

WSR 24-05-006

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed February 8, 2024, 11:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-02-075.

Title of Rule and Other Identifying Information: Notice of trespass.

Hearing Location(s): On April 18, 2024, at 8:00 a.m., at 215A Tawanka Commons, Cheney, WA 99004.

Date of Intended Adoption: May 17, 2024.

Submit Written Comments to: Annika Scharosch, 211 Tawanka [Hall], Cheney, WA 99004, email ascharosch@ewu.edu, website <https://inside.ewu.edu/policies>, by April 18, 2024.

Assistance for Persons with Disabilities: Contact Annika Scharosch, phone 509-359-6724, email ascharosch@ewu.edu, by April 18, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Extends the time period the Eastern Washington University (EWU) police department can temporarily trespass an individual from campus from 24 hours to 72 hours.

Reasons Supporting Proposal: See above.

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

Statute Being Implemented: RCW 28B.15.740.

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

Name of Proponent: EWU, governmental.

Name of Agency Personnel Responsible for Drafting: Annika Scharosch, 211 Tawanka Commons, Cheney, WA 99004, 509-359-6724; Implementation and Enforcement: Dr. Shari McMahan, 214 Showalter Hall, Cheney, WA 99004, 509-359-6200.

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. Not subject to RCW 34.05.328(5).

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

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

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

February 8, 2024

Annika Scharosch

Associate Vice President for Civil Rights
Compliance and Enterprise Risk Management

OTS-5219.1

AMENDATORY SECTION (Amending WSR 18-06-022, filed 2/27/18, effective 3/30/18)

WAC 172-122-200 Notice of trespass. (1) The president of Eastern Washington University, or the president's designee, has the authority to grant, deny, or withdraw permission for people to be on university property. Any individual who is on university property must comply with university rules. Access to university property may be limited to certain times, certain uses, or certain groups of people. People who are on university property or within a university building without permission may be ordered to leave by any university official.

(2) People who remain on university property without permission, who disrupt university activities, interfere with people's ability to access buildings, or whose conduct threatens the health, safety, or security of anyone on campus may be removed from university property and given a (~~twenty-four-hour~~) trespass notice of up to 72 hours by the president, the president's designee, or a member of the university police department.

(3) In the event a person's conduct continues to threaten the health, safety, or security of anyone on campus, the president or president's designee may trespass the person from university property for up to five years, except expelled students may permanently be trespassed from campus. Any prior license or privilege to be on university property is revoked by the notice of trespass.

(4) A person who is trespassed from university property shall be given a written notice of trespass identifying:

- (a) The reason why the person is being trespassed;
- (b) The duration and scope of the trespass;
- (c) The method for appealing the notice; and

(d) A warning that failing to comply with the notice may result in the person's arrest and criminal charges under chapter 9A.52 RCW. The notice shall be delivered in the manner specified in chapter 9A.52 RCW.

(5) Appeals.

(a) If a current student is trespassed from campus, the initial trespass notice is considered an interim restriction under WAC 172-121-140 and the student will receive an emergency appeal hearing under WAC 172-121-140 with the vice president for student affairs or designee. The authority to bar students from university property in this regulation is separate from and in addition to the authority of the dean of students or vice president for student affairs under the student conduct code, chapter 172-121 WAC. At the conclusion of the entire student conduct process, a student who is expelled may be permanently trespassed from university property in accordance with WAC 172-121-210 (1) (k).

(b) If a current employee is trespassed from a particular portion of campus the employee does not need to access to perform his or her job (e.g., ejected from Roos Field during a football game), the employee can appeal the decision under (c) of this subsection. If an employee is trespassed from all university property because his or her conduct threatens the health, safety, or security of anyone on campus, the employee will be considered to have been placed on paid administrative leave by issuance of the trespass notice and the university will follow its normal employment processes for investigating the alleged behavior and determining what level of discipline, if any, is appropriate.

(c) All other persons who have been removed or trespassed from university property may appeal the decision by submitting to the president or president's designee, by certified mail, a letter stating the reasons the person should not be barred from university property within (~~twenty-one~~) 21 days of issuance of the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The president or president's designee shall review all relevant information and issue a written order affirming, modifying, or revoking the trespass order within (~~twenty~~) 20 days after the request for review is received. This decision is the university's final decision.

WSR 24-05-019

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed February 9, 2024, 10:12 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Medical test site (MTS) licensure for naturopath and nurse midwife professions. To align with federal rules, the department of health (department) is proposing removing the professions of naturopath licensed under chapter 18.36A RCW and midwife licensed under chapter 18.50 RCW from the list of licensed professionals that may perform a provider-performed microscopic procedure (PPMP) in WAC 246-338-020. The department is proposing to clarify that both the laboratory director and testing personnel of PPMP must be a licensed professional. The department is also proposing a technical citation adjustment to a definition in WAC 246-338-010.

Hearing Location(s): On April 4, 2024, at 2:00 p.m., at the Department of Health, Town Center 2, 111 Israel Road S.E., Rooms 166 and 167, Tumwater, WA 98501; or virtually via Zoom. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_1aNy5RneSbCY6UIdm3AyVA. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: April 11, 2024.

Submit Written Comments to: Jessica Holloway, P.O. Box 47843, Olympia, WA 98504-7843, email <https://fortress.wa.gov/doh/policyreview/>, by April 4, 2024.

Assistance for Persons with Disabilities: Contact Jessica Holloway, phone 360-236-2927, email Jessica.Holloway@doh.wa.gov, by March 21, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend WAC 246-338-010 and 246-338-020 to align with the federal rules related to qualifications of laboratory directors under 42 C.F.R. 493.1357 and testing personnel under 42 C.F.R. 493.1363 for laboratories performing PPMPs. The federal rules stipulate that both the laboratory director and testing personnel of laboratories performing PPMPs must: (1) Be a physician as defined in 42 C.F.R. 493.2; (2) be a mid-level practitioner as defined in 42 C.F.R. 493.2; or (3) be a dentist as defined in 42 C.F.R. 493.2.

Currently, WAC 246-338-020 allows for naturopaths to be testing personnel, but naturopaths do not meet the federal definition of physician, mid-level practitioner, or dentist described in 42 C.F.R. 493.2; therefore, naturopaths cannot qualify as a laboratory director or testing personnel under a PPMP MTS license.

Additionally, WAC 246-338-020 currently lists midwife as a qualification for testing personnel under a PPMP license. The department has determined that a midwife licensed under chapter 18.50 RCW does not meet the qualification described in 42 C.F.R. 493.2. Instead, a nurse midwife serving as a mid-level practitioner and holding a master's degree in nursing and licensure as an advanced registered nurse practitioner (ARNP) under chapter 18.79 RCW will qualify for the PPMP MTS license. ARNP is already listed as an approved licensed professional in WAC 246-338-020 and the following ARNP designations listed in WAC 246-840-302 will remain qualified for the PPMP MTS license: Nurse

practitioner, certified nurse-midwife (CNM), certified registered nurse anesthetist (CRNA), and clinical nurse specialist (CNS).

The department is proposing an amendment to WAC 246-338-020 to remove naturopath and midwife as a qualification for laboratory director and testing personnel under a PPMP license and to clarify that only physicians, ARNPs, physician assistants, or dentists may serve as the laboratory director of the PPMP MTS license.

The department is also proposing an amendment to WAC 246-338-010 to update a cross-reference to remove the reference to naturopaths and midwives.

Reasons Supporting Proposal: Clinical Laboratory Improvement Amendments (CLIA) provide federal standards that are applicable to all United States facilities or sites that test human specimens for health assessment to diagnose, prevent, or treat disease. Washington is CLIA-exempt, meaning that all laboratories in the state must obtain an MTS license instead of a federal CLIA license to perform medical tests. Washington receives approval from CLIA to enforce federal rules for laboratories. The MTS program must comply with federal requirements described in 42 C.F.R. Part 493 to maintain the exemption from CLIA. Updating the qualifications for laboratory directors and testing personnel for PPMP MTS licenses will align chapter 246-338 WAC with the federal requirements.

Statutory Authority for Adoption: RCW 70.42.220.

Statute Being Implemented: Chapter 70.42 RCW.

Rule is necessary because of federal law, 42 C.F.R. §§ 493.2, 493.1357, 493.1363.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jessica Holloway, 111 Israel Road S.E., Tumwater, WA 98504, 360-236-2927.

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. Exempt due to RCW 34.05.328 (5)(b)(iii) due to adoption of federal requirements and RCW 34.05.328 (5)(b)(iv), rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

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

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: 42 C.F.R. 493.2 provides definitions of physicians, dentists, and mid-level practitioners. 42 C.F.R. 493.1357 describes the qualifications of laboratory directors of facilities performing PPMPs. 42 C.F.R. 493.1363 describes the qualifications of testing personnel of facilities performing PPMPs. CMS-3326-F final rule making states that a nurse midwife requires at least a master's degree in nursing. If the rules are not adopted, Washington state could lose its exemption from CLIA.

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: The proposed rules adopt federal requirements and correct or clarify language of the rule without changing the effect.

Scope of exemption for rule proposal:
Is fully exempt.

February 9, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-5121.3

AMENDATORY SECTION (Amending WSR 16-18-073, filed 9/2/16, effective 10/3/16)

WAC 246-338-010 Definitions. For the purposes of this chapter, the following words and phrases have these meanings unless the context clearly indicates otherwise.

(1) "Accreditation organization" means a public or private organization or agency approved by CMS as having standards which are consistent with federal law and regulation, and judged by the department to be equivalent to this chapter.

(2) "Authorized person" means any individual allowed by Washington state law or rule to order tests or receive test results.

(3) "Biannual verification" means a system for verifying the accuracy of test results, at least twice a calendar year, for those tests for which proficiency testing is not required by the department.

(4) "Calibration" means a process of testing and adjusting an instrument, kit, or test system to provide a known relationship between the measurement response and the value of the substance that is being measured by the test procedure.

(5) "Calibration verification" means the assaying of materials of known concentration in the same manner as patient samples to confirm that the calibration of the instrument, kit, or test system has remained stable throughout the laboratory's reportable range for patient test results.

(6) "Calibrator" means a material, solution, or lyophilized preparation designed to be used in calibration. The values or concentrations of the analytes of interest in the calibration material are known within limits ascertained during its preparation or before use.

(7) "Case" means any slide or group of slides, from one patient specimen source, submitted to a medical test site, at one time, for the purpose of cytological or histological examination.

(8) "CDC" means the federal Centers for Disease Control and Prevention.

(9) "CMS" means the federal Centers for Medicare and Medicaid Services.

(10) "CLIA" means Section 353 of the Public Health Service Act, Clinical Laboratory Improvement Amendments of 1988, and regulations implementing the federal amendments, 42 C.F.R. Part 493-Laboratory Requirements in effect on September 22, 2003.

(11) "Control" means a material, solution, lyophilized preparation, or pool of collected serum designed to be used in the process of quality control. The concentrations of the analytes of interest in the control material are known within limits ascertained during its preparation or before routine use.

(12) "Control slide" means a preparation of a material known to produce a specific reaction which is fixed on a glass slide and is used in the process of quality control.

(13) "Days" means calendar days.

(14) "Deemed status" means recognition that the requirements of an accreditation organization have been judged to be equal to, or more stringent than, the requirements of this chapter and the CLIA requirements, and the accreditation organization has agreed to comply with all requirements of this chapter and CLIA.

(15) "Deficiency" means a finding from an inspection or complaint investigation that is not in compliance with this chapter and requires corrective action.

(16) "Department" means the department of health.

(17) "Direct staff time" means all state employees' work time; travel time; telephone contacts and staff or management conferences; and expenses involved with a complaint investigation or an on-site follow-up visit.

(18) "Director," defined as the designated test site supervisor in RCW 70.42.010, means the individual responsible for the technical functions of the medical test site. This person must meet the qualifications for Laboratory Director, listed in 42 C.F.R. Part 493 Subpart M - Personnel for Nonwaived Testing.

(19) "Disciplinary action" means license or certificate of waiver denial, suspension, condition, revocation, civil fine, or any combination of the preceding actions, taken by the department against a medical test site.

(20) "Facility" means one or more locations within one campus or complex where tests are performed under one owner.

(21) "Forensic" means investigative testing in which the results are never used for clinical diagnosis, or referral to a health care provider for treatment of an individual.

(22) "HHS" means the federal Department of Health and Human Services.

(23) "High complexity" means a test system, assay, or examination that is categorized under CLIA as a high complexity test.

(24) "May" means permissive or discretionary.

(25) "Medical test site" or "test site" means any facility or site, public or private, which analyzes materials derived from the human body for the purposes of health care, treatment, or screening. A medical test site does not mean:

(a) A facility or site, including a residence, where a test approved for home use by the Federal Food and Drug Administration is used by an individual to test himself or herself without direct supervision or guidance by another and where this test is not part of a commercial transaction; or

(b) A facility or site performing tests solely for forensic purposes.

(26) "Moderate complexity" means a test system, assay, or examination that is categorized under CLIA as a moderate complexity test.

(27) "Must" means compliance is mandatory.

(28) "Nonwaived" means all tests categorized under CLIA as:

(a) Moderate complexity tests, including provider-performed microscopic procedures; or

(b) High complexity tests.

(29) "Owner" means the person, corporation, or entity legally responsible for the business requiring licensure or a certificate of waiver as a medical test site under chapter 70.42 RCW.

(30) "Patient's personal representative" means a person legally authorized to make health care decisions on an individual's behalf.

(31) "Performance specification" means a value or range of values for a test that describe its accuracy, precision, analytical sensitivity, analytical specificity, reportable range and reference range.

(32) "Person" means any individual, public organization, private organization, agent, agency, corporation, firm, association, partnership, or business.

(33) "Physician" means an individual with a doctor of medicine, doctor of osteopathy, doctor of podiatric medicine, or equivalent degree who is a licensed professional under chapter 18.71 RCW Physicians; chapter 18.57 RCW Osteopathy—Osteopathic medicine and surgery; or chapter 18.22 RCW Podiatric medicine and surgery.

(34) "Provider-performed microscopic procedures" means only those moderate complexity tests listed under WAC 246-338-020 (2) (b) (i) through (x), when the tests are performed in conjunction with a patient's visit by a licensed professional meeting qualifications specified in WAC 246-338-020 (2) (a) (i) through ~~((+vi))~~ (iv).

(35) "Provisional license" means an interim approval issued by the department to the owner of a medical test site.

(36) "Records" means books, files, reports, or other documentation necessary to show compliance with the quality control and quality assurance requirements under this chapter.

(37) "Reference material" means a material or substance, calibrator, control, or standard where one or more properties are sufficiently well established for use in calibrating a process or for use in quality control.

(38) "Specialty" means a group of similar subspecialties or tests. The specialties for a medical test site are as follows:

- (a) Chemistry;
- (b) Cytogenetics;
- (c) Diagnostic immunology;
- (d) Immunohematology;
- (e) Hematology;
- (f) Histocompatibility;
- (g) Microbiology;
- (h) Pathology; and
- (i) Radiobioassay.

(39) "Standard" means a reference material of fixed and known chemical composition capable of being prepared in essentially pure form, or any certified reference material generally accepted or officially recognized as the unique standard for the assay regardless of level or purity of the analyte content.

(40) "Subspecialty" means a group of similar tests. The subspecialties of a specialty for a medical test site are as follows, for:

(a) Chemistry, the subspecialties are routine chemistry, urinalysis, endocrinology, and toxicology;

(b) Diagnostic immunology, the subspecialties are syphilis serology and general immunology;

(c) Immunohematology, the subspecialties are ABO grouping and Rh typing, antibody detection, antibody identification, and compatibility testing;

(d) Hematology, the subspecialties are routine hematology and coagulation;

(e) Microbiology, the subspecialties are bacteriology, mycology, parasitology, virology, and mycobacteriology; and

(f) Pathology, the subspecialties are histopathology (including dermatopathology), diagnostic cytology, and oral pathology.

(41) "Supervision" means authoritative procedural guidance by an individual qualified under 42 C.F.R. Part 493 Subpart M - Personnel for Non-waived Testing, assuming the responsibility for the accomplishment of a function or activity by technical personnel.

(42) "Technical personnel" means individuals employed to perform any test or part of a test.

(43) "Test" means any examination or procedure conducted on a sample taken from the human body.

(44) "Validation inspection" means an on-site inspection by the department of an accredited medical test site to determine that the accreditation organization's regulations are equivalent to this chapter and are enforced.

(45) "Waived test" means a test system that is:

(a) Cleared by the Food and Drug Administration for home use; or

(b) A simple laboratory examination or procedure that has an insignificant risk of an erroneous result.

In order for a test system to be waived, it must be approved for waiver under CLIA.

(46) "Will" means compliance is mandatory.

AMENDATORY SECTION (Amending WSR 02-12-105, filed 6/5/02, effective 7/6/02)

WAC 246-338-020 Licensure—Types of medical test site licenses.

After July 1, 1990, any person advertising, operating, managing, owning, conducting, opening, or maintaining a medical test site must first obtain a license from the department. License types are described in Table 020-1.

(1) Certificate of waiver.

Applicable if the medical test site performs only the tests classified as waived.

(2) Provider performed microscopic procedures (PPMP).

Applicable if the medical test site restricts its testing performance to one or more of the following moderate complexity tests performed by one of the licensed professionals listed, in conjunction with a patient's visit. In addition, the medical test site can perform tests classified as waived with this type of license.

(a) (~~PPMP may be performed only by one of~~) The following licensed professionals may serve as the laboratory director and testing personnel for microscopic procedures under a PPMP medical test site license:

(i) Physician licensed under chapter 18.71 RCW, Physicians; chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery; or chapter 18.22 RCW, Podiatric medicine and surgery;

- (ii) Advanced registered nurse practitioner, licensed under chapter 18.79 RCW, Nursing care;
- (iii) ~~((Midwife licensed under chapter 18.50 RCW, Midwifery;~~
- ~~(iv))~~ Physician assistant licensed under chapter 18.71A RCW, Physician assistants; or
- ~~((v) Naturopath licensed under chapter 18.36A RCW, Naturopathy;~~
- ~~or~~
- ~~(vi))~~ (iv) Dentist licensed under chapter 18.32 RCW, Dentistry.
- (b) Microscopic procedures authorized under a PPMP license are:
 - (i) All direct wet mount preparations for the presence or absence of bacteria, fungi, parasites, and human cellular elements;
 - (ii) All potassium hydroxide (KOH) preparations;
 - (iii) Pinworm examinations;
 - (iv) Fern tests;
 - (v) Postcoital direct, qualitative examinations of vaginal or cervical mucous;
 - (vi) Urine sediment examinations;
 - (vii) Nasal smears for granulocytes;
 - (viii) Fecal leukocyte examinations;
 - (ix) Qualitative semen analysis (limited to the presence or absence of sperm and detection of motility); and
 - (x) Any other tests subsequently categorized under CLIA as provider-performed microscopy procedures.

(3) Moderate/high complexity.

(a) Low volume, Category A-J, as described in Table 990-1.

Applicable if the medical test site performs any tests that are not classified as waived or qualified as PPMP under subsection (2) of this section. Under this type of license, the medical test site may also perform tests classified as waived.

(b) Accredited: Low volume, Category A-J, as described in Table 990-1.

Applicable if the medical test site performs any tests that are not classified as waived, and is accredited and inspected by an accreditation organization approved by the department under WAC 246-338-040. Under this type of license, the medical test site may also perform tests classified as waived.

020-1 Table of Requirements for Each License Type

LICENSE TYPE	REQUIREMENTS	INSPECTIONS	
		TYPE	FREQUENCY
(1) Certificate of Waiver	<ul style="list-style-type: none"> • Restrict testing to tests classified as waived. • Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/ Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections. • Follow manufacturers' instructions for performing the test. 	<ul style="list-style-type: none"> • Complaint • Technical assistance 	<ul style="list-style-type: none"> • When indicated
(2) PPMP	<ul style="list-style-type: none"> • Restrict testing to tests classified as PPMP or waived. 	<ul style="list-style-type: none"> • Complaint 	<ul style="list-style-type: none"> • When indicated

LICENSE TYPE	REQUIREMENTS	INSPECTIONS	
		TYPE	FREQUENCY
	<ul style="list-style-type: none"> • Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/ Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control. • Follow manufacturers' instructions for performing the test. 	<ul style="list-style-type: none"> • Technical assistance 	
(3) Moderate/High Complexity			
(a) Low Volume, Category A-J	<ul style="list-style-type: none"> • Perform tests classified as moderate or high complexity. • Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/ Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control. • Follow manufacturers' instructions for performing test. 	<ul style="list-style-type: none"> • Initial • Routine • Complaint • On-site follow-up • Technical assistance 	<ul style="list-style-type: none"> • First 6 months of license • Every 2 years • When indicated • When indicated • When indicated
(b) Accredited: Low Volume, Category A-J	<ul style="list-style-type: none"> • Perform tests classified as moderate or high complexity. • Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/ Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control. • Follow manufacturers' instructions for performing the test. • Submit to the department upon request, or authorize the accreditation organization to submit: • Proof of accreditation; • On-site inspection results; • Statement of deficiencies; • Plan of correction for the deficiencies cited; 	<ul style="list-style-type: none"> • Validation • Complaint • On-site follow-up • Technical assistance 	<ul style="list-style-type: none"> • 2.5% of accredited sites annually • When indicated • When indicated • When indicated

LICENSE TYPE	REQUIREMENTS	INSPECTIONS	
		TYPE	FREQUENCY
	<ul style="list-style-type: none">Any disciplinary action and results of any disciplinary action taken by the accreditation organization against the medical test site.		

WSR 24-05-024

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed February 12, 2024, 9:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-18-067.

Title of Rule and Other Identifying Information: Applied behavior analysis (ABA) clarification to licensing rules. The department of health (department) is proposing to update and clarify ABA, chapter 246-805 WAC. The department is proposing to update this chapter to clarify: Licensure requirements, supervision, examinations, educational programs, training, and continuing education (CE). This proposal would also establish reciprocity, temporary licenses, and update fees.

Hearing Location(s): On April 4, 2024, at 11:00 a.m., at the Department of Health, Town Center 2, Room 166/167, 111 Israel Road S.E., Tumwater, WA 98501; or virtually via Zoom. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_qFsDA4pXRTiwyhpXqr8Bsg. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: April 11, 2024.

Submit Written Comments to: Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504, email <https://fortress.wa.gov/doh/policyreview/>, fax 360-236-2901, by April 4, 2024.

Assistance for Persons with Disabilities: Contact Kendra Pitzler, phone 360-236-4723, fax 360-236-2901, TTY 711, email kendra.pitzler@doh.wa.gov, by March 28, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: There are three ABA license types addressed in this rule: The licensed behavior analyst (LBA), the licensed assistant behavior analyst (LABA), and the certified behavior technician (CBT). The rules, effective in 2017, have a general rule section that applies to all professions, along with licensure sections for each license type. The department has identified issues which show the rules are not always understood by applicants and licensees, as well as the need to address a wide variety of licensure issues. After consultation with the ABA advisory committee (committee), the department decided to update and clarify definitions, licensure requirements, licensure standards, and CE requirements.

Currently, certification outside of the behavioral analyst certification board (BACB) cannot be used toward licensure in Washington because current rules reference only the BACB. The proposed rule establishes standards for all professional credentialing entities. This will allow the department to accept certifications from other professional credentialing entities while maintaining standards and protecting the public.

The current rules identify the approved examination for the LBA as the board certified behavior analyst (BCBA) examination offered by the BACB. The proposal allows any examination offered by a professional credentialing entity that meets the department's requirements. Currently, BCBA is the only examination allowed under the rules, thus all applicants need to meet BCBA requirements in order to take the examination and become licensed so the department is proposing to add the LBA requirements needed for the exam into rule.

There are three proposed sections of new rule which reflect BCBA requirements for the number of hours required in Washington. These sections include: Recognized education programs, classroom topics, and

supervision. The proposed rule would reflect industry standards, clarify department standards and protect the public.

The proposed rules update CE requirements for AIDS training and health equity.

The proposed rule also includes a temporary license and a license based on reciprocity.

Reasons Supporting Proposal: ABA licensure went into effect on July 1, 2017. After adoption of the rule, the department received questions and concerns about the strict interpretation of the WAC. After consultation with the committee, the department is taking the opportunity to clarify and update licensure for all professions licensed under chapter 246-805 WAC to clarify requirements as well as align with current best practices.

The proposal also clarifies supervision of LABAs and CBTs, creates a temporary license as allowed by RCW 18.380.080, as well as establishes a corresponding temporary license fee. Fees for duplicate licenses or license verification are reduced to align with similar department fees for other professions. The department found the need to expand and establish these additional routes to licensure, partly due to issues faced during the coronavirus disease 2019 (COVID-19) pandemic.

The proposed rules repeal the AIDS education requirement in order to align with ESHB 1551 (chapter 76, Laws of 2020), which repealed RCW 70.24.270. The repealed law required each disciplining authority to have rules that required AIDS education. Second, the proposed rules establish health equity CE requirements to comply with ESSB 5229 (chapter 276, Laws of 2021), codified as RCW 43.70.613. RCW 43.70.613 directs the department to adopt model rules for health care providers required to complete CE to complete health equity CE training at least once every four years. Model rules were adopted in WAC 246-12-800 through 246-12-830 to establish the training requirements. The proposed rules will incorporate a department interpretive statement filed as WSR 24-02-025 and requires two hours of health equity training every four years as directed in the module rules.

The proposed rules address supervision of a licensed assistant behavior analyst and certified behavior technician by a qualifying licensed professional other than an LBA, and incorporate a department interpretive statement filed as WSR 17-20-067.

Statutory Authority for Adoption: RCW 18.380.050, 18.380.110, 18.122.050, 43.70.110, and 43.70.250; ESHB 1551 (chapter 76, Laws of 2020), and ESSB 5229 (chapter 276, Laws of 2021).

Statute Being Implemented: Chapter 18.380 RCW.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kendra Pitzler, 111 Israel Road S.E., Tumwater, WA 98504, 360-236-4723.

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 Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, TTY 711, email kendra.pitzler@doh.wa.gov.

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

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: RCW 19.85.025(4) exempts rules where the department is able to demonstrate that the proposed rule does not affect small businesses. Proposed rules are for health profession [professionals] and do not impact businesses.

Scope of exemption for rule proposal:

Is fully exempt.

February 12, 2024
 Kristin Peterson, JD
 Chief of Policy
 for Umair A. Shah, MD, MPH
 Secretary

OTS-5141.1

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly states otherwise:

(1) "ABA" means applied behavior analysis.

~~(2) ("Behavior Analyst Certification Board" or "BACB" means a national organization that certifies individuals as meeting education, training, supervised experience and examination standards of the behavior analysis profession.~~

~~(3) "Board certified assistant behavior analyst" or "BCaBA" means a professional certified with the BACB as meeting the education, training, supervised experience, and examination standards to practice ABA under the supervision of a BCBA who meets the BACB supervision requirements.~~

~~(4) "Board certified behavior analyst" or "BCBA" means a professional certified with the BACB as meeting the education, training, supervised experience and examination standards to practice ABA independently. It includes individuals with the designation board certified behavior analyst doctoral (BCBA-D) of the BACB.~~

~~(5))~~ "Accepted course sequence" means the verified course sequence set of courses that have been verified by the Association for Behavior Analysis International, or similar course sequences verified by other organizations approved by the department, as meeting specific coursework requirements, content hours, and faculty standards.

(3) "Certified behavior technician" or "CBT" means a person certified under chapter 18.380 RCW.

~~((6) "Close, ongoing supervision" means procedures or tasks that are performed under a supervisor's overall direction and control. The supervisor must be accessible, but the supervisor's presence is not required during the performance of the procedures or tasks.~~

~~(7))~~ (4) "Clinical supervisor" means:

(a) A supervisor in charge of an LABA or the treatment plan the LABA is administering; or

(b) A supervisor in charge of a CBT or the treatment plan the CBT is administering.

(5) "Department" means the Washington state department of health.

~~((8))~~ (6) "In good standing" means an active credential issued by the department of health without:

- (a) Conditions;
- (b) Current discipline;
- (c) Pending discipline; or
- (d) Restrictions on the practice of ABA by a competent authority.

~~((9))~~ (7) "Licensed assistant behavior analyst" or "LABA" means a person licensed under chapter 18.380 RCW.

~~((10))~~ ~~"LABA trainee" means a person participating in a supervised experience described in WAC 246-805-230.~~

~~((11))~~ (8) "Licensed behavior analyst" or "LBA" means a person licensed under chapter 18.380 RCW.

~~((12))~~ ~~"Registered behavior technician" or "RBT" means a paraprofessional who is credentialed by the BACB to practice ABA under close ongoing supervision of a BCBA or BCaBA who is responsible for the work performed by the RBT, and meets the education, examination and training standards of the BACB.~~

~~((13))~~ (9) "Professional credentialing entity" means a department approved national accredited professional credentialing entity as described in WAC 246-840-025.

(10) "Secretary" means the secretary of the department of health or the secretary's designee.

~~((14))~~ (11) "Trainee" means:

(a) A person who is obtaining supervised experience as an LBA as described in WAC 246-805-130; or

(b) A person who is obtaining supervised experience as a LABA as described in WAC 246-805-230; or

(c) A person who is participating in a behavior technician training program described in WAC 246-805-310.

(12) "Training program supervisor" means:

(a) A supervisor in charge of an LBA who is obtaining supervised experience as described in WAC 246-805-130; or

(b) A supervisor in charge of a LABA trainee who is obtaining supervised experience as described in WAC 246-805-230; or

(c) A supervisor in charge of a CBT trainee during a certified behavior analyst training program as described in WAC 246-805-310.

NEW SECTION

WAC 246-805-025 Department approval of national accredited professional credentialing entities. (1) A national accredited professional credentialing entity is an entity which offers certifications and registrations to professional practitioners of applied behavior analysis.

(2) National accredited professional credentialing entities that provide proof of meeting the requirements described in this section meet the requirements for approval by the department.

(a) Certifications and registrations that meet or exceed current qualifications for licensure of ABA practitioners set in RCW 18.380.050(1).

(b) (i) Certifications equivalent to the LBA credential must have requirements that meet or exceed the current qualifications of WAC 246-805-100 (2) (b) and continuing education requirements that meet or exceed the requirements of WAC 246-805-401 (2) through (4).

(ii) Certifications equivalent to the LABA credential must have certification requirements that meet or exceed the current qualification of WAC 246-805-200 (3) (b) and continuing education requirements that meet or exceed the requirements of WAC 246-805-402 (2) through (4).

(iii) Certifications or registrations equivalent to the CBT credential must have requirements that meet or exceed WAC 246-805-300 (4) (b).

(c) Current accreditation by the American National Standards Institute (ANSI) or the National Commission for Certifying Agencies (NCCA).

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-100 Licensed behavior analyst—Application requirements. An applicant for initial licensure as an LBA shall submit the following to the department:

(1) ~~((A completed application on forms provided by the department;~~

~~(2) Proof of completion of at least four clock hours of AIDS education as required by chapter 246-12 WAC, Part 8;~~

~~(3) Fees as required in WAC 246-805-990)) Fees and a completed application for the license; and~~

~~((4)) (2) Proof of:~~

(a) Current ~~((BACB))~~ certification ~~((as a BCBA))~~ equivalent to a licensed behavior analyst from a professional credentialing entity. Verification must be sent directly to the department from the ~~((BACB))~~ professional credentialing entity; or

(b) Meeting the requirements in RCW 18.380.050 (1) (a) including:

(i) ~~((A))~~ Graduation from a recognized master's or doctorate degree ((in behavior analysis or other natural science, education, human services, engineering, medicine, or field related to behavior analysis approved by the secretary)) program that meets the requirements of WAC 246-805-110. An official transcript must be provided as evidence of the degree required;

(ii) Successful completion of a minimum of ~~((two hundred twenty-five))~~ 225 classroom hours of graduate level instruction in behavior analysis topics described in WAC 246-805-120. An official transcript must be provided as evidence of the course work required;

(iii) Successful completion of a supervised experience requirement ~~((, consisting of a minimum of one thousand five hundred hours))~~ under WAC 246-805-130; and

(iv) Successful completion of ~~((the))~~ a national ((BCBA)) examination for the equivalent of an LBA from a professional credentialing entity as meeting the requirement in RCW 18.380.050 (1) (iv).

NEW SECTION

WAC 246-805-110 Licensed behavior analyst—Recognized educational programs. The department shall accept a master's or doctorate de-

gree towards initial licensure requirements for an LBA that meets the following:

- (1) The degree is in a subject listed in RCW 18.380.050 (1)(a); and
- (2) The degree is awarded from an institution accredited by the council for higher education accreditation, the United States Department of Education, or a similar accrediting institution approved by the department.

NEW SECTION

WAC 246-805-120 Licensed behavior analyst—Required topics for classroom hours. (1) An applicant for initial licensure as an LBA shall show completion of an approved education program with a minimum of 225 classroom hours of instruction in behavior analysis content areas as follows:

- (a) Fifteen hours of ethical considerations;
- (b) Forty-five hours of definitions and characteristics and principles, processes, and concepts;
- (c) Twenty hours of measurement of behavior and displaying and interpreting behavioral data;
- (d) Twenty hours of experimental evaluation of interventions;
- (e) Thirty-five hours of behavioral assessment and selecting intervention outcomes and strategies;
- (f) Forty-five hours of behavior change procedures and systems support; and
- (g) Forty-five hours in behavior analysis content on a discretionary basis.

(2) Classroom hours under this section may be taken in addition to the applicant's degree program if the hours are part of an accepted course sequence.

NEW SECTION

WAC 246-805-130 Licensed behavior analyst—Supervised experience. (1) An LBA trainee applying for an initial LBA license for an initial LBA license shall show completion of a minimum of 1,500 hours of supervised experience in behavior analysis according to this section.

- (2) The LBA trainee must be enrolled in or have completed a recognized education program and topics required in WAC 246-805-120 according to this chapter prior to beginning the required supervised experience.
- (3) (a) The LBA trainee shall complete their supervised experience within five years of the start date of the supervised experience.
(b) Supervision must be conducted at least every two weeks.
(c) When actively participating in a supervised experience, the LBA trainee shall participate in at least 10 hours and no more than 30 hours per week.
- (4) A minimum of five percent of the total hours accrued in each month must be under the supervision of a training program supervisor who meets the qualifications of this section.

(5) A training program supervisor for an LBA trainee shall:

- (a) (i) Hold an active license in good standing as an LBA with at least one year of full-time equivalency practice; or
- (ii) Hold a current certification equivalent to a LBA from a professional credentialing entity; and
- (b) Not be related to, subordinate to, or employed by the LBA trainee during the supervised experience period. Employment does not include compensation received by the training program supervisor from the LBA trainee for supervision services.

(6) Supervision must include:

- (a) Observing and providing feedback to the LBA trainee on their behavior analytic activities with a client in the natural environment;
- (b) Observing the LBA trainee in real time by web camera, video-conferencing, or similar means when the training program supervisor is not physically present; and
- (c) Supervising in small groups of up to six LBA trainees for no more than half of the total supervision required in subsection (3) of this section.

(7) The LBA trainee shall perform the following activities during the supervised experience:

- (a) Directly implementing behavioral programs delivering therapeutic and instructional procedures, which may not exceed 50 percent of the total accrued experience hours; and
- (b) Designing and systematically monitoring behavioral programs, naturalistic observation, staff and caregiver training, researching literature related to the program, and conducting assessments related to the need for behavioral intervention.

(8) Supervised experience must include the following content areas:

- (a) Ethics and professional conduct;
- (b) Measurement;
- (c) Experimental design;
- (d) Behavior-change considerations;
- (e) Fundamental elements of behavior change;
- (f) Behavior-change procedures;
- (g) Behavior-change systems;
- (h) Problem identification;
- (i) Assessment;
- (j) Intervention;
- (k) Implementation, management and supervision;
- (l) Philosophical assumptions of behavior analysis;
- (m) Verbal operants; and
- (n) Respondent and operant conditioning.

(9) The training program supervisor and LBA trainee shall develop a supervision plan before the LBA trainee begins performing any behavior analytic tasks. The supervision plan must be maintained in the LBA trainee's file for seven years after completion of supervised experience. The supervision plan must include:

- (a) Types of duties and responsibilities the LBA trainee will perform;
- (b) Dates, time and duration of supervision;
- (c) Type of supervision, as described in subsection (6) of this section;
- (d) Brief description of supervision activities; and
- (e) Signatures of both the training program supervisor and LBA trainee.

(10) A supervised experience under this section may be completed as part of or in addition to the LBA trainee's master's or doctorate degree program.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-200 Licensed assistant behavior analyst—Application requirements. An applicant for initial licensure as an LABA shall submit the following to the department:

- ~~(1) ((A completed application on forms provided by the department;~~
- ~~(2) Proof of completing at least four clock hours of AIDS education as required by chapter 246-12 WAC, Part 8;~~
- ~~(3) Proof of supervision;~~
- ~~(4) Fees as required in WAC 246-805-990; and~~
- ~~(5-)) Fees and a completed application for the license.~~
- (2) The name of the clinical supervisor as proof of ongoing supervision that meets the requirements in RCW 18.380.050(2); and
- (3) Proof of:
 - (a) Current certification ((as a BCaBA from the BACB)) equivalent to the licensed assistant behavior analyst from a professional credentialing entity. Verification must be sent directly to the department from the ((BACB)) professional credentialing entity; or
 - (b) Meeting the requirements in RCW 18.380.050 (1) (b):
 - (i) Graduation from a recognized bachelor's degree program under WAC 246-805-210. An official transcript must be provided as evidence of the degree required;
 - (ii) Proof of successful completion of a minimum of ((one hundred thirty-five)) 135 classroom hours of instruction in behavior analysis topics described in WAC 246-805-220. An official transcript must be provided as evidence of the course work required; and
 - (iii) Proof of successful completion of a supervised experience requirement under WAC 246-805-230.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-220 Licensed assistant behavior analyst—Required topics for classroom hours. (1) An applicant for initial licensure as an LABA shall complete ((one hundred thirty-five)) a minimum of 135 classroom hours of instruction in specific behavior analysis topics from a recognized educational institution in compliance with WAC 246-805-210. Topics must include the following content areas and the minimum number of hours specified:

- (a) Ten hours of ethical considerations;
- (b) Forty hours of definitions and characteristics and principles, processes, and concepts;
- (c) Twenty hours of experimental evaluation of interventions, measurement of behavior, and displaying and interpreting behavioral data;

(d) Twenty-five hours of behavioral assessment and selecting intervention outcomes and strategies; and

(e) Forty hours of behavior change procedures and systems support.

(2) Classroom hours under this section may be taken (~~as part of or~~) in addition to the applicant's bachelor's degree program if the hours are part of an accepted course sequence.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-230 Licensed assistant behavior analyst—Supervised experience. (1) Prior to submitting an application to the department, an (~~applicant~~) LABA trainee applying for initial licensure for an LBA license shall complete a minimum of (~~one thousand~~) 1,000 hours of supervised experience in behavior analysis.

(2) The LABA trainee must be enrolled in or have completed the requirements contained in WAC 246-805-220 to be eligible to begin the required supervised experience as an LABA trainee.

(3) (a) The LABA trainee (~~must~~) shall complete his or her supervised experience within five years of the start date of the supervised experience.

(b) When actively participating in a supervised experience, the LABA trainee (~~must~~) shall participate in supervised experience at least (~~ten~~) 10 hours and no more than (~~thirty~~) 30 hours per week.

(c) At least five percent of the total monthly hours of supervised experience must be under the supervision (~~of~~) defined in subsection (5) of this section (~~of an LBA or BCBA~~).

(d) Supervision must be conducted at least every two weeks.

(4) A person is qualified to (~~supervise an~~) be a training program supervisor for a LABA trainee if (~~he or she~~) the person:

(a) Holds an active license in good standing as an LBA with at least one year of full-time equivalency practice; or

(b) Holds a current certification (~~as a BCBA and meets the BACB supervisory requirements~~) equivalent to a LBA from a professional credentialing entity; and

(c) Is not related to, subordinate to, or employed by the LABA trainee during the supervised experience period. Employment does not include compensation received by the training program supervisor from the LABA trainee for supervision services.

(5) Supervision (~~shall~~) must include:

(a) Observing and providing feedback to the LABA trainee on his or her behavior analytic activities with a client in the natural environment;

(b) Observing the LABA trainee in real time by (~~synchronous (real-time)~~) web camera, videoconferencing, or similar means when the training program supervisor is not physically present; and

(c) Supervising in small groups of up to six LABA trainees for no more than half of the total supervision required in subsection (3) of this section.

(6) The LABA trainee shall perform the following activities during the supervised experience:

(a) Directly implementing behavioral programs delivering therapeutic and instructional procedures, which may not exceed ~~((fifty))~~ 50 percent of the total accrued experience hours; and

(b) Designing and systematically monitoring behavioral programs, naturalistic observation, staff and caregiver training, researching literature related to the program, and conducting assessments related to the need for behavioral intervention.

(7) Supervised experience must include the following content areas:

- (a) Ethics and professional conduct;
- (b) Measurement;
- (c) Experimental design;
- (d) Behavior-change considerations;
- (e) Fundamental elements of behavior change;
- (f) Behavior-change procedures;
- (g) Behavior-change systems;
- (h) Problem identification;
- (i) Assessment;
- (j) Intervention;
- (k) Implementation, management and supervision;
- (l) Philosophical assumptions of behavior analysis;
- (m) Verbal operants; and
- (n) Respondent and operant conditioning.

(8) The training program supervisor and LABA trainee ~~((must))~~ shall develop a supervision plan before the LABA trainee begins performing any behavior analytic tasks. The supervision plan must be maintained in the LABA trainee's file for seven years after completion of supervised experience. The supervision plan shall include:

- (a) Types of duties and responsibilities the LABA trainee will perform;
- (b) Dates, time and duration of supervision;
- (c) Type of supervision, as described in subsection (5) of this section;
- (d) Brief description of supervision activities; and
- (e) Signatures of both the training program supervisor and LABA trainee.

(9) A supervised experience under this section may be completed as part of or in addition to the LABA trainee's bachelor's degree program.

AMENDATORY SECTION (Amending WSR 17-12-084, filed 6/5/17, effective 7/1/17)

WAC 246-805-240 Licensed assistant behavior analyst—Continuing supervision. (1) ~~((An))~~ A LABA ~~((must))~~ shall work under the supervision of an LBA or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1) for each client receiving ABA services.

(2) A clinical supervisor shall:

(a) Hold an active license in good standing as a Washington state LBA or be otherwise qualified to practice in ABA consistent with RCW 18.380.030(1); and

(b) Be responsible and accountable for the services an LABA provides to clients.

(3) The LABA and the clinical supervisor (~~((must))~~) shall develop a supervision agreement before the LABA begins to provide any behavior analytic tasks. A copy of the supervision agreement must be maintained by both the clinical supervisor and LABA. The supervision agreement must include, but not be limited to:

- (a) Duties and responsibilities the LABA will perform;
- (b) Mechanism for reporting caseload to the clinical supervisor;
- (c) Type and frequency of supervision; and
- (d) Signature of both the clinical supervisor and supervisee.

(4) The clinical supervisor shall review the LABA's progress with the LABA at least every six months.

(5) The supervision shall include:

(a) At least one face-to-face contact per month with the LABA. Face-to-face contact may occur in person, on-site, or by videoconferencing, and may include small group interaction; and

(b) Visually observing the LABA with clients on a quarterly basis for at least one treatment session. Observation may occur in person or by videoconferencing.

NEW SECTION

WAC 246-805-250 Licensed assistant behavior analyst—Supervision disclosure. Prior to providing services to a client, a LABA shall disclose in writing to the client, or client's parent or legal guardian, the supervisor's name and contact information.

(1) Documentation of disclosure must be maintained in the client file and a copy given to the client or the client's parent or legal guardian, if applicable.

(2) The supervision disclosure must be updated and shared with the client, or the client's parent or legal guardian if applicable, as soon as practical whenever the LABA has a new supervisor.

(3) The supervision disclosure must be reviewed at least once per year to determine if it needs to be updated. The disclosure must be shared with the client or client's parent or guardian if updated.

(4) The client file must include documentation to reflect each time it is reviewed.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-300 Certified behavior technician—Application requirements. An applicant for initial certification as a CBT shall submit the following to the department:

(1) ~~((A completed application on forms provided by the department))~~ Fees and a completed application for the certification;

(2) Proof of being at least ~~((eighteen))~~ 18 years of age;

(3) Proof of a high school diploma or equivalent;

(4) ~~((Proof of completing at least four clock hours of AIDS education as required by chapter 246-12 WAC, Part 8;~~

~~(5))~~ Proof of:

(a) ~~((Current registration as a RBT from the BACB. Verification must be sent directly to the department from the BACB; or~~

~~(b))~~ Current behavior technician registration or certification from a ~~((nationally accredited professional credentialing entity accepted by the secretary))~~ professional credentialing entity. Verification must be sent directly to the department from the accredited professional credentialing entity; or

~~((e))~~ (b) Successful completion of a behavior technician training program outlined in WAC 246-805-310 to include:

(i) Classroom, online, or supervisor-led instruction with the content outlined in ~~((subsection (3)(a) of this section))~~ WAC 246-805-310 (4)(a);

(ii) Experiential learning as outlined in ~~((subsection (3)(b) of this section))~~ WAC 246-805-310 (4)(b); and

(iii) Evaluation and assessment as outlined in ~~((subsection (3)(c) of this section))~~ WAC 246-805-310 (4)(c).

~~((6))~~ (5) The name of the clinical supervisor as proof of ongoing supervision that meets the requirements ~~((of WAC 246-805-330; and (7) Fees as required in WAC 246-805-990))~~ in RCW 18.380.050(2).

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-310 Behavior technician training program. An applicant who does not hold ~~((RBT))~~ a registration or certification from a professional credentialing entity under WAC 246-805-300 ~~((5))~~ (4)(a) ~~((or other behavior technician registration or certification accepted by the secretary under WAC 246-805-300 (5)(b))~~) may qualify for a CBT credential by completing a behavior technician training program meeting the requirements described in this section.

(1) Behavior technician training programs meeting the requirements described in this section are approved by the secretary.

(2) The behavior technician training program must be ~~((~~

~~(a) Affiliated with a postsecondary school or college accredited by a regional or national accrediting organization recognized by the U.S. Department of Education; or~~

~~(b))~~ affiliated with an agency, business or individual that:

~~((i))~~ (a) Has a supervisor within sight and hearing and available for immediate intervention when the trainee is working with clients.

~~((ii))~~ (b) Has a supervisor who is:

~~((A))~~ (i) An LBA who holds a current and active credential in good standing with at least one year of full-time ~~((equivalency))~~ experience; or an ~~((active BCBA who meets the supervisor requirements of the BACB))~~ individual who holds a certification equivalent to an LBA from a professional credentialing entity and has at least one year of full-time experience;

~~((B))~~ (ii) Responsible for the conduct of the trainee at all times when working with clients under his or her supervision; and

~~((C))~~ (iii) Responsible for the training program, who will be referred to as the "training program supervisor ~~((, " and shall))~~ ."

(3) The training program supervisor shall:

~~((I))~~ (a) Not be related to, subordinate to, or employed by the trainee during the training period. Employment does not include compensation received by the supervisor from the trainee for supervision services.

~~((II))~~ (b) Be responsible for determining the content of the training, adherence to the training, and ascertaining the competency of the trainee.

~~((III))~~ (c) Supervise the trainee until ~~((he or she))~~ the trainee demonstrates entry level competency, as provided in subsection ~~((3))~~ (4)(c) of this section.

~~((3))~~ (4) The behavior technician training program must be at least ~~((forty))~~ 40 hours in duration and include:

(a) Classroom, online or supervisor-led instruction in the following content areas:

- (i) Measurement;
- (ii) Assessment;
- (iii) Skill acquisition;
- (iv) Behavior reduction;
- (v) Documentation and reporting; and
- (vi) Professional conduct and scope of practice.

(b) Experiential learning that includes:

(i) Practicing techniques in a simulated situation incorporating content areas in (a) of this subsection; and

(ii) Observing and performing behavior analysis services with clients incorporating content areas in (a) of this subsection.

(c) Evaluation and assessment by the training program supervisor of the trainee's demonstrated entry level competency in the knowledge and skills under (a) and (b) of this subsection. The supervisor evaluation and assessment must include verification of classroom training content.

~~((4))~~ (5) After the trainee demonstrates entry level competency, as provided in subsection ~~((3))~~ (4)(c) of this section, supervision may be provided by any behavior analyst who meets the requirements of subsection (2)(a) and (b)(i) and (ii) ~~((A) and (B))~~ of this section. An applicant from an out-of-state program may not provide ABA services until a credential has been issued.

~~((5))~~ (6) Prior to or at the time of the first visit with a client, the supervisor shall ensure that the client or client's parent or legal guardian is notified in writing that the trainee is participating in a behavior technician training program. The notification must be ~~((within))~~ signed by the client or client's parent or legal guardian and placed in the client's ~~((treatment plan or other documentation that must include the supervisor's name and contact information))~~ file.

~~((6))~~ (7) A trainee ~~((must))~~ shall complete the training program and submit an application to the department on a form provided by the department within one ~~((hundred eighty days))~~ year of starting the training program.

~~((7))~~ (8) Documentation of all behavior analysis training, supervision, duties, and responsibilities of the trainee must be completed and signed by the training program supervisor and the trainee, and placed in the trainee's personnel file. Copies of the documentation will be maintained by both the trainee and the training program supervisor for a minimum of four years or any other standard required by law, whichever is longer.

~~((8))~~ (9) Upon successful completion of the training program requirements, the training program supervisor will sign an attestation that the trainee has completed the behavior technician training requirements.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-320 Certified behavior technician—Tasks. (1) A CBT shall not:

(a) Initiate or implement a treatment program with a client until the client has been evaluated (~~(by an LBA or LABA,)~~) and a written treatment and instructional program has been prepared by an LBA (~~(or)~~), LABA, or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1);

(b) Independently perform a client assessment or evaluation, but may assist in the process under the direction of an LBA or LABA; and

(c) Independently design or modify client treatment plans or instructional programs.

(2) A CBT shall:

(a) Monitor the need for reassessment and report changes in status that may warrant reassessment or referral by or under the direction of an LBA (~~(or)~~), LABA, or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1); and

(b) Immediately discontinue and notify the supervising LBA (~~(or)~~), LABA, or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1) about any treatment procedure that appears harmful to the client.

NEW SECTION

WAC 246-805-325 Certified behavior technician—Definitions for continuing supervision. The definitions in this section apply to WAC 246-805-330 unless the context clearly states otherwise:

(1) "Close, ongoing clinical supervision" means to perform procedures or tasks that are performed under a clinical supervisor's overall direction and control. The clinical supervisor must be accessible but is not required during the performance of the procedures or tasks.

(2) "Direct supervision and observation" means the clinical supervisor is providing direction and observation on-site or by video-conference.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-330 Certified behavior technician—Continuing supervision. (1) A CBT (~~(must)~~) shall work under close, ongoing supervision of (~~(an LBA or LABA)~~) a clinical supervisor for each client receiving ABA services.

(2) A clinical supervisor:

(a) (~~(Must)~~) Shall hold an active license in good standing as an LBA (~~(or)~~), LABA, or a license issued by this state permitting the individual to practice ABA consistent with RCW 18.380.030(1); and

(b) (~~(Shall be)~~) Is responsible for the conduct of the CBT at all times when working with clients under his or her supervision.

(3) The CBT and the clinical supervisor (~~(must)~~) shall develop a supervision agreement before the CBT begins to provide any behavior

analytic tasks. A copy of the supervision agreement must be maintained both by the supervisor and CBT. The supervision agreement must include, but not be limited to:

- (a) Duties and responsibilities the CBT will perform;
- (b) Type and frequency of supervision, as described in subsection (5) of this section; and
- (c) Signature of both the clinical supervisor and ~~((supervisee))~~ CBT.

(4) The clinical supervisor shall review the CBT's progress with the CBT as necessary ~~((but))~~ and document the progress at least every six months.

(5) The clinical supervisor shall:

- (a) Meet in person with the CBT to provide guidance in working with new clients;
- (b) Conduct at least two face-to-face contacts per month with the CBT. Face-to-face contact may occur in person, on-site or by videoconferencing.

(c) Provide direct supervision and observation for a minimum of five percent of the CBT's hours ~~((with clients per))~~ each month ~~((+))~~

~~((e))~~ Conduct at least two face-to-face contacts per month with the CBT. Face-to-face contact may occur in person, on-site or by videoconferencing;

~~((d))~~ Observe) including:

(i) Observing the CBT at least once per month when the CBT is providing ABA services to clients ~~((. Observation may occur in person, on-site or by videoconferencing))~~; and

~~((e))~~ (ii) Observing the CBT with each client on his or her caseload at least once every three months.

NEW SECTION

WAC 246-805-340 Certified behavior technician—Supervision disclosure. Prior to providing services to a client, a CBT shall disclose in writing the supervisor's name and contact information.

(1) Documentation of disclosure must be maintained in the client file and a copy given to the client or the client's parent or guardian, as applicable.

(2) The supervision disclosure must be updated and shared with the client, or the client's parent or guardian as applicable, as soon as practical whenever the CBT has a new training program or clinical supervisor.

(3) The supervision disclosure must be reviewed at least once per year to determine if it needs to be updated. The disclosure must be shared with the client or client's parent or guardian if updated.

(4) The client file must include documentation to reflect each time it is reviewed.

AMENDATORY SECTION (Amending WSR 18-10-016, filed 4/23/18, effective 5/24/18)

WAC 246-805-400 General continuing education requirements for an LBA and LABA. An LBA ~~((or LABA must))~~ shall attest to completing the

continuing education (CE) requirements in ~~((this section))~~ WAC 246-805-401 and an LBA shall attest to completing the CE requirements in WAC 246-805-402 as a condition of renewing the license every two years. ~~((CE must be completed during the first full CE reporting period after July 1, 2018.~~

~~(1) Maintaining certification from the BACB or another national certification board approved by the secretary that requires CE as part of certification meets CE requirements as described in this section.~~

~~(2) An LBA shall complete a minimum of thirty-two hours of CE related to the practice of applied behavior analysis.~~

~~(a) A minimum of twenty hours of activities must directly address:~~

~~(i) Behavior analytic skill development; and~~

~~(ii) Current practices in clinical practice of applied behavior analysis.~~

~~(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.~~

~~(c) No more than eight hours may be in professional development activities that enhance the licensee's business practice as an LBA.~~

~~(3) An LBA shall complete twenty hours of CE related to the practice of applied behavior analysis.~~

~~(a) A minimum of ten hours of activities must directly address:~~

~~(i) Behavior analytic skill development; and~~

~~(ii) Current practices in clinical practice of applied behavior analysis.~~

~~(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.~~

~~(c) No more than six hours may be in professional development activities that enhance the licensee's business practice as an LBA.~~

~~(4))~~ The general requirements are:

(1) Fifty minutes of CE contact time or direct instruction is equivalent to one CE hour.

~~((5))~~ (2) The CE hours must be obtained through one or more of the following:

(a) Courses from a college or university accredited by the United States Department of Education may meet all of the required CE hours.

(i) One academic semester credit is equivalent to ~~((fifteen))~~ 15 CE hours.

(ii) One academic quarter credit is equivalent to ~~((ten))~~ 10 CE hours.

(b) Courses from a CE provider.

(i) Courses from providers approved by ~~((the BACB or a national certification board affiliated with behavior analysis approved by the secretary may meet all of the required CE hours))~~ a professional credentialing entity may meet all of the required CE hours.

(ii) Courses from providers not approved by a ~~((national certification board affiliated with behavior analysis))~~ professional credentialing entity may meet no more than eight CE hours.

(c) Licensee-led instruction of a CE course.

(i) College or university instruction may meet no more than ~~((sixteen))~~ 16 CE hours.

(ii) Any other type of instruction may meet no more than eight CE hours.

(iii) Repeated instruction in the same course may only qualify for CE credit one time in a single CE reporting period.

(iv) Instruction must be related to applied behavior analysis.

(d) The following activities are eligible for up to eight CE hours and only count during the CE time period when the article was published or reviewed:

(i) Publication of an applied behavior analysis article in a peer-reviewed journal is equivalent to eight CE hours;

(ii) Completion of reviewing an applied behavior analysis article for a peer-reviewed journal is equivalent to one CE hour; or

(iii) Serving as an action editor of an applied behavior analysis article for a peer-reviewed journal is equivalent to one CE hour.

~~((+6))~~ (3) An LBA and LABA shall comply with the requirements of chapter 246-12 WAC ~~(, Part 7; and shall keep)~~ to include keeping records documenting attendance for four years; and shall provide CE documentation upon request. Acceptable documentation depends on the CE activity and includes:

(a) Course syllabus and transcript from college or university;

(b) Certificate or letter from a CE provider that includes the course topic and CE hours completed;

(c) Title, description, and dates of course of instruction on a letter from the academic institution or education provider;

(d) Copy of the final publication of article listing the credential holder as the author;

(e) Letter of attestation from the action editor reporting the credential holder's name as a reviewer of an applied behavior analysis article; or

(f) Editorial decision letter reporting the credential holder's name as an action editor of an applied behavior analysis article.

NEW SECTION

WAC 246-805-401 Continuing education requirements for an LBA.

Continuing education requirements for an LBA must be met every two years in one of the following ways:

(1) Maintaining certification from a professional credentialing entity that requires CE as part of certification; or

(2) Completing a minimum of 32 hours of CE related to the practice of applied behavior analysis.

(a) A minimum of 20 hours of activities must directly address:

(i) Behavior analytic skill development; and

(ii) Current practices in clinical practice of applied behavior analysis.

(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.

(c) No more than eight hours may be in professional development activities that enhance the licensee's business practice as an LBA.

(3) In addition to the requirements in subsections (1) and (2) of this section, an LBA shall complete two hours of health equity CE every four years as described in WAC 246-12-800 through 246-12-830.

(4) All CE must meet the requirements in WAC 246-805-400.

NEW SECTION**WAC 246-805-402 Continuing education requirements for an LABA.**

Continuing education requirements for an LABA must be met every two years in one of the following ways:

- (1) Maintaining certification from a professional credentialing entity that requires CE as part of certification; or
- (2) Completing 20 hours of CE related to the practice of applied behavior analysis.
 - (a) A minimum of 10 hours of activities must directly address:
 - (i) Behavior analytic skill development; and
 - (ii) Current practices in clinical practice of applied behavior analysis.
 - (b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.
 - (c) No more than six hours may be in professional development activities that enhance the licensee's business practice as an LABA.
- (3) In addition to the requirements in subsections (1) and (2) of this section, an LABA shall complete two hours of health equity CE every four years as described in WAC 246-12-800 through 246-12-830.
- (4) All CE must meet the requirements in WAC 246-805-400.

AMENDATORY SECTION (Amending WSR 18-10-016, filed 4/23/18, effective 5/24/18)

WAC 246-805-410 Continuing competency requirements for a CBT.

- (1) A CBT ((must)) shall attest to:
 - (a) Completing the continuing competency requirements in this section as a condition of renewing the certification((. The requirements in this section are effective for a certification renewed on or after July 1, 2018)); or
 - (b) Not currently working at the time of the renewal.
- ((1)) (2) A CBT ((must)) shall complete continuing education or demonstrate continuing competency by either:
 - (a) Maintaining certification from ((the BACB or another national certification board approved by the secretary)) a professional credentialing entity; or
 - (b) Within ((three months)) 90 days prior to renewal obtaining an assessment by an LBA or LABA or otherwise qualified supervisor on performance or demonstration of the following applied behavior analysis tasks:
 - (i) Measurement;
 - (ii) Assessment;
 - (iii) Skill acquisition;
 - (iv) Behavior reduction;
 - (v) Documentation and reporting; and
 - (vi) Professional conduct and scope of practice.
- ((2)) (3) A CBT who attests to not working at the time of renewal shall, within three months of obtaining employment as a CBT, obtain an assessment by the LBA or LABA or otherwise qualified supervisor as described in subsection (2)(b) of this section.
- (4) A CBT shall ((keep and provide documentation upon request.
- ((3) A CBT shall comply with the requirements of chapter 246-12 WAC, Part 7)) comply with the requirements of WAC 246-12-170 through 246-12-240 and include keeping records documenting continuing compe-

tency compliance for four years and shall, upon request, provide documentation of meeting subsection (2) or (3) of this section. Documentation of meeting subsection (3) of this section must include documentation of the date the CBT started work as a CBT.

NEW SECTION

WAC 246-805-510 Reciprocity. An ABA credential may be issued to an individual who holds a credential from another state if that state requires qualifications substantially equivalent to qualifications in Washington. To obtain a credential, an applicant shall submit to the department:

- (1) Fees and an application for the license or certification;
- (2) A verification form, or other equivalent document, from a state that requires qualifications substantially equivalent to Washington qualification that verifies the applicant is currently credentialed. The verification must show that the credential is active, unrestricted and is not subject to denial or issuance of a conditional or restricted credential; and
- (3) Verification forms, or other equivalent documents, from all other states in which the applicant is currently, or was previously credentialed, that verifies the applicant was or is currently credentialed. The verifications must show that the credential has not been restricted and is not subject to denial or issuance of a conditional or restricted credential.

NEW SECTION

WAC 246-805-520 Licensed behavior analysts—Temporary license. Temporary licenses are available for applicants who do not reside in Washington state seeking a temporary credential for licensed behavior analyst.

- (1) A temporary license may be issued to an applicant who meets the following conditions:
 - (a) Holds an active, unrestricted credential to practice as a licensed behavior analyst issued by another state;
 - (b) Is not subject to denial of a credential or issuance of a conditional, restricted license or under pending investigation by a disciplinary authority; and
 - (c) There are no violations identified in the Washington criminal background check and the applicant meets all other licensure conditions including receipt by the department of a completed Federal Bureau of Investigation (FBI) fingerprint card.
- (2) The temporary license allows the applicant to work in the state of Washington for 180 days from the date of issuance. The temporary license grants the applicant a license to practice within the full scope of practice of the licensed behavior analyst.
- (3) A temporary license will not be renewed, reissued, or extended. A temporary license expires 180 days after the temporary license is issued.
- (4) To receive a temporary license, the applicant shall submit to the department:

- (a) Fees and a completed application for the temporary license;
- (b) Verification from at least one state that the applicant is currently licensed. The verification must show licensure status.
- (c) Verification forms from all other states in which the applicant is currently, or was previously licensed, that verifies the applicant was or is currently licensed and confirms licensure status.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-990 Applied behavior analysis fees and renewal cycle. (1) Credentials in this section must be renewed every two years on the practitioner's birthday as provided in (~~chapter 246-12 WAC, Part 2~~) WAC 246-12-020 through 246-12-051.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Licensed behavior analyst	
<u>Initial application (original or reciprocity)</u>	
Application and initial license	\$250.00
Active license renewal	
Renewal	350.00
Late renewal penalty	175.00
<u>Expired license reissuance</u>	<u>175.00</u>
<u>Temporary license</u>	<u>50.00</u>
Duplicate license	((30.00)) <u>10.00</u>
Verification of license	((30.00)) <u>25.00</u>
Licensed assistant behavior analyst	
<u>Initial application (original or reciprocity)</u>	
Application and initial license	160.00
Active license renewal	
Renewal	175.00
Late renewal penalty	90.00
<u>Expired license reissuance</u>	<u>90.00</u>
Duplicate license	((30.00)) <u>10.00</u>
Verification of license	((30.00)) <u>25.00</u>
Certified behavior technician	
<u>(Original) Application (original or reciprocity)</u>	
Application and initial license	95.00
Active license renewal	
Renewal	150.00
Late renewal penalty	75.00
<u>Expired license reissuance</u>	<u>75.00</u>
Duplicate license	((30.00)) <u>10.00</u>

Title of Fee	Fee
Verification of license	((30.00)) <u>25.00</u>

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-805-020 Supervision disclosure.

WSR 24-05-040
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed February 14, 2024, 2:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-21-109.

Title of Rule and Other Identifying Information: Public safety employees' retirement system disability benefits.

Hearing Location(s): On March 28, 2024, at 1:00 p.m., via Microsoft Teams <https://www.drs.wa.gov/sitemap/rules/#proposed-rule-hearings>, Meeting ID 254 393 469 073, Passcode TwuQAK; or phone 833-322-1218, Code 847 758 002#.

Date of Intended Adoption: April 2, 2024.

Submit Written Comments to: Bianca Stoner, Department of Retirement Systems (DRS), P.O. Box 48380, Olympia, WA 98504-8380, email drs.rules@drs.wa.gov, by March 26, 2024.

Assistance for Persons with Disabilities: Contact Bianca Stoner, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, by March 26, 2024.

Statutory Authority for Adoption: RCW 41.50.050 and 41.37.230.

Statute Being Implemented: RCW 41.37.230.

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

Name of Proponent: DRS, governmental.

Name of Agency Personnel Responsible for Implementation: Candice Myrum, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7124.

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 DRS is not voluntarily making it applicable to DRS.

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).

Explanation of exemptions: Rules from DRS only affect members and beneficiaries of the state retirement systems and participating public employers. As a result, the rules do not affect small businesses.

Scope of exemption for rule proposal:

Is fully exempt.

February 14, 2024
Bianca Stoner
Rules Coordinator

OTS-5131.2

NEW SECTION

WAC 415-106-490 How are the PSERS disability benefits administered? This section applies to you if you are a PSERS member who becomes disabled.

This section covers disability benefits in RCW 41.37.230. Disability provisions are designed primarily to provide an income to members who have been forced to leave the workforce because of an incapacitating disability. This section applies equally to on-or-off-the-job injuries and/or illnesses.

Members may also be eligible for benefits from the Washington state departments of labor and industries (workers' compensation benefits) and social and health services, the U.S. Social Security Administration, employers, disability insurers, and others. Please contact these organizations directly for more information.

Definitions. As used in this section:

Disabled - A person who is totally incapacitated to perform the essential functions of their PSERS eligible position.

(1) How do I apply for a disability benefit?

(a) You or your representative must contact the department to request an application. The three-part application must be completed by the proper persons and returned to the department.

(b) The department must receive:

(i) A completed disability retirement application. When the department receives Part 1 of your application, you are considered to be an applicant for disability benefits. However, your eligibility will not be determined until the department receives all three parts of the application;

(ii) Additional information required by the department; and

(iii) Any other material you want the department to consider.

(c) The process for determining eligibility for a disability benefit can be lengthy and may require additional documentation to complete.

(2) Is there a time limit for filing an application for disability benefits? There is no time limit for applying. However, your eligibility for a benefit will be based on your condition at the time of separation.

(3) What happens if I become disabled after I retire? Your medical condition at the time of separation will determine whether you qualify for a disability retirement.

(4) What evidence will the department use to determine whether I am entitled to benefits under this section?

(a) To determine if you are entitled to disability benefits, the department will consider any relevant information submitted by you or your employer, or otherwise available to the department, including:

(i) Information and determinations by the department of labor and industries (L&I), a self-insurer or the Social Security Administration;

(ii) Medical, vocational, and other information about your disability;

(iii) Your job description;

(iv) Your membership records, maintained by the department;

(v) Independent medical reviews made by DRS contracted vendors;

and

(vi) Any other relevant evidence.

(b) The department reserves the right to consult with a contracted vendor for the purpose of providing an independent medical review of any PSERS member who applies for disability benefits.

(5) What would disqualify me for disability benefits? You are not eligible for disability benefits if any of the following apply:

(a) Your application does not provide adequate proof that you are disabled;

(b) Your disability is the result of your criminal conduct committed after July 1, 2006 (RCW 41.37.100).

"Criminal conduct" means:

(i) If a member is a defendant in a criminal proceeding or has been formally charged in court with a crime, and the member is applying for or receiving a disability retirement benefit for a disability that is the result of the alleged criminal conduct, the department shall withhold payment of any disability benefits until:

(A) The case or charges, or both if both are pending, are dismissed; or

(B) The member is found not guilty in the criminal case or prevails in the criminal proceeding; or

(C) The member is convicted or found to have engaged in criminal conduct in the criminal proceeding.

(ii) If the case or charges are dismissed or if a member is found not guilty or prevails in the criminal proceeding, the department shall pay the member a disability benefit if they otherwise qualify.

(iii) If the member is convicted or found to be liable for criminal conduct in a criminal proceeding, and the member's disability is the result of the criminal conduct, the department shall not pay the member a disability benefit.

(iv) In the absence of a criminal conviction, a superior court may determine by a preponderance of the evidence whether the person participated in criminal conduct.

(6) Who decides if I meet the requirements for benefits under this section? The director of the department of retirement systems (DRS) or their designee will decide if you meet the requirements for benefits under this section.

(7) What if I disagree with a decision made by the director or their designee? If you disagree with the decision of the director of DRS or their designee, you may petition for review under chapter 415-04 WAC.

(8) Are disability benefits subject to court or administrative orders? Your benefits may be subject to orders for spousal maintenance, child support, property division, or any other administrative or court order expressly authorized by federal law. For more information, see RCW 41.37.090(3) or contact the department.

(9) How is my disability benefit affected if I am a member of more than one retirement system? If you are a member of more than one retirement system, your benefit is governed by portability law. See chapters 41.54 RCW and 415-113 WAC. You may apply for disability only from your active system. However, if you qualify for a disability benefit from your active system, you will also be eligible for a service retirement calculated under the laws governing the inactive system.

(10) How long will I continue to receive a monthly disability allowance? You may receive a monthly disability allowance throughout your lifetime, subject to the provisions of subsection (11) of this section.

(11) Is it possible to lose my monthly disability allowance after I begin receiving it?

(a) The department may, at its expense, require comprehensive medical examinations to reevaluate your eligibility for disability benefits. You will no longer be eligible to receive a disability allowance if the following apply:

(i) Medical evidence indicates you have recovered from the disability for which the department granted your disability benefits; and

(ii) You have been offered reemployment by an employer, as defined in RCW 41.37.010, at comparable compensation; and

(iii) If your monthly disability allowance is from a catastrophic duty disability, also refer to WAC 415-106-550.

(b) If you return to employment and reenter PSERS membership, your benefits will cease.

(12) If I take my disability benefit in a lump sum and return to work, may I restore my service credit? Yes. You may restore your service credit if you take a lump-sum benefit and return to PSERS membership at a later date.

(a) You may restore your service credit within two years of reentering membership or prior to retirement, whichever comes first. You must pay back the lump-sum amount you received, minus the monthly amount for which you were eligible, plus interest as determined by the director.

(b) If you restore your service after two years, you must pay the actuarial value of the resulting increase in your future retirement benefit. See RCW 41.50.165 and 41.37.200.

(13) Are my disability benefits taxable? You should consult with your tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department. The department does not:

(a) Guarantee that payments should or should not be designated as 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 nontaxable determination; or

(d) Assume any liability for your compliance with the Internal Revenue Code.

AMENDATORY SECTION (Amending WSR 22-13-091, filed 6/13/22, effective 7/14/22)

WAC 415-106-500 PSERS disability benefit((s)). ((This section covers disability benefits provided for in RCW 41.37.230. Disability provisions are designed primarily to provide an income to members who have been forced to leave the workforce because of an incapacitating disability. This section applies equally to on-the-job or off-the-job injuries and/or illnesses.

Members may also be eligible for benefits from the Washington state departments of labor and industries (workers' compensation benefits) and social and health services, the U.S. Social Security Administration, employers, disability insurers, and others. Please contact these organizations directly for more information.))

(1) Am I eligible for a PSERS disability benefit((s))? You are eligible for a disability benefit((s)) if, at the time of your separation from employment, you are totally incapacitated to perform the duties of your job or any other PSERS position for which you are qualified by training or experience. Objective medical evidence is required to establish total incapacitation. Vocational and/or occupational evidence may be required at the discretion of the department.

(2) If eligible, what will I receive as a monthly disability allowance?

(a) If you have at least 10 years of service credit in PSERS, you will receive a monthly allowance equal to two percent of your AFC times your service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age **60**. Your monthly allowance may be further reduced to offset the cost of the benefit option you choose. See WAC 415-106-600.

(b) If you have less than 10 years of service credit, you will receive a monthly allowance¹ equal to two percent of your AFC times your service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age **65**. Your monthly allowance may be further reduced to offset the cost of the benefit option you choose. See WAC 415-106-600.

¹You may choose to receive a lump sum payment instead of a monthly allowance if your initial monthly allowance will be less than \$50. See RCW 41.37.200.

See WAC 415-02-320 for early retirement factors and examples.

(3) ((How do I apply?)

~~(a) You or your representative must contact the department to request an application. The three-part application must be completed by the proper persons and returned to the department.~~

~~(i) **Part 1:** Disability retirement application. If you are married, your spouse's consent may be required as described in WAC 415-106-600.~~

~~(ii) **Part 2:** Employer's statement and report. Your employer must complete and sign Part 2, and return it directly to the department.~~

~~(iii) **Part 3:** Medical report. You must complete section one. Your physician must complete the remainder of the form, attach supporting documentation, sign and return it directly to the department. You are responsible for all medical expenses related to your application for benefits. A copy of your job description must be provided to the physician at time of examination.~~

~~(b) When the department receives Part 1 of your application, you are considered to be an applicant for disability benefits. However, your eligibility will not be determined until the department receives all three parts of the application.~~

~~(4) **What is the time limit for filing an application for disability benefits?** There is no time limit for applying for benefits. However, if you have separated from employment, your application must be based on your condition at the time of separation.~~

~~(5) **If I am eligible to retire, may I still apply for disability benefits?** Yes, however, you should request a benefit estimate from the department, as there may be a difference in the dollar amount of your monthly allowance.~~

~~(6)) **Once my application is approved, when will my monthly allowance begin?**~~

(a) Your disability allowance will accrue from the first day of the calendar month immediately following your separation from employment. If you are continuing to earn service credit while on paid leave or through programs such as shared leave, you are not considered to be separated from employment.

(b) Your first payment will include all retroactive benefits to which you are entitled.

(c) Department approval will expire 90 days after the approval date if you have not officially separated from PSERS employment.

(i) If you are continuing to perform the duties of your position or another PSERS position, you may reapply for disability benefits according to ~~((subsection (3) of this section))~~ WAC 415-106-490 if your condition worsens.

(ii) If you are on leave, the department may reinstate approval upon your request and your employer's verification of your leave status.

~~((7) **What are my options if my application is denied?**~~

~~(a) You may submit additional information that shows you were totally incapacitated at the time of your separation from employment.~~

~~(b) If you continue to work in a PSERS position, you may reapply for disability benefits at a later time if your condition worsens.~~

~~(c) You may petition for review of the department's decision according to the provisions of chapter 415-04 WAC.~~

~~(8) **Are my disability benefits taxable?** You should consult with your tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department. The department does not:~~

~~(a) Guarantee that payments should or should not be designated as 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 nontaxable determination; or~~

~~(d) Assume any liability for your compliance with the Internal Revenue Code.~~

~~(9) **Are disability benefits subject to court or administrative orders?** Your benefits may be subject to orders for spousal maintenance, child support, property division, or any other administrative or court order expressly authorized by federal law. For more information, see RCW 41.37.090(3) or contact the department.~~

~~(10) **Am I eligible for disability benefits if my disability is the result of my criminal conduct?** No. See RCW 41.37.100.~~

~~(11) **How is my disability benefit affected if I am a member of more than one retirement system?** If you are a member of more than one retirement system, your benefit is governed by portability law. See chapters 41.54 RCW and 415-113 WAC. You may apply for disability only from your active system. However, if you qualify for a disability benefit from your active system, you will also be eligible for a service retirement calculated under the laws governing the inactive system.~~

~~(12) **How long will I continue to receive a monthly disability allowance?** You may receive a monthly allowance throughout your lifetime, subject to the provisions of subsection (13) of this section.~~

~~(13) **Is it possible to lose my monthly disability allowance after I begin receiving it?**~~

~~(a) The department may, at its expense, require comprehensive medical examinations to reevaluate your eligibility for disability benefits. You will no longer be eligible to receive a disability allowance if both of the following apply:~~

~~(i) Medical evidence indicates you have recovered from the disability for which the department granted your disability benefits; and~~

~~(ii) You have been offered reemployment by an employer, as defined in RCW 41.37.010, at a comparable compensation.~~

~~(b) If you return to employment and reenter PSERS membership, your benefits will cease.~~

~~(14) If I take my disability benefit in a lump sum and return to work, may I restore my service credit? Yes, you may restore your service credit if you take a lump sum benefit and return to PSERS membership at a later date.~~

~~(a) You may restore your service credit within two years of reentering membership or prior to retirement, whichever comes first. You must pay back the lump sum amount you received, minus the monthly amount for which you were eligible, plus interest as determined by the director.~~

~~(b) If you restore your service after two years, you will have to pay the actuarial value of the resulting increase in your future retirement benefit. See RCW 41.50.165 and 41.37.200.)~~

NEW SECTION

WAC 415-106-510 Does my disability qualify me for a PSERS catastrophic duty disability benefit? (1) If the department determines you are disabled and you became disabled in the line of duty, you qualify for a catastrophic duty disability if:

(a) The disability or disabilities that qualified you for a PSERS disability benefit are so severe that considering your age, education, work experience, and transferable skills, you cannot engage in any other kind of substantial gainful activity in the labor market; and

(b) Your disability or disabilities have lasted or are expected to last at least 12 months, or are expected to result in your death.

(2) A person with multiple injuries/conditions, some duty-related and some not, could qualify for a catastrophic duty disability but only if the duty injury or injuries, standing on their own, are catastrophically disabling.

Example 1:

Totally disabled, but not from a duty injury - Not eligible for a catastrophic duty disability benefit.

A PSERS member suffers a knee injury on duty, leaving them disabled from PSERS employment. The knee injury, by itself, is not totally disabling. The member also suffers from amyotrophic lateral sclerosis (ALS) or Lou Gehrig's disease, a progressive neurodegenerative disease that ultimately leaves the member totally disabled. Pursuant to the ALS diagnosis the member is granted a full disability from the Social Security Administration. In this case the member would qualify for a disability, but not for a catastrophic duty disability because the fully disabling condition, ALS, is not duty related.

Example 2:

Totally disabled, duty injury totally disabling - Eligible for catastrophic duty disability benefits.

A PSERS member suffers a knee injury while fishing. The knee injury, by itself, is neither duty related nor catastrophically disabling. The member also suffers severe injuries on the job while responding to an emergency event at a correctional facility, leaving the member fully disabled. The Social Security Administration grants the member a full disability based on the member's total condition. The member qualifies for a PSERS catastrophic duty disability benefit because the severe injuries, by themselves, render the member totally disabled.

(3) If you receive catastrophic duty disability benefits, the department will periodically review your income and medical status for

continued eligibility. This review is not a reassessment of your initial determination, but an assessment of whether there has been any change in your condition. If it is determined that there has been a change in your condition and you are no longer eligible under subsection (1) of this section, or if you fail to provide required documentation or cooperate with the review, your catastrophic duty disability benefit may be discontinued or converted to a different retirement type. DRS will notify you of your review at least 30 days before it starts.

(a) **Income review:** At least annually, you must submit documentation to verify that your income from earnings is below the defined income threshold as defined in subsection (4)(c) of this section. You must also notify the department within 30 calendar days of any changes in your income that could impact your eligibility including, but not limited to, wages and earnings from self-employment (see subsection (4)(c), (d) and (f) of this section). If DRS is not notified on time, you may be responsible for any resulting overpayment.

Documentation you may need to provide includes a federal or state income tax return from the most recent year, employment security records for the last four quarters, self-employment documents or 1099-R, or other documentation as requested by the department.

(b) **Medical review:** The department will conduct a continuing disability review (CDR) at least once every three years if at the time of your last determination your condition is expected to improve, or every six years if your condition is not expected to improve, until you reach age 65. The department may increase the frequency of your CDRs and reserves the right to require a CDR at any time if notified of a change in your condition, but not more than once every 12 months. The department may also waive the CDR if your disability is determined to be permanent or terminal.

(i) DRS will first review any updated medical information available from any labor and industries claims related to your line of duty injury to determine if additional medical information is needed from you and your primary care provider.

(ii) If needed, the department will provide you with a Disability Review form, which asks for information about whether your medical condition has improved since your last eligibility determination. You will have at least 30 days to complete and return this form to the department or notify the department that you need additional time. Once received, the department will have 90 days to review this information and either notify you of your continued eligibility or the need for additional information. Before making a change to your disability retirement status, the department may consult with a contracted vendor for the purpose of providing an independent medical review.

(4) **Definitions.** As used in this section:

(a) **Catastrophically disabled** means the same as "totally disabled" as defined under RCW 41.37.230(3).

(b) **Continuing disability review (CDR)** means an assessment of your current medical condition to determine if it continues to be catastrophically disabling. The department will review recent documentation, with supplemental assessment by external medical experts at the department's discretion.

(c) **Defined income threshold** means any substantial gainful activity that produces average earnings, as defined in (d) of this subsection, in excess of the federal Social Security disability standards, adjusted annually for inflation. Wages count toward earnings when they

are earned, not when you receive them. Self-employment income counts when you receive it, not when you earn it.

(d) **Earnings** are any income or wages received, which are reportable as wages or self-employment income to the IRS.

(e) **Labor market** is the geographic area within reasonable commuting distance of where you were last gainfully employed or where you currently live, whichever provides the greatest opportunity for gainful employment.

(f) **Substantial gainful activity** describes a level of work activity and earnings. Substantial gainful activity is work activity that is both substantial and gainful, and it may be, but is not required to be, from work or self-employment. Earnings as defined in this section include compensated work activity that meets or exceeds the defined income threshold:

(i) Work activity is substantial if it involves doing significant physical or mental activities. Your work activity may be substantial even if it is done on a part-time basis or if you do less, or get paid less, or have less responsibility than when you worked in your PSERS position.

(ii) Work activity is gainful if it is work activity that you do for pay or profit. Work activity is gainful if it is the kind of work usually done for pay or profit, whether or not a profit is realized.

(iii) Generally, activities like taking care of yourself, household tasks, profits from rental income, hobbies, therapy, school attendance, club activities, or social programs are not substantial gainful activity.

(g) **Transferable skills** are any combination of learned or demonstrated behavior, education, training, work traits, and skills that you can readily apply. They are skills that are interchangeable among different jobs and workplaces.

NEW SECTION

WAC 415-106-520 How are the PSERS catastrophic duty disability benefits calculated? (1) **Catastrophic duty disability:** As a catastrophic duty disability retiree, you may choose between:

(a) A taxable, one-time lump-sum payment; or

(b) A monthly benefit equal to:

(i) Seventy percent of your average final compensation (AFC), which is nontaxable, reduced by any disability benefits provided under Title 51 RCW and federal Social Security disability benefits (SSDI), if necessary to ensure that the total combined benefits do not exceed 100 percent of the member's average final compensation (AFC). Any such adjustment will be applied prospectively from the time the Title 51 RCW or Social Security determination is made, even if the Title 51 RCW or Social Security disability (SSDI) benefits are retroactively adjusted.

(ii) The reduced benefit cannot be less than the earned service retirement benefit. When the earned service benefit is more than the reduced benefit, the difference is taxable (subject to any basis recovery).

Calculation of monthly disability benefit:

Example 1: Terry was approved for catastrophic duty disability. The average final compensation (AFC) was \$10,000. Terry was not receiving benefits from L&I or Social Security disability insurance (SSDI). Terry had 20 years of service credit at the time of retirement. To determine the catastrophic duty disability benefit amount:

1. 70% of AFC = Monthly disability benefit
 $.70 \times \$10,000 = \$7,000$
2. $2\% \times \text{AFC} \times \text{Service Years} = \text{Earned benefit}$
 $.02 \times \$10,000 \times 20 = \$4,000$

Since there is no offset and the monthly disability benefit is greater than the earned benefit, Terry's nontaxable monthly benefit will be \$7,000.

Example 2: Pat was approved for catastrophic duty disability. The average final compensation (AFC) was \$10,000. Pat was receiving benefits from L&I and Social Security disability insurance (SSDI) in the amounts of \$5,000 and \$2,000. Pat had 2 years of service credit at the time of retirement. To determine the catastrophic duty disability benefit amount:

1. 70% of AFC = Monthly disability benefit
 $.70 \times \$10,000 = \$7,000$
2. Monthly disability benefit + L&I benefits + SSDI benefit = Total of all benefits
 $\$7,000 + \$5,000 + \$2,000 = \$14,000$
3. Total of all benefits - AFC = Reduction amount
 $\$14,000 - \$10,000 = \$4,000$
4. Monthly disability benefit - Reduction amount = Reduced monthly benefit
 $\$7,000 - \$4,000 = \$3,000$
5. $2\% \times \text{AFC} \times \text{Service Years} = \text{Earned benefit}$
 $.02 \times \$10,000 \times 2 = \400

Since the reduced monthly benefit amount is greater than the earned benefit, Pat's nontaxable monthly benefit will be \$3,000.

Example 3: Chris was approved for catastrophic duty disability. The average final compensation (AFC) was \$10,000. Chris was receiving benefits from L&I and Social Security disability insurance (SSDI) in the amounts of \$5,000 and \$2,000. Chris had 20 years of service credit at the time of retirement. To determine the catastrophic duty disability benefit amount:

1. 70% of AFC = Monthly disability benefit
 $.70 \times \$10,000 = \$7,000$
2. Monthly disability benefit + L&I benefits + SSDI benefit = Total of all benefits
 $\$7,000 + \$5,000 + \$2,000 = \$14,000$
3. Total of all benefits - AFC = Reduction amount (to not exceed 100% of AFC)
 $\$14,000 - \$10,000 = \$4,000$
4. Monthly disability benefit - Reduction amount = Reduced monthly benefit
 $\$7,000 - \$4,000 = \$3,000$
5. $2\% \times \text{AFC} \times \text{Service Years} = \text{Earned benefit}$
 $.02 \times \$10,000 \times 20 = \$4,000$

6.	Earned benefit - Reduced monthly benefit	=	Difference
	\$4,000 - \$3,000	=	\$1,000

Chris is entitled to the greater of the catastrophic duty disability retirement calculation or the earned benefit. Since the earned benefit is greater than the reduced catastrophic duty disability benefit, Chris' monthly benefit will be \$4,000 and \$1,000 of that benefit will be taxable (subject to any basis recovery).

NEW SECTION

WAC 415-106-530 Is my disability benefit affected by choosing a survivor option? (1) If you choose a benefit option with a survivor feature at the time of retirement, your survivor beneficiary will receive an ongoing monthly disability benefit after your death. Your disability benefit will be actuarially reduced to offset the cost of providing payments over two lifetimes. The survivor options are further described in WAC 415-106-600. See WAC 415-02-380 for more information and examples on how the actuarial reduction is applied for a survivor benefit.

(2) If your retirement status changes due to the department's acceptance of a new retirement application from service retirement to a disability retirement or catastrophic duty disability retirement, or a disability retirement to a catastrophic duty disability retirement, you may select a different survivor benefit option. Your benefit will be recalculated to reflect your new survivor option.

Example 1: Pat retired with a disability retirement benefit with survivor option three (50%). Pat's condition worsened. Pat applied for and was granted a catastrophic duty disability retirement. Pat selected survivor option two (100%) on the catastrophic application. Pat's catastrophic duty disability retirement benefit will be calculated to reflect this survivor option.

Example 2: Pat retired with a disability retirement benefit with survivor option two (100%) for their spouse. Pat's condition worsened. Pat applied for and was granted a catastrophic duty disability retirement benefit. Pat selected survivor option one (no ongoing survivor benefit after Pat's death). Pat's spouse will need to agree to this survivor option and the application will need to be notarized.

NEW SECTION

WAC 415-106-540 Is my catastrophic duty disability benefit reduced for early retirement? If you retire for a catastrophic duty disability, your disability benefit will not be reduced for early retirement.

NEW SECTION

WAC 415-106-550 When does my disability benefit end? The department may require comprehensive medical or psychological examina-

tions to reevaluate your continued eligibility for disability benefits. For catastrophic duty disability benefits, the department may also require or offer to provide comprehensive vocational examinations and/or submission of earnings information to evaluate your continued eligibility. You are required to contact the department if your medical/vocational or financial situation changes.

(1) Your disability benefit will cease if:

(a) You return to work in a PSERS-eligible position; or

(b) Medical examination reveals you are no longer totally incapacitated for employment in a PSERS-eligible position.

(2) Your catastrophic duty disability benefit will cease if:

(a) You return to work in a PSERS-eligible position;

(b) Medical/vocational examination, or other information commonly available or provided to the department by an employer, reveals that your disability no longer prevents you from performing substantial gainful activity; or

(c) Your earnings exceed the threshold for substantial gainful activity.

If you believe you are capable of returning from your disability to work for your former employer and your employer agrees that you have met their requirements (examples could include a fit for duty test or polygraph), your disability benefit will end on the date you start working, as reported to the department by your employer. If you do not meet the requirements of your employer, you may challenge your employer's decision through the collective bargaining process, or other legal process against your employer.

NEW SECTION

WAC 415-106-560 Can my disability retirement type change? Your disability retirement type may change depending upon the circumstances.

If your original disabling condition or conditions worsen, improve, or you recover, the department may adjust your benefit.

(1) Worsening - If the condition or conditions that caused your disability worsen, your retirement may be changed to a catastrophic duty disability. The timing of this change is dependent on medical determination dates. You must submit an application and provide sufficient medical evidence to support a claim that your condition or conditions qualify you for a catastrophic duty disability. The worsening must be caused by or directly related to the original injury or injuries or illness and not due to the natural aging process or a succeeding cause.

Example 1: A member retires on a disability retirement due to a knee injury. The member has surgery related to the knee injury after retirement and suffers side effects from the surgery that prevent the member from performing any substantial gainful employment. The member is eligible to have their benefit adjusted because the aggravation is directly related to the original injury.

Example 2: A member retires on a disability retirement due to a knee injury. The member reinjures the knee in a skiing accident and is rendered unable to perform any substantial gainful employment. The member is not eligible to have their benefit adjusted because the aggravation is the result of a succeeding cause and not the original injury.

Example 3: A member retires on a disability retirement due to a knee injury. The condition gradually worsens over time until the member is no longer capable of substantial gainful employment. The member is not eligible to have their benefit adjusted because the aggravation is due to aging.

(2) Improvement - If your condition or conditions improve such that you are capable of substantial gainful employment, the department will adjust your catastrophic duty disability benefit to a disability benefit.

(3) Recovery - If your condition or conditions improve such that you are able to return to work in a PSERS-eligible position, the department will terminate your disability retirement or convert you to a normal retirement benefit if you are eligible.

AMENDATORY SECTION (Amending WSR 22-01-061, filed 12/8/21, effective 1/8/22)

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 100 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 50 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 50 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 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~~) 50 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 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 50 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 30 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 (~~four~~) five 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.

(d) **One-time change of survivor.** You may change your benefit option and/or designated survivor one time within 90 days from the date your first benefit payment is issued. Your change request must be in writing, and must comply with other requirements as described in this section. Your new benefit amount will be effective the first of the month following the receipt of your request by the department.

(e) Retirement type changes. If your retirement status changes due to the acceptance of a new retirement application from service retirement to a disability or catastrophic retirement, or disability to catastrophic retirement, you may select a different survivor benefit option. Your benefit will be recalculated to reflect your new survivor option in accordance with WAC 415-106-530.

(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.

WSR 24-05-043

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 22-04—Filed February 15, 2024, 7:35 a.m.]

Original Notice.

Supplemental Notice to [Preproposal statement of inquiry was filed as] WSR 22-14-001.

Title of Rule and Other Identifying Information: The Washington state department of ecology (ecology) is proposing amendments to chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington. We propose the following revisions in this rule making:

- Amending WAC 173-201A-240 Toxic substances, specifically updating aquatic life toxics criteria in Table 240 and footnotes.
- Minor, nonsubstantive edits to rule language in WAC 173-201A-240 to correct typographical, calculation, and formatting errors, and to cite federal regulations for human health criteria where they apply for Clean Water Act (CWA) purposes.

For more information on this rule making, please visit <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-201a-aquatic-life-toxics-criteria>.

Hearing Location(s): On April 4, 2024, at 1:30 p.m., via webinar. Presentation, question and answer session, followed by the hearing. This is an online meeting that you can attend from any computer using internet access. Join online and see instructions <https://waecy-wa-gov.zoom.us/meeting/register/tZIVdeigqDsvE9K0JMbUp6w5Kt0WFhGN5egU>. For audio, call US Toll number 1-253-205-0468 and enter access code 862 2186 0596. Or to receive a free call back, provide your phone number when you join the event; and

On April 10, 2024, at 5:30 p.m., via webinar. Presentation, question and answer session, followed by the hearing. This is an online meeting that you can attend from any computer using internet access. Join online and see instructions <https://waecy-wa-gov.zoom.us/meeting/register/tZMpfu2gqj8iG9fkV1RVT5tELvDX7eLhmrc->. For audio, call US Toll number 1-253-205-0468 and enter access code 874 9484 4813. Or to receive a free call back, provide your phone number when you join the event.

Date of Intended Adoption: July 10, 2024.

Submit Written Comments to: Marla Koberstein, US mail: Department of Ecology, Water Quality Program, P.O. Box 47696, Olympia, WA 98504-7696; or parcel delivery services: Department of Ecology, Water Quality Program, P.O. Box 47696, Olympia, WA 98504-7696. Submit comments by mail, at the hearing(s), or online <https://wq.ecology.commentinput.com?id=apZ8BGx2sQ>, by April 17, 2024.

Assistance for Persons with Disabilities: Contact ecology ADA coordinator, phone 360-407-6831, speech disability call TTY 877-833-6341, impaired hearing call Washington relay service 711, email ecyADAACoordinator@ecy.wa.gov, by April 1, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Aquatic life toxics criteria:** We are proposing revisions to aquatic life toxics criteria to provide additional water quality protection for organisms that live in water.

We reviewed all of Washington's current aquatic life toxics criteria to ensure they are consistent with nationally recommended water quality criteria issued by the Environmental Protection Agency (EPA).

This process included an evaluation of pollutant protection levels for endangered species and their populations in Washington waters since this rule update will require Endangered Species Act (ESA) review.

We evaluated current scientific data, methods, and modeling tools to update protection levels necessary for aquatic life in Washington's surface waters. We have also added new toxic substances into the water quality standards that EPA has recommended or that the state of Washington designates as high priority for the protection of aquatic life.

The lists below show existing criteria that we updated, and new criteria we are proposing that are not currently included in Washington's water quality standards for aquatic life toxics.

Existing criteria revised:

- Aldrin (freshwater and saltwater acute).
- Arsenic (freshwater acute and chronic and saltwater acute and chronic).
- Cadmium (freshwater acute and chronic and saltwater acute and chronic).
- Chromium III (freshwater acute and chronic).
- Chromium VI (freshwater acute and chronic).
- Copper (freshwater acute and chronic).
- Cyanide (freshwater acute and chronic).
- Dieldrin (freshwater acute and chronic).
- Endrin (freshwater acute and chronic).
- Gamma-BHC (freshwater acute).
- Mercury (freshwater acute).
- Nickel (freshwater acute and chronic).
- Pentachlorophenol (freshwater acute and chronic and saltwater chronic).
- Selenium (freshwater acute and chronic).
- Silver (freshwater and saltwater acute).
- Zinc (freshwater acute and chronic).

Proposed new criteria:

- 6PPD-quinone (freshwater acute).
- Aluminum (freshwater acute and chronic).
- Acrolein (freshwater acute and chronic).
- Carbaryl (freshwater acute and chronic and saltwater acute).
- Demeton (freshwater and saltwater chronic).
- Diazinon (freshwater acute and chronic and saltwater acute and chronic).
- Guthion (freshwater and saltwater chronic).
- Malathion (freshwater and saltwater chronic).
- Methoxychlor (freshwater and saltwater chronic).
- Mirex (freshwater and saltwater chronic).
- Nonylphenol (freshwater acute and chronic and saltwater acute and chronic).
- PFOS (freshwater acute and chronic and saltwater acute).
- PFOA (freshwater acute and chronic and saltwater acute).
- Silver (freshwater and saltwater chronic).
- Tributyltin (freshwater acute and chronic and saltwater acute and chronic).

Minor Nonsubstantive Edits: We are adding a footnote in the surface water quality standards that cite the federal regulations for EPA promulgated human health criteria where they are the applicable criteria for CWA programs in Washington.

Reasons Supporting Proposal: A. History of Aquatic Life Toxics

Criteria: We submitted freshwater and marine aquatic life criteria for 26 toxic chemicals in 1988, and EPA approved these criteria in 1988. EPA determined that additional aquatic life criteria were needed to comply with CWA Section 303 (c) (2) (B) and promulgated aquatic life criteria for Washington in the 1992 National Toxics Rule for acute and chronic freshwater and marine arsenic and selenium criteria, chronic marine copper criteria, and chronic marine cyanide criteria. Following EPA's promulgation of the 1992 National Toxics Rule, we submitted updates to toxic chemicals in 1993, 1998, and 2007, leading to Washington's withdraw from the National Toxics Rule for aquatic life toxics criteria. Washington's last update to aquatic life criteria for toxic chemicals was in 2007.

The majority of Washington's aquatic life toxics criteria have not been updated since 1992 or prior. Since the National Toxics Rule of 1992, EPA has added additional toxic substances to their list of recommended criteria and provided several updates to previously established criteria. In this rule making, we evaluated the current science for each of Washington's aquatic life toxic criteria and any new aquatic life criteria for toxic substances in this rule making.

B. Litigation: On December 29, 2021, the United States District Court ruled that EPA would be required to determine within 180 days if Washington's current aquatic life toxics criteria are consistent with CWA or if they need to be revised (*NWEA v. EPA*, 2021, Case No. C20-1362 MJP). If they are determined to be inadequate, CWA requires EPA to promulgate new regulations for Washington, unless the state adopts them in the meantime.

The settlement agreement requires EPA to evaluate 17 pollutants for consistency with CWA, including nine pollutants by June of 2023 and the last eight pollutants by June of 2026. EPA has determined that new and revised aquatic life criteria are necessary to protect against adverse aquatic life impacts related to the following nine pollutants: Acrolein, aluminum, arsenic, cadmium, copper, cyanide, mercury, nickel, and selenium. This determination is made in accordance with a court order directing EPA to determine whether new or revised aquatic life criteria for these nine pollutants are necessary to meet the requirements of CWA. *Nw. Env'tl. Advocates v. EPA*, No. 2:20-cv-1362-MJP, Dkt. 84 (W.D. Wash.).

C. Triennial Review: During the last public review of ecology's draft water quality standards workplan in 2021, known as the triennial review, we received overwhelming support from commenters for updating rules for aquatic life toxics criteria based on new information and approaches to aquatic life protection. We considered and received feedback on several approaches to rule making. The different approaches to revising the aquatic life toxics criteria include:

- Updating different classes (such as metals and organics) of toxic substances in staggered rule makings.
- Rule makings for different groups of toxic substances based on highest priority.
- A review and update of all necessary criteria in a single rule making.

We received public support for updates to aquatic life toxics in a single rule making and a strategy that involves two rule makings based on different chemical classes.

D. Approach to this Rule Making: We have decided to proceed with updating all necessary aquatic life toxics criteria in a single rule

making. This decision is influenced in part by ongoing litigation for EPA to evaluate and potentially promulgate aquatic life toxics criteria. We anticipate that a single rule making of all aquatic life toxics criteria will be more efficient than multiple rule makings. Stakeholders, tribes, and other interested parties will be able to engage in the full scope of aquatic life toxic criteria considerations within one rule making, without ecology placing one toxic substance or group of substances at a higher priority than others.

In this rule making, we compared EPA's nationally recommended aquatic life toxics criteria against Washington's current criteria to determine if updates are needed. We also considered draft EPA criteria that were finalized before the rule proposal phase of this rule making. Furthermore, we evaluated previous ESA consultations and associated National Marine Fisheries Service (NMFS) and United States Fish and Wildlife Service (USFWS) biological opinions from other Pacific Northwest states (such as Idaho and Oregon) to anticipate whether EPA national recommendations will meet ESA protection requirements.

Previous ESA consultation reports for criteria in other states have indicated that EPA's recommendations for some aquatic life toxics may not adequately protect ESA listed species. If particular toxics are not deemed "approvable" through ESA consultation, we evaluated new scientific data, alternative methods to calculate criteria, and the new modeling tools as remedies to providing full protection to aquatic life species, including endangered species and their populations.

E. Rule-Making Scope: We have identified several aquatic life toxics criteria that we reviewed based on EPA's updates to nationally recommended criteria. For several toxic substances, EPA recommended 304(a) criteria are more stringent than ecology's aquatic life toxics criteria or have yet to be incorporated into Washington's surface water quality standards. We evaluated EPA recommendations using information from ESA consultation. If no endangered species protection concerns were present, then we proposed EPA recommendations. For those toxics with endangered species protection concerns, we proposed state-specific criteria.

In some cases, we updated criteria regardless of EPA recommendations based on new data and/or the need to adopt more protective values for endangered species and their populations.

Other background information and issues related to this rule making: Updating the aquatic life toxics criteria is a high priority for ecology. Updating the aquatic life toxics criteria was included in the five-year work plan developed as part of the 2010 triennial review. More recently, updates to aquatic life toxics criteria were outlined in our performance partnership agreement (PPA) with EPA in 2021 and in our most recent triennial review submitted to EPA in April 2022.

Since the 2010 triennial review, we have focused our toxics expertise on updating human health criteria. The decision to prioritize human health criteria updates ahead of aquatic life toxics criteria was made, in part, because of significant delays in the several ESA consultations for EPA's nationally recommended aquatic life toxics criteria. We decided it was in the state's best interest to wait for the outcomes of ESA consultations and subsequent EPA determinations of adjacent state aquatic life toxics criteria before investing resources to update our aquatic life toxics criteria.

EPA Region 10 states have submitted updates to their aquatic life toxics criteria over the past few decades, but EPA's required ESA consultations with the National Oceanographic and Atmospheric Administration, National Marine Fisheries Service (NMFS), and the United States

Fish and Wildlife Service (USFWS) have been significantly delayed for several states (e.g., Oregon and Idaho). EPA consideration of Oregon's aquatic life toxics criteria adopted in 2004 was significantly delayed as the federal agencies worked through ESA Section 7 consultation. In 2013, EPA disapproved a number of aquatic life criteria that the Oregon Environmental Quality Commission (ODEQ) adopted in 2004. Since 2013, ODEQ adopted, and EPA approved, revisions to several of the disapproved criteria. EPA's approvals of Idaho's aquatic life criteria likewise have been stalled, leaving the state-adopted criteria unusable for CWA actions.

In the 2010 triennial review, ecology decided it would be most beneficial for our state to wait until final ESA consultations and subsequent EPA approvals had been completed for the adjacent states before moving forward with adopting aquatic life toxics criteria in order to increase the likelihood they would meet ESA considerations and be approved by EPA. Given the probability of a delay in federal approval, ecology decided to move forward with developing human health toxics criteria as a higher priority, to be followed by aquatic life toxics criteria when there was more certainty that EPA-recommended criteria would make it through ESA consultation.

Statutory Authority for Adoption: RCW 90.48.035 provides clear and direct authority to ecology to revise the surface water quality standards (SWQS). Additionally, 40 C.F.R. 131.20 requires states and tribes with CWA authority to periodically review and update SWQS.

Statute Being Implemented: Chapter 90.48 RCW, Water pollution control.

Rule is necessary because of federal law, 40 C.F.R. 131.20.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: For more information, see the technical support document, Ecology Publication 24-10-007, the draft rule implementation plan, Ecology Publication 24-10-008, and the preliminary regulatory analyses, Ecology Publication 24-10-009, available on our rule-making web page.

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Bryson Finch, Lacey, Headquarters, 360-999-9610; Implementation: Melissa Gilder-sleeve, Lacey, Headquarters, 360-522-6441; and Enforcement: Vincent McGowan, Lacey, Headquarters, 360-407-6405.

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 Marla Koberstein, Department of Ecology, Water Quality Program, P.O. Box 47696, Olympia, WA 98504-7696, phone 360-628-6376, speech disability call TTY at 877-833-6341, impaired hearing call Washington relay service at 711, email marla.koberstein@ecy.wa.gov.

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

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or in-

corporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Scope of exemption for rule proposal:

Is partially exempt:

Explanation of partial exemptions: Ecology baselines are typically complex, consisting of multiple requirements fully or partially specified by existing rules, statutes, or federal laws. Where the proposed rule differs from this baseline of existing requirements, it is typically subject to (i.e., not exempt from) analysis required under the Regulatory Fairness Act (RFA), chapter 19.85 RCW, based on meeting criteria referenced in RCW 19.85.025(3) as defined by the Administrative Procedure Act in RCW 34.05.310. The small business economic impact statement (SBEIS) below includes a summary of the baseline for this rule making, and whether or how the proposed rule differs from the baseline.

The proposed rule does impose more-than-minor costs on businesses.

SBEIS

This SBEIS presents the:

- Compliance requirements of the proposed rule.
- Results of the analysis of relative compliance cost burden.
- Consideration of lost sales or revenue.
- Cost-mitigating action taken by ecology, if required.
- Small business and local government consultation.
- Industries likely impacted by the proposed rule.
- Expected net impact on jobs statewide.

A small business is defined by RFA as having 50 or fewer employees. Estimated costs are determined as compared to the existing regulatory environment, the regulations in the absence of the rule. The SBEIS only considers costs to "businesses in an industry" in Washington state. This means that impacts, for this document, are not evaluated for government agencies.

The existing regulatory environment is called the "baseline" in this document. It includes only existing laws and rules at federal and state levels.

This information is excerpted from ecology's complete set of regulatory analyses for this rule making. For complete discussion of the likely costs, benefits, minimum compliance burden, and relative burden on small businesses, see the associated regulatory analyses document (**Ecology publication no. 24-10-009, February 2024**).

COMPLIANCE REQUIREMENTS OF THE PROPOSED RULE, INCLUDING PROFESSIONAL SERVICES: The baseline for our analyses generally consists of existing laws and rules. This is what allows us to make a consistent comparison between the state of the world with and without the proposed rule amendments. Should ecology not adopt the proposed rule making, standards for aquatic life criteria and their administration are determined as described within the remainder of this chapter.

Existing Aquatic Life Toxics Criteria:

State Criteria: As listed in WAC 173-201A-240, Table 240 and relevant footnotes.

National EPA Recommended Water Quality Criteria: EPA periodically updates their recommended water quality criteria based on new information for each toxic chemical. Aquatic life criteria for toxic chemicals are considered by the EPA to be the highest concentration of specific pollutants or parameters in water that are not expected to pose a significant risk to the majority of species in a given environment or a narrative description of the desired conditions of a water body being "free from" certain negative conditions. **Not moving forward with this rule making would subject ecology to EPA's promulgation of their federal criteria.**

Clean Water Act: Section 303 (c) (2) (A).

Water Pollution Control Act: RCW 90.48.010 and 90.48.035.

Permitting Guidelines: Permitting guidelines help permit writers determine how to approach different permit scenarios. They assist permit writers in how to think through meeting water quality criteria for protection of aquatic life to permittee-specific requirements. While not a legal requirement, guidance informs how aquatic life criteria might impact permittees who discharge effluent to water bodies. Therefore, in describing the baseline for this analysis of the rule amendments, it is necessary to consider the permitting guidelines in the baseline and amended scenarios, as they will contribute to the cost and benefit estimates and discussion of impacts.

Ecology uses the Water Quality Program Permit Writer's Manual (Ecology, 2018) for technical guidance when developing wastewater discharge permits. A general overview of the permitting process for all dischargers includes:

- Ecology receiving the permit application.
- Review of the application for completeness and accuracy.
- Derivation of applicable technology-based effluent limits.
- Determination of whether effluent will cause, or have reasonable potential to cause or contribute to, violation of water quality standards.
- If yes, derivation of water quality-based effluent limits.
- Determination of monitoring requirements and other special conditions.
- Review process for the draft or proposed permit.
- Issuance of the final permit decision.

To evaluate the effect of effluent toxic pollutants on a receiving water, the permit writer uses the water quality criteria and standards, the criteria for mixing zones, and an analysis of the concentrations of specific pollutants or effects of pollutants within or at the edge of the mixing zone or the assigned dilution factor. The requirement for imposing effluent limitations for the protection of water quality does not require a demonstration of impact beyond any doubt but only that there is a determination of reasonable potential determined by a rational and scientific process.

Defining water quality impacts and developing effluent limits is usually more complex for toxic pollutants than for the other pollutants. The aquatic life toxic criteria are given at two levels (acute and chronic), each of which contains three components (magnitude, duration, and frequency). The analysis to predict water quality impacts and thus to define effluent limits must be conducted for both acute and chronic criteria to define the most limiting criteria. Many of the criteria for toxic pollutants depend on variable receiving water conditions. Permit writers calculate effluent limits to protect receiving water quality during critical (worst-case) conditions.

Impaired Waterbody Listing and Cleanup Plan: The CWA's section 303(d) established a process to identify and clean up polluted waters. Every two years, all states are required to perform a water quality assessment of surface waters in the state, including all the rivers, lakes, and marine waters where data are available. Ecology compiles its own water quality data and federal data and invites other groups to submit water quality data they have collected. All data submitted must be collected using appropriate scientific methods. The assessed waters are placed in categories that describe the status of water quality. Once the assessment is complete, the public is given a chance to review it and give comments. The final assessment is formally submitted to the EPA for approval.

Waters with beneficial uses, such as for drinking, recreation, aquatic habitat, and industrial use, that are impaired by pollutants are placed in the polluted water category in the water quality assessment 303(d) list. These water bodies fall short of state surface water quality standards and are not expected to improve within the next two years. The 303(d) list, so called because the processes for developing the list and addressing the polluted waters on the list are described in section 303(d) of the federal CWA, comprises waters in the polluted water category.

Ecology's assessment of which waters to place on the 303(d) list is guided by federal laws, state water quality standards, and the policy on the Washington State Water Quality Assessment (WQP Policy 1-11; March 2023). This policy describes how the standards are applied, requirements for the data used, and how to prioritize total maximum daily loads (TMDL), among other issues. In addition, even before a TMDL is completed, the inclusion of a water body on the 303(d) list can reduce the amount of pollutants allowed to be released under permits issued by ecology.

Waters placed on the 303(d) list require the preparation of a water cleanup plan (TMDL) or other approved water quality improvement project. The improvement plan identifies how much pollution needs to be reduced or eliminated to achieve clean water and allocates that amount of required pollution reduction among the existing sources.

Past or existing compliance behavior: The baseline includes past or existing compliance behavior. This includes behavior undertaken in response to federal and state laws, rules, permits, guidance, and policies. This also includes business decisions in response to regulatory, economic, or environmental changes. Such behavior might include, but is not limited to, existing treatment technologies, production processes, and effluent volumes. Including these behaviors in the baseline is necessary to assess the incremental impacts of the proposed rule over existing requirements.

Discharger and TMDL growth trajectories: The amended rule applies to existing and future dischargers, on existing and future impaired water bodies, and water bodies with TMDLs and without TMDLs, so the baseline must also account for attributes and behaviors of future dischargers and future TMDLs.

The baseline forecast of future growth in the number, locations, and types of TMDLs is based on past TMDL behavior and planned structuring of TMDL planning. We forecast expected types of TMDLs based on prospective new locations, and how they fit into the framework for planning and completing TMDLs.

The baseline forecast of future dischargers is based on attributes of existing dischargers. The forecast assumes that future discharger contaminants and concentrations are the same as in existing

dischargers. This means unexpected changes in technology over time (e.g., using different inputs or technologies) that reduce pollutants in effluent would reduce the actual impacts of the proposed rule.

Existing allowance for compliance schedules: The baseline includes existing compliance schedules. A compliance schedule is an enforceable tool used as part of a permit, order, or directive to achieve compliance with applicable effluent standards and limitations, water quality standards, or other legally applicable requirements. Compliance schedules include a sequence of interim requirements such as actions, operations, or milestone events to achieve the stated goals. Compliance schedules are a broadly used tool for achieving compliance with state and federal regulations; compliance schedules under CWA are defined federally at CWA 502(17) and 40 C.F.R. Section 122.2.

Proposed rule amendments: The proposed rule amendments would amend WAC 173-201A-240 Toxic substances, specifically aquatic life criteria including, but not limited to, Table 240 and footnotes.

Revisions to existing aquatic life criteria:

- Arsenic (all).
- Cadmium (all).
- Chromium III (freshwater acute and chronic).
- Chromium VI (freshwater acute and chronic).
- Copper (freshwater acute and chronic).
- Cyanide (freshwater acute and chronic).
- Dieldrin (freshwater acute and chronic).
- Endrin (freshwater acute and chronic).
- Gamma-BHC (freshwater acute).
- Mercury (freshwater acute).
- Nickel (freshwater acute and chronic).
- Pentachlorophenol (freshwater acute and chronic and saltwater chronic).
- Selenium (freshwater acute and chronic).
- Silver (freshwater and saltwater acute).
- Zinc (freshwater acute and chronic).
- Aldrin (freshwater and saltwater acute).

New criteria:

- 6PPD-quinone (freshwater acute).
- Aluminum (freshwater acute and chronic).
- Acrolein (freshwater acute and chronic).
- Carbaryl (freshwater acute and chronic and saltwater acute).
- Demeton (freshwater and saltwater chronic).
- Diazinon (all).
- Guthion (freshwater and saltwater chronic).
- Malathion (freshwater and saltwater chronic).
- Methoxychlor (freshwater and saltwater chronic).
- Mirex (freshwater and saltwater chronic).
- Nonylphenol (all).
- PFOS (freshwater acute and chronic and saltwater acute).
- PFOA (freshwater acute and chronic and saltwater acute).
- Silver (freshwater and saltwater chronic).
- Tributyltin (all).
- Make minor, nonsubstantive edits to rule language in WAC 173-201A-240 to correct typographical, calculation, and formatting errors.

Note that since the EPA criteria recommendations are in this rule making's baseline, the analytical scope of this regulatory analysis is

reduced to new or existing aquatic life criteria that: (1) Differ from WAC 173-201A-240 (Table 240); and (2) differ from EPA guidance or EPA derivation methods (due to ESA concerns, new science, and/or having no EPA recommendation). Applying this filter (see Table 16 in Appendix B for illustration and additional information), this analysis includes the following:

Analytical Scope:

- Arsenic (all).
- Cadmium (freshwater acute and chronic).
- Copper.
- Chromium VI (freshwater acute and chronic).
- Nickel (freshwater acute and chronic).
- Silver (freshwater acute and chronic).
- Zinc (freshwater acute and chronic).
- 6PPD-quinone (freshwater acute).
- Cyanide (freshwater acute and chronic).
- Pentachlorophenol (all).
- PFOS (freshwater acute and chronic and saltwater acute).
- PFOA (freshwater acute and chronic and saltwater acute).
- Minor, nonsubstantive edits to rule language in WAC 173-201A-240 to correct typographical, calculation, and formatting errors associated with the list above.

COSTS OF COMPLIANCE: EQUIPMENT, SUPPLIES, LABOR, AND PROFESSIONAL SERVICES: Costs would originate from permit holders (in most cases, facilities) that change behavior to comply with new or revised permit conditions based on the proposed rule. However, many permit holders do not process the materials or operate equipment that would lead to any change in permit limits based on the new criteria, or already report effluent numbers low enough to comply with the proposed rule. Therefore, costs are not created by all permits and all criteria.

Estimated costs are generated by potential increases in level 1, 2, and 3 exceedances and the corrective actions required by them for existing criteria (with copper and zinc accounting for all of the level 2 and 3 exceedances), and increased monitoring and lab costs for new criteria. For additional context, level 1 violation would lead to the equivalent of minor adjustments like sweeping and moving materials away from drains to come into compliance (labor costs). Level 2 violation might lead to installing berms, removing materials suspected of contributing to pollutants, and coating various pipes and surfaces (equipment, supply, and labor costs). At a minimum, a level 2 violation would necessitate development and implementation of a source control plan. Level 3 violation requires facility improvements likely to include water treatment filters, catch basins, and other engineering solutions (equipment, supply, labor, and professional services costs). Due to project complexity and data availability, compliance costs below reflect combined labor, professional services, and supplies where applicable.

Estimated Present Value of Total Cost

Action Level	Low-Cost Estimate	High-Cost Estimate
1	\$12,304	\$24,608
2	\$173,531	\$173,531
3	\$14,250,000	\$42,750,000
Lab Costs	\$3,128,218	\$9,428,912
Total	\$17,564,053	\$52,377,051

COMPARISON OF COMPLIANCE COST FOR SMALL VERSUS LARGE BUSINESSES: We calculated the estimated per-business costs to comply with the proposed rule amendments, based on the costs estimated in Chapter 3 of this document. In this section, we estimate compliance costs per employee.

The average affected small business likely to be covered by the proposed rule amendments employs about 20 people. The largest 10 percent of affected businesses employ an average of 4,638 people. These estimates were generated by cross referencing permit addresses with Dun and Bradstreet data on global employment.¹ Based on cost estimates in Chapter 3, we estimated the following compliance costs per employee.

¹ <https://www.dnb.com/>.

Compliance costs per employee

Type of cost (or total cost)	Small Businesses	Largest 10% of Businesses
Average employment	20	4,638
Compliance costs per entity (low)	\$8,005	\$89,947
Compliance costs per entity (high)	\$23,897	\$268,593
Cost per employee (low)	\$410	\$19
Cost per employee (high)	\$1,223	\$58

We conclude that the proposed rule amendments are likely to have disproportionate impacts on small businesses and, therefore, ecology must include elements in the proposed rule amendments to mitigate this disproportion as far as is legal and feasible.

MITIGATION OF DISPROPORTIONATE IMPACT: RFA (RCW 19.85.030(2)) states that: "Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. The agency must consider, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- (b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- (c) Reducing the frequency of inspections;
- (d) Delaying compliance timetables;
- (e) Reducing or modifying fine schedules for noncompliance; or
- (f) Any other mitigation techniques including those suggested by small businesses or small business advocates."

We considered all of the above options, the goals and objectives of the authorizing statutes (see Chapter 6), and the scope of this rule making. We limited compliance cost-reduction methods to those that:

- Are legal and feasible.
- Meet the goals and objectives of the authorizing statute.
- Are within the scope of this rule making.

Modifying regulatory requirements, changing reporting requirements, reducing the frequency of inspections, delaying compliance timetables, or modifying fine schedules would not meet statutory objectives or are not feasible and within the scope of this rule making. This rule making was initiated specifically to amend WAC 173-201A-240 aquatic life toxics criteria (and make necessary supporting changes),

while not amending other aspects of requirements and implementation of broader surface water quality standards.

It was not feasible in the proposed rule amendments to directly mitigate disproportionate impacts to small businesses, however, multiple elements of the baseline rule already in place serve to mitigate compliance costs for small businesses:

WAC 173-224-090 may reduce fees for all small businesses holding or applying for a state waste discharge or NPDES permit issued by ecology.

WAC 173-224-090 allows small businesses to receive a fee reduction of 50 percent, but not less than the minimum permit fee of \$150, if they are determined to be eligible under the following criteria:

- (1) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;
- (2) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company);
- (3) Have annual sales of \$1,000,000 or less of the goods or services produced using the processes regulated by the waste discharge or individual stormwater discharge permit (we identified 605 small business permittees in Washington that meet this definition); and
- (4) Have an original annual permit fee assessment totaling \$500 or greater.

In addition to the small business fee reduction, any small business with annual gross revenue totaling \$100,000 or less from goods and services produced using the processes regulated by the discharge permit may apply for an extreme hardship fee reduction. If the permit holder is determined eligible, the annual permit fee is reduced to the minimum annual permit fee of \$150.

SMALL BUSINESS AND LOCAL GOVERNMENT CONSULTATION: We involved small businesses, local governments, and tribes in its development of the proposed rule amendments, using: Public webinars in October 2022, April 2023, and October 2023; and tribal webinars in April 2023 and October 2023.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODES OF INDUSTRIES IMPACTED BY THE PROPOSED RULE: Businesses that hold permits potentially affected by the proposed rule fall within the following industry categories. Note that associated NAICS codes and definitions are discussed further at <https://www.census.gov/naics/>.

Industries and their associated NAICS codes that are impacted by the rule

NAICS Code	Description
111x	Crop Production
112x	Animal Production and Aquaculture
113x	Forestry and Logging
114x	Fishing, Hunting and Trapping
221x	Utilities
236x	Construction of Buildings
237x	Heavy and Civil Engineering Construction
238x	Specialty Trade Contractors
311x	Food Manufacturing
312x	Beverage and Tobacco Product Manufacturing
314x	Textile Product Mills
321x	Wood Product Manufacturing
322x	Paper Manufacturing

NAICS Code	Description
324x	Petroleum and Coal Products Manufacturing
325x	Chemical Manufacturing
326x	Plastics and Rubber Products Manufacturing
327x	Nonmetallic Mineral Product Manufacturing
331x	Primary Metal Manufacturing
332x	Fabricated Metal Product Manufacturing
333x	Machinery Manufacturing
334x	Computer and Electronic Product Manufacturing
335x	Electrical Equipment, Appliance, and Component Manufacturing
336x	Transportation Equipment Manufacturing
337x	Furniture and Related Product Manufacturing
339x	Miscellaneous Manufacturing
423x	Merchant Wholesalers, Durable Goods
424x	Merchant Wholesalers, Nondurable Goods
441x	Motor Vehicle and Parts Dealers
444x	Building Material and Garden Equipment and Supplies Dealers
445x	Food and Beverage Retailers
455x	General Merchandise Retailers
457x	Gasoline Stations and Fuel Dealers
458x	Clothing, Clothing Accessories, Shoe, and Jewelry Retailers
459x	Sporting Goods, Hobby, Musical Instrument, Book, and Miscellaneous Retailers
481x	Air Transportation
482x	Rail Transportation
484x	Truck Transportation
485x	Transit and Ground Passenger Transportation
488x	Support Activities for Transportation
492x	Couriers and Messengers
493x	Warehousing and Storage
522x	Credit Intermediation and Related Activities
524x	Insurance Carriers and Related Activities
531x	Real Estate
532x	Rental and Leasing Services
533x	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
541x	Professional, Scientific, and Technical Services
561x	Administrative and Support Services
562x	Waste Management and Remediation Services
621x	Ambulatory Health Care Services
624x	Social Assistance
713x	Amusement, Gambling, and Recreation Industries
722x	Food Services and Drinking Places
811x	Repair and Maintenance
928x	National Security and International Affairs

CONSIDERATION OF LOST SALES OR REVENUE, IMPACT ON JOBS: Businesses that would incur costs could experience reduced sales or revenues if the proposed rule amendments significantly affect the prices of the goods they sell. The degree to which this could happen is strongly related to each busi-

ness's production and pricing model (whether additional lump-sum costs would significantly affect marginal costs), as well as the specific attributes of the markets in which they sell goods, including the degree of influence each firm has on market prices, as well as the relative responsiveness of market demand to price changes. Finally, overall shifts in economic activity in the state, including competition within markets and attributes of the labor market simultaneously adjust in response to changes in compliance costs. Similarly, employment within directly impacted industries, other industries in Washington, the labor market within and outside of the state, and in the state as a whole would also adjust in response to a change in costs.

We used the REMI E3+ model for Washington state to estimate the impact of the proposed rule amendments on directly affected markets, accounting for dynamic adjustments throughout the economy. The model accounts for variables including but not limited to: Interindustry impacts; price, wage, interstate and international trade, and population or labor market changes; and dynamic adjustment of all economic variables over time.

The results of the REMI E3+ model shows that the rule would impact a variety of industries, costing the Washington economy an estimated range between \$23 million to \$69 million in annual output at its peak (total amount of goods and services produced by Washington businesses) across all sectors. For reference, in the first quarter of 2023, Washington state's annual gross domestic product (GDP) was estimated at \$761 billion. In percentage terms, this impact amounts to .003 percent and .009 percent of GDP for low and high estimates, respectively.

Output losses are projected to begin in 2025 following the proposed rule implementation and increase as permits become renewed. These amount to a loss of roughly \$1 million in the low- and high-cost scenario in the first year of the rule and increase to \$23 million and \$69 million for the low- and high-cost scenarios, respectively by 2030. Output losses slowly decrease after 2030, and by 2045 the output loss is projected to have declined under the low- and high-cost scenarios to \$1 million and \$2 million, respectively.

Retail trade, and construction is impacted the most among all industries, accounting for 13 percent each of the total output loss in high and low scenarios, followed by wholesale trade, real estate, and state and local government. Note that it is not unusual for the construction and retail industries to have high projected impacts from a rule as they are often quite sensitive to any changes to the market in REMI models. The rule also impacts a breadth of affected industries, many of which indirectly support retail and construction activities.

Modeled economic impacts to output

Industry	2030 (low)	2030 (high)	2045 (low)	2045 (high)
Whole state	-23	-69	-1	-2
Retail trade	-3	-9	0	0
Construction	-3	-9	0	0
Wholesale trade	-2	-7	0	0
Real estate	-2	-7	0	0
State and local government	-1	-3	0	0

The proposed rule would result in transfers of money within and between industries, as compared to the baseline. The modeled impacts on employment are the result of these transfers and the way in which

REMI projects these transfers to be utilized within the broader economy, as well as changes to prices and other economic variables across all industries in the state. REMI results project an immediate statewide loss of one full-time equivalent positions (FTEs) under the low-cost scenario and four in the high-cost scenario in the year 2025. This loss increases over the next two years, peaking in 2030 with a projected loss of 113 and 337 FTEs, under the low- and high-cost scenarios, respectively. The statewide loss in FTEs is lessened after 2030 such that in 2045 the statewide projected loss is reduced to two FTEs in the low-cost scenario, and six FTEs in the high-cost scenario in 2045.

Industries that are most impacted are listed below. The construction sector is projected to be the most heavily impacted industry, accounting for about 17 percent of the FTE loss from this rule statewide in 2030. Closely related to sensitivities in economic output discussed above, it is not unusual for the construction industry to have high projected job impacts from a rule as the construction industry is often quite sensitive to any changes in the market in REMI models. The next four sectors most heavily impacted in terms of projected job loss are retail trade, state and local government, wholesale trade, and real estate. While some of these sectors may not be as directly impacted from the rule making as others, note that the REMI model is sensitive to reductions in population growth compared to baseline, potentially leading to lower demand for retail goods, public services, and housing.

Impacts on Jobs

Industry	2030 Jobs Impact (low)	2030 Jobs Impact (high)	2045 Jobs Impact (low)	2045 Jobs Impact (high)
Whole state	-113	-337	-2	-6
Construction	-20	-60	0	1
Retail trade	-13	-39	0	0
State and local government	-6	-19	0	-1
Wholesale trade	-6	-17	0	0
Real estate	-6	-17	0	0

A copy of the statement may be obtained by contacting Marla Koberstein, Department of Ecology, Water Quality Program, P.O. Box 47696, Olympia, WA 98504-7696, phone 360-628-6376, speech disability call TTY at 877-833-6341, impaired hearing call Washington relay service at 711. To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>, email marla.koberstein@ecy.wa.gov.

February 15, 2024
 Heather R. Bartlett
 Deputy Director

OTS-5054.6

AMENDATORY SECTION (Amending WSR 20-02-091, filed 12/30/19, effective 1/30/20)

WAC 173-201A-240 Toxic substances. (1) Toxic substances shall not be introduced above natural background levels in waters of the state which have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic toxicity to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department.

(2) The department shall employ or require chemical testing, acute and chronic toxicity testing, and biological assessments, as appropriate, to evaluate compliance with subsection (1) of this section and to ensure that aquatic communities and the existing and designated uses of waters are being fully protected.

(3) USEPA Quality Criteria for Water, 1986, as revised, shall be used in the use and interpretation of the values listed in subsection (5) of this section.

(4) Concentrations of toxic, and other substances with toxic propensities not listed in Table 240 of this section shall be determined in consideration of USEPA Quality Criteria for Water, 1986, and as revised, and other relevant information as appropriate.

(5) The following criteria, found in Table 240, shall be applied to all surface waters of the state of Washington. Values are µg/L for all substances except ammonia and chloride which are mg/L, tissue-based aquatic life criteria for selenium, perfluorooctane sulfonic acid (PFOS), and perfluorooctanoic acid (PFOA) which are mg/kg, and asbestos which is million fibers/L. The department shall formally adopt any appropriate revised criteria as part of this chapter in accordance with the provisions established in chapter 34.05 RCW, the Administrative Procedure Act. The department shall ensure there are early opportunities for public review and comment on proposals to develop revised criteria.

(a) **Aquatic life protection.** The department may revise the criteria in Table 240 for aquatic life on a statewide or water body-specific basis as needed to protect aquatic life occurring in waters of the state and to increase the technical accuracy of the criteria being applied. The department shall formally adopt any appropriate revised criteria as part of this chapter in accordance with the provisions established in chapter 34.05 RCW, the Administrative Procedure Act.

(b) **Human health protection.** The following provisions apply to the human health criteria in Table 240. All waters shall maintain a level of water quality when entering downstream waters that provides for the attainment and maintenance of the water quality standards of those downstream waters, including the waters of another state. The human health criteria in the tables were calculated using a fish consumption rate of 175 g/day. Criteria for carcinogenic substances were calculated using a cancer risk level equal to one-in-one-million, or as otherwise specified in this chapter. The human health criteria calculations and variables include chronic durations of exposure up to ((seventy)) 70 years. All human health criteria for metals are for total metal concentrations, unless otherwise noted. Dischargers have the obligation to reduce toxics in discharges through the use of AKART.

Table 240
Toxics Substances Criteria

((Compound/Chemical	Chemical Abstracts Service (CAS)#	Category	Aquatic Life Criteria – Freshwater		Aquatic Life Criteria – Marine Water		Human Health Criteria for Consumption of:	
			Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Metals:								
Antimony	7440360	Metals, cyanide, and total phenols	-	-	-	-	12	180
Arsenic	7440382	Metals, cyanide, and total phenols	360.0 (e,dd)	190.0 (d,dd)	69.0 (e,ll,dd)	36.0 (d,ee,ll,dd)	10 (A)	10 (A)
Asbestos	1332214	Toxic pollutants and hazardous substances	-	-	-	-	7,000,000 fibers/L (C)	-
Beryllium	7440417	Metals, cyanide, and total phenols	-	-	-	-	-	-
Cadmium	7440439	Metals, cyanide, and total phenols	(i,e,dd)	(j,d,dd)	42.0 (e,dd)	9.3 (d,dd)	-	-
Chromium (III)	16065831	Metals, cyanide, and total phenols	(m,e,gg)	(n,d,gg)	-	-	-	-
Chromium (VI)	18540299	Metals, cyanide, and total phenols	15.0 (e,i,ii,dd)	10.0 (d,jj,dd)	1,100.0 (e,l,ll,dd)	50.0 (d,ll,dd)	-	-
Copper	7440508	Metals, cyanide, and total phenols	(o,e,dd)	(p,d,dd)	4.8 (e,ll,dd)	3.1 (d,ll,dd)	1,300 (C)	-
Lead	7439921	Metals, cyanide, and total phenols	(q,e,dd)	(r,d,dd)	210.0 (e,ll,dd)	8.1 (d,ll,dd)	-	-
Mercury	7439976	Metals, cyanide, and total phenols	2.1 (e,kk,dd)	0.012 (d,ff,s)	1.8 (e,ll,dd)	0.025 (d,ff,s)	(G)	(G)
Methylmercury	22967926	Nonconventional	-	-	-	-	-	-
Nickel	7440020	Metals, cyanide, and total phenols	(t,e,dd)	(u,d,dd)	74.0 (e,ll,dd)	8.2 (d,ll,dd)	150	190
Selenium	7782492	Metals, cyanide, and total phenols	20.0 (e,ff)	5.0 (d,ff)	290 (e,ll,dd)	71.0 (d,x,ll,dd)	120	480
Silver	7440224	Metals, cyanide, and total phenols	(y,a,dd)	-	1.9 (a,ll,dd)	-	-	-
Thallium	7440280	Metals, cyanide, and total phenols	-	-	-	-	0.24	0.27
Zinc	7440666	Metals, cyanide, and total phenols	(aa,e,dd)	(bb,d,dd)	90.0 (e,ll,dd)	81.0 (d,ll,dd)	2,300	2,900
Other chemicals:								
1,1,1-Trichloroethane	71556	Volatile	-	-	-	-	47,000	160,000
1,1,1,2,2-Tetrachloroethane	79345	Volatile	-	-	-	-	0.12 (B)	0.46 (B)
1,1,2-Trichloroethane	79005	Volatile	-	-	-	-	0.44 (B)	1.8 (B)
1,1-Dichloroethane	75343	Volatile	-	-	-	-	-	-
1,1-Dichloroethylene	75354	Volatile	-	-	-	-	1200	4100
1,2,4-Trichlorobenzene	120821	Base/neutral compounds	-	-	-	-	0.12 (B)	0.14 (B)
1,2-Dichlorobenzene	95501	Volatile	-	-	-	-	2000	2500
1,2-Dichloroethane	107062	Volatile	-	-	-	-	9.3 (B)	120 (B)
1,2-Dichloropropane	78875	Volatile	-	-	-	-	0.71 (B)	3.1 (B)
1,3-Dichloropropene	542756	Volatile	-	-	-	-	0.24 (B)	2 (B)
1,2-Diphenylhydrazine	122667	Base/neutral compounds	-	-	-	-	0.015 (B)	0.023 (B)
1,2-Trans-Dichloroethylene	156605	Volatile	-	-	-	-	600	5,800
1,3-Dichlorobenzene	541731	Volatile	-	-	-	-	13	16
1,4-Dichlorobenzene	106467	Volatile	-	-	-	-	460	580
2,3,7,8-TCDD (Dioxin)	1746016	Dioxin	-	-	-	-	0.000000064	0.000000064
2,4,6-Trichlorophenol	88062	Acid compounds	-	-	-	-	0.25 (B)	0.28 (B)
2,4-Dichlorophenol	120832	Acid compounds	-	-	-	-	25	34

((Compound/Chemical	Chemical Abstracts Service (CAS)#	Category	Aquatic Life Criteria – Freshwater		Aquatic Life Criteria – Marine Water		Human Health Criteria for Consumption of:	
			Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
2,4-Dimethylphenol	105679	Acid compounds	-	-	-	-	85	97
2,4-Dinitrophenol	51285	Acid compounds	-	-	-	-	60	610
2,4-Dinitrotoluene	121142	Base/neutral compounds	-	-	-	-	0.039 (B)	0.18 (B)
2,6-Dinitrotoluene	606202	Base/neutral compounds	-	-	-	-	-	-
2-Chloroethyvinyl Ether	110758	Volatile	-	-	-	-	-	-
2-Chloronaphthalene	91587	Base/neutral compounds	-	-	-	-	170	180
2-Chlorophenol	95578	Acid compounds	-	-	-	-	15	17
2-Methyl-4,6-Dinitrophenol (4,6-dinitro-o-cresol)	534521	Acid compounds	-	-	-	-	7.1	25
2-Nitrophenol	88755	Acid compounds	-	-	-	-	-	-
3,3'-Dichlorobenzidine	91941	Base/neutral compounds	-	-	-	-	0.0031 (B)	0.0033 (B)
3-Methyl-4-Chlorophenol (parachlorometacresol)	59507	Acid compounds	-	-	-	-	36	36
4,4'-DDD	72548	Pesticides/PCBs	-	-	-	-	0.000036 (B)	0.000036 (B)
4,4'-DDE	72559	Pesticides/PCBs	-	-	-	-	0.000051 (B)	0.000051 (B)
4,4'-DDT	50293	Pesticides/PCBs	-	-	-	-	0.000025 (B)	0.000025 (B)
4,4'-DDT (and metabolites)		Pesticides/PCBs	1.1 (a)	0.001 (b)	0.13 (a)	0.001 (b)	-	-
4-Bromophenyl Phenyl Ether	101553	Base/neutral compounds	-	-	-	-	-	-
4-Chlorophenyl Phenyl Ether	7005723	Base/neutral compounds	-	-	-	-	-	-
4-Nitrophenol	100027	Acid compounds	-	-	-	-	-	-
Acenaphthene	83329	Base/neutral compounds	-	-	-	-	110	110
Acenaphthylene	208968	Base/neutral compounds	-	-	-	-	-	-
Aerolein	107028	Volatile	-	-	-	-	1.0	1.1
Acrylonitrile	107131	Volatile	-	-	-	-	0.019 (B)	0.028 (B)
Aldrin	309002	Pesticides/PCBs	2.5 (a,e)	0.0019 (b,e)	0.71 (a,e)	0.0019 (b,e)	0.0000057 (B)	0.0000058 (B)
alpha-BHC	319846	Pesticides/PCBs	-	-	-	-	0.0005 (B)	0.00056 (B)
alpha-Endosulfan	959988	Pesticides/PCBs	-	-	-	-	9.7	10
Anthracene	120127	Base/neutral compounds	-	-	-	-	3,100	4,600
Benzene	71432	Volatile	-	-	-	-	0.44 (B)	1.6 (B)
Benzidine	92875	Base/neutral compounds	-	-	-	-	0.00002 (B)	0.000023 (B)
Benzo(a) Anthracene	56553	Base/neutral compounds	-	-	-	-	0.014 (B)	0.021 (B)
Benzo(a) Pyrene	50328	Base/neutral compounds	-	-	-	-	0.0014 (B)	0.0021 (B)
Benzo(b) Fluoranthene	205992	Base/neutral compounds	-	-	-	-	0.014 (B)	0.021 (B)
Benzo(hi) Propylene	191242	Base/neutral compounds	-	-	-	-	-	-
Benzo(k) Fluoranthene	207089	Base/neutral compounds	-	-	-	-	0.014 (B)	0.21 (B)
beta-THC	319857	Pesticides/PCBs	-	-	-	-	0.0018 (B)	0.002 (B)

((Compound/Chemical	Chemical Abstracts Service (CAS)#	Category	Aquatic Life Criteria – Freshwater		Aquatic Life Criteria – Marine Water		Human Health Criteria for Consumption of:	
			Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
alpha-Endosulfan	33213659	Pesticides/PCBs	-	-	-	-	9.7	10
Bis(2-Chloroethoxy) Methane	111911	Base/neutral compounds	-	-	-	-	-	-
Bis(2-Chloroethyl) Ether	111444	Base/neutral compounds	-	-	-	-	0.02 (B)	0.06 (B)
Bis(2-Chloroisopropyl) Ether	39638329	Base/neutral compounds	-	-	-	-	-	-
Bis(2-Ethylhexyl) Phthalate	117817	Base/neutral compounds	-	-	-	-	0.23 (B)	0.25 (B)
Bromoform	75252	Volatile	-	-	-	-	5.8 (B)	27 (B)
Butylbenzyl Phthalate	85687	Base/neutral compounds	-	-	-	-	0.56 (B)	0.58 (B)
Carbon Tetrachloride	56235	Volatile	-	-	-	-	0.2 (B)	0.35 (B)
Chlordane	57749	Pesticides/PCBs	2.4 (a)	0.0043 (b)	0.09 (a)	0.004 (b)	0.000093 (B)	0.000093 (B)
Chlorobenzene	108907	Volatile	-	-	-	-	380	890
Chlorodibromomethane	124481	Volatile	-	-	-	-	0.65 (B)	3 (B)
Chloroethane	75003	Volatile	-	-	-	-	-	-
Chloroform	67663	Volatile	-	-	-	-	260	1200
Chrysene	218019	Base/neutral compounds	-	-	-	-	1.4 (B)	2.1 (B)
Cyanide	57125	Metals, cyanide, and total phenols	22.0 (e,ee)	5.2 (d,ee)	1.0 (e,mm,ee)	(d,mm,ee)	19 (D)	270 (D)
delta-BHC	319868	Pesticides/PCBs	-	-	-	-	-	-
Dibenzo(a,h) Anthracene	53703	Base/neutral compounds	-	-	-	-	0.0014 (B)	0.0021 (B)
Dichlorobromomethane	75274	Volatile	-	-	-	-	0.77 (B)	3.6 (B)
Dieldrin	60571	Pesticides/PCBs	2.5 (a,e)	0.0019 (b,e)	0.71 (a,e)	0.0019 (b,e)	0.0000061 (B)	0.0000061 (B)
Diethyl Phthalate	84662	Base/neutral compounds	-	-	-	-	4,200	5,000
Dimethyl Phthalate	131113	Base/neutral compounds	-	-	-	-	92,000	130,000
Di-n-Butyl Phthalate	84742	Base/neutral compounds	-	-	-	-	450	510
Di-n-Octyl Phthalate	117840	Base/neutral compounds	-	-	-	-	-	-
Endosulfan		Pesticides/PCBs	0.22 (a)	0.056 (b)	0.034 (a)	0.0087 (b)	-	-
Endosulfan Sulfate	1031078	Pesticides/PCBs	-	-	-	-	9.7	10
Endrin	72208	Pesticides/PCBs	0.18 (a)	0.0023 (b)	0.037 (a)	0.0023 (b)	0.034	0.035
Endrin Aldehyde	7421934	Pesticides/PCBs	-	-	-	-	0.034	0.035
Ethylbenzene	100414	Volatile	-	-	-	-	200	270
Fluoranthene	206440	Base/neutral compounds	-	-	-	-	16	16
Fluorene	86737	Base/neutral compounds	-	-	-	-	420	610
Hexachlorocyclohexane (gamma-BHC; Lindane)	58899	Pesticides/PCBs	2.0 (a)	0.08 (b)	0.16 (a)	-	15	17
Heptachlor	76448	Pesticides/PCBs	0.52 (a)	0.0038 (b)	0.053 (a)	0.0036 (b)	0.0000099 (B)	0.00001 (B)
Heptachlor-Epoxide	1024573	Pesticides/PCBs	-	-	-	-	0.0000074 (B)	0.0000074 (B)
Hexachlorobenzene	118741	Base/neutral compounds	-	-	-	-	0.000051 (B)	0.000052 (B)

((Compound/Chemical	Chemical Abstracts Service (CAS)#	Category	Aquatic Life Criteria – Freshwater		Aquatic Life Criteria – Marine Water		Human Health Criteria for Consumption of:	
			Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Hexachlorobutadiene	87683	Base/neutral compounds	-	-	-	-	0.69 (B)	4.1 (B)
Hexachlorocyclopentadiene	77474	Base/neutral compounds	-	-	-	-	150	630
Hexachloroethane	67721	Base/neutral compounds	-	-	-	-	0.11 (B)	0.13 (B)
Indeno(1,2,3-cd) Pyrene	193395	Base/neutral compounds	-	-	-	-	0.014 (B)	0.021 (B)
Isophorone	78591	Base/neutral compounds	-	-	-	-	27 (B)	110 (B)
Methyl Bromide	74839	Volatile	-	-	-	-	520	2,400
Methyl Chloride	74873	Volatile	-	-	-	-	-	-
Methylene Chloride	75092	Volatile	-	-	-	-	16 (B)	250 (B)
Napthalene	91203	Base/neutral compounds	-	-	-	-	-	-
Nitrobenzene	98953	Base/neutral compounds	-	-	-	-	55	320
N-Nitrosodimethylamine	62759	Base/neutral compounds	-	-	-	-	0.00065 (B)	0.34 (B)
N-Nitrosodi-n-Propylamine	621647	Base/neutral compounds	-	-	-	-	0.0044 (B)	0.058 (B)
N-Nitrosodiphenylamine	86306	Base/neutral compounds	-	-	-	-	0.62 (B)	0.69 (B)
Pentachlorophenol (PCP)	87865	Acid compounds	(w,e)	(v,d)	13.0 (e)	7.9 (d)	0.046 (B)	0.1 (B)
Phenanthrene	85018	Base/neutral compounds	-	-	-	-	-	-
Phenol	108952	Acid compounds	-	-	-	-	18,000	200,000
Polychlorinated Biphenyls (PCBs)		Pesticides/PCBs	2.0 (b)	0.014 (b)	10.0 (b)	0.030 (b)	0.00017 (E)	0.00017 (E)
Pyrene	129000	Base/neutral compounds	-	-	-	-	310	460
Tetrachloroethylene	127184	Volatile	-	-	-	-	4.9 (B)	7.1 (B)
Toluene	108883	Volatile	-	-	-	-	180	410
Toxaphene	8001352	Pesticides/PCBs	0.73 (e,z)	0.0002 (d)	0.21 (e,z)	0.0002 (d)	0.000032 (B)	0.000032 (B)
Trichloroethylene	79016	Volatile	-	-	-	-	0.38 (B)	0.86 (B)
Vinyl Chloride	75014	Volatile	-	-	-	-	0.02 (B, F)	0.26 (B, F)
Ammonia (hh)		Nonconventional	(f,e)	(g,d)	0.233 (h,e)	0.035 (h,d)	-	-
Chloride (dissolved) (k)		Nonconventional	860.0 (h,e)	230.0 (h,d)	-	-	-	-
Chlorine (total residual)		Nonconventional	19.0 (e)	11.0 (d)	13.0 (e)	7.5 (d)	-	-
Chlorpyrifos		Toxic pollutants and hazardous substances	0.083 (e)	0.041 (d)	0.011 (e)	0.0056 (d)	-	-
Parathion		Toxic pollutants and hazardous substances	0.065 (e)	0.013 (d)	-	-	-	-

Footnotes for aquatic life criteria in Table 240:

- a: An instantaneous concentration not to be exceeded at any time.
- b: A 24-hour average not to be exceeded.
- c: A 1-hour average concentration not to be exceeded more than once every three years on the average.
- d: A 4-day average concentration not to be exceeded more than once every three years on the average.
- e: Aldrin is metabolically converted to Dieldrin. Therefore, the sum of the Aldrin and Dieldrin concentrations are compared with the Dieldrin criteria.
- f: Shall not exceed the numerical value in total ammonia nitrogen (mg N/L) given by:

$$\begin{aligned} \text{For salmonids present:} & \quad \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}} \\ \text{For salmonids absent:} & \quad \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}} \end{aligned}$$

- g. Shall not exceed the numerical concentration calculated as follows:
 Unionized ammonia concentration for waters where salmonid habitat is an existing or designated use:

$$0.80 \div (FT)(FPH)(RATIO)$$

where: RATIO = 13.5; 7.7 ≤ pH ≤ 9
 RATIO = $\frac{20.25 \times 10^{(7.7 - pH)}}{7.7} \div (1 + 10^{(7.4 - pH)})$; 6.5 ≤ pH ≤ 7.7
 FT = 1.4; 15 ≤ T ≤ 30
 FT = $10^{[0.03(20 - T)]}$; 0 ≤ T ≤ 15
 FPH = 1; 8 ≤ pH ≤ 9
 FPH = $(1 + 10^{(7.4 - pH)}) \div 1.25$; 6.5 ≤ pH ≤ 8.0

~~Total ammonia concentrations for waters where salmonid habitat is not an existing or designated use and other fish early life stages are absent:~~

~~$$\text{Chronic Criterion} = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) \times (1.45 \times 10^{0.028(25 - A)})$$~~

~~where: A = the greater of either T (temperature in degrees Celsius) or 7.~~

~~Applied as a thirty-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on average. The highest four-day average within the thirty-day period should not exceed 2.5 times the chronic criterion.~~

~~Total ammonia concentration for waters where salmonid habitat is not an existing or designated use and other fish early life stages are present:~~

~~$$\text{Chronic Criterion} = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) \times B$$~~

~~where: B = the lower of either 2.85, or 1.45 × 10^{0.028 × (25 - T)}. T = temperature in degrees Celsius.~~

~~Applied as a thirty-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on the average. The highest four-day average within the thirty-day period should not exceed 2.5 times the chronic criterion.~~

- h. Measured in milligrams per liter rather than micrograms per liter.
- i. $\leq (0.944)(e^{(1.128[\ln(\text{hardness})] - 3.828)})$ at hardness = 100. Conversion factor (CF) of 0.944 is hardness dependent. CF is calculated for other hardnesses as follows: $CF = 1.136672 - [(\ln \text{hardness})(0.041838)]$.
- j. $\leq (0.909)(e^{(0.7852[\ln(\text{hardness})] - 3.490)})$ at hardness = 100. Conversion factor (CF) of 0.909 is hardness dependent. CF is calculated for other hardnesses as follows: $CF = 1.101672 - [(\ln \text{hardness})(0.041838)]$.
- k. Criterion based on dissolved chloride in association with sodium. This criterion probably will not be adequately protective when the chloride is associated with potassium, calcium, or magnesium, rather than sodium.
- l. Salinity dependent effects. At low salinity the 1-hour average may not be sufficiently protective.
- m. $\leq (0.316)(e^{(0.8190[\ln(\text{hardness})] + 3.688)})$
- n. $\leq (0.860)(e^{(0.8190[\ln(\text{hardness})] + 1.561)})$
- o. $\leq (0.960)(e^{(0.9422[\ln(\text{hardness})] - 1.464)})$
- p. $\leq (0.960)(e^{(0.8545[\ln(\text{hardness})] - 1.465)})$
- q. $\leq (0.791)(e^{(1.273[\ln(\text{hardness})] - 1.460)})$ at hardness = 100. Conversion factor (CF) of 0.791 is hardness dependent. CF is calculated for other hardnesses as follows: $CF = 1.46203 - [(\ln \text{hardness})(0.145712)]$.
- r. $\leq (0.791)(e^{(1.273[\ln(\text{hardness})] - 4.705)})$ at hardness = 100. Conversion factor (CF) of 0.791 is hardness dependent. CF is calculated for other hardnesses as follows: $CF = 1.46203 - [(\ln \text{hardness})(0.145712)]$.
- s. If the four-day average chronic concentration is exceeded more than once in a three-year period, the edible portion of the consumed species should be analyzed. Said edible tissue concentrations shall not be allowed to exceed 1.0 mg/kg of methylmercury.
- t. $\leq (0.998)(e^{(0.8460[\ln(\text{hardness})] + 3.3612)})$
- u. $\leq (0.997)(e^{(0.8460[\ln(\text{hardness})] + 1.1645)})$
- v. $\leq e^{[1.005(pH) - 5.290]}$
- w. $\leq e^{[1.005(pH) - 4.830]}$
- x. The status of the fish community should be monitored whenever the concentration of selenium exceeds 5.0 ug/l in salt water.
- y. $\leq (0.85)(e^{(1.72[\ln(\text{hardness})] - 6.52)})$
- z. Channel Catfish may be more acutely sensitive.
- aa. $\leq (0.978)(e^{(0.8473[\ln(\text{hardness})] + 0.8604)})$
- bb. $\leq (0.986)(e^{(0.8473[\ln(\text{hardness})] + 0.7614)})$
- cc. Nonlethal effects (growth, C-14 uptake, and chlorophyll production) to diatoms (*Thalassiosira aestivalis* and *Skeletonema costatum*) which are common to Washington's waters have been noted at levels below the established criteria. The importance of these effects to the diatom populations and the aquatic system is sufficiently in question to persuade the state to adopt the USEPA National Criteria value (36 µg/L) as the state threshold criteria, however, wherever practical the ambient concentrations should not be allowed to exceed a chronic marine concentration of 21 µg/L.

- dd. These ambient criteria in the table are for the dissolved fraction. The cyanide criteria are based on the weak acid dissociable method. The metals criteria may not be used to calculate total recoverable effluent limits unless the seasonal partitioning of the dissolved to total metals in the ambient water are known. When this information is absent, these metals criteria shall be applied as total recoverable values, determined by back calculation, using the conversion factors incorporated in the criterion equations. Metals criteria may be adjusted on a site-specific basis when data are made available to the department clearly demonstrating the effective use of the water effects ratio approach established by USEPA, as generally guided by the procedures in USEPA Water Quality Standards Handbook, December 1983, as supplemented or replaced by USEPA or ecology. The adjusted site specific criteria are not in effect until they have been incorporated into this chapter and approved by EPA. Information which is used to develop effluent limits based on applying metals partitioning studies or the water effects ratio approach shall be identified in the permit fact sheet developed pursuant to WAC 173-220-060 or 173-226-110, as appropriate, and shall be made available for the public comment period required pursuant to WAC 173-220-050 or 173-226-130(3), as appropriate. Ecology has developed supplemental guidance for conducting water effect ratio studies.
- ee. The criteria for cyanide is based on the weak acid dissociable method in the 19th Ed. Standard Methods for the Examination of Water and Wastewater, 4500-CN-1, and as revised (see footnote dd, above).
- ff. These criteria are based on the total recoverable fraction of the metal.
- gg. Where methods to measure trivalent chromium are unavailable, these criteria are to be represented by total recoverable chromium.
- hh. The listed fresh water criteria are based on un-ionized or total ammonia concentrations, while those for marine water are based on un-ionized ammonia concentrations. Tables for the conversion of total ammonia to un-ionized ammonia for freshwater can be found in the USEPA's Quality Criteria for Water, 1986. Criteria concentrations based on total ammonia for marine water can be found in USEPA Ambient Water Quality Criteria for Ammonia (Saltwater) 1989, EPA 440/5-88-004, April 1989.
- ii. The conversion factor used to calculate the dissolved metal concentration was 0.982.
- jj. The conversion factor used to calculate the dissolved metal concentration was 0.962.
- kk. The conversion factor used to calculate the dissolved metal concentration was 0.85.
- ll. Marine conversion factors (CF) which were used for calculating dissolved metals concentrations are given below. Conversion factors are applicable to both acute and chronic criteria for all metals except mercury. The CF for mercury was applied to the acute criterion only and is not applicable to the chronic criterion. Conversion factors are already incorporated into the criteria in the table. Dissolved criterion = criterion x CF

Metal	CF
Arsenic	1.000
Cadmium	0.994
Chromium (VI)	0.993
Copper	0.83
Lead	0.951
Mercury	0.85
Nickel	0.990
Selenium	0.998
Silver	0.85
Zinc	0.946

mm. The cyanide criteria are: 2.8µg/l chronic and 9.1µg/l acute and are applicable only to waters which are east of a line from Point Roberts to Lawrence Point, to Green Point to Deception Pass; and south from Deception Pass and of a line from Partridge Point to Point Wilson. The chronic criterion applicable to the remainder of the marine waters is 1 µg/L.

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Metals:							
Aluminum	7429905	West: 510 East: 820 (a,e)	West: 270 East: 480 (b,e)	-	-	-	-
Antimony	7440360	-	-	-	-	12 (H)	180 (H)
Arsenic	7440382	300 (a,f)	130 (b,f)	27 (a,f,g)	12 (b,f,g)	10 (A,H)	10 (A,H)
Asbestos	1332214	-	-	-	-	7,000,000 fibers/L (C)	-
Beryllium	7440417	-	-	-	-	-	-
Cadmium	7440439	(a,f,h)	(b,f,i)	33 (a,f)	7.9 (b,f)	-	-
Chromium (III)	16065831	(a,j,k)	(b,j,ll)	-	-	-	-
Chromium (VI)	18540299	18 (a,f,m)	4.5 (b,f,n)	1,100.0 (a,f,g)	50.0 (b,f,g)	-	-
Copper	7440508	West: 2.0 East: 2.5 (a,f,o)	West: 1.6 East: 1.8 (b,f,p)	4.8 (a,f,g)	3.1 (b,f,g)	1,300 (C)	-
Lead	7439921	(a,f,q)	(b,f,r)	210.0 (a,f,g)	8.1 (b,f,g)	-	-
Mercury	7439976	1.4 (a,f,s)	0.012 (b,t,u)	1.8 (a,f,g)	0.025 (b,t,u)	(G)	(G)
Methylmercury	22967926	-	-	-	-	-	(H)
Nickel	7440020	(a,f,v)	(b,f,w)	74.0 (a,f,g)	8.2 (b,f,g)	150 (H)	190 (H)

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Selenium	7782492	(x)	(y)	290 (a,f,g)	71.0 (b,f,g)	120 (H)	480 (H)
Silver	7440224	(a,f,z)	(b,f,aa)	2.2 (a,f,g)	0.87 (b,f,g)	-	-
Thallium	7440280	-	-	-	-	0.24	0.27
Zinc	7440666	(a,f,bb)	(b,f,cc)	90.0 (a,f,g)	81.0 (b,f,g)	2,300 (H)	2,900 (H)
Other chemicals:							
1,1,1-Trichloroethane	71556	-	-	-	-	47,000 (H)	160,000 (H)
1,1,2,2-Tetrachloroethane	79345	-	-	-	-	0.12 (B,H)	0.46 (B,H)
1,1,2-Trichloroethane	79005	-	-	-	-	0.44 (B,H)	1.8 (B,H)
1,1-Dichloroethane	75343	-	-	-	-	-	-
1,1-Dichloroethylene	75354	-	-	-	-	1200 (H)	4100 (H)
1,2,4-Trichlorobenzene	120821	-	-	-	-	0.12 (B,H)	0.14 (B,H)
1,2-Dichlorobenzene	95501	-	-	-	-	2000 (H)	2500 (H)
1,2-Dichloroethane	107062	-	-	-	-	9.3 (B,H)	120 (B,H)
1,2-Dichloropropane	78875	-	-	-	-	0.71 (B)	3.1 (B)
1,3-Dichloropropene	542756	-	-	-	-	0.24 (B)	2 (B)
1,2-Diphenylhydrazine	122667	-	-	-	-	0.015 (B,H)	0.023 (B,H)
1,2-Trans-Dichloroethylene	156605	-	-	-	-	600 (H)	5,800 (H)
1,3-Dichlorobenzene	541731	-	-	-	-	13 (H)	16 (H)
1,4-Dichlorobenzene	106467	-	-	-	-	460 (H)	580 (H)
2,3,7,8-TCDD (Dioxin)	1746016	-	-	-	-	0.000000064	0.000000064
2,4,6-Trichlorophenol	88062	-	-	-	-	0.25 (B)	0.28 (B)
2,4-Dichlorophenol	120832	-	-	-	-	25 (H)	34 (H)
2,4-Dimethylphenol	105679	-	-	-	-	85	97
2,4-Dinitrophenol	51285	-	-	-	-	60 (H)	610 (H)
2,4-Dinitrotoluene	121142	-	-	-	-	0.039 (B)	0.18 (B)
2,6-Dinitrotoluene	606202	-	-	-	-	-	-
2-Chloroethyvinyl Ether	110758	-	-	-	-	-	-
2-Chloronaphthalene	91587	-	-	-	-	170 (H)	180 (H)
2-Chlorophenol	95578	-	-	-	-	15	17
2-Methyl-4,6-Dinitrophenol (4,6-dinitro-o-cresol)	534521	-	-	-	-	7.1 (H)	25 (H)
2-Nitrophenol	88755	-	-	-	-	-	-
3,3'-Dichlorobenzidine	91941	-	-	-	-	0.0031 (B)	0.0033 (B)
3-Methyl-4-Chlorophenol (parachlorometa cresol)	59507	-	-	-	-	36	36
4,4'-DDD	72548	-	-	-	-	0.000036 (B,H)	0.000036 (B,H)

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
4,4'-DDE	72559	=	=	=	=	0.000051 (B,H)	0.000051 (B,H)
4,4'-DDT	50293	=	=	=	=	0.000025 (B,H)	0.000025 (B,H)
4,4'-DDT (and metabolites)	50293	1.1 (c)	0.001 (d)	0.13 (e)	0.001 (d)	=	=
4-Bromophenyl Phenyl Ether	101553	=	=	=	=	=	=
4-Chorophenyl Phenyl Ether	7005723	=	=	=	=	=	=
4-Nitrophenol	100027	=	=	=	=	=	=
Acenaphthene	83329	=	=	=	=	110 (H)	110 (H)
Acenaphthylene	208968	=	=	=	=	=	=
Acrolein	107028	3 (a)	3 (b)	=	=	1.0	1.1
Acrylonitrile	107131	=	=	=	=	0.019 (B)	0.028 (B)
Aldrin	309002	3 (c,dd)	0.0019 (d,dd)	1.3 (c,e)	0.0019 (d,dd)	0.0000057 (B,H)	0.0000058 (B,H)
alpha-BHC	319846	=	=	=	=	0.0005 (B,H)	0.00056 (B,H)
alpha-Endosulfan	959988	0.22 (c,ee)	0.056 (d,ee)	0.034 (c,ee)	0.0087 (d,ee)	9.7 (H)	10 (H)
Ammonia	7664417	(a,ff,ii)	(b,gg,ii)	0.233 (a,hh,ii)	0.035 (b,hh,ii)	=	=
Anthracene	120127	=	=	=	=	3,100 (H)	4,600 (H)
Benzene	71432	=	=	=	=	0.44 (B)	1.6 (B)
Benzidine	92875	=	=	=	=	0.00002 (B)	0.000023 (B)
Benzo(a) Anthracene	56553	=	=	=	=	0.014 (B,H)	0.021 (B,H)
Benzo(a) Pyrene	50328	=	=	=	=	0.0014 (B,H)	0.0021 (B,H)
Benzo(b) Fluoranthene	205992	=	=	=	=	0.014 (B,H)	0.021 (B,H)
Benzo(ghi) Perylene	191242	=	=	=	=	=	=
Benzo(k) Fluoranthene	207089	=	=	=	=	0.014 (B,H)	0.21 (B,H)
beta-BHC	319857	=	=	=	=	0.0018 (B,H)	0.002 (B,H)
beta-Endosulfan	33213659	0.22 (c,ee)	0.056 (d,ee)	0.034 (c,ee)	0.0087 (d,ee)	9.7	10
Bis(2-Chloroethoxy) Methane	111911	=	=	=	=	=	=
Bis(2-Chloroethyl) Ether	111444	=	=	=	=	0.02 (B)	0.06 (B)
Bis(2-Chloroisopropyl) Ether	39638329	=	=	=	=	= (H)	= (H)
Bis(2-Ethylhexyl) Phthalate	117817	=	=	=	=	0.23 (B,H)	0.25 (B,H)
Bromoform	75252	=	=	=	=	5.8 (B,H)	27 (B,H)
Butylbenzyl Phthalate	85687	=	=	=	=	0.56 (B,H)	0.58 (B,H)
Carbaryl	63252	2.1 (a)	2.1 (b)	1.6 (a)	=	=	=
Carbon Tetrachloride	56235	=	=	=	=	0.2 (B)	0.35 (B)

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Chlordane	57749	2.4 (c)	0.0043 (d)	0.09 (c)	0.004 (d)	0.000093 (B,H)	0.000093 (B,H)
Chloride (dissolved)	168870	860 (a,hh,jj)	230 (b,hh,jj)	-	-	-	-
Chlorine (total residual)	7782505	19 (a)	11 (b)	13 (a)	7.5 (b)	-	-
Chlorobenzene	108907	-	-	-	-	380 (H)	890 (H)
Chlorodibromomethane	124481	-	-	-	-	0.65 (B,H)	3 (B,H)
Chloroethane	75003	-	-	-	-	-	-
Chloroform	67663	-	-	-	-	260 (H)	1200 (H)
Chlorpyrifos	2921882	0.083 (a)	0.041 (b)	0.011 (a)	0.0056 (b)	-	-
Chrysene	218019	-	-	-	-	1.4 (B,H)	2.1 (B,H)
Cyanide	57125	12 (a,kk)	2.7 (b,kk)	1.0 (a,kk,ll)	1.0 (b,kk,ll)	19 (D,H)	270 (D,H)
delta-BHC	319868	-	-	-	-	-	-
Demeton	8065483	-	0.1 (b)	-	0.1 (b)	-	-
Diazinon	333415	0.17 (a)	0.17 (b)	0.82 (a)	0.82 (b)	-	-
Dibenzo(a,h) Anthracene	53703	-	-	-	-	0.0014 (B,H)	0.0021 (B,H)
Dichlorobromomethane	75274	-	-	-	-	0.77 (B,H)	3.6 (B,H)
Dieldrin	60571	0.24 (a,dd)	0.056 (b,dd)	0.71 (c,dd)	0.0019 (d,dd)	0.0000061 (B,H)	0.0000061 (B,H)
Diethyl Phthalate	84662	-	-	-	-	4,200 (H)	5,000 (H)
Dimethyl Phthalate	131113	-	-	-	-	92,000 (H)	130,000 (H)
Di-n-Butyl Phthalate	84742	-	-	-	-	450 (H)	510 (H)
Di-n-Octyl Phthalate	117840	-	-	-	-	-	-
Endosulfan Sulfate	1031078	-	-	-	-	9.7 (H)	10
Endrin	72208	0.086 (a)	0.036 (b)	0.037 (c)	0.0023 (d)	0.034 (H)	0.035 (H)
Endrin Aldehyde	7421934	-	-	-	-	0.034	0.035
Ethylbenzene	100414	-	-	-	-	200 (H)	270 (H)
Fluoranthene	206440	-	-	-	-	16 (H)	16 (H)
Fluorene	86737	-	-	-	-	420 (H)	610 (H)
Guthion	86500	-	0.01 (b)	-	0.01 (b)	-	-
Hexachlorocyclohexane (gamma-BHC; Lindane)	58899	0.95 (a)	0.08 (d)	0.16 (c)	-	15 (H)	17 (H)
Heptachlor	76448	0.52 (c)	0.0038 (d)	0.053 (c)	0.0036 (d)	0.0000099 (B,H)	0.00001 (B,H)
Heptachlor Epoxide	1024573	-	-	-	-	0.0000074 (B,H)	0.0000074 (B,H)
Hexachlorobenzene	118741	-	-	-	-	0.000051 (B,H)	0.000052 (B,H)
Hexachlorobutadiene	87683	-	-	-	-	0.69 (B,H)	4.1 (B,H)

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Hexachlorocyclopentadiene	77474	=	=	=	=	150 (H)	630 (H)
Hexachloroethane	67721	=	=	=	=	0.11 (B,H)	0.13 (B,H)
Indeno(1,2,3-cd) Pyrene	193395	=	=	=	=	0.014 (B,H)	0.021 (B,H)
Isophorone	78591	=	=	=	=	27 (B)	110 (B)
Malathion	121755	=	0.1 (b)	=	0.1 (b)	=	=
Methoxychlor	72435	=	0.3 (b)	=	0.3 (b)	=	=
Methyl Bromide	74839	=	=	=	=	520 (H)	2,400
Methyl Chloride	74873	=	=	=	=	=	=
Methylene Chloride	75092	=	=	=	=	16 (B,H)	250 (B,H)
Mirex	2385855	=	0.001 (b)	=	0.001 (b)	=	=
N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine-quinone(6PPD-q)		0.008 (c)	=	=	=	=	=
Napthalene	91203	=	=	=	=	=	=
Nitrobenzene	98953	=	=	=	=	55 (H)	320 (H)
N-Nitrosodimethylamine	62759	=	=	=	=	0.00065 (B)	0.34 (B)
N-Nitrosodi-n-Propylamine	621647	=	=	=	=	0.0044 (B)	0.058 (B)
N-Nitrosodiphenylamine	86306	=	=	=	=	0.62 (B)	0.69 (B)
Nonylphenol	84852153	28 (a)	6.6 (b)	7 (a)	1.7 (b)	=	=
Parathion	56382	0.065 (a)	0.013 (b)	=	=	=	=
Pentachlorophenol (PCP)	87865	(a,mm)	(b,nn)	13 (a)	6.7 (b)	0.046 (B,H)	0.1 (B,H)
Perfluorooctane sulfonic acid (PFOS)		3000 (a)	(oo)	550 (a)	=	=	=
Perfluorooctanoic acid (PFOA)		49000 (a)	(pp)	7000 (a)	=	=	=
Phenanthrene	85018	=	=	=	=	=	=
Phenol	108952	=	=	=	=	18,000 (H)	200,000 (H)
Polychlorinated Biphenyls (PCBs)		2.0 (d)	0.014 (d)	10.0 (d)	0.03 (d)	0.00017 (E,H)	0.00017 (E,H)
Pyrene	129000	=	=	=	=	310 (H)	460 (H)
Tetrachloroethylene	127184	=	=	=	=	4.9 (B,H)	7.1 (B,H)
Toluene	108883	=	=	=	=	180 (H)	410 (H)
Toxaphene	8001352	0.73 (a)	0.0002 (b)	0.21 (a)	0.0002 (b)	0.000032 (B)	0.000032 (B)
Tributyltin		0.46 (a)	0.072 (b)	0.42 (a)	0.0074 (b)	=	=
Trichloroethylene	79016	=	=	=	=	0.38 (B,H)	0.86 (B,H)
Vinyl Chloride	75014	=	=	=	=	0.02 (B,F)	0.26 (B,F,H)

Footnotes for aquatic life criteria in Table 240:

- a. A 1-hour average concentration not to be exceeded more than once every three years on the average.

- b. A 4-day average concentration not to be exceeded more than once every three years on average.
- c. An instantaneous concentration not to be exceeded at any time.
- d. A 24-hour average not to be exceeded at any time.
- e. Criteria are calculated using the Aluminum Criteria Calculator V.2.0 that is published in EPA's "Final Aquatic Water Quality Criteria for Aluminum 2018" (EPA-822-R-1-001). The freshwater default acute criterion of 510 µg/L is applicable in western Washington and 820 µg/L is the applicable default acute criterion in eastern Washington. The freshwater default chronic criterion of 270 µg/L is the applicable default criterion in western Washington and 480 µg/L is the applicable default chronic criterion in eastern Washington. The boundaries for eastern and western Washington are defined in WAC 222-16-010. The default criterion is used in the absence of concurrently sampled pH, hardness, and dissolved organic carbon for a site-specific location or water body. Criteria calculated using concurrently sampled pH, hardness, and dissolved organic carbon for a specific water body supersede the default criteria.
- f. These ambient criteria in the table are for the dissolved fraction. The cyanide criteria are based on the weak acid dissociable method. The metals criteria may not be used to calculate total recoverable effluent limits unless the seasonal partitioning of the dissolved to total metals in the ambient water are known. When this information is absent, these metals criteria shall be applied as total recoverable values, determined by back-calculation, using the conversion factors incorporated in the criterion equations. Metals criteria may be adjusted on a site-specific basis when data are made available to the department clearly demonstrating the effective use of the water effects ratio approach established by USEPA, as generally guided by the procedures in USEPA Water Quality Standards Handbook, December 1983, as supplemented or replaced by USEPA or ecology. The adjusted site specific criteria are not in effect until they have been incorporated into this chapter and approved by EPA. Information which is used to develop effluent limits based on applying metals partitioning studies or the water effects ratio approach shall be identified in the permit fact sheet developed pursuant to WAC 173-220-060 or 173-226-110, as appropriate, and shall be made available for the public comment period required pursuant to WAC 173-220-050 or 173-226-130(3), as appropriate. Ecology has developed supplemental guidance for conducting water effect ratio studies.
- g. Marine conversion factors (CF) which were used for calculating dissolved metals concentrations are given below. Conversion factors are applicable to both acute and chronic criteria for all metals except mercury. The CF for mercury was applied to the acute criterion only and is not applicable to the chronic criterion. Conversion factors are already incorporated into the criteria in the table. Dissolved criterion = criterion x CF

Metal	CF
Arsenic	1.000
Cadmium	0.994
Chromium (VI)	0.993
Copper	0.83
Lead	0.951
Mercury	0.85
Nickel	0.990
Selenium	0.998
Silver	0.85
Zinc	0.946

- h. Acute criterion = (CF)(e^{(0.9789[ln(hardness)]-4.189)}). Conversion factor (CF) is hardness dependent. CF is calculated for other hardnesses as follows: CF = 1.136672 - [(ln hardness)(0.041838)].
- i. Chronic criterion = (CF)(e^{(0.7977[ln(hardness)]-4.446)}). Conversion factor (CF) is hardness dependent. CF is calculated for other hardnesses as follows: CF = 1.101672 - [(ln hardness)(0.041838)].
- j. Where methods to measure trivalent chromium are unavailable, these criteria are to be represented by total-recoverable chromium.
- k. Acute criterion = (0.316)(e^{(0.8190[ln(hardness)] + 3.7256)})
- l. Chronic criterion = (0.860)(e^{(0.8190[ln(hardness)] + 0.6848)})
- m. The conversion factor used to calculate the dissolved metal concentration is 0.982.
- n. The conversion factor used to calculate the dissolved metal concentration is 0.962.
- o. The acute criterion is represented by the higher criteria value of the two equations: 1) Acute criterion = e^{(0.700*ln(DOC) + 0.579*ln(hardness) + 0.778*pH - 6.738)} and 2) Acute criterion = e^{(0.855*ln(DOC) + 0.221*ln(hardness) + 0.216*pH - 1.183)}. The freshwater default acute criterion of 2.0 µg/L is applicable in western Washington and 2.5 µg/L is the applicable default acute criterion in eastern Washington. The boundaries for eastern and western Washington are defined in WAC 222-16-010. The default criterion is used in the absence of concurrently sampled pH, hardness, and dissolved organic carbon for a site-specific location or water body. Criteria calculated using concurrently sampled pH, hardness, and dissolved organic carbon for a specific water body supersede the default criteria.
- p. Chronic criterion = e^{(0.855*ln(DOC) + 0.221*ln(hardness) + 0.216*pH - 1.402)}. The freshwater default chronic criterion of 1.6 µg/L is applicable in western Washington and 1.8 µg/L is the applicable default chronic criterion in eastern Washington. The boundaries for eastern and western Washington are defined in WAC 222-16-010. The default criterion is used in the absence of concurrently sampled pH, hardness, and dissolved organic carbon for a site-specific location or water body. Criteria calculated using concurrently sampled pH, hardness, and dissolved organic carbon for a specific water body supersede the default criteria.
- q. Acute criterion = (CF)(e^{(1.273[ln(hardness)] - 1.460)}). Conversion factor (CF) is hardness dependent. CF is calculated for other hardnesses as follows: CF = 1.46203 - [(ln hardness)(0.145712)].
- r. Chronic criterion = (CF)(e^{(1.273[ln(hardness)] - 4.705)}). Conversion factor (CF) is hardness dependent. CF is calculated for other hardnesses as follows: CF = 1.46203 - [(ln hardness)(0.145712)].
- s. The conversion factor used to calculate the dissolved metal concentration is 0.85.
- t. These criteria are based on the total-recoverable fraction of the metal.
- u. If the four-day average chronic concentration is exceeded more than once in a three-year period, the edible portion of the consumed species should be analyzed. Said edible tissue concentrations shall not be allowed to exceed 1.0 mg/kg of methylmercury.
- v. Acute criterion = (0.998)(e^{(0.8460[ln(hardness)] - 0.3604)})
- w. Chronic criterion = (0.997)(e^{(0.8460[ln(hardness)] - 2.176)})
- x. There is no freshwater acute criterion for aquatic life for selenium. The freshwater chronic criterion is expected to adequately protect against acute effects.
- y. Freshwater chronic selenium criteria:

$$\begin{aligned}
 &15.1 \text{ mg/kg dry weight (egg-ovary tissue)}^1 \\
 &8.5 \text{ mg/kg dry weight (whole-body tissue)}^2 \\
 &11.3 \text{ mg/kg dry weight (muscle tissue)}^2 \\
 &1.5 \text{ ug/L (water lentic)}^3 \\
 &3.1 \text{ ug/L (water lotic)}^3 \\
 &WQC_{int} = WQC - C_{bkgnd} (1 - f_{int}) / f_{int} \text{ (water lentic or lotic)}^{3,4}
 \end{aligned}$$

¹ Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured, except as noted in footnote 4. Tissue criterion is not to be exceeded.

² Fish whole-body or muscle tissue supersedes the water column element when both fish tissue and water concentrations are measured, except as noted in footnote 4. Tissue criterion is not to be exceeded.

³ Water column values are based on dissolved total selenium in water and are derived from fish tissue values via bioaccumulation modeling. When selenium inputs are increasing, water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. Water column criteria are based on a 30-day average concentrations, except for WQC_{int} (see footnote 4). Water column criteria are not to be exceeded more than once every three years on average.

⁴ Where WQC_{int} is the intermittent exposure concentration in ug/L; WQC is the applicable water column element, for either lentic or lotic waters; C_{bg,grnd} is the average daily background concentration occurring during the remaining time, integrated over 30 days; f_{int} is the fraction of any 30-day period during which elevated selenium concentrations occur, with f_{int} assigned a value ≥ 0.033 (corresponding to one day). Intermittent exposure criteria averaging period is the number of days per month with an elevated concentration.

- z. Acute criterion = $(0.85)(e^{(1.72[\ln(\text{hardness})] - 8.420)})$
- aa. Chronic criterion = $(0.85)(e^{(1.72[\ln(\text{hardness})] - 9.342)})$
- bb. Acute criterion = $(0.978)(e^{(0.8473[\ln(\text{hardness})] + 0.1564)})$
- cc. Chronic criterion = $(0.986)(e^{(0.8473[\ln(\text{hardness})] - 0.2323)})$
- dd. Aldrin is metabolically converted to Dieldrin. Therefore, the sum of the Aldrin and Dieldrin concentrations are compared with the Dieldrin criteria.
- ee. This value was derived from data for endosulfan. Where concentrations for both alpha-endosulfan and beta-endosulfan are available, the sum of alpha-endosulfan and beta-endosulfan concentrations shall be compared to the criteria.
- ff. Shall not exceed the numerical value in total ammonia nitrogen (mg N/L) given by:

$$\text{For salmonids present: } \frac{0.275}{1 + 10^{7.204-pH}} \pm \frac{39.0}{1 + 10^{pH-7.204}}$$

$$\text{For salmonids absent: } \frac{0.411}{1 + 10^{7.204-pH}} \pm \frac{58.4}{1 + 10^{pH-7.204}}$$

- gg. Shall not exceed the numerical concentration calculated as follows:
 Unionized ammonia concentration for waters where salmonid habitat is an existing or designated use:

$$0.80 \div (\text{FT})(\text{FPH})(\text{RATIO})$$

- where: RATIO = 13.5; 7.7 < pH < 9
- RATIO = $\frac{(20.25 \times 10^{(7.7-pH)}) \div (1 + 10^{(7.4-pH)})}{7.7}$; 6.5 < pH < 6.5
- FT = 1.4; 15 < T < 30
- FT = $10^{[0.03(20-T)]}$; 0 < T < 15
- FPH = 1; 8 < pH < 9
- FPH = $(1 + 10^{(7.4-pH)}) \div 1.25$; 6.5 < pH < 8.0

Total ammonia concentrations for waters where salmonid habitat is not an existing or designated use and other fish early life stages are absent:

$$\text{Chronic Criterion} = \frac{\left(\frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right) \times (1.45 \times 10^{0.028(25-A)})}{1}$$

- where: A = the greater of either T (temperature in degrees Celsius) or 7.

Applied as a 30-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on average. The highest four-day average within the 30-day period should not exceed 2.5 times the chronic criterion.

Total ammonia concentration for waters where salmonid habitat is not an existing or designated use and other fish early life stages are present:

$$\text{Chronic Criterion} = \frac{\left(\frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right) \times B}{1}$$

- where: B = the lower of either 2.85, or $1.45 \times 10^{0.028 \times (25-T)}$. T = temperature in degrees Celsius.

Applied as a 30-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on the average. The highest four-day average within the 30-day period should not exceed 2.5 times the chronic criterion.

- hh. Measured in milligrams per liter rather than micrograms per liter.
- ii. The listed freshwater criteria are based on un-ionized or total ammonia concentrations, while those for marine water are based on un-ionized ammonia concentrations. Tables for the conversion of total ammonia to un-ionized ammonia for freshwater can be found in the USEPA's Quality Criteria for Water, 1986. Criteria concentrations based on total ammonia for marine water can be found in USEPA Ambient Water Quality Criteria for Ammonia (Saltwater)-1989, EPA440/5-88-004, April 1989.
- jj. Criterion based on dissolved chloride in association with sodium. This criterion probably will not be adequately protective when the chloride is associated with potassium, calcium, or magnesium, rather than sodium.
- kk. The criteria for cyanide is based on the weak acid dissociable method in the 19th Ed. Standard Methods for the Examination of Water and Wastewater, 4500-CN I, and as revised (see footnote f, above).
- ll. The cyanide criteria are: 2.8 ug/L chronic and 9.1 ug/L acute and are applicable only to waters which are east of a line from Point Roberts to Lawrence Point, to Green Point to Deception Pass; and south from Deception Pass and of a line from Partridge Point to Point Wilson. The chronic criterion applicable to the remainder of the marine waters is 1 ug/L.
- mm. Acute criterion = $e^{[1.005(pH) - 5.595]}$
- nn. Chronic criterion = $e^{[1.005(pH) - 6.299]}$
- oo. Freshwater chronic PFOS criteria:

$$\frac{8.4 \mu\text{g/L (water)}^{1,2}}{0.937 \text{ mg/kg ww (invertebrate whole-body)}^{1,3,4}}$$

6.75 mg/kg ww (fish whole-body)^{1,3,4}

2.91 mg/kg ww (fish muscle)^{1,3,4}

¹ All water column and tissue criteria are intended to be independently applicable for compliance determinations and no one criterion takes primacy.

² Water column criteria are based on a four-day average concentration not to be exceeded more than once every three years on average.

³ Tissue criteria derived from the chronic water column concentration with the use of bioaccumulation factors and are expressed as wet weight (ww) concentrations.

⁴ Tissue data is an instantaneous point measurement that reflect integrative accumulation of PFOS over time and space. Criteria are not to be exceeded more than once every 10 years on average.

pp. Freshwater chronic PFOA criteria:

94 µg/L (water)^{1,2}

1.11 mg/kg ww (invertebrate whole-body)^{1,3,4}

6.10 mg/kg ww (fish whole-body)^{1,3,4}

0.125 mg/kg ww (fish muscle)^{1,3,4}

¹ All water column and tissue criteria are intended to be independently applicable for compliance determinations and no one criterion takes primacy.

² Water column criteria are based on a four-day average concentration not to be exceeded more than once every three years on average.

³ Tissue criteria derived from the chronic water column concentration with the use of bioaccumulation factors and are expressed as wet weight (ww) concentrations.

⁴ Tissue data is an instantaneous point measurement that reflect integrative accumulation of PFOS over time and space. Criteria are not to be exceeded more than once every 10 years on average.

Footnotes for human health criteria in Table 240:

- A. This criterion for total arsenic is the maximum contaminant level (MCL) developed under the Safe Drinking Water Act. The MCL for total arsenic is applied to surface waters where consumption of organisms-only and where consumption of water + organisms reflect the designated uses. When the department determines that a direct or indirect industrial discharge to surface waters designated for domestic water supply may be adding arsenic to its wastewater, the department will require the discharger to develop and implement a pollution prevention plan to reduce arsenic through the use of AKART. Industrial wastewater discharges to a privately or publicly owned wastewater treatment facility are considered indirect discharges.
- B. This criterion was calculated based on an additional lifetime cancer risk of one-in-one-million (1×10^{-6} risk level).
- C. This criterion is based on a regulatory level developed under the Safe Drinking Water Act.
- D. This recommended water quality criterion is expressed as total cyanide, even though the integrated risk information system RfD used to derive the criterion is based on free cyanide. The multiple forms of cyanide that are present in ambient water have significant differences in toxicity due to their differing abilities to liberate the CN-moiety. Some complex cyanides require even more extreme conditions than refluxing with sulfuric acid to liberate the CN-moiety. Thus, these complex cyanides are expected to have little or no "bioavailability" to humans. If a substantial fraction of the cyanide present in a water body is present in a complexed form (e.g., $\text{Fe}_4[\text{Fe}(\text{CN})_6]_3$), this criterion may be overly conservative.
- E. This criterion applies to total PCBs, (e.g., the sum of all congener or all isomer or homolog or Aroclor analyses). The PCBs criteria were calculated using a chemical-specific risk level of 4×10^{-5} . Because that calculation resulted in a higher (less protective) concentration than the current criterion concentration (40 C.F.R. 131.36) the state made a chemical-specific decision to stay at the current criterion concentration.
- F. This criterion was derived using the cancer slope factor of 1.4 (linearized multistage model with a twofold increase to 1.4 per mg/kg-day to account for continuous lifetime exposure from birth).
- G. ~~((The human health criteria for mercury are contained in 40 C.F.R. 131.36-))~~ EPA has removed Washington from the National Toxics Rule at 40 C.F.R. 131.36 for mercury and promulgated new human health criteria for methylmercury in the EPA's final federal rule at 40 C.F.R. 131.45.
- H. Human health criteria applicable for Clean Water Act purposes in the state of Washington are contained in 40 C.F.R. 131.45 and effective as of December 19, 2022 (87 FR 69183).

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 24-05-050
PROPOSED RULES
OLYMPIC REGION
CLEAN AIR AGENCY

[Filed February 16, 2024, 9:22 a.m.]

Continuance of WSR 24-03-144.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Olympic Region Clean Air Agency (ORCAA) Regulation 4 Registration, Rule 4.1 Registration Required, 4.1 (b)(91) exemption to registration.

Hearing Location(s): On April 10, 2024, at 10:00 a.m., at ORCAA, 2940 Limited Lane N.W., Olympia, WA 98502. In addition to attending the hearing in person, remote participation via Zoom is also an option. Please see our website for log-in information www.orcaa.org/about/board-of-directors/.

Date of Intended Adoption: April 10, 2024.

Submit Written Comments to: Mike Shults, 2940 Limited Lane N.W., email mike.shults@orcaa.org, fax 360-491-6308, by April 9, 2024.

Assistance for Persons with Disabilities: Contact Dan Nelson, phone 360-539-7610 ext. 111, fax 360-491-6308, email dan.nelson@orcaa.org, by April 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: ORCAA proposes to add an exemption to Rule 4.1 for gasoline dispensing facilities with an annual throughput less than 50,000 gallons of gasoline. ORCAA anticipates discontinuing registration for up to 24 gasoline dispensing facilities. Gasoline dispensing facilities will still be required to comply with all applicable local, state, and federal air quality regulations and performance standards.

Statutory Authority for Adoption: Chapter 70A.15 RCW.

Statute Being Implemented: Chapter 70A.15 RCW.

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

Name of Proponent: ORCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Robert Moody, 2940 Limited Lane N.W., Olympia, 360-539-7610 ext. 106; Implementation and Enforcement: Jeff C. Johnston, Ph.D., 2940 Limited Lane N.W., Olympia, 360-539-7610 ext. 100.

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 applies to state government. It does not apply to local air agencies per RCW 70A.15.2040.

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

Is exempt under RCW 19.85.011.

Explanation of exemptions: Chapter 19.85 RCW applies to "rules adopted by state agencies." RCW 70A.15.2040(1) states: "An air pollution control authority shall not be deemed to be a state agency." ORCAA is an air pollution control authority.

Scope of exemption for rule proposal:

Is fully exempt.

February 16, 2024
Jeff C. Johnston, Ph.D.
Executive Director

AMENDED SECTION

RULE 4.1 REGISTRATION REQUIRED

(a) All stationary sources within the jurisdiction of the Agency, except for any stationary sources required to obtain an air operating permit under chapter 173-401 WAC, must be registered with the Agency. Notwithstanding the exemptions provided in Rule 4.1(b), the following stationary sources must be registered with the Agency:

(1) Any stationary source subject to a standard under New Source Performance Standards, 40 CFR Part 60, except; New Residential Wood Heaters (Subpart AAA); Kraft Pulp Mills (Subpart BB); and Primary Aluminum Reduction Plants (Subpart S);

(2) Any stationary source subject to a performance standard under National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, except for asbestos demolition and renovation projects subject to 40 CFR Part 61 Subpart M;

(3) Any stationary source subject to a performance standard under National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63;

(4) Any stationary source that includes equipment or control equipment subject to an Approval Order issued by the Agency.

(b) The following stationary sources are exempt from registration requirements under Regulation 4. All stationary sources exempt from registration under Regulation 4 are still required to comply with other applicable air pollution requirements.

Maintenance/construction:

(1) Cleaning and sweeping of streets and paved surfaces;

(2) Concrete application, and installation;

(3) Dredging wet spoils handling and placement;

(4) Paving application and maintenance, excluding asphalt plants;

(5) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine housekeeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

(6) Plumbing installation and plumbing protective coating application associated with plant maintenance activities;

(7) Roofing application;

(8) Insulation application and maintenance, excluding products for resale;

(9) Janitorial services and consumer use of janitorial products;

(10) Asphalt laying equipment including asphalt-roofing operations (not including manufacturing or storage);

(11) Blast cleaning equipment that uses a suspension of abrasives in liquid water;

(12) Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.

Storage tanks:

(13) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

(14) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

(15) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions;

(16) Process and white-water storage tanks;

- (17) Storage tanks and storage vessels, with lids or other appropriate closure and less than 260-gallon capacity (35 cu ft);
- (18) Storage tanks of a capacity of 10,000 gallons or less, with lids or other appropriate closure, used for the storage of materials containing organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC);
- (19) Storage tanks of a capacity of 40,000 gallons or less, with lids or other appropriate closure, used for storage of organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC), with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm);
- (20) Storage tanks of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas;
- (21) Tanks, vessels, and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases, and acids;
- (22) Storage tanks used exclusively for storage of diesel fuel;
- (23) Loading and unloading equipment used exclusively for the storage tanks exempted under this rule.
- Combustion:
- (24) Fuel burning equipment (not including incinerators) that:
- (i) is used solely for a private dwelling serving five families or less; or
- (ii) has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or
- (iii) has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste-derived fuels; or
- (iv) has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70A.15.4510; or
- (v) has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05% sulfur by weight.
- (25) All stationary gas turbines with a rated heat input less than 10 million Btu per hour.
- (26) Stationary internal combustion engines having rated capacity:
- (i) less than 50 horsepower output; or
- (ii) less than 500 horsepower and used only for standby emergency power generation.
- (27) Nonroad engines.
- Material handling:
- (28) Storage and handling of water-based lubricants for metal working where organic content of the lubricant is less than 10%;
- (29) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallons, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.
- Water treatment:
- (30) Septic sewer systems, not including active wastewater treatment facilities;
- (31) NPDES permitted ponds and lagoons used solely for settling suspended solids and skimming of oil and grease;
- (32) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;
- (33) Process water filtration system and demineralizer vents;

- (34) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;
- (35) Demineralizer tanks;
- (36) Alum tanks;
- (37) Clean water condensate tanks;
- (38) Oil/water separators, except those at petroleum refineries;
- (39) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes;
- (40) Municipal sewer systems, including wastewater treatment plants and lagoons with a design capacity of one million gallons per day or less, if they do not use anaerobic digesters, chlorine disinfections or sewer sludge incinerators.
Environmental chambers and laboratory equipment:
 - (41) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;
 - (42) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;
 - (43) Laboratory fume hoods;
 - (44) Laboratory calibration and maintenance equipment.Monitoring/quality assurance/testing:
 - (45) Equipment and instrumentation used for quality control/assurance or inspection purpose;
 - (46) Hydraulic and hydrostatic testing equipment;
 - (47) Sample gathering, preparation and management;
 - (48) Vents from continuous emission monitors and other analyzers.Miscellaneous:
 - (49) Single-family residences and duplexes;
 - (50) Plastic pipe welding;
 - (51) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;
 - (52) Insecticide, pesticide, or fertilizer spray equipment;
 - (53) Comfort air conditioning;
 - (54) Flares used to indicate danger to the public;
 - (55) Natural and forced air vents and stacks for bathroom/toilet activities;
 - (56) Personal care activities including establishments like beauty salons, beauty schools, and hair cutting establishments;
 - (57) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;
 - (58) Tobacco smoking rooms and areas;
 - (59) Noncommercial smokehouses;
 - (60) Blacksmith forges for single forges;
 - (61) Vehicle maintenance activities, not including vehicle surface coating;
 - (62) Vehicle or equipment washing;
 - (63) Wax application;
 - (64) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;
 - (65) Ozone generators and ozonation equipment;
 - (66) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;
 - (67) Electrical circuit breakers, transformers, or switching equipment installation or operation;
 - (68) Pneumatically operated equipment, including tools and hand-held applicator equipment for hot melt adhesives;

- (69) Firefighting and similar safety equipment and equipment used to train fire fighters;
- (70) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;
- (71) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;
- (72) Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm HG @21°C, and not containing toxic air pollutants (as defined in chapter 173-460 WAC);
- (73) Surface coating, aqueous solution or suspension containing less than 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;
- (74) Cleaning and stripping activities and equipment using solutions having less than 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;
- (75) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC;
- (76) Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric;
- (77) Residential composting facilities;
- (78) Restaurants and other retail food preparing establishments;
- (79) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics;
- (80) Steam cleaning equipment used exclusively for office or residential housekeeping;
- (81) Vacuum cleaning systems used exclusively for office or residential housekeeping;
- (82) Vacuum producing devices used in laboratory operations and vacuum producing devices that do not remove or convey air contaminants from or to another source;
- (83) Vents used exclusively for:
- (i) Sanitary or storm drainage systems; or
 - (ii) Safety valves.
- (84) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process;
- (85) Welding, brazing or soldering equipment;
- (86) Coffee roaster with a design capacity less than 10 pounds per batch;
- (87) Bark and soil screening operations;
- (88) Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 150 tons per hour;
- (89) Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 25 tons per hour;
- (90) Any portable stationary source approved by the Agency for temporary operation at a single location.
- (91) Gasoline dispensing facilities who adequately demonstrate that gasoline throughput from the last three consecutive years was less than 50,000 gallons each year. The demonstration must be submitted in writing to the Executive Director with a request to be removed from ORCAA's registration program. Once granted, this exemption will continue to apply provided gasoline throughput remains below 50,000 gallons a year.

WSR 24-05-051

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed February 16, 2024, 12:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-02-086.

Title of Rule and Other Identifying Information: WAC 182-538-070 Payments, corrective action, and sanctions for managed care organizations (MCOs).

Hearing Location(s): On March 26, 2024, at 10:00 a.m., virtually without a physical meeting place. To attend the virtual public hearing, you must register in advance https://us02web.zoom.us/webinar/register/WN_lJS763_JQbuScCIMjjssSA. If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: No sooner than March 27, 2024.

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 March 26, 2024, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email Johanna.larson@hca.wa.gov, by March 15, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is deleting subsections (9) and (10) within WAC 182-538-070 to be consistent with the integrated managed care contract standards for delivery case rate payments.

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: Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-9563; Implementation and Enforcement: Greg Sandoz, P.O. Box 45503, Olympia, WA 98504-5503, 360-725-2065.

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.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

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 will have no impact on small businesses. It only eliminates an unnecessary requirement for payment of service-based enhancements (SBE) for rural health clinics/federally qualified health centers and eliminates the portion of the rule with an incorrect standard for payment of an SBE to MCOs based on delivery case rates in integrated managed care.

February 16, 2024
Wendy Barcus
Rules Coordinator

OTS-5171.1

AMENDATORY SECTION (Amending WSR 23-24-026, filed 11/29/23, effective 1/1/24)

WAC 182-538-070 Payments, corrective action, and sanctions for managed care organizations (MCOs). (1) The medicaid agency pays apple health managed care organizations (MCOs) monthly capitated premiums that:

- (a) Have been developed using generally accepted actuarial principles and practices;
 - (b) Are appropriate for the populations to be covered and the services to be furnished under the MCO contract;
 - (c) Have been certified by actuaries who meet the qualification standards established by the American Academy of Actuaries and follow the practice standards established by the Actuarial Standards Board;
 - (d) Are based on analysis of historical cost, rate information, or both; and
 - (e) Are paid based on legislative allocations.
- (2) The MCO is solely responsible for payment of MCO-contracted health care services. The agency will not pay for a service that is the MCO's responsibility, even if the MCO has not paid the provider for the service.
- (3) Home health services delivered through MCOs involving an in-home visit by a provider require the provider to comply with electronic visit verification requirements. See WAC 182-551-2220.
- (4) The agency pays MCOs a service-based enhancement rate for wraparound with intensive services (WISe) administered by a certified WISe provider who holds a current behavioral health agency license issued by the department of health under chapter 246-341 WAC.
- (5) For crisis services, the MCO must determine whether the person receiving the services is eligible for Washington apple health or if the person has other insurance coverage.
- (6) The agency may require corrective action for:
- (a) Substandard rates of clinical performance measures;
 - (b) Deficiencies found in audits and on-site visits; or
 - (c) Findings of noncompliance with any contractual, state, or federal requirements.
- (7) The agency may:
- (a) Impose sanctions for an MCO's noncompliance with any contractual, state, or federal requirements including, but not limited to, intermediate sanctions as described in 42 C.F.R. Sec. 438.700 and 42 C.F.R. Sec. 438.702; and
 - (b) Apply a monthly penalty assessment associated with poor performance on selected behavioral health performance measures.
- (8) As authorized by 42 C.F.R. Sec. 438.702(b), if an MCO fails to meet any material obligation under the MCO contract including, but not limited to, the items listed in 42 C.F.R. Sec. 438.700 (b), (c), or (d), the agency may impose the maximum allowable sanction on a per-occurrence, per-day basis until the agency determines the MCO has:
- (a) Corrected the violation; and
 - (b) Remedied any harm caused by the noncompliance.
- ~~((9) The agency pays an enhancement rate for each MCO enrollee assigned to a federally qualified health center or rural health clinic, as authorized under chapters 182-548 and 182-549 WAC.~~

~~(10) The agency pays MCOs a delivery case rate, separate from the capitation payment, when an enrollee delivers a child or children and the MCO pays for any part of labor and delivery.)~~

WSR 24-05-052

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed February 16, 2024, 2:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-15-083.

Title of Rule and Other Identifying Information: Midwives limited prescriptive license extension and health equity continuing education (CE). The department of health (department) is proposing amendments to chapter 246-834 WAC to implement SSB 5765 (chapter 289, Laws of 2022), which created two levels of limited prescriptive license extension for midwives to prescribe, obtain, and administer medications and therapies for the prevention and treatment of common prenatal and postpartum conditions, family planning methods, medical devices, and implants. This bill also gave the secretary the authority to establish education requirements in the chapter. The department is also proposing amendments to implement ESSB 5229 (chapter 276, Laws of 2021) regarding health equity CE requirements.

Hearing Location(s): On April 4, 2024, at 9:00 a.m., at the Washington State Department of Health (DOH), 111 Israel Road S.E., Town Center 2, Room 166/167, Tumwater, WA 98501; or via Zoom. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_1CXy_0KyTYWCRbR8iKJiTA. After registering, you will receive a confirmation email containing information about joining the webinar. You may attend virtually or in person. You may also submit comments in writing.

Date of Intended Adoption: April 11, 2024.

Submit Written Comments to: Kathy Weed, DOH, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, kathy.weed@doh.wa.gov, by April 4, 2024.

Assistance for Persons with Disabilities: Contact Kathy Weed, phone 360-236-4883, fax 360-236-2901, TTY 360-833-6388 or 711, email kathy.weed@doh.wa.gov, by March 25, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules implement SSB 5765, which created two levels of limited prescriptive license extension for midwives to prescribe, obtain, and administer medications and therapies for the prevention and treatment of common prenatal and postpartum conditions, family planning methods, medical devices, and implants. The department is proposing rules that establish the new education and training requirements for the license extensions as well as amending the expired and inactive requirements to reactive [reactivate] a license extension.

The proposed rules update the legend drug and devices regulations to include the types of medications and therapies that midwives can prescribe, obtain, and administer under the newly created license extensions.

The proposed rules include making the chapter more inclusive by replacing gendered language with gender-neutral terms.

Finally, the proposed rules also require credential holders to complete CE to renew the credential. CE requirements include completion of two hours of health equity CE every four years that comply with the department's model rules established under ESSB 5229.

Reasons Supporting Proposal: The department proposes these amendments to align with the legislative intent of SSB 5765 and ESSB 5229.

Rules are needed to establish the regulatory framework for the midwifery scope expansion and CE requirements. The drafting of these rules included collaborating with the midwifery advisory committee, Washington medical commission, and pharmacy quality assurance commission.

Statutory Authority for Adoption: RCW 18.50.115, 18.50.135, and 43.70.613.

Statute Being Implemented: SSB 5765 (chapter 289, Laws of 2022) and ESSB 5229 (chapter 276, Laws of 2021).

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

Name of Proponent: DOH, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kathy Weed, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4883.

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 Kathy Weed, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4883, fax 360-236-2901, TTY 711, email kathy.weed@doh.wa.gov.

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

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The following proposed rules or portions of the proposed rules are exempt under RCW 34.05.310 (4)(c): WAC 246-835-030 and 246-835-065. The following proposed rules or portions of the proposed rules are exempt under RCW 34.05.310 (4)(d): WAC 246-835-010, 246-835-020, 246-835-030, 246-835-055, 246-835-062, 246-835-065, 246-835-066, 246-835-067, 246-835-160, 246-835-255, 246-835-345, 246-835-360, and 246-835-370. The entire proposed rule is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

February 16, 2024
 Kristin Peterson, JD
 Chief of Policy
 for Umair A. Shah, MD, MPH
 Secretary

OTS-4944.6

AMENDATORY SECTION (Amending WSR 17-15-024, filed 7/7/17, effective 8/7/17)

WAC 246-834-010 Definitions. The following definitions apply throughout this chapter unless the context clearly indicates otherwise:

(1) "Active practice" means (~~twenty~~) 20 hours per month in prenatal and postpartum clinical care, or minimum of six births annually as the primary midwife;

(2) "Administer" means to dispense, apply, and manage drugs, medical devices, and implants;

(3) "Department" means the Washington state department of health;

(~~(3)~~) (4) "Directly assisted" means the act where a student midwife is learning the skills of a midwife through hands-on clinical experience in gradually increasing degrees of responsibility while under supervision of a licensed midwife or other obstetric provider;

(~~(4)~~) (5) "Lactation care and services" means evaluation, problem identification, treatment, education, and consultation regarding lactation and (~~breastfeeding~~) chest feeding to (~~mothers~~) gestational parents and neonates;

(~~(5)~~) (6) "Nursing education" means completion of courses for credit in a school that is approved to train persons for licensure as registered nurses or licensed practical nurses, or courses in other formal training programs which include instruction in basic nursing skills, excluding nursing assistant training;

(~~(6)~~) (7) "Postpartum" means the 12-month period beginning on the last day of the pregnancy.

(8) "Practical midwifery experience" means performance of tasks within the midwifery scope of practice, that is verified by affidavit, testimony or other sworn written documentation that verifies that the experience and its documentation is equivalent to that required of students enrolled in an accepted midwifery education program;

(~~(7)~~) (9) "Preceptor" means a licensed midwife or other obstetric practitioner licensed by their state or jurisdiction to provide maternity care who assumes responsibility for supervising the practical (clinical obstetric) experience of a student midwife;

(~~(8)~~) (10) "Primary attendant" means a student midwife who acts as primary midwife making intrapartum clinical decisions while under supervision of a licensed midwife or other obstetric provider;

(~~(9)~~) (11) "Secretary" means the secretary of the Washington state department of health;

(~~(10)~~) (12) "Supervision" means the observation and evaluation of a student midwife's practical performance. A supervisor must be physically present on-site and available to intervene when a student midwife performs any clinical care task at births and prenatal and postpartum care exams.

AMENDATORY SECTION (Amending WSR 17-15-024, filed 7/7/17, effective 8/7/17)

WAC 246-834-062 Initial or reinstating application for individuals who have not been in the active practice of midwifery. This section applies to applicants for an initial license as a licensed midwife, or reinstatement of a midwifery license, who have not been in

the active practice of midwifery prior to initial or reinstatement license application.

(1) Any applicant who has not been engaged in the active practice of midwifery for more than three years but less than five years prior to the date of application shall, in addition to the requirements for licensure as specified in WAC 246-834-030 and 246-834-060 (~~and 246-834-140~~):

(a) Provide documentation of a minimum of (~~ten~~) 10 births while acting as a birth assistant under the supervision of a preceptor within the last (~~twelve~~) 12 months; and

(b) Provide documentation of completion of continuing education for the three years prior to application that meets the requirements of WAC 246-834-355.

(2) Any initial or reinstating applicant who has not been engaged in the active practice of midwifery for five or more years prior to the date of application shall, in addition to the requirements for licensure as specified in WAC 246-834-030 and 246-834-060 (~~and 246-834-140~~):

(a) Provide documentation of a minimum of (~~fifteen~~) 15 births while acting as a birth assistant under the supervision of a preceptor within the last (~~twelve~~) 12 months;

(b) Provide documentation of completion of continuing education for the three years prior that meets the requirements of WAC 246-834-355; and

(c) If applying for reinstatement, retake and pass the current Washington state midwifery licensure examination.

(3) This section does not apply to any applicant who has been enrolled in a recognized educational program under WAC (~~(246-834-135)~~) 246-834-020 or 246-834-065.

AMENDATORY SECTION (Amending WSR 17-15-024, filed 7/7/17, effective 8/7/17)

WAC 246-834-065 Application for examination—Foreign trained.

An applicant for a midwife license who graduated from a foreign educational institution on midwifery outside of any U.S. jurisdiction may sit for the licensing examination provided the applicant completes all requirements in this section:

(1) Complete application requirements for licensure in WAC 246-834-060;

(2) Provide proof of a certificate or diploma from a foreign institution on midwifery of equal requirements conferring the full right to practice midwifery in the country in which it was issued. The diploma must bear the seal of the institution from which the applicant graduated. If applicable, the candidates must, at (~~her or his~~) the individual's own expense, present with the application a certified translation of the foreign certificate or diploma (~~made by and under the seal of the consulate of the country in which the certificate or diploma was issued~~);

(3) Submit proof of completing at least three years of midwifery training including the study of basic nursing that meets the requirements under WAC (~~(246-834-140)~~) 246-834-030(1);

(4) Submit proof of meeting minimum educational requirements under WAC (~~(246-834-140)~~) 246-834-030 (2) (a) and (b);

(5) Submit to the department documentation of attendance at (~~one hundred~~) 100 births that meets the requirements of WAC (~~(246-834-140)~~) 246-834-030 (3) (a);

(6) Submit to the department documentation of prenatal care examinations of (~~fifty women~~) 50 individuals and early postpartum care examinations of (~~fifty women~~) 50 individuals that meets the requirements of WAC (~~(246-834-140)~~) 246-834-030 (3) (b); and

(7) Demonstrate competency in the use and administration of legend drugs and devices described in RCW 18.50.115 and WAC 246-834-250. The applicant shall submit documentation of competency to the department on a department supplied form. A licensed health care professional who, within (~~his or her~~) the individual's scope of practice, is qualified in the use and administration of legend drugs and devices described in RCW 18.50.115 and WAC 246-834-250 must sign the form.

AMENDATORY SECTION (Amending WSR 15-20-049, filed 9/30/15, effective 10/31/15)

WAC 246-834-066 Certified professional midwife (CPM) licensure requirements. An applicant who holds a current North American Registry of Midwives (NARM) certified professional midwife (CPM) certification may apply for a Washington state midwife license by completing all requirements in this section.

(1) To be eligible for a midwife license an applicant holding a CPM shall:

(a) Complete all application requirements for licensure in WAC 246-834-060.

(b) Ensure that proof of the CPM certification is sent to the department directly from NARM.

(c) Submit to the department documentation of attendance at (~~one hundred~~) 100 births of which:

(i) At least (~~thirty~~) 30 births where the applicant was the primary attendant under supervision of a qualified attendant;

(ii) At least (~~twenty~~) 20 births where the applicant directly assisted;

(iii) At least (~~fifty~~) 50 births that the applicant observed in addition to births counted in (c) (i) and (ii) of this subsection; and

(iv) Documentation for (c) (i) through (iii) of this subsection must include at least the date, client identifier, the applicant's role at each birth, and the signature or initials of the qualified attendant at the birth of either: A licensed midwife, a CPM preceptor, a certified nurse midwife, or a practitioner licensed by their state or jurisdiction to provide maternity care. The applicant shall submit to the department the name and contact information of each signatory, if available. The department may approve exceptions to the required documentation in this subsection.

(d) Submit to the department documentation of prenatal care examinations of (~~fifty women~~) 50 individuals and early postpartum care examinations of (~~fifty women~~) 50 individuals. The same (~~women~~) individuals need not be seen for both examinations. Documentation must include at least the date, client identifier, and the signature or initials of the qualified attendant at the care examination of either: A licensed midwife, a CPM preceptor, a certified nurse midwife, or a practitioner licensed by their state or jurisdiction to provide maternity care. The applicant must submit to the department the name and

contact information of each signatory, if available. The department may approve exceptions to the required documentation in this subsection.

(e) Demonstrate competency in the use and administration of legend drugs and devices described in RCW 18.50.115 and WAC 246-834-250. The applicant shall submit documentation of competency to the department on a department supplied form. A licensed health care professional who, within (~~his or her~~) the individual's scope of practice, is qualified to use and administer legend drugs and devices described in RCW 18.50.115 and WAC 246-834-250 must sign the form.

(f) Successfully complete courses on epidemiology and obstetric pharmacology from:

(i) An institution that is accredited by an agency recognized by the Council for Higher Education Accreditation (CHEA) and included in their database of institutions on programs accredited by recognized United States accrediting organizations;

(ii) An institution that is accredited by an agency recognized by the United States Department of Education (USDOE) and included in their database of accredited postsecondary institutions and programs; or

(iii) A curriculum or program approved by the department.

(2) Applicants applying under this section who have a current CPM but do not meet all of the requirements listed in subsection (1)(c) through (f) of this section may apply to the department for a trainee permit under WAC 246-834-068. The trainee permit authorizes the applicant to complete subsection (1)(c) through (e) of this section, under the supervision of a preceptor as described in WAC 246-834-067.

AMENDATORY SECTION (Amending WSR 15-20-049, filed 9/30/15, effective 10/31/15)

WAC 246-834-067 Preceptor for certified professional midwife (CPM) licensure program. This section defines the role of a preceptor as used in WAC 246-834-066. A certified professional midwife (CPM) applicant for licensure as a midwife may use more than one preceptor to meet the requirements for licensure under WAC 246-834-066.

(1) A preceptor for clinical requirements including observed, managed, and assisted births, and prenatal and postpartum examinations must:

(a) Have a current Washington state license as a midwife under chapter 18.50 RCW, physician under chapter 18.71 RCW, osteopathic physician under chapter 18.57 RCW, or certified nurse midwife under chapter 18.79 RCW; and

(b) Have actively practiced obstetrics for at least three consecutive years or attended at least (~~one hundred fifty~~) 150 births.

(2) A preceptor for legend drugs and devices must have a current Washington state credential and be, within (~~his or her~~) the individual's scope of practice, qualified to use and administer legend drugs and devices described in RCW 18.50.115 and WAC 246-834-250.

AMENDATORY SECTION (Amending WSR 17-15-024, filed 7/7/17, effective 8/7/17)

WAC 246-834-080 Examination failures. (1) An applicant who has failed the NARM examination or the Washington state licensing examination, or both, shall retake and pass the examination(s) which he or she failed.

(2) The applicant who fails the Washington state licensing examination may sit for the reexamination if ~~((he or she))~~ the individual:

(a) Applies to the department at least ~~((fourteen))~~ 14 days prior to the next scheduled examination; and

(b) Pays the required fee as specified in WAC 246-834-990.

(3) An applicant who fails the NARM or Washington licensing examination three consecutive times shall submit evidence to the secretary of completion of an individualized program of study approved by the department prior to retaking the examination.

AMENDATORY SECTION (Amending WSR 17-15-024, filed 7/7/17, effective 8/7/17)

WAC 246-834-140 Eligibility for state licensing examination.

Candidates for the state licensing examination shall meet the following conditions, unless applying under WAC 246-834-066 Certified professional midwife (CPM) licensure requirements:

(1) Midwifery training shall be at least three academic years, and shall consist of both didactic and clinical instruction sufficient to meet the educational standards of the school and this section. However, the length of required training may be shortened, but not to less than two academic years, after consideration of the student's documented education and experience in the required subjects, if the applicant is a registered nurse or practical nurse licensed under chapter 18.79 RCW, or has had previous nursing education or practical midwifery experience.

(2) The applicant must receive instruction in the following educational areas:

(a) Midwifery, basic sciences (including biology, physiology, microbiology, anatomy with emphasis on female reproductive anatomy, genetics and embryology), normal and abnormal obstetrics and gynecology, family planning techniques, childbirth education, nutrition both during pregnancy and lactation, ~~((breast))~~ chest feeding, neonatology, epidemiology, community care, and medicolegal aspects of midwifery; and

(b) Basic nursing skills and clinical skills including, but not limited to, vital signs, perineal prep, catheterization, aseptic techniques, administration of medications both orally and by injection, local infiltration for anesthesia, venipuncture, administration of intravenous fluids, infant and adult resuscitation, and charting.

(3) The applicant must undertake the care of not less than ~~((one hundred women))~~ 100 individuals in the intrapartum period. No less than ~~((fifteen))~~ 15 of the ~~((one hundred women))~~ 100 individuals must be cared for in the intrapartum period while the applicant was enrolled in the school from which the student graduates.

(a) The applicant shall submit to the department documentation of attendance at ~~((one hundred))~~ 100 births of which:

(i) At least (~~(thirty)~~) 30 births where the applicant was the primary attendant under supervision of a qualified attendant;

(ii) At least (~~(twenty)~~) 20 births where the applicant directly assisted;

(iii) At least (~~(fifty)~~) 50 births that the applicant observed in addition to births counted in (d)(i) and (ii) of this subsection; and

(iv) Documentation for (a)(i) through (iii) of this subsection must include at least the date, client identifier, the applicants role at each birth, and the signature or initials of the qualified attendant at the birth of either: A licensed midwife, a CPM preceptor, a certified nurse midwife, or a practitioner licensed by their state or jurisdiction to provide maternity care. The applicant shall submit to the department the name and contact information of each signatory, if available. The department may approve exceptions to the required documentation in this subsection.

(b) The applicant shall submit to the department documentation of prenatal care examinations of (~~(fifty women)~~) 50 individuals and early postpartum care examinations of (~~(fifty women)~~) 50 individuals. The same (~~(women)~~) individuals need not be seen for both examinations.

(i) No less than (~~(fifteen women)~~) 15 individuals must be cared for in the prenatal and postpartum periods while enrolled in the school from which the student graduates.

(ii) Documentation must include at least the date, client identifier, and the signature or initials of the qualified attendant at the care examination of either: A licensed midwife, a CPM preceptor, a certified nurse midwife, or a practitioner licensed by their state or jurisdiction to provide maternity care. The applicant must submit to the department the name and contact information of each signatory, if available. The department may approve exceptions to the required documentation in this subsection.

(4) The applicant shall demonstrate competency in the use and administration of legend drugs and devices described in WAC 246-834-250. The applicant shall submit documentation of competency to the department on a department supplied form. A licensed health care professional who, within his or her scope of practice, is qualified in the use and administration of legend drugs and devices described in RCW 18.50.115 and WAC 246-834-250 must sign the form.

AMENDATORY SECTION (Amending WSR 22-13-079, filed 6/10/22, effective 7/11/22)

WAC 246-834-160 Student midwife permit. (1) A student midwife permit may be issued to any individual who has:

(a) Successfully completed an accredited midwifery program as specified in WAC (~~(246-834-135)~~) 246-834-020, or is foreign trained as specified in WAC 246-834-065(1);

(b) Obtained a minimum period of midwifery training of at least three academic years as required by WAC (~~(246-834-140)~~) 246-834-030;

(c) Met the minimum education requirements required in WAC (~~(246-834-140)~~) 246-834-030 (2)(a) and (b);

(d) Documentation of undertaking the care of not less than 50 (~~(women)~~) individuals in each of the prenatal, intrapartum and early postpartum periods as required by RCW 18.50.040 (2)(c);

(e) Satisfactorily completed the NARM examination required by WAC 246-834-050; and

(f) Filed a completed application for student midwife permit under WAC 246-834-060 and accompanied by a nonrefundable fee as specified in WAC 246-834-990.

(2) The student midwife permit authorizes the (~~individuals~~) student to practice and observe (~~women~~) individuals in the intrapartum period under the supervision of a licensed midwife under 18.50 RCW, an allopathic physician under chapter 18.71 RCW, an osteopathic physician under chapter 18.57 RCW or certified nurse midwife under chapter 18.79 RCW.

(3) Once all application requirements including clinical components are completed the applicant may be eligible to sit for the Washington state licensure examination as required in WAC 246-834-050.

NEW SECTION

WAC 246-834-165 Application requirements for a licensed midwife seeking a limited prescriptive license extension, a license extension for medical devices, or a license extension for implants. (1) A licensed midwife seeking a limited prescriptive license extension shall:

(a) Submit evidence of completion of 15 additional obstetrical pharmacology didactic training hours. The additional hours must include the prescription classifications listed in WAC 246-834-250(4) and provide skills and knowledge beyond entry-level skills or knowledge in antibiotics and contraceptives; and

(b) Submit evidence of completion of additional training on family planning and treating common, low risk prenatal and postpartum conditions. Such training must be either:

(i) A clinical experience of at least 20 cases reviewed in consultation with a licensed health care professional who, within their scope of practice, is qualified to use and administer legend drugs and devices described in RCW 18.50.115 and WAC 246-834-250. The licensed health care professional must attest to the applicant's knowledge and skills by signing a form provided by the department; or

(ii) A clinical training course or courses approved by the department.

(2) A licensed midwife seeking the license extension for medical devices or the license extension for implants shall:

(a) Submit completion of the requirements in subsection (1) of this section;

(b) Submit evidence of completion of training as required by the medical device manufacturers, or an equivalent. The training must include at least three simulated medical device insertions under direct supervision;

(c) Submit evidence of completion of training as required by the implant device manufacturers, or an equivalent. The training must include at least three simulated removals under direct supervision; and

(d) Submit evidence of completion of additional training on medical devices or implants, or both that includes:

(i) A clinical experience of four inserted medical devices and one medical device removal under direct supervision;

(ii) A clinical experience of one inserted implant and three implant removals under direct supervision;

(e) The clinical experience in (d) of this subsection must be supervised by a licensed health care professional who, within their scope of practice, is qualified to administer medical devices and im-

plants and has at least two years of experience. The health care professional must attest to the applicant's knowledge and skills by signing a form provided by the department.

(f) A licensed midwife may pursue all three license extensions. The training on prescriptive, medical devices, and implants in subsections (1) and (2) must be completed within five years from the date of application.

(3) The license extensions referenced in this section do not apply to newborn care.

AMENDATORY SECTION (Amending WSR 22-13-079, filed 6/10/22, effective 7/11/22)

WAC 246-834-250 Legend drugs and devices. A licensed midwife shall have a procedure, policy or guideline for the use of each legend drug and device. A midwife may not administer or prescribe a legend drug or use a legend device for which they are not qualified by education, training, and experience.

(1) A licensed midwife may purchase and use legend drugs and devices as follows:

(a) Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal monitors, jada system, tocodynamometer monitors, oxygen and associated equipment, glucose monitoring systems and testing strips, neonatal pulse oximetry equipment, hearing screening equipment, centrifuges, and nasopharyngeal or nasal swabs for appropriate testing;

(b) Nitrous oxide as an analgesic, self-administered inhalant in a 50 percent blend with oxygen, and associated equipment, including a scavenging system;

(c) Ultrasound machine used in the real time ultrasound of pregnant uterus for the confirmation of viability, first trimester dating, third trimester presentation, placental location, and amniotic fluid assessment; and

(d) Neonatal and adult resuscitation equipment and medication, including airway devices and epinephrine for neonates.

(2) Pharmacies may issue (~~breast~~) the following as ordered by a licensed midwife: Lactation pumps, compression stockings and belts, maternity belts, diaphragms and cervical caps, glucometers and testing strips, iron supplements, prenatal vitamins, and recommended vaccines as specified in subsection (3)(e) through (j) of this section (~~ordered by licensed midwives~~).

(3) In addition to prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho (D) immune globulin, and local anesthetic medications as listed in RCW 18.50.115, licensed midwives may obtain and administer the following medications:

(a) Intravenous fluids limited to Lactated Ringers, (~~5%~~) five percent Dextrose with Lactated Ringers, and 0.9% sodium chloride;

(b) Sterile water for intradermal injections for pain relief;

(c) Magnesium sulfate for prevention or treatment of (~~maternal~~) peripartum seizures pending transport;

(d) Epinephrine for use in (~~maternal~~) peripartum anaphylaxis and resuscitation and neonatal resuscitation, pending transport;

(e) Measles, Mumps, and Rubella (MMR) vaccine to nonimmune postpartum (~~women~~) individuals;

- (f) Tetanus, diphtheria, acellular pertussis (Tdap) vaccine for use in pregnancy;
- (g) Hepatitis B (HBV) birth dose for any newborn administration;
- (h) HBIG and HBV for any neonates born to a hepatitis (~~(B+ mothers)~~) B positive gestational parent;
- (i) Influenza vaccine (~~(for use in pregnancy)~~);
- (j) Any vaccines recommended by the Centers for Disease Control and Prevention (CDC) advisory committee on immunization practices for (~~(pregnant or postpartum people or)~~) infants in the first two weeks after birth (~~(, as it existed on the effective date of this section)~~) or pregnant or postpartum people;
- (k) Terbutaline to temporarily decrease contractions pending emergent (~~(intrapartal)~~) intrapartum transport;
- (l) Antibiotics for intrapartum prophylaxis of Group B (~~(beta hemolytic)~~) Streptococcus (GBS) per current CDC guidelines; (~~(and)~~)
- (m) Antihemorrhagic drugs to (~~(control)~~) treat postpartum hemorrhage including, but not limited to, intravenous tranexamic acid, oxytocins, misoprostol, methylergonovine maleate (oral or intramuscular), and prostaglandin F2 alpha; and
- (n) Nifedipine for indication of preterm labor pending transport.
- (4) A licensed midwife with a limited prescriptive license extension may prescribe, obtain, and administer the items in subsections (1) through (3) of this section, and the following medications and therapies for the prevention and treatment of outpatient conditions that do not constitute a significant deviation from normal per RCW 18.50.010 during pregnancy or postpartum based on current evidence and practice:
- (a) Antibiotics;
- (b) Antiemetics;
- (c) Antivirals;
- (d) Antifungals;
- (e) Low-potency topical steroids;
- (f) Antipruritic medications and therapies;
- (g) Other medications and therapies including, but not limited
- to:
- (i) Galactagogues;
- (ii) Topical analgesia for anal, vulvar, and perineal pain;
- (iii) Preterm labor preventatives;
- (iv) Stool softeners;
- (v) Vitamins and minerals for preventing and treating deficiencies;
- (vi) Over-the-counter medications as needed;
- (vii) Nonopioid medication for therapeutic rest;
- (viii) Medications for miscarriage prevention and completion;
- (ix) Smoking cessation;
- (x) Prescription referrals for IV iron infusions; and
- (h) Hormonal and nonhormonal family planning methods.
- (5) Pursuant to RCW 18.50.010, a licensed midwife with a license extension that includes medical devices or implants, or both may prescribe, obtain, and administer hormonal and nonhormonal family planning method devices including, but not limited to, copper or other nonhormonal intrauterine devices (IUD), IUDs with levonorgestrel or other progestin, implants or as consistent with current evidence and practice so long as they have a license extension to perform the task.
- (6) The client's records must contain documentation of all medications and devices prescribed, ordered, and administered.

AMENDATORY SECTION (Amending WSR 17-15-024, filed 7/7/17, effective 8/7/17)

WAC 246-834-255 Elements of care for the newborn. The customary scope of care of a newborn up to two weeks of age by a licensed midwife includes, but is not limited to, clinical assessment, treatment, education, support and referral as described in this section. Newborn care shall not go beyond the scope of the midwife's education, training and experience.

(1) Immediate newborn care includes, but is not limited to:

- (a) Appearance, pulse, grimace, activity and respiration (APGAR) assessment;
- (b) Stabilization and monitoring of the newborn for a minimum of two hours postpartum;
- (c) Early initiation and facilitation of (~~breast or bottle~~) in-fant feeding;
- (d) Complete physical examination;
- (e) Education for parents regarding care and monitoring of the normal newborn; and
- (f) Physician consultation, referral and/or transfer of care in the event of significant deviations from normal.

(2) Other support may include:

- (a) Neonatal resuscitation; and
- (b) Legend drugs and devices allowed in RCW 18.50.115 and WAC 246-834-250.

(3) Subsequent care may include, but is not limited to:

- (a) Evaluating the newborn for well-being such as jaundice, weight loss, and adequate feeding and elimination patterns;
- (b) Newborn metabolic screening per RCW 70.83.020;
- (c) Critical congenital heart disease screening per RCW 70.83.090;
- (d) Lactation care and services; and
- (e) Consultation (~~and/or~~) and possible referral to pediatric care for any significant deviation from normal.

AMENDATORY SECTION (Amending WSR 15-24-092, filed 11/30/15, effective 12/31/15)

WAC 246-834-345 License renewal. A licensed midwife must renew their license every year on (~~his or her~~) the individual's birthday. To renew a license, a licensed midwife shall comply with the requirements in:

- (1) RCW 18.50.102 License renewal;
- (2) RCW 18.50.108 Written plan for consultation, emergency transfer, and transport;
- (3) WAC 246-12-030 How to renew a credential;
- (4) WAC 246-834-355 Continuing education;
- (5) WAC 246-834-360 Quality improvement program;
- (6) WAC 246-834-370 Data submission; and
- (7) WAC 246-834-990 Midwifery fees and renewal cycle.

AMENDATORY SECTION (Amending WSR 15-24-092, filed 11/30/15, effective 12/31/15)

WAC 246-834-355 Continuing education. (1) A licensed midwife shall complete (~~thirty~~) 30 hours of continuing education (CE) every three years and must comply with (~~chapter 246-12 WAC, Part 7~~) WAC 246-12-170 through 246-12-240. CE course work must contribute to the professional knowledge and development of the licensed midwife.

(a) A minimum of (~~twenty-five~~) 25 hours must be directly related to the clinical practice of midwifery. A licensed midwife who has a license extension shall complete a minimum of three hours of CE relevant to the license extension or extensions they hold as part of the 25-hour requirement.

(b) In addition to the 25 hours of clinical practice CE in (a) of this subsection, a licensed midwife shall complete two hours of health equity CE every four years per chapter 43.70 RCW and in compliance with WAC 246-12-800 through 246-12-830.

(c) Any remaining hours may be in professional development activities that enhance the practice of the licensed midwife.

(2) A licensed midwife shall obtain CE hours through one or more of the categories listed below. Documentation for all activities must include licensee's name, date of activity, and number of hours. Additional specific documentation is defined below:

(a) Acceptable CE course work. A minimum of (~~ten~~) 10 hours is required per reporting period in acceptable CE course work. For the purposes of this section, acceptable CE course work means courses offered or authorized by industry recognized local, state, private, national and international organizations, agencies or institutions of higher learning. The department will not authorize or approve specific CE courses. The required documentation for this category is a certificate or documentation of attendance.

(b) Course work or classes offered by an accredited college or university. The course work must provide skills and knowledge beyond entry-level skills. The required documentation for this category is a transcript or documentation of attendance. A maximum of (~~ten~~) 10 hours is allowed per reporting period for this category.

(c) Research, writing, or teaching. The required documentation for this category is a two-page synopsis for each activity written by the licensee. A maximum of (~~fifteen~~) 15 hours is allowed per reporting period for this category.

(d) Documented self-study or life experience. The required documentation for this category is a two-page synopsis of each activity written by the licensee. A maximum of five hours is allowed per reporting period for this category.

(e) Serving on a professional board, committee, disciplinary panel, or association. The required documentation for this category is a letter or other documentation from the organization. A maximum of five hours is allowed per reporting period for this category.

(f) Professional manuscript review. The required documentation for this category is a letter from the publishing organization verifying review of the manuscript. A maximum of (~~ten~~) 10 hours is allowed per reporting period for this category.

(g) Professional conference or workshop. The required documentation for this category is a certificate or documentation of attendance. A maximum of (~~ten~~) 10 hours is allowed per reporting period for this category.

- (3) Continuing education credit will not be given for the following:
- (a) A cardiopulmonary resuscitation course;
 - (b) A neonatal resuscitation course; or
 - (c) Participation in data submission on perinatal outcomes.
- (4) ~~((Verification of))~~ The department may verify completion of continuing competency hours ~~((will begin on January 1, 2019))~~.

AMENDATORY SECTION (Amending WSR 15-24-092, filed 11/30/15, effective 12/31/15)

WAC 246-834-360 Quality improvement program. (1) As a condition of renewing a license, a licensed midwife shall:

(a) Participate in a Washington state coordinated quality improvement program peer review process that complies with the requirements in RCW 43.70.510.

(b) Attest every two years that the midwife has completed peer review for a minimum of five of the midwife's clinical cases over the course of those two years.

(2) A midwife may be excused from or granted an extension of participation in a peer review process due to illness or other extenuating circumstances. The department, upon request, will determine if the requirements may be waived or if an extension may be granted.

(3) For auditing purposes, written confirmation of participation in a peer review process from the approved coordinated quality improvement program shall suffice. The midwife must keep ~~((her/his))~~ their participation records; records must not be sent to the department.

(4) Verification of completion of participation in a peer review process will begin on January 1, 2018.

AMENDATORY SECTION (Amending WSR 22-13-079, filed 6/10/22, effective 7/11/22)

WAC 246-834-370 Data submission. (1) As a condition of renewing a license, a licensed midwife shall report data on all courses of care for every ~~((mother))~~ gestational parent and newborn under the midwife's care to a national or state research organization approved by the department. If the ~~((mother))~~ gestational parent declines to participate in the collection of data, the midwife shall follow the protocol of the approved national or state research organization.

(2) The licensed midwife shall verify compliance by submitting an attestation to the department annually with the license renewal. For good cause, the secretary may waive reporting requirements.

(3) For auditing purposes, written confirmation of full participation in data collection from the approved state or national research organization shall suffice.

(4) The midwife must keep ~~((her/his))~~ their data and participation records; data and participation records will not be submitted directly to the department.

AMENDATORY SECTION (Amending WSR 19-15-005, filed 7/5/19, effective 8/5/19)

WAC 246-834-400 Expired license. A midwife licensed under this chapter may reinstate an expired license or license extension.

(1) If a midwife's license (~~(under this chapter)~~) has been expired for less than three years, (~~(to reinstate the license)~~) the practitioner shall meet the requirements of (~~(chapter 246-12 WAC, Part 2)~~) WAC 246-12-040.

(2) If a midwife's license (~~(under this chapter)~~) has expired and the practitioner has been engaged in the active practice of midwifery in another United States jurisdiction or territory, or other location approved by the department, (~~(to reinstate the license)~~) the practitioner shall:

(a) Submit verification of active practice; and

(b) Meet the requirements of (~~(chapter 246-12 WAC, Part 2)~~) WAC 246-12-040.

(3) If a midwife's license (~~(under this chapter)~~) has been expired for three years or more but less than five years at time of application, and the practitioner has not been actively engaged in midwifery, the practitioner shall:

(a) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of (~~(ten)~~) 10 births; and

(b) Meet the requirements of (~~(chapter 246-12 WAC, Part 2)~~) WAC 246-12-040.

(4) If a midwife's license (~~(under this chapter)~~) has been expired for more than five years at time of application, and the practitioner has not been actively engaged in midwifery, the practitioner shall:

(a) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of (~~(fifteen)~~) 15 births;

(b) Retake and successfully pass the Washington state licensing examination; and

(c) Meet the requirements of (~~(chapter 246-12 WAC, Part 2)~~) WAC 246-12-040.

(5) A proposed preceptor shall:

(a) Hold an active license without restriction, current discipline, or conditions as a midwife under chapter 18.50 RCW, a certified nurse midwife under chapter 18.79 RCW, an allopathic physician under chapter 18.71 RCW, or an osteopathic physician under chapter 18.57 RCW;

(b) Have actively practiced at least three consecutive years or attended at least (~~(one hundred fifty)~~) 150 births; and

(c) Have demonstrated ability and skill to provide safe, quality care.

(6) If a midwife's license extension has expired and the practitioner has been engaged in the active practice of midwifery prescriptive or medical devices and implant practice in another United States jurisdiction or territory, or other location approved by the department, the practitioner shall:

(a) Submit verification of active practice of prescriptive, devices, or implant practices; and

(b) Meet the requirements of WAC 246-12-040.

(7) If a licensed midwife at the time of reactivation has had an expired license extension for less than five years and has not been engaged in the active practice of midwifery prescriptive or medical devices and implant practice, the practitioner may submit their re-

ords for their initial training as required in WAC 246-834-165 and meet the requirements in WAC 246-12-040.

(8) If a licensed midwife at the time of reactivation has had an expired license extension for five years or more and has not been engaged in the active practice of midwifery prescriptive or medical devices and implant practice, the practitioner shall retake the required training in WAC 246-834-165.

AMENDATORY SECTION (Amending WSR 19-15-005, filed 7/5/19, effective 8/5/19)

WAC 246-834-450 Inactive license. (1) A licensed midwife may obtain an inactive license by meeting the requirements of (~~chapter 246-12 WAC, Part 4~~) WAC 246-12-090.

(2) An inactive license must be renewed every year on the midwife's birthday according to WAC 246-12-100 and by paying the fee required under WAC 246-834-990.

(3) A midwife with an inactive license may return to active status.

(a) A midwife with an inactive license for three years or less who wishes to return to active status must meet the requirements of (~~chapter 246-12 WAC, Part 4~~) WAC 246-12-110.

(b) A midwife with an inactive license for more than three years, who has been in active practice in another United States jurisdiction or territory or other location approved by the department and wishes to return to active status (~~must~~) shall:

(i) Submit verification of active practice; and

(ii) Meet the requirements of (~~chapter 246-12 WAC, Part 4~~) WAC 246-12-110.

(c) A midwife with an inactive license for more than three years but less than five, who has not been in active practice and wishes to return to active status must:

(i) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of (~~ten~~) 10 births; and

(ii) Meet the requirements of (~~chapter 246-12 WAC, Part 4~~) WAC 246-12-110.

(d) A midwife with an inactive license for more than five years who has not been in active practice and wishes to return to active status (~~must~~) shall:

(i) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of (~~fifteen~~) 15 births;

(ii) Retake and successfully pass the Washington state licensing examination; and

(iii) Meet the requirements of (~~chapter 246-12 WAC, Part 4~~) WAC 246-12-110.

(4) A proposed preceptor shall:

(a) Hold an active license without restriction, current discipline, or conditions as a midwife under chapter 18.50 RCW, a certified nurse midwife under chapter 18.79 RCW, an allopathic physician under chapter 18.71 RCW, or an osteopathic physician under chapter 18.57 RCW;

(b) Have actively practiced at least three consecutive years or attended at least (~~one hundred fifty~~) 150 births; and

(c) Have demonstrated ability and skill to provide safe, quality care.

(5) A licensed midwife with an inactive license extension who has been engaged in the active practice of midwifery prescriptive or medical devices and implant practice in another United States jurisdiction or territory, or other location approved by the department, and wishes to return to active practice shall:

(a) Submit verification of active practice of prescriptive, devices, or implant practices; and

(b) Meet the requirements of WAC 246-12-110.

(6) A licensed midwife with an inactive license extension for less than five years at the time of reactivation, and has not been actively practicing in midwifery prescriptive, medical devices, and implants practice, the individual may submit their records for their initial training as required in WAC 246-834-165 and meet the requirements in WAC 246-12-040.

(7) A licensed midwife with an inactive license extension for five years or more at the time of reactivation, and who has not been actively engaged in midwifery prescriptive or medical devices and implant practice, shall retake the required training in WAC 246-834-165.

NEW SECTION

The following sections of the Washington Administrative Code are decodified and recodified as follows:

Old WAC Number	New WAC Number
246-834-080	246-834-055
246-834-135	246-834-020
246-834-140	246-834-030

WSR 24-05-054

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed February 16, 2024, 3:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-07-015.

Title of Rule and Other Identifying Information: WAC 182-530-1050 Definitions, 182-530-7000 Reimbursement, 182-530-7250 Reimbursement—Miscellaneous, 182-530-7300 Reimbursement—Requesting a change, 182-530-7900 Drugs purchased under the Public Health Service (PHS) Act, 182-530-8000 Reimbursement method—Actual acquisition cost (AAC), 182-530-8100 Reimbursement—Maximum allowable cost (MAC), 182-531-0050 Physician-related services definitions, 182-531-1200 Physician office medical supplies, and 182-531-1450 Radiology physician-related services.

Hearing Location(s): On March 26, 2024, at 10:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the health care authority (HCA) continues to hold public hearings virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington state. To attend the virtual public hearing, you must register in advance https://us02web.zoom.us/webinar/register/WN_lJS763_JQbuScCIMjjssSA. If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: No sooner than March 27, 2024.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by March 26, 2024, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email Johanna.Larson@hca.wa.gov, by March 15, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is amending these rules to add clarity and provide more detail on program requirements for how fee-for-service drugs must be billed to HCA for providers that are subject to the 340B program requirements.

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: Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-9563; Implementation and Enforcement: Natalia Oxford Wilson, P.O. Box 45518, Olympia, WA 98504-5518, 360-725-1861.

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.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

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 rule amendments clarify existing policy. This rule making does not impose more-than-minor costs.

February 16, 2024

Wendy Barcus

Rules Coordinator

OTS-4994.4

AMENDATORY SECTION (Amending WSR 17-07-001, filed 3/1/17, effective 4/1/17)

WAC 182-530-1050 Definitions. In addition to the definitions and abbreviations found in chapter 182-500 WAC, Medical definitions, the following definitions apply to this chapter.

"340B program" - The federal program that requires drug manufacturers participating in the medicaid drug rebate program (MDRP) to provide covered outpatient drugs to enrolled "covered entities" at or below the ceiling price, as described in 42 U.S.C. § 256b. This requirement is described in section 340B of the Public Health Service Act and codified in 42 U.S.C. § 256b.

"340B provider" or "PHS-qualified covered entity" - Any provider including, but not limited to, a clinic, facility, hospital, pharmacy, or program listed in 42 U.S.C. § 256b as eligible to purchase, dispense, or administer outpatient drugs through the 340B program, has submitted its valid medicaid provider number(s) or national provider identification (NPI) number to the public health service (PHS), health resources and services administration (HRSA), office of pharmacy affairs (OPA), and has registered with and been approved by OPA.

"340B maximum allowable cost (340B MAC)" - The maximum amount the medicaid agency reimburses a participating 340B public health services (PHS)-qualified covered entity to purchase, dispense, or administer a covered outpatient drug, device, or drug-related supply.

"Active ingredient" - The chemical component of a drug responsible for a drug's prescribed/intended therapeutic effect. The medicaid agency or ((its)) the agency's designee limits coverage of active ingredients to those with an ((eleven)) 11-digit national drug code (NDC) and those specifically authorized by the agency or ((its)) the agency's designee.

"Actual acquisition cost (AAC)" - ~~((Refers to one of the following:~~

~~(1) Provider AAC --)) The true cost ((a provider)) paid for a specific drug or product in the package size purchased, including discounts, rebates, charge backs that affect the provider's invoice price, and other adjustments to the price of the drug, device, or drug-related supply, excluding dispensing fees((;~~

~~(2) 340B AAC -- The true cost paid by a public health service (PHS)-qualifying entity for a specific drug, excluding dispensing fees; or~~

~~(3) POS AAC - The agency determined rate paid to pharmacies through the point of sale (POS) system, and intended to reflect pharmacy providers' actual acquisition cost).~~

"Administer" - Includes the direct application of a prescription drug or device by injection, insertion, inhalation, ingestion, or any other means, to the body of a patient by a practitioner, or at the direction of the practitioner.

"Appointing authority" - ((Means)) The following people acting jointly: The director of the Washington state health care authority and the director of the Washington state department of labor and industries.

"Authorized generic drug" - Any drug sold, licensed, or marketed under a new drug application (NDA) approved by the Food and Drug Administration (FDA) under section 505(c) of the Federal Food, Drug and Cosmetic Act (FFDCA) that is marketed, sold or distributed under a different labeler code, product code, trade name, trademark, or packaging (other than repackaging the listed drug for use in institutions) than the brand name drug.

"Automated authorization" - Adjudication of claims using submitted NCPDP data elements or claims history to verify that the medicaid agency's or its designee's authorization requirements have been satisfied without the need for the medicaid agency or its designee to request additional clinical information.

~~(**"Automated maximum allowable cost (AMAC)"** - The rate established by the medicaid agency or its designee for a multiple source drug that is not on the maximum allowable cost (MAC) list and that is designated by two or more products at least one of which must be under a federal drug rebate contract.)~~

"Average manufacturer price (AMP)" - The average price paid to a manufacturer by wholesalers for drugs distributed to retail pharmacies.

"Average sales price (ASP)" - The weighted average of all nonfederal sales to ((wholesalers)) wholesaler's net of charge backs, discounts, rebates, and other benefits tied to the purchase of the drug product, whether it is paid to the wholesaler or the retailer.

"Average wholesale price (AWP)" - A reference price of a drug product that is published at a point in time and reported to the medicaid agency or its designee by the agency's drug file contractor.

"Brand name drug" - A single-source or innovator multiple-source drug.

"Compendia of drug information" - Includes the following:

- (1) The American Hospital Formulary Service Drug Information;
- (2) The United States Pharmacopeia Drug Information; and
- (3) DRUGDEX Information System.

"Compounding" - The act of combining two or more active ingredients or adjusting therapeutic strengths in the preparation of a prescription.

"Deliver or delivery" - The transfer of a drug or device from one person to another.

"Dispense as written (DAW)" - An instruction to the pharmacist forbidding substitution of a generic drug or a therapeutically equivalent product for the specific drug product prescribed.

"Dispensing fee" - Means professional dispensing fee. See professional dispensing fee.

"Drug file" - A list of drug products, pricing and other information provided to the medicaid agency or its designee and maintained by a drug file contractor.

"Drug file contractor" - An entity which has been contracted to provide regularly updated information on drugs, devices, and drug-related supplies at specified intervals, for the purpose of pharmaceutical claim adjudication. Information is provided specific to individual national drug codes, including product pricing.

"Drug-related supplies" - Nondrug items necessary for the administration, delivery, or monitoring of a drug or drug regimen.

"Drug use review (DUR)" - A review of covered outpatient drug use that assures prescriptions are appropriate, medically necessary, and not likely to result in adverse medical outcomes.

"Effectiveness" - The extent to which a given intervention is likely to produce beneficial results for which it is intended in ordinary circumstances.

"Efficacy" - The extent to which a given intervention is likely to produce beneficial effects in the context of the research study.

"Emergency kit" - A set of limited pharmaceuticals furnished to a nursing facility by the pharmacy that provides prescription dispensing services to that facility. Each kit is specifically set up to meet the emergency needs of each nursing facility's client population and is for use during those hours when pharmacy services are unavailable.

"Endorsing practitioner" - A practitioner who has reviewed the Washington preferred drug list (Washington PDL) and has enrolled with the health care authority (HCA), agreeing to allow therapeutic interchange (substitution) of a preferred drug for any nonpreferred drug in a given therapeutic class on the Washington PDL.

"Estimated acquisition cost (EAC)" - The medicaid agency's estimate of the price providers generally and currently pay for a drug marketed or sold by a particular manufacturer or labeler.

"Evidence-based drug reviews" - The application of a set of principles and methods for comprehensive independent and objective evaluation of clinical evidence provided in well-designed and well-conducted studies and objective clinical data to determine the level of evidence that proves to the greatest extent possible, that a health care service is safe, effective, and beneficial when making population-based coverage policies or individual medical necessity decisions. Classifying evidence by its epistemologic strength and requiring that only the strongest types (coming from meta-analyses, systematic reviews, and randomized controlled trials) can yield strong recommendations; weaker types (such as from case-control studies) can yield weak recommendations.

"Evidence-based practice center" or "EPC" - A research organization that has been designated by the Agency for Healthcare Research and Quality (AHRQ) to develop evidence reports and technology assessments on topics relevant to clinical and other health care organization and delivery issues, specifically those that are common, expensive, or significant for the medicare and medicaid populations.

"Federal drug rebates" - Dollars returned to medicaid from pharmaceutical manufacturers under the terms of the manufacturers' national rebate agreement with the federal Department of Health and Human Services (DHHS).

"Federal upper limit (FUL)" - The maximum allowable reimbursement set by the Centers for Medicare and Medicaid Services (CMS) for a multiple-source drug.

"Generic drug" - A drug that is approved by the Food and Drug Administration (FDA) under an abbreviated new drug application.

"Inactive ingredient" - A drug component that remains chemically unchanged during compounding but serves as the:

- (1) Necessary vehicle for the delivery of the therapeutic effect;
or
(2) Agent for the intended method or rate of absorption for the drug's active therapeutic agent.

"Ingredient cost" - The portion of a prescription's cost attributable to the covered drug ingredients or chemical components.

"Innovator multiple-source drug" - A multiple-source drug that was originally marketed under a new drug application (NDA) approved by the Food and Drug Administration (FDA), including an authorized generic drug. This includes:

- (1) A drug product marketed by any cross-licensed producers, labelers, or distributors operating under the NDA; or
(2) A covered outpatient drug approved under a biologics license application (BLA), product license application (PLA), establishment license application (ELA), or antibiotic drug application (ADA).

"Less than effective drug" or **"DESI"** - A drug for which:

- (1) Effective approval of the drug application has been withdrawn by the Food and Drug Administration (FDA) for safety or efficacy reasons as a result of the drug efficacy study implementation (DESI) review; or
(2) The secretary of the federal Department of Health and Human Services (DHHS) has issued a notice of an opportunity for a hearing under section 505(e) of the federal Food, Drug, and Cosmetic Act on a proposed order of the secretary to withdraw approval of an application for such drug under such section because the secretary has determined the drug is less than effective for some or all conditions of use prescribed, recommended, or suggested in its labeling.

"Maximum allowable cost (MAC)" - The maximum amount the medicaid agency or its designee reimburses for a drug, device, or drug-related supply.

"Medicaid preferred drug list (medicaid PDL)" - The list of all drugs in drug classes approved for inclusion by the Washington medicaid drug use review (DUR) board and each drug's preferred or nonpreferred status as approved by the agency director or designee. The list includes at minimum all drugs and drug classes on the Washington PDL and may include additional drugs and drug classes recommended by the DUR board and approved by the agency director or designee.

"Medically accepted indication" - Any use for a covered outpatient drug:

- (1) Which is approved under the federal Food, Drug, and Cosmetic Act; or
(2) The use of which is supported by one or more citations included or approved for inclusion in any of the compendia of drug information, as defined in this chapter.

"Modified unit dose delivery system" (also known as blister packs or "bingo/punch cards") - A method in which each patient's medication is delivered to a nursing facility:

- (1) In individually sealed, single dose packages or "blisters"; and
(2) In quantities for one month's supply, unless the prescriber specifies a shorter period of therapy.

"Multiple-source drug" - A drug for which there is at least one other drug product sold in the United States that is pharmaceutically equivalent and bioequivalent, as determined by the Food and Drug Administration (FDA).

"National drug code (NDC)" - The ((eleven)) 11-digit numerical code that includes the labeler code, product code, and package code.

"National rebate agreement" - The agreement developed by the Centers for Medicare and Medicaid Services (CMS) to implement section 1927 of the Social Security Act, and entered into by a manufacturer and the federal Department of Health and Human Services (DHHS).

"Noninnovator multiple-source drug" - A drug that is:

- (1) A multiple-source drug that is not an innovator multiple-source drug or a single-source drug;
- (2) A multiple-source drug marketed under an abbreviated new drug application (ANDA) or an abbreviated antibiotic drug application;
- (3) A covered outpatient drug that entered the market before 1962 and was originally marketed under a new drug application (NDA); or
- (4) Any drug that has not gone through a Food and Drug Administration (FDA) approval process but otherwise meets the definition of a covered outpatient drug.

If any of the drug products listed in this definition of a noninnovator multiple-source drug subsequently receive an NDA or ANDA approval from the FDA, the product's drug category changes to correlate with the new product application type.

"Nonpreferred drug" - A drug within a therapeutic class of drugs on the medicaid preferred drug list (medicaid PDL) that has not been selected as a preferred drug.

"Obsolete NDC" - A national drug code replaced or discontinued by the manufacturer or labeler.

"Over-the-counter (OTC) drugs" - Drugs that do not require a prescription before they can be sold or dispensed.

"Peer reviewed medical literature" - A research study, report, or findings regarding the specific use of a drug that has been submitted to one or more professional journals, reviewed by experts with appropriate credentials, and subsequently published by a reputable professional journal. A clinical drug study used as the basis for the publication must be a double blind, randomized, placebo or active control study.

"Pharmacist" - A person licensed in the practice of pharmacy by the state in which the prescription is filled.

"Pharmacy" - Every location licensed by the state board of pharmacy in the state where the practice of pharmacy is conducted.

"Pharmacy and therapeutic (P&T) committee" - The independent Washington state committee created by RCW 41.05.021 (1)(a)(iii) and 70.14.050. At the election of the medicaid agency or its designee, the committee may serve as the drug use review board provided for in WAC 182-530-4000.

"Point-of-sale (POS)" - A pharmacy claims processing system capable of receiving and adjudicating claims online.

"Practice of pharmacy" - The practice of and responsibility for:

- (1) Accurately interpreting prescription orders;
- (2) Compounding drugs;
- (3) Dispensing, labeling, administering, and distributing of drugs and devices;
- (4) Providing drug information to the client that includes, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices;
- (5) Monitoring of drug therapy and use;
- (6) Proper and safe storage of drugs and devices;
- (7) Documenting and maintaining records;
- (8) Initiating or modifying drug therapy in accordance with written guidelines or protocols previously established and approved for a

pharmacist's practice by a practitioner authorized to prescribe drugs; and

(9) Participating in drug use reviews and drug product selection.

"Practitioner" - An individual who has met the professional and legal requirements necessary to provide a health care service, such as a physician, nurse, dentist, physical therapist, pharmacist, or other person authorized by state law as a practitioner.

"Preferred drug" - A drug within a therapeutic class of drugs on the medicaid preferred drug list (medicaid PDL) that has been selected as a preferred drug.

"Prescriber" - A physician, osteopathic physician/surgeon, dentist, nurse, physician assistant, optometrist, pharmacist, or other person authorized by law or rule to prescribe drugs. See WAC 246-863-100 for pharmacists' prescriptive authority.

"Prescription" - An order for drugs or devices issued by a practitioner authorized by state law or rule to prescribe drugs or devices, in the course of the practitioner's professional practice, for a legitimate medical purpose.

"Prescription drugs" - Drugs required by any applicable federal or state law or regulation to be dispensed by prescription only or that are restricted to use by practitioners only.

"Professional dispensing fee":

(1) The fee the medicaid agency or its designee pays pharmacists and dispensing providers for covered prescriptions. The fee pays for costs in excess of the ingredient cost of a covered outpatient drug when a covered outpatient drug is dispensed; and

(2) Includes only costs associated with ensuring that possession of the appropriate covered outpatient drug is transferred to a medicaid beneficiary. Pharmacy and dispensing provider costs include, but are not limited to, reasonable costs associated with a prescriber's time in checking the computer for information about an individual's coverage, performing drug utilization review and preferred drug list review activities, measurement or mixing of the covered outpatient drug, filling the container, beneficiary counseling, physically providing the completed prescription to the medicaid beneficiary, delivery, special packaging, and overhead associated with maintaining the facility and equipment necessary to operate the dispensing entity.

"Prospective drug use review (Pro-DUR)" - A process in which a request for a drug product for a particular client is screened, before the product is dispensed, for potential drug therapy problems.

"Reconstitution" - The process of returning a single active ingredient, previously altered for preservation and storage, to its approximate original state. Reconstitution is not compounding.

"Retrospective drug use review (Retro-DUR)" - The process in which drug utilization is reviewed on an ongoing periodic basis to identify patterns of fraud, abuse, gross overuse, or inappropriate or not medically necessary care.

"Single-source drug" - A drug produced or distributed under an original new drug application (NDA) approved by the Food and Drug Administration (FDA) with an approved new drug application (NDA) number issued by the FDA. This includes:

(1) A drug product marketed by any cross-licensed producers, labelers, or distributors operating under the NDA; or

(2) A drug approved under a biologics license application (BLA), product license application (PLA), establishment license application (ELA), or antibiotic drug application (ADA).

For the purposes of this definition, an ANDA is not an NDA.

"Systematic review" - A specific and reproducible method to identify, select, and appraise all the studies that meet minimum quality standards and are relevant to a particular question. The results of the studies are then analyzed and summarized into evidence tables to be used to guide evidence-based decisions.

"Terminated NDC" - An ((eleven)) 11-digit national drug code (NDC) that is discontinued by the manufacturer for any reason. The NDC may be terminated immediately due to health or safety issues or it may be phased out based on the product's shelf life.

"Therapeutic alternative" - A drug product that contains a different chemical structure than the drug prescribed, but is in the same pharmacologic or therapeutic class and can be expected to have a similar therapeutic effect and adverse reaction profile when administered to patients in a therapeutically equivalent dosage.

"Therapeutic class" - A group of drugs used for the treatment, remediation, or cure of a specific disorder or disease.

"Therapeutic interchange" - To dispense a therapeutic alternative to the prescribed drug when an endorsing practitioner who has indicated that substitution is permitted, prescribes the drug. See therapeutic interchange program (TIP).

"Therapeutic interchange program (TIP)" - The process developed by participating state agencies under RCW 69.41.190 and 70.14.050, to allow prescribers to endorse a Washington preferred drug list, and in most cases, requires pharmacists to automatically substitute a preferred, equivalent drug from the list.

"Therapeutically equivalent" - Drug products that contain different chemical structures but have the same efficacy and safety when administered to an individual, as determined by:

- (1) Information from the Food and Drug Administration (FDA);
- (2) Published and peer-reviewed scientific data;
- (3) Randomized controlled clinical trials; or
- (4) Other scientific evidence.

"Tiered dispensing fee system" - A system of paying pharmacies different dispensing fee rates, based on the individual pharmacy's total annual prescription volume and/or the drug delivery system used.

"True unit dose delivery" - A method in which each patient's medication is delivered to the nursing facility in quantities sufficient only for the day's required dosage.

"Unit dose drug delivery" - True unit dose or modified unit dose delivery systems.

"Usual and customary charge" - The fee that the provider typically charges the general public for the product or service.

"Washington preferred drug list (Washington PDL)" - The list of drugs selected by the appointing authority to be used by applicable state agencies as the basis for purchase of drugs in state-operated health care programs.

"Wholesale acquisition cost" - Refers to either the actual wholesale cost paid by a wholesaler for drugs purchased from a manufacturer or a list price published as wholesale acquisition cost.

AMENDATORY SECTION (Amending WSR 17-07-001, filed 3/1/17, effective 4/1/17)

WAC 182-530-7000 Reimbursement. (1) The medicaid agency's reimbursement for a prescription drug dispensed through point-of-sale

(POS) must not exceed the lesser of actual acquisition cost (AAC) plus a professional dispensing fee or the provider's usual and customary charge.

(2) The agency selects the sources for pricing information used to set ((POS)) AAC.

(3) The ((POS)) AAC is calculated as the lowest of:

(a) National average drug acquisition cost (NADAC);

(b) Maximum allowable cost (MAC);

(c) Federal upper limit (FUL);

(d) ~~340B ((Actual acquisition cost (340B AAC)))~~ MAC for covered outpatient drugs purchased, dispensed, or administered under section 340B of the Public Health Service (PHS) Act (see WAC 182-530-7900 for exceptions); or

(e) ~~((Automated maximum allowable cost (AMAC)))~~ Submitted ingredient cost.

(4) Where NADAC does not exist, other available reference prices from national sources such as wholesale acquisition cost, or average manufacturer price ((will)) may be used as the basis of the reimbursement.

(5) Where NADAC does not accurately reflect the actual acquisition costs in Washington state, a percentage adjustment to NADAC will be made to the reimbursement.

(6) The agency may set ((POS)) AAC for specified drugs ((~~or~~)), drug categories, or providers at a maximum allowable cost other than that determined in subsection (2) of this section based on specific product acquisition costs. The agency considers product acquisition costs in setting a rate for a drug or a class of drugs.

(7) The agency bases ((POS)) AAC drug reimbursement on the actual package size dispensed.

(8) The agency reimburses a pharmacy for the least costly dosage form of a drug within the same route of administration, unless the prescriber has designated a medically necessary specific dosage form or the agency has selected the more expensive dosage form as a preferred drug.

(9) If the pharmacy provider offers a discount, rebate, promotion, or other incentive which directly relates to the reduction of the price of a prescription to the individual nonmedicaid customer, the provider must similarly reduce its charge to the agency for the prescription.

(10) If the pharmacy provider gives an otherwise covered product for free to the general public, the pharmacy must not submit a claim to the agency.

(11) The agency does not reimburse for:

(a) Prescriptions written on presigned prescription blanks filled out by nursing facility operators or pharmacists;

(b) Prescriptions without the date of the original order;

(c) Drugs used to replace those taken from a nursing facility emergency kit;

(d) Drugs used to replace a physician's stock supply;

(e) Outpatient drugs, biological products, insulin, supplies, appliances, and equipment included in other reimbursement methods including, but not limited to:

(i) Diagnosis-related group (DRG);

(ii) Ratio of costs-to-charges (RCC);

(iii) Nursing facility daily rates;

(iv) Managed care capitation rates;

(v) Block grants; or

(vi) Drugs prescribed for clients who are on the agency's hospice program when the drugs are related to the client's terminal illness and related condition.

(f) Hemophilia and von Willebrand related products shipped to clients for administration in the home unless the products are provided through a qualified hemophilia treatment center of excellence (COE) as defined in WAC 182-531-1625.

AMENDATORY SECTION (Amending WSR 23-11-007, filed 5/4/23, effective 6/4/23)

WAC 182-530-7250 Reimbursement—Miscellaneous. (1) The medicaid agency reimburses for covered drugs, devices, and drug-related supplies provided or administered by nonpharmacy providers under specified conditions, as follows:

(a) The agency reimburses for drugs administered or prepared and delivered for individual use by an authorized prescriber during an office visit according to specific program rules found in:

(i) Chapter 182-531 WAC, Physician-related services;

(ii) Chapter 182-532 WAC, Reproductive health/family planning ~~((only))~~ programs; and

(iii) Chapter 182-540 WAC, Kidney disease program and kidney center services.

(b) Providers who are ~~((purchasers))~~ participating PHS-qualified covered entities under section 340B of the Public Health Services (PHS) ((discounted drugs)) Act must comply with PHS 340B program requirements and Washington medicaid requirements for 340B providers participating with medicaid. (See WAC 182-530-7900.)

(2) The agency may ~~((request))~~ require providers to submit a current invoice for the actual cost of the drug, device, or drug-related supply billed. If an invoice is ~~((requested))~~ required, the invoice must show the:

(a) Name of the drug, device, or drug-related supply;

(b) Drug or product manufacturer;

(c) NDC of the product or products;

(d) Drug strength;

(e) Product description;

(f) Quantity; and

(g) Cost, including any discounts or free goods associated with the invoice.

(3) The agency does not reimburse providers for the cost of vaccines obtained through the state department of health (DOH). The agency does pay physicians, advanced registered nurse practitioners (ARNP), and pharmacists a fee for administering the vaccine.

AMENDATORY SECTION (Amending WSR 17-07-001, filed 3/1/17, effective 4/1/17)

WAC 182-530-7300 Reimbursement—Requesting a change. Upon request from a ~~((pharmacy))~~ provider, the medicaid agency may reimburse at the provider's actual acquisition cost ~~((provider))~~ AAC) for a

drug that would otherwise be reimbursed at maximum allowable cost (MAC) when:

(1) The availability of lower cost equivalents in the marketplace is severely curtailed and the price disparity between AAC for the drug and the MAC reimbursement affects clients' access; and

(2) An invoice documenting (~~actual acquisition cost~~) AAC relevant to the date the drug was dispensed is provided to the agency.

AMENDATORY SECTION (Amending WSR 21-08-021, filed 3/29/21, effective 5/1/21)

WAC 182-530-7900 Drugs purchased under the Public Health Service (PHS) Act. (1) (~~Providers dispensing or administering 340B drugs to Washington apple health clients are required to submit their valid medicaid provider number(s) or national provider identification (NPI) number to the PHS health resources and services administration, office of pharmacy affairs. See WAC 182-530-7500 for information on the drug rebate program.~~

~~(2) Drugs purchased under section 340B of the Public Health Service (PHS) Act can be billed to Washington apple health only by PHS-qualified entities. The Washington medicaid rebate process excludes 340B claims from invoicing only when the drug is billed by a medicaid provider number or national provider identification (NPI) number listed on the PHS office of pharmacy affairs national medicaid exclusion file. See WAC 182-530-7500 for information on the drug rebate program.~~

~~(3) As part of participation in the 340B program, providers must submit a completed annual attestation form (HCA 13-0047) to the agency acknowledging that all claims for Washington apple health clients in both fee-for-service and managed care are subject to their respective 340B rules. Providers who fail to submit a completed attestation form to the agency may receive a compliance audit and be at risk of duplicate discounts.) Providers registered and approved as PHS-qualified covered entities participate in the 340B program under their medicaid provider number or NPI listed on the quarterly medicaid exclusion file (MEF).~~

(2) PHS-qualified covered entities participating in the 340B program must follow federal and state 340B program requirements and applicable medicaid agency rules including, but not limited to, this chapter, chapters 182-501 and 182-502 WAC, and agency billing instructions.

(3) All claims submitted to Washington apple health through fee-for-service (FFS) or managed care for outpatient drugs purchased, dispensed, or administered by PHS-qualified covered entities participating in the 340B program:

(a) May be billed only by the PHS-qualified covered entity participating in the 340B program under their participating medicaid provider number or NPI listed in the quarterly medicaid exclusion file; and

(b) Are excluded from medicaid drug rebate invoicing. See WAC 182-530-7500 for information on the drug rebate program.

(4) With the exception of claim types identified in subsection (5) of this section, all (~~340B purchased drugs under the medicaid fee-for-service program must be billed to the medicaid agency at the 340B actual acquisition cost (340B AAC)~~) drugs purchased, dispensed, or administered by a PHS-qualified covered entity participating in the

340B program must be billed at the actual acquisition cost (AAC) when submitted through FFS to the agency.

(5) Exceptions to the ((340B)) AAC billing requirement are only made for:

(a) Outpatient hospital claims paid under the enhanced ambulatory payment group (EAPG) methodology (see WAC 182-550-7000); and

(b) Ambulatory surgery claims paid under payment groups methodology.

(6) As part of participation in the 340B program, providers must submit a completed annual attestation form (HCA 13-0047) to the agency acknowledging that all claims for Washington apple health clients in both FFS and managed care are subject to all applicable 340B rules. Providers who fail to submit a completed attestation form to the agency may receive a compliance audit and be at risk of duplicate discounts.

AMENDATORY SECTION (Amending WSR 17-07-001, filed 3/1/17, effective 4/1/17)

WAC 182-530-8000 Reimbursement method—Actual acquisition cost (AAC). The medicaid agency uses the following sources to determine ((point-of-sale)) actual acquisition cost ((POS)) AAC) including, but not limited to:

(1) National average drug acquisition cost (NADAC) published by the Centers for Medicare and Medicaid Services (CMS);

(2) Acquisition cost data made available to the agency by:

(a) Audit results from federal or state agencies;

(b) Other state health care purchasing organizations;

(c) Pharmacy benefit managers;

(d) Individual pharmacy providers participating in the agency's programs;

(e) Other third-party payers;

(f) Drug file databases; and

(g) Actuaries or other consultants.

AMENDATORY SECTION (Amending WSR 17-07-001, filed 3/1/17, effective 4/1/17)

WAC 182-530-8100 Reimbursement—Maximum allowable cost (MAC).

(1) The medicaid agency establishes a maximum allowable cost (MAC) for ((a multiple-source drug which is available from at least two manufacturers/labelers)) covered outpatient drugs.

(2) The agency determines the MAC for ((a multiple-source)) covered outpatient drugs:

(a) When specific regional and local drug acquisition cost data is available, the agency:

(i) Identifies what products are available from wholesalers for each drug being considered for MAC pricing;

(ii) Determines pharmacy providers' approximate acquisition costs for these products; and

(iii) Establishes the MAC at a level which gives pharmacists access to at least one product from a manufacturer with a qualified rebate agreement (see WAC 182-530-7500(4)).

(b) When specific regional and local drug acquisition cost data is not available, the agency may estimate acquisition cost based on national pricing sources.

(3) The MAC established for ~~((a multiple source))~~ covered outpatient drugs does not apply if the written prescription identifies that a specific brand is medically necessary for a particular client. In such cases, the actual acquisition cost (AAC) for the particular brand applies, provided authorization is obtained from the agency as specified under WAC 182-530-3000.

(4) Except as provided in subsection (3) of this section, the agency reimburses providers for ~~((a multiple source))~~ covered outpatient drugs at the lowest of the rates calculated under the methods listed in WAC 182-530-7000.

(5) The MAC established for ~~((a multiple source))~~ covered outpatient drugs may vary by package size, including those identified as unit dose national drug codes (NDCs) by the manufacturer or manufacturers of the drug.

OTS-4995.1

AMENDATORY SECTION (Amending WSR 19-09-052, filed 4/12/19, effective 5/13/19)

WAC 182-531-0050 Physician-related services definitions. The following definitions and abbreviations and those found in chapter 182-500 WAC, apply to this chapter.

~~(("Acquisition cost" - The cost of an item excluding shipping, handling, and any applicable taxes.))~~

"Actual acquisition cost" - See WAC 182-530-1050.

"Acute care" - Care provided for clients who are not medically stable. These clients require frequent monitoring by a health care professional in order to maintain their health status. See also WAC 246-335-015.

"Acute physical medicine and rehabilitation (PM&R)" - A comprehensive inpatient and rehabilitative program coordinated by a multidisciplinary team at ~~((an))~~ a medicaid agency-approved rehabilitation facility. The program provides ~~((twenty-four))~~ 24-hour specialized nursing services and an intense level of specialized therapy (speech, physical, and occupational) for a diagnostic category for which the client shows significant potential for functional improvement (see WAC 182-550-2501).

"Add-on procedure(s)" - Secondary procedure(s) that are performed in addition to another procedure.

"Admitting diagnosis" - The medical condition responsible for a hospital admission, as defined by the ICD diagnostic code.

"Advanced registered nurse practitioner (ARNP)" - A registered nurse prepared in a formal educational program to assume an expanded health services provider role in accordance with WAC 246-840-300 and 246-840-305.

"Allowed charges" - The maximum amount reimbursed for any procedure that is allowed by the medicaid agency.

"Anesthesia technical advisory group (ATAG)" - An advisory group representing anesthesiologists who are affected by the implementation of the anesthesiology fee schedule.

"Bariatric surgery" - Any surgical procedure, whether open or by laparoscope, which reduces the size of the stomach with or without bypassing a portion of the small intestine and whose primary purpose is the reduction of body weight in an obese individual.

"Base anesthesia units (BAU)" - A number of anesthesia units assigned to a surgical procedure that includes the usual preoperative, intraoperative, and postoperative visits. This includes the administration of fluids and/or blood incident to the anesthesia care, and interpretation of noninvasive monitoring by the anesthesiologist.

"Bundled services" - Services integral to the major procedure that are included in the fee for the major procedure. Bundled services are not reimbursed separately.

"Bundled supplies" - Supplies that are considered to be included in the practice expense RVU of the medical or surgical service of which they are an integral part.

"By report (BR) ((7))" - See WAC 182-500-0015.

"Call" - A face-to-face encounter between the client and the provider resulting in the provision of services to the client.

"Cast material maximum allowable fee" - A reimbursement amount based on the average cost among suppliers for one roll of cast material.

"Center of excellence (COE)" - A hospital, medical center, or other health care provider that meets or exceeds standards set by the agency for specific treatments or specialty care.

"Centers for Medicare and Medicaid Services (CMS) ((7))" - See WAC 182-500-0020.

"Certified registered nurse anesthetist (CRNA)" - An advanced registered nurse practitioner (ARNP) with formal training in anesthesia who meets all state and national criteria for certification. The American Association of Nurse Anesthetists specifies the national certification and scope of practice.

"Children's health insurance plan (CHIP) ((7))" - See chapter 182-542 WAC.

"Clinical Laboratory Improvement Amendment (CLIA)" - Regulations from the U.S. Department of Health and Human Services that require all laboratory testing sites to have either a CLIA registration or a CLIA certificate of waiver in order to legally perform testing anywhere in the U.S.

"Conversion factors" - Dollar amounts the medicaid agency uses to calculate the maximum allowable fee for physician-related services.

"Covered service" - A service that is within the scope of the eligible client's medical care program, subject to the limitations in this chapter and other published WAC.

"CPT ((7))" - See "current procedural terminology."

"Critical care services" - Physician services for the care of critically ill or injured clients. A critical illness or injury acutely impairs one or more vital organ systems such that the client's survival is jeopardized. Critical care is given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility.

"Current procedural terminology (CPT)" - A systematic listing of descriptive terms and identifying codes for reporting medical serv-

ices, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

"Emergency medical condition(s) ((7))" - See WAC 182-500-0030.

"Emergency services" - Medical services required by and provided to a patient experiencing an emergency medical condition.

"Evaluation and management (E&M) codes" - Procedure codes that categorize physician services by type of service, place of service, and patient status.

"Expedited prior authorization" - The process of obtaining authorization that must be used for selected services, in which providers use a set of numeric codes to indicate to the medicaid agency which acceptable indications, conditions, diagnoses, and/or criteria are applicable to a particular request for services.

"Experimental" - A term to describe a health care service that lacks sufficient scientific evidence of safety and effectiveness. A service is not "experimental" if the service:

(a) Is generally accepted by the medical profession as effective and appropriate; and

(b) Has been approved by the federal Food and Drug Administration or other requisite government body, if such approval is required.

"Federally approved hemophilia treatment center" - A hemophilia treatment center (HTC) that:

(a) Receives funding from the U.S. Department of Health and Human Services, Maternal and Child Health Bureau National Hemophilia Program;

(b) Is qualified to participate in 340B discount purchasing as an HTC. See WAC 182-530-7900;

(c) Has a U.S. Center for Disease Control (CDC) and prevention surveillance site identification number and is listed in the HTC directory on the CDC website;

(d) Is recognized by the Federal Regional Hemophilia Network that includes Washington state; and

(e) Is a direct care provider offering comprehensive hemophilia care consistent with treatment recommendations set by the Medical and Scientific Advisory Council (MASAC) of the National Hemophilia Foundation in their standards and criteria for the care of persons with congenital bleeding disorders.

"Fee-for-service ((7))" - See WAC 182-500-0035.

"Flat fee" - The maximum allowable fee established by the agency for a service or item that does not have a relative value unit (RVU) or has an RVU that is not appropriate.

"Geographic practice cost index (GPCI)" - As defined by medicare, means a medicare adjustment factor that includes local geographic area estimates of how hard the provider has to work (work effort), what the practice expenses are, and what malpractice costs are. The GPCI reflects one-fourth the difference between the area average and the national average.

"Global surgery reimbursement ((7))" - See WAC 182-531-1700.

"HCPCS Level II" - Health care common procedure coding system, a coding system established by Centers for Medicare and Medicaid Services (CMS) to define services and procedures not included in CPT.

"Health care financing administration common procedure coding system (HCPCS)" - The name used for the Centers for Medicare and Medicaid Services (formerly known as the Health Care Financing Administration) codes made up of CPT and HCPCS level II codes.

"Health care team" - A group of health care providers involved in the care of a client.

"Hospice" - A medically directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington licensed and certified Washington state hospice for terminally ill clients and the clients' families.

"ICD((7))" - See "International Classification of Diseases."

"Informed consent" - That an individual consents to a procedure after the provider who obtained a properly completed consent form has done all ((ef)) the following:

- (a) Disclosed and discussed the client's diagnosis;
- (b) Offered the client an opportunity to ask questions about the procedure and to request information in writing;
- (c) Given the client a copy of the consent form;
- (d) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. Chapter IV 441.257; and
- (e) Given the client oral information about all ((ef)) the following:
 - (i) The client's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure;
 - (ii) Alternatives to the procedure including potential risks, benefits, and consequences; and
 - (iii) The procedure itself, including potential risks, benefits, and consequences.

"Inpatient hospital admission" - An admission to a hospital that is limited to medically necessary care based on an evaluation of the client using objective clinical indicators, assessment, monitoring, and therapeutic service required to best manage the client's illness or injury, and that is documented in the client's medical record.

"International Classification of Diseases (ICD)" - The systematic listing that transforms verbal descriptions of diseases, injuries, conditions, and procedures into numerical or alphanumeric designations (coding).

"Investigational" - A term to describe a health care service that lacks sufficient scientific evidence of safety and effectiveness for a particular condition. A service is not "investigational" if the service:

- (a) Is generally accepted by the medical professional as effective and appropriate for the condition in question; or
- (b) Is supported by an overall balance of objective scientific evidence, that examines the potential risks and potential benefits and demonstrates the proposed service to be of greater overall benefit to the client in the particular circumstance than another generally available service.

"Life support" - Mechanical systems, such as ventilators or heart-lung respirators, which are used to supplement or take the place of the normal autonomic functions of a living person.

"Limitation extension((7))" - See WAC 182-501-0169.

"Long-acting reversible contraceptive (LARC)" - Subdermal implants and intrauterine devices (IUDs).

"Maximum allowable fee" - The maximum dollar amount that the medicaid agency will reimburse a provider for specific services, supplies, and equipment.

"Medically necessary((7))" - See WAC 182-500-0070.

"Medication assisted treatment (MAT)" - The use of Food and Drug Administration-approved medications that have published evidence of effectiveness, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.

"Medicare clinical diagnostic laboratory fee schedule" - The fee schedule used by medicare to reimburse for clinical diagnostic laboratory procedures in the state of Washington.

"Medicare physician fee schedule database (MPFSDB)" - The official CMS publication of the medicare policies and RVUs for the RBRVS reimbursement program.

"Medicare program fee schedule for physician services (MPFSPS)" - The official CMS publication of the medicare fees for physician services.

"Mentally incompetent" - A client who has been declared mentally incompetent by a federal, state, or local court.

"Modifier" - A two-digit alphabetic (~~and~~) or numeric, or both, identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting physician can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

"Outpatient((7))" - See WAC 182-500-0080.

"Peer-reviewed medical literature" - A research study, report, or findings regarding a medical treatment that is published in one or more reputable professional journals after being critically reviewed by appropriately credentialed experts for scientific validity, safety, and effectiveness.

"Physician care plan" - A written plan of medically necessary treatment that is established by and periodically reviewed and signed by a physician. The plan describes the medically necessary services to be provided by a home health agency, a hospice agency, or a nursing facility.

"Physician standby" - Physician attendance without direct face-to-face client contact and which does not involve provision of care or services.

"Physician's current procedural terminology((7))" - See "current procedural terminology (CPT)."

"PM&R((7))" - See acute physical medicine and rehabilitation.

"Podiatric service" - The diagnosis and medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot and ankle.

~~(**"Point-of-sale (POS) actual acquisition cost (AAC)"** - The agency determined rate paid to pharmacies through the POS system, which is intended to reflect pharmacy providers' actual acquisition cost.)~~

"Pound indicator (#)" - A symbol (#) indicating a CPT procedure code listed in the medicaid agency's fee schedules that is not routinely covered.

"Preventive" - Medical practices that include counseling, anticipatory guidance, risk factor reduction interventions, and the ordering of appropriate laboratory and diagnostic procedures intended to help a client avoid or reduce the risk or incidence of illness or injury.

"Prior authorization((7))" - See WAC 182-500-0085.

"Professional component" - The part of a procedure or service that relies on the provider's professional skill or training, or the

part of that reimbursement that recognizes the provider's cognitive skill.

"Prognosis" - The probable outcome of a client's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the client's probable life span as a result of the illness.

"Prolonged services" - Face-to-face client services furnished by a provider, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services. The time counted toward payment for prolonged E&M services includes only face-to-face contact between the provider and the client, even if the service was not continuous.

"Provider(7)" - See WAC 182-500-0085.

"Radioallergosorbent test" or **"RAST"** - A blood test for specific allergies.

"RBRVS(7)" - See resource based relative value scale.

"RBRVS RVU" - A measure of the resources required to perform an individual service or intervention. It is set by medicare based on three components - Physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.

"Reimbursement" - Payment to a provider or other agency-approved entity who bills according to the provisions in WAC 182-502-0100.

"Reimbursement steering committee (RSC)" - An interagency work group that establishes and maintains RBRVS physician fee schedules and other payment and purchasing systems utilized by the medicaid agency and the department of labor and industries.

"Relative value guide (RVG)" - A system used by the American Society of Anesthesiologists for determining base anesthesia units (BAUs).

"Relative value unit (RVU)" - A unit that is based on the resources required to perform an individual service or intervention.

"Resource based relative value scale (RBRVS)" - A scale that measures the relative value of a medical service or intervention, based on the amount of physician resources involved.

"RSC RVU" - A unit established by the RSC for a procedure that does not have an established RBRVS RVU or has an RBRVS RVU deemed by the RSC as not appropriate for the service.

"RVU(7)" - See relative value unit.

"Stat laboratory charges" - Charges by a laboratory for performing tests immediately. "Stat" is an abbreviation for the Latin word "statim," meaning immediately.

"Sterile tray" - A tray containing instruments and supplies needed for certain surgical procedures normally done in an office setting. For reimbursement purposes, tray components are considered by CMS to be nonroutine and reimbursed separately.

"Technical advisory group (TAG)" - An advisory group with representatives from professional organizations whose members are affected by implementation of RBRVS physician fee schedules and other payment and purchasing systems utilized by the agency and the department of labor and industries.

"Technical component" - The part of a procedure or service that relates to the equipment set-up and technician's time, or the part of the procedure and service reimbursement that recognizes the equipment cost and technician time.

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

WAC 182-531-1200 Physician office medical supplies. (1) Refer to ((RBRVS)) the medicaid agency's published physician-related services/health care professional services billing ((instructions)) guide for a list of:

(a) Supplies that are a routine part of office or other outpatient procedures and that cannot be billed separately; and

(b) Supplies that can be billed separately and that the ((department)) medicaid agency considers nonroutine to office or outpatient procedures.

(2) The ((department)) agency reimburses at actual acquisition cost certain supplies under ((fifty dollars)) \$50 that do not have a maximum allowable fee listed in the fee schedule. The provider must retain invoices for these items and make them available to the ((department)) agency upon request.

(3) Providers must submit invoices for items costing ((fifty dollars)) \$50 or more.

(4) The ((department)) agency reimburses for **sterile tray** for certain surgical services only. Refer to the fee schedule for a list of covered items.

AMENDATORY SECTION (Amending WSR 17-04-039, filed 1/25/17, effective 2/25/17)

WAC 182-531-1450 Radiology physician-related services. (1) The medicaid agency reimburses radiology services subject to the limitations in this section and under WAC 182-531-0300.

(2) The agency does not make separate payments for contrast material. The exception is low osmolar contrast media (LOCM) used in intrathecal, intravenous, and intra-arterial injections. Clients receiving these injections must have one or more of the following conditions:

(a) A history of previous adverse reaction to contrast material. An adverse reaction does not include a sensation of heat, flushing, or a single episode of nausea or vomiting;

(b) A history of asthma or allergy;

(c) Significant cardiac dysfunction including recent or imminent cardiac decompensation, severe arrhythmias, unstable angina pectoris, recent myocardial infarction, and pulmonary hypertension;

(d) Generalized severe debilitation;

(e) Sickle cell disease;

(f) Preexisting renal insufficiency; and/or

(g) Other clinical situations where use of any media except LOCM would constitute a danger to the health of the client.

(3) The agency reimburses separately for radiopharmaceutical diagnostic imaging agents for nuclear medicine procedures. Providers must submit invoices for these procedures when requested by the agency, and reimbursement is at actual acquisition cost.

(4) The agency reimburses general anesthesia for radiology procedures. See WAC 182-531-0300.

(5) The agency reimburses radiology procedures in combination with other procedures according to the rules for multiple surgeries.

See WAC 182-531-1700. The procedures must meet all of the following conditions:

- (a) Performed on the same day;
 - (b) Performed on the same client; and
 - (c) Performed by the same physician or more than one member of the same group practice.
- (6) The agency reimburses consultation on X-ray examinations. The consulting physician must bill the specific radiological X-ray code with the appropriate professional component modifier.
- (7) The agency reimburses for portable X-ray services furnished in the client's home or in nursing facilities, limited to the following:
- (a) Chest or abdominal films that do not involve the use of contrast media;
 - (b) Diagnostic mammograms; and
 - (c) Skeletal films involving extremities, pelvis, vertebral column, or skull.

WSR 24-05-063

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed February 20, 2024, 10:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-02-050 and 22-09-074.

Title of Rule and Other Identifying Information: WAC 182-502-0002 Eligible provider types, and 182-531-1400 Psychiatric physician-related services and other professional mental health services.

Hearing Location(s): On March 26, 2024, at 10:00 a.m. The health care authority (HCA) holds public hearings virtually without a physical meeting place. To attend the virtual public hearing, you must register in advance https://us02web.zoom.us/webinar/register/WN_lJS763_JQbuScCIMjssSA. If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: No sooner than March 27, 2024.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by March 26, 2024, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email Johanna.larson@hca.wa.gov, by March 15, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is amending these rules to add advanced social worker associates, independent clinical social worker associates, marriage and family therapist associates, and mental health counselor associates as provider types eligible to provide covered health care services to eligible clients. In WAC 182-502-0002, HCA replaced social workers with advanced social workers and independent clinical social workers.

HCA is also adding community behavioral health support services provider facilities to the list of eligible provider types in WAC 182-502-0002. HCA filed a preproposal statement of inquiry (CR-101) under WSR 22-09-074 to develop new rules in Title 182 WAC regarding the community behavioral health support services program. This rule making was postponed after necessary funding for the program was not provided. HCA is restarting this rule making in anticipation that the funding will be provided during this legislative session. If funding is not provided, HCA will remove community behavioral health support services provider facilities from the list of eligible provider types before finalizing these rules.

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: Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-9563; Implementation and Enforcement: Teresa Claycamp, P.O. Box 42730, Olympia, WA 98504-2730, 360-974-9448.

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.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

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. HCA is amending this rule to add advanced social worker associates, independent clinical social worker associates, marriage and family therapist associates, and mental health counselor associates as provider types eligible to provide covered health care services to eligible clients. HCA has determined that the addition of these payable provider types does not impose a more-than-minor cost on small businesses.

February 20, 2024
Wendy Barcus
Rules Coordinator

OTS-5163.3

AMENDATORY SECTION (Amending WSR 23-24-026, filed 11/29/23, effective 1/1/24)

WAC 182-502-0002 Eligible provider types. The following health care professionals, health care entities, suppliers or contractors of service may request enrollment with the Washington state health care authority (medicaid agency) to provide covered health care services to eligible clients. For the purposes of this chapter, health care services include treatment, equipment, related supplies, and drugs.

- (1) Professionals:
- (a) Advanced registered nurse practitioners;
 - (b) Advanced social workers;
 - (c) Advanced social worker associates;
 - (d) Anesthesiologists;
 - ~~((e))~~ (e) Applied behavior analysis (ABA) professionals, as provided in WAC 182-531A-0800:
 - (i) Licensed behavior analyst;
 - (ii) Licensed assistant behavior analyst; and
 - (iii) Certified behavior technician~~((-))~~;
 - ~~((d))~~ (f) Audiologists;
 - ~~((e))~~ (g) Chiropractors;
 - ~~((f))~~ (h) Dentists;
 - ~~((g))~~ (i) Dental health aide therapists, as provided in chapter 70.350 RCW;
 - ~~((h))~~ (j) Dental hygienists;
 - ~~((i))~~ (k) Denturists;
 - ~~((j))~~ (l) Dietitians or nutritionists;
 - ~~((k))~~ (m) Hearing aid fitters/dispensers;
 - ~~((l))~~ (n) Home health aide credentialed with DOH as nursing assistant certified or nursing assistant registered;
 - ~~((m))~~ (o) Independent clinical social workers;

- (p) Independent clinical social worker associates;
~~(q)~~ Licensed practical nurse;
~~((n))~~ (r) Marriage and family therapists;
~~((o))~~ (s) Mental health counselors;
~~((p))~~ (t) Mental health counselor associates;
~~(u)~~ Mental health care providers;
~~((q))~~ (v) Midwives;
~~((r))~~ (w) Naturopathic physicians;
~~((s))~~ (x) Nurse anesthetist;
~~((t))~~ ~~Ocularists;~~
~~((u))~~ (y) Ocularists;
~~(z)~~ Occupational therapists;
~~((v))~~ (aa) Ophthalmologists;
~~((w))~~ (bb) Opticians;
~~((x))~~ (cc) Optometrists;
~~((y))~~ (dd) Orthodontists;
~~((z))~~ (ee) Orthotist;
~~((aa))~~ (ff) Osteopathic physicians;
~~((bb))~~ (gg) Osteopathic physician assistants;
~~((ee))~~ (hh) Peer counselors;
~~((dd))~~ (ii) Podiatric physicians;
~~((ee))~~ (jj) Pharmacists;
~~((ff))~~ (kk) Physicians;
~~((gg))~~ (ll) Physician assistants;
~~((hh))~~ (mm) Physical therapists;
~~((ii))~~ (nn) Prosthetist;
~~((jj))~~ (oo) Psychiatrists;
~~((kk))~~ (pp) Psychologists;
~~((ll))~~ (qq) Radiologists;
~~((mm))~~ (rr) Registered nurse;
~~((nn))~~ (ss) Registered nurse delegators;
~~((oo))~~ (tt) Registered nurse first assistants;
~~((pp))~~ (uu) Respiratory therapists;
~~((qq))~~ ~~Social workers; and~~
~~((rr))~~ (vv) Speech/language pathologists; and
~~((ss))~~ (ww) Substance use disorder professionals:
(i) Mental health providers; and
(ii) Peer counselors.
(2) Agencies, centers and facilities:
(a) Adult day health centers;
(b) Ambulance services (ground and air);
(c) Ambulatory surgery centers (medicare-certified);
(d) Birthing centers (licensed by the department of health);
(e) Cardiac diagnostic centers;
(f) Case management agencies;
(g) Substance use disorder treatment facilities certified by the department of health (DOH);
(h) Withdrawal management treatment facilities certified by DOH;
(i) Community AIDS services alternative agencies;
(j) Community behavioral health support services provider facilities;
~~(k)~~ Community mental health centers;
~~((k))~~ (l) Diagnostic centers;
~~((l))~~ (m) Early and periodic screening, diagnosis, and treatment (EPSDT) clinics;
~~((m))~~ (n) Family planning clinics;

~~((n))~~ (o) Federally qualified health centers (designated by the federal department of health and human services);
~~((o))~~ (p) Genetic counseling agencies;
~~((p))~~ (q) Health departments;
~~((q))~~ (r) Health maintenance organization (HMO)/managed care organization (MCO);
~~((r))~~ (s) HIV/AIDS case management;
~~((s))~~ (t) Home health agencies;
~~((t))~~ (u) Hospice agencies;
~~((u))~~ (v) Hospitals;
~~((v))~~ (w) Indian health service facilities/tribal 638 facilities;
~~((w))~~ (x) Tribal or urban Indian clinics;
~~((x))~~ (y) Inpatient psychiatric facilities;
~~((y))~~ (z) Intermediate care facilities for individuals with intellectual disabilities (ICF-IID);
~~((z))~~ (aa) Kidney centers;
~~((aa))~~ (bb) Laboratories (CLIA certified);
~~((bb))~~ (cc) Maternity support services agencies; maternity case managers; infant case management, first steps providers;
~~((cc))~~ (dd) Neuromuscular and neurodevelopmental centers;
~~((dd))~~ (ee) Nurse services/delegation;
~~((ee))~~ (ff) Nursing facilities (approved by the DSHS aging and long-term support administration);
~~((ff))~~ (gg) Pathology laboratories;
~~((gg))~~ (hh) Pharmacies;
~~((hh))~~ (ii) Private duty nursing agencies;
~~((ii))~~ (jj) Radiology - Stand-alone clinics;
~~((jj))~~ (kk) Rural health clinics (medicare-certified);
~~((kk))~~ (ll) School districts and educational service districts;
and
~~((ll))~~ (mm) Sleep study centers ~~((; and~~
~~((mm))~~ ~~Washington state school districts and educational service districts~~)).

(3) Suppliers of:

- (a) Blood, blood products, and related services;
- (b) Durable and nondurable medical equipment and supplies;
- (c) Complex rehabilitation technologies;
- (d) Infusion therapy equipment and supplies;
- (e) Prosthetics/orthotics;
- (f) Hearing aids; and
- (g) Respiratory care, equipment, and supplies.

(4) Contractors:

- (a) Transportation brokers;
- (b) Spoken language interpreter services agencies;
- (c) Independent sign language interpreters; and
- (d) Eyeglass and contact lens providers.

OTS-5164.1

AMENDATORY SECTION (Amending WSR 23-11-097, filed 5/18/23, effective 6/18/23)

WAC 182-531-1400 Psychiatric physician-related services and other professional mental health services. (1) The mental health services covered in this section are different from the mental health services covered under community mental health and involuntary treatment programs in chapter 182-538D WAC.

(2) Inpatient and outpatient mental health services not covered under chapter 182-538D WAC may be covered by the agency under this section.

Inpatient mental health services

(3) For hospital inpatient psychiatric admissions, providers must comply with chapter 182-538D WAC.

(4) The agency covers professional inpatient mental health services as follows:

(a) When provided by a psychiatrist, psychiatric advanced registered nurse practitioner (ARNP), psychiatric mental health nurse practitioner-board certified (PMHNP-BC), or psychologist in conjunction with the prescribing provider;

(b) The agency pays only for the total time spent on direct psychiatric client care during each visit, including services provided when making rounds. The agency considers services provided during rounds to be direct client care services and may include, but are not limited to:

(i) Individual psychotherapy up to one hour;

(ii) Family/group therapy; or

(iii) Electroconvulsive therapy.

(c) One electroconvulsive therapy or narcosynthesis per client, per day, and only when performed by a psychiatrist.

Outpatient mental health services

(5) The agency covers outpatient mental health services when provided by the following licensed health care practitioners who are eligible providers under chapter 182-502 WAC:

(a) Psychiatrists;

(b) Psychologists;

(c) Psychiatric advanced registered nurse practitioners (ARNP);

(d) Psychiatric mental health nurse practitioners-board certified (PMHNP-BC);

(e) Mental health counselors;

(f) Mental health counselor associates;

(g) Independent clinical social workers;

~~((g))~~ (h) Independent clinical social worker associates;

(i) Advanced social workers; ~~((e~~

~~(h))~~ (j) Advanced social worker associates;

(k) Marriage and family therapists; or

(l) Marriage and family therapist associates.

(6) With the exception of child psychiatrists, as defined in RCW 71.34.020, qualified practitioners listed in subsection (5) of this section who diagnose and treat clients age 18 and younger must meet one of the following:

(a) The education and experience requirements for a child mental health specialist found in WAC 182-538D-0200; or

(b) Be working under the supervision of a practitioner who meets these requirements.

(7) The agency does not limit the total number of outpatient mental health visits a licensed health care professional can provide.

(8) The agency evaluates a request for covered outpatient mental health services in excess of the limitations in this section under WAC 182-501-0169.

(9) The agency covers outpatient mental health services with the following limitations:

(a) Diagnostic evaluations. One psychiatric diagnostic evaluation, per provider, per client, per calendar year, unless significant change in the client's circumstances renders an additional evaluation medically necessary and is authorized by the agency.

(i) For clients 20 years of age and younger, additional evaluations are paid for when medically necessary and authorized by the agency, per WAC 182-534-0100 and 182-501-0165.

(ii) For clients five years of age and younger, the agency pays for the following without requiring prior authorization:

(A) Up to five sessions to complete a psychiatric diagnostic evaluation; and

(B) Evaluations in the home or community setting, including reimbursement for provider travel.

(iii) For clients age five through age 20, the services in (a)(ii)(A) and (B) of this subsection are paid for when medically necessary and authorized by the agency.

(b) Psychotherapy. One or more individual or family/group psychotherapy visits, with or without the client, per day, per client, when medically necessary.

(c) Medication management. One psychiatric medication management service, per client, per day, in an outpatient setting when performed by one of the following:

(i) Psychiatrist;

(ii) Psychiatric advanced registered nurse practitioner (ARNP);

or

(iii) Psychiatric mental health nurse practitioner-board certified (PMHNP-BC).

(10) To receive payment for providing mental health services, providers must bill the agency using the agency's published billing instructions.

WSR 24-05-072
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed February 20, 2024, 1:43 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Amend Regulation I, Section 5.07 (Annual Registration Fees).

Hearing Location(s): On March 28, 2024, at 8:45 a.m. The public hearing will be conducted via Zoom meeting <https://us02web.zoom.us/j/9128500665?pwd=dGhUdnU2Q0gzdHQxbTNTM01Nbl1MUT09>, Meeting ID 912 850 0665, Passcode 1904; or call-in 888-788-0099 US toll-free. The meeting can also be attended in person at the Puget Sound Clean Air Agency's (agency) office at 1904 3rd Avenue, Suite 105, Seattle, WA.

Date of Intended Adoption: April 25, 2024.

Submit Written Comments to: Betsy Wheelock, Puget Sound Clean Air Agency, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, email RegUpdates@psccleanair.gov, fax 206-343-7522, by March 29, 2024.

Assistance for Persons with Disabilities: Contact agency reception, phone 206-343-8800, fax 206-343-7522, email RegUpdates@psccleanair.gov, by March 22, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Section 5.07:** The registration program fees, like the other fee programs of the agency (operating permit, notice of construction, and asbestos), are designed to recover the costs of implementing and administering the program. The last significant changes to the registration program fee schedule in Regulation I, Section 5.07 were made in 2023, and before that in 2012.

The agency reviews the registration program fee structure annually to determine if the fees collected are adequate to cover the costs of the program. This year, the proposed fee increases apply across the board to each fee category (excluding emission fees) to reflect the increases in total program costs. These increases are attributable to cost-of-living increases and inflationary impacts to other operational costs.

Increases in fees for the entire program were implemented in 2023. However, the fees remained unchanged from 2012 to 2023 as it was not necessary due to, among other things, closely managing program administration, implementing efficiencies, and relatively low inflationary impacts to the program costs. In the last three years, inflation has significantly increased the costs to the program and an adjustment is necessary for the upcoming budget development.

The financial information for fiscal year (FY) 2024 and the projections for FY 2025 indicate that without an increase in the registration fees, the revenues generated by the existing fee levels would be less than the annual budget for the program in FY 2025. Current expenses are also reflecting the effects of inflation as actual expenses are now projected to exceed the revenues invoiced for calendar year 2024. Left unchanged now, that would lead to deficits for the program that would continue to erode the funding for the program that would potentially produce a deficit at some point in FY 2025.

Based on the information discussed above, the proposed increase in registration fees is five percent across the board (all fee elements in the fee structure) except for emission fees. The emission fees, a \$/ton fee for reportable air pollutant emissions levels, are

proposed to remain unchanged. This recommendation regarding emission fee charges remaining unchanged will keep the emission fee charges equivalent to those for operating permit sources.

Reasons Supporting Proposal: The long-standing financial policy of the agency's board of directors is that fees support the costs of the compliance programs. These proposed annual registration fee changes are necessary to maintain consistency with that policy and this proposal is intended to cover increasing and future program costs based upon a reasonable evaluation of work needed to be performed by the agency for the registration program.

Statutory Authority for Adoption: Chapter 70A.15 RCW.

Statute Being Implemented: Chapter 70A.15 RCW.

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

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting: John Dawson, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, 206-689-4060; Implementation and Enforcement: Steve Van Slyke, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, 206-689-4052.

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 local air agencies, per RCW 70A.15.2040.

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 rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Is exempt under RCW 19.85.011.

Explanation of exemptions: Chapter 19.85 RCW does not appear to apply to local air agencies.

Scope of exemption for rule proposal:

Is fully exempt.

February 20, 2024
Christine Cooley
Executive Director

AMENDATORY SECTION

REGULATION I SECTION 5.07 ANNUAL REGISTRATION FEES

(a) The Agency shall assess annual fees as set forth in Section 5.07(c) of this regulation for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program, which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registra-

tion program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program. Payment of these fees by the owner or operator of a source shall maintain its active registration status (even if it is not actively operating).

(b) Upon assessment by the Agency, registration fees are due and payable within 45 days of the date of the invoice. Registration fees shall be deemed delinquent if not fully paid within 45 days of the date of the invoice. Persons or sources that under-report emissions, fail to submit other information used to set fees, or fail to pay required fees within 90 days of the date of the invoice, may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter 70A.15 RCW).

(c) Except as specified in Section 5.07 (d) and (e) of this regulation, registered sources shall be assessed a fee of (~~(\$1,350)~~) \$1,418, plus the following fees:

(1) Sources subject to a federal emission standard as specified in Section 5.03 (a)(1) of this regulation shall be assessed (~~(\$2,450)~~) \$2,573 per subpart of 40 CFR Parts 60-63;

(2) Sources subject to a federally enforceable emission limitation as specified in Section 5.03 (a)(2) or meeting the emission thresholds specified in Section 5.03 (a)(3) of this regulation shall be assessed (~~(\$2,670)~~) \$2,804;

(3) Sources subject to the emission reporting requirements under Section 5.05(b) of this regulation shall be assessed \$30 for each ton of CO and \$60 for each ton of NOx, PM10, SOx, HAP, and VOC, based on the emissions reported during the previous calendar year;

(4) Sources with more than one coffee roaster installed on-site that are approved under a Notice of Construction Order of Approval shall be assessed (~~(\$2,670)~~) \$2,804;

(5) Sources of commercial composting with raw materials from off-site and with an installed processing capacity of <100,000 tons per year shall be assessed (~~(\$6,670)~~) \$7,004; and

(6) Sources of commercial composting with raw materials from off-site and with an installed processing capacity of ≥100,000 tons per year shall be assessed (~~(\$26,680)~~) \$28,014.

(d) Gasoline dispensing facilities shall be assessed the following fees based on their gasoline throughput during the previous calendar year (as certified at the time of payment):

- (1) More than 6,000,000 gallons. (~~(\$4,740)~~) \$4,977;
- (2) 3,600,001 to 6,000,000 gallons. (~~(\$2,355)~~) \$2,473;
- (3) 1,200,001 to 3,600,000 gallons. (~~(\$1,565)~~) \$1,643;
- (4) 840,001 to 1,200,000 gallons. (~~(\$785)~~) \$824;
- (5) 200,001 to 840,000 gallons. (~~(\$395)~~) \$415.

(e) The following registered sources shall be assessed an annual registration fee of (~~(\$165)~~) \$173, provided that they meet no other criteria listed in Section 5.03(a) of this regulation:

(1) Sources with spray-coating operations subject to Section 9.16 of this regulation that use no more than 4,000 gallons per year of total coatings and solvents;

(2) Gasoline dispensing facilities subject to Section 2.07 of Regulation II with gasoline annual throughput during the previous calendar year (as certified at the time of payment) of no more than 200,000 gallons;

(3) Motor vehicle and mobile equipment coating operations subject to Section 3.04 of Regulation II;

- (4) Unvented dry cleaners using perchloroethylene; and
- (5) Batch coffee roasters subject to notification under Section 6.03 (b) (11) of this regulation.

WSR 24-05-073
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed February 20, 2024, 1:50 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Amend Regulation I, Section 7.07 (Operating Permit Fees).

Hearing Location(s): On March 28, 2024, at 8:45 a.m., via Zoom meeting <https://us02web.zoom.us/j/9128500665?pwd=dGhUdnU2Q0gzdHQxbTNTM0lNbllMUT09>, Meeting ID 912 850 0665, Passcode 1904; or call in 888-788-0099 US Toll-free. The meeting can also be attended in person at the Puget Sound Clean Air Agency's (agency) office at 1904 3rd Avenue, Suite 105, Seattle, WA.

Date of Intended Adoption: April 25, 2024.

Submit Written Comments to: Betsy Wheelock, Puget Sound Clean Air Agency, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, email RegUpdates@psccleanair.gov, fax 206-343-7522, by March 29, 2024.

Assistance for Persons with Disabilities: Contact agency reception, phone 206-343-8800, fax 206-343-7522, email RegUpdates@psccleanair.gov, by March 22, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Section 7.07:** The operating permit program fees, like the other fee programs of the agency (registration, notice of construction, and asbestos), are designed to recover the costs of implementing and administering the program. Changes to the operating permit fee schedule in Regulation I, Section 7.07 were made in 2022 and 2023, recognizing the cumulative effects of inflation. Prior to these actions, the last fee increases to Section 7.07 were made in 2012.

The current proposed changes are intended to further adjust fees to keep the revenues in balance with the level of effort to complete the compliance work associated with the operating permit program. While the revenue and expenses for the operating permit program have been roughly balanced for most of the past dozen years, the increasing costs to the program in the last few years and increasing level of effort for some types of work by the agency for certain aspects of the operating permit program need to be addressed through another adjustment to the fee schedule to ensure the agency does not reach a deficit condition.

The proposed changes include recategorizing municipal solid waste landfills from the middle tier base fee level to the highest tier base fee level. There are currently two landfills in the agency's air operating permit (AOP) program: King County Cedar Hills Landfill, and Pierce County Graham Landfill. This change reflects a financial equity adjustment based on the amount of staff time necessary to administer permitting and compliance with the sources in this category. The proposed amendments to the operating permit fee schedule also include cost increases for each base fee category of five percent. The consumer price index increase since the last operating permit fee increase is approximately five percent (up 21 percent over the past three years).

The proposed increase anticipates the effects of inflation will not readily ease and this proposal assumes the inflationary effects through the fiscal year 2025 time period (and the calendar year 2025

time period) will continue. The lag between proposed fee increases and the actual billings that reflects that revenue have also been considered in this proposal. The emission fees, a \$/ton fee for reportable air pollutant emissions levels, are proposed to remain unchanged. This recommendation regarding emission fee charges remaining unchanged will keep the emission fee charges equivalent to those for registration program sources. Additionally, no changes are proposed for the fee elements that relate to permit issuance transactions.

Reasons Supporting Proposal: The long-standing financial policy of the agency's board of directors is that fees support the costs of the compliance programs. These proposed operating permit fee changes are necessary to maintain consistency with that policy and this proposal is intended to cover increasing and future program costs based upon a reasonable evaluation of work needed to be performed by the agency for the operating permit program.

Statutory Authority for Adoption: Chapter 70A.15 RCW.

Statute Being Implemented: Chapter 70A.15 RCW.

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

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting: John Dawson, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, 206-689-4060; Implementation and Enforcement: Steve Van Slyke, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, 206-689-4052.

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 local air agencies, per RCW 70A.15.2040.

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 rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Is exempt under RCW 19.85.011.

Explanation of exemptions: Chapter 19.85 RCW does not appear to apply to local air agencies.

Scope of exemption for rule proposal:

Is fully exempt.

February 20, 2024
Christine Cooley
Executive Director

AMENDATORY SECTION

REGULATION I SECTION 7.07 OPERATING PERMIT FEES

(a) The Agency shall assess annual operating permit fees as set forth in Section 7.07(b) below to cover the cost of administering the operating permit program.

(b) Upon assessment by the Agency, the following annual operating permit fees are due and payable within 45 days of the invoice date. They shall be deemed delinquent if not fully paid within 90 days of the date of the invoice and will be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$8,125. In

addition, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than 90 days late with such payments may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter 70A.15 RCW).

(1) Sources in the following North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual*, U.S. Executive Office of the President, Office of Management and Budget, 2012), or sources subsequently determined by the control officer to be assigned to either Section 7.07 (b) (1) (i) or 7.07 (b) (1) (ii) shall be subject to the following facility fees:

(i) Operating permit sources with the following NAICS codes:

NAICS	NAICS Description Fee
221112	Fossil Fuel Electric Power Generation
324110	Petroleum Refineries
327213	Glass Container Manufacturing
327310	Cement Manufacturing
331110	Iron and Steel Mills and Ferroalloy Manufacturing
336411	Aircraft Manufacturing
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing
<u>562212</u>	<u>Solid Waste Landfill</u>
928110	National Security
 ((\$83,650)) <u>\$87,833</u>

(ii) Operating permit sources with the following NAICS codes:

NAICS	NAICS Description Fee
311119	Other Animal Food Manufacturing
311812	Commercial Bakeries
321912	Cut Stock, Resawing Lumber, and Planing
321918	Other Millwork (including Flooring)
321999	All Other Miscellaneous Wood Product Manufacturing
322220	Paper Bag and Coated and Treated Paper Manufacturing
326140	Polystyrene Foam Product Manufacturing
332996	Fabricated Pipe and Pipe Fitting Manufacturing
 ((\$20,910)) <u>\$21,956</u>

(iii) Operating permit sources with NAICS codes other than listed above. ((~~\$41,830~~)) \$43,922

(2) Additional emission rate fees shall be paid in addition to the annual operating permit fees of Section 7.07 (b) (1):

\$30 for each ton of CO reported in the previous calendar year, and

\$60 for each ton of NOx reported in the previous calendar year, and

\$60 for each ton of PM10 reported in the previous calendar year, and

\$60 for each ton of SOx reported in the previous calendar year, and

\$60 for each ton of VOC reported in the previous calendar year, and

\$60 for each ton of HAP reported in the previous calendar year.

(c) In addition to the fees under Sections 7.07 (b) (1) and (b) (2) above, the Agency shall, on a source-by-source basis, assess the following fees:

- (1) \$500 for administrative permit amendments [WAC 173-401-720], and
- (2) for minor permit modifications [WAC 173-401-725 (2) and (3)], a fee equal to 10% of the annual operating permit fee, not to exceed \$8,125, and
- (3) for the original issuance [WAC 173-401-700], significant modification [WAC 173-401-725(4)], reopening for cause [WAC 173-401-730], or renewal [WAC 173-401-710] of an operating permit, a fee equal to 20% of the annual operating permit fee, not to exceed \$16,250, and
- (4) to cover the costs of public involvement under WAC 173-401-800, and
- (5) to cover the costs incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and chapter 246-247 WAC.

(d) In addition to the fees described under Sections 7.07 (b) and (c) above, the Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under chapter 173-401 WAC to cover the Department of Ecology's program development and oversight costs.

(e) Continued payment to the Agency of the annual operating permit fee maintains the operating permit and the status of the source as an operating facility.

WSR 24-05-075
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed February 20, 2024, 2:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-18-076.

Title of Rule and Other Identifying Information: Chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations, self-insurance good faith and fair dealing.

Hearing Location(s): On March 29, 2024, at 10:00 a.m., at the Department of Labor and Industries (L&I), 7273 Linderson Way S.W., Room S119, Tumwater, WA 98501; or join electronically via Zoom <https://lni-wa-gov.zoom.us/j/85650691140?pwd=a0NDeFBBR2pJYjh2eFpRS0FrRwdJZz09>, Meeting ID 856 5069 1140, Passcode GF&FDR1521; or join by phone (audio only) 253-205-0468, Meeting ID 856 5069 1140, Passcode 8789583741. The in-person and virtual/telephonic hearing starts at 10:00 a.m. and will continue until all oral comments are received.

Date of Intended Adoption: April 30, 2024.

Submit Written Comments to: Nicole Mitchell, L&I, Insurance Services, Self-Insurance, P.O. Box 44890, Olympia, WA 98504-4890, email Nicole.Mitchell@lni.wa.gov, fax 360-902-6977, by 5 p.m. on March 29, 2024.

Assistance for Persons with Disabilities: Contact Nicole Mitchell, phone 360-902-6833, fax 360-902-6977, email Nicole.Mitchell@lni.wa.gov, by March 22, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Based on legislation passed in 2023, this rule making proposes new sections and amendments to chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations.

New Sections:

WAC 296-15-257 Withdrawal or corrective action pursuant to action instituted by the department.

- Created a new section that summarizes reasons that the director or director's designee shall take corrective action, up to withdrawal of self-insured certification, against a self-insured employer, including for violations of duty of good faith and fair dealing.

WAC 296-15-268 Self-insurance penalty calculations.

- Created a new section to establish criteria for determining appropriate penalty amounts for self-insured employers and their third party administrators for violations of their obligations under Title 51 RCW, including for the duty of good faith and fair dealing.

WAC 296-15-270 Violation of the duty of good faith and fair dealing.

- Created a new section to identify applications of the duty of good faith and fair dealing as required by RCW 51.14.180.
- This section emphasizes actions that are engaged in repeatedly, or that indicate general business practices that place greater concern for the employer's interest than the worker's interest.

WAC 296-15-272 When intentional behavior is determined to be a violation of the duty of good faith and fair dealing.

- Created a new section to identify applications of the duty of good faith and fair dealing as required by RCW 51.14.180.
- This section emphasizes actions that are engaged in with the intent to interfere with the worker's ability to file or reopen a claim or to seek reconsideration or further benefits, such as through protest and appeals. It also addresses coercing a worker to accept less than the compensation due under Title 51 RCW.

Amended Sections:

WAC 296-15-121 Surety for a self-insurance program.

- Clarified language that defines surety.
- Clarified language about what happens when an entity ends its self-insured workers' compensation program.

WAC 296-15-125 Default by a self-insurer.

- Clarified language that defines default and explains processes for when a default occurs.

WAC 296-15-260 Corrective action or withdrawal of certification.

- Added a subsection that allows the director to delay the withdrawal of certification of self-insured employers while the employer has an enforceable contract with a licensed third-party administrator. This language was added to mirror a new provision in RCW 51.14.080(2), effective July 1, 2024.
- Reduced the minimum number of days after a department order is issued to withdraw certification that the order becomes effective from 90 days to 30 days to reduce exposures to further noncompliance once it is determined that an employer shall be decertified.

WAC 296-15-266 Penalties.

- Clarified language about when L&I will consider assessing a penalty for delay of benefits to a worker, including to specify that such action may be taken upon L&I's own motion.
- Replaced all instances of the word "claimant" with "worker."
- Removed an asterisk that defined notice of a claim because the definition was no longer consistent with current case law.
- Added a subsection to communicate when L&I will consider assessing a penalty for violation of rules.
- Clarified language about how penalty requests are created and processed.

Reasons Supporting Proposal: SHB 1521, chapter 293, Laws of 2023, resulted in updates to RCW 51.48.080, 51.48.017, and 51.14.080. It also added new RCW 51.14.180 and 51.14.181. This rule making proposes to introduce four new sections and amend four existing sections of chapter 296-15 WAC to support and conform to the new law, as well as existing corrective action and decertification in RCW 51.14.090 and 51.14.095.

Statutory Authority for Adoption: RCW 51.14.090, 51.14.095, 51.14.180.

Statute Being Implemented: RCW 51.14.180, 51.14.181, 51.14.080.

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

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Knowrasa Patrick, Tumwater, Washington, 360-902-6907.

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 Nicole Mitchell, L&I, Insurance Services, Self-Insurance, P.O. Box 44890, Olympia, WA 98504-4890, phone 360-902-6833, fax 360-902-6977, email Nicole.Mitchell@Lni.wa.gov.

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

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: These new rule sections and amendments apply only to self-insured municipal employers and self-insured private sector firefighter employers who employ 50 or more firefighters. None of these employers have fewer than 50 employees. Therefore, this rule does not impact any small businesses.

Scope of exemption for rule proposal:

Is fully exempt.

February 20, 2024
Joel Sacks
Director

OTS-5210.1

AMENDATORY SECTION (Amending WSR 21-13-136, filed 6/22/21, effective 7/23/21)

WAC 296-15-121 Surety for a self-insurance program. (1) **What is surety?** Surety is the legal financial guarantee each self-insurer must provide to the department for its self-insured workers' compensation program. Failure to provide surety in the amount required by the department will result in the withdrawal of the self-insurer's certification. If a self-insurer defaults (~~(on (stops payment of) benefits and assessments)~~), the department will use its surety to cover these costs.

(a) Surety for all entities must be provided on the department's form. The original will be kept by the department. Surety must cover all self-insurance claims liabilities associated with the claims occurring during the time an employer functions as a self-insurer. (~~(Excluding public entities and groups.)~~) Surety amounts for public entities and groups are covered by WAC 296-15-151 and 296-15-161 respectively.

(b) Surety may not be used by a self-insurer to:

- (i) Pay its workers' compensation benefits; or
- (ii) Serve as collateral for any other banking transactions.

(c) Surety is not an asset of the self-insurer and will not be released by the department if the self-insurer files a petition for dissolution or relief under bankruptcy laws.

(d) The department will determine the amount of surety each self-insurer must provide annually. Surety can also be determined by an in-

dependent qualified actuary (associate or fellow of the casualty actuarial society). The surety estimate is subject to the approval of the department's actuary.

(e) Surety may be increased by a maximum of (~~twenty-five~~) 25 percent of the estimated claim liabilities. These increases will be based on the self-insurer's credit rating or the director's discretion.

(f) Surety for privately held entities are required to submit audited financial reports prepared by a certified public accountant annually. Failure to provide timely updates will result in increased surety requirements. If the latest financial reports are older than (~~twelve~~) 12 months past their fiscal year, surety will be increased by (~~ten~~) 10 percent over the required surety calculated by the department. If the latest financial reports are older than (~~twenty-four~~) 24 months, surety will be increased by (~~twenty-five~~) 25 percent over the required surety calculated by the department and the department will proceed to decertify the employer from self-insurance.

(2) What types of self-insurance surety will the department accept? The department will accept the following types of surety:

(a) Cash, corporate, or governmental securities deposited with a department approved escrow agent and administered by a written agreement L&I form F207-039-000 between the department, self-insurer and escrow agent. Use L&I form F207-137-000 for any rider/amendment to the escrow account.

An escrow account may not be used by the self-insurer to satisfy any other obligation to the bank which maintains the escrow account.

(b) A bond on L&I form F207-068-000 written by a company approved to transact surety business in Washington. Use L&I form F207-134-000 for any rider/amendment to the bond.

(c) An irrevocable standby letter of credit (LOC) on L&I form F207-112-000 if the self-insurer has a net worth of at least (~~500 million dollars~~) \$500,000,000. Use L&I form F207-111-000 for any rider/amendment. LOCs are subject to acceptance by the department. Acceptance includes, but is not limited to, approval of the financial condition of the issuing or confirming bank.

(i) The issuing or confirming bank must have a location in Washington. The bank must provide the department with an audited financial statement or call report made to the banking regulatory agencies for the most recent fiscal year. An audited statement/call report is due at LOC issuance and annually while the LOC is in effect.

(ii) The self-insurer must provide the department a memorandum of understanding on L&I form F207-113-000 showing the self-insurer's agreement with the following conditions:

(A) The department will automatically extend an LOC for an additional year unless notified otherwise by registered mail at least (~~sixty~~) 60 days prior to expiration.

(B) If the department is notified an LOC will not be replaced, and the self-insurer fails to provide acceptable replacement surety within (~~thirty~~) 30 days of notice:

(I) The department will draw the full value of the LOC. All proceeds of the LOC will be deposited with the department;

(II) Accrued interest in excess of the surety requirement will be returned semiannually to the self-insurer; and

(III) If acceptable replacement surety is later provided, the proceeds of the LOC and accrued interest will be returned to the self-insurer.

(C) If the self-insurer defaults on the payment of workers' compensation benefits and has failed to provide acceptable replacement surety for an expired LOC:

(I) The title to the proceeds will be transferred to the department; and

(II) The proceeds and accrued interest will be used to pay the self-insurer's workers' compensation benefits.

(D) If the self-insurer defaults on the payment of workers' compensation benefits and has an LOC in force:

(I) The department will draw the full value of the LOC. All proceeds of the LOC will be deposited with the department; and

(II) The proceeds and accrued interest will be used to pay the self-insurer's workers' compensation benefits.

(iii) If the self-insurer provides another acceptable type of surety in the amount required by the department, the department's interest in the LOC will be released.

(iv) All legal proceedings regarding a self-insurer's LOC will be subject to Washington laws and courts.

(3) When could a self-insurer's surety level change?

(a) Surety will be maintained at the current level unless the department's estimate or an independent qualified actuary's estimate of the self-insurer's outstanding claim liabilities changes by more than ((one hundred thousand dollars)) \$100,000.

(b) Surety changes are due by July 1st of each year.

(4) How does the department determine the required surety level?

The department analyzes each self-insurer's loss history using incurred development, paid development or other department approved actuarial methods of loss development.

(5) **What is considered reinsurance?** For the purposes of Title 51 RCW, excess insurance and reinsurance mean the same thing.

(6) May a self-insurer reinsure part of its liability?

(a) A self-insurer may reinsure up to ((eighty)) 80 percent of its liability under Title 51 RCW.

(b) The reinsuring company and its personnel are prohibited from participating in the administration of the responsibilities of the self-insurer.

(c) Reinsurance policies issued after July 1, 1975, must include endorsements which state (a) and (b) of this subsection.

(d) The self-insurer must:

(i) Notify the department of the name of the insurance carrier, the extent and coverage period of the policy; and

(ii) Submit copies of all reinsurance policies in force including all modifications and renewal provisions.

(e) The department may accept a certificate of insurance on L&I form F207-095-000 in place of the policy if the certificate certifies all coverage conditions and exceptions and that the reinsurance company and its personnel do not participate in the administration of the responsibilities of the self-insurer under Title 51 RCW.

(7) What if a self-insurer ends its self-insured workers' compensation program? If a self-insurer voluntarily surrenders certification or has its certificate involuntarily withdrawn by the department, the former self-insurer must continue to do all of the following:

(a) Manage and pay benefits on claims incurred during its period of self-insurance. Claim reopenings and new claims filed for occupational diseases incurred during the period of self-insurance remain the obligation of the former self-insurer.

(b) File quarterly and annual reports as long as quarterly reporting is required; and submit audited financial reports prepared by a certified public accountant annually. A former self-insurer may ask the department to release it from quarterly reporting after it has had no claim activity with the exception of pension or death benefits for a full year.

(c) Provide surety at the department required level. The department may require an increase in surety based on annual reports as they continue to be filed. Surety will not be reduced from the last required level (while self-insured) (~~until~~) any sooner than three full calendar years after the certificate was terminated. A bond may be canceled for future obligations, but it continues to provide surety for claims occurring prior to its cancellation.

(d) Pay insolvency trust assessments for three years after surrender or withdrawal of certificate.

(e) Pay all expenses for a final audit of its self-insurance program.

(8) When could the department consider releasing surety to a former self-insurer or its successor?

(a) The department may consider releasing surety to a former self-insurer or its successor when all of the following have occurred:

(i) All claims against the self-insurer are closed; and

(ii) The self-insurer has been released from quarterly reporting for at least (~~ten~~) 10 years.

(b) If the department releases surety, the former self-insurer remains responsible for claim reopenings and new claims filed for occupational disease incurred during the period of self-insurance.

AMENDATORY SECTION (Amending WSR 06-07-141, filed 3/21/06, effective 5/1/06)

WAC 296-15-125 Default by a self-insurer. (1) What is a default? A default occurs when a self-insured employer no longer provides benefits to its injured workers in accordance with Title 51 of the Revised Code of Washington, or is determined to otherwise fail to meet the requirements of a self-insured employer under Title 51 RCW. A default can be a voluntary action of the self-insured employer, (~~or~~) an action brought on by the employer's inability to pay the obligation, or an action brought on by the department.

(2) What happens when the department first learns a self-insured employer has (~~defaulted on its obligation~~) discontinued meeting its obligations under Title 51 RCW? The department (~~first corresponds with the self-insured employer to determine if the self-insurer will resume the provision of benefits~~) will send notice to the self-insurer that if it does not send confirmation within 10 calendar days that it intends to continue to meet its obligations under Title 51 RCW, the department will determine that the self-insurer has defaulted. If the self-insurer does not respond to the department and resume (~~the provision of benefits~~) meeting its obligations under Title 51 RCW within (~~ten~~) 10 days, the self-insured employer is determined to have defaulted.

(3) What happens when the department (~~confirms that a self-insurer has defaulted on its obligation~~) determines that the self-insured employer has defaulted? (~~There are two actions that the depart-~~

ment takes)) The following actions occur when a default by a self-insured employer is ~~((confirmed))~~ determined:

(a) ~~((First,))~~ The department assumes jurisdiction of the claims of the defaulting self-insurer and begins to provide benefits to those injured workers.

(b) ~~((Second))~~ If the self-insurer is a private entity, or a public entity or group that has provided surety consistent with WAC 296-15-121, the department makes demand upon the surety provided by that self-insurer for the full amount of the surety. The proceeds of the surety are deposited with the department and accrue interest, which will be used to supplement the surety in providing benefits to those injured workers.

(4) What happens to a self-insured employer's certification when it defaults? The employer surrenders its self-insurance certification when it defaults. Any remaining employment in the state would need industrial insurance coverage through the state fund effective with the default by the employer.

NEW SECTION

WAC 296-15-257 Withdrawal or corrective action pursuant to action instituted by the department. (1) This section applies to withdrawal of certification or corrective action instituted by the director pursuant to RCW 51.14.080 and/or 51.14.095.

(2) The director or the director's designee shall take corrective action against a self-insured employer if the director determines that:

(a) The self-insured employer is not following proper industrial insurance claims procedures;

(b) The self-insured employer's accident prevention program is inadequate;

(c) The employer no longer meets the requirements of a self-insurer;

(d) The self-insurer's deposit is insufficient;

(e) The self-insurer intentionally or repeatedly induces employees to fail to report injuries, induces workers to treat injuries in the course of employment as off-the-job injuries, persuades workers to accept less than the compensation due, or unreasonably makes it necessary for workers to resort to proceedings against the employer to obtain compensation;

(f) The self-insurer habitually fails to comply with rules and regulations of the director regarding reports or other requirements necessary to carry out the purposes of this title;

(g) The self-insurer habitually engages in a practice of arbitrarily or unreasonably refusing employment to applicants for employment or discharging employees because of nondisabling bodily conditions;

(h) The self-insurer fails to pay an insolvency assessment under the procedures established pursuant to RCW 51.14.077; or

(i) A self-insured employer violated the duty of good faith and fair dealing two times within a three-year period.

(3) Corrective action taken shall follow WAC 296-15-260.

AMENDATORY SECTION (Amending WSR 96-21-145, filed 10/23/96, effective 11/25/96)

WAC 296-15-260 Corrective action or withdrawal of certification.

(1) Corrective action against a self-insured employer shall be by order and notice. A notice of corrective action shall include the nature and specifics of the findings and may include the following:

(a) Probationary certification status for the self-insured employer for a period not to exceed one year;

(b) Mandatory training to correct areas of program deficiency to be approved by the department.

The subject matter to be covered shall be specified in the notice of corrective action. Personnel required to attend and the time period within which the training is to be conducted will also be identified.

(c) Monitoring activities of the self-insured employer for a specified period of time to determine progress regarding correction of program deficiencies may be required. The department may require submission of complete and accurate records and/or conduct an audit to verify program compliance.

(d) If there is a contract between the self-insured employer and a service organization which has been filed with the department (WAC 296-15-110), the corrective action order may specify and require that the service organization be subject to mandatory training and monitoring of activity provisions of the order.

(e) The corrective action order shall specify a time frame for submission of progress reports to the department's self-insurance section.

(f) During the first (~~(thirty)~~) 30 days following the corrective action order, the self-insured employer shall submit a plan for the implementation of corrective action which shall include specific completion dates. If the plan is determined to be incomplete or inadequate, the department's self-insurance administrator shall notify the self-insurer of the necessary requirements or changes needed, and shall specify the date by which an amended plan shall be submitted.

~~(2) ((If sufficient grounds for decertification exist, an order and notice will be issued. The order and notice will include the following:~~

~~(a) The grounds upon which the determination is based.~~

~~(b) The period of time within which the grounds existed or arose.~~

~~(c) The date, not less than ninety days after the self-insured employer's receipt of the order and notice, when certification will be withdrawn.~~

~~(d) Provisions as stipulated by RCW 51.14.090.~~

~~(3))~~ Upon conclusion of the probationary certification period in the case of corrective action, the program deficiencies requiring corrective action by the self-insured employer shall be evaluated by the department and a written report sent to affected parties. Program activities may be reaudited beyond the stated time period in order to assess continuing compliance with the objectives of the corrective action directives.

~~((4))~~ (3) If, at the conclusion of the probationary period, program deficiencies continue to exist, the department shall decide whether to extend the period of probation, require additional corrective action or proceed with decertification of the self-insured employer. An order and notice stating the decision shall be issued.

(4) If sufficient grounds for decertification exist, an order and notice will be issued. The order and notice will include the following:

- (a) The grounds upon which the determination is based.
- (b) The period of time within which the grounds existed or arose.
- (c) The date, not less than 30 days after the self-insured employer's receipt of the order and notice, when certification will be withdrawn.
- (d) Provisions as stipulated by RCW 51.14.090.
- (5) The director may delay withdrawing the certification of the self-insured employer while the employer has an enforceable contract with a licensed third-party administrator that may not be legally terminated. However, the self-insured employer may not renew or extend the contract.

AMENDATORY SECTION (Amending WSR 19-01-095, filed 12/18/18, effective 7/1/19)

WAC 296-15-266 Penalties. **(1) Under what circumstances will the department consider assessing a penalty for an unreasonable delay of benefits (, when requested by a worker)?** Upon a worker's or beneficiary's request or based upon its own motion, the department will consider assessment of an unreasonable delay of benefits penalty for:

(a) ~~Time-loss compensation benefits (The department will issue an unreasonable delay order, and assess associated penalties based on the unreasonably delayed time-loss as determined by the department, if a self-insurer) if:~~

(i) The self-insurer has written medical certification based on objective findings from the attending ((medical)) provider authorized to treat that the ((claimant)) worker is unable to work because of conditions proximately caused by the industrial injury or occupational disease(, or the claimant));

(ii) The worker is participating in a department-approved vocational plan; ((and

~~(ii)) (iii) The self-insurer fails to make the first time-loss payment to the ((claimant)) worker within ((fourteen)) 14 calendar days of notice that there is a claim(*, or);~~

(iv) The self-insurer fails to continue time-loss payments on regular intervals as required by RCW 51.32.190(3); ((and)) or

~~((iii)) (v) The self-insurer fails to take action per WAC 296-15-425.~~

(* Notice of claim is provided to the self-insured employer when all the elements of a claim are met. The elements of a claim are:

- Description of incident. Examples: Self-Insurance Form 2 (SIF-2), physician's initial report (PIR), employer incident report.
- Diagnosis of the medical condition. Examples: PIR, on-site medical facility records if supervised by provider qualified to diagnose.
- Treatment provided or treatment recommendations. Examples: PIR, on-site medical facility records if supervised by provider qualified to treat.
- Application for benefits. Examples: SIF-2, PIR, or other signed written communication that evinces intent to apply.)

(b) Unreasonable delays of loss of earning power compensation payments or permanent partial disability award payments will also be subject to penalty.

(c) Unreasonable delays of payment of medical treatment benefits will also be subject to penalty.

(d) Unreasonable delays of authorization of medical treatment benefits will also be subject to penalty.

(e) Failure to pay benefits without cause: The department will issue an order determining an unreasonable refusal to pay benefits, and assess associated penalties, based on the department's calculation

of benefits or fee schedule, if a self-insurer fails to pay a benefit such as time-loss compensation, loss of earning power compensation, permanent partial disability award payments, or medical treatment when there is no medical, vocational, or legal doubt about whether the self-insurer should pay the benefit. Accrued principal and interest will apply to nonpayment of medical benefits.

(f) Paying benefits during an appeal to the board of industrial insurance appeals: The department will issue an unreasonable delay order, and assess associated penalties, based on the department's calculation of benefits or fee schedule, if a self-insurer appeals a department order to the board of industrial insurance appeals, and fails to provide the benefits required by the order on appeal within (~~fourteen~~) 14 calendar days of the date of the order, and thereafter at regular (~~fourteen~~) 14-day or semi-monthly intervals, as applicable, until or unless the board of industrial insurance appeals grants a stay of the department order, or until and unless the department re-assumes jurisdiction and places the order on appeal in abeyance, or until the (~~claimant~~) worker returns to work, or the department issues a subsequent order terminating the benefits under appeal.

(g) Benefits will not be considered unreasonably delayed if paid within three calendar days of the statutory due date. In addition, if benefits are delayed due to an underpayment from the monthly wage calculation for time-loss compensation under RCW 51.08.178, then the department shall presume the benefits are not unreasonably delayed if:

(i) The self-insurer sent a written copy of the wage calculation to the injured worker on a department-developed template; and

(ii) The self-insurer informed the worker, in writing, on a department-developed template that the worker should contact the self-insurer with any questions; and

(iii) The self-insurer notified the worker, in writing, on a department-developed template to write to the department within (~~sixty~~) 60 days if the worker disputed the calculation.

This presumption may be rebutted by a showing of action without foundation or unsupported by evidence demonstrating an unreasonable delay of benefits despite the notification to the worker and the worker's failure to dispute.

Provided, (g)(i) through (iii) of this subsection will not apply to payments for statutory cost-of-living adjustments, payments that do not use the amount stated in the department-developed template, or a refusal to make payments ordered by the department.

(2) Under what circumstances will the department consider assessing a penalty for violation of rules? Upon a worker's or beneficiary's request, or based upon its own motion, the department will consider assessment of a rule violation penalty if the self-insurer or third-party administrator fails to meet the requirements of Titles 51 RCW and 296 WAC.

(3) How is a penalty request created and processed?

(a) An injured worker may request a penalty against (~~his or her~~) their self-insured employer by (~~+~~

~~(i)~~) completing the appropriate self-insurance form or sending a written request providing the reasons for requesting the penalty (~~+~~

~~(ii)~~ Attaching). The request may include supporting documents (~~(optional)~~).

(b) Within (~~ten~~) 10 working days of (~~receipt of a certified request, the self-insured employer must send its claim file to the department. Failure to timely respond may subject the self-insured employer to a rule violation penalty under RCW 51.48.080~~) notification

~~of the penalty request from a worker or department review, the self-insurer or third-party administrator may file a response. The ((em-
 ployer may attach)) response may include supporting documents ((, or
 indicate, in writing, if the employer will be providing further sup-
 porting documents, which must be received by the department within
 five additional working days. If the employer fails to timely respond
 to the penalty request, the department will issue an order in response
 to the injured worker's request based on the available information)).~~

(c) The department will issue an order in accordance with RCW
 51.52.050 and 51.52.060 within ((thirty)) 30 days after receiving a
 complete written request for penalty per (a) of this subsection. The
 department's review during the ((thirty)) 30-day period for responding
 to the injured worker's request will include only the records in the
 department claim file ((records)) at the time of the request and sup-
 porting documents provided by the worker and the employer per (a) and
 (b) of this subsection.

~~((d) In deciding whether to assess a penalty, the department
 will consider only the underlying record and supporting documents at
 the time of the request which will include documents listed in (a) and
 (b) of this subsection, if timely available, to determine if the al-
 leged untimely benefit was appropriately requested and if the employer
 timely responded.~~

~~(e) The department order issued under (c) of this subsection is
 subject to request for reconsideration or appeal under the provisions
 of RCW 51.52.050 and 51.52.060.)~~

NEW SECTION

WAC 296-15-268 Self-insurance penalty calculations. (1) For all
 penalties assessed per WAC 296-15-266, RCW 51.48.017, 51.48.080, or
 51.14.180, the penalty amount shall be determined by weighing the fol-
 lowing factors:

- (a) Amount of delayed payment.
- (b) Length of time of the delay.
- (c) History or past practice.
- (d) Whether the department has issued an order directing the pay-
 ment.
- (e) Required adjustments to the amount of the payment.
- (f) Number of unaddressed requests for action to be taken by the
 employer or third-party administrator made by the department, worker/
 beneficiary, or provider.
- (g) Efforts by the employer or third-party administrator to com-
 municate with the worker, including communication of the basis for or
 calculation of a payment.

(2) For all penalties assessed subject to a multiplier of up to
 three times the amount of the penalty, the amount of the multiplier
 will be determined by weighing the following factors:

- (a) Number of prior violations in the past year of the same na-
 ture.
- (b) Harm or financial impact done due to the denial or delay of
 benefits.
- (c) Whether the employer or third-party administrator paid the
 undisputed amount of benefits.

- (d) The employer's or third-party administrator's timeliness or delay in responses to request from the department, worker/beneficiary, or provider.
- (3) For all penalties assessed based on a violation of good faith and fair dealing, subject to a multiplier of up to 52 times the average weekly wage, the amount of the multiplier will be determined by weighing the following factors:
- (a) Prior violations of good faith and fair dealing.
 - (b) Harm or financial impact done due to the denial or delay of benefits.
 - (c) Amount or number of other penalties assessed simultaneously.
 - (d) Employer's or third-party administrator's participation in the investigation.
 - (e) Whether the violation was based on WAC 296-15-270 or 296-15-272.
- (4) The following mitigating factors may be a basis for reduction of the penalty calculation in subsections (1), (2), and (3) of this section, including a multiplier:
- (a) Efforts by the employer or third-party administrator to correct the actions.
 - (b) Efforts by the employer or third-party administrator to communicate and educate employees and adjudicators of relevant policies and procedures.
 - (c) Worker's failure to provide the employer or third-party administrator necessary documentation to complete a review or investigation.
 - (d) Investigation attempts made by the employer or third-party administrator before it denied benefits.
 - (e) Employer's or third-party administrator's participation in the department's investigation and timeliness of responses.
 - (f) Any other factors deemed appropriate by the department.
- (5) Penalties assessed based on a violation of the duty of good faith and fair dealing, within a five-year period, will be calculated as follows:
- (a) First time results in a minimum penalty of one times the average weekly wage.
 - (b) Second time results in a minimum penalty of 15 times the average weekly wage.
 - (c) Third time results in a minimum penalty of 25 times the average weekly wage.
 - (d) Four or more times results in a minimum penalty of 40 times the average weekly wage.

NEW SECTION

WAC 296-15-270 Violation of the duty of good faith and fair dealing. (1) If a self-insured employer (SIE) or third-party administrator (TPA) subject to the good faith and fair dealing duty manages the workers' compensation claim in a manner which demonstrates a greater concern for the self-insured employer's interest than the worker's interest, the SIE/TPA will be in violation of its duty to engage in good faith and fair dealing. Additionally, violation of the SIE/TPA duty to engage in good faith and fair dealing includes repeatedly engaging in any of the following actions with such frequency as to indicate a general business practice:

(a) When requesting an interlocutory order pursuant to WAC 296-15-420(2): Fails to provide a reasonable explanation for an interlocutory order, fails to exercise due diligence while investigating claim determination, and/or fails to provide provisional benefits as entitled during the interlocutory period.

(b) Unreasonably delays or refuses to pay wage replacement benefits without a factual, legal, vocational, or medical basis.

(c) Fails to ensure appropriate handling of claims pursuant to WAC 296-15-350.

(d) Fails to request claim denial or interlocutory order pursuant to WAC 296-15-420 within 60 days.

(e) Fails to authorize medical care pursuant to WAC 296-15-330 or without factual, legal, or medical basis.

(f) Fails to pay compensation pursuant to WAC 296-15-340.

(g) Fails to adhere to duties and performance requirements pursuant to WAC 296-15-550.

(h) Fails to provide a copy of the claim file in a timely manner pursuant to RCW 51.14.120.

(i) Fails to communicate with injured workers using department-developed templates pursuant to WAC 296-15-425, including use of the templates in the workers preferred language.

(j) Fails to notify the worker or beneficiary of their rights and obligations pursuant to WAC 296-15-400, RCW 51.28.010 or 51.28.030.

(k) Requests the department issue an order denying the claim without a factual, legal, or medical basis.

(l) Fails to provide a worker or beneficiary a SIF-2 or ability to file a claim pursuant to WAC 296-15-320 and 296-15-405.

(m) Fails to have claims managed by a certified claims administrator in accordance with WAC 296-15-350(2).

(n) Fails to forward an application to reopen a claim within five working days of receipt pursuant to WAC 296-15-470.

(o) Fails to forward a protest or appeal to the department within five working days of receipt pursuant to RCW 51.14.120(2) and WAC 296-15-480.

(2) Errors or delays that are inadvertent or minor are not a violation of the duty of good faith and fair dealing.

NEW SECTION

WAC 296-15-272 When intentional behavior is deemed a violation of the duty of good faith and fair dealing. (1) If a self-insured employer (SIE) or third-party administrator (TPA) subject to the duty of good faith and fair dealing intentionally engages in any of the following actions, the SIE/TPA is in violation of its duty to engage in good faith and fair dealing if it fails to:

(a) Provide a worker or beneficiary a SIF-2 or ability to file a claim pursuant to WAC 296-15-320 and 296-15-405, with the intent to interfere with the worker's ability to pursue benefits under Title 51 RCW.

(b) Forward an application to reopen a claim within five working days of receipt pursuant to WAC 296-15-470, with the intent to interfere with the worker's ability to reopen a claim or pursuing further benefits.

(c) Forward a protest or appeal to the department within five working days of receipt pursuant to RCW 51.14.120(2) and WAC

296-15-480, with the intent to interfere with the worker's ability to pursue a request for reconsideration, appeal, or further benefits.

(2) It is a violation of the duty to engage in good faith and fair dealing to coerce a worker to accept less than the compensation due under Title 51 RCW.

(3) Errors or delays that are inadvertent or minor are not a violation of the duty of good faith and fair dealing.

WSR 24-05-077
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed February 20, 2024, 4:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-21-052.

Title of Rule and Other Identifying Information: Contractor registration rules, WAC 296-200A-015 What terms do I need to know to understand this chapter?, 296-200A-030 How much are the surety bond or savings account amounts?, 296-200A-080 How is a suit filed against a contractor?, 296-200A-400 What monetary penalties will be assessed for an infraction issued for violations of RCW 18.27.040, 18.27.100, 18.27.110, 18.27.114 or 18.27.200?, and 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration?

Hearing Location(s): On March 26, 2024, at 9:00 a.m., at the Department of Labor and Industries (L&I), 7273 Linderson Way S.W., Room S117, Tumwater, WA 98501; or join electronically <https://lni-wa.gov.zoom.us/j/82737231807?pwd=VmdmTGdkMGh2dDAybGpnbjRsOHBBUT09>, Passcode hearing1@!; or join by phone 253-215-8782 US, Webinar ID 827 3723 1807, Passcode 5064095270. The in-person and virtual/telephonic hearing starts at 9:00 a.m. and will continue until all oral comments are received.

Date of Intended Adoption: April 30, 2024.

Submit Written Comments to: Alicia Curry, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, email Alicia.Curry@Lni.wa.gov, by 5 p.m. on March 26, 2024.

Assistance for Persons with Disabilities: Contact Alicia Curry, phone 360-902-6244, email Alicia.Curry@Lni.wa.gov, by March 11, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making proposes amendments to the contractor registration rules. The amendments affect the definitions, penalty and bond amounts, and fees for general and specialty contractors. The amendments are necessary due to the passage of legislation and to support operating expenses for the contractor registration program (program).

2023's 2SHB 1534 (chapter 213, Laws of 2023) helps to strengthen protections for consumers in the construction industry. Provisions of the bill increase fines, penalties, and bond amounts for contractors. These provisions take effect July 1, 2024.

2019's SB 5795 (chapter 155, Laws of 2019) increases bond requirements for contractors. The law gives L&I the authority to require up to three times the normal bond amount if there has been one judgment against a contractor involving a residential single-family dwelling. The law took effect July 28, 2019.

The proposed rules include:

- Increasing fees by the fiscal growth factor of 6.40 percent to support operating expenses.
- Amendments for consistency with the statutory amendments under 2SHB 1534. This includes:
 - o Adding a new definition to define the meaning of "due diligence" related to a successor of an entity verifying the entity is in good standing related to unsatisfied final judgment against it for work performed under chapter 18.27 RCW

or owes money to L&I for assessed penalties or fees as a result of a final judgment.

- o Increasing surety bond and savings account amounts for general and specialty contractors.
- o Increasing the monetary penalty amounts that may be assessed for infractions issued for violations of chapter 18.27 RCW.
- Amendments for consistency with the statutory amendments under SB 5795. This includes:
 - o Amending the number of final judgments and single-family dwelling structures involved for when a bond or savings account can be increased.
- Amendments for updates and clarification. This includes:
 - o Clarifying the service fee for summons and complaints by removing the fee amount and referencing the fee schedule.
 - o Clarifying the requirements for collection of penalties from a contractor and payments of restitution.

Reasons Supporting Proposal: L&I is amending the rules for consistency with the statutory amendments under 2SHB 1534 that take effect July 1, 2024, and SB 5795 that took effect July 28, 2019. A fee increase by the fiscal growth factor is needed, as current fee levels are not adequate to cover current program expenses. A fee increase will ensure the program's revenues match expenditures.

Statutory Authority for Adoption: 2SHB 1534 (chapter 213, Laws of 2023), SB 5795 (chapter 155, Laws of 2019); and chapter 18.27 RCW.

Statute Being Implemented: 2SHB 1534 (chapter 213, Laws of 2023), SB 5795 (chapter 155, Laws of 2019); and chapter 18.27 RCW.

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

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Melissa McBride, Program Manager, Tumwater, Washington, 360-902-5571; Implementation and Enforcement: Steve Reinmuth, Assistant Director, Tumwater, Washington, 360-902-6348.

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

A cost-benefit analysis is not required under RCW 34.05.328. The proposed amendments are exempt from the cost-benefit analysis requirement under RCW 34.05.328 (5)(b)(iv), 34.05.328 (5)(b)(v), and 34.05.328 (5)(b)(vi), or not considered significant legislative rules under RCW 34.05.328 (5)(c)(ii).

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

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; rule content is explicitly and specifically dictated by statute; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Explanation of exemption(s): See explanation below.

Scope of exemption for rule proposal:

Is partially exempt:

Explanation of partial exemptions:

	Proposed WAC Sections	This proposed rule section is not exempt - Analysis is required	This proposed rule section is exempt. Provide RCW to support this exemption.
1.	WAC 296-200A-015 What terms do I need to know to understand this chapter?	X	
2.	WAC 296-200A-030 How much are the surety bond or savings account amounts?	<input type="checkbox"/>	This section is exempt under RCW 34.05.310 (4)(e) because it adopts content of which is explicitly and specifically dictated by statute.
3.	WAC 296-200A-080 How is a suit filed against a contractor?	<input type="checkbox"/>	This section is exempt under RCW 34.05.310 (4)(d) because it makes changes that only clarify language of a rule without changing the substance or effect of requirements.
4.	WAC 296-200A-400 What monetary penalties will be assessed for an infraction issued for violations of RCW 18.27.040, 18.27.100, 18.27.110, 18.27.114 or 18.27.200?	<input type="checkbox"/>	This section is exempt under RCW 34.05.310 (4)(d) and 34.05.310 (4)(e) because it makes changes that only clarify language of a rule without changing the substance or effect of requirements and adopts content of which is explicitly and specifically dictated by statute.
5.	WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration?	<input type="checkbox"/>	This section is exempt under RCW 34.05.310 (4)(f) because it sets or adjusts fees under the authority of RCW 19.02.075.

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 portion of the proposed amendments not exempt is the addition of the definition of due diligence for consistency with the statutory amendments under 2SHB 1534. This rule sets forth L&I's interpretation of the statute and therefore, any costs associated are due to the underlying statute and not the interpretative rule. As such, the proposed rule does not impose any costs.

February 20, 2024
 Joel Sacks
 Director

OTS-5143.5

AMENDATORY SECTION (Amending WSR 11-23-140, filed 11/22/11, effective 12/31/11)

WAC 296-200A-015 What terms do I need to know to understand this chapter? For the purposes of this chapter, the following terms and definitions are important:

"Administrative law judge" is any person appointed by the chief administrative law judge (as defined in RCW 34.12.020(2)) to preside at a notice of infraction appeal hearing convened under chapter 18.27 RCW and this chapter.

"Appeal bond" is a certified check or money order in the amount prescribed under RCW 18.27.250 made payable to the Washington state department of labor and industries.

"Appeal hearing" is any proceeding in which an administrative law judge is empowered to determine legal rights, duties or privileges of specific parties on behalf of the director.

"Applicant" is any person, firm, corporation or other entity applying to become a registered contractor according to chapter 18.27 RCW and this chapter. Applicant includes all principal officer(s), members, partners of a partnership, firm, corporation, or other entity named on the application.

"Citation" means the same as "infraction."

"Compliance inspector" refers to the departmental staff responsible for investigating potential violations of chapter 18.27 RCW and this chapter.

"Consultant" means any person, individual, firm, agent or other entity who directs, controls or monitors construction activities for a property owner. A general contractor registration is required. A licensed professional acting in the capacity of their license is exempt from registration.

"Contractor compliance chief" refers to the person designated by the director to address all policy and technical issues related to chapter 18.27 RCW and this chapter.

"Department" refers to the department of labor and industries.

"Developer" means any person, firm, corporation or other entity that undertakes:

- The subdivision or development of land for residential purposes; or
- The construction or reconstruction of one or more residential units.

A general contractor registration is required.

"Director" refers to the director of the department of labor and industries or the director's designee acting in the place of the director.

"Due diligence" for the purposes of RCW 18.27.030 (3) (d), an applicant is deemed to have exercised due diligence upon conducting a reasonable review of the department's website verifying there are no unsatisfied judgments on file against the contractor or the company, either from a lawsuit or infraction. A lawsuit may be marked as open. A lawsuit can change to unsatisfied at any time.

(a) Unsatisfied judgments from a lawsuit will show the status as "unsatisfied."

(b) Unsatisfied judgments from an infraction will show the status as "not satisfied."

(c) Due diligence must be exercised immediately preceding submitting the application packet.

(d) A printout of the website confirming no record of unsatisfied judgments on file is acceptable documentation of due diligence.

"Final judgment" means any money that is owed to a claimant as a result of court action against or settlement with a contractor and/or contractor's bond or assigned savings account with the department or any money that is owed the department as a result of a contractor's unsuccessful appeal of an infraction. Final judgment also includes any penalties assessed against the contractor and owed the department as a result of an infraction or notice of correction that has not been appealed, final tax warrants or any delinquent fees or penalties due.

"Final tax warrant" is a document used by the department to establish the debt of a tax payer.

"Infraction" means a violation of chapter 18.27 RCW and this chapter as cited by the chief contractor compliance inspector or the

department's construction compliance inspectors. The notice of infraction also serves as a notice of assessment.

"Mobile/manufactured home dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or more than one type of these vehicles and licensed as required under chapter 46.70 RCW.

"On-premise sign" means a sign at a permanent place of business or a sign placed at a job location while the registered contractor is working at the site. A sign left at a work site after a contractor has left is not an "on-premise" sign and must contain the registered contractor's registration number.

"Property management company" means any person, firm or other entity that in the pursuit of a property management business advertises, bids/offers, or performs construction, maintenance or repair services with their own employees on property not owned by the property management company. A general contractor registration is required.

"Renewal" or **"renewed"** means the renewal of a contractor's registration before it expires.

"Reinstatement" or **"reinstated"** means the reinstatement of a contractor's registration after the registration has expired, or has been suspended, or been revoked.

"Reregistration" or **"reregister"** means an update to a contractor's registration because of business structure change.

"Secured contractor" is a contractor who has complied with RCW 18.27.040 by assigning to the department a savings account held in a Washington state bank, or by filing with the department a surety bond.

"Security" is a savings account held in a Washington state bank and assigned to the department in lieu of a surety bond.

"Unregistered contractor" means a person, firm, corporation or other entity working as a contractor without being registered in compliance with chapter 18.27 RCW and this chapter.

"Unsatisfied final judgment" means a judgment that has not been satisfied either through payment, court approved settlement, discharge in bankruptcy, or assignment under RCW 19.72.070.

AMENDATORY SECTION (Amending WSR 08-16-091, filed 8/4/08, effective 9/4/08)

WAC 296-200A-030 How much are the surety bond or savings account amounts? (1) The continuous surety bond or savings account amounts for applicants of contractors with ~~((five or fewer))~~ no final judgments involving ~~((two or more))~~ a residential single-family dwelling~~((s))~~ in the previous five years are as follows:

(a) ~~((Twelve thousand dollars))~~ \$30,000 for general contractors.

(b) ~~((Six thousand dollars))~~ \$15,000 for specialty contractors.

(2) The surety bond or savings account amounts for applicants of contractors with ~~((three or more))~~ one final judgment~~((s))~~ involving ~~((two or more))~~ a residential single-family dwelling~~((s))~~ in the previous five years ~~((will))~~ may be increased based upon (a) and (b) of this subsection.

(a) General contractors.

Number of Final Judgments	Bond or Savings Account Amount per Registration Cycle
((3	\$18,000.00
4	\$24,000.00
5	\$30,000.00
6 or more	\$36,000.00))
<u>1</u>	<u>\$40,000.00</u>
<u>2</u>	<u>\$60,000.00</u>
<u>3 or more</u>	<u>\$90,000.00</u>

(b) Specialty contractors.

Number of Final Judgments	Bond or Savings Account Amount per Registration Cycle
((3	\$ 8,000.00
4	\$12,000.00
5	\$16,000.00
6 or more	\$18,000.00))
<u>1</u>	<u>\$20,000.00</u>
<u>2</u>	<u>\$30,000.00</u>
<u>3 or more</u>	<u>\$45,000.00</u>

(3) At the time of reregistration, renewal or reinstatement the department shall only consider final judgments from the previous five years which will be used to determine the bond or savings account amount according to subsection (2) (a) and (b) of this section.

(4) A contractor's required bond or savings account amount may only be reviewed for reduction to a lower level at their next regular renewal. The increased bond requirement must remain in effect during the entire registration cycle even if reinstatement or reregistration occurs.

(5) For purposes of this section, final judgment does not include infractions.

AMENDATORY SECTION (Amending WSR 11-23-140, filed 11/22/11, effective 12/31/11)

WAC 296-200A-080 How is a suit filed against a contractor? (1)

A civil suit against a contractor must be filed in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. Unless the suit is filed in a superior court, the department will not be able to direct payment on an unsatisfied final judgment against a secured contractor.

(2) Notice that a suit has been filed (a summons and complaint) against a contractor, the contractor's bond, and/or the contractor's deposit must be exclusively delivered to the department by registered or certified mail to: P.O. Box 44450, Olympia, Washington 98504-4450 or by any delivery requiring notice of receipt to: 7273 Linderson Way S.W., Tumwater, WA 98501. The notice must be addressed to the department and must include three copies of the summons and complaint filed against the contractor, the contractor's bond and/or the contractor's

deposit. The person filing the suit must pay (~~a fifty-dollar~~) the service fee to the department as identified in WAC 296-200A-900.

(3) The summons and complaint against a contractor must include the following information:

(a) The name of the contractor exactly as it appears in the contractor's registration file;

(b) The contractor's business address;

(c) The names of the owners, partners or officers of the contractor if known; and

(d) The contractor's registration number.

(4) If the suit joins a bonding company, the summons and complaint should also include:

(a) The name of the bonding company that issued the contractor's bond;

(b) The bond number; and

(c) The effective date of the bond.

(5) If the suit is against a contractor using an assigned account in lieu of a bond, the complaint must also include:

(a) The name of the institution where the assigned account is held;

(b) The account number; and

(c) The date the assigned account was opened.

(6) Service is not considered complete until the department receives the documents in Tumwater with the (~~fifty-dollar~~) required fee and three copies of the summons and complaint.

(7) Within two days of receiving a summons and complaint, the department must mail a copy of the summons and complaint to the registrant at the address listed on the registrant's application or at their last known address provided to the department and to the registrant's surety.

(8) The department will return a summons and complaint without it being served, if the department cannot readily identify either the contractor or bonding company being sued, if the action did not arise under chapter 18.27 RCW, or if the fee and three copies of the summons and complaint are not received.

AMENDATORY SECTION (Amending WSR 09-10-079, filed 5/5/09, effective 6/5/09)

WAC 296-200A-400 What monetary penalties will be assessed for an infraction issued for violations of RCW 18.27.040, 18.27.100, 18.27.110, 18.27.114 or 18.27.200? (1) Each day that a violation occurs will be a separate offense.

(2) Once a violation of chapter 18.27 RCW or this chapter becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the tables that follow.

(3) Second or additional offenses subject to increased penalties also include individuals or entities.

(4) A person, firm, corporation, or other entity who violates a provision of chapter 18.27 RCW and this chapter is liable for a civil penalty based upon the following schedule.

(a) Monetary penalties that may be assessed for a violation of RCW 18.27.040(10) are:

Monetary Penalties	Dollar Amount
First Final Violation	\$250.00*
Second Final Violation	\$500.00
Third Final Violation	\$750.00
Each Additional Final Violation	\$1,000.00

(b) (i) Monetary penalties that may be assessed for a violation of RCW 18.27.100 (1), (2), (3), and (4) are:

Monetary Penalties	Dollar Amount
First Final Violation	\$250.00*
Second Final Violation	\$750.00
Third Final Violation	\$2,250.00
Fourth Final Violation	\$5,000.00
Each Additional Final Violation	\$10,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.100 (1), (2), (3), and (4) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(ii) Monetary penalties that may be assessed for a violation of RCW 18.27.100 (5) and (7) are:

Monetary Penalties	Dollar Amount
First Final Violation	\$2,000.00*
Second Final Violation	\$4,000.00
Third Final Violation	\$6,000.00
Each Additional Final Violation	\$10,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.100 (5) and (7) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(iii) Monetary penalties that may be assessed for a violation of RCW 18.27.100 (6) are:

Monetary Penalties	Dollar Amount
First Final Violation	\$1,000.00*
Second Final Violation	\$3,000.00
Third Final Violation	\$6,000.00
Each Additional Final Violation	\$10,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.100(6) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(c) Monetary penalties that may be assessed for a violation of RCW 18.27.110 are:

Monetary Penalties	Dollar Amount
First Final Violation	\$250.00*
Second Final Violation	\$750.00
Third Final Violation	\$2,250.00
Fourth Final Violation	\$7,500.00
Each Additional Final Violation	\$10,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.110 becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(d) Monetary penalties that may be assessed for a violation of RCW 18.27.114 are:

Monetary Penalties	Dollar Amount
First Final Violation	\$500.00*
Second Final Violation	\$1,000.00
Third Final Violation	\$2,000.00
Fourth Final Violation	\$4,000.00
Each Additional Final Violation	\$5,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.114 becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(e) Monetary penalties that may be assessed for a violation of RCW 18.27.200 are:
 (i)

RCW 18.27.200 (1)(a)

Monetary Penalties	Dollar Amount
First Final Violation	((\$500.00))* <u>\$1,200.00</u>
Second Final Violation	\$3,000.00
(Each Additional) <u>Third Final Violation</u>	\$5,000.00
<u>Each Additional Violation</u>	<u>\$10,000.00</u>

* Minimum penalty per violation. Once a violation of RCW 18.27.340(1) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(ii)

**RCW 18.27.200 (1)(b) ((through)),
 (c) and (e)**

Monetary Penalties	Dollar Amount
First Final Violation	((\$1,000.00))* <u>\$1,200.00</u>
Second Final Violation	\$3,000.00
(Each Additional) <u>Third Final Violation</u>	\$5,000.00
<u>Each Additional Violation</u>	<u>\$10,000.00</u>

* Minimum penalty per violation. Once a violation of RCW 18.27.340(3) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the above table. However, if the unregistered contractor becomes registered within (~~ten~~) 10 days of receiving the notice of infraction and the notice is the contractor's first offense, the director may reduce the penalty. In no case can the director reduce the penalty below (~~five hundred dollars~~) \$600.

(5) For violations of RCW 18.27.200, the director may waive a penalty collection from a contractor in exchange for a payment of restitution to a damaged consumer (~~in an amount at least equal to the assessed penalty. Prior to the infraction becoming final, the contractor must provide to the department a notarized release from the damaged consumer stating that he or she paid the damaged consumer in an amount at least equal to the assessed penalty~~). If the assessed penalty amount or amounts are more than the restitution amount, the remaining balance is owed to the department.

AMENDATORY SECTION (Amending WSR 22-07-087, filed 3/22/22, effective 4/22/22)

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration? The department charges the following fees:

(1) (~~(\$124.70)~~) \$132.60 for each issuance, renewal or reregistration of a certificate of registration for contractors. This registration is valid for two years from date of issuance, renewal or reregistration or until it is suspended or revoked.

(2) (~~(\$58.90)~~) \$62.60 for the reinstatement of a certificate of registration.

(3) (~~(\$13.80)~~) \$14.60 for providing a duplicate certificate of registration.

(4) (~~(\$28.10)~~) \$29.90 for each requested certified letter prepared by the department.

(5) (~~(\$178.10)~~) \$189.50 for the construction and electrical contractor listing publication on CD ROM per year, prorated according to the number of issues left in the subscription year, which runs from November 1 through October 31. Each issue costs (~~(\$14.80)~~) \$15.70.

(6) (~~(\$2.10)~~) \$2.20 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be (~~(\$30.80)~~) \$32.70.

(7) (~~(\$55.00)~~) \$58.50 is required to cover the costs for the service of process in an action against a contractor, the contractor's bond, or the deposit under RCW 18.27.040.

(8) (~~(\$27.50)~~) \$29.20 is required to cover the costs for the service of processing refunds.

WSR 24-05-079

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 21, 2024, 7:44 a.m.]

Supplemental Notice to WSR 23-03-045 [23-23-145].

Preproposal statement of inquiry was filed as WSR 23-03-045.

Title of Rule and Other Identifying Information: Chapter 16-309 WAC, Cannabis laboratory accreditation standards program.

Hearing Location(s): On April 9, 2024, at 1:00 p.m., via Microsoft Teams meeting. Join on your computer, mobile app, or room device [https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGFhMjllMWYtZjRhYi00ZDNmLWI4MWMtM2E0ZmIxZTU2NTAy%40thread.v2/0?](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGFhMjllMWYtZjRhYi00ZDNmLWI4MWMtM2E0ZmIxZTU2NTAy%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22838c55c7-c187-44ae-8de0-2be684ce5d4a%22%7d, Meeting ID 275 870 779 25, Passcode 49xZ8h; or call in (audio only) +1 564-999-2000, Phone Conference ID 590 850 398#)

[context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22838c55c7-c187-44ae-8de0-2be684ce5d4a%22%7d, Meeting ID 275 870 779 25, Passcode 49xZ8h; or call in \(audio only\) +1 564-999-2000, Phone Conference ID 590 850 398#](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGFhMjllMWYtZjRhYi00ZDNmLWI4MWMtM2E0ZmIxZTU2NTAy%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22838c55c7-c187-44ae-8de0-2be684ce5d4a%22%7d, Meeting ID 275 870 779 25, Passcode 49xZ8h; or call in (audio only) +1 564-999-2000, Phone Conference ID 590 850 398#).

Date of Intended Adoption: April 16, 2024.

Submit Written Comments to: Gloriann Robinson, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email wsdarulescomments@agr.wa.gov, fax 360-902-2092, by April 9, 2024.

Assistance for Persons with Disabilities: Contact Trecia Ehrlich, cannabis programs manager, phone 360-584-3711, TTY 800-833-6388, email tehrlich@agr.wa.gov, by April 2, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule creates a new chapter of rule that is intended to expand the laboratory quality standards first created by the Washington state liquor and cannabis board (WSLCB) as required by HB 1859. To complete the mandate of HB 1859, the department is proposing the following rules:

- (1) Creating education and training requirements for laboratory personnel, which depend on position, or testing responsibilities (WAC 16-309-050 through 16-309-080).
- (2) Requiring standard operating procedure (SOP) criteria for all laboratory testing (WAC 16-309-090).
- (3) Requiring sampling and homogenization protocols for sample preparation (WAC 16-309-100).
- (4) Requiring security and safety protocols for the laboratory and for the laboratory staff (WAC 16-309-110).
- (5) Requiring the use of quality control and assurance protocols for laboratory testing (WAC 16-309-120).
- (6) Establishing facilities and equipment maintenance criteria for the laboratory (chapter 16-130 WAC).
- (7) Establishing method performance criteria for laboratory testing (WAC 16-309-140).
- (8) Establishing quality control and method performance criteria specific to each required test: Water activity testing; cannabinoid concentration analysis; foreign matter inspection; microbiological testing; residual solvent testing; mycotoxin testing; pesticide testing; and heavy metals testing (WAC 16-309-140 through 16-309-210).
- (9) Establishing required standardized testing procedures for cannabinoid concentration analysis, residual solvents testing, and heavy metals testing (WAC 16-309-160, 16-309-190, and 16-309-220).
- (10) Establishing quality control and method performance criteria for analyte testing outside of product testing requirements as established by WSLCB (WAC 16-309-230).

(11) Creating laboratory computers and information system requirements (WAC 16-309-240).

(12) Establishing method validation criteria for laboratory testing (WAC 16-309-2640).

(13) Establishing a process by which laboratories can submit their own methods for approval (WAC 16-309-250).

(14) Establishing minimum proficiency testing standards for laboratories (WAC 16-309-270).

(15) Establishing certificate of analysis (CoA) report requirements (WAC 16-309-280).

(16) Establishing procurement protocols for the selection and purchasing of services and supplies for the laboratory (WAC 16-309-290).

(17) Establishing sample subcontracting requirements for third party services (WAC 16-309-300).

The proposed rules are developed in collaboration with WSLCB and the department of health (DOH). As such, both agencies are heavily involved with this rule. Since the interagency team is required to consider the recommendations made by the cannabis science task force (CSTF) on the development of appropriate laboratory quality standards for cannabis product testing laboratories, the department of agriculture (WSDA) will also coordinate rule development with the members of the task force which includes members of the cannabis scientific community.

Reasons Supporting Proposal: HB 1859 created an interagency coordination team for cannabis laboratory quality standards. The team consists of WSDA, WSLCB, and DOH. WSDA is the designated lead agency for the team and must provide all necessary administrative support.

WSDA must establish and maintain cannabis testing laboratory quality standards by rule. The cannabis testing laboratory quality standards must include, but are not limited to: Approved methods for testing cannabis for compliance with product standards established by rule by WSLCB or DOH; method validation protocols; and performance measures and criteria applied to testing of cannabis products.

On November 22, 2023, WSDA filed a CR-102 with proposed rule language of the laboratory standards which incorporated all components recommended by the CSTF. On December 28, 2023, WSDA held a public meeting in which stakeholders expressed concern primarily related to the required methods embedded and referenced in rule, as well as some of the costs associated with the new standards. Based on the comments received, WSDA determined that substantive changes were needed to the rule language and that they would proceed to file a supplemental CR-102 in order to have more time to take stakeholder comments into consideration.

From December 2023 to February 2024, WSDA offered multiple updated drafts for review, and one-on-one meetings with laboratories who had engaged in the initial CR-102 feedback process. Areas in which laboratories offered cost mitigation strategies were considered and incorporated when possible. Changes that were identified as "substantive" to the scientific rigor of the standard were discussed between scientists at all three participating agencies (WSDA, WSLCB, and DOH) in order to ensure consultation across a larger number of scientists.

The most substantive change made was extracting the methods from the rule and instead requiring that laboratories use a method that had undergone the method approval process by WSDA. The previously required methods were edited and will exist as a list of "pre-approved" methods; a process has been provided in rule by which laboratories can

submit their own methods for approval. WSDA also provided additional definitions and clarity in rule related to how methods are used and validated.

Statutory Authority for Adoption: RCW 15.150.030; HB 1859.

Statute Being Implemented: Chapter 15.150 RCW.

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

Name of Proponent: WSDA, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Trecia Ehrlich, 1111 Washington Street S.E., Olympia, WA 98504, 360-584-3711.

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. WSDA is not a listed agency under RCW 34.05.328 (5) (a) (i).

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does impose more-than-minor costs on businesses.

Small Business Economic Impact Statement

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 24-06 issue of the Register.

A copy of the statement may be obtained by contacting Gloriann Robinson, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, TTY 800-833-6388, email wsdarulescomments@agr.wa.gov.

February 21, 2024
Jessica Allenton
Assistant Director

OTS-4989.6

Chapter 16-309 WAC CANNABIS LABORATORY ACCREDITATION STANDARDS PROGRAM

NEW SECTION

WAC 16-309-010 Purpose of chapter. Under the authority of chapter 15.150 RCW, the department adopts rules to establish and maintain quality standards for laboratories conducting analysis of recreational and medicinal cannabis. The standards are the elements used in the evaluation of a product's compliance with established product standards. These rules consist of method approval, method validation protocols, and performance measures and criteria applied to the testing of the product.

NEW SECTION

WAC 16-309-020 Definitions. "Accessioning" means the process of receiving and organizing samples for testing in a laboratory.

"Accreditation" means the formal recognition by the accrediting authority that a cannabis laboratory is capable of producing accurate and defensible analytical data. This recognition is signified by the issuance of a written certificate, accompanied by a scope of accreditation indicating the parameters for which the laboratory is accredited.

"Accreditation year" means the one-year period as stated on the certificate of accreditation.

"Accrediting authority" means the recognized agency that has the authority to perform audits and inspections to assure laboratories meet the standards established in rule and will issue, suspend, or revoke accreditation to the laboratory.

"Accuracy" means the degree to which an analytical result corresponds to the true or accepted value for the sample being tested. Accuracy is affected by bias and precision.

"Action level" means the level of concern, decision point, cut-off, or target level for an analyte that must be reliably identified or quantified to be considered positive in a sample.

"Aliquot" means a portion of a larger whole, especially a sample taken for chemical analysis or other treatment.

"Analyte" means the constituent or property of a sample measured using an analytical method.

"Analytical batch" means a group of samples, standards, and blanks which are analyzed together with the same method sequence and same lots of reagents and with the manipulations common to each sample within the same time period usually no more than 24 hours. Batch size is usually limited to instrument loading capacity.

"Analytical data" means the recorded qualitative and/or quantitative results of a chemical, physical, biological, microbiological, radiochemical, or other scientific determination.

"Analytical method" means a written procedure for acquiring analytical data.

"Autoclave" means a steam sterilizer device that is intended for use by a laboratory to sterilize biohazardous products by means of pressurized steam.

"Bias" means the difference between the expectation of the test result and the true value or accepted reference value. Bias is the total systematic error, and there may be one or more systematic error components contributing to the bias.

"Biohazardous" means products that are infectious, and sharps materials such as needles and broken glass.

"Biosafety cabinet (BSC)" means biocontainment equipment used in biological laboratories to provide personnel, environmental, and product protection.

"Blank" means a substance that does not contain the analytes of interest and is subjected to the usual measurement process. Blanks can be further classified as method blanks, matrix blanks, reagent blanks, system blanks, and field blanks. Response for target analytes must be less than 50 percent of the limit of quantitation.

"Board" means the Washington state liquor and cannabis board.

"Calibration" means determination of the relationship between the observed analyte signal generated by the measuring/detection system and the quantity of analyte present in the sample measured. Typically,

this is accomplished through the use of calibration standards containing known amounts of analyte.

"Calibration curve" means the functional relationship between instrument response and target analyte concentration determined for a series of calibration standards. The calibration curve is obtained by plotting the instrument response versus concentration and performing a regression analysis of the data.

"Calibration standard (Cals)" means a known amount or concentration of analyte used to calibrate the measuring/detection system. May be matrix matched for specific sample matrices.

"Cannabis laboratory analytical standards program (CLASP)" means the interagency coordination team for cannabis laboratory quality standards. The team consists of the department of agriculture (WSDA), the liquor and cannabis board (LCB), and the department of health (DOH). The WSDA is the designated lead agency for the team.

"Cannabis laboratory" or "laboratory" means a facility:

- (a) Under the ownership and technical management of a single entity in a single geographical location;
- (b) Where scientific determinations are performed on samples taken from cannabis plants and products; and
- (c) Where data is submitted to the customer or regulatory agency, or other entity requiring the use of an accredited laboratory under provisions of a regulation, permit, or contractual agreement.

"Carryover" means residual analyte from a previous sample or standard which is retained in the analytical system and measured in subsequent samples. Also called memory.

"Certified reference material (CRM)" means a reference material accompanied by documentation (certificate) issued by an authoritative body and providing one or more specified property values with associated uncertainties and traceability, using valid procedures.

Note: Standard reference material (SRM) is the trademark name of CRMs produced and distributed by the National Institute of Standards and Technology (NIST).

"Certifying scientist" means the person authorized by the scientific director to review the analytical results and issue the certificate of analysis for cannabis samples who has the education, training, and competencies to perform such duties. No certifying duties may be performed by any technical personnel directly involved with the conduct of the analytical findings or testing.

"Clean room" means an isolated environment, strictly controlled with respect to: Airborne particles of viable and nonviable nature, temperature, humidity, air pressure, air flow, air motion, and lighting.

"Continuing calibration verification standard (CCV)" means one of the primary calibration standards used to verify the acceptability of an existing calibration.

"Control" means a sample used to evaluate whether an analytical procedure or test is operating within predefined tolerance limits.

"Corrective action" means the process of identifying and eliminating the cause of a problem to prevent it from happening again.

"Cut-off concentration" means, in qualitative analysis, the concentration of the analyte that is either statistically lower than the level of concern (for limit tests) or at which positive identification ceases (for confirmation of identity methods).

"Decision point" means the level of concern, action level, cut-off, or target level for an analyte that must be reliably identified or quantified to be considered positive in a sample.

"Department" means the state of Washington department of agriculture when the term is not followed by another state designation.

"High complexity testing" means laboratory tests that require a level of expertise to perform the test due to the complexity of the test methodology and the risk of erroneous results. These tests require a higher level of scientific knowledge and experience, troubleshooting skills, and quality control checks.

"Initial calibration blank (ICB)" means an aliquot that consists of the same solvent used for the calibration standards, but without the analytes, analyzed following the initial calibration and prior to quantitating any samples to verify the absence of instrumental interferences.

"Initial calibration verification (ICV)" means a second source standard that is used to verify the correctness of the primary source calibration curve. This standard is initially analyzed prior to sample analysis.

"Incubation" means the act of storing microorganisms at a predetermined temperature, for a predetermined amount of time, to allow for growth of microorganism colonies.

"Inoculation" means the act of introducing microbes into a culture media to induce reproductive growth.

"Interference" means a positive or negative response or effect on response produced by a substance other than the analyte. Includes spectral, physical, and chemical interferences which result in a less certain or accurate measurement of the analyte.

"Intermediate precision" means within-laboratory precision obtained under variable conditions, e.g., different days, different analysts, and/or different instrumentation.

"Internal standard (IS)" means a chemical added to the sample, in known quantity, at a specified stage in the analysis to facilitate quantitation of the analyte. Internal standards are used to correct for matrix effects, incomplete spike recoveries, etc. Analyte concentration is deduced from its response relative to that produced by the internal standard. The internal standard must have similar physiochemical properties to those of the analyte.

"Laboratory control sample (LCS)" means a portion of respective matrix blank that is spiked with known quantities of target analytes and processed as if it were a sample. The LCS is used to evaluate the accuracy of the methodology.

"Laboratory information management system (LIMS)" means a computer software system that is used to collect information about a sample, track results through the testing process, and disseminate the final results to the customer and regulating agency.

"Limit" means a point or level beyond which something does not or may not exceed or pass. Something that bounds, restrains, or confines to the utmost extent. Limits are used to define a specific concept in analysis. Decision points and action levels are examples of limits.

"Limit of detection (LOD)" means the minimum amount or concentration of analyte that can be reliably distinguished from zero. The term is usually restricted to the response of the detection system and is often referred to as the detection limit. When applied to the instrument capability it is known as an instrument detection limit (IDL) or when applied to the complete analytical method it is often referred to as the method detection limit (MDL).

"Limit of quantitation (LOQ)" means the minimum amount or concentration of analyte in the test sample that can be quantified with acceptable precision and accuracy. Limit of quantitation (or quantifica-

tion) is variously defined but must be a value greater than the MDL and applies to the complete analytical method.

"Linearity" means the ability of a method, within a certain range, to provide an instrumental response or test results proportional to the quantity of analyte to be determined in the test sample.

"Low complexity testing" means laboratory tests that require little to no expertise to perform the test due to the lack of complexity of the test methodology and the low risk of erroneous results. These tests require a low level of scientific knowledge and experience, troubleshooting skills, and quality control checks.

"Matrix" means the material to be analyzed including, but not limited to, flower, trim, leaves, other plant matter, cannabis concentrate, cannabis infused, and edibles.

"Matrix blank" means a substance that closely matches the samples being analyzed with regard to matrix components. Ideally, the matrix blank does not contain the analyte(s) of interest but is subjected to all sample processing operations including all reagents used to analyze the test samples. The matrix blank is used to determine the absence of significant interference due to matrix, reagents, and equipment used in the analysis.

"Matrix effect" means an influence of one or more components from the sample matrix on the measurement of the analyte concentration or mass. Matrix effects may be observed as increased or decreased detector responses, compared with those produced by simple solvent solutions of the analyte.

"Matrix spike (MS)" means an aliquot of a sample prepared by adding a known amount of analyte(s) to a specified amount of matrix. A matrix spike is subjected to the entire analytical procedure to establish if the method is appropriate for the analysis of a specific analyte(s) in a particular matrix. Also referred to as a laboratory fortified matrix.

"Matrix spike duplicate (MSD)" means a replicate of a sample that has known concentrations of analytes added to it. It is used to evaluate the precision and bias of a method for a specific sample matrix. A matrix spike duplicate is processed along with the same sample batch and follows the same sample preparation and analytical testing.

"Method" means a particular procedure that systematically describes how a cannabis test is performed and analyzed.

"Method validation" means the process of demonstrating or confirming that a method is suitable for its intended purpose. Validation criteria include demonstrating performance characteristics such as accuracy, precision, selectivity, limit of detection, limit of quantitation, linearity, range, ruggedness, and robustness.

"Method validation report" means documentation generated detailing the evidence which established the suitability of the method for its intended use.

"Moderate complexity testing" means laboratory tests that require a level of expertise to perform the test due to the complexity of the test methodology and the risk of erroneous results. These tests require a moderate level of scientific knowledge and experience, troubleshooting skills, and quality control checks.

"Parameter" means the combination of one or more analytes determined by a specific analytical method.

"Performance criteria" means defined, measurable performance characteristics of an analytical method or process-specific requirements for accuracy, precision, recovery, specificity (selectivity), sensitivity (limits of detection), inclusivity, exclusivity, lineari-

ty, range, and scope of application. Criteria may also be set by defining process (i.e., method validation protocols).

"Performance-based methods approach" means or conveys "what" needs to be accomplished, but not prescriptively "how" to do it. It is a measurement system based upon established performance criteria for accuracy and precision with use of analytical test methods. Under this measurement system, laboratories must demonstrate that a particular analytical test method is acceptable for demonstrating compliance. Performance-based method criteria may be published in regulations, technical guidance documents, permits, work plans, or enforcement orders.

"Precision" means the closeness of agreement between independent test results obtained under specified conditions. This is described by statistical methods such as a standard deviation or confidence limit of test results. See also "random error." Precision can be further classified as repeatability, intermediate precision, and reproducibility.

"Preparation batch" means samples that are prepared and/or analyzed together with the same process and personnel, using the same lot(s) of reagents. A preparation batch consists of one to 20 samples (not including matrix blanks, LCS, matrix spikes and matrix duplicates) of the same matrix.

"Proficiency testing (PT)" means evaluation of the results from the analysis of samples, the true values of which are known to the supplier of the samples but unknown to the laboratory conducting the analyses.

"Proficiency testing provider" means a third-party company, organization, or entity not associated with certified laboratories or a laboratory seeking certification that is approved by the department and provides samples for use in PT testing.

"Qualitative analysis/method" means analysis/method in which substances are identified or classified on the basis of their chemical, biological, or physical properties. The test result is either the presence or absence of the analyte(s) in question.

"Quality assurance (QA)" means activities intended to assure that a quality control program is effective. A QA program is a totally integrated program for assuring reliability of measurement data.

"Quality assurance (QA) manual" means a written record intended to assure the reliability of measurement data. A QA manual documents policies, organization, objectives, and specific QC and QA activities.

"Quality control (QC)" means the routine application of statistically based procedures to evaluate and control the accuracy of analytical results.

"Quantitative analysis/method" means analysis/method in which the amount or concentration of an analyte may be determined (or estimated) and expressed as a numerical value in appropriate units with acceptable accuracy and precision.

"Random error" means component of measurement error that in replicate measurements varies in an unpredictable manner. See also "precision."

"Range" means the interval of concentration over which the method provides suitable accuracy and precision.

"Reagent blank" means reagents used in the procedure taken through the entire method. Reagent blanks are used to determine the absence of significant interference due to reagents or equipment used in the analysis.

"Recovery" means the proportion of analyte (incurred or added) remaining at the point of the final determination from the analytical portion of the sample measured. Commonly expressed as a percentage.

"Reference material" means a material, sufficiently homogeneous and stable with respect to one or more specified properties, which has been established to be fit for its intended use in a measurement process or in examination of nominal properties.

"Reference standard" means a standard, generally having the highest metrological quality available at a given location in a given organization, from which measurements are made or derived.

Note: Generally, this refers to recognized national or international traceable standards provided by a standards producing body such as the National Institute of Standards and Technology (NIST).

"Relative percent difference (RPD)" means the comparison of two quantities while taking into account the size of what is being compared as calculated:

$$\text{percent RPD} = \frac{|\text{sample} - \text{duplicate}|}{((\text{sample} + \text{duplicate})/2)} * 100$$

"Repeatability (RSDr)" means precision obtained under observable conditions at a specific concentration/spike level where independent test results are obtained with the same method on identical test items in the same test facility by the same operator using the same equipment within short intervals of time.

"Representative matrix" means a cannabis matrix used to assess probable analytical performance with respect to other matrices, or for matrix-matched calibration, in the analysis of broadly similar cannabis products.

"Reproducibility (RSDR)" means precision obtained at a specific concentration/spike level under observation conditions where independent test results are obtained with the same method on identical test items in different test facilities with different operators using different equipment.

"Ruggedness/robustness" means a measure of the capacity of an analytical procedure to remain unaffected by small but deliberate variations in method parameters and provides an indication of its reliability during normal usage.

"Sample" means representative portion of material taken from a larger quantity of homogenate for the purpose of examination or analysis, which can be used for judging the quality of a larger quantity for the purpose of compliance.

"Sample package" means the sealed, tamper-resistant container (e.g., plastic bag, box, etc.) which contains the quality control sample and transportation manifest from grower or producer collection.

"Scientific director" means the individual with the proper education and training responsible for the overall laboratory operations, compliance, and training of personnel.

"Selectivity" means the extent to which a method can determine particular analyte(s) in a mixture(s) or matrix(ces) without interferences from other components of similar behavior. Also known as specificity.

"Sensitivity" means the change in instrument response which corresponds to a change in the measured quantity (e.g., analyte concentration). Sensitivity is commonly defined as the gradient of the response curve or slope of the calibration curve at a level near the LOQ.

"Shipping container" means the container (e.g., box, mailer, bag) in which the collector, or laboratory has placed one or more sample packages for transport.

"SI" means the international system of units and more commonly known as the metric system. This is the international standard for measurement. Critical laboratory measurements must be traceable to this system.

"Signal to noise ratio (SNR)" means a measure that compares the level of desired signal of an analyte to the level of background noise from the instrument thus establishing the instrument's ability to differentiate between the two.

"Specificity" means the ability of a method to measure analyte(s) in the presence of components which may be expected to be present.

"Spike recovery" means the fraction of analyte remaining at the point of final determination after it is added to a specified amount of matrix and subjected to the entire analytical procedure. Spike recovery is typically expressed as a percentage. Spike recovery must be calculated for the method as written. For example, if the method prescribes using deuterated internal standards or matrix-matched calibration standards, then the reported analyte recoveries must be calculated according to those procedures.

"Spore bioindicators" means a biological indicator that is made up of a carrier material, on which bacterial spores with a defined resistance to the sterilization process have been applied.

"Standard operating procedures (SOP)" means a written document that details the method for an operation, analysis, or action with thoroughly prescribed techniques and steps, and that is officially approved as the method for performing certain routine or repetitive tasks.

"Standard reference material (SRM)" means a certified reference material issued by the National Institutes of Standards and Technology (NIST) in the United States.

"Standard (solution)" means a solution containing a precisely known concentration of an element, analyte, or a substance.

"Sterilization" means a validated process used to render a product free of all forms of viable microorganisms.

"Stock standard" means a concentrated solution of method analyte(s) prepared in the laboratory from referenced and certified analyte standards, where available, or a concentrated solution of method analyte(s) purchased directly from a referenced and certified source, where available.

"Surrogate (SUR)" means a pure compound that shall not be found in any sample but is similar in nature to the compounds of interest. This compound is added to a sample in a known amount before processing to monitor method performance for each sample. It is quantified in a manner analogous to that used for the analytes. The SUR is useful in ensuring that there were no problems in sample preparation.

"Systematic error" means component of measurement error that in replicate measurements remains constant or varies in a predictable manner. This may also be referred to as bias.

"Target analytes" means those analytes required to be tested on samples by the laboratory as defined in WAC 314-55-102.

"Testing personnel" means those qualified on the basis of education, training, experience and demonstrated skills to perform analytical testing on cannabis, cannabis concentrates, and cannabis infused products.

"Uncertainty" means nonnegative parameter characterizing the dispersion of the values being attributed to the measured value.

"Unidirectional flow" means performing a standard operating procedure in a single direction to reduce the risk of microbiological contamination.

"Upper level of linearity (ULOL)" means the highest level at which an instrument can measure the concentration of a substance accurately within an acceptable measure of deviation.

"Validated methods" means the methods that have undergone validation.

"Validation (method)" means the process of demonstrating or confirming the performance characteristics through assessments of data quality indicators for a method of analysis.

NEW SECTION

WAC 16-309-030 Laboratory instructions. (1) A cannabis testing laboratory must be accredited by the accrediting authority prior to conducting quality assurance tests on any cannabis flower or products derived under chapter 69.50 RCW.

(a) Accredited labs must conspicuously display the accreditation letter received by the accrediting authority at the lab's premises in a location where a customer may observe it unobstructed in plain sight.

(b) The laboratory must maintain a list of all tests they are currently accredited to test.

(2) The laboratory must identify potential conflicts of interest among key personnel in the organization that have involvement or influence on the testing activities of the laboratory.

(a) The laboratory conducting third-party testing must be independent of other cannabis businesses and have no financial interest in another cannabis license, excluding multiple lab accreditations.

(b) If a potential conflict of interest is identified, the laboratory must notify the accrediting authority for review, determination, and resolution of the conflict.

(3) The customer's confidential information and proprietary rights must be protected by the laboratory. The laboratory must maintain policies and procedures to protect confidential information.

(4) Cannabis labs must report certificate of analysis test results both to the customer and directly to the board in the required format(s).

(5) The department, board, and or accrediting authority may require the laboratory to submit raw data and information related to testing. The laboratory must keep and maintain all raw data and testing information for a period of five years.

(6) Laboratories must conduct an internal audit of laboratory operations to verify compliance with the accreditation checklist within 60 days of their scheduled audit. This self-audit will be reviewed by the accrediting authority at their yearly laboratory audit.

NEW SECTION

WAC 16-309-040 Laboratory personnel. (1) The laboratory must have a training and retraining program for all personnel that is kept current and is documented and maintained with personnel records.

(2) The laboratory must maintain personnel files on all employees detailing their qualifications and duties for all positions that include:

- (a) Resume of training and experience.
- (b) Job description of current position.
- (c) Copies of certificates.
- (d) Copies of diploma(s).
- (e) Training checklists which include what training was performed, who did the training, and when it was performed.

- (f) Documentation of continuing education, if any.
- (g) Documentation of demonstrated abilities and competencies.

(3) The laboratory must document the technical staff's competency for each method performed on a yearly basis demonstrating their abilities to perform their specific job functions. Completion must be signed and dated by the scientific director.

(a) Demonstration of competencies include performing instrument setup or maintenance, sample handling, extractions, testing on each instrument used, quality control acceptance, and reporting of results.

(b) Testing personnel must demonstrate acceptable performance on precision, accuracy, selectivity, reportable ranges, blanks, and unknown challenges through the use of proficiency samples or internally generated quality controls. Completion must be signed and dated by the scientific director.

(4) The laboratory must have a personnel organization chart showing the chain of command and responsibilities approved, initialed, and dated by the scientific director.

(5) The scientific director may delegate some responsibilities in their absence or for other management staff. The delegation must be in writing, indicating what functions are being delegated (i.e., quality control data review, assessment of competency, or review of proficiency testing performance), and the delegate must be qualified and approved by the scientific director.

(6) If the laboratory performs microbiological testing, at least one member of the laboratory staff must have a bachelor's degree in a biological or clinical laboratory science or medical technology from an accredited institution, or associate degree in a biological or clinical laboratory science or medical laboratory technology from an accredited institution. The scientific director may satisfy this requirement if they hold a biological or clinical laboratory science degree or medical technology from an accredited institution, as described in WAC 16-309-050.

(7) All staff must be properly trained and evaluated for proper test performance prior to starting sample testing and reporting results.

(8) The accrediting authority may waive the academic requirements listed in WAC 16-309-050 through 16-309-070, on a case-by-case basis, for highly experienced analysts. The accrediting authority may also waive the need for the specified training, on a case-by-case basis, for supervisors of laboratories associated with testing of cannabis and cannabis products.

(9) Laboratory testing personnel must be supervised by persons familiar with test methods and procedures.

(10) Supervisors of testing personnel must meet one of the qualifications for a scientific director or have at least a bachelor's degree in one of the natural sciences and three years of full-time laboratory experience in a regulated laboratory environment performing analytical scientific testing. A combination of education and experience may substitute for the three years of full-time laboratory experience.

(11) The laboratory must designate a quality assurance manager or officer with defined responsibilities for ensuring the quality system is implemented and followed. The QA manager must be a separate person from the scientific director.

(12) The laboratory must report to the accrediting authority any change in the status of the scientific director. A laboratory cannot be without a scientific director for more than 30 days.

NEW SECTION

WAC 16-309-050 Scientific director. (1) Each laboratory must employ a scientific director to ensure the achievement and maintenance of quality standards of practice who meets the following minimum qualifications:

(a) Must possess a doctorate in the chemical or microbiological sciences from a college or university accredited by a national or regional certifying authority with a minimum of two years post-degree laboratory experience; or

(b) A master's degree in the chemical or microbiological sciences from a college or university accredited by a national or regional certifying authority with a minimum of four years of post-degree laboratory experience; or

(c) A bachelor's degree in the chemical or microbiological sciences from a college or university accredited by a national or regional certifying authority with a minimum of six years of post-education laboratory experience.

(2) The scientific director must have supervisory authority over all personnel involved with the accessioning, testing and storage of samples, and the reporting of results.

(3) The scientific director is not required to have direct supervisory authority over client service or IT personnel. However, they are responsible for ensuring laboratory compliance with chapters 314-55 and 246-70 WAC and this chapter, even if functions are performed by staff outside the cannabis laboratory (e.g., another department, off-site staff, corporate staff) ensuring that the confidentiality of reported results is maintained.

(4) The scientific director's responsibilities include, but are not limited to:

(a) Engaging in and responsible for the daily management of the laboratory;

(b) Establishing a training program for personnel;

(c) Ensuring that personnel are sufficiently trained;

(d) Ensuring that all personnel have demonstrated proficiency in assigned duties prior to working independently on customer cannabis samples;

(e) Ensuring that the standard operating procedures (SOP) manual is complete, current, available, signed, and followed by all personnel;

- (f) Reviewing and approving any requests to modify analytical methods and documentation;
- (g) Ensuring that all personnel are properly informed, and training documented when changes occur in the SOP;
- (h) Ensuring that analytical methods are properly validated;
- (i) Establishing a quality assurance program sufficient to legally and scientifically support results;
- (j) Establishing acceptable performance limits for calibrators and controls;
- (k) Ensuring that corrective action is taken in response to unacceptable QC performance or when other errors occur;
- (l) Ensuring that results are not reported until after corrective actions have been taken and that the results provided are accurate and reliable;
- (m) Fully understanding the function of the laboratory information management systems (LIMS) and other laboratory computer systems in sample receiving, accessioning, chain of custody, testing, and the review and reporting of results;
- (n) Ensuring that the LIMS software and other software in the laboratory have been properly validated;
- (o) Fully understanding the role of any external service providers and the functions of external information systems and computer systems in the laboratory's activities associated with cannabis testing;
- (p) Ensuring that external information systems and software used by the laboratory have been properly validated;
- (q) Ensuring that corrective actions are taken in response to issues identified in the inspection and proficiency testing (PT) phases of the program;
- (r) Demonstrating knowledge of the cannabis regulatory documents and the cannabis laboratory analysis standards program.

NEW SECTION

WAC 16-309-060 Laboratory personnel performing high complexity testing. Personnel performing high complexity testing must be qualified on the basis of education, training, experience and demonstrated skills, and must meet the following minimum requirements:

- (1) Have a bachelor's degree in a chemical, physical, biological, or clinical laboratory science or medical technology from an accredited institution; or
- (2) Must have an associate degree in a laboratory science (chemical or biological science) or medical laboratory technology from an accredited institution; or
- (3) Have education and training equivalents that includes at least 60 semester hours, or equivalent, from an accredited institution that, at a minimum, includes either:
 - (a) Twenty-four semester hours of medical, clinical, or chemical laboratory technology courses; or
 - (b) Twenty-four semester hours of science courses that include:
 - (i) Six semester hours of chemistry;
 - (ii) Six semester hours of biology; and
 - (iii) An additional 12 semester hours of chemistry, biology, or medical laboratory technology in any combination;

- (c) Be evaluated for competencies to perform the test by someone who is already qualified to perform the test;
- (d) Be approved by the scientific director to perform the test.

NEW SECTION

WAC 16-309-070 Laboratory personnel performing moderate complexity testing. Personnel performing moderate complexity testing must be qualified on the basis of education, training, experience and demonstrated skills, and must meet the following minimum requirements:

- (1) Have at least a high school diploma or equivalent;
- (2) Have documented training to perform the test;
- (3) Have the skills required for performing preventive maintenance, troubleshooting, and calibration procedures related to each test performed;
- (4) Have the skills required to implement the quality control policies and procedures of the laboratory;
- (5) Have the awareness of factors that influence test results;
- (6) Be evaluated for competencies to perform the test by someone who is already qualified to perform the test;
- (7) Be approved by the scientific director to perform the test.

NEW SECTION

WAC 16-309-080 Laboratory personnel performing low complexity testing. Personnel performing low complexity testing must be qualified on the basis of education, training, experience and demonstrated skills, and must meet the following minimum requirements:

- (1) Have at least a high school diploma or equivalent;
- (2) Have training to perform the test;
- (3) Be evaluated for competencies to perform the test by someone who is already qualified to perform the test;
- (4) Be approved by the scientific director to perform the test.

NEW SECTION

WAC 16-309-090 Standard operating procedures. (1) The laboratory must have a complete and current standard operating procedures (SOP) manual that describes in detail all laboratory operations and ensures all samples are tested in a consistent manner using the same procedures.

- (2) Copies of relevant sections of the SOP must be available to all staff in their work areas.
- (3) The scientific director must review and show written approval of all sections of the SOP dating when they were implemented. An itemized list of changes and versions made within the last five years must be documented on a summary of changes sheet for each section.
- (4) The SOP must include a safety manual, procedure, or policy that describes specific precautionary issues throughout the lab that makes employees aware of, and know how to safely maneuver through, the issue as described in the OSHA laboratory safety guidance document.

- (5) The SOP must include a procedure for decontamination and cleaning of instruments, bench space, and ventilation and microbial hoods.
- (6) The SOP must include testing procedures that include pertinent information for the scope and complexity of the procedure, including:
- (a) Title that identifies the activity or procedure;
 - (b) Scope and principle;
 - (c) Sample requirements;
 - (d) Calibration and control preparation and usage protocol;
 - (e) Instrumentation, equipment, materials and supplies used;
 - (f) Instrument settings, data acquisition, system operation, parameters and conditions for testing;
 - (g) Procedure for sample preparation and testing;
 - (h) Results review and acceptability;
 - (i) Additional information, notes, safety requirements, and precautions to include calculations, interferences, limitations, background corrections, and proper disposal of lab waste including biohazardous waste and cannabis waste compliant with WAC 314-55-097; and
 - (j) References.
- (7) The SOP must include a policy for the use of personal protective equipment (PPE) when working with samples, reagents, chemicals, or potential hazards in the workplace along with a written and documented system on the competency of personnel on how to handle chemical spills and the use of chemical spill kits.
- (8) The SOP must include a policy for limiting access to controlled areas of testing, storage of samples, disposal of samples, and records. Personnel must be assigned limited access according to their job responsibilities.
- (9) The SOP must include a policy or procedure informing employees how to interact with law enforcement should they request information or come on-site for regulatory issues.
- (10) The SOP must include a policy or procedure that informs employees and staff what tasks need to be performed and what information or documents need to be gathered prior to an audit or inspection.
- (11) The SOP must include information on the proper handling and disposal of used and unused samples once testing is completed.
- (12) The SOP must include information on how employees can access medical attention for chemical or other exposures, including follow-up examinations, without cost or loss of pay.
- (13) The SOP must include a record or log of any deviations from the SOP detailing the reason for the deviation, the date, and approval from the scientific director.
- (14) The laboratory must maintain retired procedures for at least five years beyond the retirement date and must be able to reconstruct the procedures that were in effect when a given sample was tested.

NEW SECTION

WAC 16-309-100 Sampling and homogenization protocols. (1) Upon receipt, the laboratory must inspect each sample package and transportation manifest, assuring they meet the following minimum requirements:

- (a) Each sample package must have a transportation manifest accompanying it to the laboratory.

- (b) Each manifest must have the identifying information on it documented at the time of collection prior to sending it to the laboratory.
- (c) Each manifest must have a unique sample identification number matching the label on the sample.
- (d) The laboratory must reject samples when the sample ID number or label on sample container does not match the sample ID number or label on the manifest or when the container shows evidence of tampering.
- (2) The laboratory must transfer samples to a secure, limited access area of the laboratory upon receipt for processing and analysis.
- (3) Receipt of samples must be documented as to condition of the package, who took possession, and whether there were any unacceptable conditions.
- (4) The laboratory must document all persons handling the original sample, aliquots, and extracts.
- (5) The laboratory must establish the minimum volume or weight required to conduct all testing requested and any additional tests (i.e., repeat tests, differential tests, or reflex tests) that may be required.
- (6) The laboratory must establish storage requirements for all sample types upon receipt at the lab.
- All samples received for residual solvent testing must have an aliquot placed in an enclosed container that minimizes the evaporation of any solvents that may be present as soon as possible upon receipt.
- (7) Samples that do not undergo initial testing within seven days of arrival at the laboratory must be placed in a secure temperature-controlled storage until testing.
- (8) Samples must be handled in a way that avoids cross-contamination during aliquoting and handling by keeping other samples closed and out of the immediate vicinity. Analyte standards must be handled in areas separate from sample preparation areas.
- (9) It is not acceptable to reuse any labware that comes into contact with samples or aliquots until after proper cleaning. Labware, equipment, and surfaces must be properly cleaned between each sample preparation or handling.
- (10) All disposable pipettes/sample measuring devices can be used only once and must be discarded after use to prevent the possibility of cross-contamination.
- (11) Aliquots must be labeled with a unique identifier assigned to the sample both with a barcode and in human-readable form, or just in human-readable form.
- (12) When multi-well plates are used for testing, the laboratory must ensure the correct sample is aliquoted into the correct plate well and map the location of each sample on the plate.
- (13) The laboratory must have a system to easily retrieve and track samples that are maintained in storage.
- (14) Laboratories must ensure sample homogenization is appropriate for each test method performed.

NEW SECTION

WAC 16-309-110 Security. (1) Laboratories must control and document access into operation areas (e.g., accessioning, data entry, sample handling, analytical, certification), along with sample storage

areas, and records storage areas during both operating and nonworking hours.

(2) Individuals who do not have routine duties in secured areas (with the exception of auditors and emergency personnel) must be escorted, and their entries and exits must be properly documented (i.e., date, time of entry and exit, purpose of visit, and authorized escort).

(3) If a laboratory uses external service provider(s) to perform services on the laboratory's behalf (i.e., records storage, software service provider, or cloud service providers), the laboratory must show due diligence in verifying that the service provider has procedures in place to protect the confidentiality, integrity, and availability of data for the services that they will perform. The laboratory is responsible for ensuring the external service provider is in compliance with applicable requirements.

(4) Samples must be stored in a limited access, secured area.

(5) Only personnel who are assigned to the limited access, secured area can have unescorted access.

(6) Samples may be transported outside a secured area if they are in the custody of an authorized individual who is moving them to another secured location.

(7) Laboratories must maintain physical custody of samples and are not allowed to delegate sample storage to external service providers.

(8) Original hard copy records for reported samples must be maintained in a secure room, area, or file cabinet at all times suitable to prevent damage or deterioration and to prevent loss.

(9) Laboratories may use off-site record storage locations or services if they meet the limited access and security requirements listed above.

(10) The laboratory must establish a system to ensure records are protected from loss or accidental destruction. This could include backup copies of electronic records, cloud storage, or off-site secured storage of back up tapes or disks.

(11) The laboratory must establish a procedure for documenting record retrieval, removal, and disposal assuring destruction is only allowed on records held past the five-year storage requirement.

(12) The laboratory must establish a procedure for securing documents past the five-year storage requirement when specifically requested by the accrediting authority or for legal purposes.

NEW SECTION

WAC 16-309-120 Quality control and assurance. (1) The laboratory must develop and maintain an extensive quality control (QC) program which involves the concurrent analysis of calibrators and controls with samples to demonstrate if the analytical system is operating within defined tolerance limits and that random and systematic errors can be identified in a timely manner.

(2) Laboratories must use controls that evaluate the performance of the sample prep and analytical instrument(s) in each preparation batch and must monitor the results of those samples within each batch and across batches for methods that include:

(a) A negative or blank control to demonstrate the assay(s) ability to perform without interference or contamination.

(b) A CCV above the cutoff or decision point but below the upper limit of linearity. Using a calibrator from the initial calibration is an acceptable CCV.

(c) A matrix spike (MS) and matrix spiked duplicate (MSD) at least every 20 samples per matrix for high complexity tests.

(d) If a matrix is not available, a representative matrix may be used and must be spiked at a concentration above the action limit with the target analytes. This is also known as a laboratory control sample (LCS).

(e) A laboratory control sample (LCS) may be used in place of a continuing calibration verification (CCV) (but not as a replacement for a failing CCV) for methods where the calibration goes through the same process as the LCS.

(f) A sample duplicate and a singular matrix spike is acceptable, when a matrix spike duplicate is not used, for each preparation batch.

(3) Positive control materials must be processed in the same manner and included with the test sample batches through the entire testing process. This does not include the ICV or CCV.

(4) Calibration curves must be verified from a second source including, but not limited to, an ICV. Laboratories must use a standard obtained from a second manufacturer if available for purchase. Laboratories may use a separate lot prepared independently by the same manufacturer if a standard obtained from a second manufacturer is unavailable for purchase. The ICV must include all required analytes for each analysis performed.

(5) Laboratories must use reference standards that are traceable to a primary standard through a certificate of analysis, when possible.

(6) Laboratories must use surrogate analytes or internal standards for all high complexity testing. Internal standard response must be within 50-200 percent of the response of a midpoint ICAL standard.

(7) The use of quality control material must determine the accuracy and precision of all required analytes in each analyses performed.

(8) For any method in which quality control acceptance criteria is not defined, the criteria must not exceed 30 percent.

(9) New lots of reagents, calibrators, and control material must be validated against a currently validated calibration or method before it is put into service.

(10) All control results must be documented in a manner to allow the laboratory to detect instrument or process failure and to identify trends or bias.

(11) Quality control results must be reviewed by a qualified analyst and must meet the acceptance limits prior to reporting out sample results.

(12) Cumulative quality control records must be reviewed by the individual responsible for oversight of the laboratory's QC program on a regular basis so that they can detect assay problems, trends, shifts, and bias.

(13) The laboratory must have procedures describing corrective action to be taken and take action when cumulative control results show evidence of problems. Control records must include documentation of the specific problem noted and documented evidence of the corrective actions to resolve the problem.

(14) The laboratory must use notebooks, logbooks, or other electronic means of communicating with staff regarding issues, problems, or communications between shifts.

(15) The laboratory must have a quality assurance manual, policy, or procedure to identify operational procedures, organization objectives, functional activities, and quality control activities designed to achieve quality goals desired for operation of the lab.

(16) The laboratory must designate a quality manager who, irrespective of other duties and responsibilities, must have defined responsibility and authority for ensuring that the quality system is implemented and followed. The quality manager must have direct access to the highest level of management at which decisions are made on laboratory policy or resources.

(17) The laboratory's quality assurance plan must measure meaningful data throughout laboratory processes that establish thresholds or limits for the indicators to trigger evaluation of the services if not met. Meaningful indicators established within the laboratory can be qualitative or quantitative and may be related to structure, processes, or outcome of the service involved.

(18) The quality assurance data must be reviewed by the scientific director on an ongoing basis that allows timely identification of problems to catch trends or issues early enough to make changes.

(19) The laboratory must maintain documentation and tracking of failed samples and batches like all other data and must make them available when requested.

(20) Instruments that use a multipoint curve must be calibrated using a minimum of a four-point curve with the first calibrator at the LOQ. No blanks can be used as a point unless required by the manufacturer. The linear correlation determination (r^2) must be ≥ 0.9950 or the correlation coefficient (r) must be ≥ 0.9975 , unless otherwise specified in a CLASP-approved method. Linear regression with $1/x$ or no weighting must be used. Forcing the curve through zero is not allowed.

(21) To ensure the quality of data for mass spectrometry methods, the laboratory must:

(a) Perform mass spectrometric tuning at relevant frequencies or at the frequency specified by the manufacturer.

(b) Ensure method performance by comparing transitions and retention times between duplicated controls, calibrators, and samples.

(c) Use an internal or external standard to minimize errors caused by evaporation of solvents and injection errors or discrepancies.

(d) Have a detailed procedure for the manual integration of any peaks, including the review of automated integration and adjustments.

(e) Maintain all information necessary for reconstruction of the data.

(22) To ensure the quality of data for an immunoassay method, the laboratory must:

(a) Ensure functionality of new test kits and reagent lots by utilizing positive and negative controls.

(b) Ensure absorbance intensity is within the acceptable range as defined by the manufacturer.

(c) Challenge the linearity of the calibration curve by using:

(i) Different levels of positive controls to challenge the low and high end of the corresponding curve assuring results are reliable throughout the whole range of the curve;

(ii) A negative or blank control to demonstrate the assay's ability to distinguish a positive from a negative and to perform without interference or contamination.

(d) Perform second source verification by utilizing a control separate from calibration material:

(i) For multianalyte assays, calibration curves and controls must be specific for each analyte;

(ii) Control analytes with similar chemical properties as the target analyte may be used.

(23) The laboratory may verify expired neat analytical standards if the standard is recertified by the vendor and new documentation is obtained or the standard is verified by comparison to unexpired neat standard. The response factors must be within 10 percent to be considered fit for purpose. Verified expired standards must be recorded in the verification logs.

(24) The laboratory may only report quantitative results that are above the limit of quantification and below the upper limit of linearity.

(25) The laboratory must use at minimum reagent grade acids and bases, ultra-high purity grade gases, Type II water, and analytical quality materials in the preparation of standards and sample processing.

(26) Laboratory records must be legible and in ink or computerized system. Documents must be signed and dated. Changes must be initialed and dated, and there must be evidence of periodic review.

(27) When corrective action is needed, the laboratory must identify and document the issue, determine a plan for corrective actions, evaluate the results from the plan, and ensure that sample results are not reported until after the corrective actions have provide accurate and reliable results.

NEW SECTION

WAC 16-309-130 Facilities, equipment, and maintenance. (1) Facilities where laboratory testing is performed must be designed for dealing with preanalytical, analytical, and postanalytical functions.

(2) The laboratory must monitor, control, and record environmental conditions as required by the relevant specifications, methods, and procedures where they influence the quality of the results. Due attention must be paid to biological sterility, dust, electromagnetic disturbances, humidity, electrical supply, temperature, and sound and vibration levels, as necessary to the technical activities concerned.

(3) Laboratories recycling solvents by roto-evaporator or similar equipment must have a procedure for evaluating recycled solvent performance prior to use in testing. This must be applied any time the laboratory recycles solvents.

(4) The laboratory must have space for the number of personnel and separation of work areas.

(5) The arrangement of space must allow for workflow, sampling, lab space, office space, and break areas.

(6) The laboratory must have eyewash stations, safety showers, and sinks within the laboratory in areas where exposure to corrosive chemicals or substances may occur. Eyewash facilities must be no greater than 10 seconds unobstructed travel distance from the area in the laboratory where hazardous chemicals are present.

(7) The laboratory must have chemical spill kits on-site and placed in locations that are well-labeled and easily available to personnel.

(8) The laboratory must have adequate electrical outlets, unobstructed, single-use, multiplug adaptors with surge control; single-use extension cords; ground fault circuit interrupters near wet areas.

(9) The laboratory must have sufficient numbers and types of safety equipment to minimize personnel exposure to biological hazards and toxic materials. There must be vacuum traps, ventilation for fume hoods and around solvent use or storage of solvents or waste. There must be storage cabinets for flammable solvent, acids, and bases. There must be vented hoods for any microbiological analysis (i.e., Class II Type A biosafety cabinets as applicable).

(10) The laboratory must assign a unique identifier to distinguish the individual test instrument and software version used. Each test result must be traceable back to the instrument used at the time of testing.

(11) The laboratory must comply with the scheduled maintenance and function checks recommended by the manufacturer at minimum and perform preventive maintenance and check critical operating characteristics of each instrument used in the testing process. Records must be retained for all instruments and equipment.

(12) For automated liquid handling equipment performing quantitative aliquoting, the laboratory must check the accuracy and precision of each system, perform a contamination check, and monitor and detect system issues or failures (e.g., drips or leaks, short sampling, bubbles, or air gaps in reagent dispensing lines) on a regular basis.

(13) The laboratory must verify the accuracy and precision of each pipette or pipetting device prior to placing it into service. Each device must be rechecked at least every six months. If the pipette or pipetting device is used to make measurements at different volumes, accuracy and precision must be checked at each volume used. Devices that do not meet stated precision and accuracy criteria must be removed from service.

(14) The laboratory must check and record temperatures on temperature sensitive devices (e.g., water baths, heating blocks, incubators, ovens, refrigerators, freezers, and refrigerated centrifuges) on a daily or when used basis. The laboratory must establish acceptance ranges to ensure proper storage conditions for samples, calibrator and control materials, test materials, and to ensure correct analytical conditions according to manufacturer and procedure requirements. Temperature records must be complete and clearly document the date and individual performing the check, and the laboratory must document corrective actions taken to address unacceptable temperature readings.

(15) Analytical balances must be mounted in accordance with manufacturer's instructions. They must be serviced and checked periodically over the relevant weight range using ANSI/ASTM Classes 1-3 or equivalent weights.

(16) The laboratory must verify instrument and equipment performance prior to initial use, after major maintenance or service, and after relocation to ensure that they run within defined tolerance limits and according to expectations.

(17) Instrument maintenance records and function check documents must be reviewed by technical supervisory staff or the scientific director at least monthly.

(18) Instruments that do not meet performance specifications must be placed out of service and labeled as "Not in Use" until it has been repaired and shown by verification that it will perform correctly.

(19) Laboratories must demonstrate, when possible, that calibrations of critical equipment and hence the measurement results gener-

ated by that equipment, relevant to their scope of accreditation, are traceable to the SI through an unbroken chain of calibrations.

(20) Laboratories must have breakrooms separate from the laboratory and ensure that food is not kept in refrigerators that have specimens, chemicals, or other laboratory related materials.

NEW SECTION

WAC 16-309-140 Method performance criteria. (1) Accredited labs may reference samples for testing by subcontracting fields of testing to another accredited laboratory.

(2) Laboratories must maintain the integrity of the sample by testing samples on an "as is" or "as received" basis before sample prep unless otherwise specified in rules.

(3) Laboratories may use historical calibrations for high complexity testing as long as it is supported by analytical data through quality control results. Historical calibrations cannot extend past 30 days.

(4) The samples fail quality control testing if the results exceed the limits indicated in WAC 314-55-102.

(5) Sample results are positive for the analyte being tested if their results are greater than or equal to the decision point or cut-off limits as indicated in WAC 314-55-102.

(6) Sample results are to be reported out in the number of digits and units of measure described in WAC 314-55-102.

(7) Laboratories may be accredited to conduct the following fields of testing:

Field of Testing	Level of Complexity
water activity	low
cannabinoid concentration analysis	high
foreign matter inspection	low
microbiological testing	
culture method	moderate
immunoassay method	moderate
polymerase chain reaction (PCR) method	high
residual solvent testing	high
mycotoxin testing	
enzyme-linked immunosorbent assay (ELISA) method	moderate
liquid chromatography with tandem mass spectrometry (LC-MS/MS) method	high
pesticide testing	high
heavy metals testing	high

NEW SECTION

WAC 16-309-150 Water activity testing. (1) Water activity (a_w) analysis is intended to quantitatively report out the presence of water in the sample.

The laboratory must run two continuing calibration verifications at levels bracketing the action limit concentration at the beginning of each day of testing.

(2) One sample must be run in duplicate with difference in values of 80 percent - 120 percent as a quality control specimen.

(3) The laboratory must monitor and record temperature and humidity daily or when testing is performed.

(4) The laboratory must calibrate the a_w instrument when:

(a) The instrument has been physically moved from one location to another.

(b) The instrument has been cleaned.

(c) The manufacturer's instruction manual recommends.

NEW SECTION

WAC 16-309-160 Cannabinoid concentration analysis. (1) Cannabinoid concentration analysis, previously known as potency, is intended to quantitate and accurately report cannabinoids above the lower limit of quantitation as described in WAC 314-55-102.

(2) Laboratories must use a method approved by the department to analyze cannabinoids.

(3) Laboratories must limit batch size to 20 samples in a preparation batch not including quality controls.

(4) ICV, CCV, and surrogate must meet a minimum of 80-120 percent recovery for each analyte.

(5) LCS and matrix spike samples must meet a minimum of 70-130 percent recovery for each analyte.

(6) Sample and matrix spike duplicates must have a relative percent difference (RPD) value of less than 20 percent.

(7) Chromatographic performance must be described in method and must include, but is not limited to, the following criteria:

(a) Tailing factor less than 2.0;

(b) Column performance resolution greater than 1.0;

(c) Retention time shift less than two percent.

NEW SECTION

WAC 16-309-170 Foreign matter inspection. (1) The laboratory must analyze not less than 30 percent of the total representative sample of cannabis and cannabis products prior to sample homogenization to determine whether foreign material is present.

(2) The laboratory must report the result of the foreign material test by indicating "pass" or "fail."

(3) The laboratory must use a microscope with photographic capabilities or a camera with magnification or resolution to document the presence of foreign matter. Magnification will only be required when something is identified and the picture without magnification does not allow identification of the foreign matter.

(4) The laboratory must document the observation with a detailed description of any foreign matter and photograph the sample supporting the report.

(5) The foreign matter inspection must be performed in a clean and sanitary location that prevents contamination or degradation prior to other testing.

NEW SECTION

WAC 16-309-180 Microbiological testing. (1) Microbiological testing is intended to accurately measure qualitative, semi-quantitative, or quantitative results, and report microorganisms incurred through the production and processing of cannabis and cannabis products.

(2) The laboratory must have a microbiological testing SOP that contains a detailed description of the preparation of any material that does not come as a working stock (i.e., culture media, master mix, spiked controls).

(3) The laboratory may use either culture-based testing methods, immunoassay methods, molecular assay methods, or a combination of culture-based, immunoassay, and molecular assay methods for microbiological testing.

(4) Quality control must be performed on each new media lot, PCR reagent lot, or kit lot used. For molecular assays, DNA controls must be included with each analytical run and internal amplification controls (IACs) must be included with each individual reaction.

(a) Acceptability criteria for all calibration and QC materials such as controls, spikes, and blanks, must be defined, as well as the action to be taken when results are outside control limits. The laboratory must set controls at relevant limits around the decision points for the microbial assay(s) as defined above.

(b) Positive and negative controls must be included in all microbial assay tests. Quality controls must be analyzed in the same manner as samples.

(i) The laboratory must use control organisms that represent the target organism. Controls for the confirmation of a target, such as salmonella or Shiga toxin-producing *E. coli* (STEC), must be as similar as possible to the presumptive organism.

(ii) The laboratory must maintain documentation of quality control organisms and ensure purity of the control organism is maintained by limiting the number of cell divisions from the original culture.

(5) The laboratory must have a record of all microbial quality control and sample results. If the laboratory does not use equipment capable of recording and printing results (i.e., a PCR instrument or plate reader), then the laboratory must photograph all microbial quality control and sample results for recordkeeping.

(6) The laboratory must have a procedure in place which must specify any safety requirements or precautions unique to the microbial assay(s) used, including:

(a) Biohazard labels on equipment used to store biohazardous materials and waste such as restricted areas, refrigerators, and waste receptacles;

(b) Performing microbial assay(s) in either a Class II biosafety cabinet (BSC) or a designated clean room;

(c) Sterilization of biohazardous waste, including any materials that have come into contact with control organisms, either by autoclave or by chemical disinfectants;

(d) For safety reasons, biosafety level (BSL) 1 organisms for salmonella and STEC may be used as control organisms.

(e) Lab-prepared media must be sterilized by autoclave and undergo a quality control check for sterility before use.

Sterilization by autoclave must be documented using materials such as autoclave tape, and autoclave functionality must be tested using materials such as spore bioindicators.

(7) The laboratory must have a procedure and training for shipping and receiving bacterial enrichments, organisms, or presumptive positive samples. Biohazardous shipping and receiving training must be documented.

(8) The laboratory must perform microbial analysis in a unidirectional (i.e., one way) manner to reduce possible contamination of microbial test materials.

(a) For molecular microbial assays, the laboratory must use materials to reduce contamination such as reaction tubes that are RNAase-free and DNAase-free and use aerosol barrier pipette tips.

(b) For culture-based testing methods, all samples and controls must initiate incubation within 10 minutes of inoculation.

(9) For qualitative methods, all results must be reported as qualitative designations such as "detected," "not detected," "positive," or "negative." For quantitative methods, the laboratory may only report results that are above the limit of quantification and below the upper limit of linearity.

(10) The laboratory may not report colony-forming units (CFU) counts with greater than two significant figures.

NEW SECTION

WAC 16-309-190 Residual solvent testing. (1) Residual solvent analysis is intended to accurately quantitate and report solvent residue left behind from product processing.

(2) Laboratories must use a method approved by the department to analyze residual solvents.

(3) Methanol and any other solvent listed in WAC 314-55-102 must not be used in any preparation or analysis procedure for residual solvent testing.

(4) Upon receipt of a sample at a laboratory, the sample treatment must follow the method requirements for preservation and storage.

(5) When an extraction solvent is used in method it must be an organic solvent that is capable of accomplishing the dilution of the sample while still able to meet the quality control requirements of this method and regulatory requirements, and is NOT a required analyte per regulations. The selected solvent must be specifically cited in a lab's standard operating procedure(s).

(6) Subsampling and homogenization protocols must be specified in the approved method(s) to include:

(a) The lab must analyze at least 0.2 grams of sample per residual solvents analysis.

(b) Upon receipt of sample, the portion of the sample that is to be used for residual solvents analysis must be stored to minimize solvent evaporation.

(c) Homogenization of residual solvent samples by the lab is prohibited unless necessary due to sample composition. If homogenization is necessary, steps must be taken to minimize evaporative loss.

- (7) Laboratories must limit batch size to 20 samples in a preparation batch not including quality controls.
- (8) The ICV must meet a minimum of 80-120 percent recovery for each analyte.
- (9) CCV, surrogate, LCS and matrix spike samples must meet a minimum of 70-130 percent recovery for each analyte.
- (10) Sample duplicates and matrix spike duplicates must have a relative percent difference (RPD) value of less than 20 percent.

NEW SECTION

WAC 16-309-200 Mycotoxin testing. (1) Mycotoxin testing is intended to accurately measure semi-quantitative or quantitative results, and report mycotoxins incurred through the production and processing of cannabis and cannabis products.

(2) For semi-quantitative or qualitative methods, the laboratory may report negative results. The limit of detection must be equal to or less than the analyte limit. Positive detections must be confirmed and reported using a quantitative method.

(3) For quantitative methods, the laboratory may only report numerical results that are above the limit of quantification and below the upper limit of linearity.

(4) The analytical processes for mycotoxin testing must include the following:

(a) A matrix negative and a matrix positive for each sample matrix tested per batch;

(b) Matrix positive controls at relevant levels above the decision point;

(c) The laboratory must perform a second-source calibration verification (ICV) above the decision point concentration.

(5) For high complexity testing, additional quality control is required.

(a) ICV, CCV, and surrogate must meet a minimum of 70-130 percent recovery for each analyte.

(b) Matrix spike samples must meet a minimum of 70-130 percent recovery for each analyte.

(c) Sample and matrix duplicates must have a relative percent difference (RPD) value of less than 20 percent.

(6) Analyze matrix spike duplicates or sample duplicates at a frequency of one in 20 samples per matrix, per sample extraction or preparation method, to measure repeatability and precision of the mycotoxin assay(s).

(7) Mass spectrometry testing criteria.

(a) A minimum of three structurally significant ions (meeting the three to one signal to noise ratio) are required for confirmation. If instrument conditions or ionization techniques limit the number of ions available, the laboratory may request a deviation from the department in order to report results under these conditions.

(b) The confidence limits of the relative abundance of structurally significant ions and precursor-to-product ion transitions used for single ion monitoring and multiple reaction monitoring must be ± 30 percent (relative) when compared to the same relative abundances observed from a standard solution injection made during the same analytical run.

(8) The laboratory must have procedures that include the following:

- (a) Special safety precautions required for handling mycotoxin standards;
- (b) Mycotoxin standards may only be opened and used within a certified fume hood;
- (c) A mycotoxin spill cleanup procedure must be included;
- (d) The laboratory must ensure stability of mycotoxin standards;
- (e) A detailed description of how potentially hazardous waste is disposed of.

NEW SECTION

WAC 16-309-210 Pesticide testing. (1) Pesticide testing is intended to accurately quantitate and report pesticides incurred through the production and processing of cannabis and cannabis products.

(2) Pesticide standards and stock solutions must be prepared in an area separate from samples.

(3) Laboratories must use a method approved by the department to analyze pesticides.

(4) Laboratories must limit batch size to 20 samples in a preparation batch not including quality controls.

(5) ICV, CCV, and surrogate must meet a minimum of 70-130 percent recovery for each analyte.

(6) LCS and matrix spike samples must meet a minimum of 70-130 percent recovery for each analyte.

(7) Sample and matrix duplicates must have a relative percent difference (RPD) value of less than 20 percent.

(8) Mass spectrometry confirmation criteria.

(a) A minimum of three structurally significant ions (meeting the three to one signal to noise ratio) are required for confirmation. If instrument conditions or ionization techniques limit the number of ions available, the laboratory may request a deviation from the department in order to report results under these conditions.

(b) The confidence limits of the relative abundance of structurally significant ions and precursor-to-product ion transitions used for single ion monitoring and multiple reaction monitoring must be \pm 30 percent (relative) when compared to the same relative abundances observed from a standard solution injection made during the same analytical run.

NEW SECTION

WAC 16-309-220 Heavy metals testing. (1) Heavy metals testing is intended to accurately quantitate and report metals incurred through the production and processing of cannabis and cannabis products.

(2) Analytical standards and solutions must be National Institutes of Standards (NIST) traceable or equivalent.

(3) The ICP-MS must be tuned each day of analysis using a tuning solution containing elements representing all of the mass regions of interest.

(4) Instruments must be calibrated every day of testing using a minimum of a four-point curve (no blanks can be used as a point).

(5) Laboratories must use a method approved by the department to analyze heavy metals.

(6) A stabilizer must be added during sample preparation to stabilize mercury through the acid digestion and analysis. The stabilizer must be at the same level in the calibration standards as the samples.

(7) An internal standard (IS) must be added and analyzed in all calibration standards and samples.

(8) Spectral interference checks (SIC) must be used to verify that the interference levels are corrected by the instrument's data system. The SIC must contain known amounts of interfering elements that will demonstrate the magnitude of interference and test for any corrections.

(9) An initial calibration verification (ICV) and initial calibration blank (ICB) must be analyzed each day of testing.

(a) The ICB is analyzed after the ICV and must not contain target analytes.

(b) The ICV must meet a minimum of 70-130 percent recovery for each analyte.

(10) Laboratories must limit batch size to 20 samples in a preparation batch not including quality controls.

(11) CCV, surrogate, LCS, and matrix spike samples must meet a minimum of 70-130 percent recovery for each analyte.

(12) Sample duplicates and matrix spike duplicates must have a relative percent difference (RPD) value of less than 20 percent.

(13) Sample concentrations that exceed the highest calibration standard must be diluted and reanalyzed to fall within the linear calibration range.

NEW SECTION

WAC 16-309-230 Other analytes. Should a laboratory test for analytes beyond the analytes required in chapter 314-55 or 246-70 WAC, they must adhere to the following guidelines:

(1) Additional test results must be identified as analytes outside the scope of accreditation on the certificate of analysis.

(2) Additional analytes that are tested using methods that also include required analytes for compliance must meet similar requirements for testing and reporting.

(3) Additional analytes that are tested using methods that do not include required analytes for compliance must be validated and tested using standards established in this chapter.

NEW SECTION

WAC 16-309-240 Laboratory computers and information systems.

(1) The laboratory must have computer systems and software for sample tracking throughout the laboratory's possession from receipt of the samples through testing, reporting, and disposal.

(2) The laboratory must maintain a system security plan (SSP) for each information system used, including corporate systems and external service provider systems.

- (3) The laboratory must have security controls (i.e., management, operations, and technical controls) in place to protect the confidentiality, integrity, and availability of the system and its information.
- (4) If the laboratory contracts with an external service provider such as a cloud service provider, the laboratory must show due diligence in verifying that the service provider has procedures in place to protect the confidentiality, integrity, and availability of data for the services that they will perform on behalf of the laboratory.
- (5) The laboratory must protect any internal computer systems (e.g., desktops, servers, instrument computers) against electrical power interruptions and surges that can contribute to data loss.
- (6) The laboratory must protect any internal computer systems from spyware, viruses, malware, and other attacks through the use of firewalls and by maintaining software security updates.
- (7) The laboratory must validate and document changes made to computer systems, software, interfaces, calculations, and security measures prior to implementing for use on samples.
- (8) Software testing must include performing manual calculations or checking against another software product that has been previously tested, or by analysis of standards.
- (9) The laboratory must have a signed contract or agreement with any external service providers that includes the priority elements of physical, technical, and administrative safeguards to protect their systems and data.

NEW SECTION

WAC 16-309-250 Method approvals. (1) Laboratories must use an agency approved method for cannabinoid concentration, pesticides, residual solvents, and heavy metals testing. A list of approved analytical and preparative methods are available on the agency's website (<https://agr.wa.gov/departments/cannabis/cannabis-lab-analysis-program>). If a laboratory wants to use a method not currently on the approved agency list of methods, the lab can submit a method for approval.

(2) Laboratories must, at a minimum, do the following for a new method approval:

(a) Laboratories must submit a method approval form with their required method documentation and method validation data emailed to the department at cannabis@agr.wa.gov.

(b) Receive written approval from the department of the validated method for use on customer samples.

(3) The initial method review and approval may take 30 days. The department may request revisions, clarifications, and/or additional data to review the method.

(4) Laboratories will receive notification via email about the status of the method. Approved methods will be added to the agency website for public access.

(5) Laboratories with denied methods will be provided with a detailed synopsis of why the method was insufficient.

(6) Methods submitted to the WSDA for approval must include a standard operating procedure that documents the following:

- (a) A title that indicates the type of procedure being conducted (i.e., pesticides, residual solvents, cannabinoid concentration, or heavy metals).
- (b) A document control number, date, and revision number.
- (c) Approval signatory and date.
- (d) A table of contents and page numbering.
- (e) A section that documents the revision history for the method.
- (f) A definitions section that includes a definition of terms, acronyms, and abbreviations used in the methods.
- (g) A section that outlines the purpose, range, limitations (including limit of quantitation and limit of detection), intended use of the method, and target analytes.
- (h) A summary section that includes an overview of the method procedure and quality assurance.
- (i) An interference section that identifies known or potential interferences that may occur during use of the method and describes ways to reduce or eliminate these interferences.
- (j) A safety section that describes special precautions needed to ensure personnel safety during the performance of the method.
- (k) A section for equipment, supplies, reagents, and standards that are required to perform the method.
- (l) A section that provides requirements and instructions for collecting, preserving, and storing samples.
- (m) A quality control section that cites the procedures and analyses required to document the quality of data generated by the method and includes corrective actions for out-of-control data. This section must also describe how to assess data for acceptance based on quality control measures.
- (n) A calibration and standardization section that describes the method or instrument calibration and standardization process and the required calibration verification.
- (o) A procedure section that describes the sample processing and instrumental analysis steps of the method and provides detailed instructions to analysts.
- (p) A section that provides instructions for analyzing data, equations, and definitions of constants used to calculate final sample analysis results.
- (q) A method performance section that provides method performance criteria, including precision or bias statements regarding detection limits and sources or limitations of data produced using the method.
- (r) A pollution prevention and waste management section that describes aspects of the method that minimizes or prevents pollution and the minimization and proper disposal of waste and samples.
- (s) A section for references that lists source documents and publications that contain ancillary information.
- (t) A section that contains all the tables, figures, diagrams, example forms for data recording, and flowcharts. This section may also contain validation data references in the body of the method.
- (7) Methods must be validated and laboratories must submit method validation documentation as detailed in WAC 16-309-260.
- (8) Should the department determine a method has become obsolete or invalid, it may retire the approved method after providing six months notice.

NEW SECTION

WAC 16-309-260 Method validations. (1) Laboratories must perform method validation studies prior to implementing a new or original test method, implementing an approved method, implementing a new instrument, or modifying an existing method or instrument for each matrices tested.

(2) The records must include sufficient information to allow for a comprehensive review of the studies performed. Laboratories must have criteria for acceptance of study data, for agreement of replicate study samples, and for defining true outlier values. Study samples for quantitative methods must meet the same qualitative criteria (e.g., the same retention time, mass ratio, internal standard abundance, and chromatography criteria) used for samples. The laboratory's acceptance criteria must be described in the SOP and in the study summary.

(3) Laboratories must perform reverification studies on an annual basis at minimum on high complexity nonreagent methods. Reverification studies are designed to verify that the existing LOD, LOQ, and ULOL values are still valid and do not require laboratories to analyze the same number of samples that are required for full validation studies.

(4) If the laboratory modifies an existing test method or instrument parameter that affects the performance of the method, the revised method must be re-validated prior to use. If the modification is relatively minor, the validation studies may be focused on those parameters that have been affected.

(5) Validations must include linearity, precision, accuracy, LOD, LOQ, ULOL, carryover, selectivity/interference, and matrix effects, unless defined specifically below.

(6) The laboratory must characterize the linearity of a method based on replicate analysis (i.e., a minimum of three replicates at each concentration) of samples of at least six concentrations. The concentrations must be distributed above and below the cutoff for the test.

(7) The laboratory must characterize the precision of a method based on replicate analysis, at least 20 results total. Analysis must be at significant concentrations around the cutoff/decision point and expected range. At least three replicates at each concentration must be analyzed. Precision studies must be performed on multiple days and in multiple batches in order to assess intra-batch and inter-batch variability.

(8) The laboratory must characterize the accuracy (expressed as bias) of a method by calculating the percent difference between the analyzed sample results and the target concentrations. Accuracy studies must be performed on multiple days and in multiple batches to assess intra-batch and inter-batch variability.

(9) The laboratory must characterize the LOD of a method by a series of replicates with decreasing concentrations (i.e., a minimum of three replicates at each concentration). The LOD must be experimentally determined and supported by analytical data. The laboratory can choose to artificially set the LOD at the established LOQ if the LOQ is at least 25 percent below the decision point limit.

(10) The laboratory must characterize the LOQ of a method by a series of replicates with decreasing concentrations (i.e., a minimum of three replicates at each concentration). The LOQ of a method must be determined and supported by analytical data and must be at least 25 percent below the decision point limit.

(11) The laboratory must characterize the ULOL of a method by a series of replicates with increasing concentrations (i.e., a minimum of three replicates at each concentration). Laboratories may select a value at the upper end of the dynamic range for a method, but it must be determined and supported by analytical data.

(12) The laboratory must investigate the potential of carryover of a method from one sample to another during testing by analyzing highly concentrated samples followed by negative samples (i.e., without the analyte of interest) and evaluate the negative samples for carryover. Positive samples that follow a sample at carryover concentrations must be reinjected or reextracted to eliminate carryover concerns.

(13) The laboratory must investigate the day-to-day precision using positive and negative samples assuring the ruggedness of the testing method provides good reproducibility over a period of at least five days.

(14) The laboratory must investigate the selectivity and interferences of a method by testing commonly encountered compounds and compounds that are structurally similar that could potentially interfere with the method at higher concentrations. Laboratories may accept manufacturer studies of immunoassay products if the study was performed using cannabis-focused compounds.

(15) The laboratory must investigate any possible matrix effect by evaluating the potential for components of the sample matrix to either suppress or enhance the ionization of the analytes of the compound(s) of interest and internal standard(s). Studies must include the evaluation of at least five different lots of products (i.e., flower from five different plants or from five different plant lots).

(16) When dilution of a sample is necessary to keep the result concentration within the range of linearity, the laboratory must conduct dilution integrity studies to document that the dilution does not affect the method's performance. These consist of precision/accuracy studies using samples at the dilution specified in the procedure.

(17) The laboratory must perform a parallel study when a new instrument or a new/revised procedure is implemented where results from the revised/new method or new instrument are compared to results from the existing method/instrument.

(18) The laboratory must perform a positive/negative differentiation study when validating a qualitative test by analyzing positive and negative samples that have been verified by a quantitative method to assess the assay's ability to differentiate positive and negative samples. The laboratory may analyze a combination of positive and negative controls, proficiency test (PT) samples or previously tested samples. The laboratory must analyze a minimum of five positive samples at differing concentrations and five negative samples (i.e., 10 results total).

(19) The laboratory must verify extraction efficiency assuring their method can sufficiently extract out the analyte of interest from the sample matrix.

(20) Records for validation and periodic reverification studies must be organized in a format to facilitate a comprehensive review and, at a minimum, the records must include:

- (a) A stated purpose;
- (b) Description of test method(s);
- (c) Identity of the instrument(s) used for the study;
- (d) A listing of the instrument parameters used for the study;
- (e) A description of the study samples;

(f) A summary of the statistical data collected to characterize the assay;

(g) A discussion;

(h) A summary with conclusions; and

(i) All raw analytical data from the samples analyzed in the study.

(21) The laboratory must use the same criteria for acceptance of study data (e.g., the same retention time, mass ratio, internal standard abundance, and chromatography criteria) as used for the daily samples.

(22) The laboratory must maintain the original assay validation study records for methods in production for an indefinite period. Validation and reverification study records must be made available at the time of inspection or upon request. Labs are required to maintain records for retired methods for five years.

(23) All immunoassay and qualitative assay methods must be properly validated prior to use with samples and supported with the following studies:

(a) Linearity;

(b) Precision and accuracy around the cutoff;

(c) Selectivity;

(d) Carryover;

(e) A parallel study using the existing and new/revised procedures;

(f) Positive/negative sample differentiation studies.

(24) All quantitative assays must be properly validated prior to use with samples and supported with the following studies:

(a) Determination of LOQ, LOD, and ULOL;

(b) Precision/accuracy around the cutoff;

(c) Carryover;

(d) Selectivity/interference;

(e) For an assay validation: Method parameters including ion selection;

(f) For full instrument validation: Instrument parameter optimization;

(g) For LC-MS, and LC-MS/MS methods: Matrix effects;

(h) For assays using a new technology: Parallel studies of PT samples and customer samples (e.g., when validating a technology different from the existing method);

(i) For assays using an extraction: Extraction efficiency must be determined; and

(j) Hydrolysis efficiency (if sample preparation includes a hydrolysis step).

(25) An abbreviated instrument validation must be performed prior to implementing an additional instrument of an exact model that has been validated by the laboratory. The laboratory must perform the following studies:

(a) Determination of the LOQ, LOD, and ULOL;

(b) Carryover evaluation;

(c) Instrument parameter optimization; and

(d) For LC, LC-MS, and LC-MS/MS methods: Evaluation of matrix effects.

NEW SECTION

WAC 16-309-270 Proficiency testing. The laboratory must participate in an approved proficiency testing (PT) program that reflects the best available science as determined by the accrediting authority.

NEW SECTION

WAC 16-309-280 Reports. (1) All sample test results must be supported by analytical data and all analytical data must have a documented review, once reviewed by an analyst, and once reviewed by a certifying scientist prior to being reported.

(2) Laboratories must report results as either "negative," "none detected," "pass/fail," or the numeric concentration equal to or above the decision point or cutoff of the required analytes tested as indicated in rules.

(3) For the purpose of reporting, decision points or cutoff limits have been written in WAC 314-55-102 to the number or significant digits that laboratories are expected to use when reporting results.

(4) If the result is above the established ULOL, the laboratory must dilute the sample and retest to bring the results within the linear range of the test, unless allowed differently in the guidelines.

(5) The concentration of a diluted primary sample prior to applying the dilution factor must be above the concentration of the lowest calibrator or control in the batch.

(6) At a minimum, the computer generated COA reports for samples going to the customer must contain:

(a) A title: "Certificate of Analysis" or "Test Report";

(b) Laboratory name, lab ID number, and address;

(c) Unique identification of the test report certificate and on each page an identification in order to ensure that the page is recognized as a part of the COA, and a clear identification of the end of the report;

(d) The name, address, and license number of the customer;

(e) Date of sample collection;

(f) Sample identification number from transportation manifest;

(g) Sample/matrix type (flower, concentrate etc.);

(h) Product/sample name and category;

(i) Amount of sample received;

(j) Date received by laboratory;

(k) Name of certifying scientist;

(l) Date reported by the laboratory;

(m) Results of each test performed to include name of test, results, measurands (i.e., mg/g), cutoffs, and instrument/method of testing used;

(n) A statement to the effect that the results relate only to the items tested.

(7) Laboratories must use the analyte terminology and abbreviations specified by rules to ensure consistency in reporting and interpretation of test results.

(8) Laboratories must not release any cumulative or individual test result prior to the completion of all analysis by the lab for that sample.

(9) Any amendments to a COA after the original issuance must include a statement for the reason issued like "Corrected Report," "Sup-

plement to COA (to include COA number)," or an equivalent form of wording.

(10) When it is necessary to issue a completely new COA, it must be uniquely identified and contain a reference to the original that it replaces (i.e., reprint).

(11) All records must include the identity of personnel performing the aliquoting, sample preparation, calibration, testing of samples and controls, and review of results.

(12) Observations, data, and calculations must be recorded at the time they are made and must be identifiable to the specific task.

(13) When mistakes occur in records, each mistake must be lined out, not erased, or made illegible or deleted, and the correct value entered alongside. All such alterations or corrections to records must be signed or initialed and dated by the person making the correction.

(14) All entries to hard copy laboratory records must be made using indelible ink. No correction fluid or tape may be used on laboratory data records.

NEW SECTION

WAC 16-309-290 Procurement controls. (1) The laboratory must have procedure(s) for the selection and purchasing of services and supplies it uses that affect the quality of the tests and/or calibrations. Procedures covering reagents and laboratory consumables must exist for the purchase, receipt, storage, and disposition of expired materials.

(2) The laboratory must ensure that purchased supplies and reagents and consumable materials that affect the quality of tests and/or calibrations are inspected or otherwise verified as complying with standard specifications or requirements defined in the methods for the tests and/or calibrations concerned.

(3) New lots or materials received outside of expected environmental conditions must be documented and validated before use.

(4) Reagents and standards must be inspected, dated, and initialed upon receipt, and upon opening.

(5) Calibration standards and analytical reagents must have an expiration or reevaluation date assigned.

(6) Standards and solutions must be identified with lot number or other assigned unique identifier to trace back to preparation documentation.

(7) Prospective suppliers must be evaluated and selected on the basis of specified criteria.

(8) Processes to ensure that approved suppliers continue to provide acceptable items and services must be established and implemented.

NEW SECTION

WAC 16-309-300 Subcontracting. (1) The laboratory must notify the customer of the subcontract arrangement in writing, including the subcontractors' accreditation credentials under chapters 69.50 RCW and 314-55 WAC.

(2) The laboratory must maintain a register of all subcontractors that it uses for tests and/or calibrations and a record of the evidence of compliance with chapter 314-55 WAC for the work in question.

(3) When there are indications that subcontractors knowingly supplied items or services of substandard quality, this information must be forwarded to laboratory management for corrective action.

WSR 24-05-082
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

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Original Notice.

Preproposal statement of inquiry was filed as WSR 24-01-142 on December 20, 2023.

Title of Rule and Other Identifying Information: WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otters, cougar, lynx, and bobcat, 220-410-050 Game management units (GMUs) boundary descriptions—Region five. GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties), 220-411-050 Carnation Farms Game Reserve (King County), 220-412-100 Landowner hunting permits, 220-413-100 Mandatory report of hunting activity, 220-414-060 Muzzleloading firearms, 220-414-080 Hunting—Hunter orange and hunter pink clothing requirements, 220-414-100 Crossbow requirements, 220-415-010 Deer area descriptions, 220-415-020 2021-2023 Deer general seasons and definitions, 220-415-030 2023 Deer special permits, 220-415-040 Elk area descriptions, 220-415-050 2021-2023 Elk general seasons and definitions, 220-415-060 2023 Elk special permits, 220-415-070 2023 Moose seasons, permit quotas and areas, 220-415-120 2023 Bighorn sheep seasons, permit quotas, and areas, 220-415-130 2023 Mountain goat seasons, permit quotas, and areas, 220-416-010 2021-2022, 2022-2023, 2023-2024 Small game and other wildlife seasons and regulations, 220-416-060 2023-2024 Migratory gamebird seasons and regulations, and 220-417-030 Wild animal trapping.

Hearing Location(s): On March 26, 2024, at 1:00 p.m., virtually via Zoom meeting <https://us06web.zoom.us/j/83311130371> or telephone +1 360 209 5623 US, Webinar ID 833 1113 0371. International numbers available <https://us06web.zoom.us/j/83311130371>. Information on how to register to testify at the public hearing is available at: Pre-register HERE [contact agency for link] or contact the wildlife rules coordinator at 360-902-2512.

Date of Intended Adoption: On or after March 27, 2024.

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504, email 3yearseasonsetting@publicinput.com, fax 360-902-2162, <https://publicinput.com/i5887>, comment by phone 1-855-925-2802, project code 1378, by March 25, 2024.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov, <http://wdfw.wa.gov/accessibility/requests-accommodation>, by March 25, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otters, cougar, lynx, and bobcat.** This proposal, if adopted, will require hunters and trappers who harvest a bobcat to submit the lower jaw for aging in order to receive a seal. Lower jaws can be removed beforehand or at the Washington department of fish and wildlife (department) offices where the bobcats are brought for sealing.

WAC 220-410-050 Game management units (GMUs) boundary descriptions—Region five. GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties). This proposal, if adopted, is to adjust the mutual boundary of GMUs 503 (Randle) and 516 (Packwood) so that simi-

lar Cowlitz River Valley habitats are primarily in GMU 503 while United States Forest Service managed lands are primarily in GMU 516. The department anticipates that this change, if approved, will improve agricultural conflict mitigation, and expand the hunt area for Western Washington late archery general season in GMU 503.

WAC 220-411-050 Carnation Farms Game Reserve (King County). The purpose of this proposal is to repeal the Carnation Farms Game Reserve WAC.

WAC 220-412-100 Landowner hunting permits. This proposal, if adopted, will add an additional six "any elk" landowner permits for the Silver Dollar Landowner Hunt Program (LHP) and three "youth only, any elk" to the public portion of the LHP. This proposal will also add one "antlerless elk" to the landowner portion of the Columbia Plateau Wildlife Management Association LHP and three "any elk" and one "any bull elk" to the landowner raffle portion of the LHP.

WAC 220-413-100 Mandatory report of hunting activity. The purpose of this proposal is to add a harlequin duck permit harvest record card, modify the reporting deadline to February 15th for brant, sea duck, and harlequin duck permit harvest record cards, and eliminate the mail-in option of submitting harvest record cards associated with the migratory bird authorization.

WAC 220-414-060 Muzzleloading firearms. The purpose of this proposal is to amend WAC language to allow the use of one-power (aka "1x") scopes on muzzleloading firearms. Commercial availability of one-power scopes is low outside of the "red dot" scope category. Red dot sights are nonmagnifying (i.e., 1x) battery-powered optics that function by concentrating and reflecting a light (typically red) from within the scope housing onto the user's eye. Red dot scopes do not project any light, laser, or other emission toward the target. Because red dot scopes are battery powered, this proposal also amends WAC language to permit electronic aiming devices on muzzleloading equipment if those devices are red dot or similar electronically powered devices that do not exceed one power magnification. The department does not anticipate significant impacts to hunter success rates because one power scopes do not magnify the target or enhance the intrinsic capabilities of muzzleloading firearms.

WAC 220-414-080 Hunting—Hunter orange and hunter pink clothing requirements. This proposal requires all big game hunters, including bear and cougar hunters, to wear fluorescent hunter orange and/or fluorescent hunter pink clothing while hunting with modern firearms. This should produce a minimal effect to hunters and will improve hunter safety while hunting big game.

WAC 220-414-100 Crossbow requirements. The purpose of this proposal is to:

(a) Allow the use of crossbow equipment during muzzleloader seasons. The department anticipates the potential for increased hunter participation in muzzleloading seasons, but overall harvest (i.e., among all weapon types) is unlikely to be significantly impacted because of the limitations of crossbow equipment.

(b) Permit the use of crossbow equipment by senior hunters (i.e., aged 65 and older) during archery seasons. The department anticipates this change could result in increased participation of senior crossbow hunters during archery seasons and a potential, but unknown, increase in success rates for that hunter demographic.

WAC 220-415-010 Deer area descriptions. The purpose of this proposal is to eliminate Deer Area 5382 (Simcoe) within the Klickitat

Wildlife Area in association with related changes that, if approved, would permit general season deer hunting in this unit. The department anticipates increase hunter access as a result of this change.

WAC 220-415-020 2021-2023 Deer general seasons and definitions.

The primary purpose of this proposal is to set the dates for the 2024-2026 deer general seasons and thereby retain deer general season hunting opportunity in accordance with the department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. This proposal also modifies hunting opportunity in accordance with population status and attempts to balance hunting opportunity among weapon type users. Specific amendments include:

(a) Change the legal deer for early archery Eastern Washington Mule Deer from "3 point minimum or Antlerless" to "3 point minimum" in GMUs 145, 149, 163, 178, 181, 186, 204 through 250, and 254 through 278. This proposal, if approved, would eliminate antlerless general season deer hunting opportunity but general season 3 pt. minimum antlered deer is retained in the affected GMUs.

(b) Change the legal deer for early archery Eastern Washington white tailed deer from "3 point minimum or Antlerless" to "3 point minimum" in GMUs 145, 149, 172, 178, 181, and 186. This proposal, if approved, would eliminate antlerless general season deer hunting opportunity but general season 3 pt. minimum antlered deer is retained in the affected GMUs.

(c) Change the legal deer for late archery Eastern Washington mule deer and Eastern Washington white tailed deer from "3 point minimum or Antlerless" to "3 point minimum" in GMUs 145, 163, 178, 272, and 278. This proposal, if approved, would eliminate antlerless general season deer hunting opportunity but general season 3 pt. minimum antlered deer is retained in the affected GMUs.

(d) Change the legal deer for early muzzleloader Eastern Washington white tailed deer from "3 point minimum or Antlerless" to "3 point minimum" in GMUs 145 and 149. This proposal, if approved, would eliminate antlerless general season deer hunting opportunity but general season 3 pt. minimum antlered deer is retained in the affected GMUs.

(e) Remove the "Hunters 65 and Over and Disabled" and "Youth" white-tailed deer modern firearm general seasons in GMUs 145, 149, 154, Deer Area 1010, and 178. This proposal, if approved, would eliminate antlerless general season deer hunting opportunity in these categories but general season 3 pt. minimum antlered deer is retained in the affected GMUs (i.e., is the regular general season).

(f) Expand the existing Eastern Washington mule deer modern firearm, early archery, and late muzzleloader general season hunt areas in GMU 382 by eliminating the language "except closed in Deer Area 5382" and implement a late-archery, 3 pt. minimum general season in GMU 382. Anticipated effects are an expanded hunting opportunity for Eastern Washington mule deer hunters.

WAC 220-415-030 2023 Deer special permits. The primary purpose of this proposal is to retain deer special permit opportunity in 2024 in accordance with the department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Changes to deer special permit availability (i.e., permit dates, permit levels) are proposed to balance hunting opportunity among user groups and with deer population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), and to retain con-

sistency in season timing (e.g., open/close day of week). Other proposed changes include:

(a) Date adjustments of most special permits. The department anticipates these changes, if approved, will ensure clarity and consistency in hunt timing, which are typically the same as corresponding general seasons or a function of general season timing (e.g., providing a special hunt between general season dates).

(b) Adjust the Buck category Archery special hunt "Ringold" from "3 pt. min." to "Any buck." This change, if approved, will expand the legal deer available to harvest.

(c) Change legal deer from "Antlerless" to "Any buck, white-tailed antlerless" for the East Okanogan, Wannacut, Sinlahekin, Chewuch, Pearrygin, Gardner, Pogue, Chiliwist, and Alta modern firearm Youth, Senior, and Hunters with Disabilities category special permits; the East Okanogan Youth and Hunters with Disabilities category muzzleloader special permits; the Wannacut, Pogue, Chiliwist, and Alta Youth category muzzleloader special permits; and the Sinlahekin and Gardner Hunters with Disabilities category muzzleloader special permits. This change, if approved, will restrict mule deer special permit harvest opportunity to any buck deer or an antlerless white-tailed deer in the listed hunts.

(d) Change the legal deer from "Antlerless" to "Any deer" for the Chiwawa, Entiat, Swakane, Mission modern firearm Youth, Senior (65+), and Hunters with Disabilities category special permits; the Mission muzzleloader Youth category special permit; and the Palisades and Bridgeport modern firearm Youth category special permits. This change will expand the legal deer available to harvest in the listed hunts.

(e) Create a "St Andrews" modern firearm Buck category special hunt from Nov. 1-20 with four permits in GMU 254 and create a "Moses Coulee" muzzleloader Buck category special hunt from Nov. 25 - Dec. 3 with three permits in GMU 269. These changes, if approved, would increase special permit availability in the Buck category in the affected GMUs.

(f) Create two "Beezley" archery antlerless special hunts in the Antlerless category, GMU 272, with one hunt from Sept. 1-27 and a later hunt from Nov. 20 - Dec. 8, each with 40 permits. Create two "Wahluke" archery antlerless special hunts in the Antlerless category, GMU 278, with one hunt from Sept. 1-27 and a later hunt from Nov. 20 - Dec. 8, each with 40 permits. These changes, if approved, will provide antlerless deer special permit opportunity in GMUs 272 and 278.

(g) Eliminate the "Simcoe" deer special permits (i.e., Buck category modern firearm, archery, and muzzleloader; Youth category modern firearm). This change, if approved, will reduce antlered deer special permit availability in GMU 382.

WAC 220-415-040 Elk area descriptions. The purpose of this proposal is:

(a) Create an Elk Area 1021 (Fruitland) in the southern portion of GMU 121 (Stevens County). The department anticipates that this change, if approved, will improve elk agricultural conflict mitigation.

(b) Amend the text of Elk Area 1013 to exclude all Washington department of fish and wildlife and department of natural resources (DNR) managed lands. The department anticipates that this change, if approved, will clarify the intent of existing regulations, and improve enforcement of those regulations.

(c) Create an Elk Area 3723 (Rattlesnake Mountain) in GMU 372 made up by the Rattlesnake Unit of the Hanford Reach National Monu-

ment. The department anticipates that this change, if approved, will assist staff with implementing special permit hunt opportunity in access-restricted federal land.

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

The primary purpose of this proposal is to set the dates for the 2024-2026 elk general seasons and thereby retain elk general season hunting opportunity in accordance with the department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. This proposal also includes an amended definition of spike and true-spike antlers and modifies hunting opportunity in accordance with population status and attempts to balance hunting opportunity among weapon type users. Specific amendments include:

(a) Change the WAC language defining "Spike Bull" and "True Spike Bull" antler restrictions as follows: "[...] more than four inches ~~above~~ from where the antler attaches to the skull" (i.e., the word "above" is deleted from the definitions and the word "from" is added). The department anticipates this rule change will improve enforcement of existing regulations and reduce confusion for the hunting public.

(b) Add GMUs 133, 136, 139, and 142 to the existing late season modern firearm, archery, and muzzleloader master hunter general season hunts. The department anticipates improved elk - private landowner conflict mitigation. The anticipated effect is improved elk damage mitigation.

(c) Change the legal elk for Eastern Washington Early Archery in GMU 154 from "Spike Bull or Antlerless" to "Spike Bull." This proposal, if approved, would eliminate antlerless general season hunting opportunity but retain spike bull elk general season opportunity in the affected GMUs.

(d) Change the legal elk in Eastern Washington Early Muzzleloader elk season in GMU 249 from "true spike bull" to "spike bull." This change, if approved, would expand the legal elk definition for the affected GMUs.

(e) Change the legal elk for Western Washington Early Archery general season in GMUs 520, 550, 560, and 572 from "3 pt. minimum or antlerless" to "3 pt. minimum only." This change, if approved, would eliminate antlerless general season hunting opportunity but retain 3 pt. bull elk general season opportunity in the affected GMUs.

(f) Change the legal elk for Western Washington Late Archery general season in GMU 506 and 530 from "3 pt. minimum or antlerless" to "3 pt. minimum only." This change, if approved, would eliminate antlerless general season hunting opportunity but retain 3 pt. bull elk general season opportunity in the affected GMUs.

WAC 220-415-060 2023 Elk special permits. The primary purpose of this proposal is to retain elk special permit opportunity in 2024 in accordance with the department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Changes to elk special permit availability (i.e., permit dates, permit levels) are proposed to balance hunting opportunity among user groups and with elk population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), and to retain consistency in season timing (e.g., open/close day of week). Other proposed changes include:

(a) Date adjustments of most special permits. The department anticipates these changes, if approved, will ensure clarity and consistency in hunt timing, which are typically the same as corresponding

general seasons or a function of general season timing (e.g., providing a special hunt between general season dates).

(b) Create a "Blue Creek" special hunt in the Eastern Archery, Antlerless category with five permits. This change, if approved, will maintain some antlerless special permit opportunity in GMU 154 to assist with elk agricultural damage mitigation.

(c) Adjust the season dates from Sept. 23 - Oct. 1 to Sept. 28 - Oct. 6 for the "Corral Canyon" special hunt in the Hunters with Disabilities Category. This change, if approved, will improve clarity of regulations for special permit hunters.

(d) Adjust the "Region 5" Hunters with Disabilities category elk special permits from five to zero. This change will decrease special permit availability in this category in Region 5 (i.e., 500 series GMUs). This change will decrease special permit availability in the affected category and region.

(e) Create a "Region 5 East" antlerless special hunt (GMUs 382, 388) in the Youth category. This change will increase special permit availability in the affected category and GMUs.

(f) Reduce special permits to zero for the Winston, Margaret, Coweeman, Toutle, Norway Pass, Mudflow, Lewis River, Siouxon, Coweeman, and Toutle modern firearm Antlerless and Youth category special permits (legal elk: Antlerless); the Margaret, Toutle, Norway Pass, Mudflow, Lewis River, and Siouxon archery Antlerless category special permits (legal elk: Antlerless); the Lewis River, Siouxon, Winston, Margaret, Coweeman, Mudflow, Norway Pass, and Mount Whittier muzzleloader Antlerless category special permits (legal elk: Antlerless); the Mudflow Youth and Hunters with Disabilities category special permits (legal elk: Antlerless) and the Pumice Plains Early and Late special permits in the Master Hunter category (legal elk: Antlerless). These changes, if approved, will reduce antlerless elk special permit availability in the affected hunt categories.

(g) Create a "Willapa Hills" (GMU 506) and "Ryderwood" (GMU 530) western Archery special hunt in the Antlerless category. This change, if approved, will increase special permit opportunity in the affected GMUs.

(h) Create an elk special permit hunt in the Master Hunter Category in Elk Area 5090 titled "JBH Hoof Disease Antlerless" with five muzzleloader-only permits. This change, if approved, will increase special permit availability in the Master Hunter category.

(i) Adjust the season dates for the Nooksack Archery Quality category special hunt from "Sept. 1 - 22 and Jan. 1-19" to "Sept. 1-22"; the Nooksack muzzleloader Quality category special hunt from "Sept. 23 - Oct. 4 and Nov. 15 - Dec. 8" to "Sept. 23 - Oct. 14" and the Nooksack Modern Firearm Quality category special hunt from "Oct. 5-29 and Dec. 9-26" to "Oct. 15 - Nov. 5." These changes, if approved, will reduce the number of days available to hunt for each of the affected hunts.

(j) Reduce the "Williams Creek" Antlerless Category modern firearm elk special permits to 25. Reduce the "Wynoochee" Antlerless Category archery elk special permits to 40. These changes will reduce special permit availability in the antlerless category.

(k) Create four Rattlesnake Mountain (A-D) Eastern modern firearm Antlerless elk category special hunts in Elk Area 3723 each with five permits. Create four Rattlesnake Mountain (A-D) Eastern modern firearm Quality elk category special hunts in Elk Area 3723 each with one permit. These changes will increase special permit availability in the

Antlerless and Quality categories. This change is associated with proposal (c) in WAC 220-415-040 (Elk area descriptions).

WAC 220-415-070 2023 Moose seasons, permit quotas, and areas. The primary purpose of this proposal is to retain moose special permit opportunity in 2024 in accordance with the department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Proposed changes include:

(a) Amend the WAC description from "2023" to "2024." This is a clerical change and the department does not anticipate any effects apart from providing general season hunting opportunity in 2024.

(b) Modify the hunt boundary description from "GMU 117, except Parker Lake" to "GMU 117, see note" for all 49 Degrees North special permit hunts in the Any Bull Moose, Antlerless, 65+ Senior (Antlerless), and Disabled Hunter (Antlerless) categories (a total of five hunts). This change reflects modified federal land access management with the potential effect of increased hunting access for the affected special hunt permits.

WAC 220-415-120 2023 Bighorn sheep seasons, permit quotas, and areas. The purpose of this proposal is:

(a) Create an Any Ram hunt named "Wenaha" in GMU 169. This change, if approved, will increase bighorn sheep ewe special permit hunting opportunity in the affected GMU.

(b) Increase the "Lincoln Cliffs Whitestone" adult ewe category bighorn special permit from one to two permits. Adjust the season dates for this hunt from October to September. This change, if approved, will increase bighorn sheep ewe special permit hunting opportunity and help department staff address agricultural damage cause by this bighorn population.

(c) Decrease Chelan Butte adult ewe permits from four to one. Decrease Chelan Butte A adult ewe permits from three to two. Create two adult ewe permits in the Swakane population (dates October 11-31). This change, if approved, will decrease bighorn sheep ewe special permit hunting opportunity in the Chelan Butte population and increase ewe hunting opportunity in the Swakane population.

(d) Decrease all Cleman Mountain ewe-only special permits to zero. This change, if approved, will decrease bighorn sheep ewe special permit hunting opportunity.

WAC 220-415-130 2023 Mountain goat seasons, permit quotas, and areas. The primary purpose of this proposal is to retain mountain goat special permit opportunity in 2024 in accordance with the department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. The single change, if approved, will amend the WAC description from "2023" to "2024" with the anticipated effect of providing mountain goat special permit opportunity in 2024.

WAC 220-416-010 2021-2022, 2022-2023, 2023-2024 Small game and other wildlife seasons and regulations. This proposal will adjust the small game and other wildlife harvest season dates for the next three years, as well as increase turkey hunting opportunity in GMUs 382, 388, and 568-578 by one additional either sex turkey during the fall general season. This proposal will also clarify which GMUs do not allow bobcat hunting at night, including GMUs 101, 105, 108, 111, 113, 117, 203, 204, 215, 218, 224, 231, 233, 242-247, 250, 426, and 450. This provides continued opportunity for small game and upland game hunting across the state and increases fall general season turkey harvest in the designated GMUs.

WAC 220-416-060 2023-2024 Migratory gamebird seasons and regulations. Migratory game bird seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the United States Fish and Wildlife Service (USFWS), considering population status and other biological parameters. The proposed rule revisions would modify Washington state's migratory game bird seasons and regulations to continue to provide recreational opportunity, control waterfowl damage, and conserve the migratory game bird resources of Washington, consistent with federal frameworks.

The proposed changes, if adopted, will:

- (1) Adjust season dates relative to 2024-2025 calendar dates.
- (2) Provide a limited-user entry application for allocating available harlequin duck permits.
- (3) Technical adjustment modification of language from "paved public road" to "maintained portion of a public highway or roadway" under Skagit County and Whatcom County Special Restrictions.

WAC 220-417-030 Wild animal trapping. This proposal, if adopted, will require trappers to visually check their traps once each day. This was previously not clear in rule, and this change will eliminate the ability for trappers to solely rely on trap transmitters for checking their traps.

Reasons Supporting Proposal: **WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otters, cougar, lynx, and bobcat.** This proposal, if adopted, will require hunters and trappers to submit harvested bobcat canine tooth samples for aging. Age data will help the department to better manage the bobcat population by allowing us to obtain an age class of harvested bobcats and track that age class ratio over time. Additionally, we can estimate survival of the population with age data using population reconstruction methods for better bobcat population management.

WAC 220-410-050 Game management units (GMUs) boundary descriptions—Region five. GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties). The proposed change better arranges habitats of similar types into respective GMUs (503 is the Valley Bottom and 516 is United States Forest Service). The change, if approved, will help address elk agriculture conflict by consolidating the ownership of a cooperative landowner into a single GMU and providing additional hunting opportunities (Late Archery) within the area of change. The proposal will also provide additional public land elk hunting during Late Archery season because the Spears Unit of the Cowlitz Wildlife Area will now be included in GMU 503. Approximately 550 acres are affected by the proposal.

WAC 220-411-050 Carnation Farms Game Reserve (King County). This proposal to repeal the Carnation Farms Game Reserve is in response to the desire and request of the Carnation Farms board and staff to provide a broader range of options to manage ongoing wildlife damage and property concerns. The department has received a formal letter outlining their desire and request to have the Carnation Farms Game Reserve lifted.

WAC 220-412-100 Landowner hunting permits. This proposed change will assist with bull elk damage to adjacent fruit, alfalfa, and corn crops around the Silver Dollar LHP and increased antlerless and any bull elk permits for the Columbia Plateau Wildlife Management Association will assist in reducing elk crop damage to adjacent landowners surrounding the Turnbull National Wildlife Refuge.

WAC 220-413-100 Mandatory report of hunting activity. The proposed change will create a mandatory harvest record card for the harlequin duck permit and help improve compliance rate for mandatory harvest report of brant, sea duck, and harlequin duck permit by establishing the reporting date closer to the end of allowable season dates towards these waterfowl species.

WAC 220-414-060 Muzzleloading firearms. The proposed changes are motivated by requests from the hunting public, especially seniors, because vision impairment can restrict the use of muzzleloading equipment for hunting purposes. One-power scopes provide a clearer sight window without magnifying the target in much the same way eyeglasses correct someone's vision (i.e., they make the target clearer, not bigger). Hunter participation, retention, and recruitment may benefit by allowing red dot and one-power scopes on muzzleloading equipment, though the use of scopes may be perceived as contrary to the spirit of primitive weapons.

WAC 220-414-080 Hunting—Hunter orange and hunter pink clothing requirements. This proposal eliminates the language of "except bear and cougar" from Part (2) of the rule, requiring all big game hunters with modern firearm equipment to wear fluorescent hunter orange and/or fluorescent hunter pink clothing. This will improve safety of hunters in the backcountry and should not greatly affect hunter opportunity or success.

WAC 220-414-100 Crossbow requirements. These proposals are motivated by requests from the hunting public.

Proposal (a) would allow the use of crossbow equipment during muzzleloading firearm seasons, similar to the currently permitted use of crossbows during modern firearm seasons.

Proposal (b) would allow the use of crossbow equipment during archery seasons for senior (65+) hunters. The proposed change is requested due to physical impairments experienced by some senior hunters that prevents their use of archery equipment.

WAC 220-415-010 Deer area descriptions. The Simcoe unit of the Klickitat Wildlife Area was initially small and a deer area designated within the unit allowed department staff to better manage hunter access and use. The unit acquired more area over time, but no more acquisitions are planned. The final management plan (a product of public engagement) for the wildlife area recommends deer general seasons, as opposed to the current system of special permits within a deer area. As such, a deer area is no longer necessary.

WAC 220-415-020 2021-2023 Deer general seasons and definitions. This proposal, if adopted, will set the deer archery, muzzleloader, and modern firearm general seasons dates for 2024-2026.

Proposed changes (a) through (e) are intended to promote population stability and/or recovery of deer populations in the Blue Mountains Mule and White-tailed Deer Management Zones (GMUs 145, 149, 154, 162, 163, 172, 178, 181, 186); Okanogan Highlands Management Zones (GMU 204); East Slope Cascades Mule Deer Management Zone (GMUs 209 through 250); and the Columbia Plateau Mule Deer Management Zone (GMUs 254 through 278) by restricting harvest mortality of antlerless deer. White-tailed and mule deer populations in southeast Washington remain below levels prior to a hemorrhagic disease outbreak in 2021. Similarly, mule deer populations in north-central Washington have recently been impacted by intense environmental conditions (e.g., drought, extreme winter conditions), disease, and expansive wildfire. Improved adult female survival, which is facilitated by restricting antlerless

harvest, will promote population growth and stability. Archery seasons are most impacted by this change because general season antlerless harvest is predominantly only available in archery seasons.

Proposed change (f) is associated with proposed changes to WAC 220-415-010 Deer area descriptions, which eliminates the deer area to facilitate general season deer hunting in the Simcoe unit, per the Klickitat Wildlife Area plan.

WAC 220-415-030 2023 Deer special permits. The following bulleted list corresponds to the listed WAC changes in the preceding section. That is, bullet (a) below corresponds to bullet (a) and so on for the same WAC in the above section titled "Purpose of the proposal and its anticipated effects, including any changes in existing rules."

(a) These changes are proposed to ensure clarity and consistency in special hunt timing.

(b) Participants in this Ringold special hunt have experienced poor success rates. Expanding the legal deer available to harvest should improve hunter success.

(c) These changes are proposed in association with proposed change (a) in WAC 220-415-020 (deer general seasons) and, together, are intended to promote population recovery of deer populations in Okanogan Highlands Mule Deer Management Zone (GMU 204) and the East Slope Cascades Mule Deer Management Zone (GMUs 209 through 250) by reducing harvest mortality of antlerless mule deer. Similarly, mule deer populations in north-central Washington have recently been impacted by intense environmental conditions (e.g., drought, extreme winter conditions), disease, and expansive wildfire. To rebuild these populations, they should be managed to maximize adult female survival, which is facilitated by reductions in antlerless harvest. These changes standardize reductions in mule deer antlerless opportunity across user groups (e.g., Youth, Senior, etc.) and offset by allowing the harvest of any buck deer or antlerless white-tailed deer, which is not a species of concern in these units.

(d) These hunts occur within the East Slope Cascades (i.e., Chiwawa, Entiat, Swakane, Mission hunts) and Columbia Plateau Mule Deer Management Zone (i.e., Palisades and Bridgeport hunts), which have recently been impacted by intense environmental conditions (e.g., drought, extreme winter conditions), disease, and/or expansive wildfire. Changing the legal deer from "Antlerless" to "Any deer" should reduce harvest of antlerless deer, which will promote population growth and stability.

(e) These Buck category hunts (St Andrews and Moses Coulee) are proposed to offset a separate proposal to reduce permit numbers of the St Andrews and Moses Coulee 2nd Deer category antlerless special hunts in a broad effort to promote population growth (i.e., by reducing antlerless harvest mortality).

(f) The deer populations in GMUs 272 and 278 have experienced impacts from disease and environmental conditions (e.g., drought), prompting the proposed restriction of general season archery antlerless harvest to promote population stability (see sections (a) and (c) of WAC 220-415-020 2021-2023 Deer general seasons and definitions). The department proposes to offset the general season opportunity loss by offering "Beezley" and "Wahluk" special hunts each with early and late season opportunity.

(g) The proposal to eliminate Simcoe deer special permits is associated with the elimination of Deer Area 5382 "Simcoe" (see WAC 220-415-010 Deer area descriptions, above) and WAC 220-415-020 (deer general seasons) to establish general season hunting opportunity in

the Simcoe Unit of the Klickitat Wildlife Area according to the area's management plan.

WAC 220-415-040 Elk area descriptions. The following bulleted list corresponds to the listed WAC changes in the preceding section. That is, bullet (a) below corresponds to bullet (a) and so on in the above section titled "Purpose of the proposal and its anticipated effects, including any changes in existing rules."

(a) Elk Area 1021 is proposed to assist department staff in addressing elk agricultural damage. Elk damage complaints have increased in the Fruitland Valley, but at times and/or in areas not currently available to state hunters (e.g., outside of general seasons). An elk area helps area managers concentrate harvest pressure in the area experiencing the most damage issues, thereby alleviating agricultural damage by elk.

(b) This change is a clerical adjustment intended to clarify that antlerless elk harvest in Elk Area 1013 is limited to private lands only. Current regulations can be interpreted as allowing antlerless elk harvest on DNR and other department-managed land not explicitly identified in WAC.

(c) Elk Area 3723 is proposed because USFWS land managers have approved recreational hunting access on the Hanford Arid Lands Ecology (ALE) Reserve of the Hanford Site, which is home to the Rattlesnake Hills herd. Access at the ALE will remain highly restricted which necessitates the creation of an elk area to define the approved hunt area. This proposal is related to (i) in WAC 220-415-060 2023 Elk special permits.

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

The following bulleted list corresponds to the listed WAC changes in the preceding section. That is, bullet (a) below corresponds to bullet (a) and so on in the above section titled "Purpose of the proposal and its anticipated effects, including any changes in existing rules."

(a) This change, if approved, clarifies the definition of a spike and true-spike antlered bull elk. Abnormal antler growth can result in a branch-antlered bull fitting the definition of a spike bull (i.e., an antler growing below the point of attachment), which is contrary to the spirit of the rule. This change is intended to assist with enforcing the department's hunting restrictions and regulations.

(b) This change, if approved, would expand the current hunt area of GMUs 127 and 130 to improve elk damage mitigation on private land haystacks, agricultural fields, and feed for domestic livestock. Under current regulations, elk move outside of the hunt area into adjacent GMUs, causing additional damage and exacerbating the issue. Adding the additional GMUs (133, 136, 139, and 142) will distribute hunting pressure and reduce elk damage.

(c) The department estimated the Blue Mountains elk population was ~3,900 animals in 2022, the most recent comprehensive survey, which is significantly below the population objective of 5,500 elk (objective range is 4,950-6,050 elk). This change, if approved, would reduce antlerless elk harvest mortality in an effort to promote population growth.

(d) This proposal is intended to increase equity among user groups by matching legal elk restrictions. Under current regulations, muzzleloader hunters are restricted to true spike only as the legal elk during the early general season in GMU 249, whereas modern firearm and late-season archery hunters can pursue spike elk.

(e) GMUs 520, 550, 560, and 572 are part of the Mt. St. Helens elk herd area, a population that is currently below historic levels

(~1,522 elk in 2022, down from ~2,943 elk estimated in 2016). The decline is attributable to several factors, including the impacts of treponeme-associated hoof disease which affects this population more than any other herd in Washington (approximately 1/3 of the animals in these GMUs). The department research has demonstrated that the primary source of mortality for healthy adult female elk in these GMUs is hunting. Elimination of antlerless elk hunting in these GMUs will give the population the greatest possible opportunity to increase. Concurrently, removing hunter harvest from the segment of the female population that does not have hoof disease will increase survival rates on this especially important segment of the elk population.

(f) This proposal is designed to balance antlerless elk harvest among modern firearm, muzzleloader, and archery hunters proportional to hunter participation by weapon type in GMUs 506 and 530. An associated proposal to elk special permits (WAC 220-415-060), if approved, would offset the loss of general season antlerless opportunity by an increase in antlerless elk special permits in the affected GMUs.

WAC 220-415-060 2023 Elk special permits. The following bulleted list corresponds to the listed WAC changes in the preceding section. That is, bullet (a) below corresponds to bullet (a) and so on in the above section titled "Purpose of the proposal and its anticipated effects, including any changes in existing rules."

(a) This change is proposed to ensure clarity and consistency in special hunt timing.

(b) This change is associated with proposal (c) in WAC 220-415-050 2021-2023 Elk general seasons and definitions, which is proposed to promote population growth by reducing antlerless elk harvest. Elk agricultural damage mitigation in GMU 154 is also an agency priority, and these five will assist the department staff with mitigating damage while still maintaining the overall objective of promoting population growth by reducing a large majority of antlerless elk harvest.

(c) This disabled hunter opportunity has historically overlapped with archery deer general season. Shifting the dates later will avoid overlap of user groups using (potentially) different weapon types in the same season.

(d) The "Region 5" Hunters with Disabilities category elk special permit is intended to address damage issues while providing opportunity in the Hunters with Disabilities category. Only one hunter has been successfully deployed in the past several years due to the dynamic and sporadic nature of agricultural damage response and, as such, this hunt is not serving its intended purpose and staff recommend its removal.

(e) Region 5 includes two GMUs, 382 and 388, that require an eastside elk tag to hunt whereas the remaining Region 5 GMUs require a westside elk tag. To assist with addressing agricultural damage issues in GMUs 382 and 388, department staff recommend creating a "Region 5 East" antlerless special hunt in the Youth category for eastside tag holders.

(f) These changes are associated with proposal (e) in WAC 220-415-050 2021-2023 Elk general seasons and definitions, and share the same rationale. The department estimated the monitored portion of the Mt. St. Helens elk population was ~1,522 elk in 2022, down from ~2,943 elk estimated in 2016. The decline is attributable to several factors, including the impacts of treponeme-associated hoof disease which affects this population more than any other herd in Washington (approximately 1/3 of the animals in these GMUs). Department research

has demonstrated that the primary source of mortality for healthy adult female elk in these GMUS is hunting. Reduction of antlerless elk hunting in these GMUS will give the population the greatest possible opportunity to increase. Concurrently, removing hunter harvest from the segment of the female population that does not have hoof disease will increase survival rates on this especially important segment of the elk population.

(g) This proposal is related to change (f) in WAC 220-415-050 2021-2023 Elk general seasons and definitions, which, if approved, would restrict late archery elk harvest to antlered only (i.e., 3 pt. minimum) in GMUS 506 and 530. This proposal would offset the restriction to bull-only harvest by offering antlerless special permits in the affected GMUS in balance with archery hunter participation.

(h) Julia Butler Hansen (JBH) National Wildlife Refuge staff (USFWS) have requested that the department offer Master Hunter hunts on JBH Refuge for three antlerless elk focused on animals displaying clinical signs of treponeme-associated hoof disease. The purpose of this hunt is to reduce the prevalence of this disease within the refuge. The USFWS ecological assessment requires that these permits be in the Master Hunter category and that they be done with muzzleloaders only.

(i) The department is proposing to reduce the days available to hunting for the Nooksack Quality category special hunt to better match bull elk availability and meet the objectives of a "quality" hunt per the Quality category definition (i.e., low hunter numbers, greater potential for success, and good hunt timing). The proposed days available to hunting still provide ample opportunity and good timing despite an overall reduction in days.

(j) Survey data indicate poor calf recruitment in the Williams Creek GMU (673), which may limit population growth and future performance. Reducing antlerless harvest should promote future calf production and population stability and/or growth. Permit success for the Wynoochee archery permits is low (~5% or lower in the last three years of data) and habitat conditions in the unit are poor. The proposed permit reduction is intended to better match elk availability for harvest.

(k) USFWS land managers have approved recreational hunting access on the Hanford Arid Lands Ecology Reserve of the Hanford Site, which is home to the Rattlesnake Hills herd. The department is proposing these new permits in accordance with its mandate to provide recreational hunting opportunity and, ultimately, to manage this above-objective population. This change is associated with proposal (c) in WAC 220-415-040 Elk area descriptions.

WAC 220-415-070 2023 Moose seasons, permit quotas, and areas.

Proposed change (a) is administrative, intended to ensure WAC text accurately reflects the correct license year. Proposed changes (b) is proposed because federal land managers have adjusted land access restrictions in the area of the Parker Lake Moose Area (Moose Area 3) but the requirement for a land use special permit is retained.

WAC 220-415-120 2023 Bighorn sheep seasons, permit quotas, and areas. The following bulleted list corresponds to the listed WAC changes in the preceding section. That is, bullet (a) below corresponds to bullet (a) and so on in the above section titled "Purpose of the proposal and its anticipated effects, including any changes in existing rules."

(a) This bighorn population (i.e., Wenaha) occupies areas of Washington and Oregon and is comanaged by the respective state and

tribal wildlife management agencies or governments. The "Wenaha" special hunt opportunity alternates between the states according to partner negotiations, with Washington slated to offer this hunt in 2024.

(b) The Whitestone hunt unit is almost entirely private land and the department has received complaints from landowners about the Whitestone bighorn subherd causing high agricultural losses. Department surveys show that the minimum Lincoln Cliffs herd count has increased over the past two years, well above the herd objective of 70 adults. In November 2023, a survey found most (89 percent) of the Whitestone subherd of the population occurring on private land. The department is proposing a change to hunt dates to September, before most crop damage occurs.

(c) The Chelan Butte population has declined from a minimum count of 251 bighorn in 2017 to a minimum count of 84 in 2022. By contrast, the Swakane population is currently above management objective (population minimum count spring 2022 = 195; objective range is 130-170). Reducing adult ewe permits in Chelan Butte promotes population growth, while adding adult ewe opportunity in Swakane mitigates the loss of opportunity in Chelan Butte.

(d) The Cleman Mountain bighorn sheep population is part of a disease management study that was initiated in winter 2022-2023. The department is monitoring abundance and composition ratios as response variables in this research design. As such, harvest of ewes within the Cleman Mountain population, which is a control population, will bias the research results and potentially delay important disease management action in nearby and distant Washington bighorn sheep populations.

WAC 220-415-130 2023 Mountain goat seasons, permit quotas, and areas. Proposed change (a) is administrative, intended to ensure WAC text accurately reflects the correct license year.

WAC 220-416-010 2021-2022, 2022-2023, 2023-2024 Small game and other wildlife seasons and regulations. The proposed changes to the small game and other wildlife seasons rule are intended to adjust the dates for the next three hunting seasons, to increase opportunity for turkey harvest in GMUs 382, 388, and 568-578 by allowing the take of an additional either sex turkey during the fall general season, and to clarify which GMUs do not allow bobcat hunting at night, including GMUs 101, 105, 108, 111, 113, 117, 203, 204, 215, 218, 224, 231, 233, 242-247, 250, 426, and 450. The purpose of clarifying these GMUs are to restrict night hunting for bobcat in the Lynx Management Zones plus GMU 108 to avoid the accidental killing of lynx in areas that they may be present.

WAC 220-416-060 2023-2024 Migratory gamebird seasons and regulations. Migratory gamebird season frameworks are established through ongoing interagency management programs involving USFWS and flyway organizations, including input from Canada, Russia, and Mexico. Federal frameworks include maximum bag limits, season lengths, season timing, and other regulations. Pacific Flyway season frameworks follow harvest strategies and management plans that have been developed cooperatively by USFWS and the Pacific Flyway Council. All states adopt waterfowl seasons within federal frameworks, and in many cases, they are more restrictive to address regional conservation needs.

Management agencies utilize Adaptive Harvest Management (AHM) to establish duck season frameworks. AHM relies on annual survey information and population models to prescribe optimal regulation packages each year. The population of ducks in the western part of North America is managed separately from the eastern flyways, as part of the mod-

els developed for western mallard AHM. Western mallard AHM uses results from breeding surveys and other information from western areas rather than from the Canadian prairies, recognizing differences in Pacific Flyway breeding areas. This season packages proposed for western mallard AHM are the same as developed under mid-continent mallard AHM (liberal, moderate, and restrictive), although different models are used to prescribe annual packages.

Surveys of the breeding waterfowl were conducted along traditional survey area transects in Alaska and Canada and were used in combination with aerial surveys conducted by crews in British Columbia, Washington, Oregon, and California to help inform season dates and bag-limit structure for the 2024-2025 migratory gamebird seasons. Northern pintail status remained below population objective, maintaining a daily bag limit of one pintail per the USFWS Northern Pintail Harvest Strategy. Additionally, based on the most recent scaup status, the optimal regulatory alternative described in AHM protocol, requires a restrictive regulatory alternative, maintaining the daily bag limit to two scaup per day, but maintains the 86-day season length.

White geese have continued to expand winter distribution in the Columbia Basin (Goose Management Area 4), with the first arrival of fall migrants now consistently occurring around mid-October across a broader region of Goose Management Area 4, an adjustment of dates within the federal allowance of three season segments will better align resource availability and hunter opportunity in this Goose Management Area.

Since June 2013, prescriptive guidelines inform sea duck harvest strategies with harvest rate targets of less than five percent or less of the winter index as measured by aerial surveys (PSAMP/PSEMP) conducted by the department. In a reevaluation of the sea duck harvest strategy, five percent or less of the winter index continues to be appropriate for scoters, goldeneye, and long-tailed ducks; however, [due to] current hunter numbers and effort, the current harlequin duck strategy of below five percent of the adult winter population is no longer achievable without a limited-user entry mechanism. Based on this strategy evaluation, there are no proposed changes compared to the 2023-2024 season for sea ducks, except for providing 38 harlequin duck permits through a limited-user entry application process that keeps harlequin duck harvest at three percent of the adult breeding pairs when the winter index is below 4,772 harlequin duck (1996-2018 Long-Term Average), and accounts for wounding loss in determining the available number of permits. Specifically, the most recent winter index (three-year average) is 4,259 harlequin ducks, with a 0.887 adult proportion and 0.443 female proportion, or a 1,679 wintering pair index. Since the winter index is below the long-term average, a harvest rate of three percent (Goudie et al. 1994) and a wounding loss of 30 percent (Koneff et al. 2017) are both applied resulting in 38 available harlequin duck permits ($4,259 \text{ winter index} * 0.887 \text{ prop-adult} * 0.443 \text{ prop-female} * 0.03 \text{ harvest rate} * 0.76923 \text{ wounding loss correction} = 38.62$; rounded down to the nearest whole number). The most recent three-year average from the Winter Brant Survey for Skagit County remains below 3,000 brant (three-year average = 2,760) which requires the Skagit County brant hunt start [stay] closed until the January 2025 count is available to inform the number of hunt days available.

WAC 220-417-030 Wild animal trapping. This proposal would clarify the language regarding authorized take of furbearer animals by not only requiring that trapped animals be removed within 24 hours, but also by requiring trappers to visually check their traps once each day.

Most states require this, but this rule was not explicit in Washington. Additionally, this change will eliminate the ability for trappers to solely rely on trap transmitters for checking their traps, as trap transmitters can fail to submit a signal in the backcountry, which could leave a trapped animal in the trap for over 24 hours.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.08.030, 77.08.045, 77.12.047, 77.12.722, 77.12.800, 77.15.190, 77.32.320, 77.32.530, and 77.32.535.

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.08.030, 77.08.045, 77.12.047, 77.12.722, 77.12.800, 77.15.190, 77.32.320, 77.32.530, and 77.32.535.

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

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

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2515; 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. This proposal does not require a cost-benefit analysis 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).

Scope of exemption for rule proposal:

Is fully exempt.

February 21, 2024

Scott Bird

Rules Coordinator

OTS-5192.1

AMENDATORY SECTION (Amending WSR 18-11-061, filed 5/11/18, effective 6/11/18)

WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.

(1) It is unlawful to possess river otter, cougar, lynx, or bobcat taken in Washington without a department identification seal which has been attached to the raw pelt, on or off the carcass, prior to the pelt sealing deadline.

(2) The raw pelt of a bobcat or river otter must be presented to an authorized department employee, or authorized individual under permit with the department, for sealing, and the associated harvest report must be submitted to the department by April 20th after the close of the appropriate hunting or trapping season in which it was killed.

Any person who takes a bobcat must present a cleaned and air-dried complete lower jaw (both sides), in such a manner that the canine tooth can be extracted for aging, to an authorized department employee at the time of sealing before a pelt seal will be issued.

(3) Any person who takes a cougar without the use of dogs must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. Any person who takes a cougar with the use of dogs must notify the department within 24 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be presented to an authorized department employee for sealing within five days of the notification of kill.

Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(4) It is unlawful to transport or cause the transport out of Washington a raw pelt of river otter, cougar, lynx, or bobcat taken in Washington without a department seal attached to the pelt.

(5) The raw pelt of a river otter, cougar, lynx, or bobcat taken outside Washington and imported into the state must be identified by a tag, seal or permit consistent with federal, state or country of origin laws and be accompanied by an invoice, declaration or permit specifying the number of pelts in the shipment.

(6) It is unlawful to possess an unlocked, broken, or otherwise open department seal for river otter, cougar, lynx, or bobcat unless the seal wire or band has been cut through and removed from a pelt that has been received and invoiced by a licensed taxidermist or fur dealer for processing or removed from a pelt that has been processed, except that individuals authorized by the department to seal pelts may possess open, unbroken seals.

OTS-5193.1

AMENDATORY SECTION (Amending WSR 21-14-022, filed 6/28/21, effective 7/29/21)

WAC 220-410-050 Game management units (GMUs) boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties): Beginning at the intersection of Interstate Hwy (I)-5 and State Route (SR) 6; W on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser (Weyco) 7000 line; W and N on Weyco 7000 line to Weyco 7400 line; N on Weyco 7400 line to Weyco 7050 line; NE on Weyco 7050 line to Weyco 7000 line; NW and N on Weyco 7000 line to the Weyco 7800 line; N on Weyco 7800 line to Weyco 7800 F line; NE on Weyco 7800 F line to Weyco 720 line; E on Weyco 720 line to Weyco 723 line; NW on Weyco 723 line to the Weyco C line; NE on Weyco C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy (US) 12 at the town of Oakville; E on US 12 to I-5; S on I-5 to SR 6 and point of beginning.

GMU 503-RANDLE (Lewis County):

Beginning at the intersection of US Hwy (US) 12 and the Rayonier 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US 12 to State Route

(SR) 131; S on SR 131 to Cispus Rd; E on Cispus Rd to Spears Rd; W on Spears Rd to SR 131; S on SR 131 to US Forest Service (USFS) Rd 25; to US Forest Service (USFS) Rd 25; S on the USFS Rd 25 to the Cispus River; W on the Cispus River to Rayonier 271 line; S on the Rayonier 271 line to the Rayonier 300 line; W on the Rayonier 300 line to the Rayonier 100 line (Kosmos Haul Rd); N on the Rayonier 100 line to US 12 and the point of beginning.

GMU 504-STELLA (Cowlitz County):

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to State Route (SR) 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper (IP) 1000 line; N on IP 1000 line to IP 1050 line; E on IP 1050 line to IP 2200 line; E and S on IP 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser (Weyco) 9312 line; E on Weyco 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Hwy (PH) 10 Rd; E along the Public Hwy (PH) 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County):

Beginning on Interstate Hwy (I)-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy (US) 12 bridge; NE on US 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rayonier 100 Mainline (Kosmos Haul Rd); N on the Rayonier 100 Mainline to US 12; W on US 12 to Davis Lake Rd; N and W on Davis Lake Rd to Main St at town of Morton; W on Main St to SR 508; W on SR 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):

Beginning at State Route (SR) 6 and 3rd St S at the town of Pe Ell; S on 3rd St S to Muller Rd; S on Muller Rd to Weyerhaeuser (Weyco) 1000 line; S on Weyco 1000 line to Weyco 1800 line; S on Weyco 1800 line to Weyco 500 line; SE on Weyco 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyco 5000 line; N on Weyco 5000 line (Deep River main line) to Weyco 5800 line; NE on Weyco 5800 line to power transmission line (Section 21, T11N, R8W); E, NE, then N on the power transmission line to the Trap Creek A Line; E and N on the Trap Creek

A Line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County):

Beginning on US Hwy (US) 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service (USFS) Rd 47; N on USFS Rd 47 to USFS Rd 85; W and N on USFS Rd 85 to USFS Rd 52; N on USFS Rd 52 to the Nisqually River; W down the Nisqually River to State Route (SR) 7; S on SR 7 to Main St at town of Morton; E on Main St to Davis Lake Rd; E on Davis Lake Rd to US 12; E on US 12 to the Silver Creek bridge and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County):

Beginning on US Hwy (US) 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service (USFS) Rd 47; N on USFS Rd 47 to USFS Rd 85; W and N on USFS Rd 85 to USFS Rd 52; W and N on USFS Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the USFS Trail 2000 (Pacific Crest National Scenic Trail); S along the USFS Trail 2000 to US 12; W on US 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties):

Beginning at US Hwy (US) 12 and US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail) at White Pass; S on USFS Trail 2000 to the Yakama Indian Reservation border; S on the Yakama Indian Reservation border to USFS Trail 2000; S on USFS Trail 2000 to USFS Trail 98 at Sheep Lake; W on USFS Trail 98 to USFS Rd 2160 at Walupt Lake; W on USFS Rd 2160 to USFS Rd 21; S and W on USFS Rd 21 to USFS Rd 23; S on USFS Rd 23 to USFS Trail 263; S and W on USFS 263 to USFS Trail 261; S on USFS Trail 261 to USFS Trail 1; W on USFS Trail 1 to USFS Rd 99; W on USFS Rd 99 to USFS Rd 26; N on USFS Rd 26 to USFS Rd 2612; W on USFS Rd 2612 to USFS Trail 217; N and W on USFS Trail 217 to Weyerhaeuser (Weyco) 2600 line; W on Weyco 2600 line to Weyco 2658 line; N on Weyco 2658 line to Rayonier (Campbell Group) 430 line; N on Rayonier 430 line to the Rayonier Mainline 400 line; N and E on Rayonier Mainline 400 line to Rayonier 300 line; E on Rayonier 300 line to Rayonier 271 line; N on Rayonier 271 line to the Cispus River; E on the Cispus River to USFS Rd 25; N on USFS Rd 25 to State Route (SR) 131; N on SR 131 to Spears Rd; E on Spears Rd to Cispus Rd; W on Cispus Rd to SR 131; N on SR 131 to US 12; E on US 12 to the USFS Trail 2000 at White Pass and beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):

Beginning at the bridge at intersection of Interstate Hwy (I)-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser (Weyco) 4400 line; N along Weyco 4400 line to Weyco 2421 line; N along Weyco 2421 line to Weyco 2400 line; NW along Weyco 2400 line to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service (USFS) Rd 2612; E on USFS Rd 2612 to USFS Trail 217; N and W on USFS Trail 217 to Weyco 2600 line; W on Weyco 2600 line to Weyco 2658 line; N on Weyco 2658 line to Rayonier 430 line; N on Rayonier 430 line to Rayonier 400 Mainline; N and E on Rayonier 400 Mainline to Rayonier 100 Mainline; N on Rayonier 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to

Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy (US) 12; SW on US 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties):

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser (Weyco) 3020 line; NW along Weyco 3020 line to Weyco 3000 line; E along Weyco 3000 line to US Forest Service (USFS) Trail 216G; SE along USFS Trail 216G to USFS Trail 216; S on USFS Trail 216 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's southern edge; E along the Mt. St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; SE down Ape Canyon Creek to USFS Trail 225 (Smith Creek Trail); N and NW on USFS Trail 225 to USFS Rd 99; NE along USFS Rd 99 to USFS Rd 26; N on USFS Rd 26 to USFS Trail 1 (Boundary Trail); W on USFS Trail 1 to USFS Trail 214 (Whittier Trail); N on USFS Trail 214 to USFS Trail 211 (Lakes Trail); W on USFS Trail 211 to USFS Trail 211, USFS Trail 230 (Coldwater Trail) junction; NE to Minnie Peak; W to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; W and S on USFS property boundary to State Route 504 near the center of Section 35, T10N, R4E; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the State Route (SR) 504 bridge over Hoffstadt Creek; E on SR 504 to US Forest Service (USFS) property boundary near the center of Section 35, T10N, R4E; E and N on USFS property boundary to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; E to Minnie Peak; SW to USFS Trail 211 (Lakes Trail) and USFS Trail 230 (Coldwater Trail) junction; E on USFS Trail 211 (Lakes Trail) to USFS Trail 214 (Whittier Trail); S on USFS Trail 214 to USFS Trail 1 (Boundary Trail); E on USFS Trail 1 to USFS Rd 26; N on USFS Rd 26 to USFS Rd 2612; W on USFS Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):

Beginning at Stevens Rd and State Route (SR) 6, south of the town of Doty; E on SR 6 to Interstate Hwy (I)-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser (Weyco) 9312 line; W on Weyco 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper (IP) 2200 line; N and W on IP 2200 line to IP 1050 line; W on IP 1050 line to IP 1000 line; S on IP 1000 line to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek);

NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 to Weyco 500 line at Camp 2; NW on Weyco 500 line to Weyco 1800 line; N on Weyco 1800 line to Weyco 1000 line; N on Weyco 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning.

GMU 550-COWEEMAN (Cowlitz County):

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser (Weyco) 4100 line; E on Weyco 4100 line to Weyco 4950 line; S and E on Weyco 4950 line to Weyco 235 line; SE on Weyco 235 line to Weyco 200 line; W on Weyco 200 line to Weyco 240 line; SE on Weyco 240 line to Weyco 243 line; E on Weyco 243 line to Weyco 135A line; S on Weyco 135A line to Weyco 135 line; E on Weyco 135 line to Weyco 134 line; SW on Weyco 134 line to Weyco 133 line; SW on Weyco 133 line to Weyco 130 line; SW on Weyco 130 line to Weyco 1680 line; W on Weyco 1680 line to Weyco 1600 line; SE on Weyco 1600 line to Weyco 1400 line; W on Weyco 1400 line to Weyco 1420 line which is the Kalama/Coweeman Summit; SE on Weyco 1420 line to Weyco 1426 line; W on Weyco 1426 line to Weyco 1428 line; SW on Weyco 1428 line to Weyco 1429 line which turns into Weyco 6400 line; SW down Weyco 6400 line to Weyco 6000 line; E on Weyco 6000 line to Weyco 6450 line; SE for approximately one mile on Weyco 6450 line (crossing the Kalama River) to Weyco 6452 line; SE on Weyco 6452 line to Dubois Rd; SE on Dubois Rd to State Route (SR) 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz and Clark counties):

Beginning on State Route (SR) 503 at its crossing of Cape Horn Creek; E and NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to SR 503 bridge crossing; S and W along SR 503 to NE 221st Ave; N about 1/4 mile on NE 221st Ave to NE Cedar Creek Rd; W along NE Cedar Creek Rd to NE Pup Creek Rd; N on NE Pup Creek Rd to NE Buncombe Hollow Rd; N about 1/4 mile on NE Buncombe Hollow Rd to power transmission line; S and W on the power transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

GMU 556-TOUTLE (Cowlitz County):

Beginning on the intersection of State Route (SR) 503 (Lewis River Rd) and US Forest Service (USFS) Rd 81 (Merrill Lake Rd); N on USFS Rd 81 to Weyerhaeuser (Weyco) 7200 line; NW on Weyco 7200 line to Weyco 7400 line; N on Weyco 7400 line to Weyco 5500 line; E and N on Weyco 5500 line to Weyco 5670 line; N and E on Weyco 5670 line to Weyco 5660

line; N on Weyco 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to USFS Trail 216; N on USFS Trail 216 to USFS Trail 216G; NW on USFS Trail 216G to Weyco 3000 line; W on Weyco 3000 line to Weyco 3020 line; SE on Weyco 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyco 2400 line; S on Weyco 2400 line to Weyco 2421 line; S on Weyco 2421 line to Weyco 4400 line; S and W along Weyco 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle River to Weyco 4100 line; E on Weyco 4100 line to the Weyco 4950 line; S and E on Weyco 4950 line to Weyco 235 line; SE on Weyco 235 line to Weyco 200 line; W on Weyco 200 line to Weyco 240 line; SE on Weyco 240 line to Weyco 243 line; E on Weyco 243 line to Weyco 135A line; S on Weyco 135A line to Weyco 135 line; E on Weyco 135 line to Weyco 134 line; SW on Weyco 134 line to Weyco 133 line; SW on Weyco 133 line to Weyco 130 line; SW on Weyco 130 line to Weyco 1680 line; W on Weyco 1680 line to Weyco 1600 line; SE on Weyco 1600 line to Weyco 1400 line; W on Weyco 1400 line to Weyco 1420 line which is the Kalama/Coweeman Summit; SE on Weyco 1420 line to Weyco 1426 line; W on Weyco 1426 line to Weyco 1428 line; SW on Weyco 1428 line to Weyco 1429 line; SW on Weyco 1429 line to Weyco 6400 line; SW on Weyco 6400 line to Weyco 6000 line; E on Weyco 6000 line to Weyco 6450 line; SE for approximately one mile on Weyco 6450 line (crossing the Kalama River) to Weyco 6452 line; SE on Weyco 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E and NE on SR 503 to USFS Rd 81 and point of beginning.

GMU 560-LEWIS RIVER (Cowlitz, Skamania, Klickitat, Yakima, and Lewis counties):

Beginning on State Route (SR) 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service (USFS) Rd 82 (Mount Adams Recreational Area Rd); N on USFS Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to USFS Trail 2000 (Pacific Crest National Scenic Trail) in Section 3, T11N, R11E; S on USFS Trail 2000 to USFS Trail 98 at Sheep Lake; W on USFS Trail 98 to USFS Rd 2160 at Walupt Lake; W on USFS Rd 2160 to USFS Rd 21; S and W on USFS Rd 21 to USFS Rd 23; S on USFS Rd 23 to USFS Trail 263; S and W on USFS Trail 263 to USFS Trail 261; S on USFS Trail 261 to USFS Trail 1; W on USFS Trail 1 to USFS Rd 99; S and W on USFS Rd 99 to USFS Trail 225 (Smith Creek Trail); S on USFS Trail 225 to Ape Canyon Creek; N and W up Ape Canyon Creek to Mt. St. Helens crater's eastern edge; W along Mt. St. Helens crater's southern edge to headwaters of S Fork Toutle River; W along S Fork Toutle River to Weyerhaeuser (Weyco) 5660 line; S along Weyco 5660 line to Weyco 5670 line; S and W on Weyco 5670 line to Weyco 5500 line; S and W on Weyco 5500 line to Weyco 7400 line; S and E on Weyco 7400 line to Weyco 7200 line; S and E on Weyco 7200 line to USFS Rd 81; S on USFS Rd 81 to SR 503; N and E on SR 503 to Dog Creek; S down Dog Creek to the N shore of Yale Reservoir; E along N shore of Yale Reservoir to N Fork Lewis River; E up the Lewis River to Swift Dam and Swift Reservoir; E along the N shore of Swift Reservoir to N Fork Lewis River; E up N Fork Lewis River to USFS Rd 90 Bridge (Eagle Cliff); E on USFS Rd 90 to USFS Rd 51 (Curly Creek Rd); SE on USFS Rd 51 to USFS Rd 30; NE on USFS Rd 30 to USFS Rd 24; SE on USFS Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to NE Buncombe Hollow Rd; S on NE Buncombe Hollow Rd to NE Pup Creek Rd; S on NE Pup Creek Rd to NE Cedar Creek Rd; E on NE Cedar Creek Rd to NE 221st Ave; S along NE 221st Ave to SR 503, to NE Amboy Rd; S on NE Amboy Rd to W Yacolt Rd; E on W Yacolt Rd to N Railroad Ave; SE on N Railroad Ave, which becomes S Railroad Ave; SE on S Railroad Ave which becomes NE Railroad Ave; SE on NE Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to NE 197th Ave; S on NE 197th Ave to NE 279th St; W on NE 279th St to NE 182nd Ave; S on NE 182nd Ave to NE 259th St; E on NE 259th St to NE 220th Ave; S on NE 220th Ave which turns into NE Cresap Rd; SE on NE Cresap Rd which turns into NE 222nd Ave; S on NE 222nd Ave to NE Allworth Rd; E on NE Allworth Rd to NE 232nd Ave; S on NE 232nd Ave to NE 237th St; E on NE 237th St which turns into NE 240th Ave; S on NE 240th Ave to NE Berry Rd; NE on NE Berry Rd to the DNR L-1410 Rd; SE on DNR L-1410 Rd to the DNR L-1400 Rd; W on DNR L-1400 Rd which turns into NE Rawson Rd; W on NE Rawson Rd to NE Powell Rd; SW on NE Powell Rd to NE 212th Ave; S on NE 212th Ave to NE 109th St; E on NE 109th St to NE 222nd Ave; S on NE 222nd Ave to NE 83rd St; W on NE 83rd St to NE 217th Ave; S on NE 217th Ave to NE 68th St; E on NE 68th St to NE 232nd Ave; S on NE 232nd Ave to NE 54th St; E on NE 54th St to NE 237th Ave; S on NE 237th Ave to NE 53rd St; E on NE 53rd St which turns into NE Bradford Rd then back into NE 53rd St to NE 292nd Ave; S on NE 292nd Ave to NE Ireland Rd; E on NE Ireland Rd to NE Stauffer Rd; E then SW on NE Stauffer Rd to NE 292nd Ave; S on NE 292nd Ave which turns into NE Reilly Rd; SW on NE Reilly Rd to NE Blair Rd; SE on NE Blair Rd to NE Zeek Rd; E on NE Zeek Rd which turns into NE 10th St; E on NE 10th St which turns into NE 312th Ave; S on NE 312th Ave to NE 9th St; E on NE 9th St to NE 322nd Ave; N on NE 322nd Ave which turns into NE Ammeter Rd; NE on NE Ammeter Rd approximately 1/8 mile to the power transmission lines; E along the northern margin of the power transmission lines to NE Hughes Rd; N on NE Hughes Rd which turns into NE 392nd Ave; N on NE 392nd Ave to NE 28th St; E on NE 28th St to NE Miller Rd; NE on NE Miller Rd which turns into NE 39th St; E on NE 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to Canyon Creek Rd; SE on Canyon Creek Rd to Salmon Falls Rd; S on Salmon Falls Rd to State Route (SR) 14; E on SR 14 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at State Route (SR) 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE and E up Canyon Creek to US Forest Service (USFS) Rd 54; E on USFS Rd 54 to USFS Rd 53; S on USFS Rd 53 to USFS Rd 4205 (Gumboot Rd); S on USFS Rd 4205 to USFS Rd 42 (Green Fork Rd); SW on USFS Rd 42 to USFS Rd 41 at Sunset Falls; E

on USFS Rd 41 to Hemlock Rd; E on Hemlock Rd to the Hemlock Rd bridge over the Wind River; SE down the Wind River to the Columbia River; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Wind River); N on Cape Horn Rd to SR 14; W on SR 14 to Salmon Falls Rd; N on Salmon Falls Rd to Canyon Creek Rd; NW on Canyon Creek Rd to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to NE 39th St; W on NE 39th St which turns into NE Miller Rd; SW on NE Miller Rd to NE 28th St; W on NE 28th St to NE 392nd Ave; S on NE 392nd Ave which turns into NE Hughes Rd; S on NE Hughes Rd approximately 1/8 mile to the power transmission lines; W along the northern margin of the power transmission lines to NE Ammeter Rd; SW on NE Ammeter Rd which turns into NE 322nd Ave; S on NE 322nd Ave to NE 9th St; W on NE 9th St to NE 312th Ave; N on NE 312th Ave which turns into NE 10th St; W on NE 10th St which turns into NE Zeek Rd; W on NE Zeek Rd to NE Blair Rd; NW on NE Blair Rd to NE Reilly Rd; NE on NE Reilly Rd which turns into NE 292nd Ave; E on NE 292nd Ave to NE Stauffer Rd; NE then NW on NE Stauffer Rd to NE Ireland Rd; W on NE Ireland Rd to NE 292nd Ave; N on NE 292nd Ave to NE 53rd St; W on NE 53rd St which turns into NE Bradford Rd then turns into NE 53rd St again to NE 237th Ave; N on 237th Ave to NE 232nd Ave; N on NE 232nd Ave to NE 68th St; W on NE 68th St to NE 217th Ave; N on NE 217th Ave to NE 83rd St; E on NE 83rd St to NE 222nd Ave; N on NE 222nd Ave to NE 109th St; W on NE 109th St to NE 212th Ave; N on NE 212th Ave to NE Powell Rd; NE on NE Powell Rd to NE Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to NE Berry Rd; W then SW on NE Berry Rd to NE 240th Ave; N on NE 240th Ave which turns into NE 237th St; W on NE 237th St to NE 232nd Ave; N on NE 232nd Ave to NE Allworth Rd; W on NE Allworth Rd to NE 222nd Ave; N on NE 222nd Ave which turns into NE Cresap Rd which turns into NE 220th Ave to NE 259th St; W on NE 259th St to NE 182nd Ave; N on NE 182nd Ave to NE 279th St; E on NE 279th St to NE 197th Ave; N on NE 197th Ave to NE Basket Flats Rd; E on NE Basket Flats Rd to NE Hantwick Rd; N then NW on NE Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to NE Railroad Ave; NW on NE Railroad Ave, which turns into S Railroad Ave then N Railroad Ave in the town of Yacolt, to W Yacolt Rd; W on W Yacolt Rd to NE Amboy Rd; N on NE Amboy Rd to NE 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties):

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service (USFS) Rd 90 at the Eagle Cliff bridge; E on USFS Rd 90 to USFS Rd 51 (Curly Creek Rd); SE on USFS Rd 51 to USFS Rd 30 (Wind River Rd); N on USFS Rd 30 to USFS Rd 24 (Twin Butte Rd); S on USFS Rd 24 to USFS Rd 60 (Carson Guler Rd); SW on USFS Rd 60 to USFS Rd 65; SW on USFS Rd 65 to USFS Rd 6517 (Warren Gap Rd); W on USFS Rd 6517 to the Wind River Rd; S on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to USFS Rd 41 (Sunset-Hemlock Rd); W on the USFS Rd 41 to USFS Road 42 (Green Fork Rd) at Sunset Falls; NE on USFS Rd 42 to USFS Rd 4205 (Gumboot Rd); N on USFS Rd 4205 to USFS Rd 53; NW on USFS Rd 53 to USFS Rd 54; W on USFS Rd 54 to Canyon Creek; W and NW down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania and Klickitat counties):

Beginning at the town of Trout Lake; S on State Route (SR) 141 to the SR 141 bridge over the White Salmon River Bridge at Husum; S on the White Salmon River to the Columbia River; W down the Columbia River to the mouth of Wind River (including all islands in the Columbia River that are both north of the Washington state line and between the White Salmon River and Wind River); NW up the Wind River to the Hemlock Rd bridge; E on Hemlock Rd to Wind River Rd; N on Wind River Rd to US Forest Service (USFS) Rd 6517 (Warren Gap Rd); E on USFS Rd 6517 to USFS Rd 65 (Panther Creek Rd); N on USFS Rd 65 to USFS Rd 60; NE on USFS Rd 60 to USFS Rd 24 (also called Carson-Gular Rd); E on USFS Rd 24 to SR 141; NE on SR 141 to the town of Trout Lake and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat and Yakima counties):

Beginning at the mouth of the White Salmon River on the Columbia River; N up the White Salmon River to the State Route (SR) 141 bridge over the White Salmon River at Husum; N on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service (USFS) Rd 82 (Mount Adams Recreational Area Rd); N on USFS Rd 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the White Salmon River).

OTS-5184.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-411-050 Carnation Farms Game Reserve (King County).

OTS-5190.1

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

WAC 220-412-100 Landowner hunting permits. (1) A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

(2) It is unlawful to participate in a landowner hunting permit (LHP) hunt without a landowner LHP permit from the landowner **or** a public LHP permit from the department for the species covered under the landowner's contract and possess an unfilled tag for said species. A violation of this section is punishable under RCW 77.15.410.

(3) **Acceptance Guidelines**

(a) LHP contracts must provide one or both of the hunting opportunities listed below for the public via landowner permits and public permits:

- Hunting opportunity that otherwise would not exist.
- Hunting opportunity that helps resolve chronic crop damage problems that have been documented by WDFW.

(b) WDFW may deny LHP applications that do not provide substantial public access benefit beyond the allotted WDFW public permit opportunity.

- For the purposes of this program, "substantial public benefit" will be defined as access for the general public to the property outside of the designated LHP permit season, for any of the following activities: General season or special permit hunting access for deer, elk, bear, cougar, sheep, goat, moose, upland game birds, turkey, waterfowl, dove or other nonhunting activities such as wildlife viewing or fishing. At a minimum, the LHP property should attempt to allow access for at least two types of recreational opportunity outside of the designated LHP permit seasons for deer and elk. Each LHP agreement must demonstrate a substantial public benefit to the citizens of the state and the wildlife resources of the area. For further information regarding public benefit, please refer to the standard operating procedure.

(c) Lands in a single LHP must have a minimum huntable acreage of 1,000 acres.

- Lands that are contiguous can span GMU boundaries.
- Lands that are not contiguous have to reside within the same GMU.

(d) Only 2 LHP contracts will be active at the same time in each WDFW district (Appendix B). If an LHP crosses district boundaries, the LHP will be considered to be in the district containing the majority of the land and/or hunting opportunity.

(e) WDFW will prioritize LHP applications that score the highest using the scoring matrix (Criteria - Appendix D in the standard operating procedure). In addition to LHP hunts, "no-fee" general public access opportunity is strongly encouraged (e.g., general deer, elk, turkey, upland hunting, or other opportunities as stated in (b) of this subsection). Special accommodations for hunters with disabilities, youth, seniors, and designated master hunters are also strongly encouraged, as well as "no-fee" access for special permit holders (e.g., elk, bear, moose and bighorn sheep).

(f) To ensure predictability for landowners, hunters, and WDFW, all landowners who enter into an LHP contract in April are required to abide by the conditions of the LHP contract for the term of the contract. Any changes in property ownership, total acreage or management

practices on the land(s) enrolled in the LHP will require an amendment to the contract. WDFW reserves the right to alter conditions to the contract if an amendment is required. It is the responsibility of the landowner to inform the proper WDFW regional staff of any changes. Not providing accurate information may result in the termination of the contract.

(g) Landowners may only be involved in one LHP statewide.

(4) **Program Guidelines**

(a) Policy C-6002 divides hunting on LHP cooperator lands into public and landowner permit opportunities. Public opportunity is defined as permits that are drawn through the WDFW permit drawing system or are drawn through a public raffle. Landowner opportunity is defined as those permits allocated to and distributed by the LHP cooperator(s).

(b) No LHP permits for elk will be issued in those GMUs where branch-antlered bull elk hunting is by quality or bull elk special permits only.

(c) No LHP permits for deer will be issued in those GMUs where antlered deer hunting is by quality or buck deer special permits only.

(d) Landowners may sell access associated with the landowner portion of the permits, but then must waive the right to all claims for wildlife damage that may occur on their lands. Selling access may also affect landowner liability as described in RCW 4.24.200 and 4.24.210. It is the responsibility of the landowner to ensure they are protected against liability claims.

(e) WDFW will draw permits for public hunting opportunity through the licensing permit drawing system or through a public raffle. Public raffles must be conducted according to state laws and regulations including, but not limited to, WAC 220-412-050 and as outlined in the commission policy C-6002.

(f) Access to LHP property and associated hunting will be free of charge for individuals who draw a public LHP permit. Hunting opportunity (i.e., location, length of time, season of the hunt and hunting area) must be equivalent for public permit holders and landowner permit holders. Landowners not meeting this requirement will have their LHP contract voided. Landowners in an LHP may be required to provide evidence verifying equitability between both the public and landowner permits.

(g) Lands in an LHP contract will be identified on the WDFW website, along with other private and public hunting lands. The cooperator or WDFW may create additional detailed maps to better inform the public. Any additional maps or materials may also be posted on the WDFW website.

(h) LHP boundaries will be posted with WDFW approved signs in accordance with boundary posting requirements section of the standard operating procedure.

(i) LHP properties may not have fences that alter or prevent the natural movement of wildlife.

(j) All LHP permits are only valid within the identified LHP property boundaries. Any wildlife harvested outside the boundaries of the LHP using an LHP permit will be considered a "closed season" violation. LHP permits are not valid on private or public in-holdings that are not included in the LHP contract.

(k) Any cost to implement the program, other than costs typically covered by WDFW (e.g., WDFW staff time and LHP signage), will be the responsibility of the landowner.

(l) Damage prevention permits authorized under WAC 220-440-060 will be issued to LHP cooperators only if WDFW deems it necessary to control damage.

(m) All LHP contracts will be tied to the three-year season setting cycle.

(n) LHP permits will be allocated annually. WDFW regional staff will provide permit recommendations to the private lands section manager by November of each year.

(o) A cooperator who does not comply with their LHP contract may have their contract voided by the department. If their contract is voided, they will not be able to reapply until the next application cycle and forfeit any remaining permits to WDFW. If a contract is voided, the LHP property may be enrolled in another WDFW access program without having to wait until the next LHP application cycle.

(p) WDFW at its discretion may deny any LHP application for biological or social reasons.

(q) LHPs shall not be authorized in areas where other access opportunities may be jeopardized.

(r) Due to the limited availability of habitat funding, LHP properties will not be prioritized for any funding available to the private lands access program for the purposes of habitat enhancement, restoration or other habitat related activities. This does not include federal programs, where WDFW staff provide technical assistance.

Annual reports (Appendix C) will be required for all LHP properties. The annual report form will be mailed to the landowners with their LHP permits each year. Reports are due back to the private lands section manager no later than May 1st of the following year. Failing to mail/send completed annual reports may result in a delay in issuing permits the following hunting season. Chronic failure to submit reports will lead to voiding of the LHP contract.

(5) (a) **Buckrun**

(i) Buckrun is located in Grant County, near the town of Wilson Creek.

(ii) Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one-day hunts during the permit seasons with written authorization from the Buckrun manager. All hunters must check in and out with the landowner or their designee on hunt day. Hunts are scheduled on a first-come basis by calling 509-345-2577 in advance.

(b) **Buckrun landowner hunting permits**

(i) Buckrun's manager will distribute Buckrun's landowner hunting permits. Buckrun may charge an access fee for these permits, but not for winning raffle permits. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun's properties. Contact the manager at 509-345-2577 for additional information.

(ii) **Deer Seasons for the landowner portion of LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any White-tailed Deer	Buckrun
Buckrun	30	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	10	Oct. 25 - Dec. 31	Any deer	Buckrun

(c) **Buckrun public hunting permits**

(i) Hunters must apply to the Washington department of fish and wildlife for Buckrun's special hunting permits. Only hunters possessing a modern firearm deer tag are eligible for these special permits. All hunters must check in and out with the landowner or their designee. Hunts must be scheduled in advance by calling 509-345-2577.

(ii) **Deer Seasons for the public portion of the LHP permits:**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless	Buckrun

(6) (a) **Silver Dollar Association**

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation.

(b) **Silver Dollar Association landowner hunting permits**

(i) The Silver Dollar Association's manager will distribute the association's landowner hunting permits. The association may charge an access fee for these permits.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Silver Dollar	((24)) <u>30</u>	Aug. 1 - March 31	Any Elk	Silver Dollar
Silver Dollar	8	Aug. 1 - March 31	Antlerless	Silver Dollar

(c) **Silver Dollar Association public hunting permits**

(i) Hunters must apply to the department for the Silver Dollar Association's special hunting permits.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Silver Dollar	((8)) <u>11</u>	EF	Aug. 1 - March 31	Youth Only, Any Elk	Silver Dollar
Silver Dollar Antlerless Elk	6	EF	Aug. 1 - March 31	Youth Only, Antlerless Elk Only	Silver Dollar
Silver Dollar Antlerless Elk	2	EF	Aug. 1 - March 31	Persons of Disability Only, Antlerless Elk Only	Silver Dollar

(7) (a) **Blackrock Ranches**

Blackrock Ranches is located in Yakima County west of the Hanford Reservation.

(b) **Blackrock Ranches landowner hunting permits**

(i) Blackrock Ranches' manager will distribute the ranches' landowner hunting permits. Blackrock Ranches may charge an access fee for these permits.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	8	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	2	Aug. 1 - March 31	Antlerless	Blackrock Ranches

(c) **Blackrock Ranches public hunting permits**

(i) Hunters must apply to the department for Blackrock Ranches' special hunting permits. To apply, hunters must have an eastside elk tag.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	2	EF	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

(8) (a) **Columbia Plateau Wildlife Management Association**

(i) The Columbia Plateau Wildlife Management Association (CPWMA) landowner hunting permit area is located in Spokane County (GMU 130) near Turnbull National Wildlife Refuge.

(ii) Landowner permit hunts are primarily small ranch hunts but are managed for a quality experience by keeping the number of hunters in the field low.

(b) **Columbia Plateau Wildlife Management Association landowner hunting permits**

(i) CPWMA's manager will distribute the association's landowner hunting permits. CPWMA will not charge an access fee for raffle permit winners. Only hunters possessing an elk tag are eligible for permits on CPWMA's properties. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before September 30. Applicants should see CPWMA's website at www.cpwma.org or contact the hunt manager at 509-263-4616. Holders of landowner permits selected through raffle, including ((9)) 12 antlerless elk and ((2)) 3 any bull elk permits, are eligible to purchase second elk tags that may only be used on lands included in the CPWMA LHP.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA	((1)) <u>2</u>	Jan. 1 - Mar. 31	Antlerless	CPWMA
CPWMA	1	Jan. 1 - Mar. 31	Any Bull	CPWMA
CPWMA Raffle 1	((3)) <u>4</u>	Jan. 1-31	Antlerless	CPWMA
CPWMA Raffle 2	((3)) <u>4</u>	Feb. 1-28	Antlerless	CPWMA
CPWMA Raffle 3	((3)) <u>4</u>	Mar. 1-31	Antlerless	CPWMA
CPWMA Raffle 4	((2)) <u>3</u>	Jan. 1 - Mar. 31	Any Bull	CPWMA

(c) **Columbia Plateau Wildlife Management Association public hunting permits**

(i) Hunters must apply to the department for CPWMA's special hunting permits. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of required

information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before September 30. Applicants should see CPWMA's website at www.cpwma.org or contact the hunt manager at 509-263-4616.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA 1	1	Jan. 1 - Mar. 31	Any Bull	CPWMA

(9) (a) **Centralia Mine**

(i) Centralia Mine landowner hunting permit area is located in Lewis and Thurston counties (GMU 667) on the Centralia Mine near Centralia.

(ii) The Centralia Mine is owned by TransAlta and is a federally mandated, closed access area. Hunters must be escorted by TranAlta employees to access the property. Public hunters that are drawn for permits are escorted to huntable areas on the mine by employees with TransAlta that volunteer their time.

(b) **Centralia Mine landowner hunting permits**

(i) TransAlta staff will distribute the Centralia Mine landowner hunting permits including to TransAlta staff that volunteer as guides for state disabled, senior and youth permit elk hunts. TransAlta volunteers using their permits will attempt to target limping cows to assist with Treponeme Associated Hoof Disease control.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Centralia Mine	5	Sept. 1 - Dec. 31	Antlerless	Centralia Mine

(c) **Centralia Mine public hunting permits**

(i) Hunters must apply to the department for Centralia Mine special hunting permits. To apply, hunters must have the required license/transport tag who are 65 years and older at some point during the license year for the senior hunts or be registered with the department as a hunter with a disability for the disabled hunts or meet the qualifications for youth hunting for the youth hunt. Due to landscape conditions, all hunters, regardless of tag type, are required to use a rifle during these hunts. Successful applicants will be contacted by TransAlta to arrange their hunt date and will receive a packet of logistical information from TransAlta about the hunt.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Centralia Mine	5	Sept. 1 - Oct. 15*	Senior only, Antlerless	Centralia Mine
Centralia Mine	5	Sept. 1 - Oct. 15*	Disabled only, Antlerless	Centralia Mine
Centralia Mine	1	Sept. 1 - Oct. 15*	Youth only, Any Bull	Centralia Mine

*Individuals selected for these hunts will be granted a single weekend within the listed time frame. Coordination with the hunt manager is required when selecting specific weekend dates.

OTS-5185.1

AMENDATORY SECTION (Amending WSR 23-23-045, filed 11/6/23, effective 12/7/23)

WAC 220-413-100 Mandatory report of hunting activity. (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

(a) Hunters must report hunting activity, for each tag and permit acquired, by January 31st or within 10 days after the close of an eligible hunt, whichever date is later.

(b) Reports must be made using the department's authorized internet hunter reporting system, department-authorized mobile application, or by telephone.

(c) A hunter who fails to report hunting activity, for each tag and permit acquired, by the reporting deadline is in violation of reporting requirements.

(d) Compliance will be credited for each transport tag and permit acquired.

(2) As an incentive for prompt reporting, all hunters who report by midnight January 10th or within 10 days after the last day of their permit hunt will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters must report their hunting activity for each transport tag and permit acquired.

(3) A hunter who fails to report hunting activity by the reporting deadline for deer, elk, bear, or turkey tags and permits acquired the previous year will be required to pay a \$10 administrative fee at the time a new license that includes deer, elk, bear, or turkey tags is issued.

(4) All hunters who purchase a paper or electronic migratory bird authorization must report their hunting activity for each paper or electronic harvest record card issued.

(a) Hunters must report harvest information from band-tailed pigeon harvest record cards by September 30th following the season for which the harvest card was issued. Hunters must report harvest information from brant, sea duck, and harlequin duck permit harvest record cards by February 15th following the season for which the harvest card was issued. Hunters must report harvest information from snow goose (Goose Management Area 1), and SW Canada goose (Goose Management Area 2 Coast and Inland) harvest record cards by March 20th following the season for which the harvest card was issued.

(b) Hunters must report migratory bird hunting activity at the department's authorized internet hunter reporting system internet site listed on the harvest record card ~~((7))~~ or on the department-authorized mobile application ~~((or by mailing all harvest record cards to the department at: P.O. Box 43141, Olympia, WA 98504)).~~

(c) Any hunter who fails to report, for each harvest record card acquired, by the reporting deadlines is in violation of reporting requirements.

(d) Compliance will be credited for each harvest record card acquired.

(5) A hunter who fails to report hunting activity by the reporting deadlines for band-tailed pigeon, brant, harlequin duck permit, sea duck, snow goose, or SW Canada goose harvest record card acquired in the previous hunting season must pay a \$10 administrative fee at the time a new migratory bird authorization and harvest record card is issued.

(6) A hunter may only be required to pay a maximum of one \$10 administrative fee for all game species reporting violations during a license year.

OTS-5194.1

AMENDATORY SECTION (Amending WSR 22-13-110, filed 6/15/22, effective 7/16/22)

WAC 220-414-060 Muzzleloading firearms. (1) Definitions.

(a) Muzzleloader: A firearm that is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in all muzzleloading firearms. The term load refers to the powder charge and projectile and both must be loaded from the muzzle.

(b) A muzzleloading firearm shall be considered loaded if a powder charge and a projectile, either shot or single projectile are in the barrel and the barrel or breech is capped or primed.

(2) It is unlawful to hunt wildlife using a muzzleloading firearm that does not meet the following specifications:

(a) A muzzleloading shotgun or rifle must have a single or double barrel, rifled or smooth-bored.

(b) A muzzleloading shotgun or rifle used for deer must be .40 caliber or larger. Buckshot size #1 or larger may be used in a smooth-bore of .60 caliber or larger for deer.

(c) A muzzleloading shotgun, rifle, or handgun used for all other big game must be .45 caliber or larger.

(d) Persons lawfully hunting small game with a double barrel, muzzleloading shotgun may keep both barrels loaded.

(e) A muzzleloading handgun must have a single or double barrel of at least eight inches, must be rifled, and must be capable of being loaded with 45 grains or more of black powder or black powder substitute per the manufacturer's recommendations.

(f) A muzzleloading handgun used for big game must be .45 caliber or larger.

(g) A handgun designed to be used with black powder, including black powder percussion revolvers, can be used to hunt forest grouse, cottontail rabbits, and snowshoe hares.

(3) In addition to the above requirements, it is unlawful to participate (hunt) in a muzzleloading hunting season using a firearm that does not meet the following specifications for a muzzleloader. However, a modern handgun may be carried for personal protection. Modern handguns cannot be used to hunt big game or dispatch wounded big game during a big game hunting season for muzzleloading firearms.

(a) Ignition is to be wheel lock, matchlock, flintlock, or percussion. Primers designed to be used in modern cartridges are legal.

(b) Sights must be open, peep, (~~or~~) of other open sight design, or scopes not exceeding 1x magnification. Fiber optic sights are legal. Telescopic sights (~~or sights containing glass~~) are prohibited.

(c) It is unlawful to have any electrical aiming device (~~or equipment~~) attached to a muzzleloading firearm while hunting except for red-dot or similar electronically powered scopes not exceeding 1x magnification.

(d) Those persons lawfully hunting big game with a double barrel muzzleloader may only keep one barrel loaded.

(4) Muzzleloading firearms used during a modern firearm season are not required to meet ignition, sight, or double barrel restrictions.

(5) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

OTS-5195.1

AMENDATORY SECTION (Amending WSR 19-20-078, filed 9/27/19, effective 10/28/19)

WAC 220-414-080 Hunting—Hunter orange and hunter pink clothing requirements. (1) It is unlawful to hunt upland birds or rabbits with a firearm, other than a muzzleloading firearm, during any upland game bird season unless the hunter is wearing fluorescent hunter orange and/or fluorescent hunter pink clothing.

(2) It is unlawful to hunt big game (~~(, except bear and cougar,)~~) with modern firearm equipment at any time in any manner unless the hunter is wearing fluorescent hunter orange and/or fluorescent hunter pink clothing.

(3) It is unlawful to hunt wildlife, except migratory birds, during those times and in those places open to taking of deer or elk during nonmaster hunter, modern firearm general seasons, unless the hunter is wearing fluorescent hunter orange and/or fluorescent hunter pink clothing.

(4) Wearing fluorescent hunter clothing means: A minimum of 400 square inches of fluorescent hunter orange and/or fluorescent hunter pink exterior clothing, worn above the waist and visible from all sides. A combination of both colors may be worn to meet the 400 square inches.

(5) A violation of this section is an infraction, punishable under RCW 77.15.160.

OTS-5196.1

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

WAC 220-414-100 Crossbow requirements. (1) The following provisions apply to hunting with a crossbow:

(a) It is unlawful to hunt big game with a crossbow outside of a modern firearm or muzzleloader season except hunters age 65 and older can use crossbows to hunt deer or elk during archery seasons.

(b) It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds and a trigger safety that does not work properly.

(c) It is unlawful to hunt big game animals with any arrow or bolt weighing less than 350 grains.

(d) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.

(e) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed.

(f) It is unlawful to discharge a crossbow from a vehicle or from, across, or along the maintained portion of a public highway.

(g) It is unlawful to hunt wildlife with a crossbow during an archery season except hunters age 65 and older can use crossbows to hunt deer or elk during archery seasons.

(2) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

OTS-5197.1

AMENDATORY SECTION (Amending WSR 21-14-022, filed 6/28/21, effective 7/29/21)

WAC 220-415-010 Deer area descriptions. The following areas are defined as deer areas:

Deer Area No. 1008 West Wenaha (Columbia County): That part of GMU 169 west of USFS trail 3112 from Tepee Camp (east fork of Butte Creek) to Butte Creek, and west of Butte Creek to the Washington-Oregon state line.

Deer Area No. 1009 East Wenaha (Columbia, Garfield, Asotin counties): That portion of GMU 169 east of USFS trail 3112 from Tepee Camp (east fork Butte Creek) to Butte Creek, and east of Butte Creek to the Washington-Oregon state line.

Deer Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Deer Area No. 1031 Parker Lake (Pend Oreille County): That area within GMU 117 south of Ruby Creek Rd (USFS Road 2489), north of Tacoma Creek Rd (USFS Road 2389), and west of Bonneville Power Administration power lines. The Parker Lake Deer Area is a protected area for the U.S. Air Force Military Survival Training Program that allows some limited access for special permit hunting.

Deer Area No. 1035 Highway 395 Corridor (Stevens County): That portion of GMU 121 beginning at the intersection of US Highway (Hwy) 395 (State Route 20) and State Route (SR) 25: S on SR 25 to Old Kettle Rd; E on Old Kettle Rd to Mingo Mountain Rd; S on Mingo Mountain Rd to Greenwood Loop Rd; E on Greenwood Loop Rd to the bridge over the Colville River; S on the Colville River to the bridge over Gold Creek Loop/Valley Westside Rd; W and S on Valley Westside Rd to the Orin-Rice Rd; E on Orin-Rice Rd to Haller Creek Rd; S on Haller Creek Rd to Skidmore Rd; E and S on Skidmore Rd to Arden Hill Rd; E on Arden Hill Rd to Townsend-Sackman Rd; S on Townsend-Sackman Rd to Twelve Mile Rd; S on Twelve Mile Rd to Marble Valley Basin Rd; S on Marble Valley Basin Rd to Zimmer Rd; S on Zimmer Rd to Blue Creek West Rd; E on Blue

Creek West Rd to Dry Creek Rd; S on Dry Creek Rd to Duncan Rd; E on Duncan Rd to Tetro Rd; S on Tetro Rd to Heine Rd; E and S on Heine Rd to Farm-to-Market Rd; S on Farm-to-Market Rd to Newton Rd (also known as Rickers Lane); E on Newton Rd to US Hwy 395; N on US Hwy 395 to McLean Rd and Twelve Mile Rd (also known as Old Arden Hwy); N on McLean Rd and Twelve Mile Rd to US Hwy 395; N on US Hwy 395 to Old Arden Hwy (again); N on Old Arden Hwy to US Hwy 395; N on US Hwy 395, through the town of Colville, then W on US Hwy 395 (SR 20) to SR 25 and the point of beginning.

Deer Area No. 2010 Benge (Adams and Whitman counties): That part of GMU 284 beginning at the town of Washtucna; north on SR 261 to Weber Road; east on Weber Road to Benzel Road; north on Benzel Road to Wellsandt Road; east on Wellsandt Road to Hills Road; south on Hills Road to Urquhart Road; east on Urquhart Road to Harder Road, East on Harder Road to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to George Knott Road; south on George Knott Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Washtucna and the point of beginning.

Deer Area No. 2011 Lakeview (Grant County): That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Norton Canyon Road; north on Norton Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

Deer Area No. 2012 Methow Valley (Okanogan County): All private land in the Methow Watershed located outside the external boundary of the Okanogan National Forest and north of the following boundary: Starting where the Libby Creek Road (County road 1049) intersects the Okanogan National Forest boundary; east on road 1049 to State Hwy 153; north on Hwy 153 to the Old Carlton Road; east on the Old Carlton Road to the Texas Creek Road (County road 1543); east on the Texas Creek Road to the Vintin Road (County road 1552); northeast on the Vintin Road to the Okanogan National Forest boundary.

Deer Area No. 2013 North Okanogan (Okanogan County): Restricted to private land only located within the following boundary: Beginning in Tonasket at the junction of Havillah Rd and Hwy 97; NE on Havillah Rd to Dry Gulch Extension Rd; N to Dry Gulch Rd; N on Dry Gulch Rd to Oroville-Chesaw Rd; W on Oroville-Chesaw Rd to Molson Rd; N on Molson Rd to Nine Mile Rd; N and W on Nine Mile Rd to the Canadian border at the old Sidley Town Site; W along the border to the east shore of Lake Osoyoos; S around Lake Osoyoos to the Okanogan River; S along the east bank of the Okanogan River to the Tonasket Fourth Street Bridge; E on Fourth Street to Hwy 97; N on Hwy 97 to point of beginning.

Deer Area No. 2014 Central Okanogan (Okanogan County): Restricted to private land only located within the following boundary: Beginning in Tonasket on the Okanogan River at the Fourth Street Bridge; S along Hwy 7 to Pine Creek Rd; W along Pine Creek Rd to Horse Spring Coulee Rd; W and N on Horse Spring Coulee Rd to Beeman Rd; W on Beeman Rd to North Lemansky Rd; S along North Lemansky Rd to Pine Creek Rd; S on

Pine Creek Rd to Hagood Cut-off Rd; S on Hagood Cut-off Rd to South Pine Creek Rd; E on South Pine Creek Rd to Hwy 97; S on Hwy 97 to Town of Riverside North Main Street junction; SE on North Main Street to Tunk Valley Rd and the Okanogan River Bridge; E on Tunk Creek Rd to Chewiliken Valley Rd; NE along Chewiliken Valley Rd to Talkire Lake Rd; N on Talkire Lake Rd to Hwy 20; W on Hwy 20 to the junction of Hwy 20 and Hwy 97; N on Hwy 97 to Fourth Street; W on Fourth Street to point of beginning.

Deer Area No. 2015 Omak (Okanogan County): Restricted to private land only located within the following boundary: Beginning at Hwy 97 and Riverside Cut-off road; west on Riverside Cut-off Rd to Conconully Road; south on Conconully Rd to Danker Cut-off road; west on Danker Cut-off road to Salmon Creek Rd; north on Salmon Creek Rd to Spring Coulee Rd; south on Spring Coulee Rd to B&O Road North Rd; southwest on B&O North Rd to Hwy 20; east on Hwy 20 to B&O Rd; south on B&O Rd to the Town of Malott and the bridge over the Okanogan River; north along the west bank of the Okanogan River to the Town of Riverside and the Tunk Valley road bridge; west on Tunk Valley road to State Street in Riverside; south on State Street to 2nd Street; west on 2nd Street to Hwy 97 and the point of beginning.

Deer Area No. 2016 Conconully (Okanogan County): Restricted to private land only located within the following boundary: Beginning at the Conconully town limit at the south edge of Town and the east shore of Conconully Reservoir; south along the east shore of the reservoir to Salmon Creek; south along the east bank of Salmon Creek to Salmon Creek road at the old Ruby Town site; south on Salmon Creek road to Green Lake road; northeast on Green Lake road to Conconully road; north on Conconully road to the south limit of the Town of Conconully and the point of beginning.

Deer Area No. 2017 Lake Chelan North (Chelan County): Restricted to private land only located within the following boundary: Beginning at the confluence of Purttteman Creek (Purttteman Gulch) and Lake Chelan; NE along Purttteman Creek to Boyd Road; E on Boyd Road to Purttteman Creek Road; N on Purttteman Creek Road to the USFS boundary; W along the USFS boundary to Canyon Ranch Road (Joe Creek); SE on Canyon Ranch Road to Grade Creek Road; SE on Grade Creek Road to Lower Joe Creek Road; SE on Lower Joe Creek Road to Emerson Acres Road; west on Emerson Acres Road to Lake Chelan; S along the north shore of Lake Chelan to the point of beginning.

Deer Area No. 3071 Whitcomb (Benton County): That part of GMU 373 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3072 Paterson (Benton County): That part of GMU 373 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3088 High Prairie (Klickitat County): That portion of GMU 388 (Grayback) that is south of SR 142.

Deer Area No. 3334 Ellensburg (Kittitas County): Beginning at the confluence of the Yakima River and Wilson Creek, north up Wilson Creek to the John Wayne Pioneer Trail, west and north on the John Wayne Pioneer Trail to State Hwy 10, north and west on State Hwy 10 to the Thorp Highway, south and east on the Thorp Highway to the Yakima River (Thorp Highway Bridge), south and upstream on the Yakima River to the confluence of Taneum Creek and the Yakima River, south and west up Taneum Creek to the South Branch Canal, south and east on the South

Branch Canal and South Branch Extension Canal to Umtanum Road, north on Umtanum Road to Lower Riverbottom Road, east and south on Lower Riverbottom Road to the Fogarty Ditch, south and east on the Fogarty Ditch to the Yakima River, south and east along the Yakima River to Wilson Creek and the point of beginning.

Deer Area No. 3372 Sunnyside (Yakima County): Beginning in Union Gap where I-82 crosses the Yakima River, follow I-82 east to the Yakima River Bridge in Prosser. Upstream on the Yakima River to the point of beginning. The islands in the Yakima River are on the Yakama Indian Reservation and are not part of the deer area.

Deer Area No. 3682 Ahtanum (Yakima County): That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to Hwy 12. Northeast on Hwy 12 to the Naches River. Southeast down the Naches River to Cowiche Creek. West up Cowiche Creek and the South Fork Cowiche Creek to Summitview Ave. Northwest on Summitview Ave to Cowiche Mill Road. West on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13. Southeast along the power line to Ahtanum Creek and the point of beginning.

Deer Area No. 4541 North Issaquah (King and Snohomish counties): That portion of GMU 454 beginning at the mouth of the Snohomish River at the city of Everett; SE up the Snohomish River to the Snoqualmie River; SE up the Snoqualmie River to NE Woodinville-Duvall Rd; E on NE Woodinville-Duvall Rd State Route (SR) 203 at the town of Duvall; S on SR 203 to SR 202 (Fall City-Snoqualmie Rd) at the town of Fall City; S on SR 202 (Fall City-Snoqualmie Rd), across the Snoqualmie River, to Preston-Fall City Rd; SW on Preston-Fall City Rd to SE 82nd St at the town of Preston; E on SE 82nd St to Interstate Hwy (I)-90; E on I-90 to SR 18; S and W on SR 18 to SR 99; N on SR 99 to SR 509; W on SR 509 to Redondo Way South; NW on Redondo Way South to the town of Redondo on Puget Sound; SW across East Passage to the Pierce-King county line at the point where the county line turns southeast, northwest of Dash Point; W and N along the King County line excluding Vashon-Maury Island; to the King, Snohomish, and Kitsap counties line junction in the Puget Sound West of Point Wells; N on the Snohomish County line through Possession Sound to a point on the Snohomish County line due West of the northern tip of Gedney Island (Hat Island); E to the northern tip of Gedney Island; E from the northern tip of Gedney Island to the mouth of the Snohomish River and the point of beginning.

Deer Area No. 5064: That part of GMU 564 in the Columbia River near the mouth of the Cowlitz River made up of Cottonwood Island and Howard Island.

~~((Deer Area No. 5382 Simeoe (Klickitat County): That area within GMU 382 designated as WDFW owned lands managed as the Simeoe Mountains Unit of the Klickitat Wildlife Area.))~~

Deer Area No. 6020 (Clallam and Jefferson counties): Dungeness-Miller Peninsula: That part of GMU 624 west of Discovery Bay and Salmon Creek.

OTS-5198.2

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

WAC 220-415-020 ((2021-2023)) 2024-2026 Deer general seasons and definitions. It is unlawful to fail to comply with the bag, possession, and season limits described below. Violations of this section are punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

Bag Limit: One (1) deer per hunter during the license year except where otherwise permitted by department rule.

Hunting Method: Hunters must select one of the hunting methods: Modern firearm, archery, or muzzleloader.

Any Buck Deer Seasons: Open only to the taking of deer with visible antlers (buck fawns illegal).

Antler Point: To qualify as an antler point, the point must be at least one inch long, measured on the longest side.

Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON AND DESIGNATED SPECIAL PERMIT SEASONS. Buck deer taken in antler restricted game management units (GMUs) must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Eye guards are antler points when they are at least one inch long.

3-point Minimum GMUs: All mule deer in 100, 200, and 300 series GMUs; white-tailed deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, 186, and black-tailed deer in GMU 578.

Permit-only Units: The following GMUs require a special permit to hunt deer: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed), 490 (Cedar River) and 522 (Loo-wit).

Types of deer that a person may legally hunt in Washington:

Black-tailed Deer: Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to the Klickitat River; south down Klickitat River to the Columbia River.

Mule Deer: Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to the Klickitat River; south down Klickitat River to the Columbia River.

White-tailed Deer: Any white-tailed deer (member of the species *Odocoileus virginianus*), except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

MODERN FIREARM DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: A valid modern firearm deer tag for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow, crossbow, or muzzleloader, but only during modern firearm seasons.

Hunt Season	((2024)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Mount Baker, Glacier Peak, Pasayten, Olympic Peninsula, and Henry Jackson Wilderness Areas and Lake Chelan Recreation Area	3 pt. min.
GENERAL SEASON					
Eastern Washington White-tailed Deer	((Oct. 16-29)) Oct. 12-25	((Oct. 15-28)) Oct. 11-24	((Oct. 14-27)) Oct. 17-30	101, 105, 108, 111, 113, 117, 121, 124	Any buck
	((Oct. 16-26)) Oct. 12-22	((Oct. 15-25)) Oct. 11-21	((Oct. 14-24)) Oct. 17-27	203 through 284	Any buck
	((Oct. 16-26)) Oct. 12-22	((Oct. 15-25)) Oct. 11-21	((Oct. 14-24)) Oct. 17-27	127 through 154, 162 through 186	3 pt. min.
	((Oct. 16-26)) Oct. 12-22	((Oct. 15-25)) Oct. 11-21	((Oct. 14-24)) Oct. 17-27	373, 379, 381	Any deer
Eastern Washington Mule Deer	((Oct. 16-26)) Oct. 12-22	((Oct. 15-25)) Oct. 11-21	((Oct. 14-24)) Oct. 17-27	101 through 154, 162 through 186, 203 through 284, 328, 330 through 368, 372, 373, 379, 381, 382 ((except closed in Deer Area 5382)), 388	3 pt. min.
Western Washington Black-tailed Deer	((Oct. 16-31)) Oct. 12-31	((Oct. 15-31)) Oct. 11-31	((Oct. 14-31)) Oct. 17 - Nov. 1	407, 418, 426, 437, 448, 450, 454, 460, 466, 501 through 520, 524 through 556, 560, 568, 572, 574, 601 through 621, 624 (except Deer Area 6020), 627 through 654, 658 through 699	Any buck
				410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 564, 655, Deer Area 6020	Any deer
	((Oct. 16-31)) Oct. 12-31	((Oct. 15-31)) Oct. 11-31	((Oct. 14-31)) Oct. 17 - Nov. 1	578	3 pt. min
LATE GENERAL SEASON					
Western Washington Black-tailed Deer	((Nov. 18-21)) Nov. 14-17	((Nov. 17-20)) Nov. 13-16	((Nov. 16-19)) Nov. 19-22	407, 454, 466, 501 through 520, 524 through 560, 568, 572, 601 through 621, 624 (except Deer Area 6020), 627 through 654, 658 through 699	Any buck
	((Nov. 18-21)) Nov. 14-17	((Nov. 17-20)) Nov. 13-16	((Nov. 16-19)) Nov. 19-22	410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 564, 655, Deer Area 6020	Any deer
Eastern Washington White-tailed Deer	((Nov. 6-19)) Nov. 9-19	((Nov. 5-19)) Nov. 8-19	((Nov. 11-19)) Nov. 7-19	105, 108, 111, 113, 117, 121, 124	Any buck
((HUNTERS 65 AND OVER AND DISABLED GENERAL SEASONS					

Hunt Season	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington White-tailed Deer	Oct. 23-26	Oct. 22-25	Oct. 21-24	145, 149, 154, Deer Area 1010, and 178	3 pt. min. or antlerless))
YOUTH GENERAL SEASONS					
Eastern Washington White-tailed Deer	((Oct. 23-29)) Oct. 19-25	((Oct. 22-28)) Oct. 25-31	((Oct. 21-27)) Oct. 24-30	124	Any deer
	((Oct. 23-26)) Oct. 19-22	((Oct. 22-25)) Oct. 25-28	((Oct. 21-24)) Oct. 24-27	127 through 142	3 pt. min. or antlerless
	((Oct. 16-26))	Oct. 15-25	Oct. 14-24	145, 149, 154, Deer Area 1010, and 178	3 pt. min. or antlerless))

ARCHERY DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: A valid archery deer tag for the area hunted.

Special Notes: Archery tag holders can only hunt during archery seasons with archery equipment (WAC 220-414-070).

Hunt Area	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
EARLY ARCHERY GENERAL DEER SEASONS					
Western Washington Black-tailed Deer	((Sept. 1-24)) Sept. 1-27	((Sept. 1-23)) Sept. 1-26	((Sept. 1-29)) Sept. 1-25	407 through 426, 437, 448, 450, 454, 466, 501, 504, 505, 554, 564, 568, 621 through 636, 648 through 652, 654 through 673, 684	Any deer
				460, 503, 574, 601 through 618, 638, 642, 653, 681 and 699	Any buck
				578	3 pt. min.
	((Sept. 1-19)) Sept. 1-22	((Sept. 1-18)) Sept. 1-21	((Sept. 1-24)) Sept. 1-20	510, 513, 516, 520, 524, 530, 556	Any deer
			506, 550, 560, 572	Any buck	
Eastern Washington Mule Deer	((Sept. 1-24)) Sept. 1-27	((Sept. 1-23)) Sept. 1-26	((Sept. 1-29)) Sept. 1-25	101 through 136, ((166 through 175, 181, 243, 334, 382 (except closed in Deer Area 5382))) 145, 149, 166 through 175, 186, 204 through 250, 254 through 278, 334, 382, 388	3 pt. min.
				139, 142, ((145, 149, 186, 244 through 247, 249, 250, 260,)) 284, 372, 373, 379, 381, Deer Area 3334	3 pt. min. or antlerless
	((Sept. 1-19)) Sept. 1-22	Sept. 1-25	Sept. 1-24	163, 178	3 pt. min. or antlerless))
	((Sept. 1-19)) Sept. 1-22	((Sept. 1-25)) Sept. 1-21	((Sept. 1-24)) Sept. 1-20	154, 162, 163, 178, 181, 251, 328, 335, 336, 340, 346, 352, 356, 360, 364, 368	3 pt. min.
	((Sept. 1-15)) Sept. 16-24	Sept. 1-15 Sept. 16-23	Sept. 1-15 Sept. 16-29	204 through 242, 248, 254, 262, 266, 269, 272, 278	3 pt. min. 3 pt. min. or antlerless))
Eastern Washington White-tailed Deer	((Sept. 1-24)) Sept. 1-27	((Sept. 1-23)) Sept. 1-26	((Sept. 1-29)) Sept. 1-25	101 through 124	Any buck
	Sept. 1-27	Sept. 1-26	Sept. 1-25	204 through 250, 254 through 284, 373, 379, 381	Any deer
	Sept. 1-27	Sept. 1-26	Sept. 1-25	((145, 149, 172, 181, 186	3 pt. min. or antlerless))
	Sept. 1-27	Sept. 1-26	Sept. 1-25	127 through 142, 145, 149, 166, 169, 172, 175, 186	3 pt. min.
	((Sept. 1-19)) Sept. 1-22	((Sept. 1-25)) Sept. 1-22	((Sept. 1-24)) Sept. 1-22	154, 162, 163, 178, 181	3 pt. min. ((or antlerless))
LATE ARCHERY GENERAL DEER SEASONS					
Western Washington Black-tailed Deer	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	437, 466, 510 through 520, 524	Any deer

Hunt Area	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	448, 460, 506, 530, 560, 572, 601, 603 through 618, 638, 642, 681, and 699	Any buck
	((Nov. 24 - Dec. 31)) Nov. 27 - Dec. 31	((Nov. 23 - Dec. 31)) Nov. 26 - Dec. 31	((Nov. 22 - Dec. 31)) Nov. 25 - Dec. 31	407, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 454, 505, 564, 624, 627, 636, 648, 652, 654, 655, 660 through 672	Any deer
Eastern Washington Mule Deer	((Nov. 24-30)) Nov. 27-30	((Nov. 21-30)) Nov. 26-30	((Nov. 21-30)) Nov. 25-30	209, 215, 233, 243, 250	3 pt. min.
	((Nov. 24 - Dec. 8)) Nov. 27 - Dec. 8	((Nov. 23 - Dec. 8)) Nov. 26 - Dec. 8	((Nov. 22 - Dec. 8)) Nov. 25 - Dec. 8	336, 342, 346, 352, 364, 388, Deer Area 3682	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178, 272, 278	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	((145, 163, 178, 272, 278,)) 373, Deer Area 3372	3 pt. min. or antlerless
	Dec. 1-8	Dec. 1-8	Dec. 1-8	GMU 382	3 pt. min.
Eastern Washington White-tailed Deer	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any buck
	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	105, 108, 117, 121, 124	Any buck
	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	127	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178, 272, 278	3 pt. min. ((or antlerless)))
	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	204, 209, 215, 233, 243	Any deer
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	373	Any deer

MUZZLELOADER DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: A valid muzzleloader deer tag for the area hunted.

Hunting Method: Muzzleloader (~~(only)~~) as defined under WAC 220-414-060, crossbow equipment as defined under WAC 220-414-100, or archery equipment as defined under WAC 220-414-070.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons (~~(and must hunt with muzzleloader equipment (WAC 220-414-060) or archery equipment (WAC 220-414-070))~~).

Hunt Area	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten, Mount Baker, Olympic Peninsula, and Henry Jackson Wilderness areas, and Lake Chelan Recreation Area	3 pt. min.
EARLY MUZZLELOADER GENERAL DEER SEASONS					
Western Washington Black-tailed Deer	((Sept. 25 - Oct. 3)) Sept. 28 - Oct. 6	((Sept. 24 - Oct. 2)) Sept. 27 - Oct. 5	((Sept. 30 - Oct. 8)) Sept. 26 - Oct. 4	407, 418, 426, 437, 448, 450, 501, 503, 504, 505, 506, 510, 513, 516, 520, 530, 550, 554, 560, 568, 572, 574, 603, 607, 612, 615, 621, 624 (except Deer Area 6020), 633 through 651, 660, 663, 672, 673	Any buck
				410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 454, 564, 627, 652, 655, 666, 684, and Deer Area 6020	Any deer
				578	3 pt. min.
Eastern Washington White-tailed Deer	((Sept. 25 - Oct. 3)) Sept. 28 - Oct. 6	((Sept. 24 - Oct. 2)) Sept. 27 - Oct. 5	((Sept. 30 - Oct. 8)) Sept. 26 - Oct. 4	101 through 124, 203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 247, 248, 250, 251, 254, 260, 262, 266, 269, 272, 278, 284	Any buck
				((145, 149	3 pt. min. or antlerless))

Hunt Area	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
				127, 130, 133, 136, 139, 142, <u>145</u> , <u>149</u> , 175, 181, 186	3 pt. min.
				373, 379	Any deer
Eastern Washington Mule Deer	((Sept. 25 - Oct. 3)) Sept. 28 - Oct. 6	((Sept. 24 - Oct. 2)) Sept. 27 - Oct. 5	((Sept. 30 - Oct. 8)) Sept. 26 - Oct. 4	101 through 149, 175, 181, 186, 203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 248, 250, 251, 254, 260, 262, 266, 269, 272, 278, 284, 328, 330 through 342, 352 through 368, 373, 379	3 pt. min.
Eastern Washington Mule Deer	((Sept. 25 - Oct. 3)) Sept. 28 - Oct. 6	((Sept. 24 - Oct. 2)) Sept. 27 - Oct. 5	((Sept. 30 - Oct. 8)) Sept. 26 - Oct. 4	Deer Areas 3334 and 3372	3 pt. min. or antlerless
LATE MUZZLELOADER GENERAL DEER SEASONS					
Western Washington Black-tailed Deer	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	407, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 454, 504, 564, 633, 654, 666, 667, and 684	Any deer
				448, 460, 501, 602, 621, 651, 658, and 673	Any buck
Eastern Washington White-tailed Deer	((Nov. 24 - Dec. 8)) Nov. 27 - Dec. 8	((Nov. 23 - Dec. 8)) Nov. 26 - Dec. 8	((Nov. 22 - Dec. 8)) Nov. 25 - Dec. 8	113	Any buck
	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	130, 133, 136, 139, 142	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	172, 181	3 pt. min.
	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	379, 381	Any deer
Eastern Washington Mule Deer	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	379, 381	3 pt. min.
	Nov. 20-30	Nov. 20-30	Nov. 20-30	382 ((except closed in Deer Area 5382))	3 pt. min.

OTS-5199.2

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

WAC 220-415-030 ((2023)) 2024 Deer special permits. It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

Deer Special Permit Hunting Seasons (Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "Any tag" under the "Weapon/Tag" restriction must use equipment consistent with the requirements of their transport tag and license.

Bag Limit: One (1) deer per hunter during the license year except where otherwise permitted by department rule, even if permits are drawn for more than one deer hunt category.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Kelly Hill White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 105	5
Kelly Hill Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 105	1
Douglas White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 108	5
Douglas Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 108	1
Aladdin White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 111	5
Aladdin Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 111	1
Selkirk Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 113	1
49 Degrees North White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 117	5
49 Degrees North Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 117	1
Huckleberry White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 121	5
Huckleberry Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 121	1
Mt. Spokane	Modern	Any	Nov. 1-24	Any buck	GMU 124	5
Mica Peak	Modern	Any	Nov. 1-24	3 pt. min.	GMU 127	5
Cheney	Modern	Any	Nov. 1-24	3 pt. min.	GMU 130	5
Roosevelt	Modern	Any	Nov. 1-24	3 pt. min.	GMU 133	5
Harrington	Modern	Any	Nov. 1-24	3 pt. min.	GMU 136	5
Steptoe	Modern	Any	Nov. 1-24	3 pt. min.	GMU 139	5
Almota	Modern	Any	Nov. 1-24	3 pt. min.	GMU 142	5
Dayton	Modern	Any	Nov. 20-24	3 pt. min.	GMU 162	5
Tucannon	Modern	Any	Nov. 20-24	3 pt. min.	GMU 166	2
Wenaha West	Modern	Any	Nov. 9-15	Mule deer, 3 pt. min.	Deer Area 1008	2
Wenaha East	Modern	Any	Nov. 9-15	Mule deer, 3 pt. min.	Deer Area 1009	5
Grande Ronde	Modern	Any	Nov. 20-24	3 pt. min.	GMU 186	1
East Okanogan	Modern	Any	Nov. 1-20	Any buck	GMU 204	10
Sinlahekin	Modern	Any	Nov. 1-20	Any buck	GMU 215	10
Chewuch	Modern	Any	Nov. 1-20	Any buck	GMU 218	15
Pearrygin	Modern	Any	Nov. 1-20	Any buck	GMU 224	15
Gardner	Modern	Any	Nov. 1-20	Any buck	GMU 231	10
Pogue	Modern	Any	Nov. 1-20	Any buck	GMU 233	15
Alta	Modern	Any	Nov. 1-20	Any buck	GMU 242	15
Manson	Modern	Any	Nov. 1-20	Any buck	GMU 243	7
Chiwawa	Modern	Any	Nov. 1-20	Any buck	GMU 245	((19)) 18
Slide Ridge	Modern	Any	Nov. 1-20	Any buck	GMU 246	9
Entiat	Modern	Any	Nov. 1-20	Any buck	GMU 247	15
Swakane	Modern	Any	Nov. 1-20	Any buck	GMU 250	9
Mission	Modern	Any	Nov. 1-20	Any buck	GMU 251	7
Desert	Modern	Any	((Oct. 21-29)) Oct. 19-27	Any buck	GMU 290	((18)) 24
Desert	Modern	Any	((Nov. 4-12)) Nov. 2-10	Any buck	GMU 290	5
Naneum	Modern	Any	((Nov. 13-19)) Nov. 11-17	Any buck	GMU 328	((14)) 15
Quilomene	Modern	Any	((Nov. 6-19)) Nov. 4-17	Any buck	GMU 329	20
Teanaway	Modern	Any	((Nov. 13-19)) Nov. 11-17	Any buck	GMU 335	((29)) 28

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
L.T. Murray	Modern	Any	((Nov. 13-19)) <u>Nov. 11-17</u>	Any buck	GMUs 336, 340	5
Bethel	Modern	Any	((Nov. 6-19)) <u>Nov. 4-17</u>	Any buck	GMU 360	5
Cowiche	Modern	Any	((Nov. 6-19)) <u>Nov. 4-17</u>	Any buck	GMU 368	10
Alkali	Modern	Any	((Oct. 28 - Nov. 12)) <u>Oct. 26 - Nov. 10</u>	Any buck	GMU 371	((8)) <u>10</u>
Grayback	Modern	Any	((Nov. 6-24)) <u>Nov. 4-24</u>	3 pt. min.	GMU 388	20
Nooksack	Modern	Any	Nov. 1-12	Any buck	GMU 418	25
Diablo	Modern	Any	Nov. 1-17	Any buck	GMU 426	10
Sauk	Modern	Any	Nov. 1-12	Any buck	GMU 437	25
Stillaguamish	Modern	Any	Nov. 1-17	Any buck	GMU 448	12
Snoqualmie	Modern	Any	Nov. 1-15	Any buck	GMU 460	10
Green River	Any tag	Any	((Nov. 4-10)) <u>Oct. 19-25</u>	Any buck	GMU 485	5
Lincoln	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 501	4
Mossyrock	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 505	2
Willapa Hills	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 506	4
Stormking	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 510	1
South Rainier	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 513	1
Packwood	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 516	1
Winston	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 520	4
Ryderwood	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 530	4
Coweeman	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 550	4
Toutle	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 556	1
Lewis River	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 560	1
Washougal	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 568	2
Siouxon	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 572	1
Wind River	Modern	Any	((Nov. 16-23)) <u>Nov. 14-21</u>	Any buck	GMU 574	20
West Klickitat	Modern	Any	((Nov. 16-23)) <u>Nov. 14-21</u>	3 pt. min.	GMU 578	15
Mason	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 633	10
Wynoochee	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 648	8
Satsop	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 651	10
White River	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 653	10
Mashel	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 654	10
Minot Peak	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 660	5
Capitol Peak	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 663	8
Skookumchuck	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 667	10

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Fall River	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 672	5
Chiliwist	Archery	Any	Nov. 21-30	Any buck	GMU 239	10
Chiwawa	Archery	Any	Dec. 1-8	Any buck	GMU 245	((6)) 7
Slide Ridge	Archery	Any	Dec. 1-8	Any buck	GMU 246	1
Entiat	Archery	Any	Nov. 21-30	Any buck	GMU 247	30
Desert	Archery	Any	Sept. 1-29	Any buck	GMU 290	10
Desert	Archery	Any	((Nov. 18 - Dec. 3)) Nov. 16 - Dec. 1	Any buck	GMU 290	((9)) 17
Naneum	Archery	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Any buck	GMU 328	5
Quilomene	Archery	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Any buck	GMU 329	((6)) 5
Teanaway	Archery	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Any buck	GMU 335	15
Kitsap	Archery	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 627	10
Skookumchuck	Archery	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 667	10
Blue Mtns. Foothills	Muzzleloader	Any	Nov. 20 - Dec. 8	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 166	45
Alta	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 242	10
Chiwawa	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 245	2
Slide Ridge	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 246	1
Mission	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 251	9
Desert	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Oct. 5-13	Any buck	GMU 290	2
Teanaway	Muzzleloader	Any	((Nov. 6-12)) Nov. 4-10	Any buck	GMU 335	((3)) 4
L.T. Murray	Muzzleloader	Any	((Nov. 6-12)) Nov. 4-10	Any buck	GMUs 336, 340	1
Bald Mountain	Muzzleloader	Any	((Nov. 6-12)) Nov. 4-10	Any buck	GMUs 342, 346	2
Naneum	Muzzleloader	Any	((Nov. 6-12)) Nov. 4-10	Any buck	GMU 328	1
Quilomene	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 21-29	Any buck	GMU 329	((3)) 2
Olympic	Muzzleloader	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 621	10

Bucks						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Palouse	Modern	Any	((Nov. 11-19)) Nov. 9-19	White-tailed, 3 pt. min.	GMUs 127-142	300
Blue Mtns. Foothills West	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 163, 166	60
Blue Mtns. Foothills East	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 145, 172, 178, 181	25
Mayview	Any tag	Any	Nov. 16-19	3 pt. min.	GMU 145	15
Lick Creek	Modern	Any	Nov. 20-24	3 pt. min.	GMU 175	1
East Okanogan	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 204	20
Sinlahekin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 215	20
Chewuch	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 218	10
Pearrygin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 224	10
Gardner	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 231	10
Pogue	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 233	10
Chiliwist	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 239	10
Alta	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 242	10

Bucks						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Ritzville	Modern	Any	Nov. 1-20	Any buck	GMU 284	((40)) <u>11</u>
((Simeee	Modern	Any	Oct. 14-24	3 pt. min.	Deer Area 5382	5))
Hoko	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 601	5
Sol Duc	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 607	5
Goodman	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 612	5
Clearwater	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 615	5
Quinault Ridge	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 638	1
North River	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 658	4
Williams Creek	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 673	3
Bear River-Long Beach	Modern	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMUs 681, 684	2
<u>St. Andrews</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-20</u>	<u>Any buck</u>	<u>GMU 254</u>	<u>4</u>
Parker Lake	Archery	Any	Sept. 1-30 and Nov. 19 - Dec. 1	Any white-tailed buck	Deer Area 1031	5
Big Bend	Archery	Any	Dec. 1-8	Any buck	GMU 248	10
Ritzville	Archery	Any	Dec. 1-16	Any buck	GMU 284	((40)) <u>6</u>
Alkali	Archery	Any	((Sept. 1-22)) <u>Sept. 1-20</u>	Any buck	GMU 371	2
Ringold	Archery	Any	Nov. 15-24	((3 pt. min.)) <u>Any buck</u>	GMU 379	5
Whitcomb	Archery	Any	((Oct. 1-13)) <u>Sept. 29 - Oct. 11</u>	Any buck	Deer Area 3071	10
Paterson	Archery	Any	((Oct. 1-13)) <u>Sept. 29 - Oct. 11</u>	Any buck	Deer Area 3072	10
((Simeee	Archery	Any	Sept. 1-29 and Dec. 1-8	3 pt. min.	Deer Area 5382	3))
West Klickitat	Archery	Any	((Nov. 24-30)) <u>Nov. 22-30</u>	3 pt. min.	GMU 578	20
Skokomish	Archery	Any	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 636	5
Parker Lake	Muzzleloader	Any	Oct. 1-31 and Dec. 2-14	Any white-tailed buck	Deer Area 1031	5
Blue Creek	Muzzleloader	Any	((Sept. 23 - Oct. 1)) <u>Sept. 28 - Oct. 6</u>	3 pt. min.	GMU 154	10
Dayton	Muzzleloader	Any	((Sept. 23 - Oct. 1)) <u>Sept. 28 - Oct. 6</u>	3 pt. min.	GMU 162	15
Marengo	Muzzleloader	Any	((Sept. 23 - Oct. 1)) <u>Sept. 28 - Oct. 6</u>	3 pt. min.	GMU 163	10
Tucannon	Muzzleloader	Any	((Sept. 23 - Oct. 1)) <u>Sept. 28 - Oct. 6</u>	3 pt. min.	GMU 166	5
Wenaha	Muzzleloader	Any	((Sept. 23 - Oct. 1)) <u>Sept. 28 - Oct. 6</u>	3 pt. min.	GMU 169	20
Mountain View	Muzzleloader	Any	((Sept. 23 - Oct. 1)) <u>Sept. 28 - Oct. 6</u>	3 pt. min.	GMU 172	15
Peola	Muzzleloader	Any	((Sept. 23 - Oct. 1)) <u>Sept. 28 - Oct. 6</u>	3 pt. min.	GMU 178	10
Ritzville	Muzzleloader	Any	((Nov. 18-26)) <u>Nov. 21-30</u>	Any buck	GMU 284	1
Alkali	Muzzleloader	Any	((Sept. 23 - Oct. 13)) <u>Sept. 21 - Oct. 11</u>	Any buck	GMU 371	1
Kahlotus	Muzzleloader	Any	((Sept. 30 - Oct. 8)) <u>Sept. 28 - Oct. 6</u>	Any buck	GMU 381	20
Whitcomb	Muzzleloader	Any	Nov. 18-26	Any buck	Deer Area 3071	5
Paterson	Muzzleloader	Any	Nov. 18-26	Any buck	Deer Area 3072	5

Bucks						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
((Simeoe	Muzzleloader	Any	Nov. 20-30	3 pt. min.	Deer Area 5382	3))
West Klickitat	Muzzleloader	Any	Dec. 1-8	3 pt. min.	GMU 578	20
Dickey	Muzzleloader	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 602	5
Copolis-Matheny	Muzzleloader	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMUs 618, 642	5
<u>Moses Coulee</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Nov. 25 - Dec. 3</u>	<u>Any buck</u>	<u>GMU 269</u>	<u>3</u>
Antlerless						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	15
Prescott	Modern	Any	Nov. 1-12	Antlerless	GMU 149	20
Blue Creek	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 154	15
Dayton	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 162	15
Ten Ten	Modern	Any	Nov. 9-19	Antlerless	Deer Area 1010	5
Marengo	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 163	15
Marengo	Modern	Any	Nov. 1-12	Antlerless	GMU 163	5
Peola	Modern	Any	Nov. 1-12	Antlerless	GMU 178	10
((Lincoln	Modern	Any	Oct. 14-31	Antlerless	GMU 501	15
Mossyrock	Modern	Any	Oct. 14-31	Antlerless	GMU 505	30
Winston	Modern	Any	Oct. 14-31	Antlerless	GMU 520	20))
<u>Beezley</u>	<u>Archery</u>	<u>Any</u>	<u>Sept. 1-27</u>	<u>Antlerless</u>	<u>GMU 272</u>	<u>40</u>
<u>Beezley</u>	<u>Archery</u>	<u>Any</u>	<u>Nov. 20 - Dec. 8</u>	<u>Antlerless</u>	<u>GMU 272</u>	<u>40</u>
<u>Wahluke</u>	<u>Archery</u>	<u>Any</u>	<u>Sept. 1-27</u>	<u>Antlerless</u>	<u>GMU 278</u>	<u>40</u>
<u>Wahluke</u>	<u>Archery</u>	<u>Any</u>	<u>Nov. 20 - Dec. 8</u>	<u>Antlerless</u>	<u>GMU 278</u>	<u>40</u>
Ryderwood	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 530	10
Olympic	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 621	15
Coyle	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 624	15
Kitsap	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 627	25
Mason	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 633	20
Skokomish	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 636	5
Wynoochee	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 648	30
Satsop	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 651	15
Mashel	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 654	10
North River	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 658	10
Minot Peak	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 660	20
Capitol Peak	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 663	5
Skookumchuck	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 667	20
Williams Creek	Modern	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 673	5
Mashel	Archery	Any	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 654	10
Whitcomb	Archery	Any	Oct. 17-29	Antlerless	Deer Area 3071	10
Paterson	Archery	Any	Oct. 17-29	Antlerless	Deer Area 3072	10
Whitcomb	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3071	10
Paterson	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3072	10

Antlerless						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Washtucna	Muzzleloader	Any	Nov. 25 - Dec. 8	Mule deer, antlerless	GMUs 139, 142, 284, 381	200
Mayview	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Mule deer, antlerless	GMU 145	5
Prescott	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Antlerless	GMU 149	10
Blue Creek	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Antlerless	GMU 154	10
Ten Ten	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Antlerless	Deer Area 1010	10
Marengo	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Antlerless	GMU 163	5
Peola	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Antlerless	GMU 178	5
Mossyrook	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 505	10
Winston	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 520	5
Ryderwood	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 530	10
Coweeman	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 550	10
Yale	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 554	2
Olympic	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 621	25
Coyle	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 624	20
Mason	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 633	35
Skokomish	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 636	10
Wynoochee	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 648	((30)) 25
Satsop	Muzzleloader	Any	((Nov. 22 - Dec. 15)) Nov. 27 - Dec. 15	Antlerless	GMU 651	30
Mashel	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 654	20
North River	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 658	8
Minot Peak	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 660	5
Capitol Peak	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 663	5
Williams Creek	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 673	5

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Benge	Any	Any	((Dec. 16-24)) Dec. 17-24	Antlerless	Deer Area 2010	5
Lakeview	Any	Any	Jan. 1-30, ((2022)) 2024	Antlerless	Deer Area 2011	5
Methow	Any	Any	((Sept. 5 - Oct. 8)) Sept. 3 - Oct. 6	Antlerless	Deer Area 2012	5
North Okanogan	Any	Any	((Sept. 5 - Oct. 8)) Sept. 3 - Oct. 6	Antlerless	Deer Area 2013	5
Central Okanogan	Any	Any	((Sept. 5 - Oct. 8)) Sept. 3 - Oct. 6	Antlerless	Deer Area 2014	5
Omak	Any	Any	((Sept. 5 - Oct. 8)) Sept. 3 - Oct. 6	Antlerless	Deer Area 2015	5

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Conconully	Any	Any	((Sept. 5 – Oct. 8)) Sept. 3 - Oct. 6	Antlerless	Deer Area 2016	5
Lake Chelan North	Any	Any	Aug. 1-31	Antlerless	Deer Area 2017	45
North Issaquah	Any	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	Deer Area 4541	10
Mt. Spokane	Modern	Any	((Oct. 14-27 and Nov. 11-19)) Oct. 12-25 and Nov. 9-19	Antlerless	GMU 124	5
Mica Peak	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 127	5
Cheney Mule Deer	Modern	Any	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 130	60
Cheney White-tailed Deer	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Modern	Any	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 133	90
Roosevelt White-tailed Deer	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 133	5
Harrington	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 136	90
Step toe	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 139	5
Almota	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 142	5
Washtucna	Modern	Any	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMUs 139, 142, 284, 381	350
East Okanogan	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 204	5
Sinlahekin	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 215	5
Chewuch	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 218	5
Pearygin	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 224	5
Gardner	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 231	5
Pogue	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 233	5
Chiliwist	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 239	5
Alta	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 242	5
Big Bend	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 248	((20)) 10
St. Andrews	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 254	((15)) 8
Foster Creek	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 260	((15)) 8
Withrow	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 262	((15)) 8
Badger	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 266	((15)) 8
Desert	Modern	Any	((Dec. 9-24)) Dec. 7-22	Antlerless	GMU 290	25
Kahlotus	Modern	Any	Dec. 9-17	Antlerless	GMU 381	10
Orcas	Any	Any	Sept. 1 - Dec. 31	Antlerless	GMU 411	145
Shaw	Any	Any	Sept. 1 - Dec. 31	Antlerless	GMU 412	((40)) 25

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
San Juan	Any	Any	Sept. 1 - Dec. 31	Antlerless	GMU 413	((130)) 140
Lopez	Any	Any	Sept. 1 - Dec. 31	Antlerless	GMU 414	150
Blakely	Any	Any	Aug. 1 - Dec. 31	Antlerless	GMU 415	70
Decatur	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 416	5
Cypress	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 417	30
Guemes	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 419	20
Whidbey	Any	Any	Aug. 1 - Dec. 31	Antlerless	GMU 420	275
Camano	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 421	30
Vashon-Maury	Any	Any	Aug. 1 - Dec. 31	Antlerless	GMU 422	200
Anderson	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 655	30
Deschutes	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 666	40
Mt. Spokane	Archery	Any	((Sept. 1-29 and Nov. 25-Dec. 15)) Sept. 1-27 and Nov. 25 - Dec. 15	Antlerless	GMU 124	5
Mica Peak	Archery	Any	((Sept. 1-29 and Nov. 25-Dec. 15)) Sept. 1-27 and Nov. 25 - Dec. 15	Antlerless	GMU 127	5
Cheney Mule Deer	Archery	Any	((Sept. 1-29)) Sept. 1-27	Mule deer, antlerless	GMU 130	20
Cheney White-tailed Deer	Archery	Any	((Sept. 1-29)) Sept. 1-27	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Archery	Any	((Sept. 1-29)) Sept. 1-27	Mule deer, antlerless	GMU 133	20
Roosevelt White-tailed Deer	Archery	Any	((Sept. 1-29)) Sept. 1-27	White-tailed, antlerless	GMU 133	5
Harrington	Archery	Any	((Sept. 1-29)) Sept. 1-27	Antlerless	GMU 136	30
Step toe	Archery	Any	((Sept. 1-29)) Sept. 1-27	White-tailed, antlerless	GMU 139	5
Almota	Archery	Any	((Sept. 1-29)) Sept. 1-27	White-tailed, antlerless	GMU 142	5
Decatur	Archery	Any	((Sept. 1-29 and Nov. 22-Dec. 31)) Sept. 1-27 and Nov. 27 - Dec. 31	Antlerless	GMU 416	5
Cypress	Archery	Any	((Sept. 1-29 and Nov. 22-Dec. 31)) Sept. 1-27 and Nov. 27 - Dec. 31	Antlerless	GMU 417	20
Guemes	Archery	Any	((Sept. 1-29 and Nov. 22-Dec. 31)) Sept. 1-27 and Nov. 27 - Dec. 31	Antlerless	GMU 419	10

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Camano	Archery	Any	((Sept. 1-29 and Nov. 22-Dec. 31)) <u>Sept. 1-27 and Nov. 27 - Dec. 31</u>	Antlerless	GMU 421	25
Miller	Archery	Any	Dec. 15-31	Antlerless	Deer Area 6020	40
Anderson	Archery	Any	((Sept. 1-29 and Nov. 22-Dec. 31)) <u>Sept. 1-27 and Nov. 27 - Dec. 31</u>	Antlerless	GMU 655	10
Mt. Spokane	Muzzleloader	Any	((Sept. 30-Oct. 8)) <u>Sept. 28 - Oct. 6</u>	Antlerless	GMU 124	5
Mica Peak	Muzzleloader	Any	((Sept. 30-Oct. 8)) <u>Sept. 28 - Oct. 6</u>	Antlerless	GMU 127	5
Cheney Mule Deer	Muzzleloader	Any	((Sept. 30-Oct. 8)) <u>Sept. 28 - Oct. 6</u>	Mule deer, antlerless	GMU 130	10
Cheney White-tailed Deer	Muzzleloader	Any	((Sept. 23-Oct. 1 and Nov. 25-Dec. 8)) <u>Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8</u>	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Muzzleloader	Any	((Sept. 30-Oct. 8)) <u>Sept. 28 - Oct. 6</u>	Mule deer, antlerless	GMU 133	10
Roosevelt White-tailed Deer	Muzzleloader	Any	((Sept. 30-Oct. 8 and Nov. 25-Dec. 8)) <u>Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8</u>	White-tailed, antlerless	GMU 133	5
Harrington	Muzzleloader	Any	((Sept. 30-Oct. 8)) <u>Sept. 28 - Oct. 6</u>	Antlerless	GMU 136	10
Step toe	Muzzleloader	Any	((Sept. 30-Oct. 8 and Nov. 25-Dec. 8)) <u>Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8</u>	White-tailed, antlerless	GMU 139	5
Almota	Muzzleloader	Any	((Sept. 30-Oct. 8 and Nov. 25-Dec. 8)) <u>Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8</u>	White-tailed, antlerless	GMU 142	5
Foster Creek	Muzzleloader	Any	Sept. 30 - Oct. 8	Antlerless	GMU 260	((40)) <u>5</u>
Moses Coulee	Muzzleloader	Any	Sept. 30 - Oct. 8	Antlerless	GMU 269	((40)) <u>5</u>
Lakeview	Muzzleloader	Any	Nov. 1-18	Antlerless	Deer Area 2011	5
Decatur	Muzzleloader	Any	((Sept. 30-Oct. 8 and Nov. 22-Dec. 15)) <u>Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15</u>	Antlerless	GMU 416	5
Cypress	Muzzleloader	Any	((Sept. 30-Oct. 8 and Nov. 22-Dec. 15)) <u>Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15</u>	Antlerless	GMU 417	20
Guemes	Muzzleloader	Any	((Sept. 30-Oct. 8 and Nov. 22-Dec. 15)) <u>Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15</u>	Antlerless	GMU 419	10
Camano	Muzzleloader	Any	((Sept. 30-Oct. 8 and Nov. 22-Dec. 15)) <u>Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15</u>	Antlerless	GMU 421	20
Anderson	Muzzleloader	Any	((Sept. 30-Oct. 8 and Nov. 22-Dec. 15)) <u>Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15</u>	Antlerless	GMU 655	5
Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Washtucna	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Any deer	GMUs 139, 142, 284, 381	100

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Mtns. Foothills West	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Antlerless	GMUs 149, 154, 163, Deer Area 1010	30
Blue Mtns. Foothills East	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Antlerless	GMUs 145, 172, 178, 181	20
Mayview	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Any deer	GMU 145	15
Prescott	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Any deer	GMU 149	20
Blue Creek	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Any deer	GMU 154	5
Dayton	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Any deer	GMU 162	5
Peola	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Any deer	GMU 178	10
Tucannon	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Any deer	GMU 166	5
Couse	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Any deer	GMU 181	10
Grande Ronde	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Any deer	GMU 186	3
East Okanogan	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	<u>Any buck, white-tailed antlerless</u>	GMU 204	((3)) <u>5</u>
Wannacut	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	<u>Any buck, white-tailed antlerless</u>	GMU 209	((3)) <u>5</u>
Sinlahekin	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	<u>Any buck, white-tailed antlerless</u>	GMU 215	((3)) <u>5</u>
Chewuch	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	<u>Any buck, white-tailed antlerless</u>	GMU 218	((3)) <u>5</u>
Pearrygin	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	<u>Any buck, white-tailed antlerless</u>	GMU 224	((3)) <u>5</u>
Gardner	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	<u>Any buck, white-tailed antlerless</u>	GMU 231	((3)) <u>5</u>
Pogue	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	<u>Any buck, white-tailed antlerless</u>	GMU 233	((3)) <u>5</u>
Chiliwist	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	<u>Any buck, white-tailed antlerless</u>	GMU 239	((3)) <u>5</u>
Alta	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	<u>Any buck, white-tailed antlerless</u>	GMU 242	((3)) <u>5</u>
Chiwawa	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	((Antlerless)) <u>Any deer</u>	GMU 245	((3)) <u>2</u>
Entiat	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	((Antlerless)) <u>Any deer</u>	GMU 247	((3)) <u>2</u>
Swakane	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	((Antlerless)) <u>Any deer</u>	GMU 250	((3)) <u>2</u>
Mission	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	((Antlerless)) <u>Any deer</u>	GMU 251	((5)) <u>3</u>
Bridgeport	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	((Antlerless)) <u>Any deer</u>	GMUs 248, 260	20
Palisades	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	((Antlerless)) <u>Any deer</u>	GMUs 266, 269	20
Beezley	Modern	Youth	((Oct. 14-29)) <u>Oct. 12-22</u>	Any deer	GMU 272	40
Benge	Modern	Youth	Oct. 28 - Nov. 5	Antlerless	Deer Area 2010	30
Desert	Modern	Youth	((Dec. 2-24)) <u>Dec. 7-29</u>	Antlerless	GMU 290	12
Horse Heaven Hills	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Antlerless	GMU 373	10
Ringold	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Antlerless	GMU 379	10
((Simeoe	Modern	Youth	Oct. 14-24	Any deer	Deer Area 5382	3))

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
East Klickitat	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Any buck	GMU 382 ((except CLOSED in Deer Area 5382)))	5
East Klickitat	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Antlerless	GMU 382 ((except CLOSED in Deer Area 5382)))	5
Grayback	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Any buck	GMU 388	5
Grayback	Modern	Youth	((Oct. 14-24)) <u>Oct. 12-22</u>	Antlerless	GMU 388	5
Green River	Any	Youth	((Nov. 4-10)) <u>Oct. 19-25</u>	Any buck	GMU 485	3
Lincoln	Modern	Youth	((Oct. 15-31)) <u>Oct. 12-31</u>	Antlerless	GMU 501	10
Randle	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 503	5
Mossyrock	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 505	10
Stormking	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 510	5
South Rainier	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 513	5
Packwood	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 516	5
Winston	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 520	10
Ryderwood	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 530	10
Coweeman	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 550	10
Yale	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 554	3
Toutle	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 556	15
Lewis River	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 560	5
Washougal	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 568	5
Siouxon	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 572	5
Wind River	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 574	5
West Klickitat	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Any buck	GMU 578	5
West Klickitat	Modern	Youth	((Oct. 14-31)) <u>Oct. 12-31</u>	Antlerless	GMU 578	5
Pysht	Modern	Youth	((Nov. 1-15)) <u>Nov. 1-13</u>	Any buck	GMU 603	5
Olympic	Modern	Youth	((Oct. 9-31)) <u>Oct. 7-31</u>	Any deer	GMU 621	20
Coyle	Modern	Youth	((Oct. 9-31)) <u>Oct. 7-31</u>	Any deer	GMU 624	20
Kitsap	Modern	Youth	((Oct. 9-31)) <u>Oct. 7-31</u>	Any deer	GMU 627	20
Mason	Modern	Youth	((Nov. 1-19)) <u>Nov. 1-17</u>	Any deer	GMU 633	25
Skokomish	Modern	Youth	((Oct. 9-31)) <u>Oct. 7-31</u>	Any deer	GMU 636	15
Wynoochee	Modern	Youth	((Oct. 9-31)) <u>Oct. 7-31</u>	Any deer	GMU 648	20
Satsop	Modern	Youth	((Oct. 9-31)) <u>Oct. 7-31</u>	Any deer	GMU 651	20

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mashel	Modern	Youth	((Oct. 7-31)) Oct. 5-31	Antlerless	GMU 654	15
North River	Modern	Youth	((Oct. 7-31)) Oct. 5-31	Antlerless	GMU 658	5
Minot Peak	Modern	Youth	((Oct. 9-31)) Oct. 7-31	Any deer	GMU 660	((40)) 5
Minot Peak	Modern	Youth	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 660	4
Capitol Peak	Modern	Youth	((Oct. 9-31)) Oct. 7-31	Any deer	GMU 663	5
Skookumchuck	Modern	Youth	((Oct. 7-31)) Oct. 5-31	Antlerless	GMU 667	15
Skookumchuck	Modern	Youth	((Oct. 7-31)) Oct. 5-31	Any buck	GMU 667	20
East Okanogan	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any buck, white-tailed antlerless	GMU 204	3
Wannacut	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any buck, white-tailed antlerless	GMU 209	3
Pogue	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any buck, white-tailed antlerless	GMU 233	3
Chiliwist	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any buck, white-tailed antlerless	GMU 239	3
Alta	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any buck, white-tailed antlerless	GMU 242	3
Mission	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	((Antlerless)) Any deer	GMU 251	((3)) 2
Whitcomb	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3071	5
Paterson	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3072	5
Region 3	Modern, Muzzleloader	Youth	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 3	20 ^{HC}
Region 5	Modern, Muzzleloader, Archery	Youth with mentor	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 5	5 ^{HC}

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mt. Spokane	Modern	((Any)) 65+	((Oct. 14-27 and Nov. 11-19)) Oct. 12-25 and Nov. 9-19	Antlerless	GMU 124	5
Mica Peak	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 127	5
Cheney Mule Deer	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 130	10
Cheney White-tailed Deer	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 133	15
Roosevelt White-tailed Deer	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 133	5
Harrington	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 136	10
Step toe	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 139	5
Almota	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 142	5
Washtucna	Modern	65+	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMUs 139, 142, 284, 381	20
Blue Mtns. Foothills	Modern	65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010, 178, 181	15
East Okanogan	Modern	65+	((Oct. 14-24)) Oct. 12-22	Any buck, white-tailed antlerless	GMU 204	((3)) 5

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Wannacut	Modern	65+	((Oct. 14-24)) Oct. 12-22	Any buck, white-tailed antlerless	GMU 209	((3)) 5
Sinlahekin	Modern	65+	((Oct. 14-24)) Oct. 12-22	Any buck, white-tailed antlerless	GMU 215	((3)) 5
Chewuch	Modern	65+	((Oct. 14-24)) Oct. 12-22	Any buck, white-tailed antlerless	GMU 218	((3)) 5
Pearygin	Modern	65+	((Oct. 14-24)) Oct. 12-22	Any buck, white-tailed antlerless	GMU 224	((3)) 5
Gardner	Modern	65+	((Oct. 14-24)) Oct. 12-22	Any buck, white-tailed antlerless	GMU 231	((3)) 5
Pogue	Modern	65+	((Oct. 14-24)) Oct. 12-22	Any buck, white-tailed antlerless	GMU 233	((3)) 5
Chiliwist	Modern	65+	((Oct. 14-24)) Oct. 12-22	Any buck, white-tailed antlerless	GMU 239	((3)) 5
Alta	Modern	65+	((Oct. 14-24)) Oct. 12-22	Any buck, white-tailed antlerless	GMU 242	((3)) 5
Chiwawa	Modern	65+	((Oct. 14-24)) Oct. 12-22	((Antlerless)) Any deer	GMU 245	((5)) 3
Entiat	Modern	65+	((Oct. 14-24)) Oct. 12-22	((Antlerless)) Any deer	GMU 247	((5)) 3
Swakane	Modern	65+	((Oct. 14-24)) Oct. 12-22	((Antlerless)) Any deer	GMU 250	((5)) 3
Mission	Modern	65+	((Oct. 14-24)) Oct. 12-22	((Antlerless)) Any deer	GMU 251	((5)) 3
Bridgeport	Modern	65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 248, 260	5
Palisades	Modern	65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 266, 269	5
Rattlesnake Hills	Modern	65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 372	10
Horse Heaven Hills	Modern	65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 373	10
North Issaquah	Any	65+	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	Deer Area 4541	10
Lincoln	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 501	5
Mossyrock	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 505	5
Winston	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 520	5
Yale	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 554	2
Toutle	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 556	5
Washougal	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 568	2
Olympic	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 621	5
Coyle	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 624	5
Kitsap	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 627	10
Mason	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 633	20
Skokomish	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 636	5
Wynoochee	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 648	20
Satsop	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 651	10
Mashel	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 654	10

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North River	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 658	5
Minot Peak	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 660	((15)) 10
Capitol Peak	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 663	5

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mt. Spokane	Modern	((Any)) Hunter with Disability	((Oct. 14-27 and Nov. 11-19)) Oct. 12-25 and Nov. 9-19	Antlerless	GMU 124	5
Mica Peak	Modern	((Any)) Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 127	5
Cheney Mule Deer	Modern	((Any)) Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 130	10
Cheney White-tailed Deer	Modern	((Any)) Hunter with Disability	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Modern	((Any)) Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 133	15
Roosevelt White- tailed Deer	Modern	((Any)) Hunter with Disability	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 133	5
Harrington	Modern	((Any)) Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 136	10
Steptoe	Modern	((Any)) Hunter with Disability	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 139	5
Almota	Modern	((Any)) Hunter with Disability	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 142	5
Washtucna	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMUs 139, 142, 284, 381	20
Blue Mtns. Foothills	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010, 178, 181	10
East Okanogan	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 204	((3)) 5
Wannacut	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 209	((3)) 5
Sinlahekin	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 215	((3)) 5
Chewuch	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 218	((3)) 5
Pearygin	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 224	((3)) 5
Gardner	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 231	((3)) 5
Pogue	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 233	((3)) 5
Chiliwist	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 239	((3)) 5
Alta	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 242	((3)) 5
Chiwawa	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	((Antlerless)) Any deer	GMU 245	((3)) 2
Entiat	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	((Antlerless)) Any deer	GMU 247	((3)) 2
Mission	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	((Antlerless)) Any deer	GMU 251	((3)) 2

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Saint Andrews	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 254	5
Bridgeport	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 248, 260	5
Palisades	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 266, 269	5
Beezley	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 272	10
Horse Heaven Hills	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 373	10
Kahlotus	Modern	Hunter with Disability	Nov. 1-14	Antlerless	GMU 381	10
North Issaquah	Any	Hunter with Disability	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	Deer Area 4541	10
Green River	Any	Hunter with Disability	((Nov. 4-10)) Oct. 19-25	Any buck	GMU 485	2
Lincoln	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 501	2
Mossyrock	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 505	3
Winston	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 520	2
Toutle	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 556	3
Washougal	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 568	2
Olympic	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 621	5
Skokomish	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 636	10
Satsop	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 651	10
Mashel	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 654	10
North River	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 658	2
Minot Peak	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 660	5
Capitol Peak	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 663	5
Skookumchuck	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 667	10
Fall River	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 672	2
Fall River	Modern	Hunter with Disability	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 672	5
East Okanogan	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	<u>Any buck, white-tailed antlerless</u>	GMU 204	3
Sinlahekin	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	<u>Any buck, white-tailed antlerless</u>	GMU 215	3
Gardner	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	<u>Any buck, white-tailed antlerless</u>	GMU 231	3
Chiwawa	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 245	3
Entiat	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 247	3
Mission	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 251	3
Saint Andrews	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 254	5
Bridgeport	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMUs 248, 260	5

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Palisades	Muzzleloader	Hunter with Disability	((Sept. 30–Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMUs 266, 269	5
Olympic	Muzzleloader	Hunter with Disability	((Sept. 30–Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 621	5
Wynoochee	Muzzleloader	Hunter with Disability	((Sept. 30–Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 648	5
North River	Muzzleloader	Hunter with Disability	((Sept. 30–Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 658	1
Capitol Peak	Muzzleloader	Hunter with Disability	((Sept. 30–Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 663	2
Skookumchuck	Muzzleloader	Hunter with Disability	((Sept. 30–Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 667	10

Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one deer may be killed in the unit under the authorization of the special permit.

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Region 1	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 1	20 ^{HC}
Region 1	Archery/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 1	10 ^{HC}
Region 2	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 2	10 ^{HC}
Region 3	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 3	40 ^{HC}
Region 5	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 5	5 ^{HC}
Region 6	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	July 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 6	10 ^{HC}

^{HC} This is a damage hunt administered by a WDFW designated hunt coordinator. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year, depending on elk damage activity for that year.

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> - Special deer permits will be allocated through a random drawing to those hunter education instructors who qualify. - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons. - Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. - Permittees may purchase a second license for use with the permit hunt only. <p>Qualified hunter education instructors may only receive one incentive permit each year.</p>				
Area	Dates	Restrictions	GMUs	Permits
Region 1	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any white-tailed deer	Any 100 series GMU EXCEPT GMU 157	3
Region 2		Any white-tailed deer	GMUs 204, 215, 233, 239	1
Region 2		Any white-tailed deer	GMUs 218, 224, 231, 242	1
Region 2		Any deer	GMUs 218, 231	1
Region 2		Any deer	GMUs 245, 247	1
Region 2		Any deer	GMU 290	1
Region 3		Any deer	GMUs 335-368	2
Region 4		Any deer	Any 400 series GMU EXCEPT GMUs 485 and 490	4
Region 5		Any deer	All 500 series GMUs EXCEPT GMUs 522 and 578	3
Region 6	Any deer	Any 600 series GMU	4	

OTS-5200.1

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

WAC 220-415-040 Elk area descriptions.

The following areas are defined as elk areas:

Elk Area No. 1008 West Wenaha (Columbia County): That part of GMU 169 west of USFS trail 3112 from Tepee Camp (east fork of Butte Creek) to Butte Creek, and west of Butte Creek to the Washington-Oregon state line.

Elk Area No. 1009 East Wenaha (Columbia, Garfield, Asotin counties): That portion of GMU 169 east of USFS trail 3112 from Tepee Camp (east fork Butte Creek) to Butte Creek, and east of Butte Creek to the Washington-Oregon state line.

Elk Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1013 (Asotin County): GMU 172, excluding National Forest lands and (~~the 4-O Ranch Wildlife Area~~) all WDFW and Washington department of natural resources lands.

Elk Area No. 1015 Turnbull (Spokane County): Located in GMU 130, designated areas within the boundaries of Turnbull National Wildlife Refuge.

Elk Area No. 1016 (Columbia County): GMU-162 Dayton, excluding the Rainwater Wildlife Area.

Elk Area No. 1021 Fruitland (Stevens County): That portion of GMU 121 within the following area: From the intersection of the Spokane Reservation boundary and Washington State Highway 25, continuing north on Washington State Highway 25 to the northern boundary of T30N R37E section 18. East on the northern boundary of T30N R37E sections 18, 17, 16, 15, and 14, then south along the eastern boundaries of T30N R37E sections 14, 23, 26, and 35 until it intersects with Fruitland Valley Road. West along Fruitland Valley Road until the intersection with Turk Rd. Following Turk Road southwest until it intersects with Coyote Canyon Rd. Following Coyote Canyon Rd west and south until it intersects with the DNR property line (T29N R37E section 16). Follow the western DNR boundary (section 16) south to the NW corner of T29N R37E section 21. Follow the western edge of section 21 to the reservation boundary and back west to the beginning.

Elk Area No. 1054 (Walla Walla County): GMU-154 Blue Creek, starting at the Mill Creek Rd and Oregon state line, north and west along Mill Creek Rd to E. Isaacs Ave. North on Interchange Rd to Hwy 12, West on Hwy 12 to Hwy 125. South on Hwy 125 to the Oregon state line, east on the WA-OR stateline to the starting point.

Elk Area No. 1075 (Asotin County): Private land (excluding WDFW lands) within GMU 175 within the following area: From the intersection of the South Fork Asotin Creek Rd and Campbell Grade Rd, continuing south until the South Fork Asotin Creek Rd crosses the South Fork of Asotin Creek. South along the South Fork of Asotin Creek until it intersects with the USFS property line, due south along the USFS boundary until it reaches the Cloverland Rd. NE along the Cloverland Rd to the intersection of the Parsons Rd (Back Rd), north along the Parsons Rd (Back Rd) to Campbell Grade Rd, west on Campbell Grade Rd to the intersection with South Fork Asotin Creek Rd and the point of beginning.

Elk Area No. 1081 (Asotin County): All of GMU 181 Couse, including the portion of GMU 172 starting at the intersection of Mill Road and Highway 129 in Anatone, south along Hwy 129 to Smyth Rd, west and then north on Smyth Rd to the intersection of E Mountain Rd, west along E Mountain Rd to the intersection of W Mountain Rd, north along W Mountain Rd to Mill Road, east on Mill Rd to the starting point.

Elk Area No. 2032 Malaga (Kittitas and Chelan counties): Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; south-west along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 and 9; north along the section line between Sections 8 and 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to section line between Section 31 and 30 (T21, R21); west along the section lines between Section 31 and 30 (T21, R21), 36 and 25 (T21, R20) and the section line between Section 35 and 26 (T21, R20) to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest).

Elk Area No. 2033 Peshastin (Chelan County): Starting at the Division St bridge over the Wenatchee River in the town of Cashmere; S on Applets Way then Division St to Pioneer St; W on Pioneer St to Mission Creek Rd; S on Mission Creek Rd to Binder Rd; W on Binder Rd to Mission Creek Rd; S on Mission Creek Rd to Tripp Canyon Rd; W on Tripp Canyon Rd to where Tripp Canyon Rd stops following Tripp Creek; W on Tripp Creek to its headwaters; W up the drainage, about 1000 feet, to US Forest Service (USFS) Rd 7200-160; W on USFS Rd 7200-160 to Camas Creek Rd (USFS Rd 7200); W on Camas Creek Rd (USFS 7200 Rd) (excluding Camas Land firearm closure*) to US Hwy 97; N on US Hwy 97 to Mountain Home Rd (USFS 7300 Rd); N on Mountain Home Rd to the Wenatchee River in the town of Leavenworth; S on the Wenatchee River to the Division St bridge in Cashmere and the point of beginning.

Elk Area No. 2051 Tronsen (Chelan County): All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Co-

lockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

Elk Area No. 3681 Ahtanum (Yakima County): That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to Highway 12; northeast on Highway 12 to the Naches River; southeast down the Naches River to Cowiche Creek; west up Cowiche Creek and South Fork Cowiche Creek to Summitview Avenue; northwest on Summitview Avenue to Cowiche Mill Road; west on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13; southeast along the power line to Ahtanum Creek and the point of beginning.

Elk Area No. 3721 Corral Canyon (Benton and Yakima counties): That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Monument's (HRNM) southwest corner boundary; east and south along the HRNM boundary to SR 225; south on SR 225 to the Yakima River Bridge in Benton City; west (upstream) along Yakima River to point of beginning (SR 241 Bridge).

Elk Area No. 3722 Blackrock (Benton and Yakima counties): That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River to the Hanford Reach National Monument's (HRNM) western boundary; south along the HRNM boundary to the Rattlesnake Ridge Road; west on Rattlesnake Ridge Road to SR 241; south on SR 241 to the Yakima River Bridge just north of Mabton; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

Elk Area 3723 Rattlesnake Mountain (Benton County): That part of GMU 372 made up by the Rattlesnake Unit of the Hanford Reach National Monument.

Elk Area No. 3911 Fairview (Kittitas County): Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and Interstate 90; east along the power lines to Highway 903 (Salmon La Sac Road); northwest along Highway 903 to Pennsylvania Avenue; northeast along Pennsylvania Avenue to No. 6 Canyon Road; northeast along No. 6 Canyon Road to Cle Elum Ridge Road; north along Cle Elum Ridge Road to Carlson Canyon Road; northeast along Carlson Canyon Road to West Fork

Teaway River; east along West Fork Teaway River to North Fork Teaway River; north along North Fork Teaway River to Teaway Road; southeast on Teaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; northeast on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east along BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass Road to BPA power lines in T18N, R20E, Section 6; east and south along power lines to Park Creek; south along Park Creek to the North Branch Canal; east and south along North Branch Canal to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umtanum Road; north on Umtanum Road to South Branch Canal; west on South Branch Canal to Bradshaw/Hanson Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to Big Creek; north on Big Creek to Nelson Siding Road; west and north on Nelson Siding Road to I-90; east on I-90 to point of beginning.

Elk Area No. 3912 Old Naches (Yakima County): Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the bighorn sheep feeding site in T15N, R16E, Section 36; south on the feeding site access road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the intersection of the metal footbridge and the elk fence at the south end of the bridge in T14N, R16E, Section 3; south along the elk fence to the top of the cliff/rimrock line; southwest along the top of the cliff/rimrock line to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; south along the elk fence to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; downstream along the South Fork Ahtanum Creek and Ahtanum Creek to the Yakima River; upstream along the Yakima River to Roza Canal and point of beginning.

Elk Area No. 4601 North Bend (King County): That portion of GMU 460 beginning at the interchange of State Route (SR) 18 and I-90; W on I-90 to SE 82nd St, Exit 22, at the town of Preston; N on SE 82nd Street to Preston Fall City Rd SE (Old SR 203); N on Preston Fall City Rd SE to SE Fall City Snoqualmie Rd (SR 202) at the town of Fall City; E on SE Fall City Snoqualmie Rd to the crossing of Tokul Creek; N and E up Tokul Creek to its crossing with Tokul Rd SE; S on SE Tokul Rd to SE 53rd Way; E on SE 53rd Way where it turns into 396th Dr SE then S on 396th Dr SE to SE Reinig Rd; E on SE Reinig Rd to 428th Ave SE; N on 428th Ave SE to where it turns into North Fork Rd SE; N and E on North Fork Rd SE to Ernie's Grove Rd; E on Ernie's Grove Rd to SE 70th St; N on SE 70th St to its ends at Fantastic Falls on the North Fork Snoqualmie River; SW down the North Fork Snoqualmie River to Fantastic Falls and the Mt Si Natural Resource Conservation Area boundary then S and E along the southern boundary of the Mt Si NRCA to the "School Bus" turnaround at SE 114th St; S on 480th Ave SE to SE 130th St; S

and E on SE 130th St to its end; SSE overland from the end of SE 130th St, over the Middle Fork Snoqualmie River, to the end of 486th Ave SE; S on 486th Ave SE to the intersection with SE Middle Fork Road; Due S, from said intersection, up Grouse Mountain toward its peak, to the logging road adjacent to Grouse Mountain Peak; S down the logging road to Grouse Ridge Access Rd; W on Grouse Ridge Access Road which becomes SE 146th St; W on SE 146th St to I-90 then east along I-90 to the W boundary of Olallie/Twin Falls State Park; then along the westerly and northerly boundaries of Olallie/Twin Falls/Iron Horse state parks to the boundary of the Rattlesnake Lake Recreation Area; W along the boundary of the Rattlesnake Lake Recreation Area to Cedar Falls Rd SE; N along the Cedar Falls Rd to SE 174th Way; W on SE 174th Way to SE 174th St; W on SE 174th St to SE 173rd St; W on SE 173rd St to SE 170th Pl; W on SE 170th Pl to SE 169th St; W on SE 169th St to 424th Ave SE; N on 424th Ave SE to SE 168th St; W on SE 168th St to 422 Ave SE; N on 422 Ave SE to 426th Way SE; S on 426th Way SE to SE 164th St; E on SE 164th St to Uplands Way SE; W on Uplands Way SE to the crossing with the Power Transmission Lines; W along the Power Transmission Lines to the Winery Rd; NW on the Winery Rd to SE 99th Rd; W and N on SE 99th Rd to the I-90 interchange, at Exit 27; SW on I-90 to the interchange with SR 18 and the point of beginning.

Elk Area No. 4941 Skagit River (Skagit County): That portion of GMU 437 beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Concrete-Sauk Valley Road; south on Concrete-Sauk Valley Road over The Dalles Bridge (Skagit River) to the intersection with the South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 and the point of beginning.

Elk Area No. 5029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River and State Highway 505 junction; east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

Elk Area No. 5049 Ethel (Lewis County): That part of GMU 505 beginning at the intersection of Jackson Highway and Highway 12; south along Jackson Highway to Buckley Road; south on Buckley Road to Spencer Road; east on Spencer Road to Fuller Road; north on Fuller Road to Highway 12; east on Highway 12 to Stowell Road; north on Stowell Road to Gore Road; west on Gore Road to Larmon Road; west on Larmon Road to Highway 12; west on Highway 12 to Jackson Highway and point of beginning.

Elk Area No. 5050 Newaukum (Lewis County): That part of GMU 505 beginning at the intersection of Interstate 5 and Highway 12; east on Highway 12 to Larmon Road; east on Larmon Road to Leonard Road; north on Leonard Road through the town of Onalaska to Degglar Road; north on Degglar Road to Middle Fork Road; east on Middle Fork Road to Beck Road; north on Beck Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Logan Hill Road; south then west on Logan Hill Road to Jackson Highway; south on Jackson Highway to the Newaukum River; west

along the Newaukum River to Interstate 5; south on Interstate 5 to Highway 12 and point of beginning.

Elk Area No. 5051 Green Mountain (Cowlitz County): Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

Elk Area No. 5052 Mossyrook (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5054 Boistfort (Lewis County): Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to

Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 to the town of Vader and the point of beginning.

Elk Area No. 5056 Grays River Valley (Wahkiakum County): That area in GMU 506 on or within 1.5 miles of agricultural land in the Grays River Valley and Eden Valley within the following sections: T11N, R08W, Section 36; T11N, R07W, Sections 31, 32, 33; T10N, R7W, Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32; T10N, R8W, Sections 1, 2, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36; T09N, R08W, Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 14, 15; T09N, R07W, Sections 5, 6, 7, 8.

Elk Area No. 5057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 5058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

Elk Area No. 5060 Merwin (Cowlitz County): Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

Elk Area No. 5061 Wildwood (Lewis County): Beginning at the junction of the Pacific West Timber (PWT) 600 Road and the Wildwood Road (SE1/4 S29 T11N R3W); southwest on the 600 Road to the 800 Road (NW1/4 S36 T11N R4W); southwest on the 800 Road to the 850 Road (SW1/4 S3 T10N R4W); northwest on the 850 Road to the Weyerhaeuser 4720 Road (S20 T11N R4W); north on the Weyerhaeuser 4720 Road to the Weyerhaeuser 4700 Road (S17 T11N R4W); east on the Weyerhaeuser 4700 Road to the Weyerhaeuser 5822 Road (NW1/4 S16 T11N R4W); east on the Weyerhaeuser 5822 Road to the Weyerhaeuser 5820 Road (NW1/4 S10 T11N R4W); south-east on the Weyerhaeuser 5820 Road to the PWT 574 Road (SE1/4 S10 T11N R4W); south on the PWT 574 Road to the 570 Road (NW1/4 S14 T11N R4W); south on the 570 Road to the 500 Road (NW1/4 S14 T11N R4W); northeast on the 500 Road to the 560 Road (SW1/4 S12 T11N R4W); east on the 560 Road to the 540 Road (SE1/4 S12 T11N R4W); east and south on the 540 Road to the 500 Road (SE1/4 S18 T11N R3W); east on the PWT 500 Road to the Wildwood Road (N1/2 S20 T11N R3W); south on the Wildwood Road to the point of beginning, the PWT 600 Road junction (SE1/4 S29 T11N R3W).

Elk Area No. 5062 Trout Lake (Klickitat County): Those portions of GMU 578 (West Klickitat) beginning at the intersection of SR 141 and Sunnyside Road; north on Sunnyside Road to Mount Adams Recreational Area Road; (including agricultural land on the Trout Lake Valley floor north of Sunnyside Road within T06N R10E in Sections 13 and 14); south on Mount Adams Recreational Area Road to the intersection of SR 141 and south on SR 141 and Sunnyside Road to the point of beginning.

Elk Area No. 5063 Pumice Plain (Cowlitz and Skamania counties): That part of GMU 522 beginning at the confluence of the N. Fork Toutle River and Castle Creek; East along the N. Fork Toutle River to USFS trail 207; south along USFS trail 207 to USFS trail 216E; southwest along USFS trail 216E to USFS trail 216; west along USGS trail 216 to USGS 216G; northwest along USFS trail 216G to USGS trail 221; north along

USFS 221 to Castle Creek; northwest along Castle Creek to N. Fork Toutle River and point of beginning.

Elk Area No. 5064 Upper Smith Creek (Skamania County): That part of GMU 522 beginning at the U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 (Smith Creek Trail) junction; south on Trail 225 to Ape Canyon Creek; south and west up Ape Canyon Creek to U.S. Forest Service Trail 216 (Loowit Trail); north on Trail 216 to U.S. Forest Service Trail 216D (Abraham Trail); north on Trail 216D to U.S. Forest Service Trail 207 (Truman Trail); north and east on Trail 207 to U.S. Forest Service Rd. 99; north and east on U.S. Forest Service Rd. 99 to the junction of U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 and the point of beginning.

Elk Area No. 5065 Mount Whittier (Skamania County): That part of GMU 522 beginning at the U.S. Forest Service Trail 1 (Boundary Trail) and U.S. Forest Service Trail 214 (Whittier Ridge Trail) junction; west on the U.S. Forest Service Trail 1 to U.S. Forest Service Trail 230 (Coldwater Trail); north on U.S. Forest Service Trail 230 to U.S. Forest Service Trail 211 (Lakes Trail); east on Trail 211 to U.S. Forest Service Trail 214; south on U.S. Forest Service Trail 214 to the junction of U.S. Forest Service Trail 214 and U.S. Forest Service Trail 1 and the point of beginning.

Elk Area No. 5066 Norway Pass (Lewis and Skamania counties): That part of GMU 524 beginning at the U.S. Forest Service (USFS) Trail 211 (Lakes Trail) and USFS Trail 230 (Coldwater Trail) junction; NE to Minnie Peak; W to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; N along the USFS property boundary to the Green River; E up the Green River to the USFS Rd 2612; E on the USFS Rd 2612 to USFS Rd 26; S on USFS Rd 26 to USFS Trail 1 (Boundary Trail); W on USFS Trail 1 to USFS Trail 214 (Whittier Trail); N on USFS Trail 214 to USFS Trail 211 (Lakes Trail); W on USFS Trail 211 to the USFS Trail 211, Trail 230 junction and point of beginning.

Elk Area No. 5090 JBH (Wahkiakum County): The mainland portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4 and Steamboat Island Slough Road, northwest on Steamboat Island Slough Road to Brooks Slough Road, east on Brooks Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

Elk Area No. 5099 Mudflow (Cowlitz County): That part of GMU 522 beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Rd 3020; NW along 3020 to Rd 3000; E along Rd 3000 to US Forest Service (USFS) Trail 216G; SE along USFS Trail 216G to USFS Trail 221 (Castle Lake Trail); N on USFS Trail 221 to Castle Creek; N along Castle Creek to the confluence with the North Fork Toutle River; W down the North Fork Toutle River to the North Fork Toutle River, Coldwater Creek confluence; North from the North Fork Toutle River, Coldwater Creek confluence on unnamed ridgeline, to Castle Lake viewpoint on SR 504; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

Elk Area No. 6010 Mallis (Pacific County): That part of GMUs 506, 672, and 673 within one and one-half mile either side of SR 6 between the east end of Elk Prairie Rd and the Mallis Landing Rd, and all lands

within a half mile of Elk Creek Rd bounded on the south by Monohon Landing Rd.

Elk Area No. 6011 Centralia Mine (Lewis County): That portion of GMU 667 within Centralia Mine property boundary.

Elk Area No. 6013 (Pierce County): That part of GMU 652 beginning at the intersection of Highway 167 and Highway 410; north on Highway 167 to Highway 18; east on Highway 18 to Highway 164; southeasterly on Highway 164 to intersection with power transmission line in T20 R6 Section 18. West along power transmission line to intersection with 226th Ave E. South on 226th Ave East to intersection with 40th St E, east on 40th St E to 230th Ave E, South on 230th Ave E to Radke Road. Southwest on Radke to Barkubine Road, South on Barkubine Road to Connells Prairie; West on Connells Prairie Rd to 214th Ave E, South on 214th Ave E to Highway 410; westerly on Highway 410 to Highway 167 and the point of beginning.

Elk Area No. 6014 (Pierce County): Starting at Highway 164 intersection with power transmission line in T20 R6 Section 18; W along power transmission line to intersection with 226th Ave E; S on 226th Ave E to intersection with 40th St E; E on 40th St E to 230th Ave E; S on 230th Ave E to Radke Rd; SW on Radke to Barkubine Rd; S on Barkubine Rd to Connells Prairie; W on Connells Prairie Rd to 214th Ave E; S on 214th Ave E to South Prairie Rd; SE on South Prairie Rd to Highway 162; E on Hwy 162 to Hwy 165; S on Hwy 165 to the power transmission lines at T19 R6 Section 21, NE along the power transmission lines to the White River, N along the White River to the power transmission lines at T19 R7E; NE on power transmission lines to intersection with Hwy 410 West on SR 410 to Hwy 164; NW on Hwy 164 to starting point.

Elk Area No. 6030 Joyce (Clallam County): That portion of GMU 603 beginning at the intersection of Freshwater Bay Road and Highway 112; N and NW along Freshwater Bay Road to the Freshwater Bay Boat Launch; NE on the Freshwater Bay Boat Launch to the shoreline with Freshwater Bay; NW and W along the shorelines of Freshwater Bay and the Strait of Juan de Fuca to the mouth of the Lyre River; S along the Lyre River to the intersection with Highway 112; E along Highway 112 to the intersection with Waterline Road; S and SE along Waterline Road to the intersection with the Olympic Discovery Trail Adventure Route (OAT); E along the Olympic Discovery Trail Adventure Route to the intersection with Eden Valley Road; N and NE along Eden Valley Road to the intersection with Highway 112; W along Highway 112 to the point of beginning.

Elk Area No. 6054 Puyallup River (Pierce County): That portion of GMU 654 beginning at the intersection of Mount Rainier National Park's western boundary and the Nisqually River; W down the Nisqually River to the mouth of the Mashel River; E and SE along the Mashel River to its headwaters; SE from the Mashel River headwaters to the Mashel River-Puyallup River watershed divide ridge; SE along the Mashel River-Puyallup River watershed divide ridge to a point due west of the headwaters of Big Creek; NE along Big Creek to its confluence with Deer Creek; N along Deer Creek to its confluence with the Puyallup River; SE up the Puyallup River to Mount Rainier National Park's western boundary; S on Mount Rainier National Park's western boundary to the Nisqually River and the point of beginning.

Elk Area No. 6061 Twin Satsop Farms (Mason County): That portion of GMU 651 starting at the junction of the Deckerville Road and the Bra-

dy-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) within the Quinault River watershed east of Gatton Creek and Lake Quinault excluding US Forest Service (USFS) Colonel Bob Wilderness Area beginning at the mouth of the Quinault River; NE on the Olympic National Park boundary, which is along the Quinault River, to the intersection with USFS Colonel Bob Wilderness Area; then SW along the Colonel Bob Wilderness Area Western boundary to its intersection with Haas Creek; then downstream along Haas Creek to its intersection with USFS Olympic National Forest boundary; then SW along USFS boundary to the Lake Quinault shoreline; then N along the East shore of Lake Quinault to the mouth of Quinault River and the point of the beginning.

Elk Area No. 6069 Hanaford (Lewis and Thurston counties): That part of GMU 667 (Skookumchuck) beginning at the intersection of Salzer Valley Rd and S Pearl St (Centralia); N on S Pearl St to N Pearl St; N on N Pearl St to State Hwy 507; W and N on State Hwy 507 to Skookumchuck Rd; E on Skookumchuck Rd to the first bridge over the Skookumchuck River; E along the Skookumchuck River to the Skookumchuck Rd bridge; E on Skookumchuck Rd to the steel tower power line; SW along the power line to Big Hanaford Rd; E and S along Big Hanaford Rd to the intersection with the main stem of Hanaford Creek; SE along Hanaford Creek to the range line between Range 1W and Range 1E of Township 14N; S on the range line between Range 1W and Range 1E of Township 14N to Mitchell Creek; SW on Mitchell Creek to the North Fork of the Newaukum River; SW on the North Fork of the Newaukum River to North Fork Rd; W on North Fork Rd to Centralia-Alpha Rd; W on Centralia-Alpha Rd to Salzer Valley Rd and the point of beginning.

Elk Area No. 6071 Dungeness (Clallam County): Portions of GMUs 621 (Olympic) and 624 (Coyle) beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan de Fuca to the mouth of Dean Creek on Sequim Bay; south and west up Dean Creek to the power transmission line; west on the power transmission line to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

Elk Area No. 6612 Forks (Clallam County): That part of GMUs 607 and 612 excluding the city of Forks and Bogachiel state park; starting at the confluence of Calawah River and the Bogachiel River; upstream on the Bogachiel River to the Hwy 101 Bridge north along Hwy 101 to Sportsman Club Rd; E on Sportsman Club Rd to DNR FR-F-1000; E on DNR FR-F-1000 to DNR FR-F-1200; N on DNR FR-F-1200 to its end; from the end of DNR FR-F-1200 N approximately 500' to Elk Creek; down Elk Creek to its confluence with the Calawah River; down the Calawah River to its confluence with the Bogachiel River.

OTS-5201.1

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

WAC 220-415-050 ((2021-2023)) 2024-2026 Elk general seasons and definitions. It is unlawful to fail to comply with bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

Bag Limit: One elk per hunter during the license year, except where otherwise permitted by department rule. Any combination of seasons, tags, and permits set by the department will not exceed a maximum of two elk per hunter during the license year.

Hunting Method: Elk hunters must select only one of the hunting methods: Modern firearm, archery, or muzzleloader.

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of elk with visible antlers; bull calves are illegal.

Antler Point: To qualify as an antler point, the point must be at least one inch long, measured on the longest side.

Branch: A branch is defined as any projection off the main antler beam that is at least one inch long, measured on the longest side, and longer than it is wide.

Spike Bull Antler Restrictions: Bull elk taken in spike-only game management units (GMUs) must have at least one antler with no branches originating more than four inches (~~above~~) from where the antler attaches to the skull.

True Spike Bull Antler Restrictions: Neither antler of bull elk taken can have branching originating more than four inches (~~above~~) from where the antlers attach to the skull. Under the true-spike restriction, taking an elk that has two points on one side or antler points within one inch of the definitions regarding length of point, or point of origination, is an infraction under RCW 77.15.160. All other types of violations of the true-spike restriction are subject to current penalties and assessments under RCW 77.15.410 and 77.15.420.

3-point Antler Restrictions: Legal bull elk must have at least three antler points on one side. Eye guards are antler points when they are at least one inch long. Antler restrictions apply to all hunters during any open season.

Permit-only Units: The following GMUs are closed to elk hunting during general elk seasons: 157, 418, 437, 485, 522, 556, 621, 636, and 653.

GMUs Closed to Elk Hunting: 490.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs.

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: A valid modern firearm elk tag as listed below for the area hunted.

Hunting Method: May use modern firearm, bow and arrow, crossbow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Legal Elk
Eastern Washington	EF	101, 105, 108, 111, 113, 117, 121, 204	((Oct. 30 - Nov. 7)) Oct. 26 - Nov. 3	((Oct. 29 - Nov. 6)) Oct. 25 - Nov. 2	((Oct. 28 - Nov. 5)) Oct. 31 - Nov. 8	Any bull
		145 through 154, 162 through 186, 249, 336 through 368	((Oct. 30 - Nov. 7)) Oct. 26 - Nov. 3	((Oct. 29 - Nov. 6)) Oct. 25 - Nov. 2	((Oct. 28 - Nov. 5)) Oct. 31 - Nov. 8	Spike bull
		251, 328, 329, 334, 335	((Oct. 30 - Nov. 7)) Oct. 26 - Nov. 3	((Oct. 29 - Nov. 6)) Oct. 25 - Nov. 2	((Oct. 28 - Nov. 5)) Oct. 31 - Nov. 8	True spike bull
		Elk Area 3722	((Sept. 11-26)) Sept. 14-29	((Sept. 10-25)) Sept. 13-28	((Sept. 9-24)) Sept. 12-27	Antlerless only
		124 through 142, 372, 382, 388	((Oct. 30 - Nov. 7)) Oct. 26 - Nov. 3	((Oct. 29 - Nov. 6)) Oct. 25 - Nov. 2	((Oct. 28 - Nov. 5)) Oct. 31 - Nov. 8	Any elk
		203, 209 through 248, 250, 254 through 290, 373, 379, 381	((Oct. 30 - Nov. 15)) Oct. 26 - Nov. 15	((Oct. 29 - Nov. 15)) Oct. 25 - Nov. 15	((Oct. 28 - Nov. 15)) Oct. 31 - Nov. 15	Any elk
		Master Hunters Only: Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	((Aug. 1 - Jan. 20, 2022)) Aug. 1, 2024 - Jan. 20, 2025	((Aug. 1 - Jan. 20, 2023)) Aug. 1, 2025 - Jan. 20, 2026	((Aug. 1 - Jan. 20, 2024)) Aug. 1, 2026 - Jan. 20, 2027	Antlerless only
		Master Hunters Only: 371. Must wear hunter orange and/or hunter pink.	Aug. 1-31	Aug. 1-31	Aug. 1-31	Antlerless only
		Master Hunters Only: 127((-130)) through 142	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
Western Washington	WF	460, 466, 448, 503, 505 through 520, 524 (except CLOSED in Elk Area 5066), 530, 550, 560, 568, 572, 574, 578, 601 through 618, 624 (except for Elk Area 6071), 627, 633, 638 (except master hunters only in Elk Area 6064 portion of GMU 638), 642 through 651, 652 (except for Elk Area 6014), 654, 658, 660, 667 through 684.	((Nov. 6-17)) Nov. 2-13	((Nov. 5-16)) Nov. 1-12	((Nov. 4-15)) Nov. 7-18	3 pt. min.
		501, 504, 663, Elk Areas 4601 and 6014	((Nov. 6-17)) Nov. 2-13	((Nov. 5-16)) Nov. 1-12	((Nov. 4-15)) Nov. 7-18	3 pt. min. or antlerless
		407, 564, 666	((Nov. 6-17)) Nov. 2-13	((Nov. 5-16)) Nov. 1-12	((Nov. 4-15)) Nov. 7-18	Any elk
		454	((Nov. 6-17)) Nov. 2-13	((Nov. 5-16)) Nov. 1-12	((Nov. 4-15)) Nov. 7-18	Any bull

Archery General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: A valid archery elk tag as listed below for the area hunted.

Hunting Method: Bow and arrow only, as defined under WAC 220-414-070.

Special Notes: Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 220-414-070). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Legal Elk
Early Archery General Elk Seasons						
Eastern Washington	EA	101 through 142, 204, 243, 247, 249, 250, 272, 278, 284, 290, 373, 379, 381, 382 ((except CLOSED in Deer Area 5382)), 388	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	Any elk
		154, 162, 166, 169, 172, 175, 186, 251, 328, 329, 336, 340, 352, 356, 364	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	Spike bull
		145, 149, ((154)) Elk Area 1054, 163, 178, 181, 334, 335, 371	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	Spike bull or antlerless
		Master Hunters Only: 371. Must wear hunter orange and/or hunter pink.	Aug. 1-31	Aug. 1-31	Aug. 1-31	Antlerless only
Western Washington	WA	407, 454, 564, 666, 684, Elk Area 6014	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	Any elk
		Elk Area 4601, 501 through 505, ((520-550,)) 554, ((560,)) 568, ((572,)) 574, 578, Elk Area 6061, 652 (except Elk Area 6013 closed to antlerless), 654, 660, 663, 667 through 673, 681, 699	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	3 pt. min. or antlerless
		448, 460, 466, 506((510, 513, 516)) through 520, 524 (except CLOSED in Elk Area 5066), 530, 550, 560, 572, 601 through 618, 624 (except for Elk Area 6071), 627, 633, 638 (except Master Hunters only in Elk Area 6064), 642 through 651, 658	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	3 pt. min.
Late Archery General Elk Seasons						
Eastern Washington	EA	101, 105, 108, 117, 121, 204	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any bull
		124, 127, 373, 382 ((except CLOSED in Deer Area 5382)), 388	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		178	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		163	((Dec. 9 - Jan. 30, 2022)) Dec. 9, 2024 - Jan. 20, 2025	((Dec. 9 - Jan. 30, 2023)) Dec. 9, 2025 - Jan. 20, 2026	((Dec. 9 - Jan. 30, 2024)) Dec. 9, 2026 - Jan. 20, 2027	Antlerless only
		203, 209 through 248, 250, 254 through 290, 379, 381. Must wear hunter orange and/or hunter pink.	((Oct. 30 - Nov. 15)) Oct. 26 - Nov. 15	((Oct. 29 - Nov. 15)) Oct. 25 - Nov. 15	((Oct. 28 - Nov. 15)) Oct. 31 - Nov. 15	Any elk
		Master Hunters Only: Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	((Aug. 1 - Jan. 20, 2022)) Aug. 1, 2024 - Jan. 20, 2025	((Aug. 1 - Jan. 20, 2023)) Aug. 1, 2025 - Jan. 20, 2026	((Aug. 1 - Jan. 20, 2024)) Aug. 1, 2026 - Jan. 20, 2027	Antlerless only
		Master Hunters Only: 127((130)) through 142	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
		334, 335	((Nov. 24 - Dec. 8)) Nov. 27 - Dec. 8	((Nov. 23 - Dec. 8)) Nov. 26 - Dec. 8	((Nov. 22 - Dec. 8)) Nov. 25 - Dec. 8	Spike bull or antlerless
		249, 251, 336, 342, 346, 352, 364, Elk Area 3681	((Nov. 24 - Dec. 8)) Nov. 27 - Dec. 8	((Nov. 23 - Dec. 8)) Nov. 26 - Dec. 8	((Nov. 22 - Dec. 8)) Nov. 25 - Dec. 8	Spike bull
Western Washington	WA	Elk Area 4601, 503, 505, ((506-530,)) 652 (except Elk Area 6013 closed to antlerless), 663, 667, 672, 681, and 699. Master hunters only in Elk Area 6064 portion of GMU 638	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	3 pt. min. or antlerless
		407	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Any elk

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Legal Elk
		454, 564, 666, Elk Area 6014	((Nov. 24 - Dec. 15)) <u>Nov. 27 - Dec. 15</u>	((Nov. 23 - Dec. 15)) <u>Nov. 26 - Dec. 15</u>	((Nov. 22 - Dec. 15)) <u>Nov. 25 - Dec. 15</u>	Any elk
		448, 506, 530, 603, 612, 615, 638 (except for Elk Area 6064), 648	((Nov. 24 - Dec. 15)) <u>Nov. 27 - Dec. 15</u>	((Nov. 23 - Dec. 15)) <u>Nov. 26 - Dec. 15</u>	((Nov. 22 - Dec. 15)) <u>Nov. 25 - Dec. 15</u>	3 pt. min.

Muzzleloader General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: A valid muzzleloader elk tag as listed below for the area hunted.

Hunting Method: Muzzleloader, as defined under WAC 220-414-060, cross-bow equipment (WAC 220-414-100), or (~~bow and arrow~~) archery equipment, as defined under WAC 220-414-070.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Legal Elk
Early Muzzleloader General Elk Seasons						
Eastern Washington	EM	101 through 121, 204, 247	((Oct. 2-8)) <u>Oct. 5-11</u>	((Oct. 1-7)) <u>Oct. 4-10</u>	((Oct. 7-13)) <u>Oct. 3-9</u>	Any bull
		124 through 142, 245, 250, 272, 278, 284, 290, 379	((Oct. 2-8)) <u>Oct. 5-11</u>	((Oct. 1-7)) <u>Oct. 4-10</u>	((Oct. 7-13)) <u>Oct. 3-9</u>	Any elk
		145, 149, 154, 162, 163, 166, 172, 175, 178, 181, 249, 336 through 342, 352 through 368	((Oct. 2-8)) <u>Oct. 5-11</u>	((Oct. 1-7)) <u>Oct. 4-10</u>	((Oct. 7-13)) <u>Oct. 3-9</u>	Spike bull
		((249,)) 251, 328, 329, 334, 335, Elk Area 2051	((Oct. 2-8)) <u>Oct. 5-11</u>	((Oct. 1-7)) <u>Oct. 4-10</u>	((Oct. 7-13)) <u>Oct. 3-9</u>	True spike bull
		Master Hunters Only: 371. Must wear hunter orange and/or hunter pink.	Aug. 1-31	Aug. 1-31	Aug. 1-31	Antlerless only
Western Washington	WM	407, 454, 564, 666, 684	((Oct. 2-8)) <u>Oct. 5-11</u>	((Oct. 1-7)) <u>Oct. 4-10</u>	((Oct. 7-13)) <u>Oct. 3-9</u>	Any elk
		448, 460, 466, 506, 510, 513, 516, 520, 524 (except CLOSED in Elk Area 5066), 530, 550, 554, 560, 568, 572, 574, 578, 602, 603, 607, 612, 615, 624 (except for Elk Area 6071), 627, 633, 638 (except for Elk Area 6064), 642, 648, 660, 672, 673, 681	((Oct. 2-8)) <u>Oct. 5-11</u>	((Oct. 1-7)) <u>Oct. 4-10</u>	((Oct. 7-13)) <u>Oct. 3-9</u>	3 pt. min.

		501, 503, 504, 505, 652 (except Elk Area 6013 closed to antlerless), Elk Area 6014, 654, 663, 667, Elk Area 4601	((Oct. 2-8)) <u>Oct. 5-11</u>	((Oct. 1-7)) <u>Oct. 4-10</u>	((Oct. 7-13)) <u>Oct. 3-9</u>	3 pt. min. or antlerless
Late Muzzleloader General Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		203, 209 through 248, 250, 254 through 290, 373, 379, 381. Must wear hunter orange and/or hunter pink.	((Oct. 30 - Nov. 15)) <u>Oct. 26 - Nov. 15</u>	((Oct. 29 - Nov. 15)) <u>Oct. 25 - Nov. 15</u>	((Oct. 28 - Nov. 15)) <u>Oct. 31 - Nov. 15</u>	Any elk
		Master Hunters Only: Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	((Aug. 1 - Jan. 20, 2022)) <u>Aug. 1, 2024 - Jan. 20, 2025</u>	((Aug. 1 - Jan. 20, 2023)) <u>Aug. 1, 2025 - Jan. 20, 2026</u>	((Aug. 1 - Jan. 20, 2024)) <u>Aug. 1, 2026 - Jan. 20, 2027</u>	Antlerless only
		Master Hunters Only: 127((, 130)) through 142	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Legal Elk
Western Washington	WM	407	Dec. 16-31	Dec. 16-31	Dec. 16-31	Any elk
		Elk Area 4601, 501, 503, 504, 505, 652 (except Elk Area 6013 closed to antlerless), 667	((Nov. 24 - Dec. 8)) Nov. 27 - Dec. 8	((Nov. 23 - Dec. 8)) Nov. 26 - Dec. 8	((Nov. 22 - Dec. 8)) Nov. 25 - Dec. 8	3 pt. min. or antlerless
		454, 564, 666, 684, Elk Area 6014	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	Any elk
		568, 574, 578	((Nov. 24-30)) Nov. 27-30	((Nov. 23-30)) Nov. 26-30	((Nov. 22-30)) Nov. 25-30	3 pt. min.
		448, 601, 618, 651, 658	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	3 pt. min.

OTS-5202.3

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

WAC 220-415-060 ((2023)) 2024 Elk special permits. It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

Special Elk Permit Hunting Seasons (Open to Permit Holders Only)

Hunters must purchase an elk hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for Eastern or Western Washington archery, muzzle-loader, or modern firearm permit hunts. Applicants must have purchased the proper tag for these hunts. The elk tag prefixes required to apply for each hunt are shown in the following table. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "**Any tag**" under the "**Weapon/Tag**" restriction must use equipment consistent with the requirements of their transport tag and license.

Bag Limit: One (1) elk per hunter during the license year except where otherwise permitted by department rule, even if permits are drawn for more than one elk hunt category. Any combination of seasons, tags, and permits set by the department will not exceed a maximum of two (2) elk per hunter during the license year.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EA, EF, EM	Any	((Sept. 30 - Oct. 9 and Nov. 11-30)) Sept. 28 - Oct. 7 and Nov. 9-28	Any bull	Elk Area 1015	1
Prescott	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 149	3
Blue Creek	EF	Any	((Sept. 25-29)) Sept. 23-26	Any bull	GMU 154	1
Blue Creek	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 154	6

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Watershed	EA, EF, EM	Any	((Oct. 23 – Nov. 5)) Oct. 21 - Nov. 3	3 pt. min.	GMU 157	((25)) 15
Dayton	EF	Any	((Oct. 23 – Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 162, 163	((3)) 2
Tucannon	EF	Any	((Oct. 23 – Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 166	((3)) 2
Wenaha West	EF	Any	((Oct. 23 – Nov. 5)) Oct. 21 - Nov. 3	Any bull	Elk Area 1008	5
Wenaha East	EF	Any	((Oct. 23 – Nov. 5)) Oct. 21 - Nov. 3	Any bull	Elk Area 1009	((4)) 5
Mountain View	EF	Any	((Oct. 23 – Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 172	((7)) 5
Lick Creek	EF	Any	((Oct. 23 – Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 175	((2)) 1
Peola	EF	Any	((Sept. 25-29)) Sept. 23-26	Any bull	GMUs 178, 145	1
Peola	EF	Any	((Oct. 23 – Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMUs 178, 145	1
Couse	EF	Any	((Oct. 23 – Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 181	((6)) 5
Couse	EF	Any	((Sept. 25-29)) Sept. 23-26	Any bull	GMU 181; Private Lands Only	((+)) 3
Mission	EF	Any	Sept. 25-29	Any bull	GMU 251	2
Colockum	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 328, 329, 334	1
Colockum	EF	Any	((Oct. 23 – Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMUs 328, 329, 334	((H)) 21
Teanaway	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 335	2
Peaches Ridge	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 336, 346	2
Observatory	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 334, 340, 342	2
Little Naches	EF	Any	((Sept. 30 – Oct. 8)) Sept. 28 - Oct. 6	Any bull	GMU 346	3
Goose Prairie	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 352, 356	2
Bethel	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 360	2
Rimrock	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 364	2
Cowiche	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 368	2
Alkali	EF	Any	((Oct. 14 – Nov. 3)) Oct. 12-29	Any bull	GMUs 334, 371	((30)) 36
<u>Rattlesnake Mountain A</u>	<u>EF</u>	<u>EF</u>	<u>Oct. 7-11</u>	<u>Any elk</u>	<u>Elk Area 3723</u>	<u>1</u>
<u>Rattlesnake Mountain B</u>	<u>EF</u>	<u>EF</u>	<u>Oct. 21-25</u>	<u>Any elk</u>	<u>Elk Area 3723</u>	<u>1</u>
<u>Rattlesnake Mountain C</u>	<u>EF</u>	<u>EF</u>	<u>Nov. 18-22</u>	<u>Any elk</u>	<u>Elk Area 3723</u>	<u>1</u>
<u>Rattlesnake Mountain D</u>	<u>EF</u>	<u>EF</u>	<u>Dec. 2-6</u>	<u>Any elk</u>	<u>Elk Area 3723</u>	<u>1</u>
Nooksack	WF	Any	((Oct. 5-29 and Dec. 9-26)) Oct. 15 - Nov. 5	Any bull	GMU 418	13
Green River	WF, WA, WM	Any	((Nov. 4-10)) Oct. 19-25	Any bull	GMU 485	((40)) 8
Wahkiakum	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 506, 530	1
South Rainier	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 510, 513	3
Packwood	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 516	3

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Winston	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 520	1
Coweman	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 550	1
Toutle	WF	Any	((Sept. 25-29 and Nov. 4-15)) Sept. 23-27 and Nov. 2-13	Any bull	GMU 556	2
Toutle	WF	Any	((Nov. 4-15)) Nov. 2-13	Any bull	GMU 556	((32)) <u>26</u>
Lewis River	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 560	2
Siouxon	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 572	2
Upper Smith Creek	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	Elk Area 5064	1
Mount Whittier	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	Elk Area 5065	1
Norway Pass	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	Elk Area 5066	2
Mudflow	WF	Any	((Nov. 4-15)) Nov. 2-13	Any bull	Elk Area 5099	7
Peninsula	WF	Any	((Sept. 23-26)) Sept. 23-27	3 pt. min.	GMUs 602, 603, 607, 612, 615	4
Matheny	WF	Any	((Sept. 25-29)) Sept. 23-27	3 pt. min.	GMU 618	1
Quinault	WF	Any	((Sept. 25-29)) Sept. 23-27	3 pt. min.	GMU 638	3
Wynoochee	WF	Any	((Sept. 25-29)) Sept. 23-27	3 pt. min.	GMU 648	1
White River	WF	Any	((Sept. 23-27)) Sept. 21-25	Any bull	GMU 653	2
Prescott	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 149	1
Blue Creek	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 154	2
Dayton	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMUs 162, 163	1
Tucannon	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 166	1
Wenaha West	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	Elk Area 1008	((2)) <u>3</u>
Wenaha East	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	Elk Area 1009	((2)) <u>1</u>
Mountain View	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 172	((5)) <u>3</u>
Lick Creek	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 175	1
Peola	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMUs 178, 145	1
Couse	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 181	((2)) <u>5</u>
Colockum	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMUs 328, 329, 334	((6)) <u>12</u>
Teanaway	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMU 335	2
Peaches Ridge	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMUs 336, 346	((8)) <u>6</u>
Observatory	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMUs 334, 340, 342	((13)) <u>9</u>
Goose Prairie	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMUs 352, 356	((5)) <u>4</u>
Bethel	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMU 360	((9)) <u>8</u>

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Rimrock	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMU 364	((12)) 14
Cowiche	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMU 368	((4)) 3
Alkali	EA	Any	((Sept. 1-22)) Sept. 1-21	Any elk	GMUs 334, 371	((22)) 18
Nooksack	WA	Any	((Sept. 1-22, 2023 and Jan. 1-19, 2024)) Sept. 1-22	Any bull	GMU 418	8
Toutle	WA	Any	((Sept. 9-21 and Dec. 1-15)) Sept. 7-19 and Dec. 1-15	Any bull	GMU 556	((17)) 14
Upper Smith Creek	WA	Any	((Sept. 9-15)) Sept. 5-11	Any bull	Elk Area 5064	1
Norway Pass	WA	Any	((Sept. 9-15)) Sept. 5-11	Any bull	Elk Area 5066	2
Mudflow	WA	Any	((Sept. 9-15 and Nov. 16-19)) Sept. 7-13 and Nov. 16-19	Any bull	Elk Area 5099	7
Peninsula	WA	Any	((Sept. 1-21)) Sept. 1-19	3 pt. min.	GMUs 602, 603, 607, 612, 615	2
White River	WA	Any	((Sept. 9-21 and Nov. 22-Dec. 15)) Sept. 7-19 and Nov. 27 - Dec. 15	Any bull	GMU 653	((18)) 20
Prescott	EM	Any	((Sept. 30-Oct. 8)) Sept. 30 - Oct. 11	Any bull	GMU 149	1
Blue Creek	EM	Any	((Sept. 30-Oct. 8)) Sept. 30 - Oct. 11	Any bull	GMU 154	1
Dayton	EM	Any	((Sept. 30-Oct. 8)) Sept. 30 - Oct. 11	Any bull	GMU 162, 163	1
Tucannon	EM	Any	((Sept. 30-Oct. 8)) Sept. 30 - Oct. 11	Any bull	GMU 166	1
Wenaha West	EM	Any	((Sept. 30-Oct. 8)) Sept. 30 - Oct. 11	Any bull	Elk Area 1008	1
Wenaha East	EM	Any	((Sept. 30-Oct. 8)) Sept. 30 - Oct. 11	Any bull	Elk Area 1009	1
Mountain View	EM	Any	((Sept. 30-Oct. 8)) Sept. 30 - Oct. 11	Any bull	GMU 172	((4)) 3
Lick Creek	EM	Any	((Sept. 30-Oct. 8)) Sept. 30 - Oct. 11	Any bull	GMU 175	1
Peola	EM	Any	((Sept. 30-Oct. 8)) Sept. 30 - Oct. 11	Any bull	GMUs 178, 145	1
Couse	EM	Any	((Sept. 30-Oct. 8)) Sept. 30 - Oct. 11	Any bull	GMU 181	((2)) 5
Mission	EM	Any	Sept. 30 - Oct. 8	Any bull	GMU 251	2
Colockum	EM	Any	((Sept. 30-Oct. 8)) Sept. 28 - Oct. 4	Any bull	GMUs 328, 329, 334	((4)) 10
Teanaway	EM	Any	((Sept. 30-Oct. 8)) Sept. 28 - Oct. 4	Any bull	GMU 335	((1)) 2
Peaches Ridge	EM	Any	((Sept. 30-Oct. 8)) Sept. 28 - Oct. 4	Any bull	GMUs 336, 346	((3)) 4
Observatory	EM	Any	((Sept. 30-Oct. 8)) Sept. 28 - Oct. 4	Any bull	GMUs 334, 340, 342	((5)) 8
Goose Prairie	EM	Any	((Sept. 30-Oct. 8)) Sept. 28 - Oct. 4	Any bull	GMUs 352, 356	1
Bethel	EM	Any	((Sept. 30-Oct. 8)) Sept. 28 - Oct. 4	Any bull	GMU 360	2
Rimrock	EM	Any	((Sept. 30-Oct. 8)) Sept. 28 - Oct. 4	Any bull	GMU 364	((5)) 6
Cowiche	EM	Any	((Sept. 30-Oct. 8)) Sept. 28 - Oct. 4	Any bull	GMU 368	((2)) 3

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Alkali	EM	Any	((Sept. 24 - Oct. 14)) Sept. 22 - Oct. 12	Any bull	GMUs 334, 371	((8)) 9
Nooksack	WM	Any	((Sept. 23 - Oct. 4 and Nov. 15 - Dec. 8)) Sept. 23 - Oct. 14	Any bull	GMU 418	8
Toutle	WM	Any	((Oct. 7-13)) Oct. 5-11	Any bull	GMU 556	((41)) 9
Mount Whittier	WM	Any	((Sept. 17-23)) Sept. 14-20	Any bull	Elk Area 5065	1
Norway Pass	WM	Any	((Sept. 17-23)) Sept. 14-20	Any bull	Elk Area 5066	2
Mudflow	WM	Any	((Oct. 7-17)) Oct. 5-15	Any bull	Elk Area 5099	7
Peninsula	WM	Any	((Sept. 28 - Oct. 1)) Oct. 1-11	3 pt. min.	GMUs 602, 603, 607, 612, 615	2

Bulls						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EF	Any	((Dec. 5-10)) Dec. 3-8	Spike bull only	Elk Area 1015	1
Grande Ronde	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 186	1
Mission	EF	Any	Oct. 23 - Nov. 5	Any bull	GMU 251	2
Peshastin	EF	Any	Feb. 8-17, ((2024)) 2025	Any bull	Elk Area 2033	4
Teanaway	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 335	((4)) 5
Peaches Ridge	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMUs 336, 346	((17)) 18
Observatory	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMUs 334, 340, 342	16
Goose Prairie	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMUs 352, 356	((9)) 8
Bethel	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 360	((40)) 9
Rimrock	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 364	((36)) 29
Cowiche	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 368	5
Sauk	WF	Any	Oct. 5 - Nov. 3	Any bull	GMU 437	6
Upper Smith Creek	WF	Any	Oct. 17-23	Any bull	Elk Area 5064	1
Mount Whittier	WF	Any	Oct. 17-23	Any bull	Elk Area 5065	1
Norway Pass	WF	Any	Oct. 17-23	Any bull	Elk Area 5066	3
Olympic	WF	Any	((Nov. 1-15)) Nov. 1-17	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	((8)) 7
Skokomish	WF	Any	((Nov. 1-15)) Nov. 1-17	3 pt. min.	GMU 636	((5)) 6
White River	WF	Any	((Oct. 15 - Nov. 10)) Oct. 12 - Nov. 6	Any bull	GMU 653	((44)) 48
Turnbull	EA	Any	((Sept. 9-21)) Sept. 7-19	Spike bull only	Elk Area 1015	1
Grande Ronde	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 186	1
Sauk	WA	Any	Sept. 1-22, ((2023)) 2024; and Nov. 27 - Dec. 2, ((2023)) 2024; and Jan. 1-7, ((2024)) 2025	Any bull	GMU 437	9
Upper Smith Creek	WA	Any	Oct. 1-7	Any bull	Elk Area 5064	2
Mount Whittier	WA	Any	Oct. 1-7	Any bull	Elk Area 5065	1
Norway Pass	WA	Any	Oct. 1-7	Any bull	Elk Area 5066	3

Bulls						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Lewis River	WA	Any	((Nov. 22 – Dec. 8)) Nov. 27 - Dec. 8	3 pt. min.	GMU 560	5
Siouxon	WA	Any	((Nov. 22 – Dec. 8)) Nov. 27 - Dec. 8	3 pt. min.	GMU 572	5
Olympic	WA	Any	((Sept. 1-21 and Dec. 1-15)) Sept. 1-19 and Dec. 1-15	3 pt. min.	GMU 621, EXCEPT Elk Area 6071	4
Skokomish	WA	Any	((Sept. 1-21 and Dec. 1-15)) Sept. 1-19 and Dec. 1-15	3 pt. min.	GMU 636	((4)) 5
Turnbull	EM	Any	((Nov. 25-30)) Nov. 23-28	Spike bull only	Elk Area 1015	1
Grande Ronde	EM	Any	((Sept. 20 – Oct. 8)) Sept. 28 - Oct. 6	Any bull	GMU 186	1
Sauk	WM	Any	Sept. 23 - Oct. 4, ((2023)) 2024; and Dec. 3-11, ((2023)) 2024; and Jan. 8-19, ((2024)) 2025	Any bull	GMU 437	6
Upper Smith Creek	WM	Any	Oct. 9-15	Any bull	Elk Area 5064	2
Mount Whittier	WM	Any	Oct. 9-15	Any bull	Elk Area 5065	1
Norway Pass	WM	Any	Oct. 9-15	Any bull	Elk Area 5066	3
Yale	WM	Any	((Nov. 22 – Dec. 15)) Nov. 27 - Dec. 15	3 pt. min.	GMU 554	5
Olympic	WM	Any	((Sept. 30 – Oct. 13)) Sept. 28 - Oct. 11	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	3
Skokomish	WM	Any	((Sept. 30 – Oct. 13)) Sept. 28 - Oct. 11	3 pt. min.	GMU 636	1
White River	WM	Any	((Sept. 30 – Oct. 13)) Sept. 28 - Oct. 11	Any bull	GMU 653	9

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North Half	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMUs 101, 105, 204	10
Douglas	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 108	5
Aladdin	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 111	10
Selkirk	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 113	10
49 Degrees North	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 117	10
Huckleberry	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 121	10
<u>Fruitland</u>	<u>EF, EM, EA</u>	<u>Any</u>	<u>Jan. 1 - Feb. 15</u>	<u>Antlerless</u>	<u>Elk Area 1021</u>	<u>20</u>
Turnbull	EF	Any	((Nov. 11-16)) Nov. 9-14	Antlerless	Elk Area 1015	5
Turnbull	EF	Any	((Dec. 5-10)) Dec. 3-8	Antlerless	Elk Area 1015	5
Mayview-Peola	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMUs 145, 178	10
Prescott	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 149	20
Blue Creek	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 154	5
Marengo	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 163	5
Mountain View	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3	Antlerless	Elk Area 1013	5

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Couse	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3	Antlerless	Elk Area 1081	15
Malaga	EF	Any	Sept. 6-17	Antlerless	Elk Area 2032	20
Malaga	EF	Any	Nov. 1 - Dec. 31	Antlerless	Elk Area 2032	55
Peshastin	EF	Any	Dec. 15, 2023 - Feb. 8, 2024	Antlerless	Elk Area 2033	20
Colockum	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMUs 328, 329	50
West Bar	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 330	5
Teanaway	EF	Any	((Oct. 28 – Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 335	25
Taneum	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 336	180
Manastash	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 340	130
Umtanum	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 342, 346	125
Little Naches	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 346	125
Nile	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 352	10
Bumping	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 356	15
Bethel	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 360	10
Rimrock	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 364	145
Cowiche	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 368	80
Alkali A	EF	Any	((Oct. 14 – Nov. 3)) Oct. 12-29	Antlerless	GMU 371	45
Alkali B	EF	Any	((Nov. 4-22)) Oct. 30 - Nov. 22	Antlerless	GMU 371	45
((Green River	WF, WA, WM	Any	Nov. 4-10	Antlerless	GMU 485	5))
<u>Rattlesnake Mountain A</u>	EF	Any	Oct. 7-11	Antlerless	Elk Area 3723	5
<u>Rattlesnake Mountain B</u>	EF	Any	Oct. 21-25	Antlerless	Elk Area 3723	5
<u>Rattlesnake Mountain C</u>	EF	Any	Nov. 18-22	Antlerless	Elk Area 3723	5
<u>Rattlesnake Mountain D</u>	EF	Any	Dec. 2-6	Antlerless	Elk Area 3723	5
Mossyrock	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 505	20
Willapa Hills	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 506	((20)) 35
((Winston	WF	Any	Nov. 4-15	Antlerless	GMU 520	5
Margaret	WF	Any	Nov. 4-15	Antlerless	GMU 524 (except CLOSED in Elk Area 5066)	5))
Ryderwood	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 530	((15)) 30
((Coweeman	WF	Any	Nov. 4-15	Antlerless	GMU 550	5
Toutle	WF	Any	Nov. 20-30	Antlerless	GMU 556	5
Lewis River	WF	Any	Nov. 4-15	Antlerless	GMU 560	10))
Washougal	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 568	5
((Siouxon	WF	Any	Nov. 4-15	Antlerless	GMU 572	5))
Wind River	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 574	5

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
West Klickitat	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 578	5
((Norway Pass	WF	Any	Oct. 17-23	Antlerless	Elk Area 5066	3
Mudflow	WF	Any	Nov. 4-15	Antlerless	Elk Area 5099	3))
Mallis	WF	Any	Dec. 16-31	Antlerless	Elk Area 6010	10
Mallis	WF	Any	Jan. 1-20, ((2024)) 2025	Antlerless	Elk Area 6010	20
Puyallup	WF	Any	Jan. 1-20, ((2024)) 2025	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	Jan. 21 - Feb. 10, ((2024)) 2025	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	Feb. 11-28, ((2024)) 2025	Antlerless	Elk Area 6014	10
Joyce	WF	Any	Dec. 16-31	Antlerless	Elk Area 6030	5
Williams Creek	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 673	((50)) 25
Long Beach	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 684	4
Turnbull	EA	Any	((Sept. 9-21)) Sept. 7-19	Antlerless	Elk Area 1015	((12)) 11
Blue Creek	EA	Any	Sept. 7-19	Antlerless	GMU 154	5
Malaga	EA	Any	Aug. 29 - Sept. 4	Antlerless	Elk Area 2032	20
Colockum	EA	Any	((Sept. 9-21)) Sept. 7-19	Antlerless	GMUs 328, 329	75
Colockum	EA	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Antlerless	GMU 328	20
Taneum Early	EA	Any	((Sept. 9-21)) Sept. 7-19	Antlerless	GMU 336	100
Taneum Late	EA	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Antlerless	GMU 336	100
Manastash	EA	Any	((Sept. 9-21)) Sept. 7-19	Antlerless	GMU 340	140
Umtanum	EA	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Antlerless	GMU 342	175
Nile Early	EA	Any	((Sept. 9-21)) Sept. 7-19	Antlerless	GMU 352	30
Nile Late	EA	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Antlerless	GMU 352	30
Bumping	EA	Any	((Sept. 9-21)) Sept. 7-19	Antlerless	GMU 356	50
Rimrock	EA	Any	((Sept. 9-21)) Sept. 7-19	Antlerless	GMU 364	100
Cowiche	EA	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Antlerless	Elk Area 3681	100
((Margaret	WA	Any	Sept. 9-21 and Dec. 1-15	Antlerless	GMU 524 (except CLOSED in Elk Area 5066)	5
Toutle	WA	Any	Sept. 9-21 and Dec. 1-15	Antlerless	GMU 556	10
Norway Pass	WA	Any	Oct. 1-7	Antlerless	Elk Area 5066	3
Mudflow	WA	Any	Sept. 2-8 and Nov. 16-19	Antlerless	Elk Area 5099	5
Lewis River	WA	Any	Nov. 22 - Dec. 8	Antlerless	GMU 560	5
Siouxon	WA	Any	Nov. 22 - Dec. 8	Antlerless	GMU 572	3))
Willapa Hills	WA	Any	Nov. 27 - Dec. 15	Antlerless	GMU 506	60
Ryderwood	WA	Any	Nov. 27 - Dec. 15	Antlerless	GMU 530	50
Wynoochee	WA	Any	((Nov. 22 - Dec. 15)) Nov. 27 - Dec. 15	Antlerless	GMU 648	((90)) 40
North Half	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMUs 101, 105, 204	10
Douglas	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 108	5

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Aladdin	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 111	10
Selkirk	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 113	10
49 Degrees North	EM	Any	((Oct. 7-13)) Oct. 5-11 and Dec. 16-31	Antlerless	GMU 117	20
Huckleberry	EM	Any	((Oct. 7-13)) Oct. 5-11 and Dec. 16-31	Antlerless	GMU 121	10
Turnbull	EM	Any	((Nov. 25-30)) Nov. 23-28	Antlerless	Elk Area 1015	8
Turnbull	EM	Any	((Dec. 12-17)) Dec. 10-15	Antlerless	Elk Area 1015	8
Blue Creek	EM	Any	Dec. 9, ((2023)) 2024 - Jan. 20, ((2024)) 2025	Antlerless	Elk Area 1054	15
Mountain View	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	Elk Area 1013	5
Mayview-Peola	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMUs 145, 178	((10)) 5
Couse	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	Elk Area 1081	5
Couse	EM	Any	Dec. 1, ((2023)) 2024 - Jan. 20, ((2024)) 2025	Antlerless	Elk Area 1081 and Elk Area 1075	20
Malaga	EM	Any	Oct. 2-8	Antlerless	Elk Area 2032	45
Colockum	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMUs 328, 329	35
Teanaway	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 335	20
Taneum	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 336	100
Manastash	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 340	100
Umtanum	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 342	85
Nile	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 352	10
Bumping	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 356	10
Bethel	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 360	10
Cowiche	EM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 368	60
Alkali	EM	Any	((Sept. 23 - Oct. 13)) Sept. 22 - Oct. 11	Antlerless	GMU 371	45
Willapa Hills	WM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 506	((15)) 20
((Mudflow	WM	Any	Oct. 7-17	Antlerless	Elk Area 5099	4
Winston	WM	Any	Oct. 7-13	Antlerless	GMU 520	5
Margaret	WM	Any	Oct. 7-13	Antlerless	GMU 524 (except CLOSED in Elk Area 5066)	5))
Ryderwood	WM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 530	((10)) 15
((Coweeman	WM	Any	Oct. 7-13	Antlerless	GMU 550	5))
Yale	WM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	GMU 554	3
Yale	WM	Any	((Nov. 22 - Dec. 15)) Nov. 27 - Dec. 15	Antlerless	GMU 554	3
((Toutle	WM	Any	Oct. 7-13	Antlerless	GMU 556	5
Lewis River	WM	Any	Oct. 7-13	Antlerless	GMU 560	5))
Washougal	WM	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Antlerless	GMU 568	5
((Siouxon	WM	Any	Oct. 7-13	Antlerless	GMU 572	5))

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Wind River	WM	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Antlerless	GMU 574	5
West Klickitat	WM	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Antlerless	GMU 578	25
((Mount Whittier	WM	Any	Oct. 9-15	Antlerless	Elk Area 5065	1
Norway Pass	WM	Any	Oct. 9-15	Antlerless	Elk Area 5066	2))
Mallis	WM	Any	((Oct. 7-13)) Oct. 5-11	Antlerless	Elk Area 6010	10
Mashel	WM	Any	Jan. 1-15, ((2024)) 2025	Antlerless	Elk Area 6054	20
North River	WM	Any	((Nov. 22 - Dec. 15)) Nov. 27 - Dec. 15	Antlerless	GMU 658	25
Forks	WF, WM, WA	Any	Jan. 1-31, ((2024)) 2025	Antlerless	Elk Area 6612	20*

Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EF	Youth	((Nov. 18-23)) Nov. 16-21	Spike bull or antlerless	Elk Area 1015	6
Aladdin	EF	Youth	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 111	5
Selkirk	EF	Youth	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 113	5
49 Degrees North	EF	Youth	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 117	5
Mayview-Peola	EF	Youth	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMUs 145, 178	((5)) 3
Blue Creek	EF	Youth	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 154	3
Couse	EF	Youth	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	Elk Area 1081	3
Malaga	EF	Youth	Nov. 1-12	Antlerless	Elk Area 2032	10
Yakima North	EF	Youth	((Nov. 1-12)) Oct. 30 - Nov. 10	Antlerless	GMUs 336, 340, 342, 346	35
Yakima Central	EF	Youth	((Nov. 1-12)) Oct. 30 - Nov. 10	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF	Youth	((Nov. 1-12)) Oct. 30 - Nov. 10	Antlerless	GMUs 364, 368	25
Alkali	EF	Youth	Dec. 16, ((2023)) 2024 - Jan. 21, ((2024)) 2025	Antlerless	GMU 371	20
Yakima Early	EA	Youth	((Sept. 9-21)) Sept. 7-19	Antlerless	GMUs 336, 340, 352, 356, 364	55
Yakima Late	EA	Youth	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Antlerless	GMUs 336, 342, 368	40
Yakima North	EM	Youth	((Sept. 30 - Oct. 13)) Sept. 28 - Oct. 11	Antlerless	GMUs 336, 340, 342, 346	25
Yakima Central	EM	Youth	((Sept. 30 - Oct. 13)) Sept. 28 - Oct. 11	Antlerless	GMUs 352, 356, 360	10
Yakima South	EM	Youth	((Sept. 30 - Oct. 13)) Sept. 28 - Oct. 11	Antlerless	GMUs 364, 368	15
Alkali	EM	Youth	Nov. 23 - Dec. 15	Antlerless	GMU 371	10
Sauk	WF, WM, WA	Youth	Nov. 4-26 and Dec. 12-31	Antlerless	GMU 437	5
Green River	WF, WM, WA	Youth	((Nov. 4-10)) Oct. 19-25	((Antlerless)) Any bull	GMU 485	2
Mudflow	WF, WM, WA	Youth	((Nov. 20-30)) Nov. 21-30	Any bull	Elk Area 5099	5
((Mudflow	WF, WM, WA	Youth	Sept. 27 - Oct. 5	Antlerless	Elk Area 5099	5
Coweeman	WF	Youth	Nov. 4-15	Antlerless	GMU 550	10
Toutle	WF	Youth	Nov. 20-30	Antlerless	GMU 556	10))

Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Lewis River	WF	Youth	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 560	5
Wind River	WF	Youth	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 574	5
West Klickitat	WF	Youth	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 578	10
Region 5 West	WF, WM, WA	Youth ((with mentor))	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 5	10 ^{HC}
Region 5 East	EF, EM, EA	Youth	Aug. 1, 2024 - Mar. 31, 2025	Antlerless	Designated Areas in GMUs 382 and 388	5 ^{HC}
Peninsula	WF	Youth	((Nov. 4-15)) Nov. 2-13	Antlerless	GMUs 602, 607, 612, 615	4
Clearwater	WF	Youth	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 615	5
Matheny	WF	Youth	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 618	5
Wynoochee	WF	Youth	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 648	10
North River	WF	Youth	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 658	6
Williams Creek	WF	Youth	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 673	10
Mallis	WF	Youth	Dec. 16, ((2023)) 2024 - Jan. 20, ((2024)) 2025	Antlerless	Elk Area 6010	10
Peninsula	WA	Youth	((Sept. 9-21)) Sept. 7-19	Antlerless	GMUs 602, 607, 612, 615	2
Peninsula	WM	Youth	((Oct. 7-13)) Oct. 5-11	Antlerless	GMUs 602, 607, 612, 615	2
Forks	WF, WM, WA	Youth	Dec. 16, ((2023)) 2024 - Jan. 31, ((2024)) 2025	Antlerless	Elk Area 6612	10*
Region 6	WF	Youth ((with mentor))	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 6	7 ^{HC}

65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	EF	65+	((Oct. 29 - Nov. 6)) Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMUs 113, 117	10
Prescott	EF	65+	Oct. 28 - Nov. 5	Antlerless	GMU 149	3
Blue Creek	EF	65+	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 154	1
Marengo	EF	65+	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 163	1
Peola-Mayview	EF	65+	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 178, 145	2
Malaga	EF	65+	Nov. 1-12	Antlerless	Elk Area 2032	10
Yakima North	EF	65+	((Nov. 1-12)) Oct. 30 - Nov. 10	Antlerless	GMUs 336, 340, 342, 346	10
Yakima Central	EF	65+	((Nov. 1-12)) Oct. 30 - Nov. 10	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF	65+	((Nov. 1-12)) Oct. 30 - Nov. 10	Antlerless	GMUs 364, 368	5
Alkali	EF	65+	((Oct. 14 - Nov. 3)) Oct. 12-29	Antlerless	GMU 371	10
Yakima Early	EA	65+	((Sept. 9-21)) Sept. 7-19	Antlerless	GMUs 336, 340, 352, 356, 364	15
Yakima Late	EA	65+	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Antlerless	GMUs 336, 342, 368	10
Yakima North	EM	65+	((Sept. 30 - Oct. 13)) Sept. 28 - Nov. 11	Antlerless	GMUs 336, 340, 342, 346	5
Yakima Central	EM	65+	((Sept. 30 - Oct. 13)) Sept. 28 - Nov. 11	Antlerless	GMUs 352, 356, 360	5

65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Ryderwood	WF	65+	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 530	5
Willapa Hills	WF	65+	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 506	5
Sauk	WF, WM, WA	65+	Nov. 4-26 and Dec. 12-31	Antlerless	GMU 437	5
Peninsula	WF	65+	((Nov. 4-15)) Nov. 2-13	Antlerless	GMUs 602, 607, 612, 615	3
Hanaford	WF, WM, WA	65+	Jan. 1-15, ((2024)) 2025	Antlerless	Elk Area 6069	5
Hanaford	WF, WM, WA	65+	Jan. 16-31, ((2024)) 2025	Antlerless	Elk Area 6069	5
Peninsula	WA	65+	((Sept. 9-21)) Sept. 7-19	Antlerless	GMUs 602, 607, 612, 615	1
Peninsula	WM	65+	((Oct. 7-13)) Oct. 5-11	Antlerless	GMUs 602, 607, 612, 615	1

Hunters with Disabilities - Only hunters with disabilities may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	EF	Hunters w/ Disabilities	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMUs 113, 117	4
Turnbull	EF, EM, EA	Hunters w/ Disabilities	((Oct. 4-9)) Oct. 2-7	Antlerless	Elk Area 1015	5
Prescott	EF	Hunters w/ Disabilities	Oct. 28 - Nov. 5	Antlerless	GMU 149	3
Blue Creek	EF	Hunters w/ Disabilities	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 154	1
Marengo	EF	Hunters w/ Disabilities	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 163	1
Peola-Mayview	EF	Hunters w/ Disabilities	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 178, 145	1
Observatory	EF, EM, EA	Hunters w/ Disabilities	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Any bull	GMUs 334, 340, 342	1
Little Naches	EF, EM, EA	Hunters w/ Disabilities	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any bull	GMU 346	2
Malaga	EF, EM, EA	Hunters w/ Disabilities	Sept. 6-17	Antlerless	Elk Area 2032	10
Yakima North	EF, EM, EA	Hunters w/ Disabilities	((Nov. 1-12)) Oct. 30 - Nov. 9	Antlerless	GMUs 336, 340, 342, 346	15
Yakima Central	EF, EM, EA	Hunters w/ Disabilities	((Nov. 1-12)) Oct. 30 - Nov. 9	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF, EM, EA	Hunters w/ Disabilities	((Nov. 1-12)) Oct. 30 - Nov. 9	Antlerless	GMUs 364, 368	5
Alkali	EF, EM, EA	Hunters w/ Disabilities	((Oct. 14 - Nov. 3)) Oct. 12-29	Any elk	GMUs 334, 371	5
Corral Canyon	EF, EM, EA	Hunters w/ Disabilities	((Sept. 23 - Oct. 4)) Sept. 28 - Oct. 6	Any elk	Elk Area 3721	2
Sauk	WF, WM, WA	Hunters w/ Disabilities	Nov. 4-26 and Dec. 12-31	Antlerless	GMU 437	5
((Mudflow	WF, WM, WA	Hunters w/ Disabilities	Oct. 19-25	Antlerless	Elk Area 5099	5))
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Sept. 19-25	Any bull	Elk Area 5099	5
Washougal	WF	Hunters w/ Disabilities	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 568	5
((Region 5	WF, WM, WA	Hunters w/ Disabilities	Aug. 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 5	5HC))
Peninsula	WF	Hunters w/ Disabilities	((Nov. 4-15)) Nov. 2-13	Antlerless	GMUs 602, 607, 612, 615	3
Peninsula	WM	Hunters w/ Disabilities	((Oct. 7-13)) Oct. 5-11	Antlerless	GMUs 602, 607, 612, 615	1

Hunters with Disabilities - Only hunters with disabilities may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Peninsula	WA	Hunters w/ Disabilities	((Sept. 9-21)) Sept. 7-19	Antlerless	GMUs 602, 607, 612, 615	1

Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one elk may be killed in the unit under the authorization of the special permit.

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	((Dec. 19-31)) Dec. 17-31	Antlerless	Elk Area 1015	5
Region 1	EF, EA, EM/ 2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Region 1	20 ^{HC}
Region 2	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 2	10 ^{HC}
Region 3	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 3	20 ^{HC}
Rattlesnake Hills	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in GMU 372	20 ^{HC}
Region 4 North	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Whatcom and Skagit counties	13 ^{HC}
Region 4 South	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in King and Snohomish counties	10 ^{HC}
((Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 9-15	Antlerless	Elk Area 5063	2
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 17-23	Antlerless	Elk Area 5063	3))
Region 5	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 5	30 ^{HC}
Long Beach	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	GMU 684	5
Region 6	WF, WA, WM/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 6	20 ^{HC}
Region 5 Northwest—Hoof Disease	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 1, ((2023)) 2024 - Feb. 28, ((2024)) 2025	Antlerless	GMUs 501, 503, 504, 505, 506, 520, 524 (except CLOSED in Elk Area 5066), 530, 550	15**
Region 5 Southeast—Hoof Disease	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 1, ((2023)) 2024 - Feb. 28, ((2024)) 2025	Antlerless	GMUs 554, 560, 564, 568, 572, 574, 578 ((except CLOSED in Elk Area 5062)), 388, 382	10**
JBH Hoof Disease Antlerless	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Nov. 1 - Dec. 15	Antlerless	Elk Area 5090	5 ^{HC**} MZ Only
Region 6 Willapa Hills—Hoof Disease	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 1, ((2023)) 2024 - Feb. 28, ((2024)) 2025	Antlerless	GMUs 658, 660, 663, 672, 673, 681	15**

* Must use only archery, muzzleloader, or legal shotgun (10 or 12 gauge; slugs only).

** Hunters are expected to target elk displaying clinical signs of elk hoof disease such as limping, lameness, or hoof abnormalities.

HC This is a damage hunt administered by a WDFW designated hunt coordinator. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year, depending on elk damage activity for that year.

MZ Only Must use only muzzleloaders (variable power scopes are allowed).

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> - Special elk permits will be allocated through a random drawing to those hunter education instructors who qualify. - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons. - Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. - Permittees may purchase a second license for use with the permit hunt only. - Qualified hunter education instructors may only receive one incentive permit each year. 				
Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any bull	GMUs 334, 336-371	1
Region 4		Any elk	GMUs 454, 460	1
Region 5		Any elk	382, 388 and all 500 series GMUs EXCEPT GMU 522	1
Region 6		Any elk	GMUs 618, 638-648, 654, 658, 663, 672, 699	1

Elk Hoof Disease Incentive Permits				
<ul style="list-style-type: none"> - Special elk permits will be allocated through a random drawing of hunters who qualify. - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons. - Qualified hunters may only receive one incentive permit each year. 				
Area	Dates	Restrictions	GMUs	Permits
Mount St. Helens	Sept. 1 - Dec. 31	Any Bull	GMUs 505, 520, 550, 554, 556, 560, 564, 568, 572, 574, 578, 382, 388	5
South Rainier		Any Bull	GMUs 503, 510, 513, 516	2
Willapa Hills		Any Bull	GMUs 501, 504, 506, 530, 658, 660, 663, 672, 673, 681, 684	5
North Rainier		Any Bull	GMUs 652, 653, 654	2
Olympic		Any Bull	GMUs 601, 602, 603, 607, 612, 615, 618, 624, 633, 638, 642, 648, 651, excludes Elk Area 6064	5

OTS-5203.2

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

WAC 220-415-070 ((2023)) 2024 Moose seasons, permit quotas, and areas. (1) It is unlawful to fail to comply with the provisions of this section. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

(2) **Moose Permit Hunts**

(a) **Who May Apply:**

(i) **Any antlered bull moose category:** An individual may only harvest one moose under the "any antlered bull moose" or "any moose" category during his or her lifetime. Applications will not be accepted from hunters having previously harvested a moose in the "any moose" or "any antlered bull moose" category.

(ii) **Antlerless only, youth antlerless, over-65 antlerless, disabled-antlerless, hunter-education antlerless, auction moose, raffle moose:** Anyone may apply.

(b) **Bag Limit:** One moose except where otherwise permitted by department rule, even if permits are drawn for more than one moose hunt category.

(c) **Weapon Restrictions:** Permit holders may use any legal weapon.

(d) **Submitting moose teeth:** Successful moose hunters must submit an incisor tooth from the lower jaw, either in person at a WDFW office, or via the postage-paid envelope supplied, no later than ~~((six-ty~~) 60 days after harvest.

(e) **Any antlered bull moose seasons:** Open only to the taking of moose with visible antlers (bull calves illegal).

Hunt Name	Permit Season	GMU or boundary	Permits
Any antlered bull moose			
Kettle Range-East Okanogan 101, 105, 204	Oct. 1 - Nov. 30	GMUs 101, 105, 204	10
Douglas A - Early	Oct. 1-31	GMU 108	4
Douglas A - Late	Nov. 1-30	GMU 108	4
Aladdin A - Early	Oct. 1-31	GMU 111	3
Aladdin A - Late	Nov. 1-30	GMU 111	3
Selkirk 113	Oct. 1 - Nov. 30	GMU 113	15
49 Degrees North A - Early	Oct. 1-31	GMU 117 (((except Parker Lake))) <u>see note</u>	12
49 Degrees North A - Late	Nov. 1-30	GMU 117 (((except Parker Lake))) <u>see note</u>	12
Huckleberry A - Early	Oct. 1-31	GMU 121	10
Huckleberry A - Late	Nov. 1-30	GMU 121	10
Spokane West A	Oct. 1 - Nov. 30	GMU 124 w of Hwy 395	2
Mt Spokane South A	Oct. 1 - Nov. 30	Moose Area 1 (within 124)	8
Mt Spokane North A	Oct. 1 - Nov. 30	Moose Area 2 (within 124)	8
Hangman	Oct. 1 - Nov. 30	GMU 127, 130, 139	4
Antlerless only -			
Douglas 108 B	Oct. 1 - Nov. 30	GMU 108	2
Aladdin 111 B	Oct. 1 - Nov. 30	GMU 111	2
49 Degrees North B	Oct. 1 - Nov. 30	GMU 117 (((except Parker Lake))) <u>see note</u>	2
Huckleberry B	Oct. 1 - Nov. 30	GMU 121	8
Spokane West B	Oct. 1 - Nov. 30	GMU 124 w of Hwy 395	2
Mt Spokane South B	Oct. 1 - Nov. 30	Moose Area 1 (within 124)	2
Mt Spokane North B	Oct. 1 - Nov. 30	Moose Area 2 (within 124)	2
Mica Peak	Oct. 1 - Nov. 30	GMU 127	2
Cheney B	Oct. 1 - Nov. 30	GMU 130, 139	2
Youth Only - Antlerless			
Mt Spokane South Y	Oct. 1 - Nov. 30	Moose Area 1 (within 124)	1
65 Year and over - Antlerless			
49 Degrees North V	Oct. 1 - Nov. 30	GMU 117 (((except Parker Lake))) <u>see note</u>	1
Huckleberry V	Oct. 1 - Nov. 30	GMU 121	2
Disabled hunter - Antlerless			
49 Degrees North D	Oct. 1 - Nov. 30	GMU 117 (((except Parker Lake))) <u>see note</u>	1
Mt Spokane North D	Oct. 1 - Nov. 30	Moose Area 2 (within 124)	1

Note: Moose Area 3 (Parker Lake) is closed to all moose hunters, except those with a Parker Lake special permit.

(3) **Moose Areas:**

(a) **Moose Area 1:** South Spokane Moose Area:

That portion of GMU 124 beginning at intersection of Blanchard Rd and Idaho-Washington state line: W on Blanchard Rd to Blanchard Creek Rd; SW on Blanchard Creek Rd to Tallman Rd; W on Tallman Rd to Elk Chattaroy Rd; SW on Elk Chattaroy Rd to Hwy 2; S on Hwy 2 to Hwy 395, S on Hwy 395 to Spokane River, E on Spokane River to Idaho-Washington state line, N on Idaho-Washington state line to Blanchard Rd and the point of beginning.

(b) **Moose Area 2:** North Spokane Moose Area:

That portion of GMU 124 beginning at intersection of Blanchard Rd and Idaho-Washington state line: W on Blanchard Rd to Blanchard Creek Rd; SW on Blanchard Creek Rd to Tallman Rd; W on Tallman Rd to Elk Chattaroy Rd; SW on Elk Chattaroy Rd to Hwy 2; S on Hwy 2 to Hwy 395, N on Hwy 395 to Deer Park-Milan Rd, E on Deer Park-Milan Rd to Hwy 2, N on Hwy 2 to Idaho-Washington state line, S on Idaho-Washington state line to Blanchard Rd and the point of beginning.

(c) **Moose Area 3:** Parker Lake (GMU 117, Pend Oreille County): All lands south of Ruby Creek Rd (USFS Road 2489), north of Tacoma Creek Rd (USFS Road 2389), and west of Bonneville Power Administration power lines.

OTS-5204.1

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

WAC 220-415-120 ((2023)) 2024 Bighorn sheep seasons, permit quotas, and areas. (1) It is unlawful to fail to comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

(2) **Bighorn Sheep Permit Hunts**

(a) **Who May Apply:** Anyone may apply, EXCEPT those who previously harvested a bighorn sheep in Washington state. An individual may only harvest one bighorn ram during his or her lifetime. However, this restriction is waived for hunters who have previously harvested a bighorn sheep under a ewe-only, juvenile ram, raffle, or auction permit, as well as for applications for a ewe-only, juvenile ram, raffle, or auction permit.

(b) **Bag Limit:** One (1) bighorn sheep except where otherwise permitted by department rule, even if permits are drawn for more than one bighorn sheep hunt category.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Any ram				
Cleman Mountain	Oct. 1-31	Sheep Unit 7	Any Legal Weapon	4
Lincoln Cliffs	Sept. 15 - Oct. 10	Sheep Unit 12	Any Legal Weapon	2

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Quilomene	Oct. 1-31	Sheep Unit 13	Any Legal Weapon	3
Swakane	Sept. 15 - Oct. 10	Sheep Unit 14	Any Legal Weapon	2
Manson	Nov. 9-30	Sheep Unit 16	Any Legal Weapon	2
Chelan Butte A	Sept. 15 - Oct. 10	Sheep Unit 18	Any Legal Weapon	2
Chelan Butte B	Oct. 11 - Nov. 15	Sheep Unit 18	Any Legal Weapon	2
<u>Wenaha</u>	<u>Sept. 15 - Oct. 10</u>	<u>GMU 169</u>	<u>Any Legal Weapon</u>	<u>1</u>
Mountain View - Black Butte	Sept. 15 - Oct. 10	GMU 172, portions of GMU 181, GMU 186	Any Legal Weapon	1
Adult ewe				
((Cleman Mountain A	Oct. 10-31	Sheep Unit 7	Adult ewe only Any Legal Weapon	10
Cleman Mountain B	Nov. 6-26	Sheep Unit 7	Adult ewe only Any Legal Weapon	8))
Lincoln Cliffs Whitestone Unit	((Oct. 1-10)) <u>Sept. 15-30</u>	Sheep Unit 20 Whitestone	Adult ewe only Any Legal Weapon	((4)) <u>2</u>
Chelan Butte	Sept. 15 - Oct. 10	Sheep Unit 18	Adult ewe only Any Legal Weapon	((4)) <u>1</u>
<u>Swakane</u>	<u>Oct. 11-31</u>	<u>Sheep Unit 14</u>	<u>Adult ewe only</u> <u>Any Legal Weapon</u>	<u>2</u>
Youth				
((Cleman Mountain	Nov. 6-26	Sheep Unit 7	Adult ewe only Any Legal Weapon	2))
Hunters with Disabilities				
Chelan Butte A	Oct. 11-31	Sheep Unit 18	Adult ewe only Any Legal Weapon	((3)) <u>2</u>
Chelan Butte B	Oct. 11-31	Sheep Unit 18	Juvenile ram only ^a Any Legal Weapon	2

See subsection (3) of this section Bighorn Sheep Units for detailed legal descriptions of these hunt area boundaries.

^a A juvenile ram is defined as a male bighorn sheep having at least one "unbroomed" horn that does not extend past an imaginary line beginning at the point on the animal's forehead where the front of the horn base adjoins the skull, and continuing downwards and in a posterior direction through the posterior edge of the eye. All reference points are based on viewing the ram directly from a 90 degree angle from which the head is facing. A "broomed" horn is defined as a sheep horn that has been broken, splintered, frayed or rubbed in the wild, thus shortening its length and disrupting its natural taper.

(3) **Bighorn Sheep Units:**

(a) **Sheep Unit 2 Vulcan Mountain:** Permit Area: Ferry County north of the Kettle River near Curlew.

(b) **Sheep Unit 4 Selah Butte:** Permit Area: That part of GMU 340 east of the Yakima River.

(c) **Sheep Unit 4A Selah Butte North:** Permit Area: That part of GMU 340 east of the Yakima River and north of Lmuma Creek.

(d) **Sheep Unit 4B Mount Baldy:** Permit Area: That part of GMU 340 east of the Yakima River, south of Lmuma Creek and north of Burbank Creek.

(e) **Sheep Unit 4C Selah Butte South:** Permit Area: That part of GMU 340 east of the Yakima River and south of Burbank Creek.

- (f) **Sheep Unit 5 Umtanum:** Permit Area: Those portions of GMU 340 west of the Yakima River and GMU 342 north of Wenas Creek.
- (g) **Sheep Unit 5A Umtanum North:** Permit Area: Beginning at the Powerline Crossing the Yakima River in Section 11 of T17N, R18E; then south down the Yakima River to Roza Creek; then west up Roza Creek to the powerline; then north along the powerline to the point of beginning.
- (h) **Sheep Unit 5B Umtanum South:** Permit Area: Beginning where Roza Creek enters the Yakima River, then down the Yakima River to the powerline crossing in Section 17 of T14N, R19E; then north on the powerline to Roza Creek; then east down Roza Creek to the point of beginning.
- (i) **Sheep Unit 7 Cleman Mountain:** Permit Area: GMU 346 and that part of GMU 342 south of Wenas Creek.
- (j) **Sheep Unit 10 Mt. Hull:** Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.
- (k) **Sheep Unit 12 Lincoln Cliffs:** Permit Area: That part of Lincoln County north of Highway 2.
- (l) **Sheep Unit 13 Quilomene:** Permit Area: GMUs 329, 330, and that part of 251 east of Squilchuck Creek and south of Colockum Creek.
- (m) **Sheep Unit 14 Swakane:** Permit Area: GMU 250.
- (n) **Sheep Unit 15 Tieton:** Permit Area: GMU 360.
- (o) **Sheep Unit 16 Manson:** Permit Area: Beginning at the mouth of Granite Falls Creek on the south shore of Lake Chelan, E across Lake Chelan to Willow Point; NW along the shoreline of Lake Chelan to the mouth of Stink Creek; E along Stink Creek to the intersection with Green's Landing Road; along Green's Landing Road to Manson Boulevard; E on Manson Boulevard to Lower Joe Creek Road; NE on Lower Joe Creek Road to Grade Creek Road; NE on Grade Creek Road to US Forest Service Road 8210; NE on US Forest Service Road 8210 to intersection with US Forest Service Road 8020; W on US Forest Service Road 8020 to Fox Peak; NW along Sawtooth Ridge (Chelan-Okanogan County Line) to the Lake Chelan National Recreation Area boundary; S along the Lake Chelan National Recreation Area boundary to shore line of Lake Chelan; W across Lake Chelan to the mouth of Riddle Creek on the South Shore; SE along South Shore of Lake Chelan to the point of beginning.
- (p) **Sheep Unit 18 Chelan Butte:** Permit Area: Beginning at the intersection of State Hwy 971 and US Hwy 97A, S to the W shoreline of the Columbia River, N along the W shoreline of the Columbia River for 21 miles to the mouth of Antoine Creek, W up Antoine Creek to where it crosses Apple Acres Rd, W on Apple Acres Rd to the intersection with Washington Creek Rd (US Forest Service Rd 8135), N on Washington Creek Rd to its end and then follow Washington Creek, W on Washington Creek to where it crosses US Forest Service Rd 8010, S on US Forest Service Rd 8010 (transitions into Purtteman Creek Rd) to Purtteman Gulch, S into Purtteman Gulch to the N shoreline of Lake Chelan, S along the shoreline to the S shoreline of Lake Chelan to the mouth of First Creek, S up First Creek to the intersection of State Hwy 971 (Navarre Coulee Rd), S on State Hwy 971 to the point of beginning.
- (q) **Sheep Unit 19 Sinlahekin:** Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd (Co. Rd 4568); SE on the Similkameen Rd (Co. Rd 4568) to the Loomis-Oroville

Rd (Co. Rd 9425); E on the Loomis-Oroville Rd (Co. Rd 9425) to US Hwy 97 in Oroville; S on US Hwy 97 to 12th Ave; W on 12th Ave (it curves S and changes to Old Highway 97); S on Old Highway 97 to US Hwy 97; S on US Hwy 97 to the South Pine Creek Rd (Co. Rd 9410); W on the South Pine Creek Rd (Co. Rd 9410) to Fish Lake Rd (Co. Rd 4290); W on Fish Lake Rd (Co. Rd 4290) to South Fish Lake Rd (Co. Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (Co. Rd 4282), to the Sinlahekin Rd (Co. Rd 4015); SW on the Sinlahekin Rd (Co. Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (Co. Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, Co. Rd 2361) to US Forest Service Rd 3820; N on US Forest Service Rd 3820 over Lone Frank Pass, to US Forest Service Rd 39; N on US Forest Service Rd 39 to the US Forest Service Rd 300 at Long Swamp trailhead; W on the US Forest Service Rd 300 to US Forest Service Trail 342; N on US Forest Service Trail 342 to US Forest Service Trail 343; E on US Forest Service Trail 343 to US Forest Service Trail 341; E on US Forest Service Trail 341 to US Forest Service Trail 375; E on US Forest Service Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.

(r) **Sheep Unit 20 Whitestone:** Starting at the intersection of Mount View Rd and US Highway 2; W on US Highway 2 to the Lincoln County Line; N on the Lincoln County Line to the Lincoln County Line in the Columbia River; E up the Columbia River to Halverson Canyon; S and W up Halverson Canyon to Mount View Rd; S on Mount View Rd to US Highway 2 and the point of the beginning.

(s) **Sheep Unit 21 Lincoln:** Starting at the intersection of Mount View Rd and US Highway 2; E on US Highway 2 to the Lincoln County Line; N on the Lincoln County Line to the Lincoln County Line in the Spokane River; W down the Spokane River to the Columbia River; W down the Columbia River to Halverson Canyon; S and W up Halverson Canyon to Mount View Rd; S on Mount View Rd to US Highway 2 and the point of the beginning.

(t) **Mountain View - Black Butte:** GMUs 172, 186; portions of GMU 181 (south of the line made by starting at Montgomery Ridge Road and Highway 129 to the Sherry Grade Road to the Couse Creek Road to the Snake River).

OTS-5205.1

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

WAC 220-415-130 ((2023)) 2024 Mountain goat seasons, permit quotas, and areas. (1) Hunters must comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

(2) **Mountain Goat Permit Hunts**

(a) **Who May Apply:**

(i) **Mountain goat special permit category:** Anyone may apply, except those who harvested a mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during his or her lifetime. However, these restrictions are waived for hunters who have previously harvested a mountain goat under an auction, raffle, or conflict reduction permit, as well as for applications for an auction, raffle, or conflict reduction permit.

(ii) **Conflict reduction special permit category:** Anyone may apply.

(b) **Bag Limit:**

(i) **Mountain goat special permit category:** One (1) adult goat of either sex with horns 4 inches or longer, except where otherwise permitted by department rule even if permits are drawn for more than one mountain goat hunt category.

(ii) **Conflict reduction special permit category:** Two (2) goats of either sex. No minimum horn length or age requirements.

(c) It is unlawful for a person who kills a mountain goat in Washington to fail, within 10 days after acquisition, to personally present the horns attached to the head for inspection at a department office or location designated by a departmental representative. After inspection, the head/horns of a mountain goat lawfully killed in Washington may be kept for personal use. A violation of this subsection is punishable under RCW 77.15.280 (1)(b).

(d) Applicants drawn for a permit may only purchase their license after successfully completing the WDFW mountain goat gender identification training (online or at a participating WDFW office). However, this requirement is waived for applicants drawn for a permit in the conflict reduction special permit category.

Goat Hunt Area Name (Number)	Permit Season	Special Restrictions	Permits
Mountain goat special permits			
Naches Pass (3-6)	Sept. 1 - Nov. 30	Any Legal Weapon	1
Bumping River (3-7)	Sept. 1 - Nov. 30	Any Legal Weapon	1
Chowder Ridge (4-3)	Sept. 1 - Nov. 30	Any Legal Weapon	1
Lincoln Peak (4-4)	Sept. 1 - Nov. 30	Any Legal Weapon	2
Avalanche Gorge (4-7)	Sept. 1 - Nov. 30	Any Legal Weapon	3
Goat Rocks West (5-4)	Oct. 1 - Nov. 30	Any Legal Weapon	1
Goat Rocks East (5-5)	Oct. 1 - Nov. 30	Any Legal Weapon	1
Mt. Margaret Backcountry (5-6)	Oct. 1 - Nov. 30	Any Legal Weapon	2
Mt. St. Helens South (5-7)	Oct. 1 - Nov. 30	Any Legal Weapon	2

(3) **Mountain Goat Hunt Area Descriptions.** The following areas are defined as mountain goat hunt areas:

Chelan North 2-1: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then NE up Fish Creek and USFS Trail 1259 to the Sawtooth crest near Deephole Spring; then SE along the Sawtooth crest, which separates Chelan and Okanogan counties, to Horsethief Basin and the headwaters of Safety Harbor Creek; then S along Safety Harbor Creek to Lake Chelan, then NW along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

Methow 2-2: Begin at Twisp, W along Twisp River Rd (County Rd 4440) to Roads End; W up Twisp Pass Trail 432 to Twisp Pass and Okanogan County line; N on Okanogan County line through Washington Pass to Harts Pass; SE down Harts Pass (Rd 5400) to Lost River; along Lost River-Mazama Rd

to Mazama; SW to State Hwy 20; SE on State Hwy 20 to Twisp and point of beginning.

South Lake Chelan 2-3: GMU 246

Naches Pass 3-6: Beginning at Chinook Pass; then N along the Pacific Crest Trail to Naches Pass; then E to USFS Road 19 and continuing to State Highway 410; then W along State Highway 410 to Chinook Pass and point of beginning.

Bumping River 3-7: Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

Blazed Ridge 3-10: Beginning at the mouth of Cabin Creek on the Yakima River; then W along Cabin Creek to the headwaters near Snowshoe Butte; then S along the Cascade Crest separating the Green and Yakima River drainage to Pyramid Peak; then SE along the North Fork, Little Naches, and Naches River to the Yakima River; then N along the Yakima River to the mouth of Cabin Creek and point of beginning.

Chowder Ridge 4-3: Beginning at the confluence of Wells Creek with the North Fork Nooksack River; then up Wells Creek to the confluence with Bar Creek; then up Bar Creek to the Mazama Glacier; then SW on Mazama Glacier to the summit of Mount Baker; then NW between Roosevelt Glacier and Coleman Glacier to the headwaters of Kulshan Creek; then down Kulshan Creek to the confluence with Grouse Creek; then down Grouse Creek to the confluence with Glacier Creek; then down Glacier Creek to the confluence with the North Fork Nooksack River; then up the North Fork Nooksack River to Wells Creek and the point of beginning.

Lincoln Peak 4-4: Beginning at the confluence of Glacier Creek and the North Fork Nooksack River; then up Glacier Creek to the confluence with Grouse Creek; then up Grouse Creek to the confluence with Kulshan Creek; then up Kulshan Creek to headwaters; then SE between Coleman and Roosevelt glaciers to the summit of Mount Baker; then SW on Easton Glacier to Baker Pass; then W on the Bell Pass Trail (USFS Trail 603.3) to the intersection with Ridley Creek Trail (Trail No. 696); then W on Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then down the Middle Fork Nooksack River to the confluence with Clearwater Creek, then up Clearwater Creek to the confluence with Rocky Creek, then up Rocky Creek to the Washington DNR boundary; then along the National Forest-Washington DNR boundary to Hedrick Creek; then down Hedrick Creek to the North Fork Nooksack River; then up the North Fork Nooksack River to Glacier Creek and the point of beginning.

Avalanche Gorge 4-7: Beginning on Baker Lake Road and Park Creek; then up Park Creek to headwaters and beginning of Park Glacier; then NW and SW on Park Glacier to Mount Baker summit; then N on the Mazama Glacier

to Bar Creek, then down Bar Creek to the confluence with Wells Creek; then SE up Wells Creek to its headwaters; then E about 1 mile to an unnamed peak (indicated elevation 5,831 ft, just W of Ptarmigan Ridge Trail (Trail No. 682.1) (See referenced 1:24k USGS quad map - Shuksan Arm)); then NE to the headwaters of the first tributary of Swift Creek encountered; then SE down said unnamed tributary to the confluence with Swift Creek; then down Swift Creek to the Baker Lake Road (USFS Road 394); then SW along the Baker Lake Road to Park Creek and point of beginning. (Refer to 1:24k USGS quad map - Shuksan Arm).

Boulder River North 4-8a: That area within the Boulder River Wilderness of the Mount Baker Snoqualmie National Forest, beginning at the Boulder River trailhead on USFS Rd 2010 (to Boulder Falls), then E along the USFS Boulder River Wilderness boundary to Squire Creek, then southward along the Squire Creek to Squire Creek Pass, then SW up Squire Creek Pass to the headwaters of Copper Creek, then SE down Copper Creek to the unnamed tributary to Copper Creek which heads W up to Windy Pass, then W up said tributary to its headwaters in Windy Pass, then W across Windy Pass to the headwaters of Windy Creek, then W down Windy Creek to the USFS Boulder River Wilderness boundary, then N along the USFS Boulder River Wilderness boundary to the Boulder River trailhead on USFS Rd 2010 and the point of the beginning.

Goat Rocks West 5-4: Beginning at US Hwy 12 at the US Forest Service Trail 2000 (Pacific Crest National Scenic Trail); S on the Pacific Crest National Scenic Trail to Lewis County line at Cispus Pass; S and W on the Lewis County line to Johnson Creek Rd (US Forest Service Rd 21); N on Johnson Creek Rd to US Hwy 12; E on US Hwy 12 to the Pacific Crest National Scenic Trail and the point of the beginning.

Goat Rocks East 5-5: GMU 364

Mt. Margaret Backcountry 5-6: Beginning at the junction of USFS 99 Rd and USFS 26 Rd; S on USFS 99 Rd to junction of USFS 99 Rd and USFS Trail 227 at Independence Pass trailhead; N on USFS Trail 227 to junction of USFS Trail 227 and USFS Trail 1; W on USFS Trail 1 to junction of USFS Trail 1 and USFS Trail 230; NW on USFS Trail 230 to junction of USFS Trail 230 and USFS Trail 211; NE to Minnie Peak; W to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; N along the USFS property boundary to the Green River; E up the Green River to USFS Rd 2612; E on USFS 2612 to the junction of USFS Rd 2612 and USFS Rd 26; S on USFS Rd 26 to the junction of USFS Rd 26 and USFS Rd 99 and point of beginning.

Mt. St. Helens South 5-7: Beginning at the junction of USFS Trail 234 and USFS Rd 83; W on USFS Rd 83 to the junction of USFS Rd 83 and USFS Rd 81; NW on USFS Rd 81 to the junction of USFS Rd 81 and USFS Rd 8123; N on USFS Rd 8123 to USFS Trail 238 at Blue Lake; N on USFS Trail 238 to USFS Trail 216; N on USFS Trail 216 to the South Fork Toutle River; Up the South Fork Toutle River to Mt. St. Helens crater's edge; E along Mt. St. Helens crater to Ape Canyon Creek; Down Ape Canyon Creek to USFS Trail 216; E on USFS Trail 216 to USFS Trail 234; SE on USFS Trail 234 to USFS Rd 83 and point of beginning.

East Olympic Mountains 6-1: GMUs 621, 636, and 638.

OTS-5206.1

AMENDATORY SECTION (Amending WSR 21-14-022, filed 6/28/21, effective 7/29/21)

WAC 220-416-010 ((2021-2022, 2022-2023, 2023-2024)) 2024-2025, 2025-2026, 2026-2027 Small game and other wildlife seasons and regulations. A valid small game license is required to hunt all species listed below, except forest grouse, coyote, and crow may be hunted with a valid big game or small game license. Hunters must comply with official established hunting hours for each species and the provisions of this section. Failure to comply with this section constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

SMALL GAME AND OTHER ANIMAL SEASONS

(1) **LEGAL HUNTER:** Open to all hunters with a valid license.

Species	Area	Dates	Daily Bag Limit	Possession Limit	Restrictions
Bobcat	Statewide	Sept. 1 - Mar. 15	No limit.	No limit.	It is unlawful to hunt bobcat with dogs. Night hunting for bobcat is prohibited in the following GMUs ((that fall within the lynx management zones identified by the department)): 101, 105, 108, 111, 113, 117, 203, 204, 215, 218, 224, 231, 233, 242-247, 250, 426, and 450.
Raccoon	Statewide	Sept. 1 - Mar. 15	No limit.	No limit.	
Fox	Statewide, EXCEPT closed within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests.	Sept. 1 - Mar. 15	No limit.	No limit.	
Coyote	Statewide	Year-round	No limit.	No limit.	It is unlawful to hunt coyote with dogs.
Cottontail rabbit and snowshoe hare	Statewide	Sept. 1 - Mar. 15	5 cottontails or snowshoe hares, straight or mixed bag.	15 cottontails or snowshoe hares, straight or mixed bag.	
Jackrabbit	Closed statewide				

UPLAND BIRD SEASONS

(2) **YOUTH SEASON DATES:** Open only to youth hunters accompanied by an adult 18 years of age or older.

Species	((2021-22)) 2024-25 Dates	((2022-23)) 2025-26 Dates	((2023-24)) 2026-27 Dates	Daily Bag Limit	Possession Limit
Eastern Washington:					

Species	((2021-22)) <u>2024-25 Dates</u>	((2022-23)) <u>2025-26 Dates</u>	((2023-24)) <u>2026-27 Dates</u>	Daily Bag Limit	Possession Limit
Ring-necked pheasant	Sept. ((18-19)) <u>14-15</u>	Sept. ((17-18)) <u>13-14</u>	Sept. ((16-17)) <u>12-13</u>	3 cock pheasants	6 cock pheasants
Chukar	Sept. ((18-19)) <u>14-15</u>	Sept. ((17-18)) <u>13-14</u>	Sept. ((16-17)) <u>12-13</u>	6 chukar	12 chukar
Gray (Hungarian) partridge	Sept. ((18-19)) <u>14-15</u>	Sept. ((17-18)) <u>13-14</u>	Sept. ((16-17)) <u>12-13</u>	6 gray partridges	12 gray partridges
California (valley) quail and northern bobwhite	Sept. ((18-19)) <u>14-15</u>	Sept. ((17-18)) <u>13-14</u>	Sept. ((16-17)) <u>12-13</u>	10 California (valley) quail or northern bobwhite, straight or mixed bag.	20 California (valley) quail or northern bobwhite, straight or mixed bag.
Western Washington:					
Ring-necked pheasant	Sept. ((18-19)) <u>14-15</u>	Sept. ((17-18)) <u>13-14</u>	Sept. ((16-17)) <u>12-13</u>	2 pheasants of either sex	4 pheasants of either sex

(3) HUNTERS SIXTY-FIVE YEARS OF AGE OR OLDER AND HUNTERS WITH DISABILITIES SEASON DATES:

Species	((2021-22)) <u>2024-25 Dates</u>	((2022-23)) <u>2025-26 Dates</u>	((2023-24)) <u>2026-27 Dates</u>	Daily Bag Limit	Possession Limit
Eastern Washington:					
Ring-necked pheasant	Sept. ((20-24)) <u>16-20</u>	Sept. ((19-23)) <u>15-19</u>	Sept. ((18-22)) <u>14-18</u>	3 cock pheasants	15 cock pheasants
Western Washington:					
Ring-necked pheasant	Sept. ((20-24)) <u>16-20</u>	Sept. ((19-23)) <u>15-19</u>	Sept. ((18-22)) <u>14-18</u>	2 pheasants of either sex	10 pheasants of either sex

(4) REGULAR SEASON DATES: Western Washington ring-necked pheasant hunting hours: 8:00 a.m. to 4:00 p.m.

Species	((2021-22)) <u>2024-25 Dates</u>	((2022-23)) <u>2025-26 Dates</u>	((2023-24)) <u>2026-27 Dates</u>	Daily Bag Limit	Possession Limit
Eastern Washington:					
Ring-necked pheasant	((Oct. 23 - Jan. 17)) <u>Oct. 19 - Jan. 20</u>	((Oct. 22 - Jan. 16)) <u>Oct. 18 - Jan. 19</u>	((Oct. 21 - Jan. 15)) <u>Oct. 17 - Jan. 18</u>	3 cock pheasants	15 cock pheasants
Chukar	((Oct. 2 - Jan. 31)) <u>Oct. 5 - Jan. 31</u>	((Oct. 1 - Jan. 31)) <u>Oct. 4 - Jan. 31</u>	((Oct. 7 - Jan. 31)) <u>Oct. 3 - Jan. 31</u>	6 chukar	18 chukar
Gray (Hungarian) partridge	((Oct. 2 - Jan. 17)) <u>Oct. 5 - Jan. 20</u>	((Oct. 1 - Jan. 16)) <u>Oct. 4 - Jan. 19</u>	((Oct. 7 - Jan. 15)) <u>Oct. 3 - Jan. 18</u>	6 gray partridges	18 gray partridges
California (valley) quail and northern bobwhite	((Oct. 2 - Jan. 17)) <u>Oct. 5 - Jan. 20</u>	((Oct. 1 - Jan. 16)) <u>Oct. 4 - Jan. 19</u>	((Oct. 7 - Jan. 15)) <u>Oct. 3 - Jan. 18</u>	10 California (valley) quail or northern bobwhite, straight or mixed bag.	30 California (valley) quail or northern bobwhite, straight or mixed bag.
Mountain quail	Closed throughout Eastern Washington				
Western Washington:					
Ring-necked pheasant (see subsection (4) of this section)	((Sept. 25 - Nov. 30)) <u>Sept. 21 - Nov. 30</u>	((Sept. 24 - Nov. 30)) <u>Sept. 20 - Nov. 30</u>	((Sept. 23 - Nov. 30)) <u>Sept. 19 - Nov. 30</u>	2 pheasants of either sex	15 pheasants of either sex

Species	((2021-22)) <u>2024-25 Dates</u>	((2022-23)) <u>2025-26 Dates</u>	((2023-24)) <u>2026-27 Dates</u>	Daily Bag Limit	Possession Limit
California (valley) quail and northern bobwhite	((Sept. 25 - Nov. 30)) <u>Sept. 21 - Nov. 30</u>	((Sept. 24 - Nov. 30)) <u>Sept. 20 - Nov. 30</u>	((Sept. 23 - Nov. 30)) <u>Sept. 19 - Nov. 30</u>	10 California (valley) quail or northern bobwhite, straight or mixed bag.	30 California (valley) quail or northern bobwhite, straight or mixed bag.
Mountain quail	((Sept. 25 - Nov. 30)) <u>Sept. 21 - Nov. 30</u>	((Sept. 24 - Nov. 30)) <u>Sept. 20 - Nov. 30</u>	((Sept. 23 - Nov. 30)) <u>Sept. 19 - Nov. 30</u>	2 mountain quail	4 mountain quail

(5) **EXTENDED WESTERN WASHINGTON PHEASANT SEASON:**

(a) Hunting hours and locations: 8:00 a.m. to 4:00 p.m. only at the following release sites: Belfair, Mason Lake, JBLM, Kosmos, Lincoln Creek, Scatter Creek, Skookumchuck, and all Whidbey Island.

(b) The department may not release pheasants during the extended season.

Species	((2021-22)) <u>2024-25 Dates</u>	((2022-23)) <u>2025-26 Dates</u>	((2023-24)) <u>2026-27 Dates</u>	Daily Bag Limit	Possession Limit
Western Washington:					
Ring-necked pheasant (see subsection (5)(a) of this section)	Dec. 1-15	Dec. 1-15	Dec. 1-15	2 pheasants of either sex	15 pheasants of either sex

(6) **SPECIAL RESTRICTIONS FOR WESTERN WASHINGTON PHEASANT HUNTERS:**

(a) Western Washington pheasant hunters must choose to hunt only on odd-numbered or even-numbered weekend days from 8:00 to 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skookumchuck, and Scatter Creek Wildlife Areas, and all hunting sites on Whidbey Island.

(b) Hunters must indicate their choice of odd-numbered or even-numbered weekend days on the Western Washington Pheasant Permit by choosing "odd" or "even."

(c) Hunters who select the three-day option, hunters possessing a valid disabled hunter permit, hunters 65 years of age or older, and youth hunters may hunt in the morning on both odd-numbered and even-numbered weekend days.

(d) Youth hunters must be accompanied by an adult 18 years of age or older, and the adult must have an appropriately marked pheasant permit if hunting.

WILD TURKEY SEASONS

(7) **TURKEY SPRING SEASONS:**

(a) **LEGAL HUNTER:** Open to all hunters with a valid turkey tag, EXCEPT youth dates are open only to youth hunters accompanied by an adult 18 years of age or older.

(b) **HUNTING METHOD RESTRICTION:** It is unlawful to hunt turkeys with rifles during the spring season.

Hunter	Area	((2021-22)) 2024-25 Dates	((2022-23)) 2025-26 Dates	((2023-24)) 2026-27 Dates	((2024-25)) 2027-28 Dates	Bag Limit	Legal Bird
Youth	Statewide	((April 3-4, 2021)) April 1-7, 2024	April 1-7, ((2022)) 2025	April 1-7, ((2023)) 2026	April 1-7, ((2024)) 2027	The combined spring/youth season limit is 3 birds. Only 2 turkeys may be killed in Eastern Washington, except 3 may be killed in Spokane County and only 1 may be killed in Kittitas or Yakima counties. One turkey may be killed per year in Western Washington outside of Klickitat County. Two turkeys may be killed in Klickitat County.	Male turkeys and turkeys with visible beards only.
Any	Statewide	April 15 - May 31	April 15 - May 31	April 15 - May 31	April 15 - May 31		

(8) **FALL TURKEY GENERAL SEASONS:**

(a) **LEGAL HUNTER:** Open to all hunters with a valid turkey tag.

(b) **HUNTING METHOD RESTRICTION:** It is unlawful to hunt turkeys with rifles during the fall season.

Game Management Unit (GMU)	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Legal Bird and Limit	
101-154 and 162-186	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	4 turkeys during the fall general season with the following area restrictions:	2 beardless plus 2 either sex turkey
382, 388, 568-578	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31		((1)) 2 either sex turkey
203-290	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31		1 either sex turkey

(9) **FALL TURKEY PERMIT SEASONS:**

~~((a))~~ **LEGAL HUNTER:** All hunters who are selected in the fall turkey special permit drawing and who also possess a valid turkey tag.

Hunt Name	Boundary Description	Permit Season Dates	Legal Bird	Bag Limit*	Permits
Teanaway	GMU 335	Nov. 15 - Dec. 15, ((2021, 2022, 2023)) 2024, 2025, 2026	Either sex	1	50

*BAG LIMIT: During the fall permit hunting seasons.

(10) **HUNTER EDUCATION INSTRUCTOR INCENTIVE TURKEY PERMITS:**

(a) **LEGAL BIRD:** Male turkeys and turkeys with visible beards only.

(b) **LEGAL HUNTER:** Qualified hunter education instructors who are selected through a random drawing. Hunter education instructors qualify if the instructor is certified and has been in active status for a minimum of 3 consecutive years, inclusive of the year prior to the permit drawing.

(c) **OPEN AREA:** Statewide.

(d) **SEASON DATES:** April 1 - May 31 during the current license year.

(e) **PERMITS:** 4 individuals will be drawn for this permit per year.

(f) **BAG LIMIT:** 1 male turkey or turkey with visible beard in addition to other spring season turkey harvest.

(11) **OFFICIAL HUNTING HOURS FOR WILD TURKEY:** 1/2 hour before sunrise to sunset during spring and fall seasons.

(12) **SPECIAL RULES FOR WILD TURKEY:**

- (a) It is unlawful to hunt turkey unless the hunter possesses a valid turkey tag.
- (b) It is unlawful to hunt turkeys with dogs.
- (c) It is unlawful to bait game birds.

OTHER BIRD SEASONS

(13) **LEGAL HUNTER:** Open to all hunters with a valid license.

Species	Area	Dates	Daily Bag Limit	Possession Limit
Forest Grouse (Dusky, Sooty, Ruffed, and Spruce)	Statewide	Sept. 15 - Jan. 15	4 grouse per day, to include not more than 3 Dusky or Sooty Grouse (combined), 3 Spruce Grouse, and 3 Ruffed Grouse.	12 grouse, to include not more than 9 Dusky or Sooty Grouse (combined), 9 Spruce Grouse, and 9 Ruffed Grouse.
Crow	Statewide	Sept. 1 - Dec. 31	No limit.	No limit.
Ptarmigan, Sage, and Sharp-tailed Grouse	Closed statewide			

FALCONRY SEASONS

(14) **UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY:**

- (a) Hunters must have a valid license for the species being hunted and a valid falconer's permit.
- (b) **BAG AND POSSESSION LIMITS:**
 - (i) 2 pheasants (either sex);
 - (ii) 6 partridge;
 - (iii) 5 California (valley) quail or northern bobwhite;
 - (iv) 2 mountain quail (in Western Washington only);
 - (v) 3 forest grouse (dusky, sooty, ruffed, spruce) per day; and
 - (vi) Possession limit is twice the daily bag limit.
- (c) **OPEN AREA:** Statewide.
- (d) **SEASON DATES:** Aug. 1 - Mar. 15 during the current license year.

(15) **TURKEY - FALCONRY:**

- (a) A turkey tag is required to hunt turkey during the turkey falconry season.
- (b) **BAG AND POSSESSION LIMITS:** One (1) turkey (either sex) per turkey tag, with a maximum of 2 turkeys. Hunters may possess up to 2 turkeys at any one time.
- (c) **OPEN AREA:** Eastern Washington.
- (d) **SEASON DATES:** Sept. 1 - Feb. 15 during the current license year.

(16) **COTTONTAIL RABBIT AND SNOWSHOE HARE - FALCONRY:**

- (a) **BAG AND POSSESSION LIMITS:** 5 cottontails or snowshoe hares per day, straight or mixed bag. Hunters may possess up to 15 cottontails or snowshoe hares at any one time, straight or mixed bag.
- (b) **OPEN AREA:** Statewide.
- (c) **SEASON DATES:** Aug. 1 - Mar. 15 during the current license year.

OTHER SEASONS

(17) **BIRD DOG TRAINING SEASON:**

(a) Wild upland game birds may be pursued during the dog-training season but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if the hunter has proof of lawful acquisition (invoices) and the birds are appropriately marked (WAC 220-450-010 and 220-416-110).

(b) OPEN AREA: Statewide.

(c) SEASON DATES: Aug. 1 - Mar. 31 during the current license year.

(d) Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

(e) Bird dog training may be conducted year round on areas posted for bird dog training on portions of:

(i) Region One - Espanola (T24N, R40E, E 1/2 of section 16);

(ii) Region Two - Martha Lake Access Area (170 acres): One mile northeast of the town of George, southeast of the South Frontage Road along Interstate 90 and north of Baseline Road.

(iii) Region Three - Wenas Wildlife Area;

(iv) Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area;

(v) Region Five - Shillapoo/Vancouver Lake Wildlife Area;

(vi) Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

(18) YAKAMA INDIAN RESERVATION:

The ((2021-2022, 2022-2023, and 2023-2024)) 2024-2025, 2025-2026, and 2026-2027 upland bird seasons within the Yakama Indian Reservation are the same as the season established by the Yakama Indian Nation.

(19) COLVILLE INDIAN RESERVATION:

The ((2021-2022, 2022-2023, and 2023-2024)) 2024-2025, 2025-2026, and 2026-2027 upland bird seasons within the Colville Indian Reservation are the same as the season established by the Colville Indian Tribe.

OTS-5186.3

AMENDATORY SECTION (Amending WSR 23-23-045, filed 11/6/23, effective 12/7/23)

WAC 220-416-060 ((2023-2024)) 2024-2025 Migratory gamebird seasons and regulations. All migratory waterfowl, coot, snipe, mourning dove and band-tailed pigeon are closed to harvest unless season dates are specified in this section. Hunters must comply with the bag, possession, and season limits described in this section. Failure to do so constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

DUCKS

Statewide: Oct. ((14-22, 2023)) 12-20, 2024, and Oct. ((25, 2023 - Jan. 28, 2024)) 23, 2024 - Jan. 26, 2025; except scaup season closed Oct. ((14 - Nov. 3, 2023)) 12 - Nov. 1, 2024.

Special youth hunting days open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. ((23, 2023)) 21, 2024, and Feb. ((3, 2024)) 1, 2025, in Western Washington (West Zone); Sept. ((30, 2023)) 28, 2024, and Feb. ((3, 2024)) 1, 2025, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and

Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. (~~3, 2024~~) 1, 2025, in Western Washington (West Zone) and Eastern Washington (East Zone). Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, 1 pintail, 2 scaup, 2 canvasback, and 2 redhead statewide; and to include not more than 2 scoter, 2 long-tailed duck, and 2 goldeneye in Western Washington.

Possession Limit for Regular Season: 21 ducks, to include not more than 6 hen mallard, 3 pintail, 6 scaup, 6 canvasback, and 6 redhead statewide; and to include not more than 6 scoter, 6 long-tailed duck, and 6 goldeneye in Western Washington.

Possession Limit for Youth, Veterans and Active Military Personnel Hunting Days: Same as Daily Bag Limit.

Harlequin Duck: Season closed statewide, except through a limited number of issued permits. The number of available harlequin duck special permits for the 2024-2025 season is 38.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS

Hunters must physically possess a special (~~2023-2024~~) 2024-2025 paper or electronic hunting authorization and harvest record card for sea ducks when hunting scoter, long-tailed duck, and goldeneye in Western Washington. Immediately after taking a sea duck into possession, hunters must record all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

HARLEQUIN DUCK SPECIAL PERMIT APPLICATIONS

To apply for a harlequin duck permit, each applicant must have a valid Washington state small game hunting license, migratory bird permit, and migratory bird authorization.

Persons who are successfully drawn for a harlequin duck permit must obtain the harlequin duck permit mandatory harvest report card to legally harvest a harlequin duck.

Persons who are successfully drawn for a harlequin duck permit and obtain the harlequin duck permit harvest report card, are allowed a one-season limit on harlequin duck during approved duck season hunting dates in Washington state.

Persons who have previously been selected for a harlequin duck permit are ineligible to apply for a subsequent harlequin duck permit for three seasons following the selected license year.

Incomplete, ineligible, or inaccurate applications will not be accepted or entered into the drawing.

COOT (Mudhen)

Same areas and dates (including youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 25 coots.

Possession Limit: 75 coots.
 Possession Limit for Youth, Veterans and Active Military Personnel
 Hunting Days: Dame as Daily Bag Limit.

SNIPE

Same areas and dates (except youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 8 snipe.

Possession Limit: 24 snipe.

GEESE (except Brant)

Special youth hunting days open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. (~~(23, 2023)~~) 21, 2024, and Feb. (~~(3, 2024)~~) 1, 2025, in Western Washington (West Zone); Sept. (~~(30, 2023)~~) 28, 2024, and Feb. (~~(3, 2024)~~) 1, 2025, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. (~~(3, 2024)~~) 1, 2025, in Western Washington (West Zone) and Eastern Washington (East Zone). Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit for September dates: 4 Canada geese and 10 white-fronted geese.

Daily Bag Limit for February date: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue phase), except in Goose Management Area 2 Coast and Inland where the bag limit for Canada geese is reduced to 3 and dusky Canada geese remain closed to harvest.

Possession Limit for Youth, Veterans and Active Military Personnel
 Hunting Days: Same as Daily Bag Limit.

Western Washington Goose Seasons

Goose Management Area 1: Skagit and Whatcom counties, and that portion of Snohomish County west of Interstate 5.

September Canada Goose Season

Sept. (~~(2-7, 2023)~~) 7-12, 2024.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. (~~(14 - Nov. 26)~~) 12 - Dec. 1, and Dec. (~~(9, 2023 - Jan. 28, 2024)~~) 14, 2024 - Jan. 26, 2025, for Canada and white-fronted geese (except brant).

Oct. (~~(14 - Nov. 26)~~) 12 - Dec. 1, and Dec. (~~(9, 2023 - Jan. 28, 2024)~~) 14, 2024 - Jan. 26, 2025, and Feb. (~~(10-20, 2024)~~) 8-18, 2025, for snow, Ross', and blue geese (collectively referred to as white

geese). During Feb. (~~(10-20, 2024)~~) 8-18, 2025, in Skagit, Whatcom and Snohomish counties, specified WDFW lands including Fir Island Farm Game Reserve, Island Unit, Johnson DeBay's Slough Swan Reserve and Hunt Unit, Leque Island Unit, Samish Unit, Samish River Unit, South Padilla Bay Unit, and Skagit Headquarters Unit of the Skagit Wildlife Area, and all units of the Whatcom Wildlife Area are closed to goose hunting in Goose Management Area 1.

Daily Bag Limit: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue phase). During Feb. (~~(10-20, 2024)~~) 8-18, 2025: 20 white geese.

Possession Limit: 12 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue phase). During Feb. (~~(10-20, 2024)~~) 8-18, 2025: 60 white geese.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE

Hunters must physically possess a special (~~(2023-2024)~~) 2024-2025 paper or electronic migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. Immediately after taking a snow, Ross', or blue goose into possession, hunters must record all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

SKAGIT COUNTY AND WHATCOM COUNTY SPECIAL RESTRICTIONS

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any (~~(paved public road)~~) maintained portion of a public highway or roadway on Fir Island in Skagit County or to discharge a firearm for the purpose of hunting snow geese within 100 feet of any (~~(paved public road)~~) maintained portion of a public highway or roadway in other areas of Skagit County or Whatcom County.

While hunting snow geese, if a hunter is convicted of (a) trespass; (b) shooting from, across, or along the maintained part of any public highway; (c) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any (~~(paved public road)~~) maintained portion of a public highway or roadway on Fir Island in Skagit County or discharging a firearm within 100 feet of any (~~(paved public road)~~) maintained portion of a public highway or roadway for the purpose of hunting snow geese in other areas of Skagit County or Whatcom County; or (d) exceeding the daily bag limit for geese, authorization will be invalidated for the remainder of the current snow goose season and an authorization will not be issued for the subsequent snow goose season.

Goose Management Area 2 - Coast: Pacific County and the portion of Grays Harbor County west of highway 101.

September Canada Goose Season

Sept. (~~(2-10, 2023)~~) 7-15, 2024.

Daily Bag Limit: 5 Canada geese, except 15 Canada geese in Pacific County.

Possession Limit: 15 Canada geese, except 45 Canada geese in Pacific County.

Regular Season

Open in all areas from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, 7 days per week during Oct. (~~(14-29, 2023)~~) 12-27, 2024; Saturdays, Sundays, and Wednesdays only, (~~(Nov. 1 - Dec. 3, 2023)~~) Oct. 30 - Dec. 1, 2024, and Dec. (~~(20, 2023 - Jan. 21, 2024)~~) 18, 2024 - Jan. 19, 2025, and Feb. (~~(10-21, 2024)~~) 8-19, 2025. During Feb. (~~(10-21, 2024)~~) 8-19, 2025, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Coast.

Bag Limits for Goose Management Area 2 - Coast:

Daily Bag Limit: 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

Goose Management Area 2 - Inland: Clark, Cowlitz, Wahkiakum counties and the portion of Grays Harbor County east of highway 101.

September Canada Goose Season

Sept. (~~(2-10, 2023)~~) 7-15, 2024.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Open in all areas except Ridgefield NWR from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, 7 days per week during Oct. (~~(14-29, 2023)~~) 12-27, 2024; Saturdays, Sundays, and Wednesdays only, Nov. (~~(22, 2023 - Jan. 14, 2024)~~) 20, 2024 - Jan. 12, 2025, and Feb. (~~(10 - Mar. 6, 2024)~~) 8 - Mar. 5, 2025. During Feb. (~~(10 - Mar. 6, 2024)~~) 8 - Mar. 5, 2025, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Inland. Ridgefield NWR open from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, Tuesdays, Thursdays, and Saturdays only, Oct. (~~(14-29, 2023)~~) 12-27, 2024, and Nov. (~~(22, 2023 - Jan. 13, 2024)~~) 20, 2024 - Jan. 11, 2025.

Bag Limits for Goose Management Area 2 - Inland:

Daily Bag Limit: 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

Special Provisions for Goose Management Area 2 Coast and Inland Regular Season only:

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Hunters must physically possess a valid special (~~(2023-2024)~~) 2024-2025 paper or electronic migratory bird hunting authorization and harvest record card for geese when hunting all goose species in Goose Management Area 2 Coast and Inland. New hunters and those who did not maintain a valid (~~(2022-2023)~~) 2023-2024 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Immediately after taking a goose into possession, hunters must record all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

It is unlawful for hunters in Goose Management Area 2 Coast and Inland to fail to comply with the directions of authorized department personnel related to the collection of goose subspecies information pursuant to RCW 77.12.071. A person who prevents department personnel from collecting samples of tissue or other bodily parts is subject to prosecution under RCW 77.15.360 Unlawful interfering in department operations—Penalty. If a hunter takes a dusky Canada goose or does not comply with requirements listed above regarding WDFW collection of subspecies information, authorization will be invalidated by the department and the hunter will not be able to hunt geese in Goose Management Area 2 Coast and Inland for the remainder of the season. It is unlawful to fail to comply with all provisions listed above for Goose Management Area 2 Coast and Inland. Taking one dusky Canada goose is punishable as an infraction under RCW 77.15.160 (5)(b). Other violations of Area 2 goose hunting rules are punishable as an infraction under RCW 77.15.160 (2)(e) or as a misdemeanor or gross misdemeanor under RCW 77.15.400 unlawful hunting of wild birds, depending on the circumstances of the violation.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1 and 2.

September Canada Goose Season

Sept. (~~(2-7, 2023)~~) 7-12, 2024.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. (~~(14-26, 2023)~~) 12-24, 2024, and Nov. (~~(4, 2023 - Jan. 28, 2024)~~) 2, 2024 - Jan. 26, 2025.

Daily Bag Limit: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 12 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Eastern Washington Goose Seasons

September Canada Goose Season (Eastern Washington)

Sept. (~~(2-3, 2023)~~) 7-8, 2024.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 10 Canada geese.

Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only during Oct. (~~(14, 2023 - Jan. 21, 2024)~~) 12, 2024 - Jan. 19, 2025; additionally, to accommodate opportunity during recognized holiday periods, the 2023-2024 season will include: Nov. (~~(10, 23, and 24, 2023)~~) 11, 28, and 29, 2024; Dec. (~~(25, 26, 28, and 29, 2023, and Jan. 1 and 15, 2024)~~) 26, 27, 30, and 31, 2024; and every day Jan. (~~(22-28, 2024)~~) 20-26, 2025, for Canada geese and white-fronted geese.

Saturdays, Sundays, and Wednesdays only during Oct. (~~(14-22, 2023)~~) 12-20, 2024, and Nov. (~~(10, 2023 - Jan. 21, 2024)~~) 9, 2024 - Jan. 19, 2025; additionally, to accommodate opportunity during recognized holiday periods, the 2022-2023 season will include: Nov. (~~(10, 23, and 24, 2023)~~) 11, 28, and 29, 2024; Dec. (~~(25, 26, 28, and 29, 2023, and Jan. 1 and 15, 2024)~~) 26, 27, 30, and 31, 2024; and every day Jan. (~~(22-28, 2024)~~) 20-26, 2025, and Feb. (~~(17 - Mar. 3, 2024)~~) 15 - Mar. 2, 2025, for snow, Ross', and blue phase geese (collectively referred to as white geese).

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. (~~(14-30, 2023)~~) 12-28, 2024, and every day from Nov. (~~(4, 2022 - Jan. 28, 2024)~~) 2, 2024 - Jan. 26, 2025.

Bag Limits for all Eastern Washington Goose Management Areas during regular seasons:

Daily Bag Limit: 4 Canada geese, 10 white-fronted geese, and 10 white geese (snow, Ross', blue). During Feb. (~~(17 - Mar. 3, 2024)~~) 15 - Mar. 2, 2025, in GMA4: 20 white geese.

Possession Limit: 12 Canada geese, 30 white-fronted geese, and 30 white geese (snow, Ross', blue). During Feb. (~~(17 - Mar. 3, 2024)~~) 15 - Mar. 2, 2025, in GMA4: 60 white geese.

BRANT

Will remain closed in Skagit County, including during the youth, veteran, and active military date, and may only open under the following conditions on specified dates.

If the ((2023-2024)) 2024-2025 brant population in Skagit County is below 3,000 (as determined by aerial survey), the brant season in Skagit County will remain closed.

If the ((2023-2024)) 2024-2025 brant population in Skagit County is 3,000-6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. ((20, 24, and 27, 2024)) 18, 22, and 25, 2025, and during the Feb. ((3, 2024)) 1, 2025, youth, veterans, and active military date.

If the ((2022-2023)) 2024-2025 brant population in Skagit County is greater than 6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. ((13, 14, 17, 20, 21, 24, 27, and 28, 2024)) 11, 12, 15, 18, 19, 22, 25, and 26, 2025, and during the Feb. ((3, 2024)) 1, 2025, youth, veterans, and active military date.

Open in Clallam and Whatcom counties only on the following dates: Jan. ((20, 24, and 27, 2024)) 18, 22, and 25, 2025.

Open in Pacific County only on the following dates: Jan. ((6, 7, 9, 11, 13, 14, 16, 18, 20, 21, 23, 25, 27, and 28, 2024)) 4, 5, 7, 9, 11, 12, 14, 16, 18, 19, 21, 23, 25, and 26, 2025, but may be adjusted pending the most recent 3-year running average results of the Pacific flyway winter brant survey.

Special youth, open to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting), veterans and active military personnel hunting day, open to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. ((3, 2024)) 1, 2025. Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT

Hunters must physically possess a special ((2023-2024)) 2024-2025 paper or electronic migratory bird hunting authorization and harvest record card for brant when hunting brant. Immediately after taking a brant into possession, hunters must record all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

Bag Limits for Clallam, Skagit, Pacific and Whatcom counties:

Daily Bag Limit: 2 brant.

Possession Limit: 6 brant.

Special youth, veterans and active military personnel hunting day.

Daily Bag and Possession Limit: 2 brant.

SWANS

Season closed statewide.

MOURNING DOVE

Sept. 1 - Oct. 30, (~~(2023)~~) 2024, statewide.

Daily Bag Limit: 15 mourning doves.

Possession Limit: 45 mourning doves.

BAND-TAILED PIGEON

Sept. (~~(16-24, 2023)~~) 15-23, 2024, statewide.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 6 band-tailed pigeons.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BAND-TAILED PIGEONS

Hunters must physically possess a special (~~(2023-2024)~~) 2024-2025 paper or electronic migratory bird hunting authorization and harvest record card for band-tailed pigeons when hunting band-tailed pigeons. Immediately after taking a band-tailed pigeon into possession, hunters must record all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

FALCONRY SEASONS

DUCKS, COOTS, SNIPE, GEESE, AND MOURNING DOVES (EXCEPT BRANT) (Falconry)

Same season dates for each species in each area as listed above.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, geese, and mourning doves during established seasons.

Possession Limit: 3 times the daily bag limit.

DUCKS, COOTS, CANADA GEESE, WHITE-FRONTED GEESE, WHITE GEESE AND BRANT

(Extended Falconry)

Sept. (~~(23, 2023)~~) 21, 2024, and Feb. (~~(3, 2024)~~) 1, 2025, in Western Washington (West Zone).

Sept. (~~(30, 2023)~~) 28, 2024, and Feb. (~~(3, 2024)~~) 1, 2025, in Eastern Washington (East Zone).

Daily Bag Limit: 3, straight or mixed bag, including allowable species specified under youth, veterans and active military personnel dates.

Possession Limit: Same as the Daily Bag Limit.

MOURNING DOVE (Extended Falconry)

Oct. 31 - Dec. 16, (~~(2023)~~) 2024.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, and geese during established seasons.

Possession Limit: 3 times the daily bag limit.

HIP REQUIREMENTS:

All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) age 16 and over are required to complete a harvest information program (HIP) survey at a license dealer

and possess a Washington migratory bird permit as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey and possess a Washington migratory bird permit (free for youth) as evidence of compliance with this requirement when hunting migratory game birds.

OTS-5207.1

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

WAC 220-417-030 Wild animal trapping. (1) The trapping season authorizes the taking of furbearing animals for their hides and pelts only. Furbearers may not be taken from the wild and held alive for sale or personal use without a special permit from the director.

(2) Any wildlife trapped for which the season is not open shall be released unharmed. Any wildlife that cannot be released unharmed must be left in the trap, and the department of fish and wildlife must be notified immediately.

(3) Lawfully trapped wild animals must be lethally dispatched or immediately released. A firearm may be used to dispatch trapped animals.

(4) It is unlawful to trap for wild animals:

(a) With body-gripping traps without a special permit from the director.

(b) Unless kill traps are checked and animals removed within (~~seventy-two~~) 72 hours.

(c) Unless animals captured in restraining traps (any nonkilling set) are visually checked (via binoculars, trail camera, spotting scope, or in person) each calendar day and are removed within (~~twenty-four~~) 24 hours of capture.

(d) Using game birds, game fish or game animals for bait, except nonedible parts of game birds, game fish or game animals may be used as bait.

For purposes of this section, the meat of animals classified as furbearing animals in WAC 220-400-020 is not considered edible.

(e) Within (~~thirty~~) 30 feet of any exposed meat bait or nonedible game parts which are visible to flying raptors.

(5) Game bird feathers may be used as an attractor.

WSR 24-05-084

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed February 21, 2024, 11:04 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Climate resilience element in water system plans. The department of health (department) is proposing amending WAC 246-290-100 Water system plans, to add a climate resilience element as a requirement for public water systems with 1,000 or more connections. The proposal also makes editorial changes to align with the code reviser's 2023 Bill Drafting Guide.

Hearing Location(s): On April 4, 2024, at 3:30 p.m., at the Department of Health, 111 Israel Road S.E., Town Center 2, Room 166 and 167, Tumwater, WA 98501; or virtually. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_CmclG-kS8eT0_Ra98onmA. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: April 22, 2024.

Submit Written Comments to: Jocelyn W. Jones, Department of Health, Division of Environmental Public Health, P.O. Box 47820, Olympia, WA 98504-7820, email drinkingwaterrule@doh.wa.gov, <https://fortress.wa.gov/doh/policyreview/>, by April 4, 2024.

Assistance for Persons with Disabilities: Contact Jocelyn W. Jones, phone 360-236-3020, TTY 711, email drinkingwaterrule@doh.wa.gov, by March 20, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In 2023, the legislature passed E2SHB 1181 that added a new section to chapter 43.20 RCW. The new law, RCW 43.20.310, requires the department to ensure that Group A community public water system plans for water systems with 1,000 or more connections, initiated after June 30, 2025, include a climate resilience element. The proposed change to WAC 246-290-100 Water system plan, impacts only those systems with 1,000 or more connections. The proposed change would add the statutorily required climate resilience element to the existing list of required water system plan elements and include a reference to the statute.

Reasons Supporting Proposal: RCW 43.20.310 requires Group A community public water systems with 1,000 or more connections to include a climate resilience element in their water system plans and the department believes updating the rule to include this required element will provide consistency and clarity for water systems. The department will update the water system planning guidebook with additional details and will work with water systems as directed by RCW 43.20.310 to assist water systems with compliance.

Statutory Authority for Adoption: E2SHB 1181 (chapter 228, Laws of 2023); chapter 43.20 RCW.

Statute Being Implemented: RCW 43.20.310.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Jocelyn W. Jones, Department of Health, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-3020; Implementation: Brad Burnham, Department of Health, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-3102; and Enforcement:

Holly Meyers, Department of Health, 111 Israel Road S.E., Tumwater, WA 98501, 509-329-2113.

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 proposal incorporates by reference without material change, which is exempt under RCW 34.05.328 (5)(b)(iii).

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

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rule content is explicitly and specifically dictated by statute.

Explanation of exemptions: The proposed rule incorporates by reference without material change and is dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

February 21, 2024
 Kristin Peterson, JD
 Chief of Policy
 for Umair A. Shah, MD, MPH
 Secretary

OTS-5188.1

AMENDATORY SECTION (Amending WSR 21-23-097, filed 11/17/21, effective 1/1/22)

WAC 246-290-100 Water system plan. (1) The purpose of this section is to establish a uniform process for purveyors to:

- (a) Demonstrate system capacity as defined in WAC 246-290-010;
 - (b) Demonstrate how the system will address present and future needs in a manner consistent with other relevant plans and local, state, and federal laws, including applicable land use plans;
 - (c) Establish eligibility for funding under chapter 246-296 WAC.
- (2) Purveyors of the following categories of community public water systems shall submit a water system plan for review and approval by the department:
- (a) Systems serving (~~one thousand~~) 1,000 or more service connections;
 - (b) Systems required to develop water system plans under the Public Water System Coordination Act of 1977, chapter 70A.100 RCW;
 - (c) Any system experiencing problems related to system capacity, as determined by the department;
 - (d) All new systems;

(e) Any system proposing to:

(i) Increase or otherwise modify the service area identified in a previously approved planning document; or

(ii) Increase the geographical area where direct service is provided if a planning or engineering document has not been previously approved; or

(iii) Install additions, extensions, or changes to existing source, storage, or transmission facilities and increase the approved number of service connections.

(f) Any system proposing to use the document submittal exception process in WAC 246-290-125; or

(g) Any system operating under or proposing to operate under an unspecified number of service connections.

(3) The purveyor shall work with the department to establish the relative priority and level of detail for each element of the water system plan. The priority and level of detail must be related to size, complexity, water supply characteristics, forecasted demand characteristics, past performance, planning history, and use of the water system. Project reports may be combined with a water system plan.

(4) The purveyor shall, at a minimum, address the following elements in the water system plan:

(a) Description of the water system, including:

(i) Ownership and management, including the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system;

(ii) System history and background;

(iii) Related plans, such as coordinated water system plans, abbreviated coordinated water system plans, local land use plans, groundwater management plans, and basin plans;

(iv) Service area maps, including retail service area and future service area, if applicable, and areas where wholesale water is provided to other public water systems. Municipal water suppliers shall identify the area that will expand their water rights' place of use if the requirements under WAC 246-290-107 have been met;

(v) Service area characteristics, agreements, and policies;

(vi) Satellite management, if applicable.

(b) Basic planning data, including:

(i) Current population, service connections, water use, and equivalent residential units; and

(ii) Sufficient water production and consumption data to identify trends including the following elements:

(A) Monthly and annual production totals for each source, including water purchased from another public water system;

(B) Annual usage totals for each customer class as determined by the purveyor;

(C) Annual usage totals for water supplied to other public water systems; and

(D) For systems serving (~~one thousand~~) 1,000 or more total connections, a description of the seasonal variations in consumption patterns of each customer class defined by the purveyor.

(iii) Designated land use, zoning, population, and water demand within the water system's service area for the plan approval period, and at least a (~~twenty~~) 20-year planning period.

(c) Demand forecasts, developed under WAC 246-290-221, for the plan approval period, and at least a (~~twenty~~) 20-year planning period. These must show future use with and without savings expected from the system's water use efficiency program.

(d) For systems serving (~~one thousand~~) 1,000 or more total connections, a demand forecast for the plan approval period and at least a (~~twenty~~) 20-year planning period that projects demand if the measures deemed cost-effective per WAC 246-290-810 were implemented.

(e) System analysis, including:

(i) System design standards;

(ii) Water quality analysis;

(iii) Inventory and analysis of water system facilities; and

(iv) Summary of system deficiencies.

(f) Water resource analysis for the plan approval period and at least a (~~twenty~~) 20-year planning period, including:

(i) A water use efficiency program. Municipal water suppliers must meet the requirements in WAC 246-290-810;

(ii) Source of supply analysis, which includes:

(A) An evaluation of water supply alternatives if additional water rights will be pursued within (~~twenty~~) 20 years; and

(B) A narrative description of the system's water supply characteristics and the foreseeable effect from current and future use on the water quantity and quality of any body of water from which its water is diverted or withdrawn based on existing data and studies;

(iii) A water shortage response plan as a component of the reliability and emergency response requirements under WAC 246-290-420;

(iv) Water right self-assessment;

(v) Water supply reliability analysis;

(vi) Interties; and

(vii) For systems serving (~~one thousand~~) 1,000 or more total connections, an evaluation of opportunities for the use of reclaimed water, where they exist, as defined in RCW 90.46.120.

(g) Source water protection program under WAC 246-290-135.

(h) Operation and maintenance program under WAC 246-290-415 and 246-290-654(5), as applicable.

(i) Improvement program, including a capital improvement schedule that identifies all capital improvements scheduled within the plan approval period and any major projects or other capital improvements planned within at least a (~~twenty~~) 20-year planning period.

(j) Financial program, including demonstration of financial viability by providing:

(i) A summary of past income and expenses;

(ii) A balanced operational budget for the plan approval period;

(iii) A plan for collecting the revenue necessary to maintain cash flow stability and to fund the capital improvement program and emergency improvements; and

(iv) An evaluation that has considered:

(A) The affordability of water rates; and

(B) The feasibility of adopting and implementing a rate structure that encourages water demand efficiency.

(k) Other documents, such as:

(i) Documentation of SEPA compliance;

(ii) Agreements; and

(iii) Comments from each local government with jurisdiction and adjacent utilities.

(1) Systems serving 1,000 or more connections, a climate resilience element as required under RCW 43.20.310.

(5) Purveyors intending to implement the project report and construction document submittal exceptions authorized under WAC 246-290-125 must include:

- (a) Standard construction specifications for distribution mains; and/or
- (b) Design and construction standards for distribution-related projects, including:
- (i) Description of project report and construction document internal review procedures, including engineering design review and construction completion reporting requirements;
 - (ii) Construction-related policies and requirements for external parties, including consumers and developers;
 - (iii) Performance and sizing criteria; and
 - (iv) General reference to construction materials and methods.
- (6) Purveyors shall submit reports identifying the progress in developing their water system plans if required by the department.
- (7) Purveyors shall transmit water system plans to adjacent utilities and each local government with jurisdiction, to assess consistency with ongoing and adopted planning efforts.
- (8) Prior to department approval of a water system plan or a water system plan update, the purveyor shall:
- (a) Hold an informational meeting for the water system consumers and notify consumers in a way that is appropriate to the size of the water system; and
 - (b) Obtain approval of the water system plan from the purveyor's governing body or elected governing board.
- (9) Department approval of a water system plan is effective for (~~ten~~) 10 years from the date of written approval unless:
- (a) The purveyor requests and receives a plan approval period of less than (~~ten~~) 10 years; or
 - (b) The department requests an updated plan.
- (10) The purveyor shall update the water system plan and obtain department approval at or before the expiration of the current plan approval if the system meets any of the conditions of subsection (2) of this section.
- (11) Water system plan amendments. A purveyor may submit an amendment to its current approved water system plan for department approval at any time during the plan approval period. Project reports may be included in a water system plan amendment to meet the requirements under WAC 246-290-110(3). Department approval of a water system plan amendment does not alter the current plan approval period in accordance with subsection (9) of this section and does not satisfy the requirement of subsection (2) of this section to update the water system plan.