of time for paying the tax owed when payment of the tax would cause an undue hardship upon the estate or for a payment plan for closely held businesses. The granting of an extension of time to pay the tax owed or for a payment plan for closely held business will not operate to prevent the running of interest. RCW 83.100.070.

(v) Hardship extensions to pay.

(A) In any case in which the department finds that payment, on the due date prescribed, or any part of a deficiency would impose undue hardship upon the estate, the department may extend the time for payment for a period or periods not to exceed one year for any one period and for all periods not to exceed four years from the original due date of payment.

(B) The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the estate. It must appear that a substantial financial loss, for example, due to the sale of property at a sacrifice price, will result to the estate from making payment of the tax owed at the date payment is due. If a market exists, a sale of property at the current market price is not ordinarily considered as resulting in an undue hardship. No extension will be granted if the deficiency is due to negligence or intentional disregard of rules and regulations or to fraud with intent to evade the tax. During a state of emergency declared under RCW 43.06.010(12), the department, on a case-by-case basis, may evaluate whether the emergency imposes on an estate an undue hardship as described above.

(C) An application for such an extension must be in writing and must contain, or be supported by, information in a written ~~((statement declaring that it is))~~ declaration made under penalties of perjury showing the undue hardship that would result to the estate if the extension were refused. The application, with the supporting information, must be filed with the department. When received, it will be examined, and, if possible, within thirty days will be denied, granted, or tentatively granted subject to certain conditions of which the personal representative will be notified. The department will not consider an application for such an extension unless it is applied for on or before the due date for payment. If the personal representative desires to obtain an additional extension, it must be applied for on or before the date of the expiration of the previous extension.

(D) The amount of tax owed for which an extension is granted, along with interest as determined by RCW 83.100.-070, shall be paid on or before the expiration of the period of extension without the necessity of notice and demand from the department.

~~((+))~~ (vi) **Payment plans for closely held businesses.** The department will ~~((abide by))~~ apply the provisions of section 6166 of the 2005 IRC for the granting of payment plans

for closely held businesses. For estates with an approved payment plan with the Internal Revenue Service, the department will follow the same terms as granted with the federal return.

(4) **The late filing penalty.** If the state return is not filed by the due date, or any extension of the state return's due date, the person required to file the return may be subject to a late filing penalty.

(a) **When does the penalty apply?** The late filing penalty applies if the person required to file the return has not timely filed the state return with the department prior to being notified by the department, in writing, of the necessity to file the state return. ~~((The late payment penalty is equal to five percent of the tax due for each month during which the state return has not been filed, not to exceed the lesser of twenty-five percent of the tax or one thousand five hundred dollars. RCW 83.100.070.))~~

(b) **How is the penalty computed?** The late filing penalty is ~~((the equivalent of))~~ equal to five percent of the tax due for each month ~~((, but is accrued on a daily basis for those periods less than a month. For any portion of a month, it))~~ during which the state return has not been filed, inclusive of the filing date, and not to exceed the lesser of twenty-five percent of the tax or one thousand five hundred dollars. RCW 83.100.070. The penalty is calculated on a daily basis for periods less than a month by first taking the five percent monthly rate and dividing it by the total number of days ~~((from the beginning of the month through the date the return is filed, including))~~ for that month. For instance, in a common (nonleap) year, the five percent monthly rate must be divided by twenty-eight to arrive at a daily rate of 1.7857 percent for the month of February. After arriving at this daily rate, it is multiplied by the number of delinquent days, inclusive of the filing date.

~~((For example,))~~ (i) **Example.** The following example identifies a number of facts and then states a conclusion. This example should be used only as a general guide. The tax results of other situations must be determined after a review of all facts and circumstances.

A state return is due on February 3rd, in a common (non-leap) year, but is not filed until April 20th of the same year. The state return is delinquent starting with February 4th. The amount of tax due with the state return is \$10,000.

~~((+))~~ (ii) The penalty is computed as follows:

Feb 4-Feb 28	\$10,000 tax at ((5% per month)) <u>0.17857% × 25 days</u>	\$446.43
Mar 1-Mar 31	\$10,000 tax at 5% per month	\$500.00
Apr 1-Apr 20	\$10,000 tax at <u>0.1667% x 20</u> days	((333.34)) <u>333.40</u>
Total delinquent penalty due on April 20th filing date		((1,297.77)) <u>1,279.83</u>

~~((+))~~ In this example, the first month (February) is a partial month. Since February ~~((has))~~ would have twenty-eight days, the five percent monthly rate is divided by twenty-eight days to arrive at a daily rate of 0.0017857 (or 0.17857 percent). The daily rate is then multiplied by the twenty-five days of penalty accrual to arrive at the total percentage of penalty due for that portion of a month (0.0017857

x 25 days = .044643 or 4.4643 percent). The second calendar month (March) is complete and incurs the full five percent penalty. ~~((The last portion of a month is a total of seventeen days, including both April 4th and April 20th.))~~ Since April has thirty days total, the five percent monthly rate is divided by the thirty days in April to arrive at a daily rate of .001667 (or 0.1667 percent). The daily rate is then multiplied by the twenty days of penalty accrual to arrive at the total percentage of penalty due for that portion of a month (0.001667×20 days = .03334 or 3.334 percent).

(5) **Interest is imposed on late payment.** The department is required by law to impose interest on the tax due with the state return if payment of the tax is not made on or before the due date. RCW 83.100.070. Interest applies to the delinquent tax only, and is calculated from the due date until the date of payment. Interest imposed for periods after ~~((December 31, 1996))~~ January 1, 1997, will be computed at the annual variable interest rate described in RCW 82.32.050(2). Interest imposed for periods prior to January ~~((4))~~ 2, 1997, will be computed at the rate of twelve percent per annum.

(6) **Waiver or cancellation of penalties.** RCW 83.100.-070(3) authorizes the department to waive or cancel the penalty for late filing of the state return under limited circumstances.

(a) **Claiming the waiver.** A request for a waiver or cancellation of penalties should contain all pertinent facts and be accompanied by such proof as may be available. The request must be made in the form of a letter and submitted to the ~~((department's special programs division))~~ department. The person responsible bears the burden of establishing that the circumstances were beyond their control and directly caused the late filing. The department will cancel or waive the late filing penalty imposed on the state return when the delinquent filing is the result of circumstances beyond the control of the person responsible for filing of the state return. The person responsible for filing the state return is the same person who is responsible for filing the federal return.

(b) **Circumstances eligible for waiver.** In order to qualify for a waiver of penalty the circumstances beyond the control of the person responsible for filing the state return must directly cause the late filing of the return. These circumstances are generally immediate, unexpected, or in the nature of an emergency. Such circumstances result in the person not having reasonable time or opportunity to obtain an extension of their due date (see subsection ~~((2)(b))~~) (3)(a) of this rule) or to otherwise timely file the state return. Circumstances beyond the control include, but are not necessarily limited to, the following:

(i) The delinquency was caused by the death or serious illness of the person responsible for filing the state return or a member of the immediate family. In order to qualify for penalty waiver, the death or serious illness must directly prevent them from having reasonable time or opportunity to arrange for timely filing of the state return. Generally, the death or serious illness must have occurred within sixty days prior to the due date, provided that a valid state return is filed within sixty days of the due date.

(ii) The delinquency was caused by an unexpected and unavoidable absence of the person responsible. Generally, this absence must be within sixty days prior to the due date,

provided that a valid state return is filed within sixty days of the due date. "Unavoidable absence of the person responsible" does not include absences because of business trips, vacations, personnel turnover, or personnel terminations.

(iii) The delinquency was caused by the destruction by fire or other casualty of estate records necessary for completion of the state return.

(iv) An estate tax return was timely filed, but was filed incorrectly with another state due to an issue of the decedent's domicile.

(v) A Washington estate tax return was properly prepared and timely filed, but was sent to the location for filing of the federal estate tax return.

(7) **Waiver or cancellation of interest.** Title 83 RCW (Estate taxation) does not provide any circumstances that allow for waiver of the interest, even though penalty may be waived under limited circumstances (see subsection (6) of this section).

(8) **Application of payment towards liability.** The department will apply taxpayer payments first to interest, next to penalties, and then to the tax, without regard to any direction of the taxpayer.

WSR 20-10-104
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed May 6, 2020, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-04-089.

Title of Rule and Other Identifying Information: WAC 4-30-080 How do I apply for an initial individual CPA license?

Hearing Location(s): On July 31, 2020, at 9:00 a.m., at Hilton Garden Inn Spokane Airport, Granite Room, 9015 West SR Highway 2, Spokane, WA 99224.

Date of Intended Adoption: July 31, 2020.

Submit Written Comments to: Kirsten Donovan, Rules Coordinator, P.O. Box 9131, Olympia, WA 98507, email Kirsten.donovan@acb.wa.gov, fax 360-664-9190, by July 29, 2020.

Assistance for Persons with Disabilities: Contact Kirsten Donovan, rules coordinator, phone 360-664-9191, fax 360-664-9190, TTY 771 [711], email Kirsten.donovan@acb.wa.gov, by July 29, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board of accountancy (BOA) proposes amending WAC 4-30-080 to: (1) Eliminate the initial licensing requirement to achieve and document a passing grade of ninety percent or better on a board-approved initial course covering the Washington State Public Accountancy Act, related board rules, and board policies; (2) rename the rule section.

Reasons Supporting Proposal: See purposes above.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

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

Name of Proponent: BOA, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Charles E. Satterlund, CPA, 711 Capitol Way South, Suite 400, Olympia, WA 98501, 360-586-0785.

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

A cost-benefit analysis is not required under RCW 34.05.328. BOA is not a listed agency in RCW 34.05.328 (5) (a)(i).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. No additional costs are imposed on CPA license applicants from the removal of this requirement.

May 6, 2020

Charles E. Satterlund, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 20-02-059, filed 12/24/19, effective 1/24/20)

WAC 4-30-080 ((How do I apply for an)) Initial individual CPA license((?)) requirements. (1) To qualify to apply for an initial license you must meet the following criteria and requirements:

(a) Good character requirements of RCW 18.04.105 (1)(a);

(b) Education requirements of WAC 4-30-060;

(c) Examination requirements of WAC 4-30-062;

(d) Experience requirements of WAC 4-30-070;

(e) Achieve and document a passing grade of ninety percent or better on a course covering the complete content of the AICPA Code of Professional Conduct(;

~~(f) Achieve and document a passing grade of ninety percent or better on a board-approved initial course covering the Washington State Public Accountancy Act, related board rules, and board policies)).~~

(2) If more than four years have lapsed since you passed the examination, you must meet the CPE requirements of WAC 4-30-134(5) within the thirty-six month period immediately preceding submission of your license application. That CPE must include CPE hours in ethics and regulation meeting the requirements of WAC 4-30-132(7). This regulatory ethics portion of the combined one hundred twenty-hour CPE requirement must be completed within the six month period immediately preceding submission of your license application.

(3) You must provide the required information, documents, and fees to the board either by making application through the board's online application system or on a form provided upon request. You must provide all requested information, documents and fees to the board before the application will be evaluated.

(4) Upon assessment of your qualifications and approval of your application, your licensed status will be posted in the board's licensee database and, therefore, made publicly available for confirmation. A hard copy of your license can be provided upon request.

(5) Your initial license will expire on June 30 of the third calendar year following initial licensure.

(6) You may not use the title CPA until the date the approval of your license is posted in the board's licensee database and, therefore, made publicly available for confirmation.

WSR 20-10-105

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed May 6, 2020, 10:27 a.m.]

Continuance of WSR 20-09-080.

Preproposal statement of inquiry was filed as WSR 20-05-055.

Title of Rule and Other Identifying Information: WAC 182-501-0200 Third-party resources.

Hearing Location(s): On June 23, 2020, at 10:00 a.m.

In response to the governor's extended orders for *Stay Home, Stay Safe*, this public hearing will be held virtually. This will not be an in-person hearing and there is not a physical location available.

You must register for the public hearing at <https://attendee.gotowebinar.com/register/6057562907361355533>.

After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: Not sooner than June 24, 2020.

Submit Written Comments to: Health Care Authority (HCA) Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by June 24, 2020.

Assistance for Persons with Disabilities: Contact Amber Loughheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.loughheed@hca.wa.gov, by June 5, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to the governor's extended orders for *Stay Home, Stay Safe* and to protect the public's health due to the COVID-19 pandemic, the agency is not able to hold the originally scheduled in-person public hearing on May 26, 2020, filed under WSR 20-09-080. The date of this public hearing is being moved to June 23, 2020, and the location of the public hearing is changed from an in-person hearing to a virtual public hearing.

The agency is amending this section to implement requirements in the Bipartisan Budget Act of 2018, which requires state medicaid agencies to use cost-avoidance on labor, delivery, and postpartum care claims. The Bipartisan Budget Act of 2018 also delayed the implementation of a provision in the Bipartisan Budget Act of 2013 that allowed payment up to ninety days for claims associated with medical support enforcement, rather than thirty days under the previous law. The agency is revising this section to implement this provision, now amended to one hundred days, rather than ninety, by the Medicaid Services Investment and Accountability Act of 2019.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160; 42 U.S.C. Sec. 1902 (a)(25)(E) of the Social Security Act and section 53102 (a)(1) of the Bipartisan Budget Act of 2018; 42 U.S.C. Sec. 1305 (7)(a).

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is necessary because of federal law, Section 53102 (a)(1) of the Bipartisan Budget Act of 2018.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Michael Williams, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1346; Implementation and Enforcement: Mark Benya, P.O. Box 45561, Olympia, WA 98504-5561, 360-725-1891.

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

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

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

May 6, 2020
Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-23-008, filed 11/6/19, effective 12/7/19)

WAC 182-501-0200 Third-party resources. (1) The medicaid agency requires a provider to seek timely reimbursement from a third party when a client has available third-party resources, except as described under subsections (2) and (3) of this section.

(2) The agency pays for medical services and seeks reimbursement from a liable third party when the claim is for ~~((any of the following:~~

~~(a) Labor, delivery, and postpartum care (except inpatient hospital costs) for a pregnant woman; or~~

~~(b))~~ preventive pediatric services as covered under the early and periodic screening, diagnosis and treatment (EPSDT) program.

(3) The agency pays for medical services and seeks reimbursement from any liable third party when both of the following apply:

(a) The provider submits to the agency documentation of billing the third party and the provider has not received payment after ~~((thirty))~~ one hundred days from the date of services; and

(b) The claim is for a covered service provided to a client on whose behalf the office of support enforcement is enforcing a noncustodial parent to pay support. For the purpose of this section, "is enforcing" means the noncustodial parent either:

(i) Is not complying with an existing court order; or

(ii) Received payment directly from the third party and did not pay for the medical services.

(4) The provider may not bill the agency or the client for a covered service when a third party pays a provider the same amount as or more than the agency rate.

(5) When the provider receives payment from a third party after receiving reimbursement from the agency, the provider must refund to the agency the amount of the:

(a) Third-party payment when the payment is less than the agency's maximum allowable rate; or

(b) Agency payment when the third-party payment is equal to or more than the agency's maximum allowable rate.

(6) The agency does not pay for medical services if third-party benefits are available to pay for the client's medical services when the provider bills the agency, except under subsections (2) and (3) of this section.

(7) The client is liable for charges for covered medical services that would be paid by the third-party payment when the client either:

(a) Receives direct third-party reimbursement for the services; or

(b) Fails to execute legal signatures on insurance forms, billing documents, or other forms necessary to receive insurance payments for services rendered. See WAC 182-503-0540 for assignment of rights.

(8) The agency considers an adoptive family to be a third-party resource for the medical expenses of the birth mother and child only when there is a written contract between the adopting family and either the birth mother, the attorney, the provider, or the adoption service. The contract must specify that the adopting family will pay for the medical care associated with the pregnancy.

(9) A provider cannot refuse to furnish covered services to a client because of a third-party's potential liability for the services.

(10) For third-party liability on personal injury litigation claims, the agency or managed care organization (MCO) is responsible for providing medical services under WAC 182-501-0100.

WSR 20-10-106
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed May 6, 2020, 10:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-06-031.

Title of Rule and Other Identifying Information: WAC 4-30-100 What are the rules governing reciprocity for accountants from foreign countries, and 4-30-102 How do I apply for an initial Washington state license through foreign reciprocity?

Hearing Location(s): On July 31, 2020, at 9:00 a.m., at the Hilton Garden Inn Spokane Airport, Granite Room, 9015 West SR Highway 2, Spokane, WA 99224.

Date of Intended Adoption: July 31, 2020.

Submit Written Comments to: Kirsten Donovan, Rules Coordinator, P.O. Box 9131, Olympia, WA 98507, email Kirsten.donovan@acb.wa.gov, fax 360-664-9190, by July 29, 2020.

Assistance for Persons with Disabilities: Contact Kirsten Donovan, rules coordinator, phone 360-664-9191, fax 360-664-9190, TTY 771 [711], email Kirsten.donovan@acb.wa.gov, by July 29, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board of accountancy proposes amending WAC 4-30-100 and 4-30-102 to: (1) Rename the rule; (2) add requirements from board policy into the rule; and (3) specify the requirements for foreign reciprocity licensure.

Reasons Supporting Proposal: See purposes above.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

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

Name of Proponent: Board of accountancy, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Charles E. Satterlund, CPA, 711 Capitol Way South, Suite 400, Olympia, WA 98501, 360-586-0785.

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

A cost-benefit analysis is not required under RCW 34.05.328. The Board of Accountancy is not a listed agency in RCW 34.05.328 (5)(a)(i).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. No additional costs are imposed on CPA license applicants from the changes to the rules.

May 6, 2020

Charles E. Satterlund, CPA
Executive Director

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

WAC 4-30-100 (~~What are the rules governing~~) Reciprocity for accountants from foreign countries(?) (1) Under the authority provided by RCW 18.04.183, the board (~~may rely~~) relies on the National Association of State Boards of Accountancy(~~s~~) (NASBA) and the American Institute of Certified Public Accountants (AICPA), who have jointly established the United States International Qualifications Appraisal Board (IQAB) to eliminate impediments to reciprocity, or other professional bodies for evaluation of foreign accounting credential equivalency. IQAB serves as the link between the accounting profession in the United States and the accounting professions of other General Agreement on Trade Services (GATS) signatory countries. Through mutual recognition agreements (MRA), covered individuals will have similar provisions within each reciprocal country.

(2) (~~Your~~) The foreign accounting credential may be accepted in partial satisfaction of licensing requirements if:

(a) (~~You met~~) The foreign issuing body's education, examination, and ethical requirements (~~used to qualify its domestic candidates~~) are equivalent to the requirements for licensure in this state;

(b) (~~Your~~) The foreign accounting credential is valid and in good standing at the time (~~you apply~~) of application for a Washington state license; and

(c) The foreign issuing body granting (~~your~~) the foreign accounting credential permits Washington CPAs an equivalent opportunity to receive the foreign accounting credential by reciprocity.

~~((d) You demonstrate satisfactory experience within the eight years prior to submitting your application in public accounting or other experience meeting the requirements of RCW 18.04.105 (1)(d).~~

~~The board will, by policy, identify acceptable foreign accounting credentials and acknowledge reciprocal agreements with bodies granting foreign accounting credentials.~~

~~(3) The board may require a qualifying examination(s) to determine if you possess adequate knowledge of U.S. practice standards and the board's regulations. The board will, by policy, specify the form of qualifying examination(s) and passing grade(s).~~

~~(4) You must:~~

~~(a) Meet the CPE requirements of WAC 4-30-134 for subsequent renewal of an initial license issued pursuant to the board's authority; and~~

~~(b) Achieve and document a passing grade of ninety percent or better on a course covering the complete content of the AICPA Code of Professional Conduct.~~

~~(5) If you hold a Washington state CPA license or certificate issued through the foreign reciprocity provisions of the act, you must notify the board of any investigations undertaken, or sanctions imposed, by a foreign credentialing body against your foreign credential within thirty days of your receiving notice that an investigation has begun or a sanction was imposed.~~

~~(6) If you hold a Washington state license or certificate issued through the foreign reciprocity provisions of the act, you must notify the board within thirty days if your foreign license, permit, or certificate has lapsed or otherwise becomes invalid.)~~ (3) The board requires a qualifying examination to determine if the individual possesses adequate knowledge of United States practice standards and the board's regulations.

(a) The board adopts the International Qualifications Examination (IQEX) prepared and graded by the AICPA as the appropriate examination to test the knowledge of the subject matter unique to the United States, as determined by the AICPA in cooperation with NASBA, of those applicants holding an accounting credential issued by professional credentialing institutes that have established current MRAs with IQAB.

(b) The board will continue to recognize passing grades from the predecessor Canadian Chartered Accountant Uniform CPA Qualification Examination (CAQEX).

(c) The board accepts IQEX grades from examinations administered by other state boards of accountancy or by NASBA.

(d) The board sets the passing score for the IQEX and CAQEX at 75.

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

WAC 4-30-102 ((How do I apply for an)) Initial Washington state license requirements for application through foreign reciprocity((?)). (1) To apply for an initial Washington state CPA license through foreign reciprocity, you must:

(a) Hold a license in a foreign country that meets the requirements of WAC 4-30-100 and request verification of licensure from the issuing professional accounting organization. The verification must be sent directly to the board from the issuing organization.

(b) Pass an examination meeting the requirements of WAC 4-30-100. You must request from NASBA that verification of exam score be sent directly to the board.

(c) Demonstrate, through completion and submission of the board's experience affidavit, satisfactory experience in public accounting or other experience meeting the requirements of RCW 18.04.105 (1)(d) within the eight years prior to submitting an application for licensure.

(d) Meet the CPE requirements in WAC 4-30-134.

(e) Achieve a passing grade of ninety percent or better on a course covering the complete content of the AICPA Code of Professional Conduct and submit the course completion certificate.

(2) You must provide all required information, documents, and fees to the board either by making application through the board's online application system or on a form provided by the board upon request. You must provide all requested information, documents, and fees to the board before the application will be evaluated.

(3) Upon assessment of your qualifications and approval of your application, your license status will be posted in the board's licensee database and, therefore, made publicly available for confirmation. A hard copy of your license can be provided upon request.

(4) You may not use the title CPA until your status has been posted to the board's licensee database and, therefore, made available to the public.

(5) Your Washington state CPA license will expire on June 30 of the third calendar year following the calendar year of initial licensure.

((You may not use the title CPA until your status has been posted to the board's licensee database and, therefore, made available to the public.)) (6) You must meet the CPE requirements of WAC 4-30-134 for subsequent renewal of an initial license.

(7) You must notify the board within thirty days if your foreign license, permit, or certificate has lapsed or otherwise becomes invalid.

Preproposal statement of inquiry was filed as WSR 19-15-146.

Title of Rule and Other Identifying Information: WAC 182-501-0215 Wraparound with intensive services (WISe).

Hearing Location(s): On June 23, 2020, at 10:00 a.m.

In response to the governor's extended orders for *Stay Home, Stay Safe*, this public hearing will be held virtually. This will not be an in-person hearing and there is not a physical location available.

You must register for the public hearing at <https://attendee.gotowebinar.com/register/6057562907361355533>.

After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: Not sooner than June 24, 2020.

Submit Written Comments to: Health Care Authority (HCA) Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by June 23, 2020.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.lougheed@hca.wa.gov, by June 5, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to the governor's extended orders for *Stay Home, Stay Safe* and to protect the public's health due to the COVID-19 pandemic, the agency is not able to hold the originally scheduled in-person public hearing on May 26, 2020, filed under WSR 20-09-014. The date of this public hearing is being moved to June 23, 2020, and the location of the public hearing is changed from an in-person hearing to a virtual public hearing.

This rule making is required to comply with, and provide ongoing guidance related to, the requirements that ensure the quality of the WISe delivery model.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Valerie Freudenstein, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Tina Burrell, P.O. Box 42730, Olympia, WA 98504-2730, 360-725-9409.

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

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

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

May 6, 2020

Wendy Barcus

Rules Coordinator

WSR 20-10-107

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed May 6, 2020, 10:35 a.m.]

Continuance of WSR 20-09-014.

NEW SECTION

WAC 182-501-0215 Wraparound with intensive services (WISe). (1) Wraparound with intensive services (WISe) is a service delivery model that provides comprehensive behavioral health covered services and support to:

(a) Medicaid-eligible clients age twenty or younger with complex behavioral health needs; and

(b) Their families.

(2) The authority, the managed care organizations, and the WISe provider agencies must use, continue to use, and substantially comply with the WISe quality plan (WISe QP) for the delivery of WISe. The purpose of the WISe QP is to:

(a) Provide a framework for quality management goals, objectives, processes, tools, and resources to measure the implementation and success of the WISe service delivery model; and

(b) Guide production, dissemination, and use of measures used to inform and improve WISe service delivery.

(3) The WISe QP, as may be amended from time to time, is incorporated by reference and is available online at <https://www.hca.wa.gov/billers-providers-partners/behavioral-health-recovery/wraparound-intensive-services-wise>.

WSR 20-10-108**PROPOSED RULES****HEALTH CARE AUTHORITY**

[Filed May 6, 2020, 10:41 a.m.]

Continuance of WSR 20-09-033.

Preproposal statement of inquiry was filed as WSR 19-17-057.

Title of Rule and Other Identifying Information: WAC 182-509-0300 Modified adjusted gross income (MAGI), 182-509-0320 MAGI income—Noncountable income, 182-509-0335 MAGI income—Educational benefits, 182-509-0345 MAGI income—Income from employment and training programs, 182-509-0350 MAGI income—Needs-based assistance from other agencies or organizations, and 182-509-0355 MAGI income—Gifts and inheritances.

Hearing Location(s): On June 23, 2020, at 10:00 a.m.

In response to the governor's extended orders for *Stay Home, Stay Safe*, this public hearing will be held virtually. This will not be an in-person hearing and there is not a physical location available.

You must register for the public hearing at <https://attendee.gotowebinar.com/register/6057562907361355533>.

After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: Not sooner than June 24, 2020.

Submit Written Comments to: Health Care Authority (HCA) Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by June 24, 2020.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.lougheed@hca.wa.gov, by June 5, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to the governor's extended orders for *Stay Home, Stay Safe* and to protect the public's health due to the COVID-19 pandemic, the agency is not able to hold the originally scheduled in-person public hearing on May 26, 2020, filed under WSR 20-09-033. The date of this public hearing is being moved to June 23, 2020, and the location of the public hearing is changed from an in-person hearing to a virtual public hearing.

The agency is amending these WACs to: (1) Align income exemptions with the Internal Revenue Code; (2) clarify noncountable income provisions; and (3) remove provisions that are no longer applicable.

Additionally, the agency is repealing three sections from chapter 182-509 WAC because:

- MAGI programs do not count the income from employment and training described in WAC 182-509-0345.
- Rules regarding needs-based assistance from other agencies or organizations set out in WAC 182-509-0350 have been moved to WAC 182-509-0320.
- Gifts and inheritances listed in WAC 182-509-0355 are already identified in WAC 182-509-0320.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1408; Implementation and Enforcement: Mark Westenhaver, P.O. Box 45534, Olympia, WA 98504-5534, 360-725-1324.

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

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

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

May 6, 2020

Wendy Barcus

Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-21-040, filed 10/7/14, effective 11/7/14)

WAC 182-509-0300 Modified adjusted gross income (MAGI). (1) The agency uses the modified adjusted gross income (MAGI) methodology to determine eligibility for MAGI-based Washington apple health ((~~WAH~~)) programs described in WAC 182-509-0305.

(2) MAGI methodology is described in WAC 182-509-0300 through 182-509-0375. Generally, MAGI includes

adjusted gross income (as determined by the Internal Revenue Code (IRC)) increased by:

(a) Any amount of foreign income excluded from gross income under Section 911 of the IRC;

(b) Any amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax; and

(c) Any amount of Title II Social Security income or Tier 1 Railroad Retirement income which is excluded from gross income under Section 86 of the IRC.

(3) When calculating a person's eligibility for the programs listed in WAC 182-509-0305, the agency uses the person's MAGI income with the following exceptions:

(a) Scholarships or fellowship grants described in WAC 182-509-0335 used for education purposes are excluded from income;

(b) Income received by American Indian/Alaskan Native individuals described in WAC 182-509-0340 is excluded from income; ~~((and))~~

(c) Any income received as a lump sum as described in WAC 182-509-0375 is counted as income only in the month in which it is received; and

(d) Income received by a child age eighteen or younger or a tax dependent as described in WAC 182-509-0360 is excluded from income.

(4) Countable MAGI income is reduced by an amount equal to five percentage points of the federal poverty level (FPL) based on household size to determine net income except that there is no such reduction of countable MAGI income for parents or caretaker relatives with an eligible dependent child ~~((whose net countable income is below fifty-four percent of the FPL))~~ (as described in WAC 182-509-0305(1)). Net income is compared to the applicable standard described in WAC 182-505-0100.

(5) When calculating a person's eligibility for MAGI-based programs listed in WAC 182-509-0305, the agency determines the medical assistance unit for each person according to WAC 182-506-0010 and 182-506-0012.

AMENDATORY SECTION (Amending WSR 14-01-021, filed 12/9/13, effective 1/9/14)

WAC 182-509-0320 MAGI income—Noncountable income. For purposes of determining eligibility for modified adjusted gross income (MAGI)-based Washington apple health ~~((WAH))~~ (see WAC 182-509-0300):

(1) Some types of income are not counted when determining eligibility for MAGI-based ~~((WAH))~~ apple health. Under the MAGI income methodology described in WAC 182-509-0300, income is not counted if the Internal Revenue Service (IRS) permits it to be excluded or deducted for purposes of determining the tax liability of a person. (See 26 U.S.C. Sections 62(a) and 101-140.)

(2) Examples of income that are not counted include, but are not limited to:

(a) Bona fide loans, except certain student loans as specified under WAC 182-509-0335;

(b) Federal income tax refunds and earned income tax credit ~~((EITC))~~ payments for up to twelve months from the date received;

(c) Child support payments received by any person included in household size under WAC 182-506-0010;

(d) Nontaxable time loss benefits or other compensation received for sickness or injury, such as benefits from the department of labor and industries (L&I) or a private insurance company;

(e) Title IV-E and state foster care and adoption support maintenance payments;

(f) Veteran's benefits including, but not limited to, disability compensation and pension payments for disabilities paid to the veteran or family members; education, training and subsistence; benefits under a dependent-care assistance program for veterans, housebound allowance and aid and attendance benefits;

~~((g))~~ ~~(Educational assistance that is not counted under WAC 182-509-0335;~~

~~((h))~~ ~~Native American benefits and payments that are not counted under WAC 182-509-0340;~~

~~((i))~~ ~~Income from employment and training programs that is not counted under WAC 182-509-0345;~~

~~((j))~~ ~~Needs-based assistance from other agencies or organizations that is not counted under WAC 182-509-0350;~~

~~((k))~~ ~~Money withheld from a benefit to repay an overpayment from the same income source;~~

~~((l))~~ ~~One-time payments issued under the Department of State or Department of Justice reception and replacement programs, such as Voluntary Agency (VOLAG) payments;~~

~~((m))~~ (h) Nontaxable income from employment and training programs;

(i) Any portion of income used to repay the cost of obtaining that income source;

~~((n))~~ ~~Insurance proceeds or other income received as a result of being a Holocaust survivor;~~

~~((o))~~ (j) Insurance proceeds or other income received as a result of being a Holocaust survivor;

(k) Federal economic stimulus payments that are excluded for federal and federally assisted state programs;

~~((p))~~ ~~Federal twenty-five dollar supplement weekly unemployment compensation payment authorized by the American Recovery and Reinvestment Act of 2009;~~

~~((q))~~ (l) Income from a sponsor given to a sponsored immigrant;

~~((r))~~ ~~Energy assistance payments;~~

~~((s))~~ (m) Fringe benefits provided on a pretax basis by an employer, such as transportation benefits or moving expenses;

~~((t))~~ (n) Employer contributions to certain pretax benefits funded by an employee's elective salary reduction, such as amounts for a flexible spending account;

~~((u))~~ (o) Distribution of pension payments paid by the employee (such as premiums or contributions) that were previously subject to tax;

~~((v))~~ ~~Gifts or inheritances to the person that are not counted under WAC 182-509-0355;~~

~~((w))~~ (p) Gifts as described in IRS Publication 559: *Survivors, Executors, and Administrators*;

(q) Cash or noncash inheritances, except that the agency counts income produced by an inheritance;

(r) Death benefits from life insurance and certain benefits paid for deaths that occur in the line of duty; and

~~((s))~~ (s) Other payments that are excluded from income under state or federal law.

(3) Income received from ~~((the following cash programs is not countable income for MAGI-based WAH))~~ other agencies or organizations as needs-based assistance is not countable income under this section.

(a) "Needs-based" means eligibility for the program is based on having limited income, or resources, or both. Examples of needs-based assistance are:

(i) Clothing;

(ii) Food;

(iii) Household supplies;

(iv) Medical supplies (nonprescription);

(v) Personal care items;

(vi) Shelter;

(vii) Transportation; and

(viii) Utilities (e.g., lights, cooking fuel, the cost of heating or heating fuel).

(b) Needs-based cash programs include, but are not limited to, the following apple health programs:

~~((a))~~ (i) Diversion cash assistance (DCA);

~~((b))~~ (ii) Temporary assistance for needy families (TANF);

~~((c))~~ (iii) State family assistance (SFA);

~~((d))~~ (iv) Pregnant women's assistance (PWA);

~~((e))~~ (v) Refugee cash assistance (RCA);

~~((f))~~ (vi) Aged, blind, disabled cash assistance (ABD);
and

~~((g))~~ (vii) Supplemental security income (SSI).

AMENDATORY SECTION (Amending WSR 14-01-021, filed 12/9/13, effective 1/9/14)

WAC 182-509-0335 MAGI income—Educational benefits. For purposes of determining eligibility for modified adjusted gross income (MAGI)-based Washington apple health ~~((WAH))~~ (see WAC 182-509-0300), the agency or its designee does not count educational ~~((assistance))~~ benefits as income when they are used for education expenses, unless the educational benefits are used for living expenses. Examples include, but are not limited to:

(1) Educational assistance in the form of grants or loans issued under Title IV of the Higher Education Amendments (Title IV - HEA) or through a program administered by the Department of Education (DOE), such as:

(a) Pell grants (Title IV);

(b) Stafford loans (Title IV);

(c) Perkins loan program (Title IV);

(d) State need grant program (Title IV);

~~((Christa McAuliffe fellowship program (DOE);~~

~~((Jacob K. Javits fellowship program (DOE); and~~

~~((Library career))~~ Training programs administered by the Department of Education (DOE).

(2) Payments received for education, training, or subsistence under any law administered by the department of Veteran's Affairs (VA).

(3) Student financial assistance provided under the Bureau of Indian Affairs education programs.

(4) Educational assistance in the form of grants or loans under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-392.

(5) Work study income including:

(a) Federal or state work study income; and

(b) WorkFirst work study income.

(6) Payments to service academy cadets at a military academy.

(7) Payments for the purposes of tuition made on behalf of the individual to an educational organization for the education or training of such individual.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 182-509-0345 MAGI income—Income from employment and training programs.

WAC 182-509-0350 MAGI income—Needs-based assistance from other agencies or organizations.

WAC 182-509-0355 MAGI income—Gifts and inheritances.

WSR 20-10-109

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed May 6, 2020, 10:47 a.m.]

Continuance of WSR 20-09-032.

Preproposal statement of inquiry was filed as WSR 19-20-106.

Title of Rule and Other Identifying Information: WAC 182-550-8000 Hospital safety net assessment (HSNA) program—Purpose, and 182-550-8100 Assessment notices—Process and timelines.

Hearing Location(s): On June 23, 2020, at 10:00 a.m.

In response to the governor's extended orders for *Stay Home, Stay Safe*, this public hearing will be held virtually. This will not be an in-person hearing and there is not a physical location available.

You must register for the public hearing at <https://attendee.gotowebinar.com/register/6057562907361355533>.

After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: Not sooner than June 24, 2020.

Submit Written Comments to: Health Care Authority (HCA) Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by June 23, 2020.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.lougheed@hca.wa.gov, by June 5, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to the

governor's extended orders for *Stay Home, Stay Safe* and to protect the public's health due to the COVID-19 pandemic, the agency is not able to hold the originally scheduled in-person public hearing on May 26, 2020, filed under WSR 20-09-032. The date of this public hearing is being moved to June 23, 2020, and the location of the public hearing is changed from an in-person hearing to a virtual public hearing.

The agency is establishing rules for the hospital safety net assessment program. The proposed rules:

- Describe the payment due date and the notifications sent out by the agency.
- Describe how and when the agency offsets amounts from scheduled payments to a hospital when that hospital has not timely paid its assessment.
- Establish a process to appeal the agency's action to offset amounts from scheduled payments.

Reasons Supporting Proposal: This rule making is authorized by RCW 74.60.050.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, 74.60.050.

Statute Being Implemented: RCW 41.05.021, 41.05.160, chapter 74.60 RCW.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1408; Implementation and Enforcement: Clinton Fridley, P.O. Box 45510, Olympia, WA 98504-5510, 360-725-1577.

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

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

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

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 6, 2020
Wendy Barcus
Rules Coordinator

NEW SECTION

WAC 182-550-8000 Hospital safety net assessment (HSNA) program—Purpose. Chapter 74.60 RCW establishes the hospital safety net assessment (HSNA) program. The HSNA program imposes an assessment on certain Washington state hospitals that is used solely to increase funding from all other sources and support additional payments to hospitals for authorized medicaid services. The medicaid agency has authority to issue rules associated with the HSNA program under RCW 41.05.021 (1)(m)(iv) and 74.60.050(1).

NEW SECTION

WAC 182-550-8100 Assessment notices—Process and timelines. (1) **Notification.** The medicaid agency sends hospital safety net assessment (HSNA) notices on or about thirty calendar days prior to the end of each quarter as required by RCW 74.60.030 (1)(a).

(2) **Payment due date.** Each hospital must pay its assessment in full by the due date listed in the HSNA notice.

(3) **First past-due notification.** If a hospital does not pay its HSNA assessment in full by the due date, the agency sends the hospital a past-due notice. The past-due notice informs the hospital of the actions the agency may take if the hospital's assessment becomes ninety calendar days past due.

(4) **Final past-due notification.** If a hospital does not pay its assessment in full within ninety calendar days of its due date stated in the HSNA notice, the agency sends the hospital a final past-due notice.

(a) The final past-due notice informs the hospital of the actions the agency takes, as required by RCW 74.60.050(2), to offset funds from the agency's scheduled payments to the hospital.

(b) The agency does not offset funds from managed care capitation payments, as described in RCW 74.60.130.

(5) **Appeal.** A hospital may appeal the actions the agency takes to offset funds by following the process outlined in WAC 182-502-0050.

WSR 20-10-110 PROPOSED RULES HEALTH CARE AUTHORITY

[Filed May 6, 2020, 10:51 a.m.]

Continuance of WSR 20-09-096.

Preproposal statement of inquiry was filed as WSR 19-21-038.

Title of Rule and Other Identifying Information: WAC 182-532-510 Family planning only programs—Eligibility.

Hearing Location(s): On June 23, 2020, at 10:00 a.m.

In response to the governor's extended orders for *Stay Home, Stay Safe*, this public hearing will be held virtually. This will not be an in-person hearing and there is not a physical location available.

You must register for the public hearing at <https://attendee.gotowebinar.com/register/6057562907361355533>.

After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: Not sooner than June 24, 2020.

Submit Written Comments to: Health Care Authority (HCA) Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by June 23, 2020.

Assistance for Persons with Disabilities: Contact Amber Loughheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.loughheed@hca.wa.gov, by June 5, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to the

governor's extended orders for *Stay Home, Stay Safe* and to protect the public's health due to the COVID-19 pandemic, the agency is not able to hold the originally scheduled in-person public hearing on May 26, 2020, filed under WSR 20-09-096. The date of this public hearing is being moved to June 23, 2020, and the location of the public hearing is changed from an in-person hearing to a virtual public hearing.

The agency is establishing rules to comply with ESHB 1109, Section 211(47), which provides funding for services identical to those services covered by the Washington state family planning waiver program to individuals who: (1) Are age twenty and older; (2) who are at or below two hundred sixty percent of the federal poverty level; (3) who are not covered by public or private insurance; and (4) who need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, and ESHB 1109, section 211(47), chapter 415, Laws of 2019, operating budget.

Statute Being Implemented: RCW 41.05.021, 41.05.160, and ESHB 1109, section 211(47), chapter 415, Laws of 2019, operating budget.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-9563; Implementation and Enforcement: Melissa Rivera, P.O. Box 45534, Olympia, WA 98504-5534, 360-725-1713.

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

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

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. These rules pertain to client eligibility and do not impose any costs on businesses.

May 6, 2020
Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-18-024, filed 8/28/19, effective 10/1/19)

WAC 182-532-510 Family planning only programs—Eligibility. To be eligible for one of the family planning only programs listed in this section, a client must meet the qualifications for that program.

(1) **Family planning only - Pregnancy related program.**

(a) To be eligible for family planning only - Pregnancy related services, as defined in WAC 182-532-001, a client must be determined eligible for the Washington apple health for pregnant (~~clients~~) women program during the preg-

nancy, or determined eligible for a retroactive period covering the end of a pregnancy. See WAC 182-505-0115.

(b) A client is automatically eligible for the family planning only - Pregnancy related program when the client's pregnancy ends.

(c) A client may apply for the family planning only program in subsection (2) of this section up to sixty days before the expiration of the family planning only - Pregnancy related program.

(2) **Family planning only program.**

(a) To be eligible for family planning only services, as defined in WAC 182-532-001, a client must:

(i) ~~((Be a United States citizen, U.S. National, or "qualified alien" as described under WAC 182-503-0535;~~

~~((ii)))~~ Provide a valid Social Security number (SSN) or proof of application to receive an SSN, be exempt from the requirement to provide an SSN as provided in WAC 182-503-0515, or meet good cause criteria listed in WAC 182-503-0515(2);

~~((iii)))~~ (ii) Be a Washington state resident, as described under WAC 182-503-0520;

~~((iv)))~~ (iii) Have an income at or below two hundred sixty percent of the federal poverty level, as described under WAC 182-505-0100;

~~((v)))~~ (iv) Need family planning services; and

~~((vi)))~~ (v) Have been denied apple health coverage within the last thirty days, unless the applicant:

(A) Is age eighteen (~~and~~) or younger and seeking services in confidence;

(B) Is a domestic violence victim who is seeking services in confidence; or

(C) Has an income of one hundred fifty percent to two hundred sixty percent of the federal poverty level, as described in WAC 182-505-0100.

(b) A client is not eligible for family planning only medical if the client is:

(i) Pregnant;

(ii) Sterilized;

(iii) Covered under another apple health program that includes family planning services; or

(iv) Covered by concurrent creditable coverage, as defined in RCW 48.66.020, unless they meet criteria in (a)~~((vi)))~~ (v) of this subsection.

(c) A client may reapply for coverage under the family planning only program up to sixty days before the expiration of the twelve-month coverage period. The agency does not limit the number of times a client may reapply for coverage.

WSR 20-10-112
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 6, 2020, 11:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-03-064.

Title of Rule and Other Identifying Information: 2020 North of Falcon coastal commercial salmon seasons, the department is considering amendments to WAC 220-354-250 Willapa Bay salmon fall fishery, and 220-354-290 Grays Harbor salmon fall fishery.

Hearing Location(s): On June 9, 2020, at 9:00 a.m.

Webinar and/or conference call.

This meeting will take place by webinar and/or conference call. The public may participate in the meeting. Visit our website at <https://wdfw.wa.gov/fishing/management/north-falcon> for instructions on how to join the meeting.

Date of Intended Adoption: June 22, 2020.

Submit Written Comments to: Michele Culver, WDFW Rules Coordinator, P.O. Box 43200, Olympia, WA 98504-3200, email Rules.Coordinator@dfw.wa.gov, <https://wdfw.wa.gov/fishing/management/north-falcon/public-input>, by June 8, 2020.

Assistance for Persons with Disabilities: Contact Dolores Noyes, phone 360-902-2349, TTY 360-902-2207, email Delores.Noyes@dfw.wa.gov, by June 8, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules were developed through the annual North of Falcon salmon season setting process, which began in January 2020, and provide the season schedule for the 2020 fall commercial salmon gillnet fisheries in Willapa Bay and Grays Harbor.

These proposed rules regulate the commercial fisheries in Willapa Bay and Grays Harbor and are part of a comprehensive rule-making package to implement the new 2020-21 salmon seasons for Washington state, developed through the broader North of Falcon process pursuant to the fish and wildlife commission's North of Falcon Policy C-3608 for 2019-2023. As such, while these rules regulate only commercial fisheries, the seasons specified in these proposed rules are part of implementing Willapa Bay-wide commercial and recreational fisheries in a coordinated manner pursuant to the Willapa Bay Salmon Management Policy C-3622. As such, the proposed commercial fishery for 2020-21 is structured in a manner intended to consider and provide both commercial and recreational fishing opportunities in Willapa Bay and Grays Harbor while ensuring conservation requirements and management objectives in federal and state laws and regulations, state/tribal harvest management agreements, and fish and wildlife commission policies are met.

Even though drafted as amendments to preceding rules, these new amendments function as a coordinated and unitary fishery package for the 2020-21 fishery season, and thus substantively replace prior years' fisheries in Willapa Bay and Grays Harbor. Comments should be considered and provided with that understanding.

The intent of this rule-making package, once adopted, is to replace and supersede the language in WAC 220-354-250 for the Willapa Bay salmon fall fishery and WAC 220-354-290 for the Grays Harbor salmon fall fishery in their entirety. As such, while the Washington department of fish and wildlife (WDFW) is proposing specific revisions to these rules to describe the seasons and dates for these fisheries for 2020, all of the provisions encompassed within WAC 220-354-250 and 220-354-290 are available for public review and com-

ment, and WDFW will consider all public comments received on this rule making.

Reasons Supporting Proposal: The proposed rules were developed through the annual North of Falcon salmon season setting process, which is an extensive stakeholder engagement process to develop and analyze various season options for recreational, commercial, and tribal fisheries for the current year. It is named "North of Falcon" as it includes setting the salmon seasons for the area north of Cape Falcon, Oregon, which is located at 45 degrees N. latitude.

The North of Falcon process typically begins in January and consists of government-to-government meetings involving the National Marine Fisheries Service (NMFS), treaty tribes, and WDFW representatives. Separate meetings are held with stakeholders—both at a statewide and regional level—to review preseason run size forecasts, NMFS guidance relative to allowable impacts for species listed under the Endangered Species Act (ESA), which includes salmon, but other protected species as well, such as Southern Resident Killer Whales.

Ocean fishery seasons are developed through the Pacific Fishery Management Council process, which is concurrent with and part of the broader North of Falcon process, with meetings in early March and early April. Ocean fishery options are also analyzed and considered in light of potential ESA-listed species impacts and state/tribal harvest agreements and are also reviewed for consistency with the Pacific Salmon Treaty.

Stakeholder meetings specific to the Willapa Bay and Grays Harbor fisheries were held in February, March, and April. The comprehensive North of Falcon meeting schedule and the meeting agendas, handouts, and audio recordings of the public meetings are available on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon/public-meetings>.

However, due to the COVID-19 situation and the Governor's Proclamation to "Stay Home, Stay Healthy," the stakeholder meetings in late March and early April were held via webinar. While WDFW recognizes that not having in-person meetings is not ideal, the governor's order specifically prohibits large gatherings and includes social distancing requirements, which are necessary to help slow the spread of the COVID-19 coronavirus.

Even though the governor has amended the "Stay Home, Stay Healthy" Proclamation, the prohibition on gatherings with anyone outside of an individual's household members and the social distancing requirements remain in effect. As such, WDFW anticipates that those requirements are likely to remain in place through the time of scheduled public hearing on this rule making; therefore, we have indicated that the hearing will occur via webinar.

Instructions regarding how the public may participate in the public hearing webinar will be posted on the agency's website at <https://wdfw.wa.gov/fishing/management/north-falcon> as soon as they become available.

Members of the public who would like to submit written comments online may do so at <https://wdfw.wa.gov/fishing/management/north-falcon/public-input>.

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

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Barbara McClellan, Kim Figlar-Barnes, 48 Devonshire Road, Montesano, WA 98563, 360-249-1213, 360-249-4628; Implementation: Kyle Adicks, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2664; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

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

A cost-benefit analysis is not required under RCW 34.05.328.

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

Is exempt under RCW 19.85.025(4). This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses.

Explanation of exemptions: The department is exempt from the requirements of chapter 19.85 RCW because, while

WDFW considers commercial fishers to be a "small business," the commercial fishing rules proposed for 2020-21 do not affect these small businesses by imposing new direct costs of regulatory compliance. These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited-participation salmon fisheries, and legal gear requirements for those fisheries. There are no new anticipated professional services required to comply. Based on the department's analysis, the proposed rules do not require any new or additional equipment, supplies, labor, or administrative costs.

Specific to WAC 220-354-250 for the Willapa Bay salmon fall fishery, in the past, WDFW has produced a small business economic impact statement (SBEIS) to address new gear restrictions in the fishery that likely resulted in small businesses incurring new direct regulatory compliance costs (e.g., purchase of new tangle nets not previously required). However, we believe that an SBEIS is not necessary for this rule making as the gear restrictions in the proposed rule have not changed since they went into effect in 2016 and this proposed rule does not impose any new costs on small businesses.

May 6, 2020

Michele K. Culver

Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-15-053, filed 7/12/19, effective 8/12/19)

WAC 220-354-250 Willapa Bay salmon fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for coho salmon, chum salmon, and Chinook salmon:

Area	Time	Date(s)	Maximum Mesh Size
((2N)) <u>2U</u>	6:00 a.m. through 6:00 p.m.	((9/3)) <u>9/8</u>	4.25"
((2M)) <u>2N</u>	6:00 a.m. through 6:00 p.m.	((9/4)) <u>9/9</u>	4.25"
((2N)) <u>2T</u>	6:00 a.m. through 6:00 p.m.	((9/6)) <u>9/11</u>	4.25"
<u>2N, 2M, 2T, 2U</u>	6:00 a.m. through 6:00 p.m.	((9/9, 9/11, 9/13)) <u>9/14, 9/17</u>	((4.25")) <u>6.5"</u>
<u>2N, 2M, 2T, 2U</u>	6:00 a.m. through 6:00 p.m.	((9/16, 9/17, 9/18, 9/19, 9/20)) <u>9/21, 9/24</u>	6.5"
((2N, 2M, 2T	6:00 a.m. through 6:00 p.m.	9/22, 9/23, 9/24, 9/25, 9/26, 9/27	6.5"
2U	6:00 a.m. through 6:00 p.m.	9/23, 9/24, 9/25, 9/26, 9/27	6.5"))
<u>2N, 2M, 2T, 2U</u>	7:00 a.m. through 7:00 p.m.	((9/30, 10/1, 10/2, 10/3, 10/4)) <u>9/28, 10/1</u>	6.5"
<u>2N, 2M, 2T, 2U</u>	7:00 a.m. through 7:00 p.m.	((10/7, 10/8, 10/9, 10/10)) <u>10/5, 10/8</u>	6.5"
<u>2N, 2M, 2U</u>	7:00 a.m. through 7:00 p.m.	((10/7, 10/8, 10/9, 10/10, 10/11)) <u>10/12</u>	6.5"
((2M, 2N, 2T, 2U)) <u>2N, 2M</u>	((12:01)) <u>7:00 a.m. through</u> ((11:59)) <u>7:00 p.m.</u>	((11/4 through 11/6)) <u>10/15</u>	6.5"
((2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	11/11 through 11/15	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	11/18 through 11/22	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	11/25 through 11/29	6.5"))

Gear:

(2) Gillnet gear restrictions - All areas:

(a) Drift gillnet gear only. It is unlawful to use set net gear.

(b) It is permissible to have on-board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

(c) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line.

(d) It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Willapa Bay, provided the net is properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

(e) From 12:01 a.m. September ~~((3)) 8~~ through 11:59 p.m. (~~(November 29, 2019))~~ October 15, 2020: Mesh size must not exceed six and one-half inches stretched, except mesh size must not exceed four and one-quarter inches stretched in Area ~~((2N)) 2U~~ on September ~~((3, 6, 9, 11, and 13, and in Area 2M)) 8, Area 2N on September 9, and Area 2T~~ on September ~~((4)) 11, 2020~~.

Other:

(3) Recovery boxes and soak time limits described in this section are required from 12:01 a.m. September ~~((3)) 8~~ through 11:59 p.m. (~~(November 29, 2019))~~ October 15, 2020:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2M, 2N, ~~((2R,))~~ 2T, and 2U.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(b) From 12:01 a.m. September ~~((3)) 8~~ through 11:59 p.m. (~~(November 29, 2019))~~ October 15, 2020, all steelhead and all wild (unmarked) Chinook must be placed in an oper-

ating recovery box, which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection. (~~(From 12:01 a.m. November 4 through 11:59 p.m. November 29, 2019, all chum must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection.)~~)

(c) All fish placed in recovery boxes must remain until they are not lethargic and/or not bleeding and must be released to the river/bay prior to landing or docking.

(d) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "limited fish seller endorsement." According to WAC 220-352-320, reports must be submitted by 10:00 a.m. on the day after the purchase date unless otherwise specified in a voluntary electronic fish receiving ticket reporting agreement (see WAC 220-352-035(3)).

(5) Retention prohibitions:

(a) All green and white sturgeon and all steelhead, except as provided in subsection (3) of this section, must be handled with care to minimize injury to the fish and must be released immediately to the river/bay.

(b) Retention of any species other than coho, Chinook, or chum salmon is prohibited.

(c) From 12:01 a.m. September ~~((3)) 8~~ through 11:59 p.m. October ~~((11, 2019))~~ 15, 2020, retention of any species other than coho salmon, hatchery Chinook salmon marked by a healed scar at the site of the adipose fin, or chum salmon is prohibited.

~~((d) From 12:01 a.m. November 4 through 11:59 p.m. November 29, 2019, retention of any species other than coho salmon or hatchery Chinook salmon marked by a healed scar at the site of the adipose fin is prohibited.)~~

(6) Report all encounters of green sturgeon, white sturgeon, and steelhead, (your name, date of encounter, and number of species encountered) to the quick reporting office via phone at #866-791-1280, fax at #360-249-1229, or email at harborfishtickets@dfw.wa.gov. Fishers may have wholesale dealers use the "buyer only" portion of the fish ticket and have encounters included with each day's quick reporting.

(7) Do not remove tags from white sturgeon. Please obtain available information from tags without removing tags. Submit tag information to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563.

(8) Those waters of Area 2T, north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green), then northeasterly to the power transmission pole located at 46°43.1907'N, 123°50.83134'W are closed from 12:01 a.m. September ~~((3, 2019))~~ 8, 2020, through 11:59 p.m., September 30, ~~((2019))~~ 2020.

(9) It is unlawful to fish with gillnet gear in Areas 2M, 2N, ~~((2R,))~~ 2T, and 2U unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in their possession while fishing a department-issued certification card.

(10) Fishers must take department observers, if requested by department staff, when participating in these openings. Fishers also must provide notice of intent to participate by contacting quick reporting by phone, fax or email, listed in subsection (6) of this section. Notice of intent must be given prior to 5:00 p.m. on August ~~((23, 2019))~~ 31, 2020.

AMENDATORY SECTION (Amending WSR 19-15-054, filed 7/12/19, effective 8/12/19)

WAC 220-354-290 Grays Harbor salmon fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for Chinook, coho, and chum salmon, and shad as provided in this section and in the times and area identified in the chart below.

Time:	Areas:
7:00 a.m. through 7:00 p.m. October 21;	Area 2A and Area 2D
7:00 a.m. through 7:00 p.m. October ((22)) <u>26</u> ;	
7:00 a.m. through 7:00 p.m. October ((23)) <u>27</u> ;	
((7:00 a.m. through 7:00 p.m. October 24;	
7:00 a.m. through 7:00 p.m. October 28;	
7:00 a.m. through 7:00 p.m. October 29;	
7:00 a.m. through 7:00 p.m. October 30;))	
AND	
7:00 a.m. through 7:00 p.m. October ((31;)) <u>28</u> .	
((AND	
12:01 p.m. through 11:59 p.m. October 16;	Area 2C
AND	
12:01 p.m. through 11:59 p.m. October 30;))	

Gear:

(2) Gillnet gear restrictions - All areas:

(a) It is permissible to have on board a commercial vessel more than one net, provided that the length of any one net does not exceed one thousand five hundred feet in length. Nets not specifically authorized for use in this fishery may be aboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (can-

vas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches in diameter or greater.

(b) Areas 2A and 2D from October 1 through November 30: Gillnet gear only.

(i) Drift gillnet gear only. It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed six and one-half inch maximum.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

(c) Area 2C from October 1 through November 30: Gillnet gear only.

(i) Drift gillnet gear only. It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed nine inches.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

Other:

(3) Recovery boxes and soak times:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Areas 2A, 2C, and 2D.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked and any time a fish is being held in accordance with (b) and (c) of this subsection. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife

enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river or fresh bay water into each chamber.

(b) When fishing in Grays Harbor Areas 2A and 2D, all steelhead and wild (unmarked) Chinook must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(c) When fishing in Grays Harbor Area 2C, all steelhead must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(d) All fish placed in recovery boxes must remain until they are not lethargic and not bleeding and must be released to the river or bay prior to landing or docking.

(e) For Areas 2A and 2D, soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Retention of any species other than coho, chum, hatchery Chinook marked by a healed scar at the site of the adipose fin, or shad is prohibited in Areas 2A and 2D from October 1 through November 30.

(5) Retention of any species other than Chinook, chum, coho or shad, is prohibited in Area 2C from October 1 through November 30.

(6) Quick reporting is required for original receivers. According to WAC 220-352-320, reports must be made by 10:00 a.m. the day following landing, unless otherwise specified in an electronic fish receiving ticket reporting agreement (see WAC 220-352-035(3)).

(7) Report all encounters of green sturgeon to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or email at harborfishtickets@dfw.wa.gov. Fishers may have wholesale fish buyers use the "buyer only" portion of the fish ticket and include encounters with each day's quick reporting.

(8) Do NOT remove tags from white or green sturgeon. Please obtain available information from tags without removing tags. Submit tag information to:

Washington Department of Fish and Wildlife
48 Devonshire Rd.
Montesano, WA 98563.

(9)(a) Fishers must take department observers, if requested, by department staff when participating in these openings.

(b) Fishers also must provide notice of intent to participate by contacting Quick Reporting by phone, fax or email. Notice of intent must be given prior to 12:00 p.m. on October ((4)) 9, for openings in Areas 2A, 2C, or 2D.

(10) It is unlawful to fish for salmon with tangle net or gillnet gear in Areas 2A and 2D unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in his or her possession a department-issued certification card.

WSR 20-10-114
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 6, 2020, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-03-062.

Title of Rule and Other Identifying Information: 2020 North of Falcon Puget Sound commercial salmon seasons, the department is considering amendments to: WAC 220-354-080 Puget Sound salmon—Closed areas, 220-354-120 Puget Sound salmon—Purse seine—Open periods, 220-354-160 Puget Sound salmon—Gillnet—Open periods, 220-354-180 Puget Sound salmon—Reef net—Open periods, and 220-354-210 Puget Sound salmon—Beach seine—Open periods.

Hearing Location(s): On June 9, 2020, at 9:00 a.m.
Webinar and/or conference call.

This meeting will take place by webinar and/or conference call. The public may participate in the meeting. Visit our website at <https://wdfw.wa.gov/fishing/management/north-falcon> for instructions on how to join the meeting.

Date of Intended Adoption: June 22, 2020.

Submit Written Comments to: Michele Culver, WDFW Rules Coordinator, P.O. Box 43200, Olympia, WA 98504-3200, email Rules.Coordinator@dfw.wa.gov, <https://wdfw.wa.gov/fishing/management/north-falcon/public-input>, by June 8, 2020.

Assistance for Persons with Disabilities: Contact Delores Noyes, phone 360-902-2349, TTY 360-902-2207, email Delores.Noyes@dfw.wa.gov, by June 8, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules were developed through the annual North of Falcon salmon season setting process, which began in January 2020, and provide the season schedule for the 2020 commercial fisheries in Puget Sound.

These proposed rules regulate the commercial fisheries in Puget Sound and are part of a comprehensive rule-making package to implement the new 2020-21 salmon seasons for Washington state developed through the broader North of Falcon process pursuant to the fish and wildlife commission's North of Falcon Policy C-3608 for 2019-2023. As such, the seasons specified in these proposed rules are structured in a coordinated manner intended to provide commercial and recreational fishing opportunities in Puget Sound while ensuring conservation requirements and management objectives in federal and state laws and regulations, state/tribal harvest management agreements, and fish and wildlife commission policies are met. Even though drafted as amendments to preceding rules, these new amendments function as a coordinated and unitary fishery package for the 2020-21 fishery season, and thus substantively replace prior years' fisheries in Puget Sound. Comments should be considered and provided with that understanding.

The intent of this rule-making package, once adopted, is to replace and supersede the language in these WAC in their entirety: WAC 220-354-080 Puget Sound salmon—Closed areas, 220-354-120 Puget Sound salmon—Purse seine—

Open periods, 220-354-160 Puget Sound salmon—Gillnet—Open periods, 220-354-180 Puget Sound salmon—Reef net—Open periods, and 220-354-210 Puget Sound salmon—Beach seine—Open periods.

As such, while the department of fish and wildlife (WDFW) is proposing specific revisions to these rules to describe the seasons and dates for these fisheries for 2020, all of the provisions encompassed within the WAC listed above are available for public review and comment, and WDFW will consider all public comments received on this rule making.

Additionally, WDFW would like to note that there are two erroneous dates and one incorrect time specified in proposed WAC 220-354-160 related to the gillnet fisheries. We have provided the correct information below and intend to formally correct these dates and times in the final rules without further notice. Comments on these proposed dates and times, along with other aspects of the proposed rules, is invited at this time:

For Area 6D, it is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to **October 12** (not October 14).

In Areas 7 and 7A after October 9 and prior to **October 18** (not October 20), coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than forty-five minutes.

In Areas 10 and 11, for the fishery on November 4 only, the gillnet fishery would open at 5:00 p.m. and close at 7:00 a.m. (not 9:00 a.m.) the following day.

Reasons Supporting Proposal: The proposed rules were developed through the annual North of Falcon salmon season setting process, which is an extensive stakeholder engagement process to develop and analyze various season options for recreational, commercial, and tribal fisheries for the current year. It is named "North of Falcon" as it includes setting the salmon seasons for the area north of Cape Falcon, Oregon, which is located at 45 degrees N. latitude.

The North of Falcon process typically begins in January and consists of government-to-government meetings involving the National Marine Fisheries Service (NMFS), treaty tribes, and WDFW representatives. Separate meetings are held with stakeholders—both at a statewide and regional level—to review preseason run size forecasts, NMFS guidance relative to allowable impacts for species listed under the Endangered Species Act (ESA), which includes salmon, but other protected species as well, such as Southern Resident Killer Whales.

Ocean fishery seasons are developed through the Pacific Fishery Management Council process, which is concurrent with and part of the broader North of Falcon process, with meetings in early March and early April. Ocean fishery options are also analyzed and considered in light of potential ESA-listed species impacts and state/tribal harvest agreements and are also reviewed for consistency with the Pacific Salmon Treaty.

Stakeholder meetings specific to the Puget Sound fisheries were held in February and March. The comprehensive North of Falcon meeting schedule and the meeting agendas, handouts, and audio recordings of the public meetings are

available on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon/public-meetings>.

However, due to the COVID-19 situation and the Governor's Proclamation to "Stay Home, Stay Healthy," the stakeholder meetings held beginning in late March were done via webinar. While WDFW recognizes that not having in-person meetings is not ideal, the governor's order specifically prohibits large gatherings and includes social distancing requirements, which are necessary to help slow the spread of the COVID-19 coronavirus.

Even though the governor has amended the "Stay Home, Stay Healthy" Proclamation, the prohibition on gatherings with anyone outside of an individual's household members and the social distancing requirements remain in effect. As such, WDFW anticipates that those requirements are likely to remain in place through the time of scheduled public hearing on this rule making; therefore, we have indicated that the hearing will occur via webinar.

Instructions regarding how the public may participate in the public hearing webinar will be posted on the agency's website at <https://wdfw.wa.gov/fishing/management/north-falcon> as soon as they become available.

Members of the public who would like to submit written comments online may do so at <https://wdfw.wa.gov/fishing/management/north-falcon/public-input>.

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

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: David Low, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2717; Implementation: Kyle Adicks, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2664; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

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

A cost-benefit analysis is not required under RCW 34.05.328.

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

Is exempt under RCW 19.85.025(4). This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses.

Explanation of exemptions: The department is exempt from the requirements of chapter 19.85 RCW because, while WDFW considers commercial fishers to be a "small business," the commercial fishing rules proposed for 2020-21 do not affect these small businesses by imposing new direct costs of regulatory compliance. These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited-participation salmon fisheries, and legal gear requirements for those fisheries. There are no new anticipated professional services required to comply. Based on the depart-

ment's analysis, the proposed rules do not require any new or additional equipment, supplies, labor, or administrative costs.

May 6, 2020
Michele K. Culver
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-15-051, filed 7/12/19, effective 8/12/19)

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

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-354-330.

Area 6D - Waters within 1/4 nautical mile of the Dungeness River mouth (48°9'16"N, 123°7'48"W, east to waters within 500 feet of Meadowbrook Creek mouth (48°9'7"N, 123°7'19"W).

Area 7 -

(1) The San Juan Island Preserve as defined in WAC 220-354-320.

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

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

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

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

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

rows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwestern-most point of Fidalgo Head (48°29'31.2"N, 122°42'10.6"W) northerly to Shannon Point (48°30'32.8"N, 122°41'2.5"W).

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

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

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

Area 7B -

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

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

(3) *Section reserved* Additional coho seasonal closure: Hale Pass - Not in place for 2020.

(4) Additional chum seasonal closure: That portion of Bellingham Bay referred to as the Whatcom Creek Zone is closed east of a line projected 186 degrees true from the Bellingham Breakwater north entrance light 4 (Light List No. 19280 FI(1)R6s17m5M, 48°45'26.3"N, 122°30'41.5"W) at the west entrance to Squalicum Harbor, to landfall at Post Point (48°42'47.4"N, 122°31'0.5"W).

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek (48°36'51.6"N, 122°26'27.8"W) 237 degrees true to the fishing boundary marker on Samish Island (48°34'33.1"N, 122°31'49.3"W).

Area 8 -

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

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

Area 8A -

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

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

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

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

Area 9A -

(1) Those waters north of a line projected from the southern edge of the old mill site (47°51'05.5"N, 122°34'59"W) to the fallen tree on the opposite shore (47°51'6.6"N, 122°34'15.9"W).

(2) Those waters within 1000 feet of all freshwater streams.

Area 10 -

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

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

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

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

(5) Additional chum seasonal closure: Those waters of Elliott Bay east of a line from Alki Point (Light List No. 16915 FI5s39ft16M, 47°34'34.5"N, 122°25'14"W) to the Fourmile Rock Light 1 (Light List No. 16810 FIG6s15ft

6M"1," 47°38'20.4"N, 122°24'48.7"W), and those waters northerly of a line projected from Point Wells to traffic separation lane Lighted Buoy SF (Light List No. 16745 FIY2.5s5MY"SF," 47°45'53"N, 122°26'15.7"W), then west to President's Point (47°45'57.2"N, 122°28'20.1"W).

(6) Those waters of Rich Passage, easterly of a line projected from Orchard Point (47°33'55"N, 122°31'56"W) to Beans Point (47°34'29"N, 122°31'20"W) on Bainbridge Island, and westerly of a line projected from Restoration Point (47°35'1"N, 122°28'46"W) to landfall at Colchester (47°32'41"N, 122°32'22.6"W) true west from the northwest point of Blake Island.

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

Area 11 -

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

(2) Additional chum seasonal closure: Those waters south of a line projected from the Gig Harbor Light (Light List No. 17221 FIR4s13ft3MPriv., 47°19'35.7"N, 122°34'29.2"W) to the Washington state ferry Tahlequah terminal (47°19'58.3"N, 122°30'25.5"W), south of a line projected from Neill Point (47°19'53"N, 122°29'33"W) to Piner Point (47°20'37"N, 122°27'17"W), west of a line projected from Piner Point (47°20'37"N, 122°27'17"W) to Dash Point (47°19'10"N, 122°25'47"W), and north of Area 11/11A line.

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

Area 12 - Those waters inside and easterly of a line projected from Lone Rock (47°39'46"N, 122°46'11"W) to Hood Canal Light 13 (Light List No. 17855 FIG2.5s20ft4M"13," 47°39'45.5"N, 122°47'14.4"W) off Big Beef Creek, thence southerly to the outermost northern headland of Little Beef Creek (47°39'24.4"N, 122°47'23.4"W).

Area 12 - Additional chum seasonal closures: Those waters of Area 12 south and west of a line projected 94 degrees true from south Hazel Point (47°41'29.1"N, 122°46'22.6"W) to the Hood Canal Light 11 on the opposite shore (Light List No. 17845 FLG4s15ft5M"11," 47°41'24.6"N, 122°44'50.4"W), bounded on the west by the Area 12/12B boundary line are closed (~~to purse seines. Alternatively, WDFW managed gillnet vessels will be authorized to fish this area October 21, October 24, October 28, and October 31.~~)).

Area 12A -

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

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

Area 12B -

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

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

Area 12C -

(1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park (47°25'14.1"W, 23°7'50.7"N) and the Port of Hoodspport marina dock (47° 24'12.6"N, 123°8'29.5"W).

(2) Those waters south of a line projected 107 degrees true from the Cushman Powerhouse (47°22'11.2"N, 123°09' 35.9"W) to the Union boat launch (47°21'27.5"N, 123°6'1. 9"W).

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

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

AMENDATORY SECTION (Amending WSR 19-15-051, filed 7/12/19, effective 8/12/19)

WAC 220-354-120 Puget Sound salmon—Purse seine—Open periods. (1) It is unlawful to take, fish for, or possess salmon taken with purse seine gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

Table with 3 columns: AREA, TIME, DATE. Rows include Area 7A (7AM-6PM), Area 7B (6AM-8PM, 7AM-7PM), Area 7C (7AM-5PM), Area 8 (Closed), Area 8A (Closed), Area 8D (7AM-7PM, 7AM-6PM, 7AM-5PM), Area 10, 11 (7AM-6PM, 7AM-5PM), Area 12, 12B (7AM-6PM, 7AM-5PM), Area 12C (7AM-5PM).

Note: In Areas 7 and 7A, it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

Table with 3 columns: AREA, TIME, DATE. Rows include Area 7A (7AM-6PM), Area 7B (6AM-8PM, 7AM-7PM), Area 7C (7AM-5PM), Area 8 (Closed), Area 8A (Closed), Area 8D (7AM-7PM, 7AM-6PM, 7AM-5PM), Area 10, 11 (7AM-6PM, 7AM-5PM), Area 12, 12B (7AM-6PM, 7AM-5PM), Area 12C (7AM-5PM).

Note: The Whatcom Creek Zone: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squilicum Harbor is ((open to purse seines 12:01 a.m. on the last Monday in October to 4:00 p.m. on the first Friday in December)) CLOSED.

Table with 3 columns: AREA, TIME, DATE. Rows include Area 8 (Closed), Area 8A (Closed), Area 8D (7AM-7PM, 7AM-6PM, 7AM-5PM), Area 10, 11 (7AM-6PM, 7AM-5PM), Area 12, 12B (7AM-6PM, 7AM-5PM), Area 12C (7AM-5PM).

Note: In Area 10 during any open period occurring in August or September, it is unlawful to fail to brail or use a brailing bunt when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

(2) It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

- (a) Chinook salmon - At all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October 20 in Area 7B.
(b) Coho salmon - At all times in Areas 7, 7A, 10, ((and)) 11, 12, 12B, and 12C, and prior to September 1 in Area 7B.
(c) Chum salmon - Prior to October 1 in Areas 7 and 7A, and at all times in 8A.
(d) All other saltwater and freshwater areas - Closed.

AMENDATORY SECTION (Amending WSR 19-15-051, filed 7/12/19, effective 8/12/19)

WAC 220-354-160 Puget Sound salmon—Gillnet—Open periods. It is unlawful to take, fish for, or possess salmon taken with gillnet gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for in each respective fishing area:

AREA	TIME	DATE(S)	MINIMUM MESH
6D: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM - 7PM	9/21, 9/22, 9/23, 9/24, 9/25, ((9/26, 9/27)) <u>9/28, 9/29, 9/30, 10/1, 10/2, ((10/3, 10/4))</u> <u>10/5, 10/6, 10/7, 10/8, 10/9, ((10/10, 10/11))</u> <u>10/12, 10/13, 10/14, 10/15, 10/16, ((10/17, 10/18))</u> <u>10/19, 10/20, 10/21, 10/22, 10/23, ((10/24, 10/25))</u> <u>10/26, 10/27, 10/28, 10/29, 10/30</u> ((10/31, 11/1))	5"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet fishery. It is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 14. In Area 6D, any Chinook or chum salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM - Midnight; use of recovery box required	<u>10/10, 10/11, 10/12, 10/14, 10/15, 10/18, 10/19</u>	6 1/4"
	7AM - Midnight	<u>10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7</u> ((11/8, 11/9))	6 1/4"

Note: In Areas 7 and 7A after October 9 and prior to October 20, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-354-140 (5)(a) through (f) when coho and Chinook release is required.

7B, 7C:	7PM - 8AM	NIGHTLY ((8/11, 8/12, 8/13)) <u>8/16, 8/17, 8/18, 8/19, ((8/20, 8/21))</u> <u>8/23, 8/24, 8/25, 8/26</u> ((8/27, 8/28))	7"
	7AM ((9/4)) <u>8/30</u>	7AM ((9/5)) <u>9/4</u>	5"
	7AM ((9/8)) <u>9/6</u>	7AM ((9/12)) <u>9/11</u>	5"
7B:	7AM ((9/15)) <u>9/13</u>	7AM ((9/19)) <u>9/18</u>	5"
	7AM ((9/22)) <u>9/20</u>	Midnight ((11/3)) <u>10/31</u>	5"
	<u>7AM 10/27</u>	<u>4PM 10/28</u>	<u>6 1/4"</u>
	7AM ((11/4)) <u>11/3</u>	4PM ((11/8)) <u>11/4</u>	6 1/4"
	6AM ((11/11)) <u>11/10</u>	4PM ((11/15)) <u>11/11</u>	6 1/4"
	6AM ((11/18)) <u>11/17</u>	4PM ((11/22)) <u>11/18</u>	6 1/4"
	7AM ((11/25)) <u>11/24</u>	4PM ((11/29)) <u>11/25</u>	6 1/4"
	7AM ((12/2)) <u>12/1</u>	4PM ((12/6)) <u>12/2</u>	6 1/4"

Note: In Area 7C the minimum mesh size is 7" through 9/12.

AREA	TIME	DATE(S)	MINIMUM MESH
<p>Note: <u>The Whatcom Creek Zone</u>: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is ((open to gillnets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and until 4:00 PM on the first Friday in December)) <u>CLOSED</u>.</p>			
8:	5AM - 11PM	Closed	5"
<p>Note: In Area 8 it is unlawful to take or fish for pink salmon with drift gillnets greater than 60-mesh maximum depth. Fishers must also use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.</p>			
8A:	6PM - 8AM	Closed	5"
	6PM - 8AM	Closed	5"
<p>Note: In Area 8A fishers must use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.</p>			
8D:	6PM - 8AM	((Nightly 9/22, 9/26, 9/29, 10/3, 10/6, 10/10)) <u>Closed</u>	5"
	6PM - 8AM	((9/23)) <u>Closed</u>	5"
	6PM - 8AM	((9/30)) <u>Closed</u>	5"
	6PM - 8AM	((10/9)) <u>Closed</u>	5"
	5PM - 9AM	((10/13, 10/17, 10/20, 10/24, 10/27, 10/31)) <u>Closed</u>	5"
	5PM - 9AM	((10/14)) <u>Closed</u>	5"
	5PM - 9AM	((10/23)) <u>Closed</u>	5"
	5PM - 9AM	((10/30)) <u>Closed</u>	5"
	4PM - 8AM	((11/3, 11/7)) <u>Closed</u>	5"
	4PM - 8AM	((11/6)) <u>Closed</u>	5"
	6AM - 6PM	((11/13, 11/14, 11/15, 11/20, 11/21, 11/22)) <u>Closed</u>	6 1/4"
	7AM - 6PM	((11/27, 11/28, 11/29)) <u>Closed</u>	6 1/4"
9A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM - 7PM	((11/2)) <u>10/31</u> <u>8/16</u>	5"
<p>Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1, and it is unlawful to retain Chinook salmon at any time. Any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.</p>			
10, 11:	5PM - 9AM	NIGHTLY ((10/17, 10/20, 10/24, 10/29, 10/31, 11/3)) <u>10/13, 10/18, 10/22, 10/27, 10/29, 11/1, 11/4</u>	6 1/4"
	((4PM) - 7AM	11/6	6 1/4"
12A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM - 7PM	Dates determined per agreement with tribal co-managers in-season if Summer Chum Salmon Conservation Initiative goals are met allowing for openings of gillnet gear.	5"
<p>Note: In Area 12A, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet fishery. It is unlawful to retain Chinook or chum salmon taken in Area 12A at any time, and any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.</p>			
12, 12B:	7AM - 8PM	((10/17, 10/21, 10/24)) <u>10/13, 10/19, 10/22, 10/27, 10/29</u>	6 1/4"
	7AM - 7PM	((10/28, 10/31)) <u>11/2, 11/4</u>	6 1/4"

AREA	TIME	DATE(S)	MINIMUM MESH
	6AM - 6PM	((11/4, 11/6, 11/12, 11/14, 11/18, 11/20)) 11/10, 11/12, 11/16, 11/18	6 1/4"
12C:	6AM - 6PM	((11/4, 11/6, 11/12, 11/14, 11/18, 11/20)) 11/10, 11/12, 11/16	6 1/4"
	((7AM - 6PM	11/27	6 1/4"))

All other saltwater and freshwater areas - Closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

AMENDATORY SECTION (Amending WSR 19-15-051, filed 7/12/19, effective 8/12/19)

WAC 220-354-180 Puget Sound salmon—Reef net open periods. (1) It is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for in each respective area:

AREA	TIME	DATE(S)
7	5AM - 9PM Daily	((9/22 - 11/9)) 9/20 - 11/7

(2) It is unlawful at all times to retain unmarked Chinook salmon taken with reef net gear, and it is unlawful ((~~prior to October 1~~)) to retain chum ((~~or unmarked coho~~)) salmon taken with reef net gear prior to October 1.

(3) It is unlawful to retain marked Chinook after September 30.

(a) It is unlawful to retain marked Chinook with reef net gear if the fisher does not have in his or her immediate possession a department-issued Puget Sound Reef Net Logbook with all retained Chinook accounted for in the logbook. Marked Chinook are those with a clipped adipose fin and a healed scar at the site of the clipped fin.

(b) Completed logs must be submitted and received within six working days to: Puget Sound Commercial Salmon Manager, Department of Fish & Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091.

(4) All other saltwater and freshwater areas - Closed.

AMENDATORY SECTION (Amending WSR 19-15-051, filed 7/12/19, effective 8/12/19)

WAC 220-354-210 Puget Sound salmon—Beach seine—Open periods. (1) It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas:

AREA	TIME	DATE(S)
12A:	7AM - 7PM	8/18, 8/19, 8/20, ((8/21, 8/22)) 8/24, 8/25, 8/26, 8/27, 8/28, ((8/29, 8/30)) 8/31, 9/1, 9/2, 9/3, 9/4, ((9/5, 9/6)) 9/7, 9/8, 9/9, 9/10, 9/11, ((9/12, 9/13)) 9/14, 9/15, 9/16, 9/17, 9/18, ((9/19, 9/20)) 9/21, 9/22, 9/23, 9/24, 9/25, ((9/26, 9/27)) 9/28, 9/29, 9/30, 10/1, 10/2((, 10/3, 10/4))
12C, Hoodspout Hatchery Zone:	7AM - 7PM	((7/30, 8/1, 8/6, 8/8, 8/13, 8/15, 8/20, 8/22, 8/27, 8/29, 9/3, 9/5)) 7/27, 7/29, 8/3, 8/5, 8/10, 8/12, 8/17, 8/19, 8/24, 8/26, 8/31, 9/2

November (dates determined per agreement with tribal co-managers in-season if harvestable surplus of salmon remain).

(2) It is unlawful to retain the following salmon species taken with beach seine gear within the following areas during the following periods:

- (a) Chinook salmon - At all times in Area 12A.
- (b) Chum salmon - In all areas prior to October 10.

**WSR 20-10-115
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed May 6, 2020, 11:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-03-127.

Title of Rule and Other Identifying Information: 2020 North of Falcon recreational fishing seasons, the department is considering amendments to: WAC 220-220-160 Two-pole endorsement, 220-312-020 Freshwater exceptions to statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, 220-312-050 Freshwater exceptions to statewide rules—Eastside, 220-312-060 Freshwater exceptions to statewide rules—Columbia River, 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits, and 220-313-070 Coastal salmon—Saltwater seasons and daily limits.

Hearing Location(s): On June 9, 2020, at 9:00 a.m.

Webinar and/or conference call.

This meeting will take place by webinar and/or conference call. The public may participate in the meeting. Visit our website at <https://wdfw.wa.gov/fishing/management/north-falcon> for instructions on how to join the meeting.

Date of Intended Adoption: June 22, 2020.

Submit Written Comments to: Michele Culver, WDFW Rules Coordinator, P.O. Box 43200 Olympia, WA 98504-3200, email Rules.Coordinator@dfw.wa.gov, <https://wdfw.wa.gov/fishing/management/north-falcon/public-input>, by June 8, 2020.

Assistance for Persons with Disabilities: Contact Delores Noyes, phone 360-902-2349, TTY 360-902-2207, email Delores.Noyes@dfw.wa.gov, by June 8, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules were developed through the annual North of Falcon salmon season setting process, which began in January 2020, and provide the season schedule for the 2020 recreational fisheries statewide.

These proposed rules regulate the recreational salmon fisheries statewide and are part of a comprehensive rule-making package to implement the new 2020-21 salmon seasons for Washington state developed through the broader North of Falcon process pursuant to the fish and wildlife commission's North of Falcon Policy C-3608 for 2019-2023. As such, the seasons specified in these proposed rules are structured in a coordinated manner intended to provide commercial and recreational fishing opportunities while ensuring conservation requirements and management objectives in federal and state laws and regulations, state/tribal harvest management agreements, and fish and wildlife commission policies are met. Even though drafted as amendments to preceding rules, these new amendments function as a coordinated and unitary fishery package for the 2020-21 fishery season, and thus substantively replace prior years' recreational salmon fisheries. Comments should be considered and provided with that understanding.

The intent of this rule-making package, once adopted, is to replace and supersede the language in these WAC in their entirety: WAC 220-220-160 Two-pole endorsement, 220-312-020 Freshwater exceptions to statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, 220-312-050 Freshwater exceptions to statewide rules—Eastside, 220-312-060 Freshwater exceptions to statewide rules—Columbia River, 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits, and 220-313-070 Coastal salmon—Saltwater seasons and daily limits.

As such, while the department of fish and wildlife (WDFW) is proposing specific revisions to these rules to describe the seasons and dates for these fisheries for 2020, all of the provisions encompassed within the WAC listed above are available for public review and comment, and WDFW will consider all public comments received on this rule making.

Reasons Supporting Proposal: The proposed rules were developed through the annual North of Falcon salmon season

setting process, which is an extensive stakeholder engagement process to develop and analyze various season options for recreational, commercial, and tribal fisheries for the current year. It is named "North of Falcon" as it includes setting the salmon seasons for the area north of Cape Falcon, Oregon, which is located at 45 degrees N. latitude.

The North of Falcon process typically begins in January and consists of government-to-government meetings involving the National Marine Fisheries Service (NMFS), treaty tribes, and WDFW representatives. Separate meetings are held with stakeholders—both at a statewide and regional level—to review preseason run size forecasts, NMFS guidance relative to allowable impacts for species listed under the Endangered Species Act (ESA), which includes salmon, but other protected species as well, such as Southern Resident Killer Whales.

Ocean fishery seasons are developed through the Pacific Fishery Management Council process, which is concurrent with and part of the broader North of Falcon process, with meetings in early March and early April. Ocean fishery options are also analyzed and considered in light of potential ESA-listed species impacts and state/tribal harvest agreements and are also reviewed for consistency with the Pacific Salmon Treaty.

Stakeholder meetings specific to the Puget Sound fisheries were held in February, March, and early April. The comprehensive North of Falcon meeting schedule and the meeting agendas, handouts, and audio recordings of the public meetings are available on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon/public-meetings>.

However, due to the COVID-19 situation and the Governor's Proclamation to "Stay Home, Stay Healthy," the stakeholder meetings in late March and early April were done via webinar. While WDFW recognizes that not having in-person meetings is not ideal, the governor's order specifically prohibits large gatherings and includes social distancing requirements, which are necessary to help slow the spread of the COVID-19 coronavirus.

Even though the governor has amended the "Stay Home, Stay Healthy" Proclamation, the prohibition on gatherings with anyone outside of an individual's household members and the social distancing requirements remain in effect. As such, WDFW anticipates that those requirements are likely to remain in place through the time of scheduled public hearing on this rule making; therefore, we have indicated that the hearing will occur via webinar.

Instructions regarding how the public may participate in the public hearing webinar will be posted on the agency's website at <https://wdfw.wa.gov/fishing/management/north-falcon> as soon as they become available.

Members of the public who would like to submit written comments online may do so at <https://wdfw.wa.gov/fishing/management/north-falcon/public-input>.

Statutory Authority for Adoption: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Henderson, 1111 Washington Street, Olympia, WA 98501, 360-902-2684; Implementation: Kyle Adicks, 1111 Washington Street, Olympia, WA 98501, 360-902-2664; and Enforcement: Chief Steve Bear, 1111 Washington Street, Olympia, WA 98501, 360-902-2373.

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

A cost-benefit analysis is not required under RCW 34.05.328.

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

Is exempt under RCW 19.85.025(4). This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses.

Explanation of exemptions: The department is exempt from the requirements of chapter 19.85 RCW because the proposed recreational fishing rules do not regulate small businesses; rather, the department's proposed fishing rules open fishing seasons, and provide fishing opportunity, that would otherwise be closed. In doing so, the proposed rules regulate individuals who undertake recreational fishing activities. The proposed statewide recreational rules simply govern the time, place and manner for individuals who want to enjoy the recreational fishing opportunities provided. While recreational fisheries contribute to statewide or local economies, and while those economic effects are part of the department's consideration in opening fisheries, the economic effect of different possible recreational fishery packages does not constitute the direct imposition of any regulatory compliance costs on small businesses that supply recreational fishers, or that benefit from the state's decision to open such fisheries.

May 6, 2020
Michele K. Culver
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-15-065, filed 7/16/18, effective 8/16/18)

WAC 220-220-160 Two-pole endorsement. Anglers who possess a valid two-pole endorsement may fish with two lines in all lakes and ponds open to fishing, with the following exceptions:

Water Body	County
Para-juvenile Lake	Adams
Headgate Pond	Asotin
Columbia Park Pond	Benton
Blackbird Island Pond	Chelan
Aldwell Lake	Clallam
Beaver Lake	Clallam
Carrie Blake Pond	Clallam
Dickey Lake	Clallam
Lake Pleasant	Clallam
Lincoln Pond	Clallam

Water Body	County	
Sutherland Lake	Clallam	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River.
Big Four Lake	Columbia	
Dayton Pond	Columbia	
Blue Lake	Cowlitz	
Castle Lake	Cowlitz	
Coldwater Lake	Cowlitz	
Lewis River Power Canal	Cowlitz	Includes old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse.
Merrill Lake	Cowlitz	
Silver Lake	Cowlitz	
Pit Lake	Douglas	
Ping Pond	Grant	
Mill Creek Pond	Grays Harbor	
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano.
Vance Creek Pond #1	Grays Harbor	
Gibbs Lake	Jefferson	
Horseshoe Lake	Jefferson	
Teal Lake	Jefferson	
Lake Sammamish	King	
Lake Union	King	
Lake Washington	King	Including that portion of Sammamish River from 68th Ave. NE bridge downstream.
Lake Washington Ship Canal	King	(Including Lake Union, Portage Bay, and Salmon Bay) Waters east of a north-south line 400' west of the Chittenden Locks to the Montlake Bridge.
Mill Pond	King	Auburn.
Old Fishing Hole Pond	King	Kent.
Portage Bay	King	
Salmon Bay	King	
Swans Mill Pond	King	
Koeneman Lake	Kitsap	Formerly Fern Lake.
Kachess Lake	Kittitas	
Keechelus Lake	Kittitas	
Kiwanis Pond	Kittitas	
Naneum Pond	Kittitas	
Cowlitz Falls Reservoir	Lewis	
Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam.
Packwood Lake	Lewis	
Scanewa Lake	Lewis	Cowlitz Falls Reservoir.
Walupt Lake	Lewis	
Willame Lake	Lewis	

Water Body	County	River	County	Section	
Cady Lake	Mason	Chehalis	Grays Harbor	From Highway 101 Bridge in Aberdeen to South Elma Bridge (Wakefield Road): August 1 through (November 30) <u>December 31</u> .	
Cushman Reservoir	Mason				
Prices Lake	Mason				
Stump Lake	Mason				
Silvernail Lake	Okanogan				
Cases Pond	Pacific				
South Bend Mill Pond	Pacific				
Bradley Lake	Pierce				
De Coursey Pond	Pierce				
Ohop Lake	Pierce				
Tanwax Lake	Pierce	Columbia		Camas Slough: August 1 through December 31. From Highway ((395-Bridge at Paseo)) <u>730 at Washinton/Oregon</u> to Old Hanford townsite ((wooden)) powerline ((towers)) crossing: Year-round, except for sturgeon.	
Wapato Lake	Pierce				
Granite Lakes	Skagit				Near Marblemount.
Northern State Hospital Pond	Skagit				
Vogler Lake	Skagit				
Drano Lake	Skamania				January 1 through April 30 and July 1 through September 30.
Swift Reservoir	Skamania				From dam to Eagle Cliff Bridge.
Fortson Mill Pond #2	Snohomish				
Jennings Park Pond	Snohomish				
Monte Cristo Lake	Snohomish				
North Gissburg Pond	Snohomish				
Spada Lake	Snohomish				
Bear Lake	Spokane				
North Silver Lake	Spokane				
Lucky Duck Pond	Stevens				
Long's Pond	Thurston				
Munn Lake	Thurston				
Jefferson Park Pond	Walla Walla				
Lions Park Pond	Walla Walla	College Place.			
Diablo Lake	Whatcom				
Gorge Lake	Whatcom				
Lake Whatcom	Whatcom				
Ross Lake	Whatcom				
Squalicum Lake	Whatcom				
Garfield Juvenile Pond	Whitman				
Clear Lake	Yakima				
Leech Lake	Yakima	White Pass area.			
Mud Lake	Yakima				
Myron Lake	Yakima				
Sarge Hubbard Park Pond	Yakima				
Yakima Sportsmen's Park Ponds	Yakima				
		Naselle	Pacific/Wahkiakum	From Highway 101 Bridge to the mouth of the South Fork: August 1 through January 31.	

Anglers who possess a valid two-pole endorsement may fish with two lines in the following river sections:

River	County	Section
Okanogan	Okanogan	From the mouth to Highway 97 Bridge immediately upstream of the mouth: July 1 through August 31.
Pend Oreille	Pend Oreille	
Palouse	Whitman	Mouth to base of Palouse Falls: June 16 through August 31.
Spokane	Spokane and Stevens	Lower Spokane River from mouth (SR 25 bridge) to 400' below Little Falls Dam.
Willapa	Pacific	From the city of South Bend boat launch to the 2nd bridge on Camp One Road: August 1 through January 31.
Wind	Skamania	Salmon and steelhead: Mouth (boundary line/markers) to the Highway 14 Bridge: March 16 through June 30.
Yakima	Yakima	From Highway 240 Bridge to 400' below Prosser Dam: March 1 through (August) October 31.

Anglers who possess a valid two-pole endorsement may fish for salmon with two lines in the following marine areas:

Description	Marine Area
Willapa	2-1. When permissible in WAC 220-313-070.
Port Susan and Port Gardner	Tulalip Terminal Area: May 1 through September 30.
Seattle/Bremerton Area	Sinclair Inlet: July 1 through September 30.
Hood Canal	12: South of Ayock only, excluding Hoodsport Hatchery zone: July 1 through September 30.
South Puget Sound	13.

AMENDATORY SECTION (Amending WSR 20-03-130, filed 1/17/20, effective 2/17/20)

WAC 220-312-020 Freshwater exceptions to state-wide rules—Coast. (1) **Aberdeen Lake (Grays Harbor County):** Open the fourth Saturday in April through October 31.

(2) **Bear Creek (Clallam County) (Bogachiel River tributary):**

- (a) It is unlawful to use anything other than one barbless hook.
- (b) It is unlawful to use bait.
- (c) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow trout.

(3) **Bear Creek (Clallam County) (Sol Duc River tributary):**

- (a) It is unlawful to use anything other than one barbless hook.

- (b) It is unlawful to use bait.
- (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(4) **Bear River (Pacific County):**

- (a) Open the Saturday before Memorial Day through March 31.
- (b) From August 16 through November 30: Night closure.

(c) From the mouth (Highway 101 Bridge) to Lime Quarry Road (approximately 2 river miles):

(i) ~~(From)~~ August 16 through November 30:

(ii) Barbless hooks required.

(iii) Anti-snagging rule.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((v) Salmon:~~

~~(A) Open September 1 through January 31.~~

~~(B) Daily limit 6 fish; only 2 adults may be retained.~~

~~(C) Release wild Chinook.)~~

(d) From the Lime Quarry Road upstream to the Longview Fiber Bridge:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(5) **Beaver Creek (Clallam County) (Sol Duc River tributary):**

(a) From the mouth upstream to Beaver Falls:

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(6) **Beaver Lake (Clallam County):** Selective gear rules.

(7) **Big River (Clallam County), outside of Olympic National Park:**

(a) Open the Saturday before Memorial Day through October 15, and January 1 through the last day of February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(8) **Big River tributaries (Clallam County), outside of Olympic National Park:** Open the Saturday before Memorial Day through October 15.

(9) **Black River (Grays Harbor/Thurston counties):** From the mouth to the bridge on 128th Ave. S.W.:

(a) Anti-snagging rule.

(b) Night closure.

(c) Barbless hooks required.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(e) Salmon: Open October 1 through December 31.

(i) Daily limit 6 ~~(-of which 2)~~; up to 1 may be an adult ~~(s)~~.

(ii) Release Chinook.

(10) **Bogachiel Hatchery Pond, South (Clallam County):** Open the fourth Saturday in April through October 31.

(11) **Bogachiel River (Clallam County):**

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

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) November 1 through last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) ~~((From))~~ Open July 1 through August 31:

(I) Daily limit 6; ~~((no more than))~~ up to 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) ~~((From))~~ Open September 1 through November 30:

(I) Daily limit 3; ~~((no more than))~~ up to 1 adult may be retained.

(II) Release wild adult coho.

(d) From Highway 101 Bridge to Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(12) **Calawah River (Clallam County):**

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

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to the Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) ~~((From))~~ November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open July 1 through August 31:

(I) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) Open September 1 through November 30:

(I) Daily limit 3; ~~((only))~~ up to 1 adult may be retained.

(II) Release wild adult coho.

(d) From the Highway 101 Bridge to the forks:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(13) **Calawah River, North Fork (Clallam County):**

(a) It is unlawful to use anything other than one barbless hook.

(b) It is unlawful to use bait.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(14) **Calawah River, South Fork (Clallam County):**

(a) From the mouth to the Olympic National Park boundary:

(b) Open the Saturday before Memorial Day through the last day in February.

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

(d) It is unlawful to use anything other than one barbless hook.

(e) It is unlawful to use bait.

(f) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(15) **Canyon River (Grays River County):** Closed waters.

(16) **Cases Pond (Pacific County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(17) **Cedar Creek (Jefferson County), outside Olympic National Park:**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(18) **Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:**

(a) From the mouth (Highway 101 Bridge in Aberdeen) to ~~((Highway 107 Bridge))~~ South Elma Bridge (Wakefield Road) including all channels, sloughs, and interconnected waterways:

(i) ~~((From))~~ August 1 through November 30: Single-point barbless hooks are required.

(ii) ~~((Anglers may fish with two poles, provided they possess a valid two-pole endorsement.~~

~~((iii))~~ Open the Saturday before Memorial Day through April 15:

~~((iv))~~ (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((v))~~ (iv) Salmon:

(A) ~~((From))~~ Open August 1 through September 15:

(I) Daily limit 6.

(II) Release adult salmon.

(B) ~~((From September 16 through December 31:~~

~~(I) Daily limit 6; only 2 adult may be retained.~~

~~(II) Release Chinook.~~

~~(b) From the Highway 107 Bridge upstream to the South Elma Bridge (Wakefield Road):~~

~~(i) From August 1 through November 30: Single-point barbless hooks are required.~~

~~(ii) Anglers may fish with two poles from the mouth to the South Elma Bridge (Wakefield Road), provided they possess a valid two-pole endorsement.~~

~~(iii) Open the Saturday before Memorial Day through April 15.~~

~~(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(v) Salmon:~~

~~(A) From August 1 through September 15:~~

~~(I) Daily limit 6.~~

~~(II) Release adult salmon.~~

~~(B) From September 16 through December 31:~~

~~(I) Daily limit 6; only 2 adults may be retained.~~

~~(II) Release Chinook.~~

~~(c) September 16 through September 30: Closed.~~

~~(C) Open October 1 through December 31.~~

~~(I) Daily limit 6; up to 1 may be an adult.~~

~~(II) Release Chinook.~~

~~(b) From South Elma Bridge (Wakefield Road) to the confluence with Black River:~~

~~(i) All species: Single-point barbless hooks are required August 1 through November 30.~~

~~(ii) Open the Saturday before Memorial Day through April 15.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iv) Salmon: ~~((From September 16 through December 31:~~~~

~~(A) Daily limit 6; only 2 adults may be retained.~~

~~(B) Release Chinook.~~

~~(c) Open October 1 through December 31.~~

~~(A) Daily limit 6; up to 1 may be an adult.~~

~~(B) Release Chinook.~~

~~(c) From the confluence of Black River to the ~~((Highway 6 Bridge near the town of Adna))~~ high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek (south of Pe Ell):~~

~~(i) All species August 16 through November 30: Single-point barbless hooks are required.~~

~~(ii) Open the Saturday before Memorial Day through April 15.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iv) Salmon: ~~((From October 1 through December 31:~~~~

~~(A) Daily limit 6; only 2 adults may be retained.~~

~~(B) Release Chinook.~~

~~(c) From Highway 6 Bridge near the town of Adna to the high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek (south of Pe Ell):~~

~~(i) All species August 16 through November 30: Single-point barbless hooks are required.~~

~~(ii) Open the Saturday before Memorial Day through April 15.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iv) Salmon:~~

~~(A) From October 1 through December 31:~~

~~(B) Daily limit 6; only 2 adults may be retained.~~

~~(C) Release Chinook.~~

~~(f) Open October 1 through December 31.~~

~~(A) Daily limit 6; up to 1 may be an adult.~~

~~(B) Release Chinook.~~

~~(d) From high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell, including all forks) upstream:~~

~~(i) Open the Saturday before Memorial Day through April 15.~~

~~(ii) Selective gear rules.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(19) **Chehalis River, South Fork (Lewis County):** From the mouth to County Highway Bridge near Boistfort School:~~

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

~~(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(20) **Chimacum Creek (Jefferson County):**~~

~~(a) From the mouth to Ness's Corner Road:~~

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

~~(ii) Selective gear rules.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(b) From Ness's Corner Road upstream:~~

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

~~(ii) Selective gear rules.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(21) **Clallam River (Clallam County):**~~

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

~~(i) Selective gear rules.~~

~~(ii) Release all fish.~~

~~(b) Open from November 1 through January 31:~~

~~(i) Game fish: Statewide minimum length/daily limit, except:~~

~~(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(22) **Clearwater River (Jefferson County):**~~

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

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to Snahapish River:

(i) Open the Saturday before Memorial Day through September 30 and December 1 through April 15.

(ii) Bait is allowed September 1 through February 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon:

~~(A) Open September 1 through ((November))~~ September 30 ~~(~~;~~)~~.

~~(B) Daily limit 3; ((only 1 adult))~~ up to 1 may be ~~((retained))~~ an adult.

~~(C) Release wild coho.~~

(d) From the Snahapish River upstream:

(i) Open the Saturday before Memorial Day through September 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(23) Cloquallum Creek (Grays Harbor County): From the mouth to the outlet at Stump Lake:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(24) Copalis River (Grays Harbor County):

(a) From the mouth to Carlisle Bridge:

(i) ~~((From))~~ Open the Saturday before Memorial Day through last day in February.

(ii) It is permissible to retain hatchery steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: ~~((From September))~~

~~(A) Open October 1 through December 31.~~

~~((A))~~ ~~(B) Daily limit 6; ((2 adult salmon may be retained))~~ up to 1 may be an adult.

~~((B))~~ ~~(C) Release Chinook.~~

(b) From Carlisle Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(25) Crim Creek (Lewis County) (Chehalis River tributary): Closed waters.

(26) Damon Lake (Grays Harbor County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(27) Deep Creek (Clallam County) (tributary to the straits):

(a) Open December 1 through January 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(28) Dickey Lake (Clallam County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(29) Dickey River (Clallam County):

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

(b) It is unlawful to use anything other than one barbless hook.

(c) From Olympic National Park boundary upstream to the confluence of the East and West forks:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: ~~((Open July 1 through November 30:))~~

~~(A) Open~~ July 1 through August 31:

~~(I) Daily limit 6; ((only 2 adults))~~ up to 2 may be ~~((retained))~~ adults.

~~(II) Release wild adult Chinook and wild adult coho.~~

~~(B) Open~~ September 1 through November 30:

~~(I) Daily limit 3; ((only 1 adult))~~ up to 1 may be ~~((retained))~~ an adult.

~~(II) Release wild adult coho.~~

(d) From the confluence of the East and West forks upstream (for both forks):

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(30) Duck Lake (Grays Harbor County):

(a) Game fish: Statewide minimum length/daily limit, except: Crappie: No limit and no minimum length.

(b) Grass carp: No limit for anglers and bow and arrow fishing.

(31) Dungeness River (Clallam County): From the mouth to the forks at Dungeness Forks Campground:

(a) Open October 16 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon:

(i) Open October 16 through November 30.

(ii) Daily limit 4 coho only.

(iii) Release wild coho.

(32) East Twin River (Clallam County):

(a) Selective gear rules.

(b) Release all fish.

(33) Elk Creek (Lewis County) (Chehalis River tributary): Open the Saturday before Memorial Day through September 30 and January 1 through March 31.

(34) Elk Lake (Clallam County):

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

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Release kokanee.

(35) Elk River (Grays Harbor County):

(a) From the mouth (Highway 105 Bridge) to the confluence of the middle branch:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) ~~((From))~~ August 16 through November 30: Single-point barbless hooks are required.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31.

(A) Daily limit 6(~~((of which 2))~~); up to 1 may be an adult(~~(s))~~).

(B) Release Chinook.

(b) From confluence of the middle branch upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(36) Elwha River and all tributaries (Clallam County): Closed waters.

(37) Failor Lake (Grays Harbor County): Open the fourth Saturday in April through September 15.

(38) Fork Creek (Pacific County) (Willapa River tributary):

(a) From Forks Creek Hatchery rack upstream 500 feet at fishing boundary sign:

(i) Open only for anglers with lower extremity disabilities who must permanently use a medically prescribed assis-

sive device every time for mobility as defined in WAC 220-413-150 and possess a designated harvester companion card.

(ii) Night closure.

(iii) From October 1 through November 30:

(A) Single-point barbless hooks required.

(B) Stationary gear restriction.

(iv) Open the Saturday before Memorial Day through July 15 and October 1 through March 31.

(v) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vi) Salmon (~~((open))~~): (~~((From))~~) Open October 1 through January 31:

(A) Daily limit 6; (~~((only 2 adults))~~) up to 2 may be (~~((retained))~~) adults.

(B) Release wild Chinook and wild coho.

(b) From the fishing boundary sign 500 feet above Forks Creek Hatchery rack upstream to the source:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(39) Goodman Creek (Jefferson County), outside Olympic National Park:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(40) Gray Wolf River (Clallam County):

(a) From the confluence with the Dungeness to the bridge at river mile 1.0: Closed waters.

(b) From the bridge at river mile 1.0, upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(41) Hoh River (Jefferson County):

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

(b) It is unlawful to use anything other than one barbless hook.

(c) From the Olympic National Park boundary upstream to the DNR Oxbow Campground Boat Launch:

(i) It is unlawful to use bait from (~~((June 1 through September 15 and))~~) February 16 through April 15.

(ii) Open (~~((June 1 through August 31 and))~~) September 16 through April 15:

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) (~~((From))~~) November 1 through February 15: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon: (~~((A) Open June 1 through June 30: Daily limit 1 hatchery Chinook.~~

~~((B))~~) Open September 16 through November 30: Daily limit 6; (~~((only))~~) up to 2 adults may be retained of which only 1 may be a Chinook.

(d) From the DNR Oxbow Campground Boat Launch to Morgans Crossing Boat Launch:

(i) Open (~~June 1~~) September 16 through April 15.

(ii) It is unlawful to use bait (~~the Saturday before Memorial Day~~) September 16 through October 15 and December 1 through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open October 16 through November 30: Daily limit 6; (~~only~~) up to 2 adults may be retained, of which only 1 may be a Chinook.

(e) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:

(i) Open (~~June 1~~) September 16 through April 15.

(ii) It is unlawful to use bait.

(iii) It is unlawful to fish from a floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(42) Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:

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

(b) Open (~~July 1 through August 31 and~~) September 16 through April 15.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(43) Hoko River (Clallam County):

(a) From the mouth to the upper Hoko Bridge:

(i) From the hatchery ladder downstream 100 feet: Closed waters.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) (~~From~~) September 1 through October 31: Open to fly fishing only.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5):

(i) Open the Saturday before Memorial Day through March 31 to fly fishing only.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(44) Hoquiam River, including West Fork (Grays Harbor County):

(a) From the mouth (Highway 101 Bridge on Simpson) to Dekay Road Bridge (West Fork):

(i) August 16 through November 30: Single-point barbless hooks required.

(ii) Open the Saturday before Memorial Day through the last day of February:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31.

(A) Daily limit 6(~~, of which 2~~); up to 1 may be an adult(~~s~~).

(B) Release Chinook.

(b) From Dekay Road Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day of February.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(45) Hoquiam River, East Fork (Grays Harbor County):

(a) From the mouth to the confluence of Berryman Creek:

(i) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through the last day of February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31.

(A) Daily limit 6(~~, of which 2~~); up to 1 may be an adult(~~s~~).

(B) Release Chinook.

(b) From the confluence of Berryman Creek upstream:

(i) Open the Saturday before Memorial Day through the last day of February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Selective gear rules.

(46) Humptulips River (Grays Harbor County):

(a) From the mouth (Jessie Slough) to the Highway 101 Bridge, including all channels, sloughs, and interconnected waterways:

(i) (~~From~~) August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) (~~From~~) Open September 1 through September 30:

(I) Daily limit 6; (~~only 2 adults~~) up to 2 may be (~~retained~~) adults.

(II) Release wild Chinook and wild coho.

(B) (~~From~~) Open October 1 through (~~November 30~~) October 31:

(I) Daily limit 6; (~~only 1 adult may be retained~~) up to 1 may be an adult.

(II) Release wild Chinook and wild coho.

(C) (~~From December~~) Open November 1 through December 31:

(I) Daily limit 6; (~~only 1 adult may be retained~~) up to 1 may be an adult.

(II) Release Chinook and wild coho.

(b) From the Highway 101 Bridge to the confluence of the East and West forks:

(i) From December 1 through March 31: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) (~~From~~) August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iii) (~~From~~) March 1 through March 31: Selective gear rule.

(iv) Game fish:

(A) Open the Saturday before Memorial Day through the last day in February: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Open March 1 through March 31: Release all fish, except: Anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) (~~From~~) Open September 1 through September 30:

(I) Daily limit 6; (~~only 2 adults may be retained~~) up to 2 may be adults.

(II) Release wild Chinook and wild coho.

(B) (~~From~~) Open October 1 through (~~November 30~~) October 31:

(I) Daily limit 6; (~~only 1 adult~~) up to 1 may be (~~retained~~) an adult.

(II) Release wild Chinook and wild coho.

(C) (~~From December~~) Open November 1 through December 31:

(I) Daily limit 6; (~~only 1 adult may be retained~~) up to 1 may be an adult.

(II) Release Chinook and wild coho.

(47) **Humptulips River, East Fork (Grays Harbor County):** (~~From~~) August 16 through October 31:

(a) Anti-snagging rule.

(b) Night closure.

(48) **Humptulips River, West Fork (Grays Harbor County):** From the mouth to Donkey Creek:

(a) (~~From~~) August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) (~~From~~) March 1 through March 31: Selective gear rule.

(c) Game fish:

(i) Open the Saturday before Memorial Day through the last day in February: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Open March 1 through March 31: Release all fish, except: Anglers may retain up to 2 hatchery steelhead.

(49) **Joe Creek (Grays Harbor County):** From the mouth to Ocean Beach Road Bridge:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through December 31.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon:

(i) Open (~~September~~) October 1 through December 31:

(~~(+)~~) (ii) Daily limit 6; (~~2 adult salmon~~) up to 1 may be (~~retained~~) an adult.

(~~(+)~~) (iii) Release Chinook.

(50) **Johns River (Grays Harbor County):** From the mouth (Highway 105 Bridge) to Ballon Creek:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: Open October 1 through December 31.

(i) Daily limit 6 (~~of which 2~~); up to 1 may be an adult(s).

(ii) Release Chinook.

(51) **Kalaloch Creek (Jefferson County), outside Olympic National Park:**

(a) Open the Saturday before Memorial Day through the last day in February:

(b) Selective gear rules.

(c) Game fish: State wide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(52) **Lena Lake, Lower (Jefferson County):** The inlet stream from the mouth upstream to the footbridge (about 100 feet): Closed waters.

(53) **Lincoln Pond (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(54) **Little Hoko River (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(55) **Loomis Lake (Pacific County):** Open the fourth Saturday in April through October 31.

(56) **Lyre River (Clallam County):**

(a) From the mouth to falls near river mile 3:

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

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the falls to the Olympic National Park boundary:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(57) **Matheny Creek (Jefferson County) (Queets River tributary), outside the Olympic National Park:**

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to use bait.

(c) It is unlawful to use anything other than one barbless hook.

(d) Game fish: Statewide minimum length/daily limit, except:

- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.

(58) McDonald Creek (Clallam County):

(a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(59) Moclips River (Grays Harbor County):

(a) From the mouth to the Quinault Indian Reservation boundary.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(e) Salmon:

~~(i) Open ((September)) October 1 through December 31.~~
~~((+)) (ii) Daily limit 6((, of which 2)); up to 1 may be an adult ((salmon)).~~

~~((+)) (iii) Release Chinook.~~

(60) Morse Creek (Clallam County): From the mouth to Port Angeles Dam:

(a) Open from December 1 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(61) Mosquito Creek (Jefferson County): From outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(62) Naselle River (Pacific/Wahkiakum counties):

(a) From the Highway 101 Bridge to the South Fork:

(i) ~~((From))~~ August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

~~(ii) ((Anglers may fish with two poles August 1 through January 31, provided they possess a valid two pole endorsement.~~

~~((+))~~ Open the Saturday before Memorial Day through April 15.

~~((+))~~ (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((+))~~ (iv) Salmon:

~~(A) Open August 1 through January 31((+)).~~

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(b) From the confluence of the South Fork upstream to the Highway 4 Bridge:

(i) ~~((From))~~ February 1 through April 15: Selective gear rules.

~~((From))~~ August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear restriction.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

~~(A)~~ Open August 1 through January 31.

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(c) From the Highway 4 Bridge to 300 feet below the upstream entrance of the Naselle Hatchery attraction channel:

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

(ii) ~~((From))~~ February 1 through April 15: Selective gear rules.

(iii) ~~((From))~~ August 16 through October 15: Bait or lure must be suspended below a float.

(iv) ~~((From))~~ August 16 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear restrictions.

(v) Open the Saturday before Memorial Day through July 31 and August 16 through April 15.

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon:

~~(A)~~ Open ~~((August))~~ October 16 through January 31.

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(d) From 300 feet below the upstream entrance of the Naselle Hatchery attraction channel to the upstream entrance of the Naselle Hatchery attraction channel: Closed waters.

(e) From the upstream entrance of the Naselle Hatchery attraction channel to the full spanning concrete diversion structure at the Naselle Hatchery:

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

(ii) August 1 through October 15: Closed waters.

(iii) ~~((From))~~ October 16 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear rules.

(iv) ~~((From))~~ February 1 through April 15: Selective gear rules.

(v) Open the Saturday before Memorial Day through April 15.

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon:

(A) Open October 16 through January 31.

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(f) From the full spanning concrete diversion structure at the Naselle Hatchery to 400 feet downstream of the falls in Sec. 6 T10N R8W:

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

(ii) ~~((From))~~ August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear rules.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) Open October 16 through January 31.

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(g) From 400 feet downstream of the falls in Sec. 6, T10N, R8W to the falls in (Wahkiakum County): Closed waters.

(h) From the falls in Sec. 6, T10N, R8W to the Crown Mainline (Salme) Bridge:

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

(ii) ~~((From))~~ August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear rules.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) Open October 16 through January 31.

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(i) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:

(i) ~~((From))~~ February 1 through April 15; selective gear rules.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) ~~((From))~~ August 16 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(j) Upstream from the mouth of the North Fork.

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(63) Naselle River, South (Pacific County):

(a) From the mouth to Bean Creek: Open the Saturday before Memorial Day through the last day in February.

(b) ~~((From))~~ The Saturday before Memorial Day through August 15: Selective gear rules.

(c) ~~((From))~~ August 16 through November 30: Anti-snagging rule and night closure.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(64) Nemah River, Middle (Pacific County):

(a) From the mouth upstream to the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road:

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

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) ~~((From))~~ August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iv) Salmon:

(A) Open September 1 through ~~((January 31))~~ September 30.

(B) Daily limit 6; ~~((no more than))~~ up to 2 adults may be retained.

(C) Release wild Chinook and wild coho.

(b) From the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road upstream:

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

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) ~~((From))~~ August 16 through November 30: Night closure.

(65) Nemah River, North (Pacific County):

(a) From Highway 101 Bridge upstream to the bridge on Nemah Valley Road:

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

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) ~~((From))~~ August 1 through November 30:

(A) Night closure.

(B) Stationary gear restriction.

(C) Single-point barbless hooks are required.

(iv) Salmon:

(A) Open August 1 through ~~((January 31))~~ September 30.

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(b) From the bridge on Nemah Valley Road upstream to approximately 1.66 miles to the Hancock property line:

(i) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) ~~((From))~~ August 16 through November 30:

(A) Anti-snagging rule.

(B) Night closure.

(iv) From December 1 through March 31: Selective gear rules.

(c) From the Hancock property line upstream to the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge):

(i) Open only for salmon for anglers that possess a senior's license from August 1 through September 15:

(A) Salmon: Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

(B) Release wild Chinook and wild coho.

(ii) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) ~~((From))~~ August 16 through November 30:

(A) Anti-snagging rule.

(B) Night closure.

(v) ~~((From))~~ December 1 through March 31: Selective gear rules.

(d) From the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge) upstream to the Nemah Hatchery Dam: Closed waters.

(e) From the Nemah Hatchery Dam upstream to N-700 Road (46° 28.58N, 123° 48.54W):

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

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) ~~((From))~~ August 16 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(iv) ~~((From))~~ December 1 through March 31: Selective gear rules.

~~((v) Salmon: Open October 1 through January 31:~~

~~(A) Daily limit 6; only 2 adults may be retained.~~

~~(B) Release wild Chinook.)~~

(f) From the N-700 Road (46° 28.58N, 123° 48.54W) to Cruiser Creek:

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

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) ~~((From))~~ August 16 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(iv) ~~((From))~~ December 1 through March 31: Selective gear rules.

(66) Nemah River, South (Pacific County):

(a) ~~((From))~~ September 1 through November 30:

(i) Night closure.

(ii) Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through March 31:

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon:

(i) Open September 1 through ((January 31)) September 30.

((+)) (ii) Daily limit 6; ((only)) up to 2 adults may be retained.

((+)) (iii) Release wild Chinook and wild coho.

(67) Newaukum River, including South Fork (Lewis County):

(a) From the mouth to Leonard Road near Onalaska:

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

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) ~~((From))~~ August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iv) Salmon: Open October 16 through December 31~~(s)~~.

(A) Daily limit 6; ((only 2 adults)) up to 1 may be ((retained)) an adult.

(B) Release Chinook.

(b) From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:

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

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) ~~((From))~~ August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(68) Newaukum River, Middle Fork (Lewis County), from the mouth to Tauscher Road Bridge:

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

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(69) Newaukum River, North Fork (Lewis County), from the mouth to 400 feet below the Chehalis city water intake:

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

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(70) **Niawiakum River (Pacific County):** From Highway 101 Bridge to the South Bend/Palix Road Bridge:

(a) ~~((From))~~ August 16 through November 30:

(i) Night closure.

(ii) Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through November 30.

(71) **North River (Grays Harbor/Pacific counties):**

(a) From the Highway 105 Bridge to Fall River:

(i) ~~((From))~~ August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Anti-snagging rule.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iv) Salmon: Open October 1 through January 31.~~

~~(A) Daily limit 6; only 2 adults may be retained.~~

~~(B) Release wild Chinook.)~~

(b) From Fall River upstream to Raimie Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(72) **Ozette Lake tributaries and their tributaries except Big River (Clallam County):** Outside of Olympic National Park. Open the Saturday before Memorial Day through October 15.

(73) **Palix River, including all forks (Pacific County):**

(a) From the Highway 101 Bridge to the mouth of the Middle Fork:

(i) ~~((From))~~ August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Canon rivers:

(i) ~~((From))~~ August 16 through October 15:

(A) Anti-snagging rule.

(B) Night closure.

(ii) ~~((From))~~ The Saturday before Memorial Day through August 15, and ~~((from))~~ December 16 through March 31: Selective gear rules.

(iii) Open the Saturday before Memorial Day through October 15, and ~~((from))~~ December 16 through March 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(74) **Peabody Creek (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(75) **Pleasant Lake (Clallam County):** Game fish: Statewide minimum length/daily limit, except:

(a) Kokanee: Daily limit 5; minimum length 8 inches, maximum length 18 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(76) **Pysht River (Clallam County):**

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

(b) Selective gear rules.

(c) ~~((From))~~ The Saturday before Memorial Day through October 31.

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Release cutthroat trout and wild rainbow trout.

(d) ~~((From))~~ November 1 through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(77) **Quigg Lake (Grays Harbor County):**

(a) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) Salmon:

(i) Open October 1 through January 31.

(ii) Daily limit 6 hatchery coho salmon; ~~((only))~~ up to 4 may be adult hatchery coho.

(78) **Quillayute River (Clallam County), outside of Olympic National Park:**

(a) Open year-round, except closed Mondays ~~((and Tuesdays in September and October 1. Closed Mondays in October and October 29.))~~ August 31 through October 12.

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

(c) It is unlawful to use anything other than one barbless hook.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(ii) ~~((From))~~ November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) ~~((From))~~ Open February 1 through August 31:

(A) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

(B) Release sockeye, wild adult Chinook and wild adult coho.

(ii) ~~((From))~~ Open September 1 through ~~((September 15))~~ November 30:

(A) Daily limit 6; ~~((only 3))~~ up to 4 adults may be retained, of which only 1 may be a wild Chinook.

(B) Release sockeye and wild adult coho.

~~((iii) From September 16 through November 30:~~

~~(A) Daily limit 6; only 3 adults may be retained, of which only 1 may be a wild salmon.~~

~~(B) Release sockeye.~~

(79) **Quinault River (Grays Harbor County):** From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

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

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

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait the Saturday before Memorial Day through September 30 and February 16 through April 15.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(f) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(g) Salmon:

(i) Open July 1 through September 30: Daily limit 6 jack salmon only.

(ii) Open October 1 through November 30:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release sockeye and chum.

(80) **Rocky Brook (Jefferson County) (Dosewallips River tributary):** From the mouth upstream: Closed waters.

(81) **Salmon Creek (Pacific County) (tributary of Naselle River):**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(82) **Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:**

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

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait the Saturday before Memorial Day through August 31.

(d) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(iii) ~~(From)~~ Saturday before Memorial Day through September 30: It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(iv) ~~(From)~~ December 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon:

~~(i) Open September 1 through ((November)) September 30:~~

~~((+)) (ii) Daily limit 6; ((only)) up to 2 may be adults and only 1 of the adults may be a Chinook.~~

~~((+)) (iii) Release wild coho.~~

(83) **Salt Creek (Clallam County):** From the mouth to the bridge on Highway 112:

(a) Selective gear rules.

(b) ~~(From)~~ Open the Saturday before Memorial Day through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Release cutthroat trout and wild rainbow trout.

(84) **Satsop River and East Fork (Grays Harbor County):**

(a) From the mouth to the bridge at Schafer State Park:

(i) ~~(From)~~ August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Salmon: Open October 1 through December 31~~((+))~~.

(A) Daily limit 6; ~~((only 2 adults)) up to 1~~ may be ~~((retained))~~ an adult.

(B) Release Chinook.

(b) From the bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) ~~(From)~~ August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(c) From 400 feet downstream of the Bingham Creek Hatchery barrier dam upstream to the dam:

(i) Open within posted markers to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(ii) Night closure.

(iii) ~~(From)~~ August 16 through November 30: Single-point barbless hooks are required.

(iv) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open October 1 through December 31~~((+))~~.

(A) Daily limit 6; ~~((only 2 adults)) up to 1~~ may be ~~((retained))~~ an adult.

(B) Release Chinook.

(85) **Satsop River, Middle Fork (Turnow Branch) (Grays Harbor County):**

(a) ~~(From)~~ August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) Open the Saturday before Memorial Day through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(86) **Satsop River, West Fork (Grays Harbor County):**

(a) ~~((From))~~ August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) Open the Saturday before Memorial Day through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(87) **Sekiu River (Clallam County):** From mouth to forks:

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

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(88) **Siebert Creek (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(89) **Sitkum River (Clallam County) (Calawah River tributary):**

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

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(90) **Skookumchuck River (Thurston County):** From the mouth to 100 feet below the outlet of the TransAlta/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:

(a) ~~((From))~~ August 16 through November 30:

(i) Night closure.

(ii) Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through April 30:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon: Open October 16 through December 31~~((+))~~.

(i) Daily limit 6; ~~((only 2 adults))~~ up to 1 may be ~~((retained))~~ an adult.

(ii) Release Chinook.

(91) **Smith Creek (near North River) (Pacific County):**

(a) From the mouth to the Highway 101 Bridge:

(i) ~~((From))~~ August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iv) Salmon: Open October 1 through December 31:~~

~~(A) Daily limit 6; only 2 adults may be retained.~~

~~(B) Release wild Chinook.)~~

(b) From the Highway 101 Bridge upstream:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except:

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(92) **Snahapish River (Jefferson County) (Clearwater River tributary):**

(a) Open the Saturday before Memorial Day through September 30.

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

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(93) **Snow Creek and all tributaries (Jefferson County):** Closed waters.

(94) **Sol Duc River (Clallam County):**

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

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to the concrete pump station at the Sol Duc Hatchery:

(i) It is unlawful to use bait July 16 through August 31 and February 16 through April 30.

(ii) Game fish: Open year-round: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:

(A) ~~((From))~~ Open February 1 through August 31:

(I) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

(II) Release sockeye, wild adult Chinook and wild adult coho.

(B) ~~((From))~~ Open September 1 through ~~((September 15))~~ November 30:

(I) Daily limit 6; ~~((only 3))~~ up to 4 adults may be retained, of which only 1 may be a wild Chinook.

(II) Release sockeye and wild adult coho.

~~((C) From September 15 through November 30:~~

~~(I) Daily limit 6; only 3 adults may be retained, of which only 1 may be wild salmon.~~

~~(H) Release sockeye.)~~

(d) From the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya Campground:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(e) From the Highway 101 Bridge upstream of Klahowya Campground to the Olympic National Park boundary:

(i) It is unlawful to use bait.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(95) Sol Duc River tributaries unless otherwise listed (Clallam County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(96) Solleks River (Jefferson County) (Clearwater River tributary):

(a) Open the Saturday before Memorial Day through September 30.

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

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(97) Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation: Open the Saturday before Memorial Day through the last day in February.

(98) Soules Pond (Pacific County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(99) South Bend Mill Pond (Pacific County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(100) Stevens Creek (Grays Harbor County): From the mouth to the Highway 101 Bridge:

(a) From the WDFW hatchery outlet downstream to the cable crossing: Closed waters.

(b) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(101) Sutherland Lake (Clallam County):

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

(b) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches and maximum length 18 inches.

(102) Thrash Creek (Pacific/Lewis County): Closed waters.

(103) Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):

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

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(e) From mouth to D2400 Road: Open the Saturday before Memorial Day through April 30.

(f) From D2400 Road upstream: Open the Saturday before Memorial Day through October 31.

(104) Thunder Lake (Clallam County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(105) Valley Creek (Clallam County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(106) Vance Creek/Elma Ponds (Grays Harbor County), Pond One (Bowers Lake) and Pond Two (Lake Ines): Pond One/Bowers Lake is open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(107) Van Winkle Creek (Grays Harbor County):

(a) ~~(From)~~ August 16 through November 30:

(i) Night closure.

(ii) Anti-snagging rule.

(b) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:

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

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon: Open October 1 through December 31(~~(±)~~).

(A) Daily limit 6; ~~((only 2 adults))~~ up to 1 may be ~~((retained))~~ an adult.

(B) Release Chinook.

(108) West Twin River (Clallam County):

(a) Selective gear rules.

(b) Release all fish.

(109) Willapa River (Pacific County):

(a) From the mouth (city of South Bend boat launch) to the WDFW access site at the mouth of Ward/Wilson creeks:

(i) ~~((From))~~ August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) ~~((August 1 through January 31: Anglers may fish with two poles, provided they possess a valid two-pole endorsement.~~

~~((iii))~~ Open December 1 through January 31.

~~((iv))~~ (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((v))~~ (iv) Salmon:

~~(A)~~ Open August 1 through January 31(~~(=)~~).

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(b) From the WDFW access site at the mouth of Ward/Wilson creeks to the second bridge on Camp One Road:

(i) ~~((From))~~ August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) ~~((August 1 through January 31: Anglers may fish with two poles, provided they possess a valid two-pole endorsement.~~

~~((iii))~~ Open the Saturday before Memorial Day through March 31.

~~((iv))~~ (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((v))~~ (iv) Salmon:

~~(A)~~ Open August 1 through January 31(~~(=)~~).

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(c) From the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles):

(i) ~~((From))~~ August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(D) It is unlawful to fish from a floating device.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

~~(A)~~ Open August 1 through January 31(~~(=)~~).

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(d) From the mouth of Mill Creek to the Highway 6 bridge (approximately 2 miles below the mouth of Trap Creek):

(i) ~~((From))~~ August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

~~(A)~~ Open August 1 through January 31(~~(=)~~).

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(e) From Highway 6 Bridge (approximately 2 miles below the mouth of Trap Creek) to Fork Creek:

(i) ~~((From))~~ August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

~~(A)~~ Open August 16 through January 31(~~(=)~~).

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(f) From Fork Creek upstream to the Highway 6 Bridge near the town of Lebam:

(i) ~~((From))~~ August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

~~(A)~~ Open October 1 through January 31(~~(=)~~).

~~((A))~~ (B) Daily limit 6; ~~((only))~~ up to 2 adults may be retained.

~~((B))~~ (C) Release wild Chinook and wild coho.

(g) From the Highway 6 Bridge near the town of Lebam upstream:

(i) ~~((From))~~ August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(110) Willapa River, South Fork (Pacific County):

(a) From the mouth to the bridge on Pehl Road:

(i) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed waters.

(ii) ~~((From))~~ The Saturday before Memorial Day through July 31: Selective gear rules.

(iii) ~~((From))~~ August 1 through November 30:

(A) Night closure.

- (B) Anti-snagging rule.
- (C) Barbless hooks are required.
- (b) Open the Saturday before Memorial Day through the last day in February:
 - (i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (ii) Salmon:
 - ~~(A)~~ Open August 1 through ~~(January 31:~~ September 30:
 - ~~(B)~~ Daily limit 6; ~~((only))~~ up to 2 adults may be retained.
 - ~~((B))~~ (C) Release wild Chinook and wild coho.
- (c) From Pehl Road upstream:
 - (i) Open the Saturday before Memorial Day through the last day in February.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (111) **Wirrkala Pond 1 (Pacific County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (112) **Wishkah River (Grays Harbor County):**
 - (a) ~~(From))~~ August 16 through November 30: Single-point barbless hooks are required.
 - (b) From the mouth to 200 feet below the weir at the Wishkah Rearing Ponds:
 - (i) Open the Saturday before Memorial Day through the last day in February.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) Salmon: Open October 1 through December 31~~((+))~~.
- (A) Daily limit 6; ~~((only 2 adults))~~ up to 1 may be ~~((retained))~~ an adult.
- (B) Release Chinook.
- (iv) From 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Open only to anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.

(113) **Wynoochee River (Grays Harbor County):**

- (a) From the mouth to the WDFW White Bridge Access Site:
 - (i) ~~(From))~~ August 16 through November 30: Single-point barbless hooks are required.
 - (ii) Open the Saturday before Memorial Day through March 31:
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon: Open October 1 through December 31.

- (A) Daily limit 6; ~~((only 2 adults))~~ up to 1 may be ~~((retained))~~ an adult.
- (B) Release Chinook.
- (b) From the WDFW White Bridge Access Site to the 7400 line bridge:
 - (i) From August 16 through November 30: Single-point barbless hooks are required.
 - (ii) From September 16 through November 30: It is unlawful to use bait.
 - (iii) Open the Saturday before Memorial Day through March 31:
 - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (c) From the 7400 line bridge to 400 feet below Wynoochee Dam:
 - (i) From 400 feet downstream of Wynoochee Dam to the dam and from the barrier dam near Grisdale to the dam: Closed waters.
 - (ii) Open the Saturday before Memorial Day through March 31:
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Selective gear rules.
- (d) From the confluence of the Wynoochee Reservoir upstream to Wynoochee Falls:
 - (i) Open the Saturday before Memorial Day through March 31:
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (114) **Wynoochee Reservoir (Grays Harbor County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iv) Channel catfish: Daily limit 10; no size restriction.
 - (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

AMENDATORY SECTION (Amending WSR 20-03-130, filed 1/17/20, effective 2/17/20)

WAC 220-312-030 Freshwater exceptions to state-wide rules—Southwest. (1) Abernathy Creek and tributaries (Cowlitz County):

- (a) From 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center: Closed waters.
- (b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(c) Selective gear rules, except: Use of barbed hooks is allowed.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(e) Salmon:

(i) Open November 1 through December 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(2) **Beaver Creek (Wahkiakum County):** Closed waters.

(3) **Blue Creek (Lewis County), from the mouth to Spencer Road:**

(a) From posted sign above rearing pond outlet to Spencer Road: Closed waters.

(b) Anti-snagging rule.

(c) Night closure.

(d) Open Saturday before Memorial Day through April 15.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 5; minimum length 8 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon:

(i) Open August 1 through December 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(4) **Blue Lake (Cowlitz County):**

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

(b) Selective gear rules.

(c) Release all fish.

(5) **Blue Lake Creek (Lewis County):** Selective gear rules.

(6) **Butter Creek (Lewis County):** Selective gear rules.

(7) **Canyon Creek (Clark County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5.

(8) **Carlisle Lake (Lewis County):**

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

(b) Landlocked salmon rules.

(9) **Cedar Creek and tributaries (tributary of N.F. Lewis) (Clark County):**

(a) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(e) Salmon:

(i) Open November 1 through December 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(10) **Chinook River (Pacific County):** From the Highway 101 Bridge upstream:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(11) **Cispus River (Lewis County):** From the mouth to the falls, not including the North Fork:

(a) Open year-round, except closed to all angling within posted "Closed Waters" signs around the adult fish release site.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(c) Salmon:

(i) Daily limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained.

(12) **Cispus River, North Fork (Lewis County):** Selective gear rules.

(13) **Coal Creek (Cowlitz County):**

(a) From the mouth to 400 feet below the falls:

(i) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open November 1 through December 31.

(B) Daily limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(b) From 400 feet below the falls to the falls: Closed waters.

(14) **Coldwater Lake (Cowlitz County):**

(a) The Coldwater Lake inlet and outlet streams: Closed waters.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(15) **Cougar Creek (tributary to Yale Reservoir) (Cowlitz County):**

(a) Selective gear rules.

(b) Open the Saturday before Memorial Day through August 31.

(16) **Coweman River and tributaries (Cowlitz County):**

(a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open November 1 through December 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(17) Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):

(a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted Lewis County PUD sign on Peters Road.

(b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arm.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow and wild cutthroat trout.

(ii) Trout: Daily limit 10; minimum length 8 inches.

(iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(v) Channel catfish: Daily limit 10; no size restriction.

(vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(d) Salmon:

(i) Daily limit 6; minimum length 12 inches.

(ii) Up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(18) Cowlitz River (Lewis/Cowlitz counties):

(a) From the boundary markers at the mouth to Lexington Bridge:

(i) July 1 through ~~((October 31))~~ September 30: Night closure for salmon and steelhead fishing.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead:

(I) Open July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(II) ~~((Open))~~ August 1 through August 31: ~~((Catch and release))~~ Closed.

(III) Open September 1 through ~~((October 31))~~ September 30: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(IV) Open ~~((November))~~ October 1 through June 30: Daily limit 3 hatchery steelhead, minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Daily limit 6; up to ((4)) 2 may be adults.

(II) Only hatchery coho may be retained.

(b) From the Lexington Bridge to the mouth of Mill Creek:

(i) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open: Closed waters.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Daily limit 6; up to ((4)) 2 may be adults.

(II) Only hatchery coho may be retained.

(c) From the mouth of Mill Creek to 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam:

(i) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam: Closed waters.

(ii) Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities **and** who have a designated harvester companion card: Closed waters.

(iii) It is unlawful to fish from a floating device.

(iv) April 1 through November 30:

(A) Anti-snagging rule.

(B) Night closure.

(v) May 1 through June 15: It is unlawful to fish from the south side of the river.

(vi) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(vii) Salmon:

(A) Open January 1 through July 31.

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Daily limit 6; up to ((4)) 2 may be adults.

(II) Only hatchery coho may be retained.

(d) From 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam to Mayfield Dam.

(i) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam: Closed waters.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Daily limit 6; up to ((4)) 2 may be adults.

(II) Only hatchery coho may be retained.

(e) From the posted PUD sign on Peters Road to the Forest Road 1270 (old Jody's Bridge):

(i) Closed to all angling within posted "Closed Waters" signs around the adult fish release site.

(ii) September 1 through October 31: Anti-snagging rule and night closure.

(iii) Open year-round.

(iv) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(v) Salmon:

(A) Open year-round.

(B) Daily limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(f) From Forest Road 1270 (old Jody's Bridge) upstream and tributaries.

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(19) **Deep River (Wahkiakum County):**

(a) Open year-round.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Daily limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained.

(20) **Delameter Creek (Cowlitz County):**

(a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(21) **Drano Lake (Skamania County):** In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:

(a) Closed on Wednesdays beginning the second Wednesday in April through June 30.

(b) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.

(c) March 16 through October 31: Night closure.

(d) August 1 through December 31: Anti-snagging rule.

(e) May 1 through June 30 and October 1 through December 31:

(i) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(ii) Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(f) April 16 through June 30: The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing.

(g) Open year-round.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Bass: No limit and no size restriction.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restriction.

(D) Release trout.

(E) Steelhead: From January 1 through March 15; daily limit 2 hatchery steelhead; minimum length 20 inches.

(ii) Salmon and steelhead: Open March 16 through December 31:

(A) March 16 through June 30: Daily limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each. Release all other salmon.

(B) July 1 through July 31:

(I) Daily limit 2 hatchery Chinook ((or 1 hatchery Chinook and 1 hatchery steelhead)). Closed to fishing for or retaining steelhead.

(II) Release all other salmon.

(C) August 1 through ~~((September 30))~~ October 31: Daily limit 6; no more than 1 adult salmon. ~~((Release all))~~ Closed to fishing for or retaining steelhead.

(D) ~~((October))~~ November 1 through December 31: Daily limit 6; ~~((of which only one))~~ up to 1 may be an adult salmon or hatchery steelhead.

(22) **Elochoman River (Wahkiakum County):**

(a) From the mouth to Foster (Risk) Road Bridge:

(i) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook may be retained.

(C) All Chinook must be adipose and/or ventral fin clipped to be retained.

(v) Salmon and steelhead: Open April 16 through the Friday before Memorial Day: Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.

(b) From Foster (Risk) Road Bridge upstream to 200 feet above the WDFW temporary weir:

(i) From Foster (Risk) Road Bridge to 200 feet above the WDFW temporary weir while the weir is installed in the river: Closed waters.

(ii) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(iii) Open the Saturday before Memorial Day through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook may be retained.

(C) All Chinook must be adipose and/or ventral fin clipped to be retained.

(vi) Salmon and steelhead: Open April 16 through the Friday before Memorial Day: Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.

(c) From 200 feet above the WDFW temporary weir to the ~~((Elochoman Hatchery))~~ Beaver Creek Road Bridge:

(i) September 1 through October 31: ~~((From 200 feet above the temporary weir upstream to the Elochoman Hatchery Bridge))~~ Release all salmon.

(ii) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(iii) Open the Saturday before Memorial Day through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook may be retained.

(C) All Chinook must be adipose and/or ventral fin clipped to be retained.

(vi) Salmon and steelhead:

(A) Open April 16 through the Friday before Memorial Day.

(B) Daily limit 6; ~~((of which))~~ up to 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.

(d) From Beaver Creek Road Bridge to Elochoman Hatchery Bridge:

(i) September 1 through October 31: Release all salmon.

(ii) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(iii) Open the Saturday before Memorial Day through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook and hatchery coho may be retained.

(C) All Chinook must be adipose and/or ventral fin clipped to be retained.

(vi) Salmon and steelhead:

(A) Open April 16 through the Friday before Memorial Day.

(B) Daily limit 6; up to 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.

(e) Elochoman Hatchery Bridge to West Fork:

(i) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook and hatchery coho may be retained.

~~((e))~~ (C) All Chinook must be adipose and/or ventral fin clipped to be retained.

(f) From West Fork upstream:

(i) Game fish: Statewide minimum length/daily limit, except: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Salmon:

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook and hatchery coho may be retained.

(C) All Chinook must be adipose and/or ventral fin clipped to be retained.

(23) **Franz Lake (Skamania County):** Closed waters.

(24) **Germany Creek (Cowlitz County) and all tributaries:**

(a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open November 1 through December 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(25) **Grays River (Wahkiakum County):** From the mouth to South Fork:

(a) From mouth to Barr Road Bridge:

(i) August 1 through November 15:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(ii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Open Saturday before Memorial Day through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Open Saturday before Memorial Day through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(III) All Chinook must be adipose and/or ventral fin clipped to be retained.

(b) From Barr Road Bridge to Highway 4 Bridge:

(i) August 1 through November 15:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(ii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Open Saturday before Memorial Day through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Open Saturday before Memorial Day through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(III) All Chinook must be adipose and/or ventral fin clipped to be retained.

(c) From the Highway 4 Bridge to the mouth of South Fork:

(i) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the river: Closed waters.

(ii) August 1 through ~~((October))~~ November 15:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(iii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Open Saturday before Memorial Day through ~~((October 15 and December 1 through))~~ March 15.

(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon:

(A) Open Saturday before Memorial Day through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(B) Open August 1 through ~~((October 15:~~

~~(I) Daily limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook may be retained.~~

~~(III) All Chinook must be adipose and/or ventral fin clipped to be retained.~~

~~(C) Open December 1 through))~~ December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(III) All Chinook must be adipose and/or ventral fin clipped to be retained.

(d) From South Fork upstream:

(i) Selective gear rules, except: Use of barbed hooks is allowed.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open the Saturday before Memorial Day through December 31.

(B) Daily limit 6; minimum length 12 inches. Up to 2 adults may be retained.

(C) Only hatchery Chinook and hatchery coho may be retained. All Chinook must be adipose and/or ventral fin clipped to be retained.

(26) Grays River tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(27) Grays River, East Fork (Wahkiakum County):

(a) Selective gear rules, except: Use of barbed hooks is allowed.

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

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(d) Salmon:

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

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(28) Grays River, East Fork tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(29) Grays River, South Fork (Wahkiakum County):

(a) Selective gear rules, except: Use of barbed hooks is allowed.

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

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(d) Salmon:

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

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.

(30) Grays River, South Fork tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(31) Grays River, West Fork (Wahkiakum County):

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

(b) August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(d) Salmon: Open the Saturday before Memorial Day through December 31.

(i) Daily limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.

(32) Grays River, West Fork tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(33) Green River (Cowlitz County):

(a) From the mouth to Miner's Creek:

(i) From 400 feet above and 400 feet below the salmon hatchery rack (or from the posted signs above and below the salmon hatchery rack) when the rack is installed in the river: Closed waters.

(ii) From 400 feet below to 400 feet above the water intake at the upper end of the hatchery grounds from September 1 through November 30: Closed waters.

(iii) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack.

(iv) Selective gear rules, except: Use of barbed hooks is allowed from the Saturday before Memorial Day through July 31 and December 1 through March 15.

(v) Open the Saturday before Memorial Day through March 15. Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon:

(A) Open August 1 through November 30.

(B) Daily limit 6; up to ((4)) 1 may be an adult((s)).

(C) Only hatchery Chinook and hatchery coho may be retained.

(b) From Miner's Creek upstream:

(i) Selective gear rules, except: Use of barbed hooks is allowed.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(34) Green River tributaries (Cowlitz County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(35) Grizzly Lake (Skamania County): Closed waters.

(36) Hamilton Creek (Skamania County):

(a) Tributaries downstream from the Highway 14 Bridge: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(37) **Horsethief Lake (Klickitat County):** Open the fourth Saturday in April through October 31.

(38) **Indian Heaven Wilderness Lakes (Skamania County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 8 inches.

(39) **Johnson Creek (Lewis County) (Cowlitz River tributary):** Selective gear rules.

(40) **Kalama River (Cowlitz County):**

(a) From the mouth to the railroad bridge below Interstate 5:

(i) July 1 through October 31: Night closure.

(ii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(iii) Steelhead:

(A) Open July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(B) August 1 through August 31: ~~((Release all steelhead.))~~ Closed.

(C) Open September 1 through ~~((October 31))~~ September 30: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(D) ~~((November))~~ Open October 1 through June 30: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults, of which only 2 may be coho.

(II) Only hatchery Chinook and hatchery coho may be retained.

(b) From the railroad bridge below Interstate 5 to Modrow Bridge:

(i) From Modrow Bridge downstream to the markers approximately 1,000 feet below the temporary rack when the rack is installed below Modrow Bridge: Closed waters.

(ii) April 1 through October 31:

(A) Night closure.

(B) Anti-snagging rule.

(iii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults, of which only 2 may be coho.

(II) Only hatchery Chinook and hatchery coho may be retained.

(c) From the Modrow Bridge to the natural gas pipeline crossing:

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

(ii) April 1 through October 31:

(A) Night closure.

(B) Anti-snagging rule.

(iii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults, of which only 2 may be coho.

(II) Only hatchery Chinook and hatchery coho may be retained.

(d) From the natural gas pipeline crossing to the deadline at the intake to the lower salmon hatchery:

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

(ii) April 1 through October 31:

(A) Night closure.

(B) Anti-snagging rule.

(iii) Open September 1 through October 31 for fly fishing only, except: Use of barbed hooks is allowed.

(iv) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults, of which only 2 may be coho.

(II) Only hatchery Chinook and hatchery coho may be retained.

(e) From the Fallert Creek hatchery intake ~~((of the lower salmon hatchery))~~ to 1,000 feet below fishway at the ~~((upper salmon))~~ Kalama Falls hatchery:

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

(ii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults, of which only 2 may be coho.

(II) Only hatchery Chinook and hatchery coho may be retained.

(f) From 1,000 feet below to 1,000 feet above the fishway at (~~upper salmon~~) the Kalama Falls hatchery: Closed waters.

(g) From 1,000 feet above the fishway at the (~~upper salmon~~) Kalama Falls hatchery, upstream to Summers Creek:

(i) Open year-round.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(h) From Summers Creek upstream to the intersection of 6000 and 6420 roads: Open year-round:

(i) Fly fishing only, except: Use of barbed hooks is allowed.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(i) From the intersection of 6000 and 6420 roads to the 6600 road bridge immediately downstream of Jacks Creek:

(i) Selective gear rules, except: Use of barbed hooks is allowed.

(ii) Open the Saturday before Memorial Day through November 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(j) From the 6600 road bridge immediately downstream of Jacks Creek to Kalama Falls and tributaries: Closed waters.

(41) Klickitat River (Klickitat County):

(a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:

(i) April 1 through the Friday before Memorial Day:

(A) Anti-snagging rule.

(B) Night closure.

(ii) July 1 through July 31: Night closure.

(iii) August 1 through January 31:

(A) Anti-snagging rule.

(B) Night closure.

(iv) Game fish:

(A) Open Saturday before Memorial Day through January 31.

(B) Statewide minimum length/daily limit, except:

(C) Trout: Daily limit 2; minimum length 14 inches.

(v) Steelhead:

(A) Open Saturday before Memorial Day through June 30: Daily limit 3 hatchery steelhead, minimum length 20 inches.

(B) (~~Open~~) July 1 through (~~July 31: Daily limit 1 hatchery steelhead, minimum length 20 inches.~~

~~(C) August 1 through August 31: Catch and release.~~

~~(D) Open September 1 through~~) October 31: (~~Daily limit 1 hatchery steelhead, minimum length 20 inches.~~

~~(E)) Closed.~~

~~(C)~~ Open November 1 through January 31: Daily limit 3 hatchery steelhead, minimum length 20 inches.

(vi) Salmon:

(A) Open Saturday before Memorial Day through July 31: Daily limit 6; (~~no more than~~) up to 2 adults may be retained. Release wild Chinook.

(B) Open August 1 through January 31: Daily limit 6; (~~no more than 3~~) up to 2 adults may be retained.

(vii) Salmon and steelhead: Open April 1 to the Friday before Memorial Day for salmon and steelhead on Mondays, Wednesdays, and Saturdays only:

(A) Daily limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.

(B) Release wild Chinook.

(b) From Fisher Hill Bridge to the boundary markers above Klickitat Salmon Hatchery, the following waters are closed: From Fishery Hill Bridge to 400 feet above #5 fishway, tributaries except Bird, Blockhouse, Bowman, Spring, Outlet creeks and the Little Klickitat River, and the waters from the boundary markers above Klickitat Salmon Hatchery to the boundary markers below the hatchery.

(c) From 400 feet above #5 fishway to the boundary markers below Klickitat Salmon Hatchery:

(i) Open the Saturday before Memorial Day through November 30:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(iii) Salmon:

(A) Saturday before Memorial Day through July 31:

(I) Daily limit 6 fish; no more than 2 adults may be retained.

(II) Release wild Chinook.

(B) August 1 through November 30: Daily limit 6 fish; no more than (~~(3))~~ 2 may be adults(~~, of which only 2 may be coho~~)).

(d) From the boundary markers above Klickitat Salmon Hatchery to the Yakama Indian Reservation boundary:

(i) Game fish open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(42) **Lacamas Creek (Clark County):**

(a) From the mouth to the footbridge at the lower falls:

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

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(b) From the footbridge at the lower falls upstream: It is permissible to fish up to the base of Lacamas Lake Dam.

(43) **Lacamas Creek, tributary of Cowlitz River (Lewis County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(44) **Lewis River (Clark County):**

(a) From the mouth to the mouth of the East Fork Lewis River:

(i) July 1 through ~~((October 31))~~ September 30: Night closure for salmon and steelhead fishing.

(ii) Game fish:

(A) Open year-round.

(B) Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(iii) Steelhead:

(A) July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(B) August 1 through August 31: ~~((Release all steelhead.))~~ Closed.

(C) Open September 1 through ~~((October 31))~~ September 30: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(D) ~~((November))~~ Open October 1 through June 30: Daily limit 3 steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; ~~((only one))~~ up to 1 may be an adult.

(B) Open August 1 through September 30:

(I) Daily limit 6; up to ~~((4))~~ 2 may be adults~~((, of which 2 may be Chinook)).~~

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through ~~((December 31))~~ October 15:

(I) Daily limit 6; up to ~~((4))~~ 2 may be adults~~((, of which 2 may be Chinook)).~~

(II) Only Chinook and hatchery coho may be retained.

(D) Open October 16 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only Chinook may be retained.

(b) From the mouth of the East Fork Lewis River to Johnson Creek.

(i) Game fish:

(A) Open year-round.

(B) Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; ~~((only one))~~ up to 1 may be an adult.

(B) Open August 1 through September 30:

(I) Daily limit 6; up to ~~((4))~~ 2 may be adults~~((, of which 2 may be Chinook)).~~

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through ~~((December 31))~~ October 15:

(I) Daily limit 6; up to ~~((4))~~ 2 may be adults~~((, of which 2 may be Chinook)).~~

(II) Only Chinook and hatchery coho may be retained.

(D) Open October 16 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only Chinook may be retained.

(c) From Johnson Creek to Colvin Creek:

(i) May 1 through May 31: Closed waters.

(ii) Those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder: Closed waters.

(iii) June 1 through November 30 and April 1 through April 30: Anti-snagging rule and night closure.

(iv) Game fish:

(A) Open June 1 through April 30.

(B) Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; ~~((only one))~~ up to 1 may be an adult.

(B) Open August 1 through September 30:

(I) Daily limit 6; up to ~~((4))~~ 2 may be adults~~((, of which 2 may be Chinook)).~~

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through ~~((December 31))~~ October 15:

(I) Daily limit 6; up to ~~((4))~~ 2 may be adults~~((, of which only 2 may be Chinook)).~~

(II) Only Chinook and hatchery coho may be retained.

(D) Open October 16 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only Chinook may be retained.

(d) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:

(i) Open June 1 through October 31 and December 16 through April 30.

(ii) Anti-snagging rule and night closure April 1 through April 30 and June 1 through October 31.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; (~~only one~~) up to 1 may be an adult.

(B) Open August 1 through September 30:

(I) Daily limit 6; up to ~~((4)) 2~~ may be adults(~~(=of which 2 may be Chinook)~~).

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through October 15:

(I) Daily limit 6; up to 2 may be adults.

(II) Only Chinook and hatchery coho may be retained.

(D) Open October 16 through October 31 and December 16 through December 31:

(I) Daily limit 6; up to ~~((4)) 2~~ may be adults(~~(=of which 2 may be Chinook)~~).

(II) Only Chinook (~~(and hatchery coho)~~) may be retained.

(e) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed waters.

(f) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

(g) From the old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse: Closed waters.

(h) Lewis River Power Canal:

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

(ii) It is unlawful to fish from a floating device.

(iii) Game fish: Statewide minimum length/daily limit, except:

(iv) Trout: Daily limit 5; no minimum length.

(i) From Eagle Cliff Bridge to and including Muddy River, including tributaries:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through July 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(j) From above Muddy River to the lower falls and tributaries:

(i) Selective gear rules.

(ii) Release all fish.

(45) Lewis River, East Fork (Clark/Skamania counties):

(a) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls: Closed waters.

(b) From 400 feet below to 400 feet above Moulton Falls: Closed waters.

(c) From 400 feet below Horseshoe Falls upstream, including tributaries above Horseshoe Falls: Closed waters.

(d) From the mouth to 400 feet below Horseshoe Falls:

(i) Open the Saturday before Memorial Day through July 15 and September 16 through March 15.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open September 16 through December 31.

(B) Daily limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(e) Tributaries from the mouth to 400 feet below Horseshoe Falls:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(46) Little Klickitat River (Klickitat County): Within Goldendale city limits:

(a) Open the fourth Saturday in April through the Friday before Memorial Day to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Open the Saturday before Memorial Day through October 31 to all anglers.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; no minimum length.

(47) Little Washougal River (Clark County):

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(48) Little White Salmon River (Skamania County):

(a) From the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery: Closed waters.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; minimum length 8 inches.

(49) Love Lake (Clark County): Closed waters.

(50) Mayfield Lake (Reservoir) (Lewis County):

(a) Open from the Mayfield Dam to Onion Rock Bridge.

(b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed waters.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 10; minimum length 8 inches.

(ii) Release wild rainbow trout and wild cutthroat trout.

(iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(v) Channel catfish: Daily limit 10; no size restriction.
 (vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(d) Salmon:

(i) Open September 1 through December 31:
 (ii) Daily limit 6; minimum length 12 inches.
 (iii) ~~(No more than)~~ Up to 2 may be adults.
 (iv) Only hatchery Chinook and hatchery coho may be retained.

(51) **Merrill Lake (Cowlitz County):**

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

(c) Release all fish.

(52) **Merwin Lake (Reservoir) (Clark/Cowlitz counties):** Landlocked salmon rules.

(53) **Mill Creek (Cowlitz County):**

(a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.
 (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open November 1 through December 31.
 (ii) Daily limit 6; up to 2 may be adults.
 (iii) Only hatchery Chinook and hatchery coho may be retained.

(54) **Mill Creek (Lewis County):** From the mouth to the hatchery road crossing culvert.

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Open the Saturday before Memorial Day through October 31 and December 1 through December 31.

(c) Anti-snagging rule from December 1 through December 31.

(d) Night closure from December 1 through December 31.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.
 (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon:

(i) Open August 1 through October 31 and December 1 through December 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(55) **Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.

(56) **Olequa Creek (Lewis/Cowlitz counties):**

(a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(57) **Ostrander Creek (Cowlitz County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(58) **Outlet Creek (Silver Lake) (Cowlitz County):**

(a) From the Saturday before Memorial Day through November 30.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through November 30.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(59) **Rainey Creek (Lewis County):**

(a) From mouth to Highway 12.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 5; minimum length 8 inches.

(ii) Release wild rainbow and cutthroat trout.

(60) **Riffe Lake (Reservoir) (Lewis County):**

(a) Open from Mossyrock Dam to Cowlitz Falls Dam:

(b) From Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam: Closed waters.

(c) It is permissible to fish up to the base of Swofford Pond Dam.

(d) Landlocked salmon rules.

(61) **Rock Creek (Klickitat County):**

(a) From Army Corps of Engineers Park upstream to the source: Closed waters.

(b) Open year-round from the mouth to the Army Corps of Engineers Park. Limits, size restrictions, and gear restrictions are the same as those in the adjacent portion of the Columbia River.

(62) **Rock Creek (Skamania County):** From the mouth to the falls at approximately river mile one:

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

(b) Game fish: Statewide minimum length/daily limit, except:

- (i) Trout: Daily limit 2; minimum length 14 inches.
- (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (c) Salmon:
 - (i) Open August 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (63) **Rowland Lake, North (Klickitat County)**: Open the fourth Saturday in April through March 31.
- (64) **Salmon Creek (Clark County)**: From the mouth to 182nd Avenue Bridge:
 - (a) Open the Saturday before Memorial Day through March 15.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
 - (65) **Salmon Creek (Lewis County)**:
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook or hatchery coho may be retained.
 - (66) **Silver Lake (Cowlitz County)**: Game fish: Statewide minimum length/daily limit, except:
 - (a) Crappie: Daily limit 10; minimum length 9 inches.
 - (b) Grass carp: No limit and no minimum length.
 - (c) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (d) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (e) Channel catfish: Daily limit 10; no size restriction.
 - (f) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
 - (67) **Silver Creek (tributary to Cowlitz River) (Lewis County)**: From the mouth to USFS Road 4778. Selective gear rules.
 - (68) **Skamokawa Creek (Wahkiakum County)**:
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (c) Game fish: Statewide minimum length/daily limit, except:

- (i) Trout: Daily limit 2; minimum length 14 inches.
- (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (d) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (69) **Skate Creek (tributary to Cowlitz River) (Lewis County)**: Selective gear rules.
- (70) **Spearfish Lake (Klickitat County)**: Open the fourth Saturday in April through March 31.
- (71) **Spirit Lake (Skamania County)**: Closed waters.
- (72) **Spring Creek (Klickitat County)**: From Hill Road upstream to the Goldendale Hatchery: Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; minimum length 8 inches.
- (73) **Stillwater Creek (Lewis County)**:
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
 - (74) **Swift Reservoir (Skamania County)**:
 - (a) From dam to posted markers approximately 3/8 mile below Eagle Cliff Bridge:
 - (i) Open the Saturday before Memorial Day through November 30.
 - (ii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 10; minimum length 8 inches.
 - (B) Release wild trout.
 - (C) Release all steelhead.
 - (iii) Salmon:
 - (A) Open the Saturday before Memorial Day through November 30.
 - (B) Salmon count toward trout daily limit.
 - (C) Minimum length 8 inches.
 - (D) Maximum length 15 inches.
 - (E) No catch record card required.
 - (b) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge:
 - (i) Selective gear rules.
 - (ii) Open the Saturday before Memorial Day through July 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 10; minimum length 8 inches.
 - (B) Release wild trout.
 - (C) Release all steelhead.
 - (iv) Salmon:
 - (A) Open the Saturday before Memorial Day through July 15.

(B) Landlocked salmon rules.

(C) Maximum length 15 inches.

(75) Tilton River (Lewis County): From the mouth to the West Fork:

(a) Within posted "Closed Waters"((+)) signs around the adult fish release sites: Closed waters.

(b) Anti-snagging rule from September 1 through October 31.

(c) Night closure from September 1 through October 31.

(d) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout. Open year-round.

(e) Salmon:

(i) Open year-round.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery coho may be retained.

(76) Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules.

(77) Toutle River (Cowlitz County): From the mouth to the forks:

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

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(c) Salmon open August 1 through November 30:

(i) Daily limit 6; up to ((4)) 1 may be an adult((s)).

(ii) Only hatchery Chinook and hatchery coho may be retained.

(78) Toutle River tributaries (unless otherwise listed) (Cowlitz County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild trout.

(79) Toutle River, North Fork (Cowlitz County):

(a) From the mouth to the posted deadline below the fish collection facility:

(i) Open the Saturday before Memorial Day through March 15.

(ii) September 1 through October 15: Anti-snagging rule and night closure on the North Fork from the confluence with the South Fork to the mouth of Green River.

(iii) Selective gear rules, except: Use of barbed hooks is allowed the Saturday before Memorial Day through July 31 and December 1 through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon open August 1 through Nov 30:

(A) Daily limit 6; up to ((2)) 1 may be an adult((s, of which one may be a Chinook)).

(B) Only hatchery Chinook and hatchery coho may be retained.

(b) From the posted deadline downstream of the fish collection facility upstream and tributaries: Closed waters.

(80) Toutle River, North Fork tributaries from the mouth to the posted deadline below the fish collection facility (unless otherwise listed) (Cowlitz County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(81) Toutle River, South Fork (Cowlitz County):

(a) From the mouth to 4700 Road Bridge:

(i) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Release trout.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Open the Saturday before Memorial Day through November 30:

Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Open December 1 through March 15:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Salmon:

(I) Open August 1 through November 30.

(II) Daily limit 6; up to 2 may be adults.

(III) Only hatchery Chinook and hatchery coho may be retained.

(b) From 4700 Road Bridge upstream:

(i) Open the Saturday before Memorial Day through March 15.

(ii) From December 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open August 1 through November 30.

(B) Daily limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(82) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):

(a) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.

(b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(83) **Walupt Lake (Lewis County):** All inlet streams: Closed waters.

(84) **Washougal River (Clark County):**

(a) From the mouth to the boat ramp at the WDFW county line access site:

(i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.

(ii) Night closure.

(iii) July 1 through October 31: Anti-snagging rule.

(iv) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except: Release all trout.

(v) Open the Saturday before Memorial Day through March 15.

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(vi) March 16 through April 15: Closed.

(vii) Steelhead:

(A) Open April 16 through ~~((July 31: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(B) August 1 through October 15: Catch and release.~~

~~(C) October 16 through))~~ March 15: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) March 16 through April 15: Closed.

(vii) Salmon:

(A) Open ~~((October 16))~~ August 1 through December 31.

(B) Daily limit 6; up to ((3)) 1 may be an adult((s)).

(C) Only hatchery Chinook and hatchery coho may be retained.

(b) From the boat ramp at the WDFW county line access site to the bridge at Salmon Falls:

(i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.

(ii) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(iii) Game fish:

(A) Open from the Saturday before Memorial Day through March 15.

(B) Game fish: Statewide minimum length/daily limit, except:

(C) Trout: Daily limit 2; minimum length 14 inches.

(D) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open August 1 through December 31.

(B) Daily limit 6; up to ((2)) 1 may be an adult((s)).

(C) Only hatchery Chinook and hatchery coho may be retained.

(c) From the bridge at Salmon Falls upstream and tributaries: Closed waters.

(85) **Washougal River, West (North) Fork (Clark/Skamania counties):**

(a) From the mouth to the water intake at the department hatchery: Closed waters.

(b) From the intake at the department hatchery upstream:

(i) Open the Saturday before Memorial Day through March 15.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Salmon:

(A) Open August 1 through December 31.

(B) Daily limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(86) **White Salmon River (Klickitat/Skamania counties):**

(a) From the mouth (Burlington Northern Railroad Bridge) to the county road bridge below the former location of the powerhouse:

(i) Open year-round.

(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat.

(iii) July 1 through October 31: Night closure for salmon and steelhead.

(iv) August 1 through December 31: Anti-snagging rule.

(v) Salmon and steelhead:

(A) Open April 1 through June 30:

(I) Daily limit 2; ~~((no more than))~~ up to 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release wild Chinook.

(B) Open July 1 through July 31:

(I) Daily limit 2; ~~((no more than))~~ up to 2 salmon ~~((or 1 salmon and 1 hatchery steelhead)).~~

(II) Release wild Chinook. Closed to fishing for or retaining steelhead.

(C) Open August 1 ~~((through August 31:~~

~~(I) Daily limit 6; no more than 2 adult salmon. Release all steelhead.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(D) September 1))~~ through October 31:

(I) Daily limit 6; ~~((no more than))~~ up to 2 adult salmon ~~((; or 1 adult salmon and 1 hatchery)).~~ Closed to fishing for or retaining steelhead.

(II) Only hatchery Chinook and hatchery coho may be retained.

~~((E))~~ (D) Open November 1 through March 31:

(I) Daily limit 6; ~~((no more than))~~ up to 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Only hatchery Chinook and hatchery coho may be retained.

(b) From the county road bridge below the former location of the powerhouse upstream to Big Brother Falls (river mile 16):

(i) From Big Brother Falls downstream 400 feet: Closed waters.

(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(iii) Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Salmon and steelhead:

(A) Open Saturday before Memorial Day through July 31:

(I) Daily limit 2 fish, (~~no more than~~) up to 2 salmon, or 2 steelhead, or one of each may be retained.

(II) Only hatchery salmon and hatchery steelhead may be retained.

(B) Open August 1 through October 31:

(I) Daily limit 6; (~~no more than~~) up to 2 adult salmon, or 2 steelhead, or one of each may be retained.

(II) Only hatchery salmon and hatchery steelhead may be retained.

(87) **Wind River (Skamania County):**

(a) From the mouth to the Highway 14 Bridge:

(i) Open year-round.

(ii) March 16 through June 30: Night closure.

(iii) March 16 through June 30: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(iv) March 16 through June 30: Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(v) July 1 through October 31: Night closure for salmon and steelhead fishing.

(vi) August 1 through October 31: Anti-snagging rule applies.

(vii) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(viii) Salmon and steelhead:

(A) Open March 16 through June 30: Daily limit 6; (~~no more than~~) up to 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained. Release wild Chinook and wild coho.

(B) Open July 1 through (~~July~~) October 31:

(I) Daily limit 6 (~~no more than~~); up to 2 adult salmon (~~or 1 adult salmon and 1 hatchery~~) may be retained. Closed to fishing for or retaining steelhead.

(II) Release wild Chinook and wild coho.

(~~C~~) August 1 through August 31: Daily limit 6, no more than 2 adult salmon. Release all steelhead, wild Chinook and wild coho.

(~~D~~) September 1 through October 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.)

(b) From the Highway 14 Bridge to 400 feet below Shipherd Falls:

(i) Open year-round.

(ii) March 16 through June 30: Night closure.

(iii) July 1 through October 31: Night closure for salmon and steelhead fishing.

(iv) Anti-snagging rule from May 1 through June 30 and August 1 through October 31.

(v) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(vi) Salmon and steelhead:

(A) Open March 16 through June 30: Daily limit 6; (~~no more than~~) up to 2 salmon, or 2 hatchery steelhead, or one of each, may be retained. Release wild Chinook and wild coho.

(B) Open July 1 through July 31: Daily limit 6 (~~no more than~~); up to 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(C) Open August 1 through (~~August 31: Daily limit 6, no more than 2 adult salmon. Release all steelhead, wild Chinook and wild coho.~~

(~~D~~) September 1 through) October 31:

(I) Daily limit 6 (~~no more than~~); up to 2 adult salmon (~~or 1 adult salmon and 1 hatchery~~) may be retained. Closed to fishing for or retaining steelhead.

(II) Release wild Chinook and wild coho.

(c) From 400 feet below to 100 feet above Shipherd Falls fish ladder: Closed waters.

(d) From 100 feet above Shipherd Falls fish ladder to 400 feet below the Coffey Dam:

(i) Anti-snagging rule.

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Salmon and steelhead:

(A) Open May 1 through June 30.

(B) Daily limit 6; (~~no more than~~) up to 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(e) From 400 feet below the Coffey Dam to 100 feet above the Coffey Dam: Closed waters.

(f) From 100 feet above the Coffey Dam to 800 yards downstream from Carson National Fish Hatchery:

(i) Anti-snagging rule.

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Salmon and steelhead open May 1 through June 30: Daily limit 6; (~~no more than~~) up to 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(g) From 800 yards downstream from Carson National Fish Hatchery upstream to Moore Bridge:

(i) Open September 16 through November 30.

(ii) Release all fish.

(iii) Selective gear rules, except: Use of barbed hooks is allowed.

(h) From Moore Bridge upstream: Closed waters.

(88) **Wind River tributaries (Skamania County):** Closed waters.

(89) **Yale Reservoir (Cowlitz County):** Landlocked salmon rules.

(90) **Yellowjacket Creek (tributary to Cispus River) (Lewis County):** Selective gear rules.

AMENDATORY SECTION (Amending WSR 20-03-130, filed 1/17/20, effective 2/17/20)

WAC 220-312-040 Freshwater exceptions to state-wide rules—Puget Sound. (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

(2) **County-wide freshwater exceptions to statewide rules:**

(a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):

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

(ii) Trout: No minimum length.

(b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):

(i) Open the first Saturday in June through October 31.

(ii) Trout: No minimum length.

(3) **AKL Pond (King County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(4) **Aldrich Lake (Mason County):** Open the fourth Saturday in April through October 31.

(5) **Alexander Lake (Kitsap County):** Closed waters.

(6) **American Lake (Pierce County):**

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except: Combined daily limit of trout and kokanee is 5, any length.

(7) **Anderson Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(8) **Armstrong Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(9) **Bainbridge Island - All streams (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(10) **Baker Lake (Whatcom County):**

(a) Closed waters within a 200-foot radius around the pump discharge at the south end of the lake.

(b) Chumming is permissible.

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

(d) Game fish: Statewide minimum length/daily limit, except:

Kokanee: Minimum length 8 inches and maximum length 18 inches.

~~((e) Salmon: Open July 6 through September 16.~~

~~(i) Sockeye: Daily limit 3; minimum length 18 inches.~~

~~(ii) Each angler aboard a vessel may deploy salmon angling gear until the limit for all licensed and juvenile anglers aboard is reached.))~~

(11) **Baker River (Skagit/Whatcom County):** From the mouth to the Lower Baker Dam: Closed waters.

(12) **Ballinger Lake (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(13) **Beaver Lake (Skagit County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(14) **Beecher Lake (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(15) **Benson Lake (Mason County):** Open the fourth Saturday in April through October 31.

(16) **Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:**

(a) Open July 1 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(17) **Big Beef Creek (Kitsap County):**

(a) From Seabeck Highway Bridge to Lake Symington:

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

- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (v) From August 1 through August 31: Closed waters within 100 feet of the Seabeck Highway N.W. Bridge.
 - (b) From Lake Symington upstream:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (18) **Big Lake (Skagit County):**
 - (a) Game fish: Statewide minimum length/daily limit, except:
 - (i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iii) Channel catfish: Daily limit 10; no size restriction.
 - (iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
 - (b) Landlocked salmon rules.
- (19) **Big Mission Creek (Mason County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (20) **Big Quilcene River (Jefferson County):**
 - (a) From the mouth to Rodgers Street: Open the Saturday before Memorial Day through August 15.
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (b) From Rodgers Street to the Highway 101 Bridge:
 - (i) From the Saturday before Memorial Day through August 15: Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) From August 16 through October 31:
 - (A) Night closure.
 - (B) Anti-snagging rules.
 - (v) Salmon:
 - (A) Open August 16 through October 31.
 - (B) Daily limit 4 coho only; minimum length 12 inches.
 - (c) From the Highway 101 Bridge to the weir at Quilcene National Fish Hatchery: Closed waters.
 - (d) From the weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (21) **Big Soos Creek (King County):** From the mouth to the hatchery rack:
 - (a) Open the Saturday before Memorial Day through August 31.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (22) **Black Lake (Thurston County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.
 - (23) **Blackjack Creek (Kitsap County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (24) **Blacksmith Pond (Mason County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
 - (25) **Boise Creek (King County) (White River tributary):** From the mouth to the Highway 410 crossing: Closed waters.
 - (26) **Bosworth Lake (Snohomish County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iii) Channel catfish: Daily limit 10; no size restriction.
 - (iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
 - (27) **Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):** From the mouth to Boulder Falls:
 - (a) Open September 16 through October 31.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (28) **Bradley Lake (Pierce County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
 - (29) **Buck Lake (Kitsap County):** Open the fourth Saturday in April through October 31.
 - (30) **Buffington Pond (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(31) Burley Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(32) Cady Lake (Mason County):

(a) Fly fishing only.

(b) Release all fish.

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

(33) Cain Lake (Whatcom County): Open the fourth Saturday in April through October 31.

(34) Calligan Lake (King County): It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(35) Campbell Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(36) Campbell Lake (Skagit County): Grass carp: No daily limit for anglers and bow and arrow fishing allowed.

(37) Canyon Creek (Snohomish County) (S.F. Stillaguamish River):

(a) From the mouth to the forks (North Fork and South Fork).

(i) Open September 16 through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the forks (North Fork and South Fork) upstream: Closed waters.

(38) Capitol Lake (Thurston County): Closed waters.

(39) Carbon River (Pierce County):

(a) From the mouth to Voight Creek:

(i) From September 1 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(C) Barbless hooks required.

(ii) Open September 1 through November 30.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Open December 1 through January 15:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Open September 1 through ~~(November 30))~~ October 15.

(B) Daily limit 6 ~~((fish of which no more than))~~; up to 2 may be adults, minimum length 12 inches.

(C) Release wild Chinook and chum.

(b) From Voight Creek to the Highway 162 Bridge:

(i) Open from December 1 through January 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(40) Carney Lake (Pierce County):

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

(b) Salmon: Landlocked salmon rules.

(41) Carpenter Lake (Kitsap County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(42) Cascade Creek (San Juan County):

(a) From the mouth to Mountain Lake.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(43) Cascade Lake (San Juan County): Open the fourth Saturday in April through October 31.

(44) Cascade River (Skagit County):

(a) From the mouth to the Rockport-Cascade Road Bridge:

(i) Open June 1 through July 15 ~~((and September 16 through January 31;~~

~~(A) June 1 through July 15;))~~ Thursday through Sundays only.

(A) Anti-snagging rules and night closure.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((ii) Salmon:~~

~~(A) Open June 1 through July 15.~~

~~(B) Up to)) (C) Salmon: Daily limit 4 hatchery Chinook~~

~~((may be retained; only 2 hatchery Chinook)); up to 2 may be adults(;~~ minimum length 12 inches).

~~((C))~~ (I) Release all other salmon.

(II) Minimum length 12 inches.

~~((iii))~~ (ii) Open September 16 through November 30; Thursdays through Sundays only.

(A) Salmon: Daily limit 4 coho ~~((may be retained; minimum length 12 inches)).~~

(I) Release all other salmon.

(II) Minimum length 12 inches.

(B) Game fish: Statewide length/daily limit, except:

(I) Cutthroat trout and wild rainbow: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(iii) Open December 1 through January 31:

(A) Game fish: Statewide length/daily limit, except:

(I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(B) Salmon: Closed.

- (b) From the Rockport-Cascade Road Bridge upstream:
- (i) Open June 1 through January 31.
 - (ii) Selective gear rules.
 - (iii) Release all fish except hatchery steelhead.
- (45) **Cass Pond (King County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (46) **Cavanaugh Lake (Skagit County):** Chumming is permissible.
- (47) **Cedar River (King County):**
- (a) From the mouth to Landsburg Road:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Night closure.
 - (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (v) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (b) From Landsburg Bridge upstream to the falls: Closed waters.
- (48) **Chain Lake (Snohomish County):**
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iv) Channel catfish: Daily limit 10; no size restriction.
 - (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (49) **Chambers Creek (Pierce County):**
- (a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam:
 - (i) Selective gear rules, except bait is permissible September 1 through October 15.
 - (ii) Open the Saturday before Memorial Day through November 15 for game fish (~~and salmon~~).
 - (iii) Night closure.
 - (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (v) Salmon:
 - (A) Open July 1 through November 15:
 - (B) Daily limit 6 ((fish of which no more than)); up to 4 may be adults ((salmon)); minimum length 12 inches.
 - (C) Release wild coho.
 - (b) From Boise-Cascade Dam to Steilacoom Lake:
 - (i) Selective gear rules.
 - (ii) Night closure.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (50) **Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):**
- (a) Selective gear rules.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release cutthroat trout and wild rainbow trout.
 - (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iv) Channel catfish: Daily limit 10; no size restriction.
 - (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (51) **Channel Creek (Whatcom County) (Baker River tributary):** Open the Saturday before Memorial Day through August 31.
- (52) **Chaplain Creek (Snohomish County) (Sultan River tributary):** Waters adjacent to the water filtration plant, from the inlet to the beaver pond (Grass Lake) below the water filtration plant gate to the waterfall approximately .4 miles upstream: Closed waters.
- (53) **Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River):** From the mouth to Cherry Creek Falls: Selective gear rules.
- (54) **Chico Creek (Kitsap County):**
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (55) **Christine, Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (56) **Church Creek (Mason County):** From the mouth to the bridge on U.S. Forest Service Road #2361: Closed waters.
- (57) **Clear Creek (Kitsap County):**
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (58) **Clear Lake (Pierce County):**
- (a) Open the fourth Saturday in April through October 31.
 - (b) Chumming is permissible.
- (59) **Clear Lake (Skagit County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(60) **Clear Lake (Thurston County):** Open the fourth Saturday in April through October 31.

(61) **Clearwater River (Pierce County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(62) **Clover Creek (Pierce County):** From the mouth upstream to Steilacoom Lake: Closed waters.

(63) **Cottage Creek South Pond (King County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(64) **Cottage Lake (King County):**

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

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(65) **Coulter Creek (Kitsap/Mason counties):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(66) **County Line Ponds (Skagit County):** Closed waters.

(67) **Crabapple Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(68) **Cranberry Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(69) **Cranberry Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(70) **Crescent Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(71) **Crescent Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(72) **Crocker Lake (Jefferson County):** Game fish: Statewide minimum length/daily limit, except: Closed to trout fishing.

(73) **Cushman Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Kokanee: Minimum length 8 inches and maximum length 18 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(74) **Dakota Creek (Whatcom County):** From the mouth to Giles Road Bridge.

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

(b) Selective gear rules.

~~((c) Salmon:~~

~~(i) Open October 1 through December 31.~~

~~(ii) Daily limit 2 salmon; minimum length 12 inches.~~

~~(iii) Release wild Chinook.))~~

(75) **De Coursey Pond (Pierce County):** Open the fourth Saturday in April through October 31 to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(76) **Deer Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(77) **Deer Creek (Snohomish/Skagit counties) (Tributary to the N.F. Stillaguamish) and all tributaries:** Closed waters.

(78) **Deer Lake (Island County):** Open the fourth Saturday in April through October 31.

(79) **Deer Lake (Mason County):** Open the fourth Saturday in April through October 31.

(80) **Deschutes River (Thurston County):** From Old Highway 99 Bridge upstream:

(a) Selective gear rules.

(b) Game fish:

(i) Open year-round.

(ii) Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(c) Salmon:

- (i) Open year-round.
 - (ii) Daily limit 6; ((no more than)) up to 2 adults ((salmon)) may be retained.
 - (iii) Release coho.
- (81) **Devereaux Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (82) **Dewatto River (Mason County):**
- (a) From the mouth to Dewatto-Holly Road Bridge:
 - (i) Open the Saturday before Memorial Day through August 15 (~~and October 1 through October 31~~).
 - (ii) Selective gear rules.
 - (iii) ((October 1 through October 31: Night closure. ~~(iv)~~)) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release cutthroat trout and wild rainbow trout.
 - (B) No steelhead retention.
 - (b) From Dewatto-Holly Road Bridge upstream:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (83) **Dogfish Creek (Kitsap County):**
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (84) **Don Lake (also known as "Clara Lake") (Mason County):** Open the fourth Saturday in April through October 31.
- (85) **Dosewallips River (Jefferson County):**
- (a) From the mouth to Highway 101 Bridge:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (iv) Salmon:
 - (A) Open November 1 through December 15.
 - (B) Limit 2 chum only.
 - (b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (86) **Duckabush River (Jefferson County):**
- (a) From the mouth to Mason County PUD #1 overhead distribution line:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (iv) Salmon:
 - (A) Open November 1 through December 15.
 - (B) Daily limit 2 chum only.
 - (b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (87) **Echo Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (88) **Eglon Creek (Kitsap County):**
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (89) **Elson Creek (Thurston County):** Closed waters.
- (90) **Erdman Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (91) **Erickson Pond (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (92) **Erickson Reservoir (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (93) **Erie Lake (Skagit County):** Open the fourth Saturday in April through October 31.
- (94) **Fawn Lake (Upper and Lower) (Mason County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(95) **Fazon Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.

(96) **Finch Creek (Mason County):** Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA accessible site at the Hoodspout Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.

(97) **Finney Creek (Skagit County):** From the mouth up to the USFS 17 road bridge: Closed waters.

(98) **Fisher Creek Slough (Skagit County):** From the mouth to the I-5 Bridge: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(99) **Fortson Mill Pond #1 (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(100) **Fortson Mill Pond #2 (Snohomish County):**

(a) Open the fourth Saturday in April through October 31 for juvenile anglers only.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(101) **Fulton Creek (Mason County):** From the mouth to falls at river mile 0.8:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(102) **Geneva Lake (King County):** Open the fourth Saturday in April through October 31.

(103) **Gibbs Lake (Jefferson County):**

(a) Selective gear rules.

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

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(104) **Gissberg Pond, North (Snohomish County):** Open for juvenile anglers only.

(105) **Goat Ranch Pond (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(106) **Goldsborough Creek and tributaries (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(107) **Goodwin Lake (Snohomish County):** Chumming is permissible.

(108) **Goss Lake (Island County):** Open the fourth Saturday in April through October 31.

(109) **Gorst Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(110) **Grandy Lake (Skagit County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(111) **Granite Lakes (near Marblemount) (Skagit County):** Game fish: Statewide minimum length/daily limit, except: Release Grayling.

(112) **Grass Lake (Mason County):** Open the fourth Saturday in April through October 31.

(113) **Green (Duwamish) River (King County):**

(a) From an east-west line extending through the southernmost tip of Harbor Island to Tukwila International Boulevard/Old Highway 99:

(i) Open for game fish the Saturday before Memorial Day through July 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon minimum length 12 inches.

(III) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 adults may be retained. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Tukwila International Boulevard/Old Highway 99 to the South 212th Street Bridge:

(i) Open for game fish the Saturday before Memorial Day through July 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) In years ending in odd numbers: Open for salmon and game fish August 20 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Only 1 Chinook may be retained.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 (~~salmon~~); up to 3 adults may be retained, of which one may be a Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the South 212th Street Bridge to the Highway 18 Eastbound Bridge:

(i) Open for game fish the Saturday before Memorial Day through August 15.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) In years ending in odd numbers, open for game fish and salmon September 16 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon October 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 (~~salmon of which no more than~~); up to 3 adults may be retained. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From Highway 18 Eastbound Bridge to the Auburn-Black Diamond Road Bridge: Closed waters.

(e) From the Auburn-Black Diamond Road Bridge to ~~((the mouth of Cristy Creek (at Flaming Geyser State Park)))~~ Tacoma Municipal Watershed Boundary Marker (1.3 miles downstream of Tacoma Headworks Dam):

(i) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.

(ii) Open for game fish the Saturday before Memorial Day through September 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Open for game fish and salmon November 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 (~~salmon of which no more than~~); up to 3 may be any combination of adult coho and adult chum. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(f) ((From the mouth of Cristy Creek (at Flaming Geyser State Park) to the Tacoma Municipal Watershed Boundary Marker (1.3 miles downstream to Tacoma Headworks Dam)):~~

~~(i) Within 150 feet of the Palmer Pond outlet rack: Closed waters.~~

~~(ii) Open for game fish the Saturday before Memorial Day through December 31.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iv) Open for game fish and salmon November 1 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Release Chinook.~~

~~(g)) From Tacoma Municipal Watershed Boundary Marker (1.3 miles downstream ((to)) of Tacoma Headworks Dam) to Friday Creek: Closed waters.~~

(114) **Greenwater River (King County)**: From the mouth to Greenwater Lakes:

(a) Open December 1 through last day in February for whitefish only.

(b) Whitefish gear rules.

(115) **Grovers Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(116) **Hamma Hamma River (Mason County):** From the mouth to 400 feet below the falls:

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

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(117) **Hancock Lake (King County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(118) **Harvey Creek (Snohomish County):** Closed waters.

(119) **Haven Lake (Mason County):**

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

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(120) **Heart Lake (near Anacortes) (Skagit County):** Open the fourth Saturday in April through October 31.

(121) **Heins Lake (Kitsap County):** Closed waters.

(122) **Hicks Lake (Thurston County):** Open the fourth Saturday in April through October 31.

(123) **Horseshoe Lake (Jefferson County):**

(a) Selective gear rules.

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

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(124) **Horseshoe Lake (King County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(125) **Horseshoe Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

(126) **Howard Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(127) **Howell Lake (Mason County):** Open the fourth Saturday in April through October 31.

(128) **Hozomeen Lake (Whatcom County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(129) **Illahee Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(130) **Isabella Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(131) **Issaquah Creek (King County):** Open the Saturday before Memorial Day through August 31.

(132) **Jackson Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(133) **Jennings Park Pond (Snohomish County):** Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

(134) **Jimmy-come-lately Creek (Clallam County):** From the mouth to the confluence with East Fork. Open the Saturday before Memorial Day through August 31.

(135) **Johns Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(136) **Joy, Lake (King County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(137) **Kapowsin, Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(138) **Keefe Lake (Whatcom County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(139) **Kendall Creek (Whatcom County) (N.F. Nooksack tributary):** From the mouth through the hatchery to the hatchery boundary fence: Closed waters.

(140) **Kennedy Creek (Mason County):**

(a) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) October 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open October 1 through November 30.

(B) Daily limit 6; no more than 2 adults may be retained.

(C) Release wild coho.

(b) From Highway 101 Bridge upstream:

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

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) October 1 through October 31: Night closure.

(141) **Ki Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(142) **Kings Lake Bog (King County):** Closed waters.

(143) **Kitsap Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(144) **Kitsap Lake (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(145) **Koeneman Lake (Fern Lake) (Kitsap County):**

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

(b) Selective gear rules.

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

(d) Release all fish.

(146) **Langlois Lake (King County):** Open the fourth Saturday in April through October 31.

(147) **Larsen Lake (King County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(148) **LeBar Creek (Mason County):** From the mouth to the falls at river mile 1: Closed waters.

(149) **Lilliwaup River (Mason County):** From the mouth to 200 feet below the falls:

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

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(150) **Limerick Lake (Mason County):**

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

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(151) **Little Menzel Lake (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(152) **Little Quilcene River (Jefferson County):** From the mouth to the Little Quilcene River Bridge on Penny Creek Road:

(a) From the mouth to the Highway 101 Bridge: Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(153) **Little Scandia Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(154) **Lois Lakes (Thurston County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(155) Lone Lake (Island County):

(a) Selective gear rules.

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

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Grass carp: No limit for anglers and bow and arrow fishing.

(156) Long Lake (Kitsap County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(157) Long's Pond (Thurston County): Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card only.

(158) Maggie Lake (Mason County): Open the fourth Saturday in April through October 31.

(159) Malaney Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(160) Margaret Lake (King County): Open the fourth Saturday in April through October 31.

(161) Martha Lake (Alderwood Manor) (Snohomish County): Open the fourth Saturday in April through October 31.

(162) Martha Lake (Warm Beach) (Snohomish County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(163) Mashel River (Pierce County): Closed waters.

(164) Mason Lake (Mason County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(165) McAllister Creek (Thurston County):

(a) Open the Saturday before Memorial Day through November 30.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon:

(i) Open July 1 through November ~~((30))~~ 15.

(ii) Daily limit 6; ~~((of which no more than))~~ up to 2 may be adults.

(iii) Release chum, wild coho, and wild Chinook.

(166) McLane Creek (Thurston County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(c) Night closure.

(167) McMurray Lake (Skagit County):

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

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(c) Landlocked salmon rules.

(168) Melbourne Lake (Mason County): Open the fourth Saturday in April through October 31.

(169) Mill Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(170) Mill Pond (Auburn) (King County): Open for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(171) Millers Pond (King County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(172) Minter Creek (Pierce/Kitsap counties): From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

(a) Open for salmon September 16 through December ~~((45))~~ 31.

(b) Night closure.

(c) Anti-snagging rule.

(d) Daily limit 6; up to 4 adults ~~((salmon))~~ may be retained of which only 2 may be coho or Chinook. Release wild coho and wild Chinook.

(173) Mission Lake (Kitsap County):

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

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(174) **Mission Lower Pond (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(175) **Monte Cristo Lake (Snohomish County):**

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) Release all fish except hatchery steelhead.

(176) **Muck Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(177) **Mud Lake (Mason County):** Open the fourth Saturday in April through October 31.

(178) **Munn Lake (Thurston County):**

(a) Selective gear rules.

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

(c) Release all fish.

(179) **Nisqually River (Pierce County):**

(a) From the mouth to Military Tank Crossing Bridge:

(i) Anti-snagging rules.

(ii) Night closure.

(iii) Barbless hooks are required.

(iv) Open July 1 through November 15. During the months of August and October: Closed Sundays and Mondays.

(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon: ~~((Open July 1 through November 15: Closed Sundays.))~~

(A) Daily limit 6; ~~((no more than))~~ up to 2 adults may be retained.

(B) Release chum, wild coho, and wild Chinook.

(b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:

(i) Open ~~((the Saturday before Memorial Day))~~ July 1 through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(180) **Nisqually River tributaries downstream of Alder Dam not otherwise listed (Pierce County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(181) **Nooksack River (Whatcom County):**

(a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:

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

(ii) From the Saturday before Memorial Day through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

~~(A) Open September 1 through ((December 31))~~ September 30:

~~((A))~~ (I) Daily limit 2((;)); plus 2 additional hatchery coho.

~~((B) Release pink salmon September 1 through December 31.~~

~~(C) Release wild Chinook September 1 through September 30.)~~ (II) Release chum and wild Chinook.

(B) Open October 1 through December 31:

(I) Daily limit 2; plus 2 additional hatchery coho.

(II) Release chum.

(b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:

(i) Open from October 1 through January 31.

(ii) October 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open October 1 through December 31:

(B) Daily limit 2((;)); plus ~~((anglers may retain))~~ 2 additional hatchery coho.

(C) Release ~~((pink salmon))~~ chum.

(182) **Nooksack River, North Fork (Whatcom County):**

(a) From the mouth to the Highway 9 bridge: Closed waters.

(b) From the Highway 9 bridge to ~~((Maple Creek))~~ the yellow marker at the upstream side of Kendall Hatchery:

(i) Open the Saturday before Memorial Day through February 15.

(ii) ~~((From))~~ The Saturday before Memorial Day through April 30 and July 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) June 1 through June 30: It is unlawful to use anything other than one single-point hook.

(iv) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.

~~((iv))~~ (v) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((v))~~ (vi) Salmon:

(A) Open June 1 through June 30: Daily limit 2 hatchery Chinook only.

(B) Open October 1 through November 30.

~~((B))~~ (I) Daily limit 2 ((salmon)); plus ((anglers may retain)) 2 additional hatchery coho.

~~((C))~~ (II) Release ((pink salmon)) chum.

(c) From the yellow marker at the upstream side of Kendall Hatchery to Maple Creek:

(i) Open the Saturday before Memorial Day through February 15.

(ii) From the Saturday before Memorial Day through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) Open October 1 through November 30.

(B) Daily limit 2; plus 2 additional hatchery coho.

(C) Release chum.

(d) From Maple Creek to Nooksack Falls:

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

(ii) Selective gear rules.

(iii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(183) **Nooksack River, Middle Fork (Whatcom County):** From the mouth to the city of Bellingham diversion dam:

(a) November 1 through January 31: It is unlawful to use motors.

(b) Open the Saturday before Memorial Day through January 31.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(184) **Nooksack River, South Fork (Skagit/Whatcom counties):**

(a) From the mouth to Skookum Creek:

(i) Open October 1 through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Only one single-point hook allowed.

(iv) From October 1 through November 30: Night closure.

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

(vi) Salmon:

(A) Open October 1 through ~~((December 31))~~ October 15:

~~((A))~~ (I) Daily limit 2; plus ~~((anglers may retain))~~ 4 additional hatchery coho.

~~((B))~~ (II) Release chum and ~~((pink salmon))~~

~~((C))~~ Release wild Chinook October 1 through October 15) wild Chinook.

(B) Open October 16 through December 31:

(I) Daily limit 2; plus 4 additional hatchery coho.

(II) Release chum.

(b) From Skookum Creek upstream to Wanlick Creek: Closed waters.

(c) Upstream from and including Wanlick Creek, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31 for fly fishing only.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(185) **North Lake (King County):** Open the fourth Saturday in April through October 31.

(186) **Northern State Hospital Pond (Skagit County):** Open for juvenile anglers only.

(187) **Ohop Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(188) **Olalla Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(189) **Old Fishing Hole Pond (Kent, King County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card.

(190) **Osborne Lake (Mason County):** Open the fourth Saturday in April through October 31.

(191) **Padden Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

(192) **Panther Lake (Kitsap/Mason counties):** Open the fourth Saturday in April through October 31.

(193) **Panther Lake (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(194) **Pass Lake (Skagit County):**

(a) Fly fishing only.

(b) All motors prohibited.

(c) Game fish: Statewide minimum length/daily limit, except: Release all trout.

(195) **Perry Creek (Thurston County):** From the mouth to the falls:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(196) **Phillips Lake (Mason County):** Open the fourth Saturday in April through October 31.

(197) **Pilchuck Creek (Snohomish County):**

(a) From the mouth to the Highway 9 Bridge:

(i) Open September ~~(16)~~ 1 through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the Highway 9 Bridge to Pilchuck Falls:

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

(ii) From the Saturday before Memorial Day through November 30; selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(198) **Pilchuck River (Snohomish County):**

(a) From the mouth to 500 feet downstream from the Snohomish City diversion dam:

(i) Open from December 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 500 feet downstream from the Snohomish City diversion dam upstream: Closed waters.

(199) **Pine Lake (King County):** Open the fourth Saturday in April through October 31.

(200) **Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County):** Closed waters.

(201) **Pipers Creek (King County) and tributaries:** Closed waters.

(202) **Portage Creek (Snohomish County):** Closed waters.

(203) **Prices Lake (Mason County):**

(a) Selective gear rules.

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

(c) Release all fish.

(204) **Puyallup River (Pierce County):**

(a) From the 11th Street Bridge to East Main Bridge:

(i) From August 15 through August 31 all waters closed Sundays.

(ii) From September 1 through ~~((October 31))~~ September 30 all waters closed Sundays, Mondays, and Tuesdays.

(iii) August 15 through ~~((November 30))~~ December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

(iv) Open for game fish August 15 through December 31.

(v) Game fish: statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon: ~~((A))~~ Open August 15 through ~~((December 31))~~ September 30.

~~((B))~~ (A) Daily limit 6~~((-No more than))~~; up to 2 adults may be retained.

~~((C))~~ (B) Release chum and wild Chinook.

(b) From East Main Bridge to Carbon River:

(i) ~~((From))~~ August 15 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

(ii) Game fish:

(A) Open August 15 through December 31.

(B) Statewide minimum length/daily limit except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:

(A) Open August 15 through ~~((December 31))~~ September 30.

(B) Daily limit 6~~((-No more than))~~; up to 2 adults may be retained.

(C) Release chum and wild Chinook.

(c) From Carbon River upstream:

(i) Open the Saturday before Memorial Day through January 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(205) **Raging River (King County):** From the mouth to the Highway 18 Bridge:

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

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(206) **Rapjohn Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(207) **Rattlesnake Lake (King County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(208) **Ravensdale Lake (King County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(209) **Riley Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(210) **Robbins Lake (Mason County):** Open the fourth Saturday in April through October 31.

(211) **Rocky Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat and wild rainbow trout.

(212) **Roesiger Lake (Snohomish County):** Game fish: statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(213) **Ross Lake (Reservoir) (Whatcom County):**

(a) Open July 1 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout except eastern brook trout: Daily limit 1; minimum length 16 inches.

(ii) Eastern brook trout: Daily limit 5; no minimum size.

(214) **Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):**

(a) From mouth to one mile upstream: Closed waters.

(b) From one mile above the mouths to the headwaters: Open July 1 through October 31.

(215) **Ruby Creek (Whatcom County):** Closed waters.

(216) **Ruby Creek tributaries (Whatcom County):** Open July 1 through October 31.

(217) **Salmon Creek and all forks (Jefferson/Clallam counties):** Closed waters.

(218) **Salmonberry Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(219) **Samish Lake (Whatcom County):** Game fish: Statewide minimum length/daily limit, except:

(a) Cutthroat trout: Daily limit 2; minimum length 14 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(220) **Samish River (Skagit County):**

(a) From the mouth to the ~~((I-5))~~ Thomas Road Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) ~~((From))~~ August 1 through November 30:

(A) Night closure.

(B) It is unlawful to use anything other than one single-point hook.

(iv) ~~((From))~~ December 1 through December 31: Selective gear rules.

(v) Salmon:

(A) Open August 1 through September ~~((22))~~ 13.

(B) Daily limit 2; anglers may only retain fish hooked inside the mouth.

(C) Release ~~((pink))~~ chum and wild coho.

(b) From Thomas Road Bridge to the I-5 Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) August 1 through November 30:

(A) Night closure.

(B) It is unlawful to use anything other than one single-point hook.

(iv) December 1 through December 31: Selective gear rules.

(c) From the I-5 Bridge to the Old Highway 99 Bridge:

(i) ~~((Closed waters from the Old Highway 99 Bridge to the WDFW salmon rack.~~

~~((ii))~~ Open the Saturday before Memorial Day through August 30.

~~((iii))~~ (ii) Selective gear rules.

~~((iv))~~ (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((e))~~ (d) From the Old Highway 99 Bridge to the Samish hatchery salmon rack: Closed waters.

(e) From upstream of the ~~((WDFW))~~ Samish hatchery rack to Hickson Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(221) **Sammamish Lake (King County):**

(a) Closed waters within 100 yards of the mouth of Issaquah Creek August 16 through November 30.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release all kokanee.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(c) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.

(d) Landlocked salmon rules apply for December 1 through May 31. Hatchery coho only may be retained as part of the trout daily limit under the landlocked salmon rules, minimum length 12 inches.

(e) Open for salmon from October 1 through November 30.

(i) Salmon: Daily limit 4 coho only.

(ii) Release Chinook and sockeye.

(222) Sammamish River (Slough) (King County):

From the 68th Avenue N.E. Bridge to Lake Sammamish:

(a) Open from January 1 through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(223) Sandysore Lake (Jefferson County): Open the fourth Saturday in April through October 31.

(224) Sauk River (Skagit/Snohomish counties):

(a) Selective gear rules.

(b) Release all fish except hatchery steelhead.

(c) From the mouth to Darrington Bridge:

(i) Open June 1 through January 31.

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

(d) From Darrington Bridge to the mouth of the White Chuck River: Open June 1 through January 31.

(e) From the Whitechuck River to the headwaters, including the North Fork from mouth to North Forks Falls and the South Fork from mouth to Elliot Creek: Open June 1 through October 31.

(f) In the South Fork upstream from Elliot Creek: Open June 1 through August 31.

(225) Sawyer Lake (King County):

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(226) Schneider Creek (Thurston County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(227) Serene Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(228) Shady Lake (King County): Open the fourth Saturday in April through October 31.

(229) Shannon, Lake (Skagit County):

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

(b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches.

(230) Shelton Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(231) Sherwood Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(232) Sherwood Creek Mill Pond (Mason County):

Game fish: Statewide minimum length/daily limit, except:

(a) Trout: Daily limit 2; minimum length 14 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(233) Shoe Lake (Mason County): Open the fourth Saturday in April through October 31.

(234) Silent Lake (Jefferson County): Open the fourth Saturday in April through October 31.

(235) Silver Lake (Pierce County): Open the fourth Saturday in April through October 31.

(236) Silver Lake (Whatcom County): Open the fourth Saturday in April through October 31.

(237) Sixteen Lake (Skagit County): Open the fourth Saturday in April through October 31.

(238) Skagit River (Skagit/Whatcom counties):

(a) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

(i) Open March 1 through January 31.

(ii) March 1 through August 31:

(A) Selective gear rule except anglers fishing for sturgeon must use bait.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon:

(A) Open September 1 through ~~((December))~~ October 31.

(B) Daily limit ~~((3-adult))~~ 2 salmon, release Chinook ~~((pink))~~ and chum.

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

(i) Open June 1 through January 31.

~~((A) Night closure: June 1 through July 15.~~

~~((B) From))~~ (ii) June 1 ~~((through June 15 and July 16))~~ through August 31.

~~((H))~~ (A) Selective gear rules except for sturgeon.

~~((H))~~ (B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except

anglers fishing for sturgeon may use single-point barbless hooks of any size.

~~((ii))~~ ~~(iii)~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iii))~~ ~~(iv)~~ Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

~~((iv))~~ ~~(v)~~ Salmon: ~~((A))~~ Open June 16 through July 15. ~~(B)~~ Daily limit 3 sockeye only.

~~(H)~~ Open September 1 through ~~((December))~~ October 31.

~~((H))~~ ~~(A)~~ Daily limit ~~((3-adult))~~ 2 salmon~~((;))~~. ~~(B)~~ Release Chinook~~((;-pink;))~~ and chum.

(c) From Gilligan Creek to The Dalles Bridge at Concrete:

(i) Open June 1 through January 31.
(ii) ~~((From))~~ June 1 through August 31:

(A) Selective gear rules.
(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(C) Night closure.
(iii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon: ~~((A))~~ Open September 1 through ~~((December))~~ October 31.

~~((B))~~ ~~(A)~~ Daily limit ~~((3-adult))~~ 2 salmon~~((;))~~. ~~(B)~~ Release Chinook~~((;-pink;))~~ and chum.

(d) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(i) Open June 1 through January 31.
(ii) June 1 through August 31: Closed waters between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.

(iii) June 1 through August 31:
(A) Night closure.
(B) Selective gear rules.

(C) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(vi) Salmon: ~~((A))~~ Open September 1 through ~~((December))~~ October 31.

~~((B))~~ ~~(A)~~ Daily limit ~~((3-adult))~~ 2 salmon~~((;))~~. ~~(B)~~ Release Chinook~~((;-pink;))~~ and chum.

(e) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):

(i) Open June 1 through January 31:
(A) June 1 through July 15; anti-snagging rules.
(B) June 1 through July 15; night closure.

(C) July 16 through August 31: Selective gear rules and it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(ii) Salmon:
(A) Open June 1 through July 15~~((;-~~

~~(B))~~; Daily limit 4 hatchery Chinook only~~((;-~~

~~(B))~~; up to 2 may be adults.

~~((D))~~ ~~(B)~~ Open September 1 through ~~((December 31-~~

~~(E))~~ October 31: Daily limit ~~((3-adult-salmon;))~~ 2; release Chinook~~((;-pink;))~~ and chum.

(f) From Cascade River Road to the Gorge Powerhouse:
(i) Open June 1 through January 31.
(ii) Selective gear rules.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
(iv) Release all fish except hatchery steelhead.

~~((D))~~ ~~(B)~~ Open September 1 through ~~((December 31-~~

~~(E))~~ October 31: Daily limit ~~((3-adult-salmon;))~~ 2; release Chinook~~((;-pink;))~~ and chum.

(f) From Cascade River Road to the Gorge Powerhouse:
(i) Open June 1 through January 31.
(ii) Selective gear rules.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
(iv) Release all fish except hatchery steelhead.

(239) **Skokomish River (Mason County):**
(a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed waters.

(b) From the city of Tacoma PUD overhead distribution lines to the Bonneville Transmission lines west of Highway 101: Closed waters.

(c) From the Bonneville Transmission lines west of Highway 101 to the forks:

(i) Selective gear rules.
(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(240) **Skokomish River, North Fork (Mason County):**
(a) From the mouth to the lower dam:

(i) Selective gear rules.
(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(b) Above Lake Cushman, from the mouth to Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through August 31.
(ii) Selective gear rules.
(iii) Release all fish.

(241) **Skokomish River, South Fork (Mason County):**
(a) From the mouth to the mouth of LeBar Creek:

(i) Selective gear rules.
(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(b) From LeBar Creek to Rule Creek: Closed waters.

(242) **Skookum Creek (Mason County):**
(a) Selective gear rules.
(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(243) **Skykomish River (Snohomish County):**
(a) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the mouth of Wallace River:
(i) Open the Saturday before Memorial Day through January 31.
(ii) From August 1 through November 30:

(A) Anti-snagging rules.
(B) Night closure.

(iii) From November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.

(iv) Salmon: ~~((A))~~ Open the Saturday before Memorial Day through July 31: Daily limit 4 hatchery Chinook; ~~((no more than 2 of which))~~ up to 2 may be adults.

~~((B) For years ending in odd numbers:~~

~~(A) Open September 1 through September 30:~~

~~(B) Daily limit 1 coho salmon only.~~

~~(C) For years ending in even numbers: Open September 16 through November 15: Daily limit 2, release Chinook and chum.)~~

(c) From the mouth of the Wallace River to the forks:

(i) Open the Saturday before Memorial Day through February 15.

(ii) ~~(From))~~ August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From the Saturday before Memorial Day through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

~~((iv) Salmon: For years ending in odd numbers:~~

~~(A) Open September 1 through September 30:~~

~~(B) Daily limit 1 coho salmon only.~~

~~(v) Salmon: For years ending in even numbers:~~

~~(A) Open September 16 to November 15:~~

~~(B) Daily limit 2 salmon; release Chinook and chum.)~~

(244) Skykomish River, North Fork (Snohomish County):

(a) From the mouth to 1,000 feet downstream of Bear Creek Falls:

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

(ii) Selective gear rules.

(iii) Release all fish except hatchery steelhead.

(b) From 1000 feet downstream of Bear Creek Falls to Deer Falls and all tributaries: Closed waters.

(245) Skykomish River, South Fork (King/Snohomish counties):

(a) From the mouth to 600 feet downstream from the Sunset Falls fishway:

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

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 600 feet downstream of Sunset Falls fishway to Sunset Falls: Closed waters.

(c) From Sunset Falls to the source:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) All tributaries and their tributaries above Sunset Falls:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Selective gear rules.

(246) Snohomish River (Snohomish County):

(a) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

(i) Sturgeon catch and release is permissible year-round.

(ii) August 1 through November 30:

(A) Anti-snagging rules; except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure.

(iii) Open the Saturday before Memorial Day through January 31.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((v) Salmon, for years ending in odd numbers:~~

~~(A) Open September 1 through September 30:~~

~~(B) Daily limit 1 coho salmon only.~~

~~(vi) Salmon, for years ending in even numbers:~~

~~(A) Open September 15 through November 15:~~

~~(B) Daily limit 2, release Chinook and chum.)~~

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers and all channels:

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

(ii) August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((iv) Salmon, for years ending in odd numbers:~~

~~(A) Open September 1 through September 30:~~

~~(B) Daily limit 1 coho salmon only.~~

~~(v) Salmon, for years ending in even numbers:~~

~~(A) Open September 15 through November 15:~~

~~(B) Daily limit 2, release Chinook and chum.)~~

(247) Snoqualmie River (King County):

(a) From the mouth to Snoqualmie Falls:

(i) From the Saturday before Memorial Day through November 30: Selective gear rules.

(ii) From September 1 through November 30: Night closure.

(iii) From the mouth to the boat ramp at the Plum access: Open the Saturday before Memorial Day through January 31.

(iv) From the boat ramp at the Plum access to the falls: Open the Saturday before Memorial Day through February 15.

(v) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((vii) Salmon, for years ending in odd numbers:~~

~~(A) Open September 1 through September 30.~~

~~(B) Daily limit 1 coho salmon only.~~

~~((viii) Salmon, for years ending in even numbers:~~

~~(A) Open September 15 through November 15.~~

~~(B) Daily limit 2, release Chinook and chum.))~~

(b) From Snoqualmie Falls upstream, including the North Fork, South Fork, all tributaries except Middle Fork and tributaries to the Middle Fork:

(i) Selective gear rules.

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

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

(iv) Open November 1 through the Friday before Memorial Day: Release all fish.

(c) Middle Fork from the mouth to the source, including all tributaries:

(i) Open year-round.

(ii) Selective gear rules.

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

(iv) Release all fish.

(248) **South Prairie Creek (Pierce County):** From the mouth to the city of Buckley diversion dam: Closed waters.

(249) **Spada Lake (Reservoir) (Snohomish County):**

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

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; maximum length 12 inches.

(250) **Spada Lake (Reservoir) tributaries (Snohomish County):** Closed waters.

(251) **Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County):** Open year-round.

(252) **Sprague Pond (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(253) **Squalicum Lake (Whatcom County):**

(a) Fly fishing only.

(b) All motors prohibited.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(254) **Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):**

(a) Open September 16 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(255) **Steel Lake (King County):** Open the fourth Saturday in April through October 31.

(256) **Stetattle Creek (Whatcom County):** From the mouth to Bucket Creek: Closed waters.

(257) **Stevens, Lake (Snohomish County):**

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(258) **Steilacoom Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(259) **Stevens Lake (Stevens Lake) (Mason County):** Open the fourth Saturday in April through October 31.

(260) **Stickney Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(261) **Stillaguamish River (Snohomish County):**

(a) From the mouth to Marine Drive, including all sloughs:

(i) Open year-round.

(ii) Night closure.

(iii) From August 1 through November 30: Anti-snagging rules, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed waters.

(ii) Open September ~~((46))~~ 1 through November ~~((30))~~ 15.

(A) Selective gear rules.

(B) Night closure.

(C) Release all fish except hatchery steelhead.

(iii) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open September ((46)) 1 through November 15.

(B) Daily limit 2 coho salmon only.

(262) Stillaguamish River, North Fork (Snohomish County):

(a) From the North Fork mouth to the mouth of French Creek:

(i) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(ii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(iii) Open the September 16 through November 30:

(A) Fly fishing only.

(B) From September 16 through November 30; night closure.

(C) Release all fish except hatchery steelhead.

(iv) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) From September 16 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(ii) Open September 16 through November 30:

(A) Fly fishing only.

(B) Release all fish except hatchery steelhead.

(iii) Open from December 1 through February 15. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From Swede Heaven Bridge to North Forks Falls approximately one mile upstream of Cascade Creek:

(i) Open September 16 through November 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(263) Stillaguamish River, South Fork (Snohomish County):

(a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:

(i) Open September 16 through January 31.

(ii) From September 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 400 feet below the Granite Falls Fishway to the Mountain Loop Highway Bridge above Granite Falls: Closed waters.

(c) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:

(i) Open Saturday before Memorial Day through November 30.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(264) Stitch Lake (Snohomish County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(265) Storm Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(266) Suiattle River (Skagit/Snohomish County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of trout limit.

(267) Sultan River (Snohomish County): From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:

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

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(268) Sultan River; North Fork (Snohomish County): Closed waters.

(269) Sultan River; South Fork (Snohomish County): Closed waters.

(270) Summit Lake (Thurston County): Open the fourth Saturday in April through October 31.

(271) Sunset Lake (Whatcom County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(272) Susan Lake (Thurston County):

(a) Selective gear rules.

(b) Release all fish.

(273) Swan's Mill Pond (Stossel Creek) (King County): Open the Saturday before Memorial Day through October 31.

(274) Symington Lake (Kitsap County):

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

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Release cutthroat trout and wild rainbow trout.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(275) **Tahuya Lake (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(276) **Tahuya River (Mason County):**

(a) From the mouth to the Belfair Tahuya Road Bridge:

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

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the Belfair Tahuya Road Bridge upstream: Selective gear rules.

(277) **Tanwax Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(278) **Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within 400 feet of the screen at Dingle Basin:** Open year-round.

(279) **Tarboo Creek (Jefferson County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(280) **Tarboo Lake (Jefferson County):**

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

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

(281) **Teal Lake (Jefferson County):**

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

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(282) **Tenas Lake (Mason County):** Open the fourth Saturday in April through October 31.

(283) **Tennant Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.

(284) **Terrell, Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.

(285) **Thornton Creek (Whatcom County):** Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

(286) **Thornton Lake, lower (Whatcom County):** Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

(287) **Tiger Lake (Kitsap/Mason counties):** Open the fourth Saturday in April through October 31.

(288) **Toad Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

(289) **Tokul Creek (King County) (Snoqualmie River tributary):**

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted boundary marker located downstream of the diversion dam:

(i) Open January 15 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the posted boundary marker downstream of the diversion dam to Tokul Road S.E.: Closed waters.

(290) **Tolt River (King County):**

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

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

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the USGS trolley cable just below the confluence of the North Fork and South Forks to the forks: Closed waters.

(291) **Tolt River, North Fork (King County):**

(a) From the mouth upstream to the falls approximately 1/3 miles above the Northeast North Fork Road Bridge (Pipeline Bridge): Closed waters.

(b) From the falls approximately 1/3 mile above the Northeast North Fork Road Bridge (Pipeline Bridge) upstream, including all tributaries:

(i) Selective gear rules.

(ii) Release all fish.

(292) **Tolt River, South Fork (King County):** From the mouth upstream to the dam: Closed waters.

(293) **U Lake (Mason County):** Open the fourth Saturday in April through October 31.

(294) **Uncle John Creek (Mason County):**

- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (295) Union River (Mason County):**
- (a) From the mouth to the lower bridge on Old Belfair Highway:
 - (i) Open the Saturday before Memorial Day through August 15.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (b) From the lower bridge on Old Belfair Highway upstream:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (296) Vogler Lake (Skagit County):**
- (a) Fly fishing only.
- (b) Release all fish.
- (297) Wagners Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (298) Walker Lake (King County):** Open the fourth Saturday in April through October 31.
- (299) Wallace River (Snohomish County):**
- (a) From the mouth to 363rd Ave. S.E./Reece Rd:
 - (i) Open from the Saturday before Memorial Day through February 15.
 - (ii) From the Saturday before Memorial Day through November 30:
 - (A) Anti-snagging rules.
 - (B) Night closure.
 - (iii) From November 1 through February 15: It is unlawful to fish from any floating device.
 - (iv) Game fish: Statewide minimum length/daily limit, except:
 - (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
- (v) ~~Salmon((, in years ending in odd numbers: (A) Open September 16 through September 30. (B) Daily limit 1 coho salmon only. (vi) Salmon, in years ending in even numbers)):~~
- (A) Open September 16 through November ((15)) 30.
- (B) Daily limit ((2 salmon, release Chinook and chum)) 1 hatchery coho only.
- (b) From 363rd Avenue S.E./Reece Road to 200 feet downstream of the water intake of the salmon hatchery:
 - (i) Open September 16 through February 15.
 - (ii) ((From)) September 16 through November 30:
 - (A) Anti-snagging rules.
 - (B) Night closure.
 - (iii) November 1 through February 15: It is unlawful to fish from any floating device.
 - (iv) Game fish: Statewide minimum length/daily limit, except:
 - (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
- (v) ~~Salmon((, in years ending in odd numbers: (A) Open September 16 through September 30. (B) Daily limit 1 coho salmon only. (vi) Salmon, in years ending in even numbers)):~~
- (A) Open September 16 through November ((15)) 30.
- (B) Daily limit ((2 salmon, release Chinook and chum)) 1 hatchery coho only.
- (c) From 200 feet downstream of the water intake to 200 feet upstream of the water intake: Closed waters when the hatchery weir is in operation.
- (d) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:
 - (i) Open November 1 through January 31.
 - (ii) It is unlawful to fish from any floating device.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
- (300) Walsh Lake (King County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (301) Wapato Lake (Pierce County):** Open to juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.
- (302) Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream and Mercer slough (King County):**
- (a) Open year-round.
- (b) Chumming is permissible.
- (c) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except:
 - (i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.
 - (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iv) Channel catfish: Daily limit 10; no size restriction.
 - (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
 - (d) December 1 through the last day in February:
 - (i) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.
 - (ii) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(v) Channel catfish: Daily limit 10; no size restriction.

(vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(e) March 1 through June 30: Game fish: Statewide minimum length/daily limit, except:

(i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(ii) Trout: Minimum length 12 inches.

(iii) Release steelhead and rainbow trout over 20 inches in length.

(iv) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(v) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(vi) Channel catfish: Daily limit 10; no size restriction.

(vii) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(f) Salmon:

(i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.

(ii) Daily limit 4 coho only.

(303) Washington Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):

(a) East of the Fremont Bridge: Chumming is permissible.

(b) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

(c) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(C) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Channel catfish: Daily limit 10; no size restriction.

(E) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(ii) From December 1 through the last day in February: Game fish: Statewide minimum length/daily limit, except:

(A) Release steelhead and rainbow trout over 20 inches in length.

(B) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(C) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(D) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(E) Channel catfish: Daily limit 10; no size restriction.

(F) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(iii) March 1 through June 30: Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Trout: Minimum length 12 inches.

(C) Release steelhead and rainbow trout over 20 inches in length.

(D) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(E) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(F) Channel catfish: Daily limit 10; no size restriction.

(G) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(304) Whatcom Creek (Whatcom County):

(a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:

(i) Open the Saturday before Memorial Day through ~~((December))~~ July 31.

(ii) ~~((August 1 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(iii))~~ Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iv) Salmon:~~

~~(A) Open August 1 through December 31.~~

~~(B) Daily limit 2.~~

~~(C))~~ (iii) Anglers fishing lawfully within 50 yards of the Bellingham Technical College Hatchery Collection Tube and on the hatchery side of the creek that hook and land chum salmon may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

(b) From the markers below the footbridge below Dupont Street in Bellingham to the footbridge below Dupont Street: Closed waters.

(c) From the footbridge below Dupont Street in Bellingham to the stone bridge at Whatcom Falls Park:

(i) ~~((From))~~ August 1 through October 31:

(A) Anti-snagging rules.

(B) Night closure.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Open the fourth Saturday in April through October 31 for juvenile anglers only.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: No minimum length.

(305) Whatcom, Lake (Whatcom County):

(a) The waters between the Electric Avenue Bridge and the outlet dam: Closed waters.

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

(c) Game fish: Statewide minimum length/daily limit, except: Release all cutthroat trout.

(306) Whatcom, Lake, tributaries (Whatcom County): Closed waters.

(307) White (Stuck) River (Pierce County):

(a) From October 1 through October 31:

(i) Night closure.

(ii) Selective gear rules.

(b) Release all fish.

(c) Cascade Water Alliance canal, including the screen bypass channel above the screen at Dingle Basin: Closed waters.

(d) Whitefish: Open December 1 through the last day in February: Whitefish gear rules.

(308) White Chuck River (Snohomish County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(309) Wildcat Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(310) Wildcat Lake (Kitsap County): Open the fourth Saturday in April through October 31.

(311) Wilderness Lake (King County):

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

(b) Landlocked salmon rules.

(312) Wilkeson Creek (Pierce County) (South Prairie Creek tributary): From the mouth to the confluence with Gale Creek: Closed waters.

(313) Woodard Creek (Thurston County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(314) Wood Lake (Mason County): Open the fourth Saturday in April through October 31.

(315) Woodland Creek (Thurston County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(316) Woodland Farm Reservoir (Snohomish County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(317) Wooten Lake (Mason County): Open the fourth Saturday in April through October 31.

AMENDATORY SECTION (Amending WSR 20-03-130, filed 1/17/20, effective 2/17/20)

WAC 220-312-050 Freshwater exceptions to statewide rules—Eastside. (1) Countywide freshwater exceptions to statewide rules:

(a) Irrigation canals, wasteways, drains and the inlets and outlets of all lakes, ponds, and reservoirs in Grant and Adams counties (except Crab Creek, Rocky Ford Creek and Ponds, Columbia Basin Hatchery Creek, Bobcat Creek, Coyote Creek, Frenchman Hills Wasteway and Drains, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round, statewide lake rules apply to all species.

(b) In Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.

(2) Aeneas Lake (Okanogan County):

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

(b) Fly fishing only.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(3) Ahtanum Creek (Yakima County): Selective gear rules.

(4) Ahtanum Creek, North Fork (Yakima County):

(a) From the Grey Rock Trailhead Bridge crossing upstream to Shellneck Creek: Closed waters.

(b) Selective gear rules.

(5) Ahtanum Creek, Middle Fork (Yakima County):

(a) From the A2000 Spur Road Bridge in NE 1/4 of Section 34 upstream to the A2800 Road Bridge at Tree Phones Campground: Closed waters.

(b) Selective gear rules.

(6) Alta Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(7) Amber Lake (Spokane County):

(a) Selective gear rules.

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

(c) Open March 1 through November 30.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(8) American River (Yakima County):

(a) Selective gear rules.

(b) From the Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8: Closed waters from July 16 through September 15.

(9) **Amon Wasteway (Benton County):** Selective gear rules.

(10) **Andrews Creek (tributary to Chewuch River) (Okanogan County):** From the mouth to the falls approximately 0.5 miles upstream: Closed waters.

(11) **Asotin Creek, mainstem and forks (Asotin County):**

(a) Closed waters:

(i) South Fork from mouth upstream.

(ii) North Fork from USFS border upstream.

(b) Game fish: Statewide minimum length/daily limit, except: It is unlawful to fish for steelhead.

(c) Selective gear rules.

(12) **Aspen Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(13) **Badger Lake (Spokane County):** Open the fourth Saturday in April through September 30.

(14) **Banks Lake (Grant County):**

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Crappie: Daily limit 10; minimum length 9 inches.

(ii) Yellow perch: Daily limit 25.

(15) **Bayley Lake (Stevens County):**

(a) Inlet stream: Closed waters.

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

(c) Fly fishing only.

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

(e) Release all fish.

(16) **Bear Creek (tributary to South Fork Tieton River) (Yakima County):** From the mouth to the falls (approximately 0.75 mile): Closed waters.

(17) **Bear Lake (Spokane County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(18) **Beaver Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(19) **Beaver Lake (Big) (Okanogan County):** Open the fourth Saturday in April through October 31.

(20) **Beaver Lake, (Little):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(21) **Beda Lake (Grant County):**

(a) Selective gear rules.

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

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(22) **Beehive (Lake) Reservoir (Chelan County):**

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

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(23) **Beth Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(24) **Big Four Lake (Columbia County):**

(a) Fly fishing only.

(b) It is unlawful to fish from any floating device.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(25) **Big Meadow Lake (Pend Oreille County):**

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

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

(26) **Big Twin Lake (Okanogan County):**

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

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(27) **Billy's Acclimation Pond (Yakima County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(28) **Blackbird Island Pond (Chelan County):** Open July 1 through September 30 for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(29) **Black Canyon Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(30) **Black Lake (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(31) **Black Lake (Okanogan County):** Selective gear rules.

(32) **Black Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(33) **Blue Lake (Columbia County):** It is unlawful to fish from any floating device.

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

(35) **Blue Lake (near Sinlahekin) (Okanogan County):**

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

(b) Selective gear rules.

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

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

(e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(36) **Blue Lake (near Wannacut Lake) (Okanogan County):**

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

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.

(37) **Bobcat Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.

(38) **Bonaparte Creek (Okanogan County):** From the mouth to the falls approximately river mile 1.0: Closed waters.

(39) **Bonaparte Lake (Okanogan County):**

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

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(40) **Boulder Creek and tributaries (Okanogan County):** From the mouth to the barrier falls at river mile 1.0: Closed waters.

(41) **Box Canyon Creek and tributaries (Kittitas County):** From mouth (Kachess Reservoir) upstream approximately 2 miles to the 20 foot high waterfall, including that portion of the creek that flows through the dry lake bed: Closed waters.

(42) **Browns Lake (Pend Oreille County):**

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

(b) Fly fishing only.

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

(43) **Bumping Lake (Reservoir) (Yakima County):** Chumming is permissible.

(44) **Buckskin Creek and tributaries (Yakima County):** From the mouth to the west boundary of Suntides Golf Course: Closed waters.

(45) **Bumping River (Yakima County):**

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

(b) From the mouth to Bumping Reservoir; selective gear rules.

(46) **Burke Lake (Grant County):** Open March 1 through September 30.

(47) **Buttermilk Creek (tributary to Twisp River) (Okanogan County), including tributaries:**

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

(b) Release all fish.

(c) Selective gear rules.

(48) **Buzzard Lake (Okanogan County):**

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

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(49) **Caldwell Lake (Pend Oreille County):**

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

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(50) **Caliche Lakes, Upper (Grant County):** Open March 1 through September 30.

(51) **Calispell Creek (Calispell River) (Pend Oreille County):** From the mouth to Calispell Lake: Open year-round.

(52) **Campbell Lake (Okanogan County):**

(a) Selective gear rules.

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

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(53) **Carl's Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(54) **Cascade Lake (Grant County):** Open March 1 through September 30.

(55) **Cattail Lake (Grant County):** Open the fourth Saturday in April through September 30.

(56) **Cedar Creek (tributary to Early Winters Creek) (Okanogan County):**

(a) From the mouth to Cedar Falls:

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

(ii) Selective gear rules.

(iii) Release all fish.

(b) From Cedar Falls upstream including tributaries: Selective gear rules.

(57) **Cedar Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(58) **Chain Lake (Pend Oreille County):**

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

(b) Game fish: Statewide minimum length/daily limit, except: Release kokanee.

(59) **Chapman Lake (Spokane County):**

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

(b) Chumming is permissible.

(60) **Chelan Hatchery Creek (Chelan County):** Closed waters.

(61) **Chelan Lake (Chelan County):**

(a) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild cutthroat trout.

(ii) Lake trout: No limit and no size restriction.

(b) Salmon: Daily limit 1; minimum length 15 inches.

(c) No catch record card required.

(62) **Chelan Lake tributaries (Chelan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.

(63) **Chelan River (Chelan County):** From the railroad bridge to the Chelan PUD safety barrier below the power house:

(a) July 1 through October 31: Anti-snagging rule and night closure.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release trout.

(ii) Steelhead: Closed to fishing.

(c) From the Chelan PUD safety barrier below the power house upstream to Chelan Lake: Closed waters.

(64) Chewuch River (Okanogan County):

(a) From the mouth to Eight Mile Creek:

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

(ii) Selective gear rules.

(iii) Release all fish.

(b) From the mouth to Pasayten Wilderness boundary falls: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(65) Chiwaukum Creek (Chelan County):

(a) From the mouth to Fool Hen Creek, including Fool Hen Creek and tributaries: Closed waters.

(b) From Fool Hen Creek upstream and tributaries: Selective gear rules.

(66) Chiwawa River (Chelan County):

(a) From the mouth to Buck Creek and tributaries not including Buck Creek: Closed waters.

(b) From Buck Creek upstream and tributaries (including Buck Creek): Selective gear rules.

(67) Chopaka Lake (Okanogan County):

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

(b) Fly fishing only.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(68) Chumstick Creek (Chelan County): Closed waters.

(69) Clear Lake (Chelan County):

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

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(70) Clear Lake (Spokane County): Open the fourth Saturday in April through October 31.

(71) Cle Elum Lake (Reservoir) (Kittitas County): Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 9 inches and maximum length 15 inches.

(72) Cle Elum River (Kittitas County):

(a) From the mouth to Cle Elum Dam:

(i) Open year-round.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release rainbow trout and cutthroat trout.

(iv) It is permissible to fish up to the base of Cle Elum Dam.

(v) Whitefish:

(A) Open December 1 through last day in February for whitefish only.

(B) Whitefish gear rules.

(b) From above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules.

(73) Cliff Lake (Grant County): Open March 1 through September 30.

(74) Coffee Pot Lake (Lincoln County):

(a) Open March 1 through September 30.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Crappie: Daily limit 10; minimum length 9 inches.

(75) Columbia Basin Hatchery Creek (Grant County):

(a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.

(b) Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(76) Columbia Park Pond (Benton County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(77) Colville River (Stevens County): From the mouth to bridge at the town of Valley including Meyers Falls Reservoir: Open year-round.

(78) Conconully Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(79) Conconully Reservoir (Okanogan County): Open the fourth Saturday in April through October 31.

(80) Conger Pond (Pend Oreille County): Open the fourth Saturday in April through October 31.

(81) Conner Lake (Okanogan County):

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

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(82) Cooper River (Kittitas County): From the mouth to Cooper Lake: Selective gear rules.

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

(84) Corral Creek (Benton County): Selective gear rules.

(85) Cougar Lake (Pasayten Wilderness) (Okanogan County): Selective gear rules.

(86) Cougar Lake (near Winthrop) (Okanogan County):

(a) Selective gear rules.

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

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(87) Cowiche Creek (Yakima County): Selective gear rules.

(88) Coyote Creek and Ponds (Adams County): Open the fourth Saturday in April through September 30.

(89) Crab Creek (Adams/Grant/Lincoln counties):

(a) From the mouth to Morgan Lake Road: Open the Saturday before Memorial Day through September 30.

(b) From Morgan Lake Road to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

(c) From the confluence of the Moses Lake outlets to Sand Dunes Road including tributaries:

(i) Open year-round.

(ii) ~~(Game fish: Statewide minimum length/daily limit)~~
Statewide lake rules apply to all species, except:

- (A) Crappie: Minimum length 9 inches.
 (B) Crappie and bluegill: Combined limit of 25 fish.
 (C) Yellow perch: Daily limit 25 fish.
 (d) From the fountain buoy and shoreline markers of 150 feet down stream of the Alder Street fill to Grant County Road 7 NE:
 (i) Open year-round.
 (ii) ~~((Game fish: Statewide minimum length/daily limit))~~
Statewide lake rules apply to all species, except:
 (A) Crappie: Daily limit 10; minimum length 9 inches.
 (B) Bluegill: Daily limit 5; minimum length 8 inches.
 (C) Yellow perch: Daily limit 25.
 (e) From Grant County Road 7 NE upstream (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.
- (90) **Crawfish Lake (Okanogan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (91) **Crescent Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (92) **Crystal Lake (Grant County):** Open March 1 through September 30.
- (93) **Cub Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to West Chewuch Road Bridge: Closed waters.
- (94) **Cup Lake (Grant County):** Open March 1 through September 30.
- (95) **Curl Lake (Columbia County):**
 (a) Open the Saturday before Memorial Day through October 31.
 (b) It is unlawful to fish from any floating device.
- (96) **Davis Lake (Ferry County):** Open the fourth Saturday in April through October 31.
- (97) **Davis Lake (Okanogan County):**
 (a) Selective gear rules.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (98) **Dayton Pond (Columbia County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (99) **Deadman Lake (Adams County):** Open the fourth Saturday in April through September 30.
- (100) **Deep Creek (tributary to Bumping Lake) (Yakima County):** From the mouth to the waterfall approximately 0.33 mile above the second bridge crossing on USFS Road 1808 (approximately 3.7 miles from the junction of USFS Roads 1800 and 1808): Closed waters.
- (101) **Deep Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (102) **Deep Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (103) **Deer Lake (Columbia County):**
 (a) Open March 1 through November 30.
 (b) It is unlawful to fish from any floating device.
- (104) **Deer (Deer Springs) Lake (Lincoln County):** Open the fourth Saturday in April through September 30.
- (105) **Deer Lake (Stevens County):**
 (a) Open March 1 through November 30.
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (106) **Delaney Springs (Grant County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (107) **De Roux Creek (Kittitas County):** From the mouth to the USFS trail 1392 (De Roux Creek Trail) stream crossing (approximately 1 river mile): Closed waters.
- (108) **Dog Creek (tributary to Chewuch) (Okanogan County):** From mouth upstream to falls approximately 1.5 miles: Closed waters.
- (109) **Domerie Creek (Kittitas County):** Selective gear rules.
- (110) **Downs Lake (Lincoln/Spokane counties):**
 (a) Open March 1 through September 30.
 (b) Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.
- (111) **Dry Falls Lake (Grant County):**
 (a) Open March 1 through November 30.
 (b) Selective gear rules.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (112) **Dune Lake (Grant County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (113) **Dusty Lake (Grant County):**
 (a) Open March 1 through November 30.
 (b) Selective gear rules.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (114) **Eagle Creek (tributary to Twisp River) (Okanogan County):** From mouth upstream to the falls approximately 0.5 miles: Closed waters.
- (115) **Early Winters Creek (tributary to Methow River) (Okanogan County):**
 (a) From the mouth upstream to Forest Road 300: Closed waters.
 (b) From Forest Road 300 upstream; including tributaries except Cedar Creek:
 (i) Open the Saturday before Memorial Day through August 15.
 (ii) Selective gear rules.
 (iii) Release all fish.
- (116) **Eightmile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to Forest Road 5130 Bridge: Closed waters.
- (117) **Elbow Lake (Stevens County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

- (118) **Ell Lake (Okanogan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Selective gear rules.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (119) **Eloika Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.
- (120) **Empire Lake (Ferry County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (121) **Entiat River (Chelan County):**
 (a) From mouth (railroad bridge) to the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery):
 (i) Open December 1 through the last day in February for whitefish only.
 (ii) Whitefish gear rules.
 (b) From the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery) to Entiat Falls:
 (i) Whitefish:
 (ii) Open December 1 through the last day in February for whitefish only.
 (iii) Whitefish gear rules.
 (c) Entiat River and all tributaries above Entiat Falls: Selective gear rules.
- (122) **Ephrata Lake (Grant County):** Closed waters.
- (123) **Esquatzel Coulee (Franklin County):** Open year-round.
- (124) **Esquatzel Coulee, West Branch (Franklin County):** Open year-round.
- (125) **Falls Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to the falls approximately .15 miles: Closed waters.
- (126) **Fan Lake (Pend Oreille County):**
 (a) Open the fourth Saturday in April through September 30.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (127) **Ferry Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (128) **Fiorito Lakes (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (129) **Fish Lake (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Yellow perch: Daily limit 25.
- (130) **Fish Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (131) **Fish Lake (Spokane County):**
 (a) Open the fourth Saturday in April through September 30.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (132) **Fishhook Pond (Walla Walla County):** It is unlawful to fish from a floating device.
- (133) **Fishtrap Lake (Lincoln/Spokane counties):** Open the fourth Saturday in April through September 30.
- (134) **Forde Lake (Okanogan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (135) **Fourth of July Lake (Adams/Lincoln counties):**
 (a) Open the Friday after Thanksgiving through March 31.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (136) **Frank's Pond (Chelan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Open to juvenile anglers only.
- (137) **Frater Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (138) **Frenchman Hills Wasteway and Drains (Grant County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (139) **Gadwall Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (140) **Garfield Juvenile Pond (Whitman County):** Open to juvenile anglers only.
- (141) **Goat Creek (tributary to Methow River) (Okanogan County):** Closed waters.
- (142) **Gold Creek, Gold Creek Pond and outlet channel (tributary to Keechelus Lake):** Including that portion of Gold Creek that flows through the dry Keechelus Reservoir lakebed: Closed waters.
- (143) **Gold Creek (tributary to Methow River) (Okanogan County):** Closed waters.
- (144) **Goose Creek (Lincoln County), within the city limits of Wilbur:** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (145) **Goose Lake, Lower (Grant County):** Game fish: Statewide minimum length/daily limit, except:
 (a) Crappie: Daily limit 10; minimum length 9 inches.
 (b) Bluegill: It is unlawful to retain more than 5 fish over 6 inches in length.
- (146) **Grande Ronde River (Asotin County):**
 (a) From the mouth to County Road Bridge, about 2.5 miles upstream:
 (i) Open year-round for game fish other than trout and steelhead.
 (ii) From August 1 through April 15: Selective gear rules.
 (iii) Trout: Open from the Saturday before Memorial Day through October 31.
 (iv) Steelhead:
 (A) Open January 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through December 31; release steelhead.
 (b) From the County Road Bridge upstream to the Oregon state line:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Barbless hooks required.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead: Open August 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) All tributaries: Closed waters.

(147) Green Lakes (Lower and Upper) (Okanogan County):

(a) Selective gear rules.

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

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Eastern brook trout count as part of trout daily limit.

(148) Grimes Lake (Douglas County):

(a) Open June 1 through August 31.

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(149) Halfmoon Lake (Adams County): Open the fourth Saturday in April through September 30.

(150) Hampton Lakes (Lower and Upper) (Grant County): Open the fourth Saturday in April through September 30.

(151) H and H Reservoir Number One (Pascal's Pond) (Chelan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(152) Harris Lake (Grant County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(153) Hatch Lake (Stevens County): Open the Friday after Thanksgiving through March 31.

(154) Hays Creek and Ponds (Adams County): Open the fourth Saturday in April through September 30.

(155) Headgate Pond (Asotin County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

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

(157) Hog Canyon Creek (Spokane County): From the mouth to Scroggie Road: Closed waters.

(158) Hog Canyon Lake (Spokane County): Open the Friday after Thanksgiving through March 31.

(159) Homestead Lake (Grant County):

(a) Selective gear rules.

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

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

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

(161) Hutchinson Lake (Adams County): Open the fourth Saturday in April through September 30.

(162) I-82 Ponds, 1 through 7 (Yakima County): It is unlawful to fish from a floating device equipped with an internal combustion motor.

(163) Icicle River and tributaries (Creek) (Chelan County):

(a) From the mouth upstream 800 feet to posted signs: Closed waters.

(b) From posted signs 800 feet upstream of the mouth to 500 feet below Leavenworth National Fish Hatchery: Closed waters.

(c) From 500 feet below Leavenworth National Fish Hatchery to shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort: Closed waters.

(d) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation District footbridge (approximately 750 feet upstream of the "Snow Lakes Trailhead" parking lot): Closed waters.

(e) From the Icicle Irrigation Peshastin District footbridge upstream, and tributaries: Selective gear rules.

(164) Indian Creek (Yakima County): From the mouth to the waterfall approximately six miles upstream including that portion that flows through the dry lake bed of Rimrock Reservoir: Closed waters.

(165) Ingalls Creek (Chelan County): From the mouth to Alpine Lakes Wilderness boundary and tributaries: Closed waters.

(166) Jameson Lake (Douglas County): Open the fourth Saturday in April through October 31.

(167) Jasmine Creek (Okanogan County):

(a) Open year-round to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Game fish: Statewide minimum length/daily limit, except: Steelhead: Closed to fishing.

(168) Jefferson Park Pond (Walla Walla County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(169) Jolanda, Lake (Chelan County): Closed waters.

(170) Kachess Lake (Reservoir) (Kittitas County):

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

(171) Kachess River (Kittitas County):

(a) From Kachess Lake (Reservoir) upstream to the waterfall approximately 0.5 miles above Mineral Creek: Closed waters.

(b) It is permissible to fish up to the base of Kachess Dam.

(c) From the mouth to Kachess Dam: Selective gear rules.

(172) Keechelus Lake (Reservoir) (Kittitas County):

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

(173) **Kettle Creek (tributary to American River) (Yakima County):** Closed waters.

(174) **Kettle River (Stevens County):** From Barstow Bridge upstream:

(a) Selective gear rules, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

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

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.

(d) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(175) **Kings Lake and tributaries (Pend Oreille County):** Closed waters.

(176) **Kiwanis Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(177) **Lake Creek (Okanogan County):**

(a) From the mouth to Black Lake: Closed waters.

(b) From Black Lake to Three Prong Creek: Closed waters.

(178) **Ledbetter Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(179) **Ledking Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(180) **Leech Lake (Yakima County):**

(a) Fly fishing only.

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

(c) Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 1; minimum length 18 inches.

(181) **Lemna Lake (Grant County):** Open the fourth Saturday in April through September 30.

(182) **Lenice Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(183) **Lenore Lake (Grant County):**

(a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed waters.

(b) Open March 1 through November 30.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(184) **Libby Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(185) **Liberty Lake (Spokane County):** Open March 1 through October 31.

(186) **Lilly Lake (Chelan County):**

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

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(187) **Lions Park Pond (Walla Walla County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(188) **Little Bridge Creek (tributary of Twisp River) (Okanogan County):**

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

(b) Release all fish.

(c) Selective gear rules.

(189) **Little Falls Reservoir (Spokane River) (Lincoln County):** From Little Falls Dam to Long Lake Dam: Land-locked salmon rules.

(190) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(191) **Little Naches River including tributaries (Yakima County):** Selective gear rules.

(192) **Little Pend Oreille River and tributaries (Stevens County):** Selective gear rules.

(193) **Little Spokane River and tributaries (Spokane County):**

(a) From the inlet of Chain Lake upstream 0.25 mile to the railroad crossing culvert: Closed waters.

(b) From the SR 291 Bridge upstream:

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

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(194) **Little Twin Lake (Okanogan County):**

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

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Eastern brook trout count as part of trout daily limit.

(195) **Little Twin Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(196) **Little Wenatchee River (Chelan County):**

(a) From the mouth to USFS road 6700 Bridge and tributaries: Closed waters.

(b) From the USFS road 6700 Bridge upstream including tributaries: Selective gear rules.

(197) **Long Lake (Ferry County):**

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

(b) Fly fishing only.

(c) It is unlawful to use flies containing lead.

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

(198) **Long Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(199) **Long Lake (Lake Spokane) (Spokane County):** From Long Lake Dam to Nine Mile Dam, including Little Spokane River from the mouth to the SR 291 Bridge: Land-locked salmon rules.

(200) **Loon Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(201) **Lost Lake (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 2; minimum length 14 inches.

(202) **Lost Lake (Okanogan County):**

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

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

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(203) **Lost River (tributary to Methow River) (Okanogan County):**

(a) From the mouth to the mouth of Monument Creek: Closed waters.

(b) From the mouth of Monument Creek including tributaries upstream to Deception Creek:

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

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Minimum length 14 inches; daily limit 2.

(B) Dolly Varden/bull trout may be retained as part of trout daily limit.

(204) **Lyman Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(205) **Mad River (Chelan County):**

(a) From the mouth to Windy Creek, including Windy Creek and tributaries except Tillicum Creek: Closed waters.

(b) From Windy Creek upstream and tributaries: Selective gear rules.

(206) **Manastash Creek (Kittitas County):** Selective gear rules.

(207) **Marshall Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(208) **Martha Lake (Grant County):** Open March 1 through September 30.

(209) **Mary Ann Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(210) **Mattoon Lake (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(211) **McCabe Pond (Kittitas County):** It is unlawful to fish from any floating device equipped with a motor.

(212) **McDowell Lake (Stevens County):**

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

(b) Fly fishing only.

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

(d) Release all fish.

(213) **McManaman Lake (Adams County):** Open the fourth Saturday in April through September 30.

(214) **Medical Lake (Spokane County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(215) **Medical Lake, West (Spokane County):** Open the fourth Saturday in April through September 30.

(216) **Mercer Creek (Kittitas County):** Selective gear rules.

(217) **Merry Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(218) **Methow River (Okanogan County):**

(a) From mouth to County Road 1535 (Burma Road) Bridge: Closed waters.

(b) Tributaries from mouth to County Road 1535 (Burma Road) Bridge except Black Canyon Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(c) From County Road 1535 (Burma Road) Bridge to Gold Creek:

(i) Open the Saturday before Memorial Day through September 15.

(ii) Selective gear rules.

(iii) Release all fish.

(d) All tributaries from the County Road 1535 (Burma Road) to Gold Creek except Gold Creek:

(i) Selective gear rules.

(ii) Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(e) From Gold Creek to Foghorn Dam:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Selective gear rules.

(iii) Release all fish.

(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(f) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River, Chewuch River, Libby Creek, and Beaver Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(g) From Foghorn Dam to Weeman Bridge including tributaries:

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

(A) Release all fish.

(B) Selective gear rules.

(ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(h) From Weeman Bridge to the falls above Brush Creek: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(i) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, Early Winters Creek, and Wolf Creek.

(i) Selective gear rules.

(ii) Release all fish.

(219) Mill Creek (tributary to the Walla Walla River) (Walla Walla County):

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream excluding tributaries: Selective gear rules.

(c) All tributaries upstream of Bennington Dam: Closed waters.

(220) Mineral Creek (tributary to upper Kachess River) (Kittitas County): From the mouth to the Wilderness Boundary: Closed waters.

(221) Molson Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(222) Monument Creek (Okanogan County), including tributaries: Selective gear rules.

(223) Morgan Lake (Adams County): Open the fourth Saturday in April through September 30.

(224) Moses Lake (Grant County): Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: Daily limit 5; minimum length 8 inches.

(c) Yellow perch: Daily limit 25.

(225) Mud Lake (Yakima County):

(a) Selective gear rules.

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

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(226) Mudgett Lake (Stevens County): Open the fourth Saturday in April through October 31.

(227) Muskegon Lake (Pend Oreille County):

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

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(228) Myron Lake (Yakima County):

(a) Selective gear rules.

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

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(229) Mystic Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(230) Naches River (Yakima/Kittitas counties):

(a) From the mouth to Little Naches River:

(i) Selective gear rules.

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

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) Whitefish: December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(231) Naneum Creek and tributaries (Kittitas County): Selective gear rules.

(232) Naneum Pond (Kittitas County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(233) Napeequa River (Chelan County): From mouth to Twin Lakes Creek (including Twin Lakes Creek and all tributaries: Closed waters.

(234) Nason Creek (Chelan County):

(a) From the mouth to Gaynor Falls and tributaries except Whitepine Creek: Closed waters.

(b) From Gaynor Falls (approximately 0.7 miles upstream of Whitepine Creek) upstream and tributaries: Selective gear rules.

(235) Nile Creek and tributaries (Yakima County): Selective gear rules.

(236) No Name Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(237) North Creek (tributary to Twisp River) (Okanogan County): From the mouth upstream to Twisp River Road Bridge: Closed waters.

(238) North Elton Pond (Yakima County):

(a) Open the Friday after Thanksgiving through March 31.

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

(239) North Potholes Reserve Ponds (Grant County): Open March 1 through the day before waterfowl season begins.

(240) Nunnally Lake (Grant County):

(a) The outlet stream of Nunnally Lake is closed waters.

(b) Open March 1 through November 30:

(c) Selective gear rules.

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

(e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(241) Oak Creek and tributaries (Yakima County): Selective gear rules.

(242) Okanogan River (Okanogan County):

(a) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(i) Open year-round.

(ii) July 1 through October 15: Anti-snagging rule and night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

- (B) Steelhead: Closed to fishing.
- (b) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:
- (i) Open year-round.
- (ii) July 1 through September 15: Anti-snagging rule and night closure.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Release trout.
- (B) Steelhead: Closed to fishing.
- (c) From the highway bridge at Malott upstream:
- (i) From Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam: Closed waters.
- (ii) Open the Saturday before Memorial Day through September 15.
- (iii) July 1 through September 15: Anti-snagging rule and night closure.
- (iv) Game fish: Statewide minimum length/daily limit, except:
- (A) Release trout.
- (B) Steelhead: Closed to fishing.
- (d) All Okanogan River tributaries, except Salmon Creek, Jasmine Creek, Bonaparte Creek, and the Similkameen River:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except:
- (A) Release trout.
- (B) Steelhead: Closed to fishing.
- (243) **Osoyoos Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (244) **Palouse River (Whitman County):** From the mouth to the base of Palouse Falls:
- (a) Open year-round for game fish except trout and steelhead.
- (b) Trout: Open the Saturday before Memorial Day through October 31.
- (c) Steelhead:
- (i) Open August 1 through April 15.
- (ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (d) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement, except for steelhead.
- (245) **Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek and Hog Canyon Creek:** Open year-round.
- (246) **Pampa Pond (Whitman County):**
- (a) Open March 1 through September 30.
- (b) It is unlawful to fish from any floating device.

- (247) **Park Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (248) **Parker Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (249) **Pataha Creek (Garfield County):**
- (a) Within the city limits of Pomeroy: Open to juvenile anglers, senior angler, and anglers with a disability who possess a designated harvester companion card only.
- (b) From the city limits of Pomeroy upstream: Selective gear rules.
- (250) **Pearygin Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (251) **Pend Oreille River (Pend Oreille County):**
- (a) Open year-round.
- (b) Game fish: Statewide lake rules.
- (c) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed waters.
- (252) **Perch Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (253) **Peshastin Creek and all tributaries except Ingalls Creek (Chelan County):** Closed waters.
- (254) **Petit Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (255) **Phalon Lake (Stevens County):** Closed waters.
- (256) **Phillips Lake (Stevens County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (257) **Pierre Lake (Stevens County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (258) **Pillar Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (259) **Ping Pond (Oasis Park Pond) (Grant County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (260) **Pit Lake (Douglas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (261) **Poacher Lake (Grant County):** Open the fourth Saturday before April through September 30.
- (262) **Potholes Reservoir (Grant County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Crappie: Minimum length 9 inches.
- (b) Crappie and bluegill: Combined limit of 25 fish.
- (c) Yellow perch: Daily limit 25 fish.
- (263) **Potter's Pond (Stevens County):** Open the fourth Saturday in April through October 31.
- (264) **Powerline Lake (Franklin County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (265) **Quail Lake (Adams County):**
- (a) Fly fishing only.
- (b) It is unlawful to fish from any floating device equipped with a motor.
- (c) Release all fish.

(266) **Quarry Pond (Walla Walla County):** It is unlawful to fish from any floating device.

(267) **Quincy Lake (Grant County):** Open March 1 through September 30.

(268) **Rainbow Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

(269) **Rat Lake (Okanogan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(270) **Rattlesnake Creek and tributaries (Yakima County):**

(a) Selective gear rules.

(b) Release all fish.

(271) **Red Rock Creek (Grant County):** Open the Saturday before Memorial Day through September 30.

(272) **Reflection Pond (Okanogan County):**

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

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(273) **Renner Lake (Ferry County):**

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

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(274) **Rigley Lake (Stevens County):**

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

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2, minimum length 14 inches.

(275) **Rimrock Lake (Reservoir) (Yakima County):** Chumming is permissible.

(276) **Ringold Springs Hatchery Creek (Franklin County):** Closed waters.

(277) **Roaring Creek (Entiat River tributary) (Chelan County):** Closed waters.

(278) **Rock Creek (Adams/Whitman counties):**

(a) From the mouth to the bridge on Jordan Knott Road at Revere:

(i) Selective gear rules.

(ii) Release all fish.

(b) From the bridge on Jordan Knott Road upstream: Open year-round.

(279) **Rocky Ford Creek and Ponds (Grant County):**

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Release all fish.

(280) **Rocky Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(281) **Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):** Columbia River from Grand Coulee Dam to U.S. Canadian border including Hawk Creek downstream of the falls at Hawk Creek Campground, Spokane River from 400 feet downstream of Little Falls Dam, Kettle River down-

stream of Barstow Bridge, and Colville River downstream of S.R. 25 Bridge.

(a) The following areas are closed waters:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point from March 1 through the Friday before Memorial Day.

(ii) Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(iii) The Kettle River upstream to Barstow Bridge from March 1 through the Friday before Memorial Day.

(b) From Grand Coulee Dam to the Little Dalles power line crossing:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(C) Walleye: Daily limit 16 fish; no size restrictions.

(ii) Salmon:

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(c) From the Little Dalles power line crossing to the Canadian border:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 2; minimum size 18 inches.

(C) Walleye: Daily limit 16; no size restrictions.

(ii) Salmon:

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(282) **Round Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(283) **Royal Lake (Adams County):** Closed waters.

(284) **Royal Slough (including Marsh Unit IV impoundments) (Adams County):** Closed waters.

(285) **Rufus Woods Lake (Douglas/Okanogan counties):**

(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed waters.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2.

(c) Sturgeon: Closed to fishing.

(d) A nonmember fishing permit issued by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods.

(e) A Colville tribal member identification card satisfies the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods.

(286) **Sacheen Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(287) **Saddle Mountain Lake (Grant County):** Closed waters.

(288) **Sago Lake (Grant County):** Open the fourth Saturday in April through September 30.

(289) **Salmon Creek (Okanogan County):**

(a) From the mouth to Conconully Reservoir:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout other than eastern brook trout.

(B) Steelhead: Closed to fishing.

(b) From Conconully Reservoir upstream including tributaries: Selective gear rules.

(290) **San Poil River (Ferry County):**

(a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Open June 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:

(I) Kokanee: Daily limit 2.

(II) Trout: Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(III) Walleye: Daily limit 16; no size restrictions.

(IV) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(B) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round.

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(iii) Carp: Open year-round.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Kokanee: Unlawful to fish for or retain.

(B) Trout: Unlawful to fish for or retain.

(C) Open June 1 through January 31 for walleye and smallmouth bass:

(I) Walleye: Daily limit 16; no size restrictions.

(II) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round; unlawful to fish for carp with bow and arrow.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation upstream to the northern reservation boundary are managed under the regulatory authority of the Colville Confederated Tribes.

(291) **Sand Hollow Creek (Grant County) including tributaries:** From the mouth (State Route 243) upstream: Open the Saturday before Memorial Day through September 30.

(292) **Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(293) **Schallow Pond (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(294) **Sedge Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(295) **Shellneck Creek (Yakima County):** Closed waters.

(296) **Sherman Creek (Ferry County) and tributaries:** From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed waters.

(297) **Shiner Lake (Adams County):** Open the fourth Saturday in April through September 30.

(298) **Shoveler Lake (Grant County):** Open the fourth Saturday in April through September 30.

(299) **Silver Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(300) **Silver Nail Lake (Okanogan County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(301) **Similkameen River (Okanogan County):**

(a) From Enloe Dam downstream 400 feet: Closed waters.

(b) From the mouth to Enloe Dam:

(i) Open July 1 through September 15:

(ii) Anti-snagging rule.

(iii) Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

(v) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(c) From Enloe Dam to the Canadian border, including tributaries, except Sinlahekin Creek:

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

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(302) **Sinlahekin Creek (Okanogan County):** From Palmer Lake to Cecile Creek Bridge:

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

(b) Selective gear rules.

(c) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(303) **Skookum Lake, North (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(304) **Skookum Lake, South (Pend Oreille County):**

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

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

(305) **Snake River:**

(a) Tributaries except Palouse River, Tucannon River, Asotin Creek, and Grande Ronde River: Closed waters.

(b) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.

(c) Within 400 feet of the base of any dam: Closed waters.

(d) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery: Closed waters.

(e) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam: Closed waters.

(f) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank: Closed waters.

(g) Game fish: Open year-round; statewide minimum length/daily limit, except:

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

(ii) Steelhead:

(A) Open the Saturday before Memorial Day through July 31; daily limit 2, barbless hooks required.

(B) Open August 1 through March 31; Daily limit 3 hatchery steelhead; barbless hooks required.

(306) **Snipe Lake (Grant County):** Open the fourth Saturday in April through September 30.

(307) **Snipes Creek (Benton County):** Selective gear rules.

(308) **Spectacle Lake (Okanogan County):** Open April 1 through September 30.

(309) **Spokane River (Spokane County):** From Nine Mile Dam upstream to the Idaho/Washington state line:

(a) Selective gear rules.

(b) Open the Saturday before Memorial Day through March 15:

(c) Game fish: Release all fish, except: Hatchery rainbow trout: Daily limit 2.

(310) **Sprague Lake (Adams/Lincoln counties):**

(a) The following waters are closed waters:

(i) Cow Creek.

(ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds, including Cow Creek, to Danekas Road.

(iii) The small bay at the southeast end of the lake.

(b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.

(c) Game fish: Statewide minimum length/daily limit except:

(i) Crappie: Minimum length 9 inches.

(ii) Crappie and bluegill: Combined limit of 25 fish.

(311) **Spring Creek (Benton County):** Selective gear rules.

(312) **Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County):**

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

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.

(313) **Spring Lake (Columbia County):** It is unlawful to fish from any floating device.

(314) **Spring Lakes (Upper and Lower) (Grant County):** Open March 1 through September 30.

(315) **Springdale Pond (Lucky Duck Pond) (Stevens County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(316) **Spruce Creek (tributary to South Fork Tieton River) (Yakima County):** Closed waters.

(317) **Starvation Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(318) **Starzman Lakes (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(319) **Stehekin River (Chelan County):** From the mouth (Powerline crossing) upstream and tributaries:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat.

(320) **Stratford/Brook Lake (Grant County):** Open March 1 through September 30.

(321) **Sugarloaf Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(322) **Sullivan Creek and tributaries (Pend Oreille County):**

(a) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout.

(b) Selective gear rules.

(323) **Sullivan Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(324) **Summit Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(325) **Summit Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(326) **Swan Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(327) **Swauk Creek and tributaries (Kittitas County):** Selective gear rules.

(328) **Taneum Creek and tributaries (Kittitas County):** Selective gear rules.

(329) **Teal Lakes (North and South) (Grant/Adams counties):** Open the fourth Saturday in April through September 30.

(330) **Teanaway River (Kittitas County), and tributaries except North Fork:** Selective gear rules.

(331) **Teanaway River, North Fork (Kittitas County):**

(a) From the mouth to Beverly Creek and tributaries; including Beverly Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(b) From Beverly Creek to the impassable waterfall at the end of USFS Road 9737: Closed waters.

(332) **Tern Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(333) **Thirtymile Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to falls (approximately 700 feet): Closed waters.

(334) **Tieton River (Yakima County):**

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

(b) Selective gear rules apply.

(335) **Tieton River, North Fork (Yakima County):**

(a) From mouth to USFS Road 740 Bridge:

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

(ii) Selective gear rules.

(b) The Clear Lake spillway channel: Closed waters.

(c) From the USFS Road 740 Bridge to Clear Lake Dam: Closed waters.

(d) The mainstem and tributaries including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream of Clear Lake:

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

(ii) Selective gear rules.

(336) **Tieton River, South Fork (Yakima County):** From the bridge on USFS Road 1200 to bridge on USFS road 1070: Closed waters.

(337) **Tillicum Creek (tributary to Mad River) (Chelan River):**

(a) From mouth to the intersection of USFS 5800 and USFS 5808: Closed waters.

(b) From the intersection of USFS 5800 and USFS 5808 upstream (upstream 2.25 miles) including tributaries: Selective gear rules.

(338) **Touchet River and tributaries (Columbia/Walla Walla counties):**

(a) From the mouth to the confluence of the North and South Forks:

(i) All tributaries: Closed waters.

(ii) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(A) November 1 through April 15: Release all fish except steelhead.

(B) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(b) From the confluence of the North and South Forks upstream including both forks, Robinson Fork, and Wolf Fork:

(i) All other tributaries: Closed waters.

(ii) Open the Saturday before Memorial Day through August 31.

(iii) Selective gear rules.

(339) **Trout Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(340) **Tucannon River (Columbia County):**

(a) All tributaries are closed waters, except Pataha Creek.

(b) Mouth upstream to Tucannon Hatchery Road Bridge:

(c) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(i) November 1 through April 15: Release all fish except steelhead.

(ii) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed waters.

(e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:

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

(ii) Selective gear rules.

(f) Cow Camp Bridge upstream: Closed waters.

(341) **Tucquala Lake (Kittitas County):**

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

(b) Statewide stream rules apply.

(342) **Twentymile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to falls (approximately 0.75 miles): Closed waters.

(343) **Twin Lakes, tributaries, and Twin Lakes Creek (outlet stream) to the confluence with the Napeequa River (Chelan County):** Closed waters.

(344) **Twisp River (Okanogan County):**

(a) Mouth to War Creek:

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

(ii) Selective gear rules.

(iii) Release all fish.

(b) Twisp River tributaries from War Creek upstream except North Creek and North Fork Twisp River:

(i) Selective gear rules.

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

(iii) Release all fish.

(c) From War Creek upstream: Closed waters.

(345) **Twisp River, North Fork (Okanogan County):** From mouth to falls including tributaries: Closed waters.

(346) **Umtanum Creek (Kittitas County):** Selective gear rules.

(347) **Union Creek (Yakima County):** From the mouth to the falls: Closed waters.

(348) **Upper Wheeler Reservoir (Chelan County):**

- (a) Open the fourth Saturday in April through October 31.
- (b) Fly fishing only.
- (c) It is unlawful to fish from a floating device equipped with a motor.
- (d) Release all fish.
- (349) **Vic Meyers (Rainbow) Lake (Grant County):**
- (a) Open the fourth Saturday in April through September 30.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (350) **Walla Walla River (Walla Walla County):** From mouth to Washington/Oregon stateline:
- (a) All tributaries except Touchet River and Mill Creek: Closed waters.
- (b) Game fish: Open year-round; statewide minimum length/daily limit, except for trout and steelhead:
- (i) Trout: Open the Saturday before Memorial day through October 31; statewide minimum length/daily limit.
- (ii) Steelhead:
- (A) Open the Saturday before Memorial Day through July 31; daily limit 2 hatchery steelhead.
- (B) Open August 1 through April 15; daily limit 3 hatchery steelhead, barbless hooks required.
- (351) **Wannacut Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (352) **Wapato Lake (Chelan County):** Open the fourth Saturday in April through October 31.
- (353) **Ward Lake (Ferry County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (354) **Warden Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (355) **Warden Lake, South (Grant County):** Open the fourth Saturday in April through September 30.
- (356) **Washburn Island Pond (Okanogan County):**
- (a) Open April 1 through September 30.
- (b) An internal combustion motor may be attached to a floating device, but cannot be used.
- (357) **Washburn Lake (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (c) Selective gear rules.
- (d) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (358) **Watson Lake (Columbia County):**
- (a) Open March 1 through November 30.
- (b) It is unlawful to fish from any floating device.
- (359) **Wenaha River tributaries:**
- (a) Open the Saturday before Memorial Day through August 31.
- (b) Selective gear rules.
- (360) **Wenas Creek (Yakima County):** From the mouth to Wenas Lake, including tributaries: Selective gear rules.
- (361) **Wenatchee Lake (Chelan County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except:
- (i) Release trout.
- (ii) Steelhead: Closed to fishing.
- (362) **Wenatchee River (Chelan County):**
- (a) From the mouth to the Icicle Road Bridge: Closed waters.
- (b) From Icicle Road Bridge upstream to Lake Wenatchee: Closed waters.
- (363) **Whitepine Creek (Chelan County):** From the mouth to Whitepine Creek Falls (1 mile upstream of mouth) and tributaries: Closed waters.
- (364) **White River (Chelan County):** From the mouth to White River Falls and tributaries, except Napeequa River: Closed waters.
- (365) **Widgeon Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (366) **Williams Lake (Spokane County):** Open the fourth Saturday in April through September 30.
- (367) **Williams Lake (Stevens County):** Open the Friday after Thanksgiving through March 31.
- (368) **Wilson Creek (Kittitas County):** From BNSF railroad bridge upstream: Selective gear rules.
- (369) **Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve):** Open March 1 through September 30.
- (370) **Wolf Creek (Methow River tributary) (Okanogan County):** Closed waters.
- (371) **Yakima River (Yakima County):**
- (a) Downstream of Highway 240 Bridge, Columbia River rules apply.
- (b) From the Highway 240 Bridge to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.
- (i) From 200 feet (~~above to 200 feet below~~) downstream of the USBR Chandler Powerhouse/(Pumping Station) Spillway to 200 feet upstream of the Chandler Powerhouse: September 1 through October 31: Closed waters (~~(September 1 through October 31)~~).
- (ii) (~~From March 1 through October 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.~~
- (iii)) Chumming is permissible.
- (~~(iv))~~ (iii) Game fish: Statewide minimum size/daily limit, except: Release trout.
- (~~(v) Salmon:~~
- (A) ~~Open September 1 through October 31.~~
- (B) ~~Night closure.~~
- (C) ~~Barbless hooks required.~~
- (D) ~~Limit 6; it is unlawful to retain more than 1 adult.)~~
- (c) From the Grant Avenue bridge in Prosser downstream approximately 1.25 miles to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.
- (i) (~~From March 1 through October 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.~~
- (ii)) Chumming is permissible.

~~((iii))~~ (ii) Fishing from a floating device is prohibited September 1 through October 31.

~~((iv))~~ (iii) Game fish: Statewide minimum size/daily limit, except: Release trout.

~~((v) Salmon:~~

~~(A) Open September 1 through October 31.~~

~~(B) Night closure.~~

~~(C) Barbless hooks required.~~

~~(D) Limit 6; it is unlawful to retain more than 1 adult.)~~

(d) From Grant Avenue Bridge to Prosser Dam: Closed waters.

(e) From Prosser Dam to Highway 223 Bridge:

(i) Open March 1 through October 31.

(ii) Game fish: Statewide minimum size/daily limit, except: Release trout.

~~((e) From Grant Avenue Bridge to Prosser Dam: Closed waters.)~~

(f) From Highway 223 Bridge to 3,500 feet below Roza Dam:

(i) From Yakima Avenue-Terrace Heights Bridge upstream 400 feet: Closed waters.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.

(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(g) From 3,500 feet below Roza Dam to Roza Dam: Closed waters.

(h) From Roza Dam to 400 feet below Easton Dam; including the portion of Wilson Creek from the mouth upstream to the BNSF railroad bridge: Open year-round.

(i) It is permissible to fish from floating devices equipped with motors only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately 1.3 river miles).

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(iv) Whitefish: December 1 through the last day in February: Whitefish gear rules.

(i) From Easton Dam to the base of Keechelus Dam including Easton Lake:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release rainbow and cutthroat trout.

(372) **Yakima Sportsmen's Park Ponds (Yakima County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(373) **Yocum Lake (Pend Oreille County):**

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

(b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.

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

AMENDATORY SECTION (Amending WSR 19-15-050, filed 7/12/19, effective 8/12/19)

WAC 220-312-060 Freshwater exceptions to state-wide rules—Columbia. The following exceptions to state-wide rules apply to the Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:

(1) **General Columbia River rules:**

(a) In the concurrent waters of the Columbia River between Washington and Oregon, the license of either state is valid when fishing from a vessel.

(i) Anglers must comply with the fishing regulations of the state in which they are fishing.

(ii) This subsection does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except as otherwise provided by department rule.

(iii) Anglers fishing the Columbia River are restricted to one limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

(b) It is unlawful to possess in the field salmon or steelhead mutilated so that size, species, or fin clip cannot be determined until the angler has reached their automobile or principal means of land transportation and completed his or her daily angling.

(c) Salmon and trout handling rules provided in WAC ~~((220-56-118))~~ 220-310-100 apply to the Columbia River, except from February 15 through June 15 in the mainstem Columbia from the Rocky Point/Tongue Point line upstream to the Washington-Oregon border where WAC ~~((220-56-118))~~ 220-310-100 applies only to anglers fishing from vessels less than 30 feet in length (as substantiated by Coast Guard documentation or Marine Board registration).

(d) From Buoy 10 to the Washington/Oregon border:

~~(i) ((From March 1 through May 15, the mainstem Columbia River is open for retention of adipose fin-clipped steelhead and shad only during days and in areas that are open for the retention of adipose fin-clipped spring Chinook salmon.~~

~~((ii))~~ From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(ii) Barbless hooks are required for salmon and steelhead.

(e) Open year-round unless otherwise provided.

(f) Year-round night closure for salmon and steelhead fishing from Buoy 10 to ~~((Highway 395 Bridge at Paseo))~~ Chief Joseph Dam.

(2) **Rules by river section:**

(a) Fishing from the north jetty is permissible when Marine Area 1 or Buoy 10 areas are open for salmon, and the limit and minimum size restrictions follow the most liberal regulations if both areas are open. Only single point barbless hooks may be used for salmon and steelhead.

~~(b) From a true north-south line through Buoy 10((; upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to red navigation marker 2 at Tongue Point on the Oregon bank:~~

~~(i) Fishing from the north jetty is permissible when Marine Area 1 or Buoy 10 areas are open for salmon, and the~~

limit and minimum size restrictions follow the most liberal regulations if both areas are open. Only single point barbless hooks may be used for salmon and steelhead.

(ii) Release all trout.

(iii) Salmon and steelhead:

(A) ~~June 16 through July 31: Closed to fishing for salmon and steelhead from Buoy 10 to the Megler Astoria Bridge.~~

(B) ~~Open from June 16 through June 30: Daily limit 2. Release all salmon.~~

(C) ~~Open from July 1 through July 31: Daily limit 1. Release all salmon.~~

(D) ~~Open August 1 through August 20:~~

(I) ~~Daily limit 2; no more than 1 Chinook may be retained.)~~ **to the Megler Astoria Bridge:**

(i) The Youngs Bay Control Zone is defined as those waters southerly of a line originating on the Oregon shore at the east end of the seawall at the Warrenton Fiber log yard (approximately river mile 10.1) northeasterly through green navigation buoys 29, 31, 33, and 35A to the center of the Astoria-Megler Bridge abutment adjacent to, and north of the ship channel, and continuing southerly in line with the center of the Megler Bridge span to the Oregon shore.

(ii) The Youngs Bay Control Zone is closed to recreational angling from August 1 through September 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(iv) Salmon and steelhead:

(A) April 1 through August 15: Closed.

(B) Open August 16 through August 27:

(I) Daily limit 1.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

~~((E)) (C) Open August ((21)) 28 through ((August 31)) September 22:~~

(I) Daily limit ((2)) 1.

(II) Release all salmon and steelhead ((other than)) except hatchery coho.

(III) Coho minimum length 16 inches.

~~((F)) (D) Open September ((1)) 23 through ((September 30)) October 31:~~

(I) Daily limit ((2; no more than 1 hatchery steelhead may be retained)) 1.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

~~((G)) (E) Open ((October)) November 1 through December 31:~~

(I) Daily limit ((6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon and 1 hatchery steelhead, may be retained)) 1 salmon or 1 hatchery steelhead.

(II) Release all salmon except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

~~((H)) (F) Open January 1 through March 31:~~

(I) Daily limit 6; ((no more than)) up to 2 adult hatchery Chinook, or ((2)) 1 hatchery steelhead, or ((one)) 1 of each, may be retained.

(II) Release all salmon except hatchery Chinook.

~~((iv)) (v) Shad:~~

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

~~((v)) (vi) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.~~

~~((b)) (c) **From the Megler Astoria Bridge to a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the red navigation marker 2 at Tongue Point on the Oregon bank:**~~

(i) Game fish: Statewide minimum length/daily limit, except: Release trout.

(ii) Salmon and steelhead:

(A) Open from May 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(B) August 1 through August 15: Closed.

(C) Open August 16 through August 27:

(I) Daily limit 1.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

(D) Open August 28 through September 22:

(I) Daily limit 1.

(II) Release all salmon and steelhead except hatchery coho.

(III) Coho minimum length 16 inches.

(E) Open September 23 through October 31:

(I) Daily limit 1.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

(F) Open November 1 through December 31:

(I) Daily limit 1 salmon or 1 hatchery steelhead.

(II) Release all salmon except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

(G) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult hatchery Chinook, or 1 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon except hatchery Chinook.

(H) April 1 through May 15: Closed.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(iv) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.

(d) From a line at Rocky Point on the Washington bank through Red Buoy 44 to red navigation marker 2 at Tongue Point on the Oregon bank upstream to a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and

terminating at red navigation marker 44A on the Oregon bank:

(i) Game fish: Statewide minimum size/daily limit, except:

(A) Trout: ~~((B))~~ Open May 16 through March 31:

~~((H))~~ Release all trout except hatchery cutthroat.

~~((H))~~ (B) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

~~((HH))~~ (C) Release all trout except hatchery cutthroat.

(D) Barbless hooks required for cutthroat trout.

(ii) Salmon and steelhead:

(A) Open ~~((June))~~ May 16 through ~~((June 30))~~ July 31:

(I) ~~((Daily limit 2.~~

~~(H))~~ Release all salmon.

~~(B))~~ Open July 1 through July 31:

~~(F))~~ Daily limit 1.

~~(H))~~ Release all salmon.

~~(C))~~ Open August 1 through August 20:

~~(F))~~ Daily limit 1.

~~(H))~~ Release all salmon and steelhead other than Chinook and hatchery coho.

~~(D))~~ Open August 21 through August 31:

~~(F))~~ Daily limit 6; no more than 2 adult hatchery salmon.

~~(H))~~ Release all salmon and steelhead other than hatchery coho.

~~(E))~~ Open September 1 through December 31:

~~(F))~~ Daily limit 6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon and 1 hatchery steelhead may be retained.

~~(H))~~ Release all salmon except hatchery coho.

~~(F))~~ Open January 1 through March 31:

~~(F))~~ Daily limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.

~~(H))~~ Release all salmon other than hatchery Chinook.

~~(G))~~ Open May 16 through June 15:

~~(F))~~ Daily limit 6; no more than 2 may be hatchery steelhead.

~~(H))~~ Release all salmon other than hatchery jack Chinook.) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(B) August 1 through August 15: Closed.

(C) Open August 16 through August 27:

(I) Daily limit 1.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(D) August 28 through September 22: Closed.

(E) Open September 23 through October 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(F) Open November 1 through December 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(G) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult hatchery Chinook, or 1 hatchery steelhead, or one of each may be retained.

(II) Release all salmon except hatchery Chinook.

(H) April 1 through May 15: Closed.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

~~((e))~~ (e) From a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 42, and terminating at red navigation marker 44A on the Oregon bank, upstream to the ~~((I-5))~~ Longview Bridge:

(i) Game fish: Statewide minimum size/daily limit, except:

(A) Trout: ~~((A))~~ Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat.

(C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

(D) Barbless hooks are required for cutthroat trout.

~~((ii))~~ Shad open May 16 through March 31.

~~((iii))~~ For the purpose of this subsection, "Warrior Rock line" is defined as a line projected from the Warrior Rock Lighthouse, through Red Buoy 4, to the marker atop the piling dolphin located at the downstream end of Bachelor Island on the Washington shore.

~~((iv))~~ Downstream of Warrior Rock line: Salmon and steelhead:

~~((A))~~ Open May 16 through June 15: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

~~((B))~~ Open June 16 through June 30: Daily limit 2. Release all salmon.

~~((C))~~ Open July 1 through July 31: Daily limit 1. Release all salmon.

~~((D))~~ Open August 1 through August 27: Daily limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and hatchery coho.

~~((E))~~ Open August 28 through August 31: Daily limit 6; no more than 2 adult hatchery salmon may be retained. Release all salmon and steelhead except hatchery coho.

~~((F))~~ Open September 1 through December 31: Daily limit 6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon and 1 hatchery steelhead may be retained. Release all salmon except hatchery coho.

~~((G))~~ Open January 1 through March 31: Daily limit 6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead or one of each may be retained. Release all salmon except hatchery Chinook.

~~((v))~~ Upstream of Warrior Rock line: Salmon and steelhead:

~~((A))~~ Open May 16 through June 15: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

~~((B))~~ Open June 16 through June 30: Daily limit 2. Release all salmon.

~~((C))~~ Open July 1 through July 31: Daily limit 1. Release all salmon.

~~((D))~~ Open January 1 through March 31: Daily limit 6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead or one of each may be retained. Release all salmon except hatchery Chinook.

(E) Open August 1 through August 31: Daily limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and hatchery coho.

(F) Open September 1 through September 8: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead, may be retained. Release all salmon except Chinook and hatchery coho.

(G) Open September 9 through December 31: Daily limit 6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon, and 1 hatchery steelhead may be retained. Release all salmon except hatchery coho.

(d) From the I-5 Bridge to Bonneville Dam:

(i) The following waters are closed:

(A) From the upstream line of Bonneville Dam to boundary markers 600 feet below the fish ladder at the powerhouse.

(B) January 1 through April 30 from a line between the upstream end of Sand Island (near Rooster Rock) on the Columbia River, to the boundary marker on the Oregon shore, downstream to a line between the lower end of Sand Island and the boundary marker on the Oregon shore.

(C) Closed to angling from a floating device or by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost tip of Robins Island.

(ii) Camas Slough:

(A) It is permissible for an angler licensed in Oregon or Washington to fish from a floating device.

(B) In the waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island:

(I) From August 1 through December 31: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(H) From August 1 through December 31: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

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

(IV) The limit for salmon is the same as the most liberal regulation of either area, except anglers may only retain hatchery Chinook and hatchery coho; release all other salmon.

(iii) Release all trout:

(iv) Salmon and steelhead:

(A) Open June 16 through June 30: Daily limit 2. Release all salmon.

(B) Open July 1 through July 31: Daily limit 1. Release all salmon.

(C) Open August 1 through August 31: Limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and hatchery coho.

(D) Open September 1 through September 8: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except Chinook and hatchery coho.

(E) Open September 9 through December 31: Daily limit 6; no more than 2 hatchery adult salmon, or 1 hatchery adult

salmon and 1 hatchery steelhead, may be retained. Release all salmon except hatchery coho.

(F) Closed to fishing for salmon and steelhead November 1 through December 31 from Beacon Rock to Bonneville Dam.

(v) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(vi) Shad: Open May 16 through March 31.

(e) From Bonneville Dam to The Dalles Dam:

(i) Closed waters:

(A) Within one-quarter mile of the USFWS Spring Creek Hatchery Grounds, between posted markers located one-quarter mile on either side of the fish ladder entrance.

(B) At The Dalles between the upstream line of The Dalles Dam to the upstream side of the Interstate 197 Bridge, except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

(ii) Release all trout.

(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.

(iv) Salmon and steelhead:

(A) When open from March 16 through June 15: Bank fishing only from Bonneville Dam to Tower Island powerlines (approximately 6 miles below The Dalles Dam). Only hand-cast lines may be used. It is unlawful to use a floating device to set lines for salmon and steelhead.

(B) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(C) Open June 16 through June 30:

(I) Daily limit 2.

(II) Release all salmon.

(D) Open July 1 through July 31: Daily limit 1. Release all salmon.

(E) Open August 1 through August 31:

(I) Daily limit 6; no more than 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) Open September 1 through December 31:

(I) Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(III) Release wild coho from Bonneville Dam to Hood River Bridge.

(f) From The Dalles Dam to John Day Dam:

(i) At John Day Dam between the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that bank fishing is permitted up to 400 feet below the fishway entrance on the Washington shore.

(ii) Release all trout.

(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.

(iv) Salmon and steelhead:

(A) Open June 16 through June 30: Daily limit 2. Release all salmon.

(B) Open July 1 through July 31: Daily limit 1. Release all salmon.

(C) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(D) Open August 1 through September 30: Daily limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and coho.

(E) Open October 1 through December 31: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except for Chinook and coho.

(g) From John Day Dam to McNary Dam:

(i) At McNary Dam between the upstream line of McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore: Closed waters.

(ii) Game fish: Statewide minimum size/daily limit; except release all trout.

(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.

(iv) Salmon and steelhead:

(A) Open June 16 through June 30: Daily limit 2. Release all salmon.

(B) Open July 1 through July 31: Daily limit 1. Release all salmon.

(C) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(D) Open August 1 through August 31: Daily limit 6; no more than 1 adult, of which no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except Chinook and coho.

(E) Open September 1 through October 31: Daily limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and coho.

(F) Open November 1 through December 31: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except Chinook and coho.

(h) From McNary Dam to Highway 395 Bridge at Pasco:

(i) Columbia River rules apply downstream of the Burbank to Pasco railroad bridge at Snake River mile 1.5.

(ii) Other game fish: Statewide minimum size/daily limit except release all trout.

(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.

(iv) Salmon and steelhead:

(A) When open from March 16 through June 15 from McNary Dam to the Washington/Oregon border: From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(B) Open June 16 through June 30: Daily limit 2. Release all salmon.

(C) Open July 1 through July 31: Daily limit 1. Release all salmon.

(D) Open August 1 through September 30: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except Chinook and coho.

(E) Open October 1 through November 30: Daily limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and coho.

(F) Open December 1 through December 31: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except Chinook and coho.

(i) From the Highway 395 Bridge at Pasco to the Interstate 182 Bridge:

(i) Closed waters: Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Year-round night closure for salmon and steelhead fishing.

(iv) Other game fish: Statewide minimum size/daily limit except: Trout: Open year-round catch and release only.

(v) Steelhead:

(A) Open October 1 through October 31: Daily limit 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) Open November 1 through March 31: Daily limit 2 hatchery steelhead.

(vi) Salmon: Open August 16 through October 31: Limit 6; no more than 2 adult salmon may be retained. Release all salmon except Chinook and coho.

(j) From the Interstate 182 Bridge to the Old Hanford townsite wooden powerline towers, in Sec. 24, T13N, R27E:

(i) Closed waters:

(A) The area of the Columbia River between the markers located 100 feet upstream and 100 feet downstream of the Ringold Springs Hatchery Creek, and extending 100 feet towards the middle of the river.

(B) West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River, September 1 through November 30: Closed waters.

(C) Year-round night closure for salmon and steelhead fishing.

(ii) Trout and steelhead: Ringold Area Bank Fishery waters, from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet, to WDFW markers 1/2 mile upstream from Spring Creek:

(A) Fishing is allowed only from the bank and only on the hatchery side of the river.

(B) Open April 1 through April 15:

(I) Release all trout.

(II) Daily limit 2 hatchery steelhead.

(C) From April 16 through March 31 adjacent Columbia River rules apply.

(iii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iv) Trout: Open year-round catch and release only.

(v) Steelhead:

(A) Open October 1 through October 31 daily limit 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) Open November 1 through March 31 daily limit 2 hatchery steelhead.

(vi) Salmon: Open August 16 through October 31: Daily limit 6; no more than 2 adult salmon may be retained.

~~(k) From the Old Hanford townsite wooden power line towers, in Sec. 24, T13N, R27E, to Vernita Bridge, (Highway 24):~~

(i) Open February 1 through October 15.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Steelhead: Closed to fishing.

(v) Salmon: Open August 16 through October 15: Limit 6; no more than 2 adult salmon may be retained.

~~(l) From Vernita Bridge (Highway 24) to Priest Rapids Dam:~~

(i) Closed waters:

(A) At Priest Rapids Dam; waters between the upstream line of Priest Rapids Dam downstream to the boundary markers 650 feet below the fish ladders.

(B) At Jackson (Moran) Creek (waters of the Priest Rapids Hatchery system); extending to midstream of the Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth of Jackson Creek.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Steelhead: Closed to fishing.

(v) Salmon: Open August 16 through October 15: Limit 6; no more than 2 adult salmon may be retained.

~~(m) From Priest Rapids Dam to Rock Island Dam:~~

(i) Closed waters:

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

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

(ii) September 1 through October 15: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) Release all trout.

(iv) Steelhead: Closed to fishing.

(v) Salmon: Open September 1 through October 15: Open for Chinook only; daily limit 6, no more than 2 adults may be retained.

~~(n) From Rock Island Dam to Wells Dam:~~

(i) Closed waters:

(A) At Rocky Reach Dam between the upstream line of the dam to boundary markers 400 feet downstream of the fish ladders.

(B) At Wells Dam, between the upstream line of Wells Dam to boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side):

(ii) Release all trout.

(iii) Steelhead: Closed to fishing.

~~(o) From Wells Dam to Highway 173 Bridge at Brewster:~~

(i) July 16 through August 15: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(ii) Hatchery trout: Open July 16 through August 15: Minimum size 12 inches. Daily limit 10. Barbless hooks required.

(iii) Steelhead: Closed to fishing.

~~(p) From Highway 173 Bridge at Brewster to Chief Joseph Dam:~~

(i) Closed waters:

(A) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge.

(B) From the Douglas County shore from Chief Joseph Dam to the rock jetty at the upstream shoreline of Foster Creek.

(ii) July 1 through August 15: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) It is unlawful to fish from a floating device downstream of Chief Joseph Dam from the boundary marker to the Corps of Engineers safety zone marker.

(iv) Hatchery trout: Open July 1 through August 15: Minimum 12 inches. Daily limit 10. Barbless hooks required.

(v) Steelhead: Closed to fishing.

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

~~(r) Above Grand Coulee Dam: See Lake Roosevelt in WAC 220-310-195.)~~

~~(ii) Salmon and steelhead:~~

~~(A) Open May 16 through July 31:~~

~~(I) Daily limit 2 salmon or 1 salmon and 1 steelhead may be retained.~~

~~(II) Release all salmon except sockeye.~~

~~(B) Open August 1 through August 31:~~

~~(I) Daily limit 6; up to 1 adult salmon may be retained.~~

~~(II) Release all salmon and steelhead except Chinook and hatchery coho.~~

~~(C) September 1 through September 22: Closed.~~

~~(D) Open September 23 through October 31:~~

~~(I) Daily limit 6; up to 1 adult salmon may be retained.~~

~~(II) Release all salmon and steelhead except Chinook and hatchery coho.~~

~~(E) Open November 1 through December 31:~~

~~(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.~~

~~(II) Release all salmon except Chinook and hatchery coho.~~

~~(F) Open January 1 through March 31:~~

~~(I) Daily limit 6; up to 2 adult hatchery Chinook, or 1 hatchery steelhead, or 1 of each may be retained.~~

~~(II) Release all salmon except hatchery Chinook.~~

~~(G) April 1 through May 15: Closed.~~

~~(iii) Shad:~~

~~(A) April 1 through May 15: Closed.~~

~~(B) Open May 16 through March 31.~~

~~(f) From the Longview Bridge to a line projected from the Warrior Rock lighthouse through Red Buoy 4 to~~

the marker atop the piling dolphin located at the downstream end of Bachelor Island on the Washington shore (Warrior Rock line):

(i) Game fish: Statewide minimum size/daily limit, except:

(A) Trout: Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat.

(C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

(D) Barbless hooks are required for cutthroat trout.

(ii) Salmon and steelhead:

(A) Open May 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(B) Open August 1 through August 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(C) September 1 through September 22: Closed.

(D) Open September 23 through October 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(E) Open November 1 through December 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(F) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult hatchery Chinook, or 1 hatchery steelhead, or one of each may be retained.

(II) Release all salmon except hatchery Chinook.

(G) April 1 through May 15: Closed.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(g) From a line projected from the Warrior Rock lighthouse through Red Buoy 4 to the marker atop the piling dolphin located at the downstream end of Bachelor Island on the Washington shore (Warrior Rock line) to the I-5 Bridge:

(i) Game fish: Statewide minimum size/daily limit, except:

(A) Trout: Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat.

(C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

(D) Barbless hooks are required for cutthroat trout.

(ii) Salmon and steelhead:

(A) Open May 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(B) August 1 through August 6: Closed.

(C) Open August 7 through September 6: Fridays through Sundays only.

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Mondays through Thursdays: Closed.

(D) September 7 through September 22: Closed.

(E) Open September 23 through October 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(F) Open November 1 through December 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(G) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult hatchery Chinook, or 1 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon except hatchery Chinook.

(H) April 1 through May 15: Closed.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(h) From the I-5 Bridge to a line crossing the Columbia from Navigation Marker 82 on the Oregon shore westerly to the boundary marker on the Washington shore upstream of Fir Point 9 miles downstream from Bonneville Dam:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(B) August 1 through August 6: Closed.

(C) Open August 7 through September 6: Fridays through Sundays only.

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Mondays through Thursdays: Closed.

(D) September 7 through September 22: Closed.

(E) Open September 23 through October 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(F) Open November 1 through December 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(G) January 1 through March 31:

(I) Daily limit 1 hatchery steelhead.

(II) Release all salmon.

(H) Open April 1 through June 15: Closed.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(i) Camas Slough:

(i) It is permissible for an angler licensed in Oregon or Washington to fish from a floating device.

(ii) In the waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady

Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island.

(iii) From August 1 through December 31: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

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

(v) The limit for salmon is the same as the most liberal regulation of either area, except anglers may only retain hatchery Chinook and hatchery coho; release all other salmon.

(j) From a line between the upstream end of Sand Island (near Rooster Rock) on the Columbia River, to the boundary marker on the Oregon shore, downstream to a line between the lower end of Sand Island and the boundary marker on the Oregon shore:

(i) January 1 through April 30: Closed waters.

(ii) Game fish:

(A) Open May 1 through December 31.

(B) Statewide minimum size/daily limit, except: Release all trout.

(iii) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(B) August 1 through August 6: Closed.

(C) Open August 7 through September 6: Fridays through Sundays only.

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Mondays through Thursdays: Closed.

(D) September 7 through October 31: Closed.

(E) Open September 23 through October 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(F) Open November 1 through December 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(G) May 1 through June 15: Closed.

(iv) Shad:

(A) May 1 through May 15: Closed.

(B) Open May 16 through December 31.

(k) From a line crossing the Columbia from Navigation Marker 82 on the Oregon shore westerly to the boundary marker on the Washington shore upstream of Fir Point 9 miles downstream from Bonneville Dam to Beacon Rock:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(B) August 1 through August 6: Closed.

(C) August 7 through September 6: Fridays through Sundays only.

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Mondays through Thursdays: Closed.

(D) September 7 through September 22: Closed.

(E) Open September 23 through October 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(F) Open November 1 through December 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(G) Open January 1 through March 31:

(I) Daily limit 1 hatchery steelhead.

(II) Release all salmon.

(H) April 1 through June 15: Closed.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(l) From Beacon Rock to a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(B) August 1 through August 6: Closed.

(C) Open August 7 through September 6: Fridays through Sundays only.

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Mondays through Thursdays: Closed.

(D) September 7 through September 22: Closed.

(E) Open September 23 through October 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) November 1 through December 31: Closed.

(G) Open January 1 through March 31:

(I) Daily limit 1 hatchery steelhead.

(II) Release all salmon.

(H) April 1 through June 15: Closed.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(m) From a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore to a line projected from a boundary marker about 4,000 feet downstream from the fish ladder at the new

Bonneville Dam Powerhouse south to the downstream end of Cascade Island and across to the Oregon angling boundary on Bradford Island (about 850 feet downstream from the fish ladder):

- (i) It is unlawful to fish from any floating device.
- (ii) Closed to any method of angling except hand-casted gear from shore.
- (iii) Game fish: Statewide minimum size/daily limit, except: Release all trout.
- (iv) Salmon and steelhead:
 - (A) Open June 16 through July 31:
 - (I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except sockeye.
 - (B) August 1 through August 6: Closed.
 - (C) Open August 7 through September 6: Fridays through Sundays only.
 - (I) Daily limit 6; up to 1 adult salmon may be retained.
 - (II) Release all salmon and steelhead except Chinook and hatchery coho.
 - (III) Mondays through Thursdays: Closed.
 - (D) September 7 through September 22: Closed.
 - (E) Open September 23 through October 31:
 - (I) Daily limit 6; up to 1 adult salmon may be retained.
 - (II) Release all salmon and steelhead except Chinook and coho.
 - (F) Open November 1 through December 31:
 - (I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.
 - (II) Release all salmon except Chinook and hatchery coho.
 - (G) Open January 1 through March 31:
 - (I) Daily limit 1 hatchery steelhead.
 - (II) Release all salmon.
 - (H) April 1 through June 15: Closed.
 - (v) Shad:
 - (A) April 1 through May 15: Closed.
 - (B) Open May 16 through March 31.
 - (n) **Inside the south navigation lock at Bonneville Dam, from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore: Closed waters.**
 - (o) **From a boundary marker about 4,000 feet downstream from the fish ladder at the new Bonneville Dam Powerhouse south to the downstream end of Cascade Island and across to the Oregon angling boundary on Bradford Island (about 850 feet downstream from the fish ladder) to a point 600 feet below the fish ladder at Bonneville Dam powerhouse:**
 - (i) It is unlawful to fish from any floating device.
 - (ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.
 - (iii) Salmon and steelhead:
 - (A) Open June 16 through July 31:
 - (I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except sockeye.
 - (B) August 1 through August 6: Closed.
 - (C) Open August 7 through September 6: Fridays through Sundays only.

- (I) Daily limit 6; up to 1 adult salmon may be retained.
- (II) Release all salmon and steelhead except Chinook and hatchery coho.
- (III) Mondays through Thursdays: Closed.
- (D) September 7 through September 22: Closed.
- (E) Open September 23 through October 31:
- (I) Daily limit 6; up to 1 adult salmon may be retained.
- (II) Release all salmon and steelhead except Chinook and coho.
- (F) Open November 1 through December 31:
- (I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.
- (II) Release all salmon and steelhead except Chinook and hatchery coho.
- (G) Open January 1 through March 31:
- (I) Daily limit 1 hatchery steelhead.
- (II) Release all salmon.
- (H) April 1 through June 15: Closed.
- (iv) Shad:
 - (A) April 1 through May 15: Closed.
 - (B) Open May 16 through March 31.
- (p) **From a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse to the upstream line of Bonneville Dam: Closed waters.**
 - (q) **From Bonneville Dam to the Hood River Bridge:**
 - (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
 - (ii) Salmon and steelhead:
 - (A) When open from March 16 through June 15: Bank fishing only.
 - (B) When open from March 16 through June 15: Only hand-cast lines may be used.
 - (C) When open from March 16 through June 15: It is unlawful to use a floating device to set lines for salmon and steelhead.
 - (D) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 - (E) Release wild coho.
 - (F) Open June 16 through July 31:
 - (I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except sockeye.
 - (G) Open August 1 through September 8:
 - (I) Daily limit 6; up to 1 adult salmon may be retained.
 - (II) Release all salmon and steelhead except Chinook and hatchery coho.
 - (H) September 9 through September 22: Closed.
 - (I) Open September 23 through October 31:
 - (I) Daily limit 6; up to 1 adult salmon may be retained.
 - (II) Release all salmon and steelhead except Chinook and hatchery coho.
 - (J) Open November 1 through December 31:
 - (I) Daily limit 6; up to 1 adult salmon or 1 adult salmon or 1 hatchery steelhead may be retained.
 - (II) Release all salmon except Chinook and hatchery coho.
 - (K) Open January 1 through March 31:
 - (I) Daily limit 1 hatchery steelhead.
 - (II) Release all salmon.

(L) April 1 through June 15: Closed.

(r) Waters within 1/4 mile of the USFWS Spring Creek Hatchery grounds between posted markers located 1/4 mile on either side of the fish ladder entrance: Closed waters.

(s) From Hood River Bridge to the Tower Island power lines:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open from March 16 through June 15: Bank fishing only.

(B) When open from March 16 through June 15: Only hand-cast lines may be used.

(C) When open from March 16 through June 15: It is unlawful to use a floating device to set lines for salmon and steelhead.

(D) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(E) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(F) Open August 1 through September 8:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(G) September 9 through September 22: Closed.

(H) Open September 23 through October 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(I) Open November 1 through December 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(J) Open January 1 through March 31:

(I) Daily limit 1 hatchery steelhead.

(II) Release all salmon.

(K) April 1 through June 15: Closed.

(t) From Tower Island power lines to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a boundary marker on the Washington shore (approximately 1.8 miles below The Dalles Dam):

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(C) Open August 1 through September 8:

(I) Daily limit 6; no more than 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(D) September 9 through September 22: Closed.

(E) Open September 23 through October 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) Open November 1 through December 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(G) Open January 1 through March 31:

(I) Daily limit 1 hatchery steelhead.

(II) Release all salmon.

(H) April 1 through June 15: Closed.

(u) From a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a boundary marker on the Washington shore to the upstream side of the Interstate (Highway 197) Bridge:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(C) Open August 1 through September 8:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(D) September 9 through September 22: Closed.

(E) Open September 23 through October 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) Open November 1 through December 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(G) Open January 1 through March 31:

(I) Daily limit 1 hatchery steelhead.

(II) Release all salmon.

(H) April 1 through June 15: Closed.

(v) From the Washington shore from the upstream side of the Interstate (Highway 197) Bridge to the navigation lock wall:

(i) It is unlawful to fish from a floating device.

(ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iii) Salmon and steelhead:

(A) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(C) Open August 1 through September 8:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(D) September 9 through September 22: Closed.

(E) Open September 23 through October 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) Open November 1 through December 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(G) Open January 1 through March 31:

(I) Daily limit 1 hatchery steelhead.

(II) Release all salmon.

(H) April 1 through June 15: Closed.

(w) **From the Interstate (Highway 197) Bridge to the upstream line of The Dalles Dam except the Washington shore from the upstream side of the Interstate Bridge to the navigation lock wall:** Closed waters.

(x) **From The Dalles Dam to the west end of the grain silo at Rufus, Oregon 2.4 miles downstream of John Day Dam:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(C) Open August 1 through September 8:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(D) September 9 through September 22: Closed.

(E) Open September 23 through December 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) January 1 through June 15: Closed.

(y) **From the west end of the grain silo at Rufus, Oregon 2.4 miles downstream of John Day Dam to markers approximately 3,000 feet downstream of John Day Dam:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(C) Open August 1 through September 8:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(D) September 9 through September 22: Closed.

(E) Open September 23 through December 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) January 1 through June 15: Closed.

(z) **From markers approximately 3,000 feet downstream of John Day Dam to 400 feet below the fishway entrance:**

(i) It is unlawful to fish from a floating device.

(ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(C) Open August 1 through September 8:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(D) September 9 through September 22: Closed.

(E) Open September 23 through December 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) January 1 through June 15: Closed.

(aa) **From 400 feet below the John Day Dam fishway entrance to the upstream line of John Day Dam:** Closed waters.

(bb) **From John Day Dam to a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundation:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(C) Open August 1 through August 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(D) Open September 1 through September 8:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(E) September 9 through September 22: Closed.

(F) Open September 23 through December 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(G) January 1 through June 15: Closed.

(cc) From a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundation to the Interstate 82/Highway 395 Bridge:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(C) Open August 1 through August 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(D) Open September 1 through September 8:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(E) September 9 through September 22: Closed.

(F) Open September 23 through December 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(G) January 1 through June 15: Closed.

(dd) From the Interstate 82/Highway 395 Bridge to a red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(C) Open August 1 through August 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(D) Open September 1 through September 8:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(E) September 9 through September 22: Closed.

(F) Open September 23 through December 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(G) January 1 through June 15: Closed.

(ee) From a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock

near the Washington shore to the upstream line of McNary Dam: Closed waters.

(ff) From McNary Dam to Highway 730 at Washington/Oregon border:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(B) Open August 1 through August 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(C) Open September 1 through September 8:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(D) September 9 through September 22: Closed.

(E) Open September 23 through December 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) January 1 through June 15: Closed.

(gg) From Highway 730 at Washington/Oregon border to the Highway 395 Bridge at Pasco:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye.

(B) Open August 1 through August 31:

(I) Daily limit 6; up to 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(C) Open September 1 through September 8:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon except Chinook and coho.

(D) September 9 through September 22: Closed.

(E) Open September 23 through December 31:

(I) Daily limit 6; up to 1 adult salmon may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) January 1 through June 15: Closed.

(hh) From the Highway 395 Bridge at Pasco to the Interstate 182 Bridge:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon:

(A) Open August 16 through October 31: Limit 6; up to 2 adult salmon may be retained. Release all salmon except Chinook and coho.

(B) November 1 through August 15: Closed.

(ii) Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park: Closed waters.

(jj) From the Interstate 182 Bridge to WDFW markers 1/4 mile downstream from the Ringold wasteway outlet:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead:

(A) Open October 1 through March 31: Daily limit 1 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) April 1 through September 30: Closed.

(iii) Salmon:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon.

(II) Release all salmon except sockeye.

(B) August 1 through August 15: Closed.

(C) Open August 16 through October 31: Daily limit 6; up to 2 adult salmon may be retained.

(D) November 1 through June 15: Closed.

(kk) West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River:

(i) September 1 through November 30: Closed waters.

(ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iii) Salmon: Open August 16 through August 31: Daily limit 6; up to 2 adult salmon may be retained.

(ll) From WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Ringold Springs Hatchery Creek:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead:

(A) Open October 1 through March 31: Daily limit 1 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) April 1 through April 15: Fishing is allowed only from the bank and only on the hatchery side of the river. Daily limit 1 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(C) April 16 through September 30: Closed.

(iii) Salmon:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon.

(II) Release all salmon except sockeye.

(B) August 1 through August 15: Closed.

(C) Open August 16 through October 31: Daily limit 6; up to 2 adult salmon may be retained.

(D) November 1 through June 15: Closed.

(mm) Between the markers located 100 feet upstream and 100 feet downstream of the Ringold Springs Hatchery Creek, and extending 100 feet towards the middle of the river: Closed waters.

(nn) From WDFW markers 1/2 mile upstream from Ringold Springs Hatchery Creek to the Old Hanford townsite powerline crossing:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead:

(A) Open October 1 through March 31: Daily limit 1 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) April 1 through September 30: Closed.

(iii) Salmon:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon.

(II) Release all salmon except sockeye.

(B) August 1 through August 15: Closed.

(C) Open August 16 through October 31: Daily limit 6; up to 2 adult salmon may be retained.

(D) November 1 through June 15: Closed.

(oo) From the Old Hanford townsite powerline crossing, to Vernita Bridge (Highway 24):

(i) Open February 1 through October 15.

(ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iii) Steelhead: Closed to fishing.

(iv) Salmon:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon.

(II) Release all salmon except sockeye.

(B) August 1 through August 15: Closed.

(C) Open August 16 through October 15: Daily limit 6; up to 2 adult salmon may be retained.

(D) October 16 through June 15: Closed.

(pp) From Vernita Bridge (Highway 24) to 400 feet downstream of the Priest Rapids Hatchery outlet channel (Jackson Creek):

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing.

(iii) Salmon:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon.

(II) Release all salmon except sockeye.

(B) August 1 through August 15: Closed.

(C) Open August 16 through October 15: Daily Limit 6; up to 2 adult salmon may be retained.

(D) October 16 through June 15: Closed.

(qq) From the marker 400 feet downstream of the mouth of the Priest Rapids Hatchery outlet channel (Jackson Creek) to boundary markers 650 feet below the fish ladders at Priest Rapids Dam:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed.

(iii) Salmon:

(A) Open June 16 through July 31:

(I) Daily limit 2 salmon.

(II) Release all salmon except sockeye.

(B) August 1 through August 15: Closed.

(C) Open August 16 through October 15: Daily limit 6; up to 2 adult salmon may be retained.

(D) October 16 through June 15: Closed.

(rr) At Priest Rapids Hatchery outlet channel (Jackson Creek) extending to midstream of the Columbia River between boundary markers located 400 feet downstream of outlet channel to 100 feet upstream: Closed waters.

(ss) From boundary markers 650 feet below the fish ladders at Priest Rapids Dam to the upstream line of the dam: Closed waters.

(tt) From Priest Rapids Dam to a line from boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of west fish ladder at Wanapum Dam:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed.

(iii) Salmon:

(A) Open July 1 through August 31: Daily limit 2 sockeye only.

(B) Open September 1 through October 15: Daily limit 6 Chinook only; up to 2 adults may be retained.

(uu) From a line from boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder to the Wanapum Dam: Closed waters.

(vv) From the Wanapum Dam to boundary markers 400 feet downstream of the fish ladders at Rock Island Dam:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed.

(iii) Salmon:

(A) Open July 1 through August 31: Daily limit 2 sockeye only.

(B) Open September 1 through October 15: Daily limit 6 Chinook only; up to 2 adults may be retained.

(ww) From the boundary markers 400 feet downstream of the fish ladders at Rock Island Dam to the upstream line of the dam: Closed waters.

(xx) From the upstream line of Rock Island Dam to boundary markers 400 feet downstream of the Rocky Reach Dam fish ladders:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed.

(iii) Salmon: Open July 1 through August 31: Daily limit 2 sockeye only.

(yy) From boundary markers 400 feet downstream of the Rocky Reach Dam fish ladders to the upstream line of Rocky Reach Dam: Closed waters.

(zz) From the upstream line of Rocky Reach Dam to boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side):

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed.

(iii) Salmon: Open July 1 through August 31: Daily limit 2 sockeye only.

(aaa) From the boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side) to the upstream line of Wells Dam: Closed waters.

(bbb) From Wells Dam to Highway 173 Bridge at Brewster:

(i) Game fish: Statewide minimum size/daily limit, except: Hatchery trout: Open July 16 through August 15. Minimum size 12 inches. Daily limit 10. Barbless hooks required.

(ii) Steelhead: Closed to fishing.

(iii) Salmon: Open July 16 through September 15: Daily limit 2 sockeye only.

(ccc) From Highway 173 Bridge at Brewster to the Highway 17 Bridge:

(i) Game fish: Statewide minimum size/daily limit, except: Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(ii) Steelhead: Closed.

(iii) Salmon: Open July 16 through September 15: Daily limit 2 sockeye only.

(ddd) From the Highway 17 Bridge to the Corps of Engineers safety marker on the Douglas County shore to the rock jetty at the upstream shoreline of Foster Creek:

(i) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge: Closed waters.

(ii) From the Douglas County shore from Chief Joseph Dam to the rock jetty at the upstream shoreline of Foster Creek: Closed waters.

(iii) It is unlawful to fish from a floating device downstream of Chief Joseph Dam from the boundary marker to the Corps of Engineers safety zone marker.

(iv) Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(v) Steelhead: Closed to fishing.

(eee) Above Chief Joseph Dam: See Rufus Woods Lake in WAC 220-312-050.

(fff) Above Grand Coulee Dam: See Lake Roosevelt in WAC 220-312-050.

AMENDATORY SECTION (Amending WSR 19-15-050, filed 7/12/19, effective 8/12/19)

WAC 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits. (1) It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-313-010. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters under WAC 220-313-070.

(2) Catch Record Card Area 5:

(a) May 1 through June 30: Closed.

(b) Open July 1 through August 15:

(i) Daily limit ((~~6~~)) 2 salmon.

(ii) Release chum, wild Chinook and wild coho.

(c) Open August 16 through September 30:

(i) Daily limit ((~~6~~)) 2 salmon.

(ii) Release chum, Chinook and wild coho.

(d) October 1 through last day in February ((~~29~~)): Closed.

(e) Open March 1 through April 30:

(i) Daily limit ((~~6~~)) 2 salmon.

(ii) Release wild coho and wild Chinook.

(3) Catch Record Card Area 6:

(a) May 1 through June 30: Closed.

(b) Open July 1 through August 15:

(i) Daily limit ((~~6~~)) 2 salmon.

(ii) Release chum, wild Chinook and wild coho.

(iii) Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(c) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock ~~((are))~~; Closed July 1 through August 15.

(d) Open August 16 through September 30:

(i) Daily limit ~~((ef))~~ 2 salmon.

(ii) Release chum, Chinook and wild coho.

(e) October 1 through ~~((February 29))~~ April 30: Closed except in Dungeness Bay as described in this section.

(f) ~~((March 1 through April 15:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release wild coho and wild Chinook.~~

~~(g) April 16 through April 30: Closed.~~

~~(h))~~ Waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp are closed except: Open October 1 through October 31~~((:))~~; daily limit ~~((ef))~~ 2 hatchery coho only.

(4) **Catch Record Card Area 7:**

(a) May 1 through June 30: Closed.

(b) Open July 1 through July 31:

(i) Daily limit ~~((ef))~~ 2 salmon.

(ii) Release chum and wild Chinook.

(iii) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7).

(c) Open August 1 through August ~~((31: Closed:))~~ 15:

(i) Daily limit 2 salmon.

(ii) Release chum and Chinook.

(d) ~~((September 1 through September 30:))~~ Open August 16 through August 31:

(i) Daily limit ~~((ef))~~ 2 salmon.

(ii) Release chum and wild Chinook.

(e) Open September 1 through September 30:

(i) Daily limit 2 salmon.

(ii) Release chum and Chinook.

(f) October 1 through ~~((January 31))~~ April 30: Closed.

~~((f))~~ (g) Closed to salmon fishing in Samish Bay area described in WAC 220-313-020(7).

~~((g) February 1 through April 15:~~

~~(i) Daily limit of 1 salmon.~~

~~(ii) Release coho and wild Chinook.)~~

(h) Waters of Bellingham Bay described in WAC 220-313-020(1):

(i) ~~((March 1 through April 30 and))~~ July 1 through August 15: Closed.

(ii) Open August 16 through September 30: Daily limit ~~((ef))~~ 4 salmon; ~~((no more than))~~ up to 2 may be Chinook salmon.

(iii) October 1 through ~~((January 31 and June 1 through June 30: Same rules as Area 7))~~ April 30: Closed.

(5) **Catch Record Card Area 8-1:** ~~((a))~~ May 1 through ~~((July 31))~~ April 30: Closed.

~~((b) August 1 through October 31:~~

~~(i) Daily limit 2 salmon.~~

~~(ii) Release Chinook.~~

~~(c) November 1 through January 31: Closed.~~

~~(d) February 1 through April 30:~~

~~(i) Daily limit of 1 salmon.~~

~~(ii) Release coho and wild Chinook.)~~

(6) **(a) Catch Record Card Area 8-2:**

~~((a))~~ ~~(b)(i)~~ May 1 through ~~((August 15 are))~~ April 30: Closed, except waters described in this subsection.

~~((h))~~ (ii) Waters west of Tualip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point ~~((are))~~:

(A)(I) Open May 29 through September 7; only from Friday through 11:59 a.m. the following Monday of each week, ~~((June 1))~~ May 29 through September ~~((2))~~ 7:

(II) Daily limit ~~((ef))~~ 2 salmon.

~~((ii) Waters west of Tualip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point are open only from Saturday through Sunday of each week, September 7 through September 29: Daily limit of 2 salmon.~~

~~(b) August 16 through September 15:~~

~~(i) Waters south and west of a line from Mukilteo ferry docks to the Clinton ferry docks:~~

~~(A) Daily limit of 2 salmon.~~

~~(B) Release Chinook and wild coho.~~

~~(ii) Waters north and east of a line from the Mukilteo ferry docks to the Clinton ferry docks: Closed.~~

~~(c) September 16 through January 31: Closed.~~

~~(d) February 1 through April 30:~~

~~(i) Daily limit of 1 salmon.~~

~~(ii) Release coho and wild Chinook.)~~ (II) Release coho.

(B) Open September 12 through September 27; only from Saturday through Sunday of each week.

(I) Daily limit 2 salmon.

(II) Release coho.

(7) **Catch Record Card Area 9:**

(a) May 1 through July ~~((24))~~ 15: Closed.

(b) ~~((July 25 through July 28:))~~ Open July 16 through August 15:

(i) Daily limit ~~((ef))~~ 2 salmon; ~~((no more than one))~~ up to 1 may be a Chinook salmon.

(ii) Release chum, wild coho, and wild Chinook.

(iii) Waters south of a line from Foulweather Bluff to Olele Point: Closed.

(c) ~~((July 29 through August 15:))~~ Open August 16 through September 30:

(i) Daily limit ~~((ef))~~ 2 salmon.

(ii) Release Chinook, chum, and wild coho.

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

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release Chinook, chum and wild coho.~~

~~(e) October 1 through January 31: Closed.~~

~~(f) February 1 through April 15:~~

~~(i) Daily limit of 1 salmon.~~

~~(ii) Release wild coho and wild Chinook.~~

~~(g) April 16 through April 30: Closed.~~

~~(h))~~ October 1 through April 30: Closed.

(e) Edmonds Fishing Pier:

(i) Open ((year-round)) October 1 through July 31: Daily limit 2 salmon; up to 1 may be a Chinook salmon.

(ii) Open August 1 through September 30:

(A) Daily limit ((~~of~~) 2 salmon; ((no more than one)) up to 1 may be a Chinook salmon.

((~~iii~~) August 1 through September 30:)) (B) Release chum.

(8) Catch Record Card Area 10:

(a) May 1 through May 31: Closed.

(b) Open June 1 through July ((24) 15:

(i) Daily limit ((~~of~~) 2 salmon.

(ii) Release Chinook and chum.

(c) Open July ((25) 16 through August 31:

(i) Daily limit ((~~of~~) 2 salmon; ((no more than one)) up to 1 may be a Chinook salmon.

(ii) Release chum and wild Chinook.

(d) Open September 1 through ((November)) September 15:

(i) Daily limit ((~~of~~) 2 salmon.

(ii) Release Chinook and chum.

((~~iii~~) September 1 through September 15: Release chum.))

(e) Open September 16 through November 15: Release Chinook.

(f) November 16 through December 31: Closed.

(g) Open January 1 through March 31.

(i) Daily limit 1 salmon.

(ii) Release wild Chinook.

(h) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed July 1 through August 31.

((~~f~~)) (i) West Elliot Bay: Waters of Elliott Bay between a line from West Point to Alki Point and a line from Duwamish Head to Pier 91.

(i) May 1 through May 31: Closed.

(ii) Open June 1 through June 30:

(A) Daily limit ((~~of~~) 2 salmon.

(B) Release chum, and Chinook.

((~~ii~~)) (iii) July 1 through August 31: Closed.

((~~iii~~)) (iv) Open September 1 through November 15:

(A) Daily limit ((~~of~~) 2 salmon.

(B) Release Chinook.

((~~g~~)) (v) November 16 through December 31: Closed.

((~~h~~)) (vi) Open January 1 through March 31.

((~~ii~~)) (A) Daily limit ((~~of~~) 1 salmon.

((~~iii~~)) (B) Release wild Chinook.

((~~iv~~) May 1 through May 31: Closed.

((~~h~~)) (i) East Elliot Bay: Waters of Elliott Bay between a line from Duwamish Head to Pier 91 up to the mouth of the Duwamish River including Harbor Island (Duwamish Waterways).

(i) May 1 through May 31: Closed.

(ii) Open June 1 through June 30.

(A) Daily limit ((~~of~~) 2.

(B) Release chum and Chinook.

((~~ii~~)) (iii) July 1 through ((August 1) July 30: Closed.

((~~iii~~) Open August 2 through August 5 at 12:00 p.m.))

(iv) Open July 31 through 11:59 a.m. August 3.

(A) Daily limit ((~~of~~) 2 salmon.

(B) Release chum.

((~~iv~~) Closed August 5 at 12:01 p.m.) (v) Closed 12:00 p.m. August 3 through August 31.

((~~v~~)) (vi) Open September 1 through November 15:

(A) Daily limit of 2 salmon.

(B) Release Chinook.

((~~vi~~)) (vii) November 16 through December 31: Closed.

((~~A~~)) (viii) Open January 1 through March 31.

((~~B~~)) (A) Daily limit ((~~of~~) 1 salmon.

((~~C~~)) (B) Release wild Chinook.

((~~vii~~) May 1 through May 31: Closed.

((~~h~~)) (k) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White:

(i) Open July 1 through ((September 30) July 31.

((~~h~~)) (A) Daily limit ((~~of~~) 3 salmon.

((~~iii~~)) (B) Release wild Chinook and wild coho.

((~~iv~~)) (ii) Open August 1 through September 15: ((Release))

(A) Daily limit 3 salmon.

(B) Release wild Chinook, wild coho, and chum.

((~~h~~)) (iii) November 16 through December 31: Closed.

((~~h~~)) (iv) Open January 1 through March 31.

((~~h~~)) (A) Daily limit ((~~of~~) 1 salmon.

((~~iii~~)) (B) Release wild Chinook.

((~~h~~)) (l) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point: Fly fishing only, lead core lines prohibited, and catch and release from January 1 through January 31. ((~~h~~)) April 1 through April 30: Closed.

(m) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier, open year-round:

(i) ((Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) August 1 through September 15: Release chum.)) Open September 16 through July 31: Daily limit 2 salmon; up to 1 may be a Chinook salmon.

(ii) Open August 1 through September 15:

(A) Daily limit 2 salmon; up to 1 may be a Chinook salmon.

(B) Release chum.

(n) Duwamish Waterway downstream from an east-west line projected through southernmost tip of Harbor Island to a line extending from Jack Block Park through the northernmost tip of Harbor Island extending to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), from July 1 through October 31 night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.

(o) Free-flowing freshwaters are closed downstream of the mouth at Gorst Creek, from July 1 through September 30.

(9) Catch Record Card Area 11:

(a) May 1 through June 30: Closed.

(b) Open July 1 through September 30:

(i) Daily limit ((~~of~~) 2 salmon ((~~of which one~~)) up to 1 may be a hatchery Chinook.

(ii) Release wild Chinook.

((~~iii~~) Fishing for salmon from a vessel prohibited Thursdays and Fridays.))

(c) Open October 1 through ((December 31: Closed.

(d) January 1 through April 30:

(i) Daily limit 2 salmon.

~~(ii) Release wild Chinook.~~
~~(iii)) October 31:~~
(i) Daily limit 2 salmon.
(ii) Release Chinook.
(d) November 1 through April 30: Closed.
(e) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock (~~are closed~~); June 1 through July 31 and April 1 through April 30: Closed.
~~((e)) (f) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock(;;):~~
(i) Open year-round(;;).
(ii) Daily limit ((e)) 2 salmon; (~~no more than one~~) up to 1 may be a Chinook salmon.
(10) Catch Record Card Area 12:
(a) May 1 through June 30: Closed.
(b) (~~July 1 through September 30, in waters south of Ayock Point except waters listed in this subsection:~~
~~(i) Daily limit of 4 salmon.~~
~~(ii) Release chum and wild Chinook.~~
~~(iii) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspport Salmon Hatchery:~~
~~(A) Daily limit of 4 salmon.~~
~~(B) Release chum and wild Chinook.~~
~~(C)) Open July 1 through September 30:~~
(i) Daily limit 4 salmon.
(ii) Release chum and wild Chinook.
(c) Open October 1 through October 15:
(i) Daily limit 4 salmon.
(ii) Release chum and Chinook.
(d) Open October 16 through November 30:
(i) Daily limit 4 salmon.
(ii) Release Chinook.
(e) December 1 through April 30: Closed.
(f) In waters south of Ayock Point including waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspport Salmon Hatchery:
(i) May 1 through June 30: Closed.
(ii) Open July 1 through September 30:
(A) Daily limit 4 salmon.
(B) Release chum and wild Chinook.
(iii) Open October 1 through October 15:
(A) Daily limit 4 salmon.
(B) Release chum and Chinook.
(iv) Open October 16 through November 30:
(A) Daily limit 4 salmon.
(B) Release Chinook.
(v) December 1 through April 30: Closed.
(vi) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.
~~((D)) (vii) It is unlawful to fish from any Hoodspport Salmon Hatchery structure except persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the ADA-access site at the Hoodspport Salmon Hatchery, as long as persons follow all applicable department rules.~~
~~((e) August 1 through September 30, in waters north of Ayock Point:~~

(i) Daily limit of 4 salmon.
(ii) Release chum and Chinook.
(iii) August 1 through August 15: Hooks measuring 1/2 inch or less from point to shank.
~~(iv)) (g) In waters north of Ayock Point except waters north of a true east line from the mouth of Turner Creek to the Toandos Peninsula:~~
(i) May 1 through August 31: Closed.
(ii) Open September 1 through September 30:
(A) Daily limit 4 salmon.
(B) Release chum and Chinook.
(iii) Open October 1 through October 15:
(A) Daily limit 4 salmon.
(B) Release chum and Chinook.
(iv) Open October 16 through November 30:
(A) Daily limit 4 salmon.
(B) Release Chinook.
(v) December 1 through April 30: Closed.
(h) Waters north of a true east line from the mouth of Turner Creek to the Toandos Peninsula:
(i) May 1 through July 31: Closed.
(ii) Open August 1 through August 31:
(iii) Daily limit of 4 coho.
(iv) Open September 1 through September 30:
(A) Daily limit 4 salmon.
(B) Release chum and Chinook.
(v) Open October 1 through October 15:
(A) Daily limit 4 salmon.
(B) Release chum and Chinook.
(vi) Open October 16 through November 30:
(A) Daily limit 4 salmon.
(B) Release Chinook.
(vii) December 1 through April 30: Closed.
(i) September 16 through ((September 30)) December 31: Waters north of a line true east from Broad Spit: Closed.
~~((d) October 1 through December 31:~~
~~(i) Waters north of a line true east from Broad Spit—Closed:~~
~~(ii) All other waters except waters listed in this subsection:~~
~~(A) Daily limit of 4 salmon; no more than 2 may be Chinook salmon.~~
~~(B) Release wild Chinook.~~
~~(C) October 1 through October 15: Release chum.~~
~~(iii) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspport Salmon Hatchery:~~
~~(A) Daily limit of 4 salmon.~~
~~(B) Release wild Chinook.~~
~~(C) October 1 through October 15: Release chum.~~
~~(D) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.~~
~~(E) It is unlawful to fish from any Hoodspport Salmon Hatchery structure except persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the ADA-access site at the Hoodspport Salmon Hatchery, as long as persons follow all applicable department rules.~~
(e) January 1 through April 30:

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release wild Chinook.~~

~~(f)) (j) July 1 through ((September 30)) October 15:~~

Free-flowing freshwater is closed to all fishing downstream of the mouth of the Dewatto, Dosewallips, Duckabush, ~~((and))~~ Hamma Hamma, and Skokomish rivers.

(11) Catch Record Card Area 13:

(a) Open May 1 through ~~((April))~~ June 30:

(i) Daily limit ~~((of))~~ 2 salmon.

(ii) Release wild Chinook and wild coho.

~~((iii))~~ (b) Open July 1 through September 30:

~~((b))~~ (i) Daily limit 2 salmon.

(ii) Release wild Chinook and wild coho.

(iii) Chinook minimum length 20 inches.

(c) Open October 1 through April 30:

(i) Daily limit 2 salmon.

(ii) Release wild Chinook and wild coho.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes ~~((are closed))~~; April 16 through September 15: Closed.

~~((e))~~ (e) Waters of Budd Inlet south of the Fourth Avenue Bridge: Closed.

~~((f))~~ (f) Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore ~~((are closed))~~; July 16 through October 31: Closed.

~~((g))~~ (g) Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower: July 16 through October 31; Night closure and anti-snagging rule ~~((from July 16 through October 31)).~~

~~((h))~~ (h) Fox Island Public Fishing Pier, open year-round: Daily limit 2 salmon; ~~((no more than one))~~ up to 1 may be a Chinook salmon.

(12) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending WSR 19-15-050, filed 7/12/19, effective 8/12/19)

WAC 220-313-070 Coastal salmon—Saltwater seasons and daily limits. (1) It is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities and the sizes provided for in WAC 220-313-010, and for the species designated in this section. An area is open when a daily limit is provided:

(2) Catch Record Card Area 1:

(a) May 1 through June ~~((24))~~ 19: Closed.

(b) ~~((June 22 through September 30))~~ Open June 20 through June 28:

(i) Daily limit 1 salmon.

(ii) Release all coho.

(iii) Chinook minimum length 22 inches.

(c) Open June 29 through September 30:

(i) Daily limit ~~((of))~~ 2 salmon; no more than ~~((one))~~ 1 may be a Chinook.

(ii) Release wild coho.

~~((e))~~ (iii) Chinook minimum length 22 inches.

(d) October 1 through April 30: Closed.

~~((f))~~ (e) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-313-020.

(3) Catch Record Card Area 2:

(a) May 1 through June ~~((24))~~ 19: Closed.

(b) ~~((June 22 through September 30))~~ Open June 20 through June 28:

(i) Daily limit 1 salmon.

(ii) Release all coho.

(iii) Chinook minimum length 22 inches.

(c) Open June 29 through September 30:

(i) Daily limit ~~((of))~~ 2 salmon; no more than ~~((one))~~ 1 may be a Chinook.

(ii) Release wild coho.

(iii) Chinook minimum length 22 inches.

(iv) Beginning August ~~((12))~~ 10, the Grays Harbor Control Zone is closed. Grays Harbor Control Zone - The area defined by a line drawn from the Westport Lighthouse (46°53.18'N latitude, 124°07.01'W longitude) to Buoy #2 (46°52.42'N latitude, 124°12.42'W longitude) to Buoy #3 (46°55.00'N latitude, 124°14.48'W longitude) to the Grays Harbor north jetty (46°55.36'N latitude, 124°10.51'W longitude).

~~((e))~~ (d) October 1 through April 30 ~~((-))~~; Closed.

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

(a) May 1 through June ~~((24))~~ 19: Closed.

(b) June ~~((22))~~ 20 through July 31: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) Open August 1 through January 31:

(i) Daily limit ~~((of))~~ 6 salmon; ~~((no more than))~~ up to 2 may be adult salmon.

(ii) Release wild Chinook.

(iii) Beginning August 1, the Willapa Bay Control Zone is open. The Willapa Bay Control Zone area is defined as waters east of a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) due west to 46°39.20'N, 124°5.3'W then due north to the westerly most landfall on Cape Shoalwater (46°44.66'N, 124°5.3'W) and west from a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) through green marker 11 to landfall.

(iv) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(v) Waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green) then, northeasterly to the power transmission pole located at 46°43.19'N, 123°50.83'W are closed August 1 through September 30.

(d) February 1 through April 30: Closed.

(5) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) Humptulips North Bay Fishery is defined as northerly of a line running from the south end of the eastern jetty at Ocean Shores Marina, then to a fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) then to the Tripod

Station located at 46°59.12'N, 124°00.72'W on Brackenridge Bluff.

~~(i) May 1 through July 31: Closed.~~

~~(ii) Open August 1 through September 15:~~

~~(A) Daily limit 1 salmon.~~

~~(B) Release wild Chinook and wild coho.~~

(b) East Grays Harbor Fishery is defined as easterly of a projected line from the mouth of Johns River (Highway 105 bridge) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green).

~~((e) May 1 through July 31: Closed.~~

~~(d) August 1 through September 15:~~

~~(i) Daily limit of 1 salmon.~~

~~(ii) Release wild Chinook and wild coho.~~

~~((iii)) (i) Open September 23 through November 30:~~

~~(A) Daily limit 1 salmon.~~

~~(B) Release Chinook.~~

~~(ii) Waters south of a line running from the south end of the eastern jetty at Ocean Shores Marina to the fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) and waters west of a line running from the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green) to the mouth of Johns River (Highway 105 Bridge): Closed.~~

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

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release Chinook.~~

~~(iii) Waters west of a line running from the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green) to the mouth of Johns River (Highway 105 Bridge) are closed.~~

~~(f) December 1 through April 30: Closed.~~

~~((g)) (c) Notwithstanding the provisions of this subsection, the Westport Boat Basin and Ocean Shores Boat Basin are open only August 16 through January 31:~~

~~(i) Daily limit ((e)) 6 salmon; ((no more than)) up to 4 may be adult salmon.~~

~~(ii) Release Chinook.~~

~~(iii) Night closure and anti-snagging rule in effect.~~

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

(a) May 1 through June ((30)) 19: Closed.

(b) ((July 4)) June 20 through August ((13)) 9: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August ((14)) 10 through April 30: Closed.

(7) Catch Record Card Area 3:

(a) May 1 through June ((24)) 19: Closed.

(b) ((June 22 through October 13)) Open June 20 through June 28:

(i) Daily limit 1 salmon.

(ii) Release all coho.

(c) Open June 29 through September 30:

(i) Daily limit ((e)) 2 salmon.

(ii) Release wild coho.

~~((iii)) ((October 1 through October 13: Open area limited to the area north of 47°50'00" and south of 48°00'00":~~

~~((e)) Release chum salmon beginning August 1.~~

(d) October ((14)) 1 through April 30: Closed.

(8) Catch Record Card Area 4:

(a) Waters east of a true north-south line through Sail Rock are closed through July 31.

(b) May 1 through June ((24)) 19: Closed.

~~((b) June 22 through September 30)) (c) June 20 through June 28:~~

~~(i) Daily limit 1 salmon.~~

~~(ii) Release all coho.~~

~~(d) Open June 29 through September 30:~~

~~(i) Daily limit ((e)) 2 salmon.~~

~~(ii) Release wild coho.~~

~~(iii) ((Waters east of a true north-south line through Sail Rock are closed through July 31.~~

~~((iv)) Waters east of the Bonilla-Tatoosh line closed to Chinook retention beginning August 1.~~

~~((v)) (iv) Release chum salmon beginning August 1.~~

~~((e)) (e) October 1 through April 30: Closed.~~

(9) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

WSR 20-10-116

PROPOSED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed May 6, 2020, 11:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-07-046.

Title of Rule and Other Identifying Information: Target practice on the department of fish and wildlife (WDFW)-managed lands, the department is proposing amendments to WAC 220-500-140 Firearms and target practice.

Hearing Location(s): On June 12-13, 2020, at 8:00 a.m.

Webinar and/or conference call.

This meeting will take place by webinar and/or conference call. The public may participate in the meeting. Visit our website at <https://wdfw.wa.gov/about/commission/meetings> or contact the commission office at 360-902-2267 or commission@dfw.wa.gov for instructions on how to join the meeting.

Date of Intended Adoption: July 31-August 1, 2020.

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504-3200, email Rules.Coordinator@dfw.wa.gov, <https://wdfw.wa.gov/about/wdfw-lands/public-conduct#firearms>, by June 10, 2020.

Assistance for Persons with Disabilities: Contact Dolores Noyes, phone 360-902-2349, TTY 360-902-2207, email dolores.noyes@dfw.wa.gov, by June 10, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule is to clarify how individual persons may

engage in target practice activities on lands owned or managed by WDFW and to promote consistency among state agencies relative to use of state-owned lands.

Specifically, the proposed rule: Clarifies the definition of recreational target shooting; distinguishes between department designated target shooting areas and dispersed target shooting; distinguishes between shooting single projectiles (i.e., rifle bullets and shotgun slugs) and shooting shot (i.e., bird shot); describes when a backstop is required when discharging specific types of firearms/implements; lists specific locations where recreational target shooting would be prohibited (e.g., from or across roads, designated trails, water body or within five hundred feet of buildings, campgrounds, etc.); restricts allowable targets to those commercially or privately manufactured specifically for target shooting; restricts recreational target shooting to thirty minutes before sunrise until thirty minutes after sunset; and requires recreational target shooters to remove shell casings, shotgun hulls, ammunition packaging, targets, and target debris.

Reasons Supporting Proposal: WDFW owns or manages about one million acres statewide, with thirty-three wildlife areas and nearly five hundred water access areas around the state. These public lands help sustain wildlife habitat and public recreation opportunities for current and future generations.

The primary purpose for WDFW owning and managing lands is the preservation, protection, perpetuation, and management of fish and wildlife and their habitats. Public use may include fishing, hunting, fish and wildlife appreciation, and other outdoor recreational opportunities, such as target practice, when compatible with healthy and diverse fish and wildlife populations and in a manner that addresses public safety concerns.

An increase in target shooting on WDFW-managed lands in recent years as well as an increase in visitors generally has created several challenges, including wildfires, concerns over public safety and user conflicts, and impacts to private property, littering, and damage to wildlife habitat. In addition, discrepancies with rules on adjacent state-managed lands (e.g., Washington department of natural resources lands) has led to confusion among target shooters about the rules applicable to specific sites. These proposed rule amendments attempt to address these challenges.

WDFW wishes to continue welcoming recreational target shooters to WDFW-managed lands while also protecting public safety and private property and minimizing damage to habitat.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.210, and 77.12.240.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.210, and 77.12.240.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, 1111 Washington Street S.E. Olympia, WA 98501, 360-902-2515; and Enforcement: Steve Bear, 1111 Washington Street S.E., Olympia, WA, 98501, 360-902-2373.

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

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required for this rule making under RCW 34.05.328.

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

Is exempt under RCW 19.85.025(4). This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses.

Explanation of exemptions: The department is exempt from the requirements of chapter 19.85 RCW because the proposed target practice rules do not regulate small businesses; rather, the proposed rules regulate individual persons who undertake recreational use of department-managed lands. The proposed statewide target practice rules simply govern the time, place and manner for individual persons engaging in target practice activities on WDFW-managed lands.

May 6, 2020

Michele K. Culver
Rules Coordinator

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

WAC 220-500-140 Firearms and target practicing.

~~((1)(a) It is unlawful to discharge tracer or incendiary ammunition on department lands.~~

~~(b) It is unlawful to discharge firearms in those portions of department lands where or when such discharge is prohibited by department posted notice or from or within five hundred feet of a department designated campground. Violating this subsection is a gross misdemeanor if the violation creates a substantial risk of death or serious physical injury to another person, pursuant to RCW 9A.36.050.~~

~~(c) It is unlawful to fail to remove expended shell casings, ammunition packaging, or other related target debris, excluding clay pigeons, when target practicing on department lands at the conclusion of the target practice session and prior to departure from the area. Failure to remove debris constitutes littering.~~

~~(d) The use of glass, signs, appliances, mattresses, TVs, furniture, and exploding items as targets in target practicing is prohibited.~~

~~(2) The department may designate locations and times for target practicing consistent with resource management or public safety concerns.) (1) The department may designate or restrict locations, times, and manner for recreational target shooting upon department land, consistent with resource management concerns, management agreements or requirements, recreational use compatibility, or public safety concerns.~~

(2) Persons must not recreationally target shoot on department land except as provided by this section.

(3) Department land is open to recreational target shooting under the conditions set forth in this section, unless

closed or otherwise restricted by this section or by any department-posted signage or notice.

(a) Notwithstanding the allowances by this section, recreational target shooting is only permitted where a reasonable person, in consideration of all attendant circumstances, would believe the area between the person and the target, and the area beyond the target, is free of risk to person, animals, or property.

(b) Unless otherwise posted, recreational target shooting is only allowed one-half hour before sunrise to one-half hour after sunset.

(c) Recreational target shooting using:

• Firearms firing single projectile ammunition of .17 caliber or greater or shot equal to or greater than BB; or

• Compressed gas or air guns capable of shooting any projectile at over eight hundred feet per second, is permitted only:

(i) On department-designated recreational target shooting areas and in compliance with posted regulations; or

(ii) In other areas containing an earthen backstop, as defined (reference to definitions), which must be utilized while target shooting. A backstop is not required while using shotguns discharging shot smaller than size BB. Targets must be placed in front of and within eight feet of the backstop, and the person must be shooting at the lower half of the backstop.

(d) Recreational target shooting using:

• Archery equipment, crossbows, air bows; or

• Shotguns discharging shot smaller than size BB, is permitted:

(i) On department-designated recreational target shooting areas and in compliance with posted regulations; or

(ii) In other areas consistent with (a) of this subsection.

(e) Recreational target shooting is specifically prohibited:

(i) On, from, at, along, across, or down:

(A) Any department-designated or department-developed water access site or boat launch, and associated parking area;

(B) Any road;

(C) Any utility line, utility poles, or light posts;

(D) Any department-designated trail;

(E) Any water body or stream.

(ii) Within five hundred feet of the following (when not utilizing a department-designated recreational target shooting area):

(A) Residences, businesses, and/or other buildings or structures, including port-a-potties, etc.;

(B) Power stations, cell phone towers, utility poles, light posts, wind turbines, or other public utility structures;

(C) Campgrounds;

(D) Viewing platforms or structures;

(iii) In other areas posted by the department as restricted from shooting.

(4) Authorized targets for use on department lands are restricted to items, other than exploding targets, that are commercially manufactured for the specific purpose of target shooting, or similar targets privately manufactured that are consistent with this section, and as further restricted below.

(a) Steel targets that are manufactured for the specific purpose of target shooting are allowed subject to the following restrictions:

(i) When used on a department-designated recreational target shooting area, steel targets that are manufactured for the specific purpose of target shooting are allowed year round.

(ii) When used outside a department-designated recreational target shooting area, steel targets that are manufactured for the specific purpose of target shooting are allowed from October 1 to May 31, unless otherwise posted.

(b) Clay targets, when used, must be biodegradable clay targets.

(c) Items prohibited to be used as targets or to hold or post targets include, but are not limited to:

(i) Buildings;

(ii) Power stations, cell phone towers, utility poles, light posts, wind turbines, or other public utility structures;

(iii) Gates, fence posts or rails;

(iv) Vehicles, or parts thereof;

(v) Machinery, or parts thereof;

(vi) Signs, kiosks, or informational panels of any kind;

(vii) Appliances or electronics;

(viii) Furniture;

(ix) Pallets;

(x) Glass;

(xi) Explosive and incendiary items, including binary exploding targets (i.e., Tannerite);

(xii) Containers of liquids, chemicals, paints, or compressed gas;

(xiii) Standing or moving water;

(xiv) Live or dead trees or other vegetation;

(xv) Animals or animal carcasses.

(5) The discharge of tracer bullets or shells, incendiary ammunition, or steel core bullets, is specifically prohibited on all department lands.

(6) At all times, it is unlawful for a person to discharge a firearm, crossbow, bow, or any other projectile shooting implement on department lands in a reckless or negligent manner. A violation of this subsection may be punishable under RCW 77.15.230, 77.15.460, 9A.36.050, 9A.36.031, 9A.36.021, 9A.32.070, 9A.32.060, or other relevant statute depending on the circumstances of the violation.

(7) It is unlawful for persons recreationally target shooting to fail to remove and transport from department lands for proper disposal all shell casings, shotgun hulls, ammunition packaging, and targets or target debris. Failure to remove any such item is prohibited and constitutes littering.

Persons who recreationally target shoot are responsible for knowing other state, local, or federal laws that may govern their shooting activity, and compliance with this rule does not guarantee compliance with other applicable laws.