

WSR 24-10-028

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 22-18—Filed April 23, 2024, 7:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-12-011.

Title of Rule and Other Identifying Information: The rule making is proposing new chapter 173-446B WAC, Climate Commitment Act funds reporting. The purpose of this new chapter is to set reporting requirements for recipients of funding from the Climate Commitment Act (CCA) accounts so that the department of ecology (ecology) can complete an annual report to the state legislature, as required by CCA (RCW 70A.65.300).

For more information on this rule making visit <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-446B>.

Hearing Location(s): On June 5, 2024, at 6:00 p.m., via webinar. Join and see instructions <https://waecy-wa-gov.zoom.us/meeting/register/tZUkd-GprTssEtXbgykYl12w4vLzsuuO83VH#/registration>. Presentation and question and answer session, followed by the hearing. This is an online meeting that you can attend from any computer with internet access; and

On June 13, 2024, at 9:00 a.m., via webinar. Join and see instructions https://waecy-wa-gov.zoom.us/meeting/register/tZ0od-6opz0sHdV5Ka67JXtXeBhCXo_H57pl#/registration. Presentation and question and answer session, followed by the hearing. This is an online meeting that you can attend from any computer with internet access.

Date of Intended Adoption: October 1, 2024.

Submit Written Comments to: Harrison Ashby, Send US mail to Department of Ecology, Climate Pollution Reduction Program, P.O. Box 47600, Olympia, WA 98504-7600; or Department of Ecology, Climate Pollution Reduction Program, 300 Desmond Drive S.E., Lacey, WA 98503, email harrison.ashby@ecy.wa.gov, <https://aq.ecology.commentinput.com/?id=E8NYGSfC4>, by June 28, 2024.

Assistance for Persons with Disabilities: Contact Harrison Ashby, phone 360-485-2771, for Washington relay service or TTY call 711 or 877-833-6341, email harrison.ashby@ecy.wa.gov, by June 28, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making proposes to establish reporting requirements for recipients of funding from CCA accounts so that ecology can complete our required annual report to the state legislature. These reporting requirements will include those related to RCW 70A.65.230 regarding expenditures that benefit vulnerable populations within the boundaries of overburdened communities and those that are formally supported by a resolution of a tribe. The rule will define what information funding recipients must report to ecology. Additionally, the rule includes requirements for recipients to report on the quantity of greenhouse gas (GHG) emissions reductions expected to result from work funded by CCA.

Reasons Supporting Proposal: This rule making is required by RCW 70A.65.300.

Statutory Authority for Adoption: RCW 70A.65.300.

Statute Being Implemented: RCW 70A.65.300.

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

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Harrison Ashby, Lacey, Washington, 360-485-2771; Implementation and Enforcement: Tai Ralston, Lacey, Washington, 564-233-1616.

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 Harrison Ashby, Department of Ecology, Climate Pollution Reduction Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-485-2771, for Washington relay service or TTY call 711 or 877-833-6431, email harrison.ashby@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(4).

Explanation of exemptions: The only entities required to comply with the proposed rule are the recipients of appropriations from CCA accounts. These entities are government agencies and universities. Recipients may, in turn, choose to have some of the underlying work done by their subrecipients, but the proposed rule does not apply any requirements to those entities. Therefore, this rule does not impose compliance costs on small businesses, and this rule making is exempt from analysis under the Regulatory Fairness Act (chapter 19.85 RCW) according to RCW 19.85.025(4) which states, "This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses."

Scope of exemption for rule proposal:

Is fully exempt.

April 23, 2024
Heather Bartlett
Deputy Director

OTS-5233.3

Chapter 173-446B WAC
CLIMATE COMMITMENT ACT FUNDS REPORTING

NEW SECTION

WAC 173-446B-010 Introduction. (1) RCW 70A.65.300 requires the department of ecology (ecology) to submit to the appropriate committees of the legislature an annual report that identifies all distributions of money from the accounts created in RCW 70A.65.240 through 70A.65.280. The department must require by rule that recipients of funds from the accounts created in RCW 70A.65.240 through 70A.65.280 report to ecology, in a form and manner prescribed by ecology, the information required for ecology to carry out these duties.

(2) The annual report is required to identify, at a minimum:

(a) The recipient of the funding.

- (b) The amount of the funding.
- (c) The purpose of the funding.
- (d) The actual end result or use of the funding.

(e) Whether the project that received the funding produced any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions.

(3) For projects that produce verifiable reductions in greenhouse gas emissions or other long-term impacts to emissions, the annual report must also identify:

(a) The quantity of reduced greenhouse gas emissions.

(b) The cost of the reduced greenhouse gas emissions, per metric ton of carbon dioxide equivalent.

(c) A comparison to other greenhouse gas emissions reduction projects.

(4) During the 2023-2025 fiscal biennium, RCW 70A.65.030(4) requires agencies to coordinate with ecology and the office of financial management regarding the allocation of funds from the carbon emissions reduction account, the climate commitment account, the natural climate solutions account, the climate investment account, the air quality and health disparities improvement account, the climate transit programs account, and the climate active transportation account, as needed to achieve the following:

At least 35 percent (and a goal of 40 percent) of total statewide spending from these accounts must provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities.

(5) Beginning in the 2025-2027 fiscal biennium, RCW 70A.65.030(1) requires that each year or biennium, as appropriate, each state agency allocating funds from the carbon emissions reduction account, the climate commitment account, the natural climate solutions account, the climate investment account, the air quality and health disparities improvement account, the climate transit programs account, and/or the climate active transportation account must achieve the following:

At least 35 percent (and a goal of 40 percent) of the agency's total investments from these accounts must provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities.

(6) In RCW 70A.65.230, the legislature stated its intent that each year the total investments made through the carbon emissions reduction account, the climate commitment account, the natural climate solutions account, the air quality and health disparities improvement account, the climate transit programs account, and the climate active transportation account achieve the following:

(a) At least 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities.

(b) At least 10 percent of total investments that are used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe.

(7) The state's omnibus operating appropriations act for the 2023-2025 biennium (section 302(13), chapter 475, Laws of 2023), requires ecology to develop and implement a process to track, summarize and report on state agency expenditures from Climate Commitment Act accounts. This process must enable ecology to track and report on the following information, at a minimum:

(a) The amount of each expenditure that provides direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities;

(b) An explanation of how the expenditure provides such benefits;

(c) The methods by which overburdened communities and vulnerable populations were identified by the agency and an explanation of the outcomes of those identification processes, including the geographic location impacted by the expenditure where relevant, and the geographic boundaries of overburdened communities identified by the agency;

(d) The amount of each expenditure used for programs, activities, or projects formally supported by a resolution of an Indian tribe; and

(e) For expenditures that neither provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities nor are formally supported by a resolution of an Indian tribe, an explanation of why.

(8) Ecology must include a summary of the information described in subsection (7) of this section in a report to the appropriate committees of the legislature.

(9) Ecology will make reports to the legislature available to the public on its website. Data contained in ecology's reports to the legislature will be made available through an online data dashboard.

NEW SECTION

WAC 173-446B-020 What definitions apply to terms used in this chapter? The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. For those terms not listed in this section, the definitions found in chapter 70A.65 RCW apply in this chapter.

(1) "Appropriation" means a single line-item of funding provided by the Washington state legislature to a state agency or other entity, as set forth in an enacted omnibus operating, omnibus capital, or omnibus transportation appropriations act, where such funding is distributed from one of the Climate Commitment Act accounts.

(2) "Climate Commitment Act accounts" or "CCA accounts" means the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, the climate active transportation account created in RCW 46.68.490, and any other state treasury account(s) the legislature establishes specifically for the deposit of proceeds from the auction of allowances authorized in chapter 70A.65 RCW.

(3) "Direct and meaningful benefits" means benefits that are achieved through:

(a) The direct reduction of environmental burdens in overburdened communities;

(b) The reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change;

(c) The support of community led project development, planning, and participation costs; or

(d) Meeting a community need identified by the community that is consistent with the intent of chapter 70A.65 RCW or RCW 70A.02.010.

(4) "Expenditure" means the actual end result or use of funds received through an appropriation of funding from one of the Climate Commitment Act accounts. A single appropriation may be used by a recipient to fund multiple distinct expenditures.

(5) "Greenhouse gas" or "GHG" has the same meaning as in chapter 173-441 WAC.

(6) "Long-term impact to emissions" means emissions reductions calculated using methods described in WAC 173-446B-060.

(7) "Overburdened community" has the same meaning as in RCW 70A.65.010.

(8) "Recipient" means the state agency or other entity that received an appropriation of funding from one of the Climate Commitment Act accounts, irrespective of whether the state agency or other entity subsequently provides any of the funding to another entity.

(9) "Subrecipient" means an entity that received pass-through funding from a recipient. Subrecipients are not directly subject to the requirements of this rule, but recipients may include reporting requirements in their contracts with subrecipients to assist the recipients in complying with reporting obligations.

(10) "Vulnerable populations" has the same meaning as in RCW 70A.02.010.

NEW SECTION

WAC 173-446B-030 How and when must recipients provide their data to ecology? By June 30th of each year, ecology will notify recipients of the manner and date by which they must submit their data for the upcoming fiscal year.

NEW SECTION

WAC 173-446B-040 For which expenditures must recipients report whether the funding will produce any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions? (1) A recipient must report whether an expenditure is expected to produce any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions if ecology has approved a methodology and calculator tool for an applicable expenditure category, as described in WAC 173-446B-060.

(2) Expenditures that are not required to report whether the funding will produce any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions may include, but are not limited to, those that involve only:

- (a) Building awareness in or educating a community.
- (b) Clean energy workforce development.
- (c) Conducting administrative appeals.
- (d) Conducting outreach in communities.
- (e) Conducting research.
- (f) Creating plans for future activities.
- (g) Enhancing a recipient's or other entity's capacity to fulfill its mission.
- (h) Enhancing or maintaining emergency response systems or procedures.

- (i) Hiring agency staff.
- (j) Providing technical assistance.
- (k) Training new employees, sharing knowledge among staff, or building employees' skills.

NEW SECTION

- WAC 173-446B-050 What information are recipients required to provide to ecology?** (1) For each appropriation, recipients must provide the following information:
- (a) What is the appropriation title?
 - (b) What is the purpose of the appropriation?
 - (c) What is the geographic location of the appropriation (if not reported under subsection (2) of this section)? If the appropriation is spent directly by the recipient in multiple locations, provide each location and the amount spent at each location.
 - (d) How much total funding did the legislature provide from CCA accounts for this appropriation?
 - (e) From which CCA account(s) was the funding appropriated?
 - (f) How much of the appropriation was expended?
 - (g) How much and what percent of the expenditure provided direct and meaningful benefits, as defined in WAC 173-446B-020, to vulnerable populations within the boundaries of an overburdened community?
 - (i) What benefits were provided and how did the expenditure provide those benefits?
 - (ii) Which overburdened community was impacted by the expenditure?
 - (iii) How were members of vulnerable populations within the overburdened community involved in determining and measuring the benefits provided?
 - (iv) Provide any relevant and available qualitative information collected through engagement with vulnerable populations within the overburdened community.
 - (h) Was the expenditure formally supported by a tribal resolution? If so, which tribe or tribes formally supported the expenditure by resolution?
 - (i) For expenditures that do not provide direct and meaningful benefits to vulnerable populations in overburdened communities, and are not formally supported by a tribal resolution, explain why.
 - (j) Is this expenditure expected to produce any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions, as described in WAC 173-446B-040?
 - (i) If so, what is the projected quantity of reduced greenhouse gas emissions (carbon dioxide equivalent) to be produced by the expenditure?
 - (ii) If so, what is the estimated cost per carbon dioxide equivalent metric ton of greenhouse gas reduced?
 - (iii) For expenditures not reporting on any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions, indicate which category, if any, in WAC 173-446B-040(2) describes this expenditure.
- (2) Recipients that pass funding through to a subrecipient must also provide the following information for each funding agreement including, but not limited to, grants, contracts, loans, or interagency agreements:

- (a) What appropriation title is the funding agreement funded by?
- (b) What is the purpose of the funding agreement?
- (c) What is the geographic location impacted by the funding agreement?
- (d) How much of the appropriation's funding is allocated to this funding agreement?
- (e) How much of the appropriation has been expended through the funding agreement?
- (f) What is the name of the subrecipient?
- (g) How much and what percent of the funding agreement provided direct and meaningful benefits, as defined in WAC 173-446B-020, to vulnerable populations within the boundaries of an overburdened community?
- (i) What benefits were provided and how did the funding agreement provide those benefits?
- (ii) Which overburdened community was impacted by the funding agreement?
- (iii) How were members of vulnerable populations within the overburdened community involved in determining and measuring the benefits provided?
- (iv) Provide any relevant and available qualitative information collected through engagement with vulnerable populations within the overburdened community.
- (h) Was this funding agreement formally supported by a tribal resolution? If so, which tribe or tribes supported the funding agreement by resolution?
- (i) For funding agreements that do not provide direct and meaningful benefits to vulnerable populations in overburdened communities, and are not formally supported by a tribal resolution, explain why.
- (j) Is this funding agreement expected to produce any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions, as described in WAC 173-446B-040?
 - (i) If so, what is the projected quantity of reduced greenhouse gas emissions (carbon dioxide equivalent) to be produced by the funding agreement?
 - (ii) If so, what is the estimated cost per carbon dioxide equivalent metric ton of greenhouse gas reduced?
 - (iii) For funding agreements not reporting on any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions, indicate which category, if any, in WAC 173-446B-040(2) describes this expenditure.
- (3) Recipients reporting on funding agreements or other expenditures that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities must provide the following additional information:
 - (a) Describe the process(es) and/or method(s) (including data sources, mapping tools, and/or community consultation) by which the recipient identified overburdened communities and vulnerable populations.
 - (b) Explain the outcomes of the identification process(es) described in (a) of this subsection.
 - (c) Provide the geographic boundaries of overburdened communities and characteristics of vulnerable populations the recipient identified.
 - (4) If a recipient conducts ongoing tracking or monitoring for an expenditure included in prior annual reports, such as receiving periodic status reports, the recipient shall provide a summary of this in-

formation to ecology in each subsequent annual report until such tracking or monitoring ends. This information must include:

- (a) An explanation of whether the expenditure has been implemented as planned.
- (b) Any changes to previously reported reductions of greenhouse gas emissions.
- (c) Any changes to previously reported direct and meaningful benefits to vulnerable populations in overburdened communities.
- (5) Recipients funding expenditures with appropriations from the climate investment account established in RCW 70A.65.250 must additionally provide any available information related to the quantity and quality of jobs, apprenticeships, and/or internships created, if any, as a result of the expenditure(s) funded by the appropriation.
- (6) If the recipient or a subrecipient is a tribe, this rule does not require the recipient to provide ecology with data that the tribe deems to be culturally sensitive information, confidential proprietary information, or intellectual property.

NEW SECTION

WAC 173-446B-060 How will ecology specify methods for recipients to calculate emissions reductions from expenditures that produce verifiable reductions in greenhouse gas emissions or other long-term impact(s) to emissions?

(1) For each category of expenditure that is expected to produce verifiable reductions in greenhouse gas emissions or other long-term impact(s) to emissions, ecology will, in consultation with the recipient, either:

- (a) Identify the appropriate California air resources board methodology and calculator tool for use in calculating emissions reductions, and adapt the inputs used in the methodology and calculator tool as needed to be appropriate for use in Washington;
- (b) Adapt a California air resources board methodology and calculator tool to make it appropriate;
- (c) Develop an appropriate methodology; or
- (d) Locate a methodology from another source that is of the same or better quality than methods provided by the California air resources board.

(2) Ecology will approve methodologies and calculator tools and post them on its website for use by recipients for the purposes described in this section.

(3) If a recipient expects their expenditure(s) will produce emissions reductions, but ecology has not approved a methodology and calculator tool for an applicable expenditure category, the recipient must notify ecology.

**WSR 24-10-043
PROPOSED RULES
LIQUOR AND CANNABIS
BOARD**

[Filed April 24, 2024, 10:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-22-063.

Title of Rule and Other Identifying Information: WAC 314-55-080

Medical cannabis endorsement.

Hearing Location(s): On June 5, 2024, at 10:00 a.m. All public liquor and cannabis board (board) activity will be held in a "hybrid" environment. This means that the public will have options for in-person or virtual attendance. The boardroom at the headquarters building in Olympia (1025 Union Avenue, Olympia, WA 98504) will be open for in-person attendance. The public may also login using a computer or device, or call in using a phone, to listen to the meeting through the Microsoft Teams application. The public may provide verbal comments during the specified public comment and rules hearing segments. TVW also regularly airs these meetings. Please note that although the boardroom will be staffed during a meeting, board members and agency participants may continue to appear virtually. For more information about board meetings, please visit <https://lcb.wa.gov/Boardmeetings/Boardmeetings>.

Date of Intended Adoption: No earlier than June 18, 2024.

Submit Written Comments to: Daniel Jacobs, Rules and Policy Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, email rules@lcb.wa.gov, fax 360-704-5027, by May 29, 2024.

Assistance for Persons with Disabilities: Contact Anita Bingham, ADA coordinator, human resources, phone 360-664-1739, fax 360-664-9689, TTY 711 or 1-800-833-6388, email anita.bingham@lcb.wa.gov, by May 29, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The changes below are meant to accomplish three main goals: (1) Creating a requirement of posting cannabis consultant availability alongside required store hours; (2) allow medical cannabis endorsement holders to have cannabis products that comply with chapter 246-70 WAC "on order" to satisfy the "in stock" requirement; and (3) create a 30-day "cure period" to allow medical cannabis endorsement holders to correct regulatory noncompliance before an endorsement will be discontinued for noncompliance.

Language about medical cannabis endorsement holders being able to sell products below 0.3 percent THC is being removed from the rule to remove redundancy because it remains in statute at RCW 69.50.378.

Section	Current Rule Language	Proposed New Language	Rule Necessity
(3)	With addition of new requirement at subsection (3)(c), existing subsection (3)(d) - (3)(i) is renumbered as subsection (3)(e) - (3)(j) accordingly		Necessary for numbering.
(3)(b)	Have a consultant on staff in accordance with department of health rules;	Have a consultant on staff in accordance with chapter 246-72 WAC;	Improving clarity without changing effect.
(3)(c)	New Language (c)(i) Have consulting service hours for entering qualifying patients into the medical cannabis database posted alongside hours of operation as required in WAC 314-55-055; (ii) The requirement in subsection (c)(i) of this subsection can be met by posting a window of time where appointments with cannabis consultants can be scheduled;		New requirement to increase transparency of retailers regarding availability of medical cannabis consultant.

Section	Current Rule Language	Proposed New Language	Rule Necessity
(3)(d)	Maintain at all times, a representative assortment of cannabis products necessary to meet the needs of qualified patients and designated providers;	Have in stock at all times, or on order, cannabis products that comply with chapter 246-70 WAC;	Improving clarity and removing unnecessary additional wording that caused confusion and required regulatory guidance and interpretation. Added language indicating that having compliant cannabis on order satisfies this requirement.
(3)(f)	Demonstrate the ability to enter qualifying patients and designated providers in the medical cannabis authorization database established by the department of health;	Maintain the ability to enter qualifying patients and designated providers in the medical cannabis authorization database established by the department of health;	Improving clarity without changing effect.
(4)	A cannabis retailer holding a medical cannabis endorsement may sell products with a THC concentration of 0.3 percent or less. The licensee may also provide these products at no charge to qualifying patients or designated providers.	The licensee may provide cannabis products complying with chapter 246-70 WAC at no charge to qualifying patients or designated providers.	Improving clarity without changing effect. Medical cannabis endorsement holders remain able to sell products with THC less than 0.3 percent per RCW 69.50.378.
(6)	Failure to comply with subsections (3) and (5) of this section may result in suspension or revocation of the medical cannabis endorsement.	(a) Noncompliance with the requirements of subsection (3) of this section may result in the discontinuance of the medical cannabis endorsement. (b)(i) After being notified of noncompliance with the requirements of this section by the board, the endorsement holder shall have at least seven calendar days and no more than 30 calendar days to demonstrate compliance with this section. If noncompliance remains after the deadline identified by the board, the endorsement is discontinued. (ii) If a licensee applies for a medical cannabis endorsement after it has previously been discontinued pursuant to (b)(i) of this subsection, the application and documentation verifying compliance with the requirements of this section must be submitted to the board.	Replacing words "suspension" and "revocation" with discontinuance. Providing a cure period to address noncompliance with regulatory requirements. The length of the cure period will depend on the nature of the noncompliance. Continued noncompliance after the cure period results in discontinuance of the endorsement. Subsequent application for an endorsement requires a demonstration of compliance with the regulatory requirements
(7)	Noncompliance with subsection (5) of this section may result in the discontinuance of the medical cannabis endorsement.		Creating a new subsection to separate language from old subsection (6).

Reasons Supporting Proposal: Creating the additional cannabis consultant hours posting requirement will help assist patients who currently must call multiple retailers to find available cannabis consultants. Allowing for consultants to be available "by appointment" within a specified time frame allows for the consultants to still accomplish other business tasks while remaining available to serve patients as needed.

Adding the "or on order" wording to the "in stock" requirement currently at WAC 314-55-080 (3) (d) will allow retailers who do not have any cannabis complying with department of health requirements in stock at a given time to remain compliant with this requirement by having an order in place for new product. This wording was suggested during a stakeholder engagement session by a member of the public.

Creating the variable cure period will allow for retailers who become noncompliant a window of time to address the noncompliance before the endorsement is discontinued. The amount of time needed may vary depending on the noncompliance at issue, as it may take more time to hire a new cannabis consultant than it would to fix a card machine or get more compliant cannabis in stock. This is broadly consistent with current internal agency procedures for addressing noncompliance by medical cannabis endorsement holders. This also balances flexibility and an opportunity to resume compliance without immediate discontinuance of an endorsement, while at the same time providing a structure for discontinuance for retailers who are unable to maintain regulatory compliance.

Lastly, while a retailer who has their medical cannabis endorsement discontinued for noncompliance remains able to apply for the endorsement again, an additional required showing must be submitted to the board with the request to add the medical cannabis endorsement, as a measure intended to address what was previously a compliance issue.

Statutory Authority for Adoption: RCW 69.50.342, 69.50.345.

Statute Being Implemented: RCW 69.50.375.

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

Name of Proponent: Washington state liquor and cannabis board, governmental.

Name of Agency Personnel Responsible for Drafting: Daniel Jacobs, Rules and Policy Coordinator, 1025 Union Avenue, Olympia, WA 98504, 360-480-1238; Implementation: Becky Smith, Director of Licensing, 1025 Union Avenue, Olympia, WA 98504, 360-664-1753; and Enforcement: Chandra Wax, Director of Enforcement and Education, 1025 Union Avenue, Olympia, WA 98504, 360-664-1726.

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 amended rules do not qualify as a type of rule requiring a cost-benefit analysis under RCW 34.05.328(5). The board is not a listed agency under RCW 34.05.328 (5)(a)(i), so the cost-benefit analysis requirements in RCW 34.05.328 are not applicable to the proposed rules unless voluntarily applied or made applicable by the joint administrative rules review committee under RCW 34.05.328 (5)(a)(ii).

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. Agencies are required to consider costs imposed on business and costs associated with compliance with proposed rules. Agencies are not required under chapter 19.85 RCW to consider indirect costs not associated with compliance. Here, the board considered potential administrative costs that a licensee may incur complying with the proposed rules.

The board applied the North American Industry Classification System (NAICS) code 459991 for marijuana stores, recreational or medical. This is defined by NAICS as follows: This United States industry comprises establishments primarily engaged in retailing cigarettes, electronic cigarettes, cigars, tobacco, pipes, and other smokers' supplies. The industry description for this code is presented in the table below, and can be accessed at <https://www.census.gov/naics/?input=marijuana&year=2022&details=459991>.

The board applied a default estimated compliance cost when analyzing whether the rules would have a disproportionate impact on small businesses as defined in RCW 19.85.020(3). This reflects a conservative estimate of \$1,000.00 for every cannabis retailer with an existing medical cannabis endorsement to familiarize themselves with the amended rules and change the sign on the outside of the premises to comply with the new requirements in the proposed rule.

Per RCW 19.85.020(2), a minor cost means a cost per business that is less than three-tenths of one percent of annual revenue or income, or \$100, whichever is greater, or one percent of annual payroll. According to department of revenue (DOR) data from 2022, the total gross business income for NAICS code 459991 was \$583,645,979.00 for 521 businesses. That produces an average annual gross business income of \$1,120,241.8023. Three-tenths of one percent of \$1,120,241.8023 is \$3,360.725, rounding up to \$3,360.73.

<u>2022 Industry NAICS Code</u>	<u>Estimated Cost of Compliance</u>	<u>Industry Description</u>	<u>NAICS Code Title</u>	<u>Minor Cost Estimate</u>	<u>1% of Avg Annual Payroll (Threshold)</u>	<u>0.3% of Avg Annual Gross Business Income (Threshold)</u>
459991	\$1,000.00	Marijuana stores, recreational or medical	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers	\$3,360.73	Unavailable*	\$3,360.73 2022 Dataset pulled from DOR

As the table demonstrates, the estimated cost of compliance does not exceed the threshold for tobacco, electronic cigarette, and other smoking supplies retailers, which according to the NAICS website above, includes cannabis retailers with medical cannabis endorsements. Therefore, implementation of this amended rule is not anticipated to result in more-than-minor costs on businesses as defined in RCW 19.85.020(2).

DOR - Washington State Department of Revenue. DOR data available at <https://apps.dor.wa.gov/ResearchStats/Content/GrossBusinessIncome/Results.aspx?Year=2022AN,&Code1=450000&Code2=460000&SumbY=n6&SicNaics=2&Format=HTML>

* Average annual payroll data was unavailable due to confidentiality with other state agency data.

A copy of the detailed cost calculations may be obtained by contacting Daniel Jacobs, Rules and Policy Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, phone 360-480-1238, fax 360-704-5027, email rules@lcb.wa.gov.

April 24, 2024
David Postman
Chair

OTS-5156.5

AMENDATORY SECTION (Amending WSR 22-14-111, filed 7/6/22, effective 8/6/22)

WAC 314-55-080 Medical cannabis endorsement. (1) **A medical cannabis endorsement added to a cannabis retail license allows the cannabis retail licensee to:**

(a) Sell cannabis for medical use to qualifying patients and designated providers; and

(b) Provide cannabis at no charge, at their discretion, to qualifying patients and designated providers.

(2) Qualifying patients between 18 and 21 years of age with a recognition card may enter and remain on the premises of a retail outlet holding a medical cannabis endorsement and may purchase products for their personal medical use. Qualifying patients who are under the age of 18 with a recognition card and who accompany their designated providers may enter and remain on the premises of a retail outlet holding a medical cannabis endorsement, but may not purchase products for their personal medical use. Only a designated provider may purchase products for a qualifying patient under the age of 18 who holds a valid recognition card.

(3) **To maintain a medical cannabis endorsement in good standing, a cannabis retailer must:**

(a) Follow all rules adopted by the department of health regarding retail sales of medical cannabis;

(b) Have a consultant on staff in accordance with ~~((department of health rules))~~ chapter 246-72 WAC;

(c) (i) Have consulting service hours for entering qualifying patients into the medical cannabis database posted alongside hours of operation as required in WAC 314-55-055;

(ii) The requirement in (c) (i) of this subsection can be met by posting a window of time where appointments with cannabis consultants can be scheduled;

(d) Prohibit the medical use of cannabis by anyone at the retail outlet at all times, including medical use by qualifying patients;

~~((d) Maintain))~~ (e) Have in stock at all times, ((a representative assortment of)) or on order, cannabis products ((necessary to meet the needs of qualified patients and designated providers)) that comply with chapter 246-70 WAC;

~~((e))~~ (f) Not market cannabis concentrates, useable cannabis, or cannabis-infused products in a way that make them especially attractive to minors;

~~((f) Demonstrate))~~ (g) Maintain the ability to enter qualifying patients and designated providers in the medical cannabis authorization database established by the department of health;

~~((g))~~ (h) Issue recognition cards and agree to enter qualifying patients and designated providers into the database in compliance with the department of health standards;

~~((h))~~ (i) Keep records to document the validity of tax exempt sales as prescribed by the department of revenue for a minimum of five years. For the documentation requirements in RCW 69.50.375 (3) (e), licensees are not required to separately keep copies of the qualifying patient's or designated provider's recognition card because this information is stored in the medical cannabis authorization database;

~~((i))~~ (j) Train employees on the following:

(i) Procedures regarding the recognition of valid authorizations and the use of equipment to enter qualifying patients and designated providers into the medical cannabis authorization database;

(ii) Recognition of valid recognition cards; and

(iii) Recognition of strains, varieties, THC concentration, CBD concentration, and THC to CBD ratios of cannabis concentrates, useable cannabis, and cannabis-infused products available for sale when assisting qualifying patients and designated providers at the retail outlet.

(4) ~~((A cannabis retailer holding a medical cannabis endorsement may sell products with a THC concentration of 0.3 percent or less.))~~ The licensee may ~~((also))~~ provide ~~((these))~~ cannabis products complying with chapter 246-70 WAC at no charge to qualifying patients or designated providers.

(5) **Unlicensed practice of medicine.** No owner, employee, or volunteer of a retail outlet and holding a medical cannabis endorsement may:

(a) Offer or undertake to diagnose or cure any human or animal disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, by use of cannabis products or any other means or instrumentality; or

(b) Recommend or suggest modification or elimination of any course of treatment that does not involve the medical use of cannabis products.

(6) ~~((Failure to comply with))~~ (a) Noncompliance with the requirements of subsection((s)) (3) ((and (5))) of this section may result in ((suspension or revocation)) the discontinuance of the medical cannabis endorsement.

(b) (i) After being notified of noncompliance with the requirements of this section by the board, the endorsement holder shall have at least seven calendar days and no more than 30 calendar days to demonstrate compliance with this section. If noncompliance remains after the deadline identified by the board, the endorsement is discontinued.

(ii) If a licensee applies for a medical cannabis endorsement after it has previously been discontinued pursuant to (b) (i) of this subsection, the application and documentation verifying compliance with the requirements of this section must be submitted to the board.

(7) Noncompliance with subsection (5) of this section may result in the discontinuance of the medical cannabis endorsement.

WSR 24-10-044
PROPOSED RULES
LIQUOR AND CANNABIS
BOARD

[Filed April 24, 2024, 10:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-05-037.

Title of Rule and Other Identifying Information: This rule making relates to ESSB 6105 (chapter 250, Laws of 2024) an act relating to creating safer working conditions in adult entertainment establishments, as identified below:

Amending WAC 314-03-100 What types of activities on a licensed premises require notice to the board?, 314-11-015 What are my responsibilities as a liquor licensee?, 314-17-105 What are the penalties when a permit holder violates a liquor law or regulation?, 314-29-020 Group 1 violations against public safety, 314-29-038 Group 5 public safety violations for sports entertainment facility licenses and 314-52-113 Brand signs and point-of-sale displays on retail licensed premises; and repealing WAC 314-11-050 What types of conduct are prohibited on a premises with a liquor license?

Hearing Location(s): On June 5, 2024, at 10:00 a.m. All public liquor and cannabis board (board) activity will be held in a "hybrid" environment. This means that the public will have options for in-person or virtual attendance. The boardroom at the headquarters building in Olympia (1025 Union Avenue, Olympia, WA 98504) will be open for in-person attendance. The public may also log in using a computer or device or call in using a phone to listen to the meeting through the Microsoft Teams application. The public may provide verbal comments during the specified public comment and rules hearing segments. TVW also regularly airs these meetings. Please note that although the boardroom will be staffed during a meeting, board members and agency participants may continue to appear virtually. For more information about board meetings, please visit <https://lcb.wa.gov/Boardmeetings/> Board meetings.

Date of Intended Adoption: No earlier than June 18, 2024.

Submit Written Comments to: Daniel Jacobs, Rules and Policy Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, email rules@lcb.wa.gov, fax 360-704-5027, by May 29, 2024.

Assistance for Persons with Disabilities: Contact Anita Bingham, ADA coordinator, human resources, phone 360-664-1739, fax 360-664-9689, TTY 711 or 1-800-833-6388, email anita.bingham@lcb.wa.gov, by May 29, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amended language is to repeal WAC 314-11-050 as instructed in section 5, chapter 250, Laws of 2024, and to remove references to WAC 314-11-050 in different sections of Title 314 WAC as described below.

Reasons Supporting Proposal: Section 5, chapter 250, Laws of 2024, instructs the board to repeal WAC 314-11-050. Several other sections of Title 314 WAC reference WAC 314-11-050, and those rules need to be amended accordingly as described below:

Rule Section	Proposed Change	Necessity
WAC 314-03-100 What types of activities on a licensed premises require notice to the board? (AMENDED)	Changed format of rule title from question to statement.	Improving clarity without changing effect.
	Striking subsection (1).	To make rules consistent with sections 4 and 5, chapter 250, Laws of 2024.
WAC 314-11-015 What are my responsibilities as a liquor licensee? (AMENDED)	Changed format of rule title from question to statement.	Improving clarity without changing effect.
	Removal of an excess comma in subsection (2).	
	Removed words "or dance" from subsection (4)(b) regarding prohibition on allowing a person to spend time with a patron for direct or indirect compensation.	To make rules consistent with sections 4 and 5, chapter 250, Laws of 2024.
	Removed sentence after subsection (4)(b) directing to WAC 314-11-050 for further guidance.	
WAC 314-11-050 What types of conduct are prohibited on a premises with a liquor license? (REPEALED)	REPEALED	Directed by the legislature in section 5, chapter 250, Laws of 2024.
WAC 314-17-105 What are the penalties when a permit holder violates a liquor law or regulation? (AMENDED)	Changed format of rule title from question to statement.	Improving clarity without changing effect.
	Corrected citation in disorderly conduct row of penalty table to WAC 314-11-015.	To make rules consistent with sections 4 and 5, chapter 250, Laws of 2024.
	Deleted row in penalty table related to violations of WAC 314-11-050.	
WAC 314-29-020 Group 1 Violations against public safety. (AMENDED)	Deleted row in penalty table for violations of "lewd conduct" rule in WAC 314-11-050.	To make rules consistent with sections 4 and 5, chapter 250, Laws of 2024.
WAC 314-29-038 Group 5 public safety violations for sports entertainment facility licenses. (AMENDED)	Deleted row in penalty table for violations of "lewd conduct" rule in WAC 314-11-050.	To make rules consistent with sections 4 and 5, chapter 250, Laws of 2024.
WAC 314-52-113 Brand signs and point-of-sale displays on retail licensed premises. (AMENDED)	Deleted subsection (3)(c) referencing violations of WAC 314-11-050.	To make rules consistent with sections 4 and 5, chapter 250, Laws of 2024.

Statutory Authority for Adoption: RCW 66.08.030, 66.98.070.

Statute Being Implemented: Sections 4 and 5, chapter 250, Laws of 2024.

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

Name of Proponent: Washington state liquor and cannabis board, governmental.

Name of Agency Personnel Responsible for Drafting: Daniel Jacobs, Rules and Policy Coordinator, 1025 Union Avenue, Olympia, WA 98504, 360-480-1238; Implementation: Becky Smith, Director of Licensing, 1025 Union Avenue, Olympia, WA 98504, 360-664-1753; and Enforcement: Chandra Wax, Director of Enforcement and Education, 1025 Union Avenue, Olympia, WA 98504, 360-664-1726.

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 amended rules do not qualify as a type of rule requiring a cost-benefit analysis under RCW 34.05.328(5). The board is not a listed agency under RCW 34.05.328 (5) (a) (i), so the cost-benefit analysis

requirements in RCW 34.05.328 are not applicable to the proposed rules unless voluntarily applied or made applicable by the joint administrative rules review committee under RCW 34.05.328 (5) (a) (ii).

Scope of exemption for rule proposal from Regulatory Fairness Acts 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. Agencies are required to consider costs imposed on business and costs associated with compliance with proposed rules. Agencies are not required under chapter 19.85 RCW to consider indirect costs not associated with compliance. Here, the board considered potential administrative costs that a licensee may incur complying with the proposed rules.

No new rules are being created, only repealed or language removed. Licensees may continue to prohibit the conduct in WAC 314-11-050 if they so choose, but they will no longer be required to do so. If licensees want to change how they operate to expand the scope of permitted activity, that is entirely within their legal authority to do so, but they are by no means required to permit activity that was previously prohibited. Because no new rules or amended rule language needs to be learned, there will be no cost to licensees by virtue of these rule changes.

A copy of the detailed cost calculations may be obtained by contacting Daniel Jacobs, Rules and Policy Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, phone 360-480-1238, fax 360-704-5027, email rules@lcb.wa.gov.

April 24, 2024
David Postman
Chair

OTS-5262.1

AMENDATORY SECTION (Amending WSR 17-12-030, filed 5/31/17, effective 7/1/17)

WAC 314-03-100 (~~(What types of)~~) Activities on a licensed premises ((require)) requiring notice to the board((?)). Liquor licensees must notify their local enforcement office in writing at least five days prior to conducting the following activities unless the licensee has received an exception from their enforcement officer:

- (1) (~~(Male/female dance reviews, subject to the provision of WAC 314-11-050;~~
- ~~(2))~~) Live boxing or wrestling;
- ~~((3))~~) (2) Contests or games where patrons are part of the entertainment;
- ~~((4))~~) (3) Hours of operation in between 2:00 a.m. and 6:00 a.m. for licensees that sell liquor for on-premises consumption;
- ~~((5))~~) (4) Closing the business to the general public for a private party; and
- ~~((6))~~) (5) Outside service for one-time events such as a holiday celebration where liquor service and consumption is planned to extend

to an area of the premises that does not have board approval for liquor service. The licensee must have leasehold rights to the area where alcohol service and consumption is planned.

OTS-5263.1

AMENDATORY SECTION (Amending WSR 22-14-111, filed 7/6/22, effective 8/6/22)

WAC 314-11-015 (~~(What are my)~~) Responsibilities as a liquor licensee (?). (1) (a) Liquor licensees are responsible for the operation of their licensed premises in compliance with the liquor laws and rules of the board (Title 66 RCW and Title 314 WAC). Any violations committed or permitted by employees will be treated by the board as violations committed or permitted by the licensee.

(b) The penalties for violations of liquor laws or rules are in: WAC 314-29-015 through 314-29-035, as now or hereafter amended, for licensees; and WAC 314-17-105 and 314-17-110, as now or hereafter amended, for employees who hold mandatory alcohol server training permits. These rules also outline aggravating and mitigating circumstances that may affect what penalty is applied if a licensee or employee violates a liquor law or rule.

(2) Licensees and their employees also have the responsibility to conduct the licensed premises in compliance with the following laws, as they now exist or may later be amended:

- Titles 9 and 9A RCW, the criminal code laws;
- Title 69 RCW, which outlines the laws regarding controlled substances; and
- Chapters 70.155((7)) and 82.24 RCW, and RCW 26.28.080 which outline laws regarding tobacco.

(3) Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the premises at all times. Except as otherwise provided by law, licensees or employees may not:

- (a) Be disorderly or apparently intoxicated on the licensed premises;
- (b) Allow any disorderly person to remain on the licensed premises;
- (c) Engage in or allow behavior that provokes conduct which presents a threat to public safety;
- (d) Consume liquor of any kind while working on the licensed premises; except that:
 - (i) Entertainers per WAC 314-02-010 may drink while performing under the following conditions:
 - (A) Alcohol service must be monitored by MAST servers;
 - (B) Drinks must be served in unlabeled containers;
 - (C) Entertainers may not advertise any alcohol brands or products;
 - (D) Entertainers may not promote drink specials; and
 - (E) If any member of the entertainment group is under 21 years of age, alcohol may not be consumed by any member of the group while performing.

(ii) Licensed beer manufacturers and their employees may sample beer of their own manufacture for manufacturing, evaluating or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated;

(iii) Licensed wine manufacturers and their employees may:

(A) Sample wine for manufacturing, evaluating, or pricing product, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public; and

(B) Sample wine of their own manufacture for quality control or consumer education purposes, so long as the licensee or employee does not become apparently intoxicated.

(e) Engage in, or allow others to engage in, conduct on the licensed premises which is prohibited by any portion of Titles 9, 9A, or 69 RCW;

(f) Engage in the consumption of any type of cannabis, useable cannabis, or cannabis-infused products in a liquor licensed business, including outdoor service areas or any part of the property owned or controlled by the licensee;

(g) Allow any person to consume any type of cannabis, useable cannabis, or cannabis-infused products in a liquor licensed business, including outdoor service areas or any part of the property owned or controlled by the licensee;

(h) Allow any person consuming, or who has consumed on any part of the licensed premises, any type of cannabis, useable cannabis, or cannabis-infused products to remain on any part of the licensed premises; or

(i) Sell or serve liquor by means of drive-through service from pickup or pass-through windows.

(4) Licensees have the responsibility to control the interaction between the licensee or employee and their patrons. At a minimum, licensees or employees may not:

(a) Solicit any patron to purchase any beverage for the licensee or employee, or allow a person to remain on the premises for such purpose;

(b) Spend time (~~or dance~~) with, or permit any person to spend time (~~or dance~~) with, any patron for direct or indirect compensation by a patron.

(~~(See WAC 314-11-050 for further guidelines on prohibited conduct.)~~)

OTS-5261.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 314-11-050

What types of conduct are prohibited on a premises with a liquor license?

OTS-5264.1

AMENDATORY SECTION (Amending WSR 10-12-124, filed 6/2/10, effective 7/3/10)

WAC 314-17-105 ((What are the)) Penalties when a permit holder violates a liquor law or regulation(?). Penalties assessed for violations within a three-year period will normally be as follows:

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
AFTER HOURS: Selling, serving or allowing alcohol to be consumed between 2 a.m. and 6 a.m. See WAC 314-11-070.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
DISORDERLY CONDUCT: Disorderly conduct by a licensee or employee, or allowing patrons to engage in disorderly conduct. See WAC ((314-11-050)) 314-11-015.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
FALSIFICATION OF PERMIT: Falsifying a class 12 or 13 permit or possessing a class 12 or 13 permit contrary to this title. See RCW 66.20.310 and WAC 314-17-025.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
INTOXICATED PERSONS: Selling or serving to an apparently intoxicated person or allowing such a person to possess or consume alcohol. See RCW 66.44.200 and WAC 314-11-035.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
((LEWD CONDUCT: Allowing lewd conduct on a retail licensed premises. See WAC 314-11-050.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit))
MISCELLANEOUS: Violation of other retail liquor laws or regulations.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
MINORS: Selling or serving alcohol to a person under twenty-one years of age. See RCW 66.44.310 and WAC 314-11-020.	5-day permit suspension OR \$200 monetary option	10-day permit suspension OR \$400 monetary option	30-day permit suspension OR \$500 monetary option	Revocation of permit
MINORS: Allowing a person under twenty-one years of age to frequent a restricted premises or area. See RCW 66.44.310 and WAC 314-11-020.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
OBSTRUCTING AN OFFICER: Obstructing a law enforcement officer, or failure to allow an inspection. See RCW 66.28.090.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
OTHER VIOLATION OF LAWS: Conviction of liquor laws, driving under the influence or felony.	5-day permit suspension OR \$100 monetary option	Revocation of permit		
PERMIT: Failure to produce permit or identification upon request. See RCW 66.20.310 and 66.20.180.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
PRIVATE CLUBS: Prohibitions involving club liquor and use by the general public. See WAC 314-40-010.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit

OTS-5265.1

AMENDATORY SECTION (Amending WSR 18-21-115, filed 10/17/18, effective 11/17/18)

WAC 314-29-020 Group 1 violations against public safety. (1)

Group 1 violations are considered the most serious because they present a direct threat to public safety. Violations beyond the first violation do not have a monetary option upon issuance of a violation notice. The liquor and cannabis board may offer a monetary option in lieu of suspension days based on mitigating circumstances as outlined in WAC 314-29-015(4).

(2) Group 1 violations will be counted sequentially rather than independently by group. For example, if a licensee received a violation for over service on one day and a violation for sale to a minor a week later, the sale to a minor would be treated as a second offense since both violations are in the same violation group.

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
Violations involving minors: Sale or service to minor: Sale or service of alcohol to a person under 21 years of age. Minor frequenting a tavern, lounge, or other restricted area. RCW 66.44.270 RCW 66.44.310 WAC 314-11-020 WAC 314-16-150	5 day suspension or \$500 monetary option	7 day suspension	30 day suspension	Cancellation of license
Sale or service to apparently intoxicated person: Sale or service of alcohol to, or permitting consumption or possession by, an apparently intoxicated person. RCW 66.44.200 WAC 314-16-150	5 day suspension or \$500 monetary option	7 day suspension	30 day suspension	Cancellation of license
Conduct violations: Disorderly conduct by licensee or employee, or permitting on premises. Licensee and/or employee intoxicated on the licensed premises and/or drinking on duty. Criminal conduct: Permitting or engaging in criminal conduct. WAC 314-11-015	5 day suspension or \$500 monetary option	7 day suspension	30 day suspension	Cancellation of license
(Lewd conduct: Engaging in or permitting conduct in violation of WAC 314-11-050.	5 day suspension or \$500 monetary option	7 day suspension	30 day suspension	Cancellation of license))
Refusal to allow an inspection and/or obstructing a law enforcement officer from performing their official duties. RCW 66.28.090 RCW 66.44.370 WAC 314-11-090	5 day suspension or \$500 monetary option	7 day suspension	30 day suspension	Cancellation of license

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
Condition of suspension violation: Failure to follow any suspension restriction while liquor license is suspended. WAC 314-29-040	Original penalty plus 10 day suspension with no monetary option	Cancellation of license		

AMENDATORY SECTION (Amending WSR 16-19-106, filed 9/21/16, effective 10/22/16)

WAC 314-29-038 Group 5 public safety violations for sports entertainment facility licenses. Sports entertainment facility licenses are unique and different from other on-premises licenses since they are not open on a daily basis, but rather for specific events. Public safety violations are considered the most serious because they present a direct threat to public safety. All other violations and penalties are the same for sports entertainment facility licensees as other liquor licenses.

(1) General public safety violation penalties.

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th and Subsequent violation in a two-year window
Violations involving minors: Sale or service to minors outside of WAC 314-29-038(c): Sale or service of alcohol to a person under 21 years of age. Minor frequenting a restricted area. RCW 66.44.270 RCW 66.44.310 WAC 314-11-020 WAC 314-16-150	Monetary penalty will be based on ticket sales to the event, and calculated at \$0.10 per ticket sold, with a mandatory minimum of \$2,500 fine	Monetary penalty will be based on ticket sales to the event, and calculated at \$0.50 per ticket sold, with a mandatory minimum of \$7,000 fine	Monetary penalty will be based on ticket sales to the event, and calculated at \$1.25 per ticket sold, with a mandatory minimum of \$45,000 fine	Penalty to be determined by the board, including possible cancellation of license
Sale or service to an apparently intoxicated person: Sale or service of alcohol to, or permitting consumption or possession by, an apparently intoxicated person. RCW 66.44.200 WAC 314-16-150	Monetary penalty will be based on ticket sales to the event, and calculated at \$0.10 per ticket sold, with a mandatory minimum of \$2,500 fine	Monetary penalty will be based on ticket sales to the event, and calculated at \$0.50 per ticket sold, with a mandatory minimum of \$7,000 fine	Monetary penalty will be based on ticket sales to the event, and calculated at \$1.25 per ticket sold, with a mandatory minimum of \$45,000 fine	Penalty to be determined by the board, including possible cancellation of license
Conduct violations: Disorderly conduct by licensee or employee, or permitting on premises. Licensee and/or employee intoxicated on the licensed premises and/or drinking on duty. Criminal conduct: Permitting or engaging in criminal conduct. WAC 314-11-015	Monetary penalty will be based on ticket sales to the event, and calculated at \$0.10 per ticket sold, with a mandatory minimum of \$2,500 fine	Monetary penalty will be based on ticket sales to the event, and calculated at \$0.50 per ticket sold, with a mandatory minimum of \$7,000 fine	Monetary penalty will be based on ticket sales to the event, and calculated at \$1.25 per ticket sold, with a mandatory minimum of \$45,000 fine	Penalty to be determined by the board, including possible cancellation of license

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th and Subsequent violation in a two-year window
(Lewd conduct: Engaging in or permitting conduct in violation of WAC 314-11-050.	Monetary penalty will be based on ticket sales to the event, and calculated at \$0.10 per ticket sold, with a mandatory minimum of \$2,500 fine	Monetary penalty will be based on ticket sales to the event, and calculated at \$0.50 per ticket sold, with a mandatory minimum of \$7,000 fine	Monetary penalty will be based on ticket sales to the event, and calculated at \$1.25 per ticket sold, with a mandatory minimum of \$45,000 fine	Penalty to be determined by the board, including possible cancellation of license))
Refusal to allow an inspection and/or obstructing a law enforcement officer from performing their official duties. RCW 66.28.090 RCW 66.44.370 WAC 314-11-090	Monetary penalty will be based on ticket sales to the event, and calculated at \$0.10 per ticket sold, with a mandatory minimum of \$2,500 fine	Monetary penalty will be based on ticket sales to the event, and calculated at \$0.50 per ticket sold, with a mandatory minimum of \$7,000 fine	Monetary penalty will be based on ticket sales to the event, and calculated at \$1.25 per ticket sold, with a mandatory minimum of \$45,000 fine	Penalty to be determined by the board, including possible cancellation of license

(2) If documented ticket sales for an event are unavailable, in order to assess penalties set forth in this section, the facility maximum occupancy will be used for the penalty assessment.

(3) WSLCB youth access compliance checks, in accordance with chapter 314-31 WAC.

License Class	Compliance Threshold	1st Violation	2nd Violation	3rd Violation	4th Violation
Sports and entertainment facility	Events: 1 to 20 points of sale (1st incident/sale to minor to be a violation/compliance failure)	\$1000 x I*	\$10,000 x I*	\$25,000 x I*	Penalty to be determined by the board, including possible cancellation of license
Sports and entertainment facility	Events: 21 to 45 points of sale (2nd incident/sale to minor to be a violation/compliance failure)	\$1000 x I*	\$10,000 x I*	\$25,000 x I*	Penalty to be determined by the board, including possible cancellation of license
Sports and entertainment facility	Events: 45 or more points of sale (3rd incident/sale to minor to be a violation/compliance failure)	\$1000 x I*	\$10,000 x I*	\$25,000 x I*	Penalty to be determined by the board, including possible cancellation of license

* "I" signifies the total cumulative incidents of sales to underage person during an alcohol compliance check.

A point of sale is defined as each different concession stand, or service area (such as a lounge), not each individual cash register.

OTS-5266.1

AMENDATORY SECTION (Amending WSR 10-06-122, filed 3/3/10, effective 4/3/10)

WAC 314-52-113 Brand signs and point-of-sale displays on retail licensed premises. Manufacturers, importers or distributors may furnish brand signs and point-of-sale material to retailers under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those that provide illumination for cash registers, pool tables, and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or distributors.

(2) Giant inflatables, such as inflated beer cans, bottles, and banners may be provided as point-of-sale to retailers for display purposes inside the licensed premises, provided the following conditions are met:

(a) Novelty items as defined in WAC 314-52-080 are not provided by manufacturers, importers, or distributors to customers in conjunction with the display;

(b) Inflatables are not targeted or appeal principally to youth; and

(c) The display shall be removed if objected to by local officials, or if the board finds it contrary to the public interest.

(3) Costumed individuals representing beer, wine, or liquor manufacturers may be provided as point-of-sale to retailers for display and promotion purposes on their property, provided the following conditions are met:

(a) The costumed individual is limited to the manufacturer, importer, distributor, or employee thereof and the costumed individual's activities on-premises are limited to socializing with customers and not conducting any activity that the retail licensee would otherwise have to assign employees to;

(b) Novelty items as defined in WAC 314-52-080 and the purchase of drinks, are not to be provided to customers by the costumed individual in conjunction with such displays;

(c) ~~((The costumed individual must comply with the regulations regarding lewd and obscene conduct (WAC 314-11-050);~~

~~(d-))~~ The costumed individual may not be targeted or appeal principally to youth; and

~~((e-))~~ (d) The board may prohibit the use of costumed individuals if the use is contrary to the public interest.

WSR 24-10-046
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed April 24, 2024, 1:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-05-005.

Title of Rule and Other Identifying Information: WAC

388-101D-0295 Medication services—General and 388-101D-0330 Storage of medications.

Hearing Location(s): On June 4, 2024, at 10:00 a.m., virtually via Microsoft Teams or call in. See the department of social and health services (DSHS) website at <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not earlier than June 5, 2024.

Submit Written Comments to: Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m. on June 4, 2024.

Assistance for Persons with Disabilities: Contact Shelley Tencza, rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay, email shelley.tencza@dshs.wa.gov, by 5:00 p.m. on May 21, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The developmental disabilities administration amended these rules to amend the labeling requirements for prescribed and over-the-counter medications for clients who receive services from providers under chapter 388-101D WAC, group homes, group training homes, supported living, and state-operated living alternatives for adults.

Reasons Supporting Proposal: The proposed changes are intended to support client choice and reduce medication error. The amendments would allow providers delivering medication management or medication administration to support clients taking medications lacking a pharmacist label (as long as other criteria are met), such as a homeopathic or other medication that typically does not include a pharmacist label.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.120.

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

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-790-4732; Implementation and Enforcement: Megan Kwak, P.O. Box 45310, Olympia, WA 98504-5310, 360-764-9909.

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

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, email chantelle.diaz@dshs.wa.gov.

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 new requirements added to the proposed rules involve medication labels, which, most of the time, will already be adhered to the medication container and do not cost anything. In some instances, the provider may need to add the client's name to a container or other information to a medication organizer. To add any missing information to a medication container or organizer, the provider may need labeling materials (marker, label). Any material costs should not exceed \$50 annually per client or other appropriate unit of service (RCW 19.85.020).

April 22, 2024
Katherine I. Vasquez
Rules Coordinator

SHS-5020.3

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

WAC 388-101D-0295 Medication services—General. (1) If the service provider (~~(is involved in assisting any)~~) supports a client with ((medications)) a prescribed or over-the-counter medication, as identified in the client's ((individual support)) person-centered service plan, the service provider must do all of the following:

(a) Have systems in place to ensure that medications are given as ordered and in a manner that safeguards the client's health and safety(~~(†)~~) .

(b) Ensure that each client receives their medication as prescribed, except as provided for in the medication refusal section or in the medication assistance section regarding altering medication(~~(† and)~~) .

(c) (~~((Have a legible prescription label completed by a licensed pharmacy before providing medication assistance or medication administration to a client for prescribed medications.))~~) Ensure each medication has a legible:

(i) Pharmacist-prepared label; or

(ii) Manufacturer label with the name of the client for whom the medication is prescribed added to the container.

(2) Group homes licensed as an assisted living facility or adult family home must meet the medication management requirements of chapter 388-78A or 388-76 WAC. For any difference in requirements the assisted living facility or adult family home medication rules take precedence over the medication rules of this chapter.

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

WAC 388-101D-0330 Storage of medications. (1) The service provider must keep a client's medications so they are not readily available to other clients.

(2) The service provider must store medications:

- (a) Under proper conditions for sanitation, temperature, moisture, and ventilation, and separate from food or toxic chemicals; and
- (b) In the original medication (~~containers~~) container with a pharmacist-prepared label, a (~~or~~) manufacturer's label in accordance with WAC 388-101D-0295, or in a medication (~~organizers which are~~) organizer clearly labeled with the:
- (i) Name of the client for whom the medication is prescribed;
 - (ii) Name of (~~the medications~~) each medication; (~~and~~)
 - (iii) (~~Dosage and~~) Medication dose and frequency(~~or~~) to be given; and
 - (iv) Route each medication is to be administered.
- (3) Group homes must:
- (a) Keep all medications in locked storage; and
 - (b) Use medication organizers only when filled by a pharmacist.

WSR 24-10-052
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed April 25, 2024, 2:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-05-038.

Title of Rule and Other Identifying Information: Higher education retirement plan supplemental benefit fund.

Hearing Location(s): On June 24, 2024, at 11:00 a.m. The hearing will be conducted through Microsoft Teams, <https://www.drs.wa.gov/sitemap/rules/#proposed-rule-hearings>, Meeting ID 211 933 096 598, Passcode JPCsbd; or by phone 833-322-1218, Code 558 924 078#.

Date of Intended Adoption: June 28, 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 June 20, 2024.

Assistance for Persons with Disabilities: Contact Bianca Stoner, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, by June 20, 2024.

Statutory Authority for Adoption: RCW 41.50.050 and 41.50.280.

Statute Being Implemented: RCW 41.50.280.

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

Name of Proponent: DRS, governmental.

Name of Agency Personnel Responsible for Implementation: Mike Ricchio, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7227.

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.

April 25, 2024
Bianca Stoner
Rules Coordinator

OTS-5270.1

AMENDATORY SECTION (Amending WSR 12-10-057, filed 5/1/12, effective 6/1/12)

WAC 415-700-010 The higher education retirement plan (HERP) supplemental benefit fund. RCW 28B.10.423 establishes a higher education retirement plan supplemental benefit fund, in the custody of the state

treasurer, for the purpose of funding future higher education retirement plan supplemental benefits.

(1) **Who finances the HERP supplemental benefit fund?** Higher education employers pay into the HERP supplemental benefit funds at an employer contribution rate as established in RCW 28B.10.423 on the salaries paid to employees participating in their HERP.

(2) **Who are the higher education employers?** For the purpose of this section, higher education employers, as defined by chapter 28B.10 RCW includes:

- (a) All state universities;
- (b) All regional universities;
- (c) All state colleges;
- (d) All community and technical colleges;
- (e) The state board for community and technical colleges; and
- (f) Any other higher education entities granted authority for

HERP coverage under chapter 28B.10 RCW.

(3) **How are the assets in the HERP supplemental benefit funds invested?** The Washington state investment board (WSIB) is responsible for investing HERP supplemental benefit funds assets. For investment purposes, the assets may be commingled with other trust fund accounts in the commingled trust fund (CTF).

(4) **How are assets in the HERP supplemental benefit funds used?** Assets in the HERP supplemental benefit funds are held in trust for the purpose of funding future higher education retirement plan supplemental benefits. Assets will remain in ~~((this fund until the legislature authorizes distribution(s)))~~ these funds until criteria set by the legislature are met as described in subsection (11) of this section.

(5) **What role does the department of retirement systems (department) have in administering the HERP supplemental benefit fund?** The department will:

- (a) Collect employer HERP contributions from higher education employers;
- (b) Deposit HERP contributions into the HERP supplemental benefit fund;
- (c) Provide buy/sell investment information to WSIB; and
- (d) ~~((Account for the fund's assets, including each employer's contributions and the earnings on those contributions.))~~ Provide funding for distributions as outlined in subsection (12) of this section.

(6) **What information will higher education employers be responsible for reporting to the department?** Each higher education employer will be responsible for reporting the total HERP salaries paid and the contributions owed on those salaries. HERP salaries include the salaries paid to all employees participating in the employer's higher education retirement plan, regardless of employee eligibility for the supplemental benefit portion of the plan. Additional information on monthly funding for benefit payments will be required from each employer after they meet the distribution requirements in subsection (11) of this section.

(7) **Are HERP salaries reportable as they are earned or as they are paid?** HERP salaries are reportable as they are paid.

(8) **When are HERP reports and payment of HERP contributions due to the department?** Reporting and payments of HERP salaries and contributions should coincide with the employer's payroll periods. HERP reports and contribution payments for a calendar month are due on or before the 15th day of the calendar month following payment of the HERP salaries. ~~((Reports and contribution payments are considered overdue~~

~~if not received by the close of business on the third business day after the due date.))~~

Example: A higher education employer pays \$50,000 in HERP salaries on January 10th. The same employer pays another \$50,000 in HERP salaries on January 25th. The employer must report the HERP salaries paid for both payrolls and make payment of the contributions due on the total combined \$100,000 HERP salaries to the department by February 15th.

(9) **Does the department charge interest on overdue payments of contributions for the HERP supplemental benefit funds?** Yes. The department charges interest on overdue contributions to the HERP supplemental benefit funds at the rate of one percent per month simple interest. Interest is charged for each day the payment is overdue. Assessed interest will appear on the employer's monthly accounts receivable statement from the department.

(10) **Can the department charge employers an administrative expense fee for the HERP supplemental benefit funds?** Yes. RCW 41.50.110 authorizes the department to charge employers an administrative expense fee for expenses related to the administration of the HERP supplemental benefit funds.

(11) The pension funding council, in consultation with the state actuary, shall determine when each HERP supplemental benefit fund has become sufficiently funded to allow benefit payments to be made from the fund. Disbursements from that fund may then begin as of July 1st of the following fiscal year. To begin those payments, the relevant higher education employer must provide monthly gross payment amounts the employer needs to fund those benefits to the department within the timelines directed by the department. Employers may also be required to provide periodic cash projections to allow the department to coordinate with the state investment board on cash liquidity needs.

(12) Based on the information provided by each employer under subsection (11) of this section, the department will transfer monthly, or direct the transfer, from the relevant HERP supplemental benefit fund to the fund the employer uses to pay supplemental benefits.

(13) If any higher education employer fails to provide the information necessary for the department to coordinate cash flows for their supplement fund's benefit payments, that employer will remain responsible for funding the payment of those benefits to their members.

WSR 24-10-055
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed April 25, 2024, 4:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-06-054.

Title of Rule and Other Identifying Information: In-service distributions and required minimum distributions.

Hearing Location(s): On June 10, 2024, at 2:00 p.m. The hearing will be conducted through Microsoft Teams, <https://www.drs.wa.gov/sitemap/rules/#proposed-rule-hearings>, Meeting ID 233 368 226 401, Passcode Ca9o7B; or by phone 833-322-1218, Code 405 430 002#.

Date of Intended Adoption: June 12, 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 June 6, 2024.

Assistance for Persons with Disabilities: Contact Bianca Stoner, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, by June 6, 2024.

Statutory Authority for Adoption: RCW 41.50.050; the SECURE Act of 2019 (P.L. 116-94), and the SECURE Act of 2022 (P.L. 117-328).

Statute Being Implemented: The SECURE Act of 2019 (P.L. 116-94) and the SECURE Act of 2022 (P.L. 117-328).

Rule is necessary because of federal law, [no information supplied by agency].

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.

April 25, 2024
Bianca Stoner
Rules Coordinator

OTS-5255.2

AMENDATORY SECTION (Amending WSR 22-17-049, filed 8/11/22, effective 9/11/22)

WAC 415-111-310 Defined contribution account distribution (withdrawal). (1) **What are the requirements to request a distribution (withdrawal) of funds from my defined contribution account?**

- (a) You must separate from all eligible employment;
- (b) The department must receive the notice of separation from your employer(s); and
- (c) The department's recordkeeper must receive a completed request for a defined contribution distribution from your account. See WAC 415-111-110.

(2) **Can I receive a special exception distribution?**

(a) If you are terminally ill and eligible, the department's recordkeeper will arrange for payment to you within 10 workdays. To be eligible for a special exception payment:

- (i) You must separate from all eligible employment;
- (ii) The department must receive the notice of separation from your employer(s);
- (iii) The department's recordkeeper must receive documentation verifying your terminal illness; and
- (iv) The department's recordkeeper must receive a completed request for a defined contribution distribution from your account (see WAC 415-111-110).

(b) If you have an unforeseeable emergency, the department's recordkeeper will consider your request for a special exception payment and arrange for payment to you whenever possible. To be eligible for consideration:

- (i) You must separate from all eligible employment;
- (ii) The department must receive the notice of separation from your employer(s);
- (iii) The department's recordkeeper must receive documentation verifying and explaining your unforeseeable emergency. The recordkeeper will consider only unforeseeable emergencies. An unforeseeable emergency is defined as a severe financial hardship resulting from:
 - (A) An accident or serious illness of you or an immediate family member;
 - (B) The need to pay for medical expenses for you or a dependent;
 - (C) Imminent foreclosure or eviction from your primary residence;
 - (D) The need to pay for funeral expenses of a spouse or immediate family member; or
 - (E) Loss of property due to casualty.

(iv) The department's recordkeeper must receive a completed request for a defined contribution distribution from your account (see WAC 415-111-110).

(c) Depending on which program you are invested in, self-directed or WSIB Total Allocation Portfolio (TAP), the recordkeeper will distribute your special exception payment as specified in the table below, less any applicable tax withholding.

	Terminal Illness	Unforeseeable Emergency
Self-Directed	Up to 100% of the balance in the account within 10 days after approvals are completed.	Up to 100% of the balance in the account within 10 days after approvals are completed.

	Terminal Illness	Unforeseeable Emergency
WSIB Total Allocation Portfolio (TAP)	Up to 100% of the balance in the account based on the most recent valuation within 10 days after approvals are completed.	Up to 80% of the balance in the account distributed as a lump sum payment through the normal month-end distribution process. If 100% liquidation is requested, the remaining balance in the account will be disbursed after the final valuation has been made.

(3) **Can I still receive my defined contribution distribution if I have returned to work before receiving my funds?** If all the criteria in subsection (1) of this section are met prior to DRS being notified of you being rehired, you may receive distribution from your defined contribution account.

(4) **What are my options for distributing my defined contribution funds?** You have the following options for distributions from your Plan 3 defined contribution account. Options for both the WSIB and the self-directed investment programs are combined where applicable.

(a) **Lump sum cash distribution. In either program,** you may request the entire amount of your funds in a single lump-sum payment.

(b) **Direct rollover. In either program,** you may have some or all of your funds rolled over to an eligible retirement plan or individual retirement account (IRA). If you choose a partial rollover, the remaining funds that were not rolled over will be distributed to you as a lump sum, unless you create a personal payment schedule under (d) of this subsection.

(c) **Scheduled payments. In either program,** subject to the distribution requirements of IRC Section 401 (a)(9), you may request that your funds be distributed in equal payments over a specified period of time, or that a specific dollar amount be paid on a monthly basis until the account is exhausted. You may also request equal payments over your lifetime or the lifetimes of you and your beneficiary. Scheduled payments for the WSIB program are made monthly only. Scheduled payments for the self-directed program may be made monthly, quarterly, semiannually or annually.

(d) **Personalized payment plan. In either program,** you may create a personalized payment plan using any part of one or more of the distribution options provided in (a), (b), and (c) of this subsection (see examples below).

(e) **Annuity purchase.** You may purchase an annuity that pays a benefit for your lifetime or the lifetimes of you and your joint annuitant. See WAC 415-111-320 for information about purchasing an annuity.

EXAMPLE (WSIB - Partial rollover with payments until account exhausted) :

Pat has \$10,000 in the WSIB investment program. Pat wants to rollover \$2,000 of the total to an IRA, but does not want to receive

the remainder of the account in a lump sum payment as provided by the partial direct rollover option. Pat selects the personalized payment schedule option and requests to do a partial rollover of \$2,000 and receive the remaining \$8,000 in equal monthly payments of \$125 until the account is exhausted (approximately 64 months).

EXAMPLE (Self - Partial rollover with payments for fixed period):

Chris has \$10,000 in the self-directed investment program. Chris wants to rollover \$3,000 of the total to an IRA, but does not want to receive the remainder of the account in a lump sum payment as provided by the partial direct rollover option. Chris selects the personalized payment schedule option and requests to do a partial rollover of \$3,000 and receive the remaining \$7,000 in quarterly payments of \$250 over the next 7 years (28 quarters).

Summary of Distribution Options	
SELF	WSIB
Lump Sum Cash Distribution or Direct Rollover	Lump Sum Cash Distribution or Direct Rollover
<ul style="list-style-type: none"> - Entire account - Partial amount - Remaining funds can be distributed in a lump-sum payment or by a personalized payment schedule (see below). 	<ul style="list-style-type: none"> - Entire account - Partial amount - Remaining funds can be distributed in a lump-sum payment or by a personalized payment schedule (see below).
Scheduled Payments	Scheduled Payments
<ul style="list-style-type: none"> - Equal payments - Monthly, quarterly, semiannual or annual - Specified period of time, or - Until the account is exhausted - Payments can be combined life expectancy of you and a beneficiary. 	<ul style="list-style-type: none"> - Equal payments - Monthly payments only - Specified period of time, or - Until the account is exhausted - Payments can be combined life expectancy of you and a beneficiary.
	Annuity Purchase
	<ul style="list-style-type: none"> - Purchase an annuity, administered by the state of Washington - Set up to pay benefits for - Your lifetime, or - Lifetimes of you and your joint annuitant.
In addition to the above, you may set up:	In addition to the above, you may set up:
Personalized Payment Plan	Personalized Payment Plan
<ul style="list-style-type: none"> - Customized for your needs - Available from options above. 	<ul style="list-style-type: none"> - Customized for your needs - Available from options above.

(5) **Market fluctuations.** Your defined contribution account is subject to actual investment earnings (both gains and losses). These gains or losses impact the value of your account. The defined contri-

bution payment plans are subject to the same market fluctuations. As a result, the funding of your selected payment plan may last longer than anticipated due to market gains, or end earlier than anticipated due to market losses.

(6) **Minimum required distribution.** No later than April 1st of the calendar year following the year in which you turn ~~((age 72))~~ the age designated in Internal Revenue Code (IRC) Section 401 (a) (9), you are required to withdraw a minimum amount from your defined contributions annually. ~~((Prior to January 2020, required minimum distributions began at age 70.5.))~~ Subsequent withdrawals must be taken by December 31st of each year. If you are still working at ~~((age 72))~~ the designated age for a required minimum distribution, distribution is required to begin by April 1st the year following separation.

Calculation. Your required distribution is calculated each year based on your account balance as of December 31st of the prior year.

(7) See RCW 41.34.070 for additional information.

OTS-5256.1

AMENDATORY SECTION (Amending WSR 23-18-025, filed 8/25/23, effective 9/25/23)

WAC 415-501-485 How do I obtain a distribution? Distribution from the plan is governed by Internal Revenue Code Sections 401 (a) (9) and 457(d); the treasury regulations interpreting these sections; and these rules to the extent they are not inconsistent with the Internal Revenue Code. The options for distribution are available from the department's recordkeeper.

(1) **Date of distribution.** You may choose the date on which to begin distribution from your deferred compensation account, subject to the requirements in (a) through (c) of this subsection; however, in order for earnings on Roth contributions to be tax-free at time of distribution, the requirements for a qualified distribution must be satisfied.

(a) **Earliest date.** You may not begin distribution prior to your termination of employment, with the following exceptions:

(i) A distribution for an unforeseeable emergency under WAC 415-501-510;

(ii) A voluntary in-service distribution under subsection (4) of this section;

(iii) A distribution from funds that were rolled into the deferred compensation account (may be subject to tax penalties); or

(iv) An in-service distribution in any calendar year in which you will reach age ~~((70.5))~~ 59.5 or more.

(b) **Latest date.** You must begin distribution on or before April 1st of the calendar year following the latter of:

(i) The calendar year in which you ~~((reach age 72))~~ attain the required minimum distribution age as designated in Internal Revenue Code Section 401 (a) (9); or

(ii) The calendar year in which you retire.

(c) If you do not choose a distribution date, the department will begin distribution according to the minimum distribution requirements in IRC Section 401 (a) (9).

(2) **Method of distribution.** Payment options include a lump sum payment, partial lump sum payment, or installment payments.

Beginning at ~~((age 72))~~ the age in which you must receive a required minimum distribution as designated in Internal Revenue Code Section 401 (a) (9) or when you terminate employment, whichever comes later, payment must be in an amount to satisfy minimum distribution requirements in IRC Section 401 (a) (9).

(3) **Voluntary in-service distribution at any age.** You may choose to withdraw the total amount payable to you under the plan while you are employed if the following three requirements are met:

(a) Your entire account value does not exceed \$5,000;

(b) You have not previously received an in-service distribution;
and

(c) You have made no deferrals during the two-year period ending on the date of the in-service distribution.

(4) **Unforeseeable emergencies.** See WAC 415-501-510.

(5) **Rehire.** If you submit an immediate lump sum or partial distribution request and the request is received in good order prior to being rehired, your distribution will be processed even if you become rehired with a DCP employer. If you are receiving installment payments or have requested to receive installment payments and then return to employment with a DCP employer, your payments from your DCP account will cease. You may request a distribution when you are again eligible consistent with these rules.

WSR 24-10-071
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed April 29, 2024, 12:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-03-108.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing to amend WAC 388-449-0015 What medical evidence do I need to provide?

Hearing Location(s): On June 4, 2024, at 10:00 a.m., virtually via Microsoft Teams or call in. See the DSHS website <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not earlier than June 5, 2024.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by June 4, 2024, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email Tencza@dshs.wa.gov, by May 21, 2024, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed amendments will streamline medical evidence rules for the aged, blind, or disabled cash assistance program to allow functional medical evidence to be obtained within 90 days from the date of disability review.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.0052, 74.04.055, 74.04.057, 74.04.510, 74.04.655, 74.04.770, 74.08.043, 74.08.090, 74.08.335, and 74.08A.100.

Statute Being Implemented: Not applicable.

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Aman Gill, P.O. Box 45470, Olympia, WA 98504, 360-407-4447.

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. These rules are exempt as allowed under RCW 34.05.328 (5) (b) (vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.["]

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).

Is exempt under RCW 34.05.328 (5) (b) (vii).

Explanation of exemptions: These amendments do not impact small businesses. They only impact DSHS customers.

Scope of exemption for rule proposal:

Is fully exempt.

April 23, 2024

Katherine I. Vasquez
Rules Coordinator

SHS-5029.3

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

WAC 388-449-0015 What medical evidence do I need to provide?

You must give us medical evidence of your impairment(s) and how they affect your ability to perform regular and continuous work activity. Medical evidence must be in writing and be clear, objective, and complete.

(1) Objective evidence for physical impairments means:

(a) Laboratory test results;

(b) Pathology reports;

(c) Radiology findings including results of X-rays and computer imaging scans;

(d) Clinical findings, including but not limited to ranges of joint motion, blood pressure, temperature or pulse, and documentation of a physical examination; and

(e) Hospital history and physical reports and admission and discharge summaries; or

(f) Other medical history and physical reports related to your current impairments.

(2) Objective evidence for mental impairments means:

(a) Clinical interview observations, including objective mental status exam results and interpretation((-));

(b) Explanation of how examination findings meet the clinical and diagnostic criteria of the most recent edition of the diagnostic and statistical manual of mental disorders (DSM)((-));

(c) Hospital, outpatient, and other treatment records related to your current impairments((-); and

(d) Testing results, if any, including:

(i) Description and interpretation of tests of memory, concentration, cognition, or intelligence; or

(ii) Interpretation of medical tests to identify or exclude a connection between the mental impairment and physical illness.

(3) Medical evidence sufficient for a disability determination must be from a medical professional described in WAC 388-449-0010 and must include:

(a) A diagnosis for the impairment, or impairments, based on an examination performed by an acceptable medical source defined in WAC 388-449-0010 within five years of application;

(b) A clear description of how the impairment relates to your ability to perform the work-related activities listed in WAC 388-449-0005;

(c) Documentation of how long a condition has impaired your ability to perform work related activities;

(d) A prognosis, or written statement of how long an impairment will impair your ability to perform work related activities; and

(e) A written statement from a medical professional (defined in WAC 388-449-0010) describing what you are capable of doing despite

your impairment (medical source statement) based on an examination performed within (~~ninety~~) 90 days of the date of application or (~~forty five days before the month of~~) disability review.

(4) We consider documentation in addition to objective evidence to support the acceptable medical source or treating provider's opinion that you are unable to perform substantial gainful employment, such as proof of hospitalization.

(5) When making a disability decision, we don't use your report of symptoms as evidence unless objective evidence shows there is an impairment that could reasonably be expected to produce those symptoms.

(6) We don't use symptoms related to substance (~~abuse~~) use disorder or a diagnosis of (~~chemical dependency~~) substance use disorder when determining disability if we have evidence substance use is material to your impairment(s).

(7) We consider substance use to be material to your impairment(s) if you are disabled primarily because of (~~drug or alcohol abuse or addiction~~) a substance use disorder.

(8) If your impairment will persist at least (~~sixty~~) 60 days after you stop using drugs or alcohol, we do not consider substance use to be material to your impairment.

(9) If you can't obtain medical evidence sufficient for us to determine if you are likely to be disabled without cost to you, and you meet the other eligibility conditions in WAC 388-400-0060, we pay the costs to obtain objective evidence based on published payment limits and fee schedules.

(10) We determine the likelihood of disability based solely on the objective information we receive. We are not obligated to accept another agency's or person's decision that you are disabled or unemployable.

WSR 24-10-072

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed April 29, 2024, 1:56 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-05-027.

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

Hearing Location(s): On June 4, 2024, at 10:00 a.m., by internet/
phone via Zoom. Please contact Cathy Holder at CathyH@dor.wa.gov for
login/dial-in information.

Date of Intended Adoption: June 21, 2024.

Submit Written Comments to: Tiffany Do, P.O. Box 47453, Olympia,
WA 98504-7453, email TiffanyD@dor.wa.gov, fax 360-534-1606, by June 7,
2024.

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

Purpose of the Proposal and Its Anticipated Effects, Including
Any Changes in Existing Rules: RCW 84.33.091 requires the department
of revenue (DOR) to revise the stumpage value tables every six months.
DOR establishes the stumpage value tables to apprise timber harvesters
of the timber values used to calculate the timber excise tax, WAC
458-40-660. The values in the proposed rule will apply July 1, 2024,
through December 31, 2024.

Reasons Supporting Proposal: This proposal provides the revised
stumpage value tables for July 1, 2024, through December 31, 2024.

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

Statute Being Implemented: RCW 84.33.091 and 84.33.140.

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

Name of Proponent: DOR, governmental.

Name of Agency Personnel Responsible for Drafting: Tiffany Do,
6400 Linderson Way S.W., Tumwater, WA, 360-534-1558; Implementation
and Enforcement: Heidi Geathers, 6400 Linderson Way S.W., Tumwater,
WA, 360-534-1615.

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 pre-
liminary cost-benefit analysis may be obtained by contacting Tiffany
Do, Interpretations and Technical Advice Division, P.O. Box 47453,
Olympia, WA 98504-7453, phone 360-534-1558, fax 360-534-1606, email
tiffanyd@dor.wa.gov.

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 busi-
nesses. Following is a summary of the agency's analysis showing how
costs were calculated. The proposed rule does not impose more-than-mi-
nor costs on businesses, as it does not propose any new requirements
not already provided for in statute. The proposed rule does not impose
fees, filing requirements, or recordkeeping guidelines that are not
already established in statute.

April 29, 2024
Brenton Madison
Rules Coordinator

OTS-5355.2

AMENDATORY SECTION (Amending WSR 24-01-027, filed 12/8/23, effective 1/1/24)

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

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ~~((January 1 through June 30, 2024))~~ July 1 through December 31, 2024:

Washington State Department of Revenue
WESTERN WASHINGTON STUMPAGE VALUE TABLE
 ((January 1 through June 30, 2024))
July 1 through December 31, 2024

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

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values		
Douglas-fir ⁽²⁾	DF	1	((511)) <u>523</u>		
		2	((528)) <u>530</u>		
		3	((579)) <u>598</u>		
		4	((585)) <u>606</u>		
		5	((549)) <u>487</u>		
		9	((497)) <u>509</u>		
		Western Hemlock and Other Conifer ⁽³⁾	WH	1	((261)) <u>240</u>
				2	((315)) <u>291</u>
				3	((333)) <u>286</u>
4	((312)) <u>253</u>				
5	((327)) <u>302</u>				
9	((247)) <u>226</u>				
Western Redcedar ⁽⁴⁾	RC	1-5	((1,173)) <u>1,013</u>		
		9	((1,159)) <u>999</u>		
Ponderosa Pine ⁽⁵⁾	PP	1-5	((163)) <u>159</u>		
		9	((149)) <u>145</u>		

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
Red Alder	RA	1-5	((511)) 383
		9	((497)) 369
Black Cottonwood	BC	1-5	((6)) 1
		9	1
Other Hardwood	OH	1-5	((170)) 92
		9	((156)) 78
Douglas-fir Poles & Piles	DFL	1-5	((975)) 964
		9	((961)) 950
Western Redcedar Poles	RCL	1-5	((1,918)) 1,967
		9	((1,904)) 1,953
Chipwood ⁽⁶⁾	CHW	1-5	((15)) 1
		9	((13)) 1
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	1-9	389
Posts ⁽⁸⁾	LPP	1-9	0.35
DF Christmas Trees ⁽⁹⁾	DFX	1-9	0.25
Other Christmas Trees ⁽⁹⁾	TFX	1-9	0.50

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

Washington State Department of Revenue
EASTERN WASHINGTON STUMPAGE VALUE TABLE
 ((January 1 through June 30, 2024))
 July 1 through December 31, 2024

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

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
Douglas-fir ⁽²⁾	DF	6	((\$360) <u>\$308</u>)
		7	((374) <u>322</u>)
Western Hemlock and Other Conifer ⁽³⁾	WH	6	((256) <u>225</u>)
		7	((270) <u>239</u>)
Western Redcedar ⁽⁴⁾	RC	6	((879) <u>735</u>)
		7	((893) <u>749</u>)
Ponderosa Pine ⁽⁵⁾	PP	6	((149) <u>145</u>)
		7	((163) <u>159</u>)
Other Hardwood	OH	6	1
		7	9
Western Redcedar Poles	RCL	6	((1,486) <u>1,538</u>)
		7	((1,500) <u>1,552</u>)
Chipwood ⁽⁶⁾	CHW	6	1
		7	1
Small Logs ⁽⁶⁾	SML	6	((14) <u>12</u>)
		7	((16) <u>14</u>)
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	6-7	389
Posts ⁽⁸⁾	LPP	6-7	0.35
DF Christmas Trees ⁽⁹⁾	DFX	6-7	0.25
Other Christmas Trees ⁽⁹⁾	TFX	6-7	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

(2) Includes Western Larch.

(3) Includes all Hemlock, Spruce and true Fir species, and Lodgepole Pine in SVA 6-7, or any other conifer not listed on this table.

(4) Includes Alaska-Cedar.

(5) Includes Western White Pine in SVA 6-7.

(6) Stumpage value per ton.

(7) Stumpage value per cord.

(8) Includes Lodgepole posts and other posts, Stumpage value per 8 lineal feet or portion thereof.

(9) Stumpage value per lineal foot.

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

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

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

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

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.,) over two acres in size.

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

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

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

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

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

The following harvest adjustment tables apply from (~~January 1 through June 30, 2024~~) July 1 through December 31, 2024:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 9
 (~~January 1 through June 30, 2024~~)
July 1 through December 31, 2024

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled equipment or draft animals.	\$0.00

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 2	Logging a majority of the unit: Using an overhead system of winch-driven cables and/or logging on slopes greater than 45% using tracked or wheeled equipment supported by winch-driven cables.	-\$85.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$200.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
 (~~January 1 through June 30, 2024~~)
July 1 through December 31, 2024

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 8 thousand board feet per acre and less.	-\$8.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$50.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$85.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$200.00
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
	A limited removal of timber described in WAC 458-40-610 (28)	-\$60.00

TABLE 11—Domestic Market Adjustment

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

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain

a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

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

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

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

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

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

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

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

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

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

**WSR 24-10-073
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed April 29, 2024, 2:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-19-049.

Title of Rule and Other Identifying Information: Readmission to the basic law enforcement and corrections academies.

Hearing Location(s): On June 12, 2024, at 10:00 a.m., at the Washington State Criminal Justice Training Commission (WSCJTC), 19010 1st Avenue South, Commission Room, Burien, WA 98148.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: Lacey Ledford, 19010 1st Avenue South, Burien, WA 98148, email lacey.ledford@cjtc.wa.gov, by June 12, 2024.

Assistance for Persons with Disabilities: Contact Lacey Ledford, phone 206-670-5813, email lacey.ledford@cjtc.wa.gov, by June 12, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Revising WAC 139-05-242 and 139-10-222 to remove the 24-month suspension and replace it with an indefinite termination that may only be waived by the executive director or designee.

Reasons Supporting Proposal: The rule change will cause WSCJTC to require recruits removed from the academy due to an integrity violation to appeal to the executive director or designee for future reenrollment to WSCJTC basic training academies.

Statutory Authority for Adoption: RCW 43.101.080.

Statute Being Implemented: RCW 43.101.080.

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

Name of Agency Personnel Responsible for Drafting: Serena Anastasio, 19010 1st Avenue South, Burien, WA 98148, 206-758-1199; Implementation and Enforcement: Nadia Fiorini, 19010 1st Avenue South, Burien, WA 98148, 206-931-6492.

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

A cost-benefit analysis is not required under RCW 34.05.328.

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

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and 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.

April 29, 2024
Lacey Ledford
Rules Coordinator

OTS-5364.1

AMENDATORY SECTION (Amending WSR 23-01-086, filed 12/16/22, effective 1/16/23)

WAC 139-05-242 Readmission to the basic law enforcement academy.

No person may be readmitted to any basic law enforcement academy except as provided in this section.

(1) Any request for readmission must be made and submitted by the individual's employing agency head, or designee, in accordance with commission policies and procedures.

(2) Any individual whose academy enrollment was terminated for academic failure, skills deficiency, disciplinary reasons other than those specified in subsection (3) of this section, or who had voluntarily withdrawn for any reason, may be readmitted to a subsequent academy session only if(~~+~~

~~(a) The~~) individual's current employing agency head, or their designee, submits to the commission a written request for readmission of the individual to the academy(~~+~~and

~~(b) The executive director of the commission, or designee, is satisfied that any conditions to the individual's readmission specified by the executive director, or designee, have been met~~)).

(3) Any person (~~whose academy enrollment was terminated~~) who was dismissed from an academy for ((an integrity)), or was found to have committed, a major violation including, but not limited to: Cheating, the making of materially false or misleading statements, harassment, discrimination, the commission of a ((crime)) misdemeanor or felony, regardless of conviction, or other violation contained in RCW 43.101.105 will be ineligible for readmission to any subsequent academy within ((24)) 60 months from the date of dismissal regardless of employer or employment status.

(4) (~~An exception to the ineligibility period specified in subsection (3) of this section may be granted at the sole discretion of the commission executive director, or designee, based upon mitigating circumstances.~~

~~(a) No person may be considered for such early readmission after an integrity violation dismissal unless a written request is made by the head of the agency employing the individual at the time of the request.~~

~~(b) Requests for early readmission must follow applicable commission policies and procedures to be considered.~~

~~(c) The executive director's, or designee's, decision under this subsection shall be subject to review only for abuse of discretion.~~

~~(5))~~ After the ineligibility period specified in subsection (3) of this section has passed, (~~or after an exception has been granted by the commission under subsection (4) of this section,~~) the person previously dismissed for (~~an integrity~~) a major violation may be readmitted to a subsequent academy session only if the ((conditions of subsection (2) of this section are satisfactorily met)) person's current employing agency head, or their designee, submits to the commission a written request for readmission of the person to the academy.

~~((6))~~ (5) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

OTS-5365.1

AMENDATORY SECTION (Amending WSR 22-19-038, filed 9/14/22, effective 10/15/22)

WAC 139-10-222 Readmission to basic corrections academies. No person may be readmitted to any basic corrections academy except as provided in this section and in accordance with WAC 139-06-130.

(1) Any request for readmission must be made and submitted by the individual's employing agency head, or designee, in accordance with commission policies and procedures.

(2) Any individual whose academy enrollment was terminated for academic failure, skills deficiency, disciplinary reasons other than those specified in subsection (3) of this section, or who had voluntarily withdrawn for any reason, may be readmitted to a subsequent academy session only if(~~+~~

~~(a) The~~) individual's current employing agency head, or their designee, submits to the commission a written request for readmission of the individual to the academy(~~(+and~~

~~(b) The executive director of the commission, or designee, is satisfied that any conditions to the individual's readmission specified by the commission executive director, or designee, have been met~~)).

(3) Any person (~~(whose academy enrollment was terminated)~~) who was dismissed from an academy for ((an integrity)), or was found to have committed, a major violation including, but not limited to: Cheating, the making of materially false or misleading statements, harassment, discrimination, the commission of a ((crime)) misdemeanor or felony, regardless of conviction, or other violation contained in RCW 43.101.105 will be ineligible for readmission to any subsequent academy within ((24)) 60 months from the date of dismissal regardless of employer or employment status.

~~(4) ((An exception to the ineligibility period specified in subsection (3) of this section may be granted at the sole discretion of the commission executive director, or designee, based upon mitigating circumstances.~~

~~(a) No person may be considered for such early readmission after an integrity violation dismissal unless a written request is made by the head of the agency employing the individual at the time of the request.~~

~~(b) Requests for early readmission must follow applicable commission policies and procedures to be considered.~~

~~(c) The executive director's, or designee's, decision under this subsection shall be subject to review only for abuse of discretion.~~

~~(5))~~ After the ineligibility period specified in subsection (3) of this section has passed, ~~((or after an exception has been granted by the commission under subsection (4) of this section,))~~ the person previously dismissed for ~~((an integrity))~~ a major violation may be readmitted to a subsequent academy session only if the ~~((conditions of subsection (2) of this section are satisfactorily met))~~ person's current employing agency head, or their designee, submits to the commission a written request for readmission of the person to the academy.

WSR 24-10-074
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed April 29, 2024, 2:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-04-053.

Title of Rule and Other Identifying Information: Washington state criminal justice training commission (WSCJTC) public records WAC changes.

Hearing Location(s): On June 12, 2024, at 10:00 a.m., at WSCJTC, 19010 1st Avenue South, Burien, WA 98148.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: Lacey Ledford, 19010 1st Avenue South, Burien, WA 98148, email lacey.ledford@cjtc.wa.gov, by June 12, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This WAC updates the public records rules for WSCJTC to match current practices. It also updates the waiver of copying fees, record index location, and how to perform inspections of the record index if in person.

Reasons Supporting Proposal: To increase transparency and clarity of the rules.

Statutory Authority for Adoption: RCW 42.56.040 and 43.101.080.

Statute Being Implemented: RCW 42.56.040.

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Derek Zable, 19010 1st Avenue South, Burien, WA 98148, 206-793-6332.

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 is part of a governmental process under the Public Records Act. The WAC will not fundamentally change the nature or requirements of the process.

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

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

April 29, 2024
Lacey Ledford
Rules Coordinator

OTS-5383.2

AMENDATORY SECTION (Amending WSR 22-19-001, filed 9/7/22, effective 10/8/22)

WAC 139-02-021 Definitions. The definitions set forth in RCW 42.56.010 apply throughout this chapter. In addition, the definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) **Commercial purposes** means a business activity by any form of business enterprise intended to generate revenue or financial benefit.

(2) **Customary business hours** refers to Burien administrative office hours (~~(which are 8:00 a.m. to 5:00 p.m., Monday through Friday)~~) as provided on the commission's website at cjtc.wa.gov, excluding holidays and days the commission is closed.

(3) **Electronic format** or **electronic records** or **electronic records format** refer to digital records as distinct from paper; examples include email, Word or Excel documents, PDF, or media files.

(4) **Executive director** means the executive director of the Washington state criminal justice training commission.

(5) **Page** means one impression/image on a single side of a standard 8" x 11" sheet of paper. It also applies to one electronic image of a single side of a sheet of paper. For example, the commission considers a physical sheet of paper with an impression/image on both sides as two pages.

(6) **Public Records Act** means the same as chapter 42.56 RCW.

(7) **Public records officer** means the public records officer or designee for the commission appointed by the executive director.

(8) **Request** or **public records request** means a public records request made pursuant to chapter 42.56 RCW.

AMENDATORY SECTION (Amending WSR 22-19-001, filed 9/7/22, effective 10/8/22)

WAC 139-02-050 Availability of public records. (1) **Hours for inspection of records.** Public records are available for inspection and copying by appointment, per WAC 139-02-090(9), during ((normal)) customary business hours of the commission(~~(; 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and days the campus is closed)~~). Records must be inspected at the Burien campus of the commission.

(2) **Records index.**

(a) The commission shall have available to all persons (~~(at its offices in Burien)~~) on its website a current index which provides identifying information as to the following records:

(i) (~~(All)~~) No historical index exists for records issued before July 1, 1990(~~(, for which the commission has maintained an index)~~);

(ii) Final orders entered after June 30, 1990, that are issued in adjunctive proceedings as defined in RCW 34.05.010(1) and contain an analysis or decision of substantial importance to the commission in carrying out its duties;

(iii) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and contain an analysis or decision of substantial importance to the commission in carrying out its duties;

(iv) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990;

(v) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990; and

(vi) Meeting minutes of the governing body of commission.

(b) The system of indexing shall be as follows:

(i) The indexing system shall be administered by the commission's public records officer (~~and shall be located at the Burien campus~~).

(ii) (~~Copies of~~) The record indexes shall be available under the public record section on the commission's website for public inspection and copying (~~in the same manner provided for the inspection and copying of public records~~).

(iii) The public records officer shall establish and maintain a separate index for each item (~~contained in (a)(i) through (vi)~~) of this subsection as follows:

(A) All final orders and declaratory orders determined by the commission to contain analyses or decisions of substantial importance to the commission shall be listed alphabetically by the titles of the hearing or controversy and shall contain a phrase describing the important issue or issues.

(B) Interpretive statements and policy statements shall be indexed by the applicable program.

(C) The meeting minutes of the governing body of the commission shall be indexed chronologically.

(iv) The public records officer shall update all indexes at least once a year and shall revise such indexes when deemed necessary.

(3) Organization and protection of records.

(a) The commission maintains its records in a reasonably organized manner and takes reasonable actions to protect records from damage and disorganization. If commission records are maintained in a digital format, they will be provided digitally in response to a public records request. If records are maintained and inspected on paper, a requestor may ask for copies.

(b) Records will be made available to the requestor for inspection subject to the following restrictions:

(i) Only the public records officer or designee will remove records from the designated inspection area.

(ii) The quantity of records may be limited in accordance with the available space.

(iii) All possible care shall be taken by the requestor to prevent damage to the records.

(iv) Records shall not be marked, altered, cut or mutilated in any way.

(v) During inspection, eating, drinking, and smoking are prohibited.

(vi) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that already exist in the file.

(vii) Records must be kept in the order in which received.

(viii) Commission personnel will provide all requested copies of records.

(ix) The public records officer or designee will remove the records from the inspection area when no longer required by the requestor and no later than the end of the customary business hours.

(c) Records may be available on the commission website at cjtc.wa.gov. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or obtain copies of public records of the commission shall make the request in writing using the commission public record request website, by letter, or email addressed to the public records officer. Each request should include the following information:

((+)) (i) Name of requestor;

((+)) (ii) Address of requestor;

((+)) (iii) The calendar date of the request;

(iv) Other contact information, including telephone number and/or an email address; and

((+)) (v) Identification or description of the public records adequate for the public records officer or designee to locate the records.

(b) Communications seeking commission records sent or provided to unauthorized locations, addresses or staff, will not be accepted or processed as public records request. Any such communication will be processed as general informal inquiries, general correspondence, general requests for information, or discovery as appropriate. The requestor may resubmit his/her request to the public records officer or designee at the Burien office during customary business hours.

(c) If the requestor wishes to have copies of the records made instead of inspecting them, the request should so indicate. Costs will be assessed in compliance with WAC 139-02-070.

(d) If requestors wish to inspect rather than obtain copies of records, they must indicate this preference in their requests and the requestor must follow the rules of requesting to inspect public records provided in WAC 139-02-090((+)) (9).

AMENDATORY SECTION (Amending WSR 22-19-001, filed 9/7/22, effective 10/8/22)

WAC 139-02-070 Costs for providing copies of public records.

(1) The following copy fees and payment procedures apply to requests to the agency under chapter 42.56 RCW.

(2) **Actual costs.** Pursuant to RCW 42.56.120 (2)(b), the agency is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The agency does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3), and (4).

(3) There is no fee charged for inspecting public records.

(4) **Costs for paper copies.** The agency will charge for copies of paper records pursuant to the fees in RCW 42.56.120 (2)(b) and (c) for each request.

(a) Before beginning to make copies for each request, the public records officer or designee may estimate costs of copying the records and may require a deposit of up to 10 percent of all the records selected by the requestor.

(b) The public records officer or designee may require the payment of the remainder of the copying costs before providing all the

records, or the payment of the costs of copying an installment before providing that installment.

(c) The commission shall not charge sales tax when it makes copies of public records.

(5) **Costs for electronic records.** Electronic copies of records for each request shall be charged as follows pursuant to the fees in RCW 42.56.120 (2) (b) and (c), which includes:

(a) Charge for scanned records or for use of agency equipment for scanning.

(b) Charge for each four electronic files or attachments uploaded to email, or cloud-based data storage service, or other means of electronic delivery.

(c) Charge per gigabyte for records transmitted in an electronic format or for use of agency equipment to send records electronically.

(d) Actual costs of any digital storage media or devices provided by the agency.

(e) Actual costs of a "customized service charge" when the request would require the use of information technology expertise to prepare data compilations or when such customized access services are not used by the agency for other business purposes.

(i) The agency will notify the requestor and take other steps if it will be doing a customized service charge.

(ii) The public records officer or designee may require a deposit of up to 10 percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

(iii) Copy charges may be combined to the extent more than one type of charge applies to copies responsive to a particular request.

(iv) Public records request fees do not supersede other statutory provisions for copying fees.

(6) **Costs of mailing.** The commission may also charge actual costs of mailing, including the cost of the shipping container.

(7) **Payment.** Payment shall be made (~~payable to the Washington state criminal justice training commission by check or money order only~~) through the fiscal department of the commission. The process to accept payments will be fully explained to the requestor.

(8) **Payment date.** The (~~payment date for fees, deposits, or other costs will be scheduled at a minimum of 30 days, but no more than 45 days, after the required payment is communicated with the requestor~~) commission shall accept payment for 30 days after the date the payment invoice is mailed. If a requestor fails to pay by the payment date, the request will be closed per WAC 139-02-090(~~(+8)~~) (11).

(9) **Summary of charges.** (~~Upon~~) For each request, the commission will provide a summary of the applicable charges before copies are made and the requestor may revise the request to reduce the number of copies, thereby reducing the applicable charges.

(10) **Waiver of charges.** Waivers may be made at the discretion of the public records officer, except the public records officer or designee will not charge a requestor copying fees (~~when:~~

~~(a) All of the records responsive to an entire request are paper copies only and are 100 or fewer pages; or~~

~~(b) All of the records responsive to an entire request are electronic and no more than~~) over a one-year period from the date of their initial request until their requests have exceeded:

(a) One hundred printed pages; or

(b) The equivalent of 250 printed pages of electronic records.

AMENDATORY SECTION (Amending WSR 22-19-001, filed 9/7/22, effective 10/8/22)

WAC 139-02-090 Processing requests for public records. (1) Providing fullest assistance. The Washington state criminal justice training commission is charged by statute with adopting rules which provide for how it shall "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will evaluate and process requests according to the nature of the request, clarity, volume, and availability of requested records.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer or designee will do one or more of the following:

(a) Make the records available for inspection;

(b) Provide the requested records (or provide ~~((a-bill))~~ copying fees for the records if applicable) to the requestor;

(c) Provide a reasonable estimate of when records will be available (the public records officer may revise the estimate of when records will be available when necessary);

(d) Deny the request and provide a statutory explanation as to the reason for the denial; or

(e) Acknowledge receipt of the request and ask the requestor to clarify all or any part of the request that is unclear and provide to the greatest extent possible a reasonable estimate of the time the commission will require to respond to the unclear request or unclear part of a request if it is not clarified.

(i) Such clarification may be requested and provided by telephone and memorialized in writing, or by email or letter;

(ii) Clarification may include identifying a record with specificity sufficient for the commission to locate or produce the record;

(iii) If the requestor fails to respond to a request for clarification ~~((and)), the ((entire request is unclear, the commission need not respond to it. The))~~ commission will respond to those portions of a request that are clear. If the requestor does not respond to the request for clarification on the unclear portion of the request after records on the clear portion have been provided, the commission will consider the request abandoned per subsection (11) of this section;

(iv) If the requestor fails to respond to a request for clarification for 30 days on an entirely unclear request, the commission will consider the request abandoned per subsection (11) of this section.

(3) **Additional time to respond.** Additional time for the commission to respond to a request may be based upon the need to clarify the request, locate and assemble the records requested, notify affected others or agencies affected by the request, or determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(4) **Consequences of failure to respond.** If the commission does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the

public records officer to determine the reason for the failure to respond.

(5) **Protecting rights of others.** In the event the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. This notice is given so affected persons may seek an order from a court to prevent or limit the disclosure. The notice to the affected persons may include a copy of the request.

(6) **Records exempt from disclosure.**

(a) The commission reserves the right to determine a public record is exempt in whole or in part consistent with provisions of the Public Records Act or other applicable provision of law.

(b) If the commission believes a record is exempt from disclosure and should be withheld, the public records officer or designee will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer or designee will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(c) Certain exemptions other than the Public Records Act itself restrict the disclosure of documents held by the commission. Some examples of such other applicable statutory exemptions include, but are not limited to:

(i) RCW 5.60.060: Attorney-client privileged records.

(ii) Chapter 19.108 RCW: Trade secrets.

(iii) RCW 43.101.400(1) background investigation records.

(7) The commission reserves the right to ~~((delete))~~ redact identifying details when producing any public record when there is reason to believe disclosure of such details would be an invasion of personal privacy protected by RCW 42.56.050.

(8) The commission is prohibited by statute from disclosing lists of individuals or records that may be manipulated to created lists of individuals for commercial purposes pursuant to RCW 42.56.070.

(9) **Inspection of public records.**

(a) A requestor must notify the commission in advance of their intent to inspect public records. Using the tracking ID the commission assigns to each public records request a requestor must identify with specificity and in advance the records the requestor wishes to inspect. The commission will assist the requestor in scheduling an appointment for inspection and may propose convenient alternatives to an in-person visit. Public records will be available for inspection during customary business hours and when staff are available to assist the requestor.

(b) When the request to inspect is for a large number of records, the public records officer may schedule inspection in installments.

(c) The commission will work with the requestor to schedule an inspection and notify the requestor in writing of the scheduled appointment. ~~((The requestor must inspect the requested records within 30 days of the))~~ If the requestor does not attend the scheduled inspection date, the commission will reach out to reschedule the inspection within 30 days of the first scheduled appointment. If the requestor or a representative of the requestor fails to inspect the records within the 30-day period or fails to make other arrangements, the commission may ~~((close))~~ consider the request abandoned and refile the

assembled records. If the requestor makes a request for the same records it will be processed as a new request.

(d) Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.

(e) Inspections are conducted in accordance with the requirement that agencies protect the requested records from damage or disorganization. No member of the public shall remove a document from the inspection area or disassemble or alter any public record.

(f) After inspection is complete, the requestor may wish to identify which documents the requestor wishes the agency to copy.

(i) Where the commission charges for copies, the requestor must pay for the copies prior to the copies being provided to the requestor.

(ii) Electronic records will be provided as a link to the records on the commission public records website if the records are located on the public records website, or in a format used by the commission and which is generally commercially available.

(g) When the inspection of the requested records is complete and any requested copies are provided the public records officer will close the records request.

(10) Providing records in installments.

(a) When the request is for a large number of records, the public records officer or designee may provide access for inspection and copying in installments, if he or she reasonably determines that it would be more practical.

(b) If, within 30 days, the requestor fails to inspect one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(c) When the request is for copies of public records, the public records officer may require payment for each installment either prior to providing the installment or prior to providing subsequent installments. In addition, the requestor may be required to provide a deposit up to 10 percent of the estimated cost of copying all records selected by the requestor. If the requestor fails to pay the required cost by the scheduled payment date, the public records officer may consider the request abandoned and close the request.

(11) Closing a withdrawn or abandoned request.

(a) The public records officer will close a request when the requestor:

(i) Withdraws the request;

(ii) Fails to fulfill his or her obligations to inspect the records 30 days after the scheduled inspection date;

(iii) Fails to clarify an entirely unclear request 30 days after clarification was requested;

(iv) Fails to claim an installment 30 days after records were provided;

(v) Fails to pay required fees for an installment by the scheduled payment date;

(vi) Fails to pay the deposit or final payment for the requested copies by the scheduled payment date.

(b) The public records officer will close the request and indicate to the requestor that the Washington state criminal justice training commission has closed the request and refile the assembled records.

(12) Later discovered documents. If, after the Washington state criminal justice training commission has informed the requestor that

it has provided all available records, the Washington state criminal justice training commission becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

(13) The commission is not required to create a record that does not otherwise exist.

WSR 24-10-079

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed April 30, 2024, 10:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-07-034.

Title of Rule and Other Identifying Information: WAC 182-531-2030
Enhanced rates for pediatric care services and administration of vaccines.

Hearing Location(s): On June 4, 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_iQT4h2BmSw-O-IMXDCFjgg.

If the link 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 June 5, 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 June 4, 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 May 24, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is expanding the age limit for the enhancement rate for pediatric care services and the administration of vaccines provided to clients from age 18 and younger to age 20 and younger.

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.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

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: Wendy Steffens, P.O. Box 45500, Olympia, WA 98504-5500, 360-725-5145.

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 amendments to the rule would be increasing reimbursement due to the expanding of the age limit from age 18 to age 20 for the enhancement rate for pediatric care services and the administration of vaccines provided to clients.

April 30, 2024
Wendy Barcus
Rules Coordinator

OTS-5284.1

AMENDATORY SECTION (Amending WSR 18-17-047, filed 8/8/18, effective 10/1/18)

WAC 182-531-2030 Enhanced rates for pediatric care services and administration of vaccines. (1) Subject to available funds, the medicaid agency pays an enhanced rate for covered pediatric care services and the administration of vaccines provided to clients age ((eighteen)) 20 and younger.

(2) For the purposes of this section, pediatric care services are defined as covered evaluation and management services.

(3) The agency uses the resource-based relative value scale (RBRVS) payment methodology described in WAC 182-531-1850 to calculate the enhanced rate.

(4) If the enhanced rate is less than the agency's published fee schedule rate, the agency pays the published rate.

(5) This enhanced rate applies only to pediatric care services and administration of vaccines for clients age ((eighteen)) 20 and younger that are not already paid at an enhanced rate.

WSR 24-10-080
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-07—Filed April 30, 2024, 10:02 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.320. Rule Petition approved December 15, 2023.

Title of Rule and Other Identifying Information: WAC 220-415-100 Cougar hunting seasons and regulations.

Hearing Location(s): On June 21-22, 2024, at 8:00 a.m., in Vancouver, Washington, hybrid meeting. Information on how to register to testify at the public hearing is available at <http://wdfw.wa.gov/about/commission.meetings>, or contact the commission office at 360-902-2267.

Date of Intended Adoption: On or after July 19, [2024].

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504, email 2024cougarseasonsetting@publicinput.com, fax 360-902-2162, <https://publicinput.com/g5637>, comment by phone 855-925-2801, project code 1261, by June 21, 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 June 21, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule proposal is responding to and supporting a rule petition that the fish and wildlife commission (commission) accepted on December 15, 2023. The petition requests that the department of fish and wildlife (department) revisit the cougar hunting seasons and regulations rule that was adopted in 2020. Through a motion, the commission gave department staff specific directions to include the following aspects in the rule proposal:

(1) All independent-aged cougars shall count towards the total cougar mortality cap.

(2) The cougar hunting season will begin September 1st and end March 31st.

(3) The cap will be based on the best available estimates of cougar density and growth rate; currently those parameters are estimated at 2.3 cougars per 100 km² and 1.13 intrinsic growth.

(4) All human-related cougar mortality (including harvested cougars, cougars killed to resolve conflicts, and any other form of human-caused cougar mortality) shall count toward the total cougar mortality cap.

(5) Based on the recommendation of the department cougar specialist, managers may close hunting in any population management unit (PMU) prior to the cap being reached upon consideration of factors such as disease, suspected additional mortality, or any other issue affecting the cougar population.

(6) In PMUs that reach the 13 percent cap prior to the recreational hunting season starting, the cap will be increased to 20 percent of the population to provide hunting opportunity in those PMUs. When all known human-related independent-aged cougar mortalities in those PMUs meet or exceed 20 percent of the population, the season shall close in those PMUs. Additionally, if opened, the season shall close within 72 hours of that number being reached. This section will sunset at the end of the 2024-2025 season.

Reasons Supporting Proposal: The proposal incorporates the commission's intent for rule changes based on an accepted rule petition. The rule proposal seeks to maintain biologically sustainable cougar hunting seasons.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.08.030, 77.15.010, 77.15.020, 77.15.160, 77.15.240, 77.15.280, and 77.15.410.

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.08.030, 77.15.010, 77.15.020, 77.15.160, 77.15.240, 77.15.280, and 77.15.410.

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.

April 30, 2024
Scott Bird
Rules Coordinator

OTS-5393.3

AMENDATORY SECTION (Amending WSR 22-16-031, filed 7/26/22, effective 8/26/22)

WAC 220-415-100 Cougar hunting seasons and regulations. (1) As used in this section and in the context of general cougar hunting seasons, (~~"harvest guideline" means the estimated allowable harvest; the actual harvest may be less than or more than the harvest guideline~~) "cap" is based on the best available estimate of cougar density and growth rate. Currently those parameters are estimated at 2.3 cougars per 100 square kilometers and 13 percent intrinsic growth rate. The cap includes all known human-related independent-aged cougar mortality (including harvested cougars, cougars killed in response to conflicts, and any other form of human-caused cougar mortality).

(2) (~~Early~~) General cougar season is September 1st to (~~December 31st, late general cougar season is January 1st to April 30th of the following year~~) March 31st. Hunters can use any legal weapon to hunt cougars.

(~~Harvest guidelines:~~

~~(Implied density in parentheses))~~ (3) In PMUs that reach the 13 percent cap prior to the recreational hunting season starting, the cap will be increased to 20 percent of the population to provide hunting opportunity in those PMUs. When all known human-related independent-aged cougar mortalities in those PMUs meet or exceed 20 percent of the population, the season shall close in those PMUs. Additionally, if opened, the season shall close within 72 hours of that number being reached. This section will sunset at the end of the 2024-2025 season.

Cap:

Population Management Unit (PMU)	Hunt Area	((Harvest Guideline)) 13 percent Cap	20 percent
1	GMU 101	((7-11 (2.6))) <u>8</u>	<u>13</u>
2	GMU 105	((4 (3.72))) <u>2</u>	<u>3</u>
3	GMUs 108, 111	((9-11 (3.63))) <u>6</u>	<u>8</u>
4	GMU 113	((4-5 (1.91))) <u>5</u>	<u>8</u>
5	GMU 117	((11-13 (3.57))) <u>7</u>	<u>11</u>
6	GMU 121	((9-11 (3.65)*)) <u>6</u>	<u>8</u>
7	GMUs 124, 127, 130	((7-9 (2.15))) <u>8</u>	<u>12</u>
8	GMUs 133, 136, 139, 142, 248, 254, 260, 262, 266, 269, 272, 278, 284, 290, 330, 334, 371, 372, 373, 379, 381	None	<u>None</u>
9 ((**))	GMUs 149, 154, 162, 163	((7-9 (3.56)*)) <u>4</u>	<u>5</u>
10 ((**))	GMUs 145, 166, 175, 178	((6-7 (3.51))) <u>5</u>	<u>7</u>
11 ((**))	GMUs 169, 172, 181, 186	((5-6 (3.68))) <u>3</u>	<u>5</u>
12	GMU 203	((4-5 (1.91))) <u>5</u>	<u>8</u>
13	GMU 204	((6-8 (2.17))) <u>7</u>	<u>11</u>
14	GMUs 209, 215	((3-4 (1.91))) <u>4</u>	<u>6</u>
15	GMUs 218, 231	((4-5 (1.91))) <u>5</u>	<u>8</u>
16	GMU 224	((2 (1.91))) <u>2</u>	<u>4</u>
17	GMUs 233, 239	((4-5 (2.42))) <u>4</u>	<u>6</u>
18	GMUs 242, 243	((5-6 (2.28))) <u>5</u>	<u>8</u>
19	GMUs 244, 246, 247	((4-6 (1.91))) <u>6</u>	<u>9</u>
20	GMUs 245, 250	((4-6 (1.91))) <u>6</u>	<u>9</u>
21	GMUs 249, 251	((4-6 (1.91))) <u>6</u>	<u>9</u>
22	GMUs 328, 329, 335	((8-10 (2.79))) <u>7</u>	<u>10</u>
23	GMUs 336, 340, 342, 346	((9-11 (3.61))) <u>6</u>	<u>9</u>
24	GMUs 352, 356, 360, 364, 368	((7-9 (2.9))) <u>6</u>	<u>9</u>
25	GMUs 382, 388	((3 (1.91))) <u>3</u>	<u>5</u>
26	GMU 407	None	<u>None</u>
27	GMUs 418, 426, 437	((10-13 (1.91))) <u>13</u>	<u>20</u>
28	GMUs 448, 450	((8-11 (1.91))) <u>11</u>	<u>17</u>
29	GMU 454	None	<u>None</u>
30	GMU 460	((4-6 (1.91))) <u>6</u>	<u>9</u>
31	GMUs 466, 485, 490	((2-3 (1.91))) <u>3</u>	<u>4</u>
32	GMUs 501, 504, 506, 530	((6-9 (1.91))) <u>9</u>	<u>13</u>
33	GMUs 503, 505, 520, 550	((5-7 (1.91))) <u>7</u>	<u>11</u>
34	GMUs 510, 513	((3 (1.91))) <u>3</u>	<u>5</u>
35	GMU 516	((3-4 (1.91))) <u>4</u>	<u>6</u>
36	GMUs 524, 554, 556	((3 (1.91))) <u>3</u>	<u>4</u>

Population Management Unit (PMU)	Hunt Area	((Harvest Guideline)) 13 percent Cap	20 percent
37	GMU 560	((4-5(1.91))) <u>5</u>	<u>8</u>
38	GMU 564	((1(1.91))) <u>1</u>	<u>2</u>
39	GMU 568	((3(2.74))) <u>2</u>	<u>4</u>
40	GMU 572	((2-3(1.91))) <u>3</u>	<u>5</u>
41	GMUs 574, 578	((5-6(2.82))) <u>4</u>	<u>6</u>
42	GMUs 601, 602, 603, 612	((4-6(1.91))) <u>6</u>	<u>9</u>
43	GMUs 607, 615	((3-4(1.91))) <u>4</u>	<u>6</u>
44	GMUs 618, 636, 638	((3-5(1.91))) <u>5</u>	<u>7</u>
45	GMUs 621, 624, 627, 633	None	<u>None</u>
46	GMUs 642, 648, 651	((6-8(2.18))) <u>7</u>	<u>11</u>
47	GMUs 652, 666	None	<u>None</u>
48	GMUs 653, 654	((4-5(1.91))) <u>5</u>	<u>8</u>
49	GMUs 658, 660, 663, 672, 673, 681, 684, 699	((8-11(1.91))) <u>11</u>	<u>16</u>
50	GMU 667	((6-7(3.48))) <u>4</u>	<u>6</u>

~~((* Adjusted to stay within realistic density.~~

~~** A second cougar may be harvested in the hunt area with the purchase of a second cougar transport tag.))~~

~~((a) In hunt areas with a ((harvest guideline)) cap, the cougar ((late)) hunting season ((may)) shall close ((on or after January 1st)) in one or more ((GMUs)) PMUs if cougar ((harvest)) mortality meets or exceeds the ((guideline)) cap.~~

~~((b) In hunt areas with a ((harvest guideline, starting January 1st)) cap, cougar hunters may hunt cougar ((from January 1st)) until the hunt area ((harvest guideline)) cap has been met, and the department has notified licensed cougar hunters by posting the hunt area closure on the department's website and on the toll-free cougar hunting hotline, or ((April 30th)) March 31st, whichever occurs first.~~

~~((3) Harvest guideline) (4) Cap system:~~

~~((a) ((All cougar of the appropriate age class killed by licensed hunters during the early and late hunting seasons, shall be counted toward the harvest guideline.)) The cap includes all known human-related independent-aged cougar mortality (including harvested cougars, cougars killed in response to conflicts, and any other form of known human-caused cougar mortality).~~

~~((b) Individual problem cougar will continue to be killed on an as-needed basis utilizing depredation permits, landowner kill permits, and WDFW depredation authority regardless of ((harvest guidelines)) cap.~~

~~((c) It is each cougar hunter's responsibility to verify if the cougar ((late)) hunting season is open or closed in hunt areas with a ((harvest guideline)) cap. Cougar hunters can verify if the season is open or closed by calling the toll-free cougar hunting hotline or visiting the department's website.~~

~~((4)) (d) The department may close hunting in any PMU prior to the cap being reached, upon consideration of factors such as disease, suspected additional mortality, or any other issue affecting the cougar population.~~

(5) Cougar hunting season requirements and special restrictions.

~~((a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar.~~

(b) The statewide bag limit is one cougar per license year statewide ~~((and one additional cougar per license year may only be harvested from the following PMUs 9, 10, and 11))~~; excluding removals authorized under WAC 220-440-030. One cougar transport tag is included with a big game hunting license that has cougar as a species option. ~~((A second cougar transport tag must be purchased to take a second cougar in PMUs 9, 10, and 11; which are comprised of the following GMUs: 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186. Hunters may only purchase the second transport tag after having purchased a license which includes cougar as a species option.))~~ It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

(c) The use of dogs to hunt cougar is prohibited; except by a commission authorized permit (WAC 220-440-030 and 220-412-130).

(d) Any person who takes a cougar must comply with the notification and sealing requirements in WAC 220-400-050.

(e) A special cougar permit is required to hunt cougar in GMU 485.

WSR 24-10-088

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed April 30, 2024, 1:54 p.m.]

Supplemental Notice to WSR 23-22-131.

Preproposal statement of inquiry was filed as WSR 18-10-059.

Title of Rule and Other Identifying Information: Dietitians and nutritionists requirements in chapter 246-822 WAC. The department of health (department) is proposing amending, repealing, and creating new rule sections to clarify, streamline, update, and modernize rules for licensing dietitians and nutritionists. This supplemental proposal includes an additional definition in WAC 246-822-010, clarification of application and education requirements for dietitians and nutritionists in WAC 246-822-120, 246-822-130, 246-822-132, 246-822-135, 246-822-141, 246-822-145, and 246-822-160, updated requirements for dietitian qualified supervisors in WAC 246-822-147, and takes out unnecessary terms in WAC 246-822-175 Providing services.

Hearing Location(s): On June 5, 2024, at 2:30 p.m., at the Washington State Department of Health, 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_zxoRGrOSQU-hPKcWI7SjVQ. 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: June 12, 2024.

Submit Written Comments to: Kim-Boi Shadduck, Office of Health Professions, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, by June 5, 2024.

Assistance for Persons with Disabilities: Contact Kim-Boi Shadduck, phone 360-236-2912, TTY 711, email kimboi.shadduck@doh.wa.gov, by May 29, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed amendments to chapter 246-822 WAC clarify, streamline, and modernize rules for dietitians and nutritionists. The proposed amendments include: (1) Updating rules to align with national professional standards for dietitians; (2) setting clear standards for education, experience, and supervision requirements; (3) updating rules to reflect current department processes; (4) removing redundant mandatory reporting language; and (5) making other updates and clarifications as appropriate.

Following the public rules hearing held on December 5, 2023, the department determined that the proposed rule language required amendments to multiple WAC sections to add definitions and clarifications that interested individuals felt were needed. Most amendments in the supplemental proposal are minor and were included to add further clarification of core curriculum requirements for nutritionists and dietitians, application requirements, qualified supervisor requirements for dietitians, and to include updated terms used in the practice of dietetics. Amendments that were more significant include adding content to the core curriculum requirements for dietitians, including skills and competency requirements for dietitian-coordinated programs, and removing unnecessary language from WAC 246-822-175 Providing services. The amendments and their impacts are explained in the supplemental significant analysis.

Reasons Supporting Proposal: Chapter 246-822 WAC has not been meaningfully updated in several decades. The proposed amendments will provide clear, accurate requirements for the regulated community. The proposed new rules reflect changes in professional standards, technology, and department processes.

The department determined that it would be beneficial to make thoughtful changes to the proposed rule language and further engage interested individuals after the December 5, 2023, public rules hearing due to the volume and nature of public comments from interested individuals. The department made changes based on feedback and sent out draft rules to interested individuals via GovDelivery for review and has received supportive comments on the supplemental proposal.

Statutory Authority for Adoption: RCW 18.138.070.

Statute Being Implemented: Chapter 18.138 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: Kim-Boi Shadduck, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2912.

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 Kim-Boi Shadduck, Office of Health Professions, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2912, TTY 711, email kimboi.shadduck@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: The proposed amendments impact rules regulating individual professional licenses, not businesses.

Scope of exemption for rule proposal:

Is fully exempt.

April 30, 2024
 Kristin Peterson, JD
 Chief of Policy
 for Umair A. Shah, MD, MPH
 Secretary

OTS-4875.11

AMENDATORY SECTION (Amending WSR 91-02-049, filed 12/27/90, effective 1/31/91)

WAC 246-822-010 Definitions. The definitions in this section and RCW 18.138.010 apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accreditation council for education in nutrition and dietetics" or "ACEND" means a national organization that accredits dietetics education programs.

(2) "Accredited college or university" means a college or university accredited by a national or regional accrediting body recognized by the ~~((council on))~~ office of postsecondary education at the time the applicant completed the required education.

~~((2) "Continuous preprofessional experience" means a minimum of 900 hours of supervised competency-based practice in the field of dietetics accumulated over a maximum of thirty-six months. This competency-based practice should include, but not be limited to the following:~~

~~(a) Assuring that food service operations meet the food and nutrition needs of clients and target markets.~~

~~(b) Utilization of food, nutrition, and social services in community programs.~~

~~(c) Providing nutrition care through systematic assessment, planning, intervention, and evaluation of groups and individuals.~~

~~(d) Providing nutrition counseling and education to individuals and groups for health promotion, health maintenance, and rehabilitation.~~

~~(e) Applying current research information and methods to dietetic practice.~~

~~(f) Utilizing computer and other technology in the practice of dietetics.~~

~~(g) Integrating food and nutrition services in the health care delivery system.~~

~~(h) Promoting positive relationships with others who impact on dietetic service.~~

~~(i) Coordinating nutrition care with food service systems.~~

~~(j) Participating in the management of cost-effective nutrition care systems.~~

~~(k) Utilizing menu as the focal point for control of the food service system.~~

~~(l) Participating in the management of food service systems, including procurement, food production, distribution, and service.~~

~~(m) Participating in the management of human, financial, material, physical, and operational resources.~~

~~(n) Providing education and training to other professionals and supportive personnel.~~

~~(o) Engaging in activities that promote improved nutrition status of the public and advance the profession of dietetics.~~

~~(p) Recognizing the impact of political, legislative, and economic factors on dietetic practice.~~

~~(q) Utilizing effective communication skills in the practice of dietetics.~~

~~(r) Participating in the management of a quality assurance program.~~

~~(3) "Supervision" means the oversight and responsibility for the dietitian's or nutritionist's continued practice by a qualified supervisor. Methods of supervision may include face-to-face conversations, direct observation, or review of written notes or tapes.~~

~~(4) "Qualified supervisor" means a dietitian who is certified under this chapter or who is qualified for certification under this chapter.~~

~~(5) "Coordinated undergraduate program" means supervised dietetic practice that is part of a course of study.)~~ (3) "Client" means a person who receives services from a certified dietitian or certified nutritionist; this term may be used interchangeably with "patient."

(4) "Commission on dietetic registration" or "CDR" means the credentialing organization of the academy of nutrition and dietetics, a professional organization for nutrition and dietetics practitioners.

(5) "Coordinated program" means supervised dietetic practice that is part of a course of study under WAC 246-822-145.

(6) "Dietitian" or "certified dietitian" means a person certified to practice dietetics under this chapter and chapter 18.138 RCW.

(7) "Nutritionist" or "certified nutritionist" means a person certified to provide general nutrition services under this chapter and chapter 18.138 RCW.

(8) "Nutrition care process" includes all the following concepts:

(a) "Nutrition assessment" means assessing and evaluating the nutritional needs of individuals and groups using anthropometric, biochemical, nutrigenomic, clinical, metabolic, physiologic, dietary, and behavioral, social and demographic data for clinical, research and program planning purposes; and, determining resources in the practice setting, including ordering laboratory tests to check and track nutrition status and monitor effectiveness of nutrition plans or orders.

(b) "Nutrition care services" means and involves nutrition care, medical nutrition therapy, and nutrition-related services using knowledge, evidence-based practices, and clinical judgment to address health promotion and wellness, and prevention and management of acute or chronic diseases and conditions for individuals and groups. Nutrition care services involves using the four interrelated steps of the nutrition care process including nutrition assessment, nutrition diagnosis, nutrition intervention, and nutrition monitoring and evaluation.

(c) "Nutrition counseling" means the provision of dietary and nutrition counseling and education with the goal of facilitating knowledge, skill, and ability including concerning disease pathophysiology, clinical and biochemical data and data patterns, health-related behaviors, lifestyle choices, environmental factors, food and dietary patterns, nutrient and prescription drug interactions; provision of education and training on nutrition-related medical devices; and the development and administration of nutrition care standards.

(d) "Nutrition diagnosis" means identifying and labeling nutrition problems managed and treated by a certified dietitian or certified nutritionist. It does not include the medical differential diagnosis of the health status of an individual.

(e) "Nutrition intervention" means purposefully planned actions and counseling intended to positively change a nutrition-related behavior, risk factor, environmental condition or aspect of the health status for an individual, including education and training on nutrition-related medical devices.

(i) Nutrition intervention includes using approved clinical privileges, physician/nonphysician practitioner-driven orders (i.e., delegated orders), protocols, or other facility-specific processes for order writing or for provision of nutrition-related services consistent with applicable specialized training, competence, medical staff, or organizational policy.

(ii) Nutrition intervention involves implementing, initiating, or modifying orders for therapeutic diets, medication and nutrition interactions, management, or nutrition-related services (e.g., medical foods/nutrition dietary supplements, food texture modifications, enteral and parenteral nutrition, intravenous infusions, laboratory tests, medications, and education and counseling).

(f) "Nutrition monitoring and evaluation" means identifying patient outcomes using data sources and technology-based applications relevant to the nutrition diagnosis and comparing the outcomes with the patient's previous health status, interventions, goals or reference standards to determine the progress made in achieving desired outcomes or nutrition care and whether planned interventions should be continued or revised.

(9) "Qualified supervisor" means a dietitian who is credentialed by the department under this chapter or registered by the commission on dietetic registration as a registered dietitian.

(10) "Registered dietitian," "registered dietitian nutritionist," "RD," or "RDN" means a person registered as such with the commission on dietetic registration.

(11) "Supervision" means the oversight and responsibility for an individual's supervised preprofessional experience or coordinated program by a qualified supervisor under WAC 246-822-147.

(12) "Supervised preprofessional experience" means at least 900 hours of supervised competency-based practice in the field of dietetics under WAC 246-822-141.

AMENDATORY SECTION (Amending WSR 21-02-002, filed 12/23/20, effective 1/23/21)

WAC 246-822-120 Nutritionist application requirements. ~~((1) Individuals applying for certification as a certified dietitian must submit:~~

- ~~(a) A completed application form with fee; and~~
- ~~(b) Verification of current registration status with the commission on dietetic registration.~~
- ~~(2) Individuals applying for certification as a certified dietitian who have not passed the required written examination or who are not registered with the commission on dietetic registration must:~~
 - ~~(a) Provide transcripts forwarded directly from the issuing college or university showing completion of a baccalaureate degree or higher in a major course of study in human nutrition, foods and nutrition, dietetics, or food management;~~
 - ~~(b) Provide evidence of completion of a continuous preprofessional experience or coordinated undergraduate program in dietetics under the supervision of a qualified supervisor; and~~
 - ~~(c) Take and pass the required written examination.~~
- ~~(3) Individuals applying) An applicant for certification as a ((certified)) nutritionist ((must submit)) shall:~~
 - (1) Submit to the department:
 - ~~(a) A completed application on forms ((with fee; and~~
 - ~~(b) Documentation that the applicant meets the application requirements for certified dietitians, as set forth in subsection (1) or (2) of this section; or~~
 - ~~(c)) provided by the department;~~
 - (b) The applicable fee in WAC 246-822-990; and
 - (2) Provide one of the following:
 - (a) Transcripts forwarded directly to the department from the issuing accredited college or university showing completion of a ((mas- ters)) master's or doctorate degree in one of the following subject areas: Human nutrition, nutrition education, foods and nutrition, or

public health nutrition with demonstration of meeting the nutritionist minimum core curriculum under WAC 246-822-130; or

(b) Documentation to the department of meeting requirements for certified dietitians in WAC 246-822-132.

AMENDATORY SECTION (Amending WSR 91-02-049, filed 12/27/90, effective 1/31/91)

WAC 246-822-130 Nutritionist minimum core curriculum. (~~Training for certified nutritionist should include~~) To be eligible for certification as a nutritionist, an applicant shall:

(1) Successfully complete a master's or doctorate degree in one of the following subject areas: Human nutrition, nutrition education, foods and nutrition, or public health nutrition, as required in RCW 18.138.030 (4) (b).

(2) Successfully complete coursework at the (~~collegiate level or equivalent~~) college or graduate level from an accredited college or university in the following areas:

~~((1))~~ (a) Basic science(~~— Which should include~~), including courses in one or more of the following:

~~((a))~~ (i) Physiology.

~~((b))~~ (ii) Biochemistry.

~~((2))~~ (b) Foods(~~— Which should include~~), including courses in one or more of the following:

~~((a))~~ (i) Selection.

~~((b))~~ (ii) Composition.

~~((c))~~ (iii) Food science.

~~((3))~~ (iv) Nutritional science.

~~((4))~~ (c) Applied nutrition(~~— Which should include~~), including courses in one or more of the following:

~~((a))~~ (i) Diet therapy.

~~((b))~~ (ii) Nutrition of the life cycle.

~~((c))~~ (iii) Cultural/anthropological nutrition.

~~((d))~~ (iv) Public health nutrition.

~~((5))~~ (d) Counseling/education(~~— Which should include~~), including courses in one or more of the following:

~~((a))~~ (i) Psychological counseling.

~~((b))~~ (ii) Educational psychology.

~~((c))~~ (iii) Communication.

~~((d))~~ (iv) Psychology.

~~((e))~~ (v) Education.

NEW SECTION

WAC 246-822-132 Dietitian application requirements. An applicant for certification as a dietitian shall:

(1) Submit to the department:

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

(b) The applicable fee in WAC 246-822-990; and

(2) Provide to the department verification of current RDN registration or provide the following documentation:

(a) Transcripts sent directly from the issuing accredited college or university showing completion of a bachelor's degree or higher with

a major course of study in human nutrition, foods and nutrition, dietetics, or food systems management and demonstration of meeting the dietitian minimum core curriculum under WAC 246-822-135;

(b) Evidence of completing either supervised preprofessional experience under WAC 246-822-141 or a coordinated program under WAC 246-822-145; and

(c) Passing RDN examination results sent directly from CDR to the department as provided in WAC 246-822-150.

NEW SECTION

WAC 246-822-135 Dietitian minimum core curriculum. (1) To apply for certification as a dietitian by completing a core curriculum, an applicant shall successfully complete a bachelor's degree or higher from an accredited college or university with coursework that includes at least the following topics:

(a) Research skills, including methodology and interpretation or research literature;

(b) Science of nutrition and dietetics, including organic chemistry, biochemistry, anatomy, physiology, pharmacology, genetics, microbiology, nutrient metabolism, and nutrition across the lifespan;

(c) Implementation of the nutrition care process, and principles of medical nutrition therapy;

(d) Food science, food safety and sanitation, and recipe and menu development;

(e) Effective education and counseling techniques;

(f) Public health policy, including legislative and regulatory structures, and health equity; and

(g) Professional practice skills, including professional ethics, client communication, documentation standards, coding and billing practices, and health care delivery systems.

(2) A didactic program in dietetics accredited by ACEND satisfies the requirements of this section.

NEW SECTION

WAC 246-822-141 Dietitian supervised preprofessional experience.

(1) To apply for certification as a dietitian by completing supervised preprofessional experience, an applicant shall complete at least 900 hours of competency-based practice in the field of dietetics, supervised by a qualified supervisor. This must include practical experience that meets the competency standards of an ACEND accredited dietetic internship.

(a) Exhibiting professionalism in attitudes and interactions with clients;

(b) Understanding scientific research and incorporating new, evidence-based information into practice;

(c) Counseling and providing care to clients from diverse backgrounds, using culturally sensitive strategies; and

(d) Developing knowledge of health systems and referring clients to other professionals and services as appropriate.

(2) A dietetic internship accredited by ACEND satisfies the requirements of this section.

NEW SECTION

WAC 246-822-145 Dietitian coordinated program. (1) To apply for certification as a dietitian by completing a dietitian coordinated program, an applicant shall complete a coordinated program in dietetics that includes concurrent completion of:

(a) A dietetics education program that meets curriculum requirements in WAC 246-822-135; and

(b) A supervised preprofessional experience that meets the requirements in WAC 246-822-141.

(2) A coordinated program accredited by ACEND that satisfies the requirements of this section.

NEW SECTION

WAC 246-822-147 Supervision and qualified supervisors. (1) A qualified supervisor provides oversight and takes responsibility for an individual working to meet experience requirements. To be a qualified supervisor, an individual must be a dietitian certified by the department or registered as a registered dietitian nutritionist by CDR.

(2) Methods of supervision may include face-to-face supervision, direct supervision, distance supervision, and review of written notes or recordings.

(a) "Direct supervision" means the supervisor is on the premises and available for immediate consultation.

(b) "Distance supervision" means supervision provided through remote technology, used when a qualified supervisor and an applicant are not working in the same physical location.

(3) Distance supervision is not appropriate when an individual is providing direct client services where a provider's physical presence is necessary.

AMENDATORY SECTION (Amending WSR 92-02-018, filed 12/23/91, effective 1/23/92)

WAC 246-822-150 Examinations. (~~((1) A written examination will be given at least once annually to qualified applicants at a time and place determined by the secretary.~~

~~(2) Applications must be received sixty days in advance of the scheduled examination.~~

~~(3) Applicants who fail the examination shall submit the appropriate fee for reexamination.))~~ (1) The department requires passage of the CDR registered dietitian examination. To register for the examination, an applicant must meet the CDR's eligibility requirements.

(2) The department must receive the passing examination results directly from the testing organization.

AMENDATORY SECTION (Amending WSR 91-02-049, filed 12/27/90, effective 1/31/91)

WAC 246-822-160 Foreign degree equivalency. (~~Applicants who obtained their education outside of the United States and its territories must have their academic degree(s) validated as substantially equivalent to the baccalaureate, master's, or doctorate degree conferred by a regionally accredited college or university recognized by the council on postsecondary education at the time the applicant completed the required degree.~~) (1) To become credentialed as a nutritionist in Washington, an applicant educated outside the United States and its territories shall:

(a) Have their academic degree assessed by a credential evaluation service to be validated as substantially equivalent to the education requirements in WAC 246-822-120 or 246-822-130 and submit the assessment with the application or become credentialed by CDR as a registered dietitian; and

(b) Apply to the department under WAC 246-822-120.

(2) To become credentialed as a dietitian in Washington, an applicant educated outside the United States and its territories shall:

(a) Become credentialed by CDR as a registered dietitian; and

(b) Apply to the department under WAC 246-822-132.

NEW SECTION

WAC 246-822-175 Providing services. (1) A certified dietitian may provide services as defined in RCW 18.138.010.

(2) A certified nutritionist may provide services as defined in RCW 18.138.010.

(3) A certified dietitian or nutritionist may provide services in person or through telehealth, to residents of Washington, as appropriate, based on the needs of the client.

AMENDATORY SECTION (Amending WSR 15-19-149, filed 9/22/15, effective 1/1/16)

WAC 246-822-990 Dietitian and nutritionist fees and renewal cycle. (1) (~~Certificates~~) A certification must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC (~~Part 2~~).

(2) The following nonrefundable fees will be charged:

Title	Fee
Original application	
Application	\$65.00
HEAL-WA* surcharge	16.00
Renewal	
Renewal	45.00
HEAL-WA* surcharge	16.00
Late renewal penalty	45.00
Expired certificate reissuance	50.00

Title	Fee
Duplicate certificate	30.00
Verification of certificate	30.00

*HEAL-WA is the health resources for Washington online library. See RCW 43.70.110.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-822-020	General provisions.
WAC 246-822-030	Mandatory reporting.
WAC 246-822-040	Health care institutions.
WAC 246-822-050	Dietitian or nutritionist associations or societies.
WAC 246-822-060	Health care service contractors and disability insurance carriers.
WAC 246-822-070	Professional liability carriers.
WAC 246-822-080	Courts.
WAC 246-822-090	State and federal agencies.
WAC 246-822-170	Certification for dietitians—Grandfathering.

WSR 24-10-089

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed April 30, 2024, 2:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-16-038.

Title of Rule and Other Identifying Information: Kidney disease treatment center temporary emergency exemptions. The department of health (department) is proposing new WAC 246-310-825 Kidney disease treatment centers—Temporary emergency situation exemption, and amending existing kidney disease treatment center rules, WAC 246-310-800 through 246-310-833, to implement SSB 5569 (chapter 48, Laws of 2023), codified at RCW 70.38.280.

The department is also proposing amendments to address impacts to the need methodology based upon new temporary emergency situation exemption, as well as clean up language to ensure consistency in kidney disease treatment center rules.

Hearing Location(s): On June 5, 2024, at 10:00 a.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_gp1FFCvySJCkKff7OVk8Ig. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: July 1, 2024.

Submit Written Comments to: Ross Valore, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview/>, by June 5, 2024.

Assistance for Persons with Disabilities: Contact Ross Valore, phone 564-999-1060, TTY 711, email cnrulemaking@doh.wa.gov, by May 29, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule creates two new exemptions for kidney disease treatment centers experiencing a "temporary emergency situation." The temporary emergency situation exemption allows a kidney disease treatment center to exceed its authorized number of dialysis stations during a temporary emergency situation upon approval by the department. The rule is intended to ensure patients needing dialysis services are able to receive services during an emergency situation and provides flexibility to dialysis centers to exceed their number of approved stations to provide services.

The proposed rules add a new section, WAC 246-310-825, which addresses requirements and the process to obtain a temporary emergency situation exemption. In addition, the proposed new WAC 246-310-825 defines "staffing shortage" and "reconfiguration," and specifies what information must be submitted to the department when applying for a temporary emergency situation exemption. Finally, the department amended existing kidney disease treatment center rules, WAC 246-310-800 through 246-310-833, to address impacts to the need methodology and review requirements for kidney disease treatment centers due to creation of temporary emergency situation exemption.

Reasons Supporting Proposal: The proposed rule is needed to allow flexibility for kidney disease treatment centers to ensure dialysis patients are able to receive needed health care services during a temporary emergency situation. Under current rules, a kidney disease treatment center is not able to exceed its authorized number of dialysis stations. The proposed rule allows for kidney disease treatment

centers not impacted by a temporary emergency situation to exceed their authorized number of dialysis stations if they are assuming patients from impacted kidney disease treatment centers or to adjust shifts so that more patients can be treated.

Statutory Authority for Adoption: RCW 70.38.135; and SSB 5569 (chapter 48, Laws of 2023), codified at RCW 70.38.280.

Statute Being Implemented: RCW 70.38.280.

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: Ross Valore, 111 Israel Road S.E., Tumwater, WA 98501, 564-999-1060.

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 Ross Valore, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-999-1060, TTY 711, email cnrulemaking@doh.wa.gov, <https://doh.wa.gov/licenses-permits-and-certificates/facilities-z/certificate-need>.

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.

Is exempt under RCW 19.85.024(4).

Explanation of exemptions: The rule proposal applies only to certificate of need approved kidney disease treatment centers. Certificate of need approved kidney disease centers do not qualify as small businesses.

Scope of exemption for rule proposal:

Is fully exempt.

April 30, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-5242.3

AMENDATORY SECTION (Amending WSR 17-04-062, filed 1/27/17, effective 1/1/18)

WAC 246-310-800 Kidney disease treatment centers—Definitions.

The definitions in this section apply to WAC 246-310-800 through 246-310-833, unless the context clearly indicates otherwise:

(1) "Affiliate" or "affiliated" means:

(a) Having at least a ~~((ten))~~ 10 percent but less than ~~((one hundred))~~ 100 percent ownership in a kidney dialysis facility;

(b) Having at least a ~~((ten))~~ 10 percent but less than ~~((one hundred))~~ 100 percent financial interest in a kidney dialysis facility;

or

(c) Three years or more operational management responsibilities for a kidney dialysis facility.

(2) "Base year" means the most recent calendar year for which December 31st data is available as of the letter of intent submission date from the (~~Northwest Renal~~) Network's Modality Report.

(3) "Capital expenditures," as defined by *Generally Accepted Accounting Principles* (GAAP), means expenditures made to acquire tangible long-lived assets. Long-lived assets represent property and equipment used in a company's operations that have an estimated useful life greater than one year. Acquired long-lived assets are recorded at acquisition cost and include all costs incurred necessary to bring the asset to working order. Capital expenditure includes:

(a) A force account expenditure or acquisition (i.e., an expenditure for a construction project undertaken by a facility as its own contractor).

(b) The costs of any site planning services (architect or other site planning consultant) including, but not limited to, studies, surveys, designs, plans, working drawings, specifications, and other activities (including applicant staff payroll and employee benefit costs, consulting and other services which, under GAAP or Financial Accounting Standards Board (FASB) may be chargeable as an operating or nonoperating expense).

(c) Construction cost of shelled space.

(d) Building owner tenant improvements including, but not limited to: Asbestos removal, paving, concrete, contractor's general conditions, contractor's overhead and profit, electrical, heating, ventilation and air conditioning systems (HVAC), plumbing, flooring, rough and finish carpentry and millwork and associated labor and materials, and utility fees.

(e) Donations of equipment or facilities to a facility.

(f) Capital expenditures do not include routine repairs and maintenance costs that do not add to the utility of useful life of the asset.

(4) "Concurrent review" means the process by which applications competing to provide services in the same planning area are reviewed simultaneously by the department.

(5) "Dialysis facility report (DFR)" means the kidney dialysis facility reports produced annually for Centers for Medicare and Medicaid Services (CMS). The DFR is provided to individual dialysis facilities and contains summary data on each facility compiled from multiple sources. The DFR facilitates comparison of patient characteristics, treatment patterns, transplantation rates, hospitalization rates, and mortality rates to local and national averages.

(6) "Dialysis facility compare (DFC) report" means the kidney dialysis facility compare quarterly report that is produced by CMS and posted on the medicare DFC website. This report provides information about statistically measurable practice patterns in kidney disease treatment (~~facilities~~) centers including, but not limited to, mortality, hospitalization, late shifts, and availability of home training.

(7) "End-of-year data" means data contained in the fourth quarter modality report or successor report from the (~~Northwest Renal~~) Network.

(8) "End-of-year in-center patients" means the number of in-center hemodialysis (HD) and self-dialysis training patients receiving in-center kidney dialysis at the end of the calendar year based on end-of-year data.

(9) "Exempt isolation station" means one certificate of need approved certified station per facility dedicated to patients requiring medically necessary isolation. This station may not be used for non-isolation treatments. This one approved station is included in the kidney dialysis facility's total CMS certified station count. However, for purposes of certificate of need, this one isolation station is not included in the facility's station count for projecting future station need or in calculating existing station use. Providers may operate more than one isolation station, but only one is excluded from the facility's station count for purposes of projecting future station need and in calculating existing station use.

(10) "Kidney disease treatment center" or "kidney dialysis facility" means any place, institution, building or agency or a distinct part thereof equipped and operated to provide services, including out-patient dialysis. In no case will all stations at a given kidney disease treatment center or kidney dialysis facility be designated as self-dialysis training stations. For purposes of these rules, kidney disease treatment center and kidney dialysis facility have the same meaning.

(11) "Maximum treatment floor area square footage" means the sum of (a), (b), (c), and (d) of this subsection:

(a) One hundred fifty square feet multiplied for each general use in-center station and each nonisolation station;

(b) Two hundred square feet multiplied for each isolation station and each permanent bed station as defined in subsection (14) of this section;

(c) Three hundred square feet for future expansion of two in-center treatment stations; and

(d) Other treatment floor space is (~~seventy-five~~) 75 percent of the sum of (a), (b), and (c) of this subsection.

As of the effective date of these rules, maximum treatment floor area square footage identified in a successful application cannot be used for future station expansion, except as provided in (c) of this subsection. For example, the applicant may use the maximum allowable treatment floor area square footage. The number of stations may include one isolation station, one permanent bed station, eight general use in-center stations, two future expansion stations, and maximum other treatment floor space. In this example, the total maximum treatment floor area square footage in this example would equal (~~three thousand three hundred twenty-five~~) 3,325 square feet.

(12) "Network" means end stage renal disease (ESRD) Network 16.

(13) "Operational" means the date when the kidney dialysis facility provides its first dialysis treatment in newly approved certificate of need stations, including relocated stations.

~~((13))~~ (14) "Patients per station" means the reported number of in-center patients at the kidney dialysis facility divided by counted certificate of need approved stations. The results are not rounded up. For example, 4.49 is not rounded to 4.5.

~~((14))~~ (15) "Permanent bed station" means a bed that would commonly be used in a health care setting.

~~((15))~~ (16) "Planning area" or "service area" means an individual geographic area designated by the department for which kidney dialysis station need projections are calculated. For purposes of kidney dialysis projects, planning area and service area have the same meaning. Each county is considered a separate planning area, except for the planning subareas identified for King, Snohomish, Pierce, and Spokane counties. If the United States Postal Service (USPS) changes zip

codes in the defined planning areas, the department will update areas to reflect the revisions to the zip codes to be included in the certificate of need definitions, analyses and decisions. Post office boxes are not included.

(a) King County is divided by zip code into ((twelve)) 12 planning areas as follows:

KING ONE	KING TWO	KING THREE
98028 Kenmore	98101 Business District	98070 Vashon
98103 Green Lake	98102 Eastlake	98106 White Center/West Seattle
98105 Laurelhurst	98104 Business District	98116 Alki/West Seattle
98107 Ballard	98108 Georgetown	98126 West Seattle
98115 View Ridge/Wedgwood	98109 Queen Anne	98136 West Seattle
98117 Crown Hill	98112 Madison/Capitol Hill	98146 West Seattle
98125 Lake City	98118 Columbia City	98168 Riverton
98133 Northgate	98119 Queen Anne	
98155 Shoreline/Lake Forest Park	98121 Denny Regrade	
98177 Richmond Beach	98122 Madrona	
98195 University of Washington	98134 Harbour Island	
	98144 Mt. Baker/Rainier Valley	
	98199 Magnolia	
KING FOUR	KING FIVE	KING SIX
98148 SeaTac	98003 Federal Way	98011 Bothell
98158 SeaTac	98023 Federal Way	98033 Kirkland
98166 Burien/Normandy Park		98034 Kirkland
98188 Tukwila/SeaTac		98052 Redmond
98198 Des Moines		98053 Redmond
		98072 Woodinville
		98077 Woodinville
KING SEVEN	KING EIGHT	KING NINE
98004 Bellevue	98014 Carnation	98055 Renton
98005 Bellevue	98019 Duvall	98056 Renton
98006 Bellevue	98024 Fall City	98057 Renton
98007 Bellevue	98045 North Bend	98058 Renton
98008 Bellevue	98065 Snoqualmie	98059 Renton
98039 Medina	98027 Issaquah	98178 Skyway
98040 Mercer Island	98029 Issaquah	
	98074 Sammamish	
	98075 Sammamish	
KING TEN	KING ELEVEN	KING TWELVE
98030 Kent	98001 Auburn	98022 Enumclaw
98031 Kent	98002 Auburn	
98032 Kent	98010 Black Diamond	
98038 Maple Valley	98047 Pacific	
98042 Kent	98092 Auburn	
98051 Ravensdale		

(b) Pierce County is divided into five planning areas as follows:

PIERCE ONE	PIERCE TWO	PIERCE THREE
98354 Milton	98304 Ashford	98329 Gig Harbor
98371 Puyallup	98323 Carbonade	98332 Gig Harbor
98372 Puyallup	98328 Eatonville	98333 Fox Island
98373 Puyallup	98330 Elbe	98335 Gig Harbor
98374 Puyallup	98360 Orting	98349 Lakebay
98375 Puyallup	98338 Graham	98351 Longbranch
98390 Sumner	98321 Buckley	98394 Vaughn
98391 Bonney Lake		
PIERCE FOUR	PIERCE FIVE	
98402 Tacoma	98303 Anderson Island	
98403 Tacoma	98327 DuPont	
98404 Tacoma	98387 Spanaway	
98405 Tacoma	98388 Steilacoom	
98406 Tacoma	98430 Tacoma	
98407 Ruston	98433 Tacoma	
98408 Tacoma	98438 Tacoma	
98409 Lakewood	98439 Lakewood	
98416 Tacoma	98444 Parkland	
98418 Tacoma	98445 Parkland	
98421 Tacoma	98446 Parkland	
98422 Tacoma	98447 Tacoma	
98424 Fife	98467 University Place	
98443 Tacoma	98498 Lakewood	
98465 Tacoma	98499 Lakewood	
98466 Fircrest	98580 Roy	

(c) Snohomish County is divided into three planning areas as follows:

SNOHOMISH ONE	SNOHOMISH TWO	SNOHOMISH THREE
98223 Arlington	98201 Everett	98012 Mill Creek/Bothell
98241 Darrington	98203 Everett	98020 Edmonds/Woodway
98252 Granite Falls	98204 Everett	98021 Bothell
98271 Tulalip Reservation/Marysville	98205 Everett	98026 Edmonds
98282 Camano Island	98208 Everett	98036 Lynnwood/Brier
98292 Stanwood	98251 Gold Bar	98037 Lynnwood
	98224 Baring	98043 Mountlake Terrace
	98258 Lake Stevens	98087 Lynnwood
	98270 Marysville	98296 Snohomish
	98272 Monroe	
	98275 Mukilteo	
	98288 Skykomish	
	98290 Snohomish	
	98294 Sultan	

(d) Spokane County is divided into two planning areas as follows:

SPOKANE ONE	SPOKANE TWO
99001 Airway Heights	99003 Chattaroy
99004 Cheney	99005 Colbert

SPOKANE ONE	SPOKANE TWO
99011 Fairchild Air Force Base	99006 Deer Park
99012 Fairfield	99009 Elk
99016 Greenacres	99021 Mead
99018 Latah	99025 Newman Lake
99019 Liberty Lake	99026 Nine Mile Falls
99022 Medical Lake	99027 Otis Orchards
99023 Mica	99205 Spokane
99030 Rockford	99207 Spokane
99031 Spangle	99208 Spokane
99036 Valleyford	99217 Spokane
99037 Veradale	99218 Spokane
99201 Spokane	99251 Spokane
99202 Spokane	
99203 Spokane	
99204 Spokane	
99206 Spokane Valley	
99212 Spokane Valley	
99216 Spokane/Spokane Valley	
99223 Spokane	
99224 Spokane	

~~((16))~~ (17) "Projection year" means the fifth calendar year after the base year. For example, reviews using 2015 end-of-year data as the base year will use 2020 as the projection year.

~~((17))~~ (18) "Quality incentive program" or "QIP" means the end-stage renal disease (ESRD) quality incentive program (QIP) administered by the Centers for Medicare and Medicaid Services (CMS). The QIP measures kidney dialysis facility performance based on outcomes assessed through specific performance and quality measures that are combined to create a total performance score (TPS). The QIP and TPS are updated annually and are publicly available on the CMS DFC website.

~~((18))~~ (19) "Quintile" means any of five groups into which a population can be divided according to the distribution of values of a particular variable.

~~((19))~~ (20) "Resident in-center patients" means in-center hemodialysis (HD) patients who reside within the planning area. If more than ~~((fifty))~~ 50 percent of a kidney dialysis facility's patients reside outside Washington state, these out-of-state patients would be considered resident in-center patients.

~~((20))~~ (21) "Shelled space" means space that is constructed to meet future needs; it is a space enclosed by a building shell but otherwise unfinished inside unless the space designated for future needs is part of an existing, finished building prior to an applicant's proposed project. In that case, there is no requirement to degrade the space. The shelled space may include:

- (a) Electrical and plumbing that will support future needs;
- (b) Insulation;
- (c) Sheet rock that is taped or other similar wall coverings that are otherwise unfinished; and
- (d) Heating, ventilation, and air conditioning.

~~((21))~~ (22) "Temporary emergency situation" means a temporary emergency situation as defined in RCW 70.38.280 and WAC 246-310-825.

(23) "Training services" means services provided by a kidney dialysis facility to train patients for home dialysis. Home training spaces are not used to provide in-center dialysis treatments. Spaces

used for training are not included in the facility's station count for projecting future station need or in calculating existing station use. Stations previously designated as "training stations" may be used as in-center dialysis stations and will continue to be included in the facility's current station count for projecting future station need or in calculating existing station use. For the purpose of awarding the point for home training in the superiority criteria section (WAC 246-310-823), training services include the following:

- (a) Home peritoneal dialysis (HPD); and
- (b) Home hemodialysis (HHD).

AMENDATORY SECTION (Amending WSR 17-04-062, filed 1/27/17, effective 1/1/18)

WAC 246-310-803 Kidney disease treatment ((facilities)) centers

—Data reporting requirements. (1) By February 15th or the first working day thereafter of each year, each provider will electronically submit the following data elements for each of its kidney dialysis facilities in the state of Washington and each out-of-state kidney dialysis facility that might be used in an application review during the next year (an out-of-state kidney dialysis facility may be used as one of the three closest facilities for a future project during the next year pursuant to WAC 246-310-827):

(a) Cost report data for the most recent calendar or fiscal year reporting period for which data is available reported to the Centers for Medicare and Medicaid Services (CMS) that is used to calculate net revenue per treatment; and

(b) Data reported to providers by CMS for the most recent calendar or fiscal year reporting period for which data is available to identify the percentage of nursing home patients and the average number of comorbid conditions.

(2) A provider's failure to submit complete data elements identified in subsection (1)(a) and (b) of this section in the format identified by the department for a facility by the deadline in subsection (1) of this section or whose data for a facility is not complete on the DFC report or QIP report (medicare website) will result in automatic rejection of concurrent review applications for that provider until the following year's data report deadline unless an exemption is granted pursuant to subsection (3) of this section. Corrections to the DFC report, as noted in WAC 246-310-827(7) do not require the filing on an exemption.

(3) A provider may request an exemption from subsection (2) of this section in writing by the first working day in March. The exemption request must demonstrate that reasonable efforts were made to timely submit the required data elements in subsection (1)(a) and (b) of this section. An exemption request based on missing data in the DFC report or QIP report should demonstrate the absence of data is not the result of failure to report to medicare. The department has sole discretion to grant these exemptions. The department will review all submitted exemption requests and respond with a decision by the first working day in April.

(4) Within ((ten)) 10 working days, providers must report to the department the date that kidney dialysis stations first became operational for the following:

- (a) New kidney dialysis facility;
- (b) Stations added to an existing kidney dialysis facility; or
- (c) Relocated stations of a kidney dialysis facility.

(5) The department will confirm it has received the required data in subsections (1) and (4) of this section as well as any exemption requests in subsection (3) of this section via email within (~~ten~~) 10 working days of receipt.

(6) The department will publish on its website the date that the stations in subsection (4) of this section became operational.

AMENDATORY SECTION (Amending WSR 17-04-062, filed 1/27/17, effective 1/1/18)

WAC 246-310-806 Kidney disease treatment ((facilities)) centers
—Concurrent review cycles. The department will review kidney dialysis facility applications using the concurrent review cycles described in this section, unless the application was submitted as described in subsection (9) of this section. There are four concurrent review cycles each year.

(1) Applicants must submit applications for review according to the following table:

Concurrent Review Cycle	Letters of Intent Due	Application Submission Period			Department Action	Application Review Period		
		Receipt of Initial Application	End of Screening Period	Applicant Response		Public Comment Period (includes public hearing if requested)	Rebuttal Period	Exparte Period
Special Circumstances 1	First working day of April of each year.	First working day of May of each year.	May 15 or the first working day thereafter.	June 15 or the first working day thereafter.	June 22 or the first working day thereafter.	30-Day Public comment period (including public hearing). Begins June 23 or the first working day thereafter	7-Day Rebuttal period. Applicant and affected party response to public comment.	15-Day Exparte period. Department evaluation and decision.
Nonspecial Circumstance Cycle 1	First working day of May of each year.	First working day of June of each year.	Last working day of June .	Last working day of July .	August 5 or the first working day thereafter.	30-Day Public comment period (including public hearing). Begins August 6 or the first working day thereafter.	30-Day Rebuttal period. Applicant and affected party response to public comment.	75-Day Exparte period. Department evaluation and decision.
Special Circumstances 2	First working day of October of each year.	First working day of November of each year.	November 15 or the first working day thereafter.	December 15 or the first working day thereafter.	December 22 or the first working day thereafter.	30-Day Public comment period (including public hearing).	7-Day Rebuttal period.	15-Day Exparte period.

Concurrent Review Cycle	Letters of Intent Due	Application Submission Period			Department Action	Application Review Period		
		Receipt of Initial Application	End of Screening Period	Applicant Response		Public Comment Period (includes public hearing if requested)	Rebuttal Period	Exparte Period
					Beginning of Review	Begins December 23 or the first working day thereafter.	Applicant and affected party response to public comment.	Department evaluation and decision.
Nonspecial Circumstances Cycle 2	First working day of November of each year.	First working day of December of each year.	Last working day of December .	Last working day of January .	February 5 or the first working day thereafter.	30-Day Public comment period (including public hearing). Begins February 6 or the first working day thereafter.	30-Day Rebuttal period. Applicant and affected party response to public comment.	75-Day Exparte period. Department evaluation and decision.

(2) The department should complete a nonspecial circumstance concurrent review cycle within nine months, which begins the first day after letters of intent are due for that particular review cycle. The department should complete the regular review process within six months, which begins the first day after the letters of intent are due for that particular review cycle.

(3) The department will notify applicants (~~(fifteen)~~) 15 days prior to the scheduled decision date if it is unable to meet the decision deadline on the applications. In that event, the department will establish and commit to a new decision date.

(4) When two or more applications are submitted for the same planning area, the department will first evaluate each application independently for meeting the applicable standards described in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240. If two or more applications independently meet those four standards, the department will apply the superiority criteria in WAC 246-310-827 to determine the superior application under WAC 246-310-240(1).

(5) An applicant receiving points for the purposes of the superiority criteria under WAC 246-310-827 (3)(e), (f), or (g) may only apply for station need in one planning area per review cycle.

(6) An applicant receiving points for purposes of the superiority criteria under WAC 246-310-827 (3)(e), (f), or (g) must operate the newly awarded stations for a period of time long enough to have a full year of data reporting medicare cost report worksheets and a full year of data reporting the dialysis facility report prior to any future applications.

(7) The department will not accept new nonspecial circumstance applications for a planning area if there are any nonspecial circumstance applications for which the certificate of need program has not made a decision in that planning area filed under a previous concurrent review cycle. This restriction does not apply if the department has not made a decision on the pending applications within the review timelines of nine months for a concurrent review and six months for a regular review. This restriction also does not apply to special circumstance applications.

(8) The department may convert the review of a nonspecial circumstance application that was initially submitted under a concurrent review cycle to a regular review process if the department determines that the nonspecial circumstance application does not compete with another nonspecial circumstance application.

(9) Pending certificate of need applications. Kidney dialysis facility applications submitted prior to the effective date of these rules will be reviewed and action taken based on the rules that were in effect on the date the applications were received.

AMENDATORY SECTION (Amending WSR 17-04-062, filed 1/27/17, effective 1/1/18)

WAC 246-310-812 Kidney disease treatment ((facilities)) centers
—Methodology. A kidney dialysis facility that provides hemodialysis or peritoneal dialysis, training, or backup must meet the following standards in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(1) Applications for new stations may only address projected station need in the planning area in which the facility is to be located.

(a) If there is no existing facility in an adjacent planning area, the application may also address the projected station need in that planning area.

(b) Station need projections must be calculated separately for each planning area within the application.

(2) Data used to project station need must be the most recent five-year resident end-of-year in-center patient data available from the ((Northwest Renal)) Network as of the letter of intent submission date, concluding with the base year at the time of application.

(3) Projected station need must be based on 4.8 resident in-center patients per station (4.8 planning area) for all planning areas except Adams, Columbia, Douglas, Ferry, Garfield, Jefferson, Kittitas, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, San Juan, Skamania, Stevens, Wahkiakum, and Whitman counties. The projected station need for these exception planning areas must be based on 3.2 resident in-center patients per station (3.2 planning area).

(4) The number of dialysis stations projected as needed in a planning area will be determined by using the following methodology:

(a) Determine the type of regression analysis to be used to project resident in-center station need by calculating the annual growth rate in the planning area using the end-of-year number of resident in-center patients for each of the previous six consecutive years, concluding with the base year.

(i) If the planning area has experienced less than six percent growth in any of the previous five annual changes calculations, use linear regression to project station need; or

(ii) If the planning area has experienced six percent or greater growth in each of the previous five annual changes, use nonlinear (exponential) regression to project station need.

(b) Project the number of resident in-center patients in the projection year using the regression type determined in (a) of this subsection. When performing the regression analysis use the previous five consecutive years of end-of-year data concluding with the base year.

For example, if the base year is 2015, use end-of-year data for 2011 through 2015 to perform the regression analysis.

(c) Determine the number of dialysis stations needed to serve resident in-center patients in the planning area in the projection year by dividing the result of (b) of this subsection by the appropriate resident in-center patient per station number from subsection (3) of this section. In order to assure access, fractional numbers are rounded up to the nearest whole number. For example, 5.1 would be rounded to 6.0. Rounding to a whole number is only allowed for determining the number of stations needed.

(d) To determine the net station need for a planning area, subtract the number calculated in (c) of this subsection from the total number of certificate of need approved stations located in the planning area. This number does not include the one department recognized exempt isolation station defined in WAC 246-310-800(9), nor does it include any dialysis stations added during a temporary emergency situation. For example, a kidney dialysis facility that is certificate of need approved and certified for ~~((eleven))~~ 11 stations would subtract the one exempt isolation station and use ~~((ten))~~ 10 stations for the methodology calculations.

(5) Before the department approves new in-center kidney dialysis stations in a 4.8 planning area, all certificate of need counted stations at each facility in the planning area must be operating at 4.5 in-center patients per station. However, when a planning area has one or more facilities with stations not meeting the in-center patients per stations standard, the department will consider the 4.5 in-center patients per station standard met for those facilities when:

(a) All stations for a facility have been in operation for at least three years, excluding temporary emergency situation stations; or

(b) Certificate of need approved stations for a facility have not become operational within the timeline as represented in the approved application. For example, an applicant states the stations will be operational within eight months following the date of the certificate of need approval. The eight months would start from the date of an uncontested certificate of need approval. If the certificate of need approval is contested, the eight months would start from the date of the final department or judicial order. However, the department, at its sole discretion, may approve a one-time modification of the timeline for purposes of this subsection upon submission of documentation that the applicant was prevented from meeting the initial timeline due to circumstances beyond its control.

Both resident and nonresident patients using the kidney dialysis facility are included in this calculation. Data used to make this calculation must be from the most recent quarterly modality report from the ~~((Northwest Renal))~~ Network as of the letter of intent submission date; or

(c) If a facility was affected by a temporary emergency situation at the time of the patient census estimates presented in the most recent quarterly modality report from the Network as of the letter of intent submission date, then the in-center census data for the affected facility must come from the quarterly modality report from the Network that directly precedes the date that the temporary emergency situation exemption request was submitted to the department for the affected facility.

(6) Before the department approves new in-center kidney dialysis stations in a 3.2 planning area, all certificate of need counted sta-

tions at each facility in the planning area must be operating at or above 3.2 in-center patients per station. If the certificate of need approval is contested, the eight months would start from the date of the final department or judicial order. However, when a planning area has facilities with stations not meeting the in-center patients per station standard, the department will consider the 3.2 in-center patients per station standard met for those facilities when:

(a) All stations for a facility have been in operation for at least three years, excluding temporary emergency situation stations; or

(b) Certificate of need approved stations for a facility have not become operational within the timeline as represented in the approved application. For example, an applicant states the stations will be operational within eight months following the date of the certificate of need approval. The eight months would start from the date of an uncontested certificate of need approval. However, the department, at its sole discretion, may approve a one-time modification of the timeline for the purposes of this subsection upon submission of documentation that the applicant was prevented from meeting the initial timeline due to circumstances beyond its control.

Both resident and nonresident patients using the kidney dialysis facility are included in this calculation. Data used to make this calculation must be from the most recent quarterly modality report from the ((Northwest Renal)) Network as of the letter of intent submission date; or

(c) If a facility was affected by a temporary emergency situation at the time of the patient census estimates presented in the most recent quarterly modality report from the Network as of the letter of intent submission date, then the in-center census data for the affected facility must come from the quarterly modality report from the Network that directly precedes the date that the temporary emergency situation exemption request was submitted to the department for the affected facility.

(7) If a facility was affected by a temporary emergency situation other than a staffing shortage, the department will continue to include the affected facility's total number of certificate of need approved permanent stations in the supply for the planning area, unless, in the department's discretion, including the affected facility's stations in the supply would negatively impact access to dialysis services.

(8) When there are relocated stations within a planning area pursuant to WAC 246-310-830(3) and data is not available for the relocated stations, the department will use the station use rate from the previous location as reported on the last quarterly modality report from ((Northwest Renal)) the Network.

((+8)) (9) If a provider, including any affiliates, submits multiple applications for projected need in a planning area, the department will use the following process:

(a) Each application will be scored as an individual application to determine superiority.

(b) The sum of the stations requested in the applications cannot exceed the projected need at the time of applications in the planning area.

AMENDATORY SECTION (Amending WSR 17-04-062, filed 1/27/17, effective 1/1/18)

WAC 246-310-815 Kidney disease treatment ((facilities)) centers—Financial feasibility. (1) The kidney dialysis facility must demonstrate positive net income by the third full year of operation.

(a) The calculation of net income is a subtraction of all operating and nonoperating expenses, including appropriate allocated and overhead expenses, amortization and depreciation of capital expenditures from total revenue generated by the kidney dialysis facility.

(b) Existing facilities. Revenue and expense projections for existing facilities must be based on that facility's current payor mix and current expenses.

(c) New facilities.

(i) Revenue projections must be based on the net revenue per treatment of the applicant's three closest dialysis facilities.

(ii) Known expenses must be used in the pro forma income statement. Known expenses may include, but are not limited to, rent, medical director agreement, and other types of contracted services.

(iii) All other expenses not known must be based on the applicant's three closest dialysis facilities.

(iv) If an applicant has no experience operating kidney dialysis facilities, the department will use its experience in determining the reasonableness of the pro forma financial statements provided in the application.

(v) If an applicant has one or two kidney dialysis facilities, revenue projections and unknown expenses must be based on the applicant's operational facilities.

(2) An applicant proposing to construct finished treatment floor area square footage that exceeds the maximum treatment floor area square footage defined in WAC 246-310-800(11) will be determined to have an unreasonable impact on costs and charges and the application will be denied. This does not preclude an applicant from constructing shelled space.

AMENDATORY SECTION (Amending WSR 17-04-062, filed 1/27/17, effective 1/1/18)

WAC 246-310-818 Special circumstances one- or two-station expansion—Eligibility criteria and application process. (1) The department will approve one or two additional special circumstance stations for an existing kidney dialysis facility (facility) if it meets the following criteria, regardless of whether the need methodology in WAC 246-310-812 projects a need for additional stations in the planning area:

(a) For 4.8 planning areas, the facility has operated at or above an average of 5.0 patients per station for the most recent six consecutive month period preceding the letter of intent submission date for which data is available. Data used to determine patients per station must be obtained from the ((~~Northwest Renal~~)) Network; or

(b) For 3.2 planning areas, the facility has operated at or above an average of 3.5 patients per station for the most recent six consecutive month period preceding the letter of intent submission date for

which data is available. Data used to determine patients per station must be obtained from the ((~~Northwest Renal~~)) Network; and

(c) The facility can accommodate one or two additional stations within its existing building, which may include shelled space. If renovation is needed to accommodate the additional station(s), renovation must be within the existing building.

(2) The department may approve special circumstance station expansions even if other kidney dialysis facilities not owned or affiliated with the applicant in the planning area are below the minimum patients per station operating thresholds set by WAC 246-310-812 (5) or (6).

(3) A facility approved for two special circumstance stations under subsection (1) of this section is not eligible for further special circumstance expansions under this subsection until the department awards additional nonspecial circumstances kidney dialysis stations in the planning area.

(4) As of the effective date of these rules, a facility that has relocated all or part of its stations may not request a special circumstance one- or two-station expansion until three years have lapsed from the date the stations become operational. The three-year prohibition applies to any new kidney dialysis facility or facilities whose station count is changed by the relocation of stations. The three-year prohibition will be retrospectively applied only to kidney dialysis facilities that were approved for partial or complete relocation after January 1, 2015.

(5) For 4.8 planning areas, a facility is ineligible for a special circumstance one- or two-station expansion if the owner or affiliate has approved certificate of need stations in the planning area that have operated below an average of 4.5 patients per station for the most recent six consecutive month period preceding the letter of intent submission date. Data used to calculate patients per station must be obtained from the ((~~Northwest Renal~~)) Network.

(6) For 3.2 planning areas, a facility is ineligible for a special circumstance one- or two-station expansion if the owner or affiliate has approved certificate of need stations in the planning area that have operated below an average of 3.2 patients per station for the most recent six consecutive month period preceding the letter of intent submission date. Data used to calculate patients per station must be obtained from the ((~~Northwest Renal~~)) Network.

(7) For 4.8 planning areas, a special circumstance one- or two-station expansion will not be approved if, with the requested new station(s), the applicant's kidney dialysis facility would fall below a calculated 4.5 patients per station. Data used to make this calculation is the average patients per station from subsection (1)(a) of this section.

(8) For 3.2 planning areas, a special circumstance one- or two-station expansion will not be approved if, with the requested new stations(s), the applicant's kidney dialysis facility would fall below a calculated 3.0 patient per station. Data used to make this calculation is the average patients per station from subsection (1)(b) of this section.

(9) If a provider operates one or more kidney dialysis facilities within a planning area and applies for a special circumstance one- or two-station expansion in the planning area the department will not accept a letter of intent from that provider for additional stations to meet projected planning area need in the next nonspecial circumstance concurrent review cycle.

(10) Station(s) approved under this section must be operational within six months of approval, otherwise the approval is revoked.

(11) The department will provide a special circumstance one- or two-station expansion application form that incorporates the criteria for certificate of need approval. The application will not be approved unless the criteria are met. Special circumstance applications are evaluated independently of one another and accordingly without reference to the superiority criteria set forth in WAC 246-310-827. Therefore, multiple special circumstance applications may be approved in the same planning area during the same concurrent review cycle.

(12) Applicants must submit special circumstance one- or two-station expansion applications according to the schedule set forth in WAC 246-310-806(1).

(13) Special circumstance station applications will be treated as approved and will reduce net station need in the planning area when no nonspecial circumstance applications decisions are pending within the planning area. Special circumstance application approvals will not result in a reduction of net station need in the planning area when nonspecial circumstance application approvals decisions are pending within the planning area.

(14) The department will review special circumstance requests with the following considerations related to temporary emergency stations defined in WAC 246-310-825 and RCW 70.38.280.

(a) All calculations described in this section exclude temporary emergency stations.

(b) A facility that operated temporary emergency stations due to a staffing shortage emergency situation, during the most recent six consecutive month period preceding the letter of intent submission date, is eligible to apply for special circumstances, if it has met all eligibility criteria described in this section. Facilities operating temporary emergency stations during this period for temporary emergency situations other than staffing shortages are ineligible for special circumstance expansions.

(c) Pursuant to RCW 70.38.280 (2)(d), a facility that operated temporary emergency stations due to a staffing shortage emergency situation may not exceed the number of patients served at the time of the exemption request. All calculations described in this section for the review of a facility that operated temporary emergency stations due to staffing shortage emergency will have its patient census reported in the Network data limited to a maximum of the patients served at the time of the emergency request for the months when the temporary emergency was in effect.

AMENDATORY SECTION (Amending WSR 17-04-062, filed 1/27/17, effective 1/1/18)

WAC 246-310-821 Kidney disease treatment ((facilities)) centers —Standards for planning areas without an existing facility. (1) Columbia, Ferry, Garfield, Klickitat, Lincoln, Pend Oreille, San Juan, Skamania, Stevens, Wahkiakum, and Whitman counties do not have an existing kidney dialysis facility as of the effective date of these rules. The department will award the first project proposing to establish a facility in each of these planning areas as follows:

(a) A minimum of four stations, provided the project meets applicable review criteria and standards; and

(b) The facility must be projected to operate at 3.2 in-center patients per station by the third full year of operation. For purposes of this subsection, the applicant may supplement data obtained from the ((Northwest Renal)) Network with other documented demographic and utilization data to demonstrate station need.

(2) Once a county no longer qualifies under subsection (1) of this section, the county remains a 3.2 in-center patient per station county. As of the effective date of these rules, Adams, Douglas, Jefferson, Kittitas, Okanogan, Pacific, and Stevens counties are also identified as 3.2 in-center patient per station counties.

AMENDATORY SECTION (Amending WSR 17-04-062, filed 1/27/17, effective 1/1/18)

WAC 246-310-824 Kidney disease treatment centers—Exceptions.

The department will not approve new stations in a planning area if the projections in WAC 246-310-812(4) show no net need, and will not approve more than the number of stations projected as needed unless:

(1) The proposed project qualifies under WAC 246-310-818 for special circumstances one- or two-station expansions; or

(2) All other applicable review criteria and standards have been met; and

(3) One or more of the following have been met:

(a) The department finds the additional stations are needed to be located reasonably close to the people they serve; or

(b) Existing dialysis stations in the kidney dialysis facility requesting the exception are operating at 5.5 patients for a 4.8 planning area or, 3.7 patients per station for the 3.2 planning areas. Data used to make this calculation must be from the most recent quarterly modality report from the ((Northwest Renal)) Network as of the letter of intent submission date; or

(c) The applicant documents a significant change in ESRD treatment practice has occurred, affecting dialysis station use in the planning area; and

(4) The department finds that exceptional circumstances exist within the planning area and explains the approval of additional stations in writing.

NEW SECTION

WAC 246-310-825 Kidney disease treatment centers—Temporary emergency situation exemption. The department may grant a kidney disease treatment center an exemption to exceed its authorized number of dialysis stations during a temporary emergency situation.

(1) In addition to the temporary emergency situations identified in RCW 70.38.280(2), the following are defined as temporary emergency situations:

(a) Any state or federal emergency declaration issued by a state or federal entity that has a direct impact on availability, opera-

tions, or patient access to kidney dialysis services in Washington state; and

(b) Any other temporary emergency situations that in the department's discretion constitute a "temporary emergency situation."

(2) For purposes of RCW 70.38.280 (2) (d), the following definitions apply:

(a) "Staffing shortage" means that kidney disease treatment center does not have sufficient staff to safely provide treatment.

(b) "Reconfiguration" means the addition of dialysis stations to facilitate the delivery of dialysis services, provided the facility does not exceed the number of patients served at the time of the exemption request.

(3) In order to be granted a temporary emergency situation exemption, a kidney disease treatment center must make a written request to the department consistent with RCW 70.38.280(3). In addition to the information required in RCW 70.38.280(3), the following information is required:

(a) A specific description of the actions the kidney disease treatment center will take to address the temporary emergency situation;

(b) For temporary emergency situations other than those caused by staffing shortages, identify each facility expected to be affected by the temporary emergency situation. Facilities expected to be affected by the temporary emergency situation includes the facility requesting temporary emergency stations and any facility that suspends operations due to circumstances that qualify as a temporary emergency situation;

(c) The number of stations the facility intends to add during the duration of the temporary emergency situation;

(d) The number of shifts the facility proposes to operate during the duration of the temporary emergency situation; and

(e) Whether a capital expenditure will be made to remedy the temporary emergency situation.

(4) A kidney disease treatment center may submit a temporary emergency situation exemption request at any time and is not subject to the concurrent review cycles for kidney disease treatment centers in WAC 246-310-806.

(5) A kidney disease treatment center's certificate of need shall remain in full effect even if the facility is required to suspend operations, in part or in its entirety, only if partial or full facility closure is due to circumstances that qualify under WAC 246-310-825(1) and the department approves a temporary emergency situation exemption request. The facility may restore its full approved stations once the temporary emergency has ended without having to reapply for certificate of need approval.

AMENDATORY SECTION (Amending WSR 17-04-062, filed 1/27/17, effective 1/1/18)

WAC 246-310-827 Kidney disease treatment ((facilities)) centers —Superiority criteria. For purposes of determining which of the competing applications should be approved, the criteria in this section will be used as the only means for comparing two or more applications to each other. No other criteria or measures will be used in comparing two or more applications to each other under any of the applicable

subcriteria within WAC 246-310-210, 246-310-220, 246-310-230 or 246-310-240.

(1) An application will be denied if it fails to meet any criteria under WAC 246-310-210, 246-310-220, 246-310-230, or 246-310-240 (2) or (3).

(2) An application will be denied if the applicant has one or more kidney dialysis facilities in the planning area not meeting the 4.5 or 3.2 in-center patients per station standards required in WAC 246-310-812 (5) or (6) as of the most recent quarterly report from the (~~Northwest Renal~~) Network as of the date of the letter of intent.

(3) When available, Washington facilities must be used as comparables, as follows:

(a) For existing kidney dialysis facilities proposing to expand, use data for the existing facility plus the next two closest Washington facilities as comparables owned by or affiliated with the applicant as measured by a straight line. Straight lines will be calculated using "Google Maps" or equivalent mapping software (mileage calculated out to two decimal points, no rounding).

(b) For new kidney dialysis facilities, use data for the next three closest facilities as comparables owned by or affiliated with the applicant as measured by a straight line from the proposed new kidney dialysis facility location. Straight lines will be calculated using "Google Maps" or equivalent mapping software (mileage calculated out to two decimal points, no rounding).

(c) The number of applications per concurrent review cycle that rely on the same three comparables is limited to two.

(d) If complete medicare data is not available for any of the kidney dialysis facilities and a facility has been granted a department exemption in WAC 246-310-803(3), then that facility will not be used as a comparable and the next closest facility should be used as a comparable.

(e) If the applicant currently does not own or is not affiliated with any kidney dialysis facility, the department will assign the following points:

(i) The median quintile points for those superiority measures using quintiles (excluding net revenue per treatment);

(ii) Two points for standardized mortality ratio (SMR);

(iii) Two points for standardized hospitalization ratio (SHR);

and

(iv) Any remaining points for other measures will be based on the representations made in the application.

(f) If the applicant owns or is affiliated with one existing kidney dialysis facility in total, the department will assign the facility's actual points as follows:

(i) The actual quintile points for those superiority measures using quintiles;

(ii) The actual points for SMR;

(iii) The actual points for SHR; and

(iv) Any remaining points for other measures will be based on the representations made in the application.

(g) If the applicant owns or is affiliated with two existing kidney dialysis facilities in total, the department will average the facility's scores as follows:

(i) The average quintile points for those superiority measures using quintiles;

(ii) The average points for SMR;

(iii) The average points for SHR; and

(iv) The average of the remaining points for other measures will be based on the representations made in the applications.

(4) The following table identifies the data measures and the data sources:

Data Item	Source
Home peritoneal dialysis and home hemodialysis training (Yes or No)	DFC report
Shift beginning after 5:00 p.m.? (Yes or No)	DFC report
Nursing home residents percentage (quintile)	Dialysis facility report (DFR)
Average number of comorbidities claimed (quintile)	Dialysis facility report (DFR)
Standardized mortality ratio performance (SMR) (better than expected, as expected, worse than expected)	DFC report - 4 year
Standardized hospitalization ratio performance (SHR) (better than expected, as expected, worse than expected)	DFC report - 1 year
Medicare total performance score (quintile)	QIP report
Net revenue per treatment (quintile)	Department calculation from medicare cost report. Divide total revenue by total treatments.

(5) The department will obtain the medicare QIP total performance scores (QIP Report) and the kidney dialysis facility compare reports (DFC Report) from the medicare website on the first working day in February.

(6) The department will determine the quintile scores and non-quintile scores. The department will calculate the quintile scores using the following process for each quintile measure:

(a) For all kidney dialysis facilities for which data is available, sort the facilities from most favorable to least favorable according to the identified data.

(b) Use the percent rank formula using Excel to create the percentile ranking for each kidney dialysis facility in the data set. The array used in the formula is the data set of available facility data identified for that measure.

(c) Assign quintile and nonquintile scores using the following methods:

(i) Quintile measures. For nursing home resident percentage, number of comorbidities, and QIP total performance score measures, the department will determine the quintile scores using the following process:

(A) Dialysis facilities with a percentile ranking of ~~((eighty))~~ 80 percent or higher get five points.

(B) Dialysis facilities with a percentile ranking less than ~~((eighty))~~ 80 percent and greater than or equal to ~~((sixty))~~ 60 percent get four points.

(C) Dialysis facilities with a percentile ranking less than ~~((sixty))~~ 60 percent and greater than or equal to ~~((forty))~~ 40 percent get three points.

(D) Dialysis facilities with a percentile ranking less than ~~((forty))~~ 40 percent and greater than or equal to ~~((twenty))~~ 20 percent get two points.

(E) Dialysis facilities with a percentile ranking below ~~((twenty))~~ 20 percent get one point.

(ii) Quintile measure. For the net revenue per treatment measure, the department will determine the quintile scores using the following process:

(A) Dialysis facilities with a percentile ranking of ~~((eighty))~~ 80 percent or higher get one point.

(B) Dialysis facilities with a percentile ranking less than ~~((eighty))~~ 80 percent and greater than or equal to ~~((sixty))~~ 60 percent get two points.

(C) Dialysis facilities with a percentile ranking less than ~~((sixty))~~ 60 percent and greater than or equal to ~~((forty))~~ 40 percent get three points.

(D) Dialysis facilities with a percentile ranking less than ~~((forty))~~ 40 percent and greater than or equal to ~~((twenty))~~ 20 percent get four points.

(E) Dialysis facilities with a percentile ranking below ~~((twenty))~~ 20 percent get five points.

(F) Hospitals that do not have a cost report may submit net revenue per treatment actuals from the previous year. Hospitals must also submit a signed attestation stating the net revenue per treatment data is accurate.

(iii) Nonquintile measures. The department will determine the nonquintile scores using the following process:

(A) Dialysis facilities that offer training services are given one point.

(B) Dialysis facilities that offer a shift that begins after 5 p.m. are given one point.

(C) The department will determine SMR points for dialysis facilities as follows:

(I) "Better than expected" get four points.

(II) "As expected" get two points.

(III) "Worse than expected" get 0 points.

(D) The department will determine SHR points for dialysis facilities as follows:

(I) "Better than expected" get four points.

(II) "As expected" get two points.

(III) "Worse than expected" get 0 points.

(E) The department will assign two points for an "as expected" score for dialysis facilities missing only SMR data from the DFC report, provided the facility was granted an exception under WAC 246-310-803(3).

(7) The department will publish the data set including resulting scores and quintiles for all kidney dialysis facilities for review no later than March 15th or the first working day thereafter. The data set, including resulting scores and quintiles, will remain open for review and any person may propose the correction of data to the de-

partment for seven calendar days. Correction of data may be proposed as follows:

(a) Training services (HPD and HHD): The department will accept a copy of a medicare certification for training services (HPD and HHD) as evidence that a kidney dialysis facility provides these services, regardless of what is represented in the DFC report.

(b) Data related to a shift beginning after 5 p.m.: The department will accept an attestation that a facility either operates a shift beginning after 5 p.m. or will operate that shift if there is a need, regardless of what is represented in the DFC report.

(c) The department will publish the final data set, including resulting scores and quintiles, no later than the first working day in April.

(8) The department will do the following analysis in order to determine the superior application:

(a) Create the comparable kidney dialysis facility set for each application per subsection (3) of this section.

(b) Determine the individual measure scores for each application by taking the simple average of the comparable scores for each measure.

(c) Determine the total score in the following manner according to the table below:

Data Items:	Calculation of Points	Score
Home training	The average score of comparable facilities rounded up to two decimal places.	
Shift beginning after 5 p.m.	The average score of comparable facilities rounded up to two decimal places.	
Nursing home residents	Average quintile score of comparable facilities rounded up to two decimal places.	
Average number of comorbid conditions	Average quintile score of comparable facilities multiplied by 1.25 and rounded up to two decimal places.	
Standardized mortality ratio	Average score of comparable facilities rounded up to two decimal places.	
Standardized hospitalization ratio	Average score of comparable facilities rounded up to two decimal places.	
QIP total performance score	Average quintile score of comparable facilities multiplied by 2.0 and rounded up to two decimal places.	

Data Items:	Calculation of Points	Score
Net revenue per treatment	Average quintile score of comparable facilities rounded down to two decimal places.	
Total score	Sum each of these individual average scores to arrive at total score.	

(9) The application with the highest total score will be the superior alternative for the purpose of meeting WAC 246-310-240(1).

(10) After applying the superiority criterion in this section, if applications are tied, the department will use the following process to determine the superior alternative:

(a) An applicant that was assigned points under subsection (3)(e) of this section in the superiority analysis will be considered the superior alternative; if no applicant was assigned points under subsection (3)(e) of this section, apply (b) of this subsection:

(b) The applicant with the highest average QIP total performance score will be considered the superior alternative;

(c) If applications have the same average QIP total performance score, the applicant with the lowest average net revenue per treatment will be considered the superior alternative.

AMENDATORY SECTION (Amending WSR 17-04-062, filed 1/27/17, effective 1/1/18)

WAC 246-310-830 Kidney disease treatment (~~facilities~~) centers —Relocation of facilities. (1) When an existing facility proposes to relocate any of its stations to another planning area, a new health care facility is considered to be established under WAC 246-310-020 (1)(a).

(2) When an existing kidney dialysis facility proposes to relocate a portion but not all of its stations within the same planning area, a new health care facility is considered to be established under WAC 246-310-020 (1)(a).

(3) When an existing kidney dialysis facility proposes to relocate a portion but not all of its stations to an existing facility, it will be considered a station addition under WAC 246-310-020 (1)(e).

(4) When an entire existing kidney dialysis facility proposes to relocate all of its stations within the same planning area, a new health care facility is not considered to be established under WAC 246-310-020 (1)(a) if:

(a) The existing kidney dialysis facility ceases operation after the relocation;

(b) No new stations are added to the replacement kidney dialysis facility. The maximum treatment floor area square footage as defined in WAC 246-310-800 (11)(a) is limited to the number of certificate of need stations that were approved at the existing facility;

(c) There is no break in service between the closure of the existing kidney dialysis facility and the operation of the replacement facility;

(d) The existing facility has been in operation for at least five years at its present location; and

(e) The existing kidney dialysis facility has not been purchased, sold, or leased within the past five years.

(5) Station use rates at new facilities created by the total relocation of an existing facility or the partial relocation of an existing facility should not be a barrier to the addition of new stations projected as needed for the planning area. In 4.8 planning areas, the station use rate will be counted as 4.5 in-center patients per station. If the department has had to count the station use at 4.5 under the need methodology described in WAC 246-310-812(5), the facility may not request additional stations at the new facility for three years from the date the stations become operational or the facility meets the 4.5 station use standard, whichever comes first. Data used to make this determination will be the most recent (~~Northwest Renal~~) Network quarterly modality report available as of the letter of intent submission date.

(6) Station use rates at new facilities created by the total relocation of an existing facility or the partial relocation of an existing facility should not be a barrier to the addition of new stations projected as needed for the planning area. In 3.2 planning areas, the station use rate will be counted as 3.2 in-center patients per station. If the department has had to count the station use at 3.2 under the need methodology described in WAC 246-310-812(6), the facility may not request additional stations at the new facility for three years from the date the stations become operational or the facility meets the 3.2 station use standard, whichever comes first. Data used to make this determination will be the most recent (~~Northwest Renal~~) Network quarterly modality report available as of the letter of intent submission date.

AMENDATORY SECTION (Amending WSR 17-04-062, filed 1/27/17, effective 1/1/18)

WAC 246-310-833 One-time state border kidney dialysis facility station relocation. (1) When an existing owner-operator of a Washington state kidney dialysis facility is also the owner-operator of a kidney dialysis facility in a contiguous Idaho or Oregon county, the department will not consider a facility that combines the Washington facility and the out-of-state facility to be a new health care facility under WAC 246-310-020(1) provided all of the following criteria are satisfied:

(a) The Washington state kidney dialysis facility is located in Asotin, Benton, Clark, Columbia, Cowlitz, Garfield, Klickitat, Pend Oreille, Skamania, Wahkiakum, Walla Walla, or Whitman counties;

(b) The kidney dialysis facility is the sole provider of dialysis services in the Washington state county;

(c) The kidney dialysis facility is the sole provider of dialysis services in the contiguous Idaho or Oregon county;

(d) The replacement kidney dialysis facility will be located in the same county or planning area as the current Washington state facility;

(e) Both existing kidney dialysis facilities cease operation;

(f) There is no break in service between the closure of the existing kidney dialysis facilities and the operation of the replacement facility;

(g) There has been no change in ownership of either the Washington kidney dialysis facility or out-of-state kidney dialysis facility for at least five years prior to applying for the exemption under this section;

(h) Each existing kidney dialysis facility has been operated by the current provider for a minimum of five years prior to applying for the exemption under this section;

(i) Each existing kidney dialysis facility has been operating at its current location for a minimum of five years prior to applying for the exemption under this section;

(j) The department has not granted a previous exemption under the provisions of this section; and

(k) The number of stations at the replacement kidney dialysis facility does not exceed the total of:

(i) All stations from the Washington state kidney dialysis facility; and

(ii) Using the 4.8 patients per station standard, the stations necessary for the number of patients receiving dialysis at the out-of-state kidney dialysis facility as reported on the most recent (~~Northwest Renal~~) Network quarterly modality report.

(2) Once a Washington state provider has requested and received its one-time exemption under the provisions of this section, the kidney dialysis facility's "resident in-center patient" will have the same meaning as all patients at the facility.

WSR 24-10-090

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed April 30, 2024, 2:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-13-016.

Title of Rule and Other Identifying Information: Discharge or transfer of patients from acute care hospitals to 23-hour crisis relief centers in Washington state. The department of health (department) is proposing to amend WAC 246-320-111 Hospital responsibilities, in order to implement 2SSB 5120 (chapter 433, Laws of 2023), an act concerning the establishment of 23-hour crisis relief centers in Washington state.

Hearing Location(s): On June 5, 2024, at 1:15 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_7en_iRktQzSFJo6sjhsioA. After registering, you will receive a confirmation email containing information about joining the webinar.

If you are in need of special accommodations to have proper access to this public hearing, such as American Sign Language interpretation or translation services, please contact Dan Overton at dan.overton@doh.wa.gov or 564-201-0579 by May 22, 2024, and we will do our best to accommodate your request.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: Dan Overton, P.O. Box 47843, Olympia, WA 98504-7843, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2321, by June 5, 2024.

Assistance for Persons with Disabilities: Contact Dan Overton, phone 564-201-0579, fax 360-236-2321, TTY 711, email dan.overton@doh.wa.gov, by May 22, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend WAC 246-320-111 Hospital responsibilities, by adding a new subsection that clarifies regulatory requirements for licensed acute care hospitals that wish to discharge or transfer a patient to a 23-hour crisis relief center.

Reasons Supporting Proposal: In 2023, 2SSB 5120 was passed, creating 23-hour crisis relief centers, a new type of behavioral health service model that will provide mental health and substance use crisis response to adults for no longer than 23 hours and 59 minutes at a time. Section 2 of 2SSB 5120 directs the department to adopt rules to develop standards for licensure or certification of 23-hour crisis relief centers. As part of this requirement, the department was instructed to coordinate with the health care authority to establish rules that prohibit a hospital that is licensed under chapter 70.41 RCW from discharging or transferring a patient to a 23-hour crisis relief center unless the hospital has a formal relationship with the 23-hour crisis relief center. The department conducted workshops and solicited input from interested parties in order to develop standards to meet the intent of the bill.

Statutory Authority for Adoption: RCW 70.41.030; and 2SSB 5120 (chapter 433, Laws of 2023), codified as RCW 71.24.916.

Statute Being Implemented: 2SSB 5120 (chapter 433, Laws of 2023), codified as RCW 71.24.916.

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: Dan Overton, 111 Israel Road S.E., Tumwater, WA 98501, 564-201-0579.

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 Dan Overton, P.O. Box 47843, Olympia, WA 98504-7843, phone 564-201-0579, fax 360-236-2321, TTY 711, email dan.overton@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: This proposed rule only applies to licensed acute care hospitals. These do not meet the definition of "small business" in RCW 19.85.020.

Scope of exemption for rule proposal:

Is fully exempt.

April 30, 2024
 Kristin Peterson, JD
 Chief of Policy
 for Umair A. Shah, MD, MPH
 Secretary

OTS-5313.1

AMENDATORY SECTION (Amending WSR 09-07-050, filed 3/11/09, effective 4/11/09)

WAC 246-320-111 Hospital responsibilities. This section identifies a hospital obligation, actions and responsibilities to comply with the hospital law and rules.

(1) Hospitals must:

- (a) Comply with chapter 70.41 RCW and this chapter;
- (b) Only set up inpatient beds within the licensed bed capacity approved by the department or the medicare provider agreement; and
- (c) Receive approval for additional inpatient beds as required in chapter 70.38 RCW before exceeding department approved bed capacity.

(2) A hospital accredited by the Joint Commission or American Osteopathic Association must:

- (a) Notify the department of an accreditation survey within two business days following completion of the survey; and
- (b) Notify the department in writing of the accreditation decision and any changes in accreditation status within ((thirty)) 30 calendar days of receiving the accreditation report.

(3) A hospital that wishes to discharge or transfer an inpatient to a 23-hour crisis relief center, as defined in RCW 71.24.025, that is not owned and operated by the hospital, must have a documented formal relationship, such as an agreement or memorandum of understanding,

with the 23-hour crisis relief center the patient will be discharged or transferred to.

WSR 24-10-094

PROPOSED RULES

STATE BOARD OF HEALTH

[Filed April 30, 2024, 2:38 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: Chapter 246-500 WAC, Handling of human remains. The state board of health (board) is proposing amending parts of the rule to align with the changes to RCW 68.50.230 prescribed in SHB 1974, which passed during the 2024 legislative session.

Hearing Location(s): On June 12, 2024, at 1:30 p.m., at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662; or virtually https://us02web.zoom.us/webinar/register/WN_vifXql9mSCGxcB06RcHI0Q. The board will be holding a hybrid hearing with the option to attend and testify either via Zoom or in person.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: Shay Bauman, P.O. Box 47990, Olympia, WA 98504-7990, email shay.bauman@sboh.wa.gov, by May 31, 2024.

Assistance for Persons with Disabilities: Contact Melanie Hisaw, phone 360-236-4104, TTY 711, email melanie.hisaw@sboh.wa.gov, by June 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to update WAC 245-500-050, 246-500-053, and 246-500-055 to align with changes in statute. These rules establish the requirements for remains reduced through cremation, alkaline hydrolysis, and natural organic reduction. Under these sections, the local registrar or the department of health may issue a burial-transfer permit for the disposition of cremated remains, remains reduced through alkaline hydrolysis, or remains reduced through natural organic reduction which have been in the lawful possession of any person, firm, corporation, or association for a period of 90 days or more. The 90-day holding period is established in RCW 68.50.230, which was recently amended to 45 days. The amendment also added counties to the list of entities that may lawfully dispose of human remains after the holding period. The purpose of the proposal is to align the rule with the changes in statute.

Reasons Supporting Proposal: This change is dictated by statute. The existing rules must be amended to align with the statute and to not be in conflict. The 90-day holding period is being amended to 45 days. The proposed rules also add counties to the list of entities that may lawfully dispose of human remains to be consistent with the language in the law.

Statutory Authority for Adoption: RCW 43.20.050 (2)(f).

Statute Being Implemented: SHB 1974 (chapter 57, Laws of 2024), as codified in RCW 68.50.230.

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

Name of Proponent: Washington state board of health, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Shay Bauman, 101 Israel Road S.E., Tumwater, WA 98504, 564-669-8929; Enforcement: Funeral and Cemetary Board, 405 Black Lake Boulevard S.W., Olympia, WA 98502.

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

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is exempt under RCW 34.05.328 (5) (b) (v), rules explicitly and specifically dictated by statute.

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

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Explanation of exemptions: All of the proposed changes are dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

April 30, 2024
Michelle A. Davis
Executive Director

OTS-5351.1

AMENDATORY SECTION (Amending WSR 21-01-039, filed 12/7/20, effective 1/7/21)

WAC 246-500-050 Human remains reduced through cremation. (1)

Other than the provisions in this section and WAC 246-500-010, this chapter does not apply to human remains after cremation.

(2) A local registrar, in cooperation with the Washington state funeral and cemetery board, may issue a burial-transit permit for disposition of cremated human remains. The permit for the disposition of cremated remains may be used in connection with the transportation of cremated remains by common carrier or other means.

(3) The local registrar or the department of health may issue a burial-transit permit for the disposition of cremated human remains which have been in the lawful possession of any person, firm, corporation, county, or association for a period of (~~ninety~~) 45 days or more. This permit will specify that the disposition of cremated remains must be consistent with Washington state laws and rules.

AMENDATORY SECTION (Amending WSR 21-01-039, filed 12/7/20, effective 1/7/21)

WAC 246-500-053 Human remains reduced through alkaline hydrolysis. (1)

Other than the provisions in this section and WAC 246-500-010, this chapter does not apply to human remains after alkaline hydrolysis.

(2) A hydrolysis facility must:

(a) Operate a high-temperature purpose built vessel, that reaches a minimum temperature of (~~two hundred fifty~~) 250 degrees Fahrenheit for a minimum of (~~thirty~~) 30 minutes during the reduction process;
or

(b) Operate a purpose built vessel, for which third-party validation testing is provided demonstrating the reduction process destroys prions, and achieves sterilization in both the water and airspace, ac-

ording to the manufacturer's specifications. The testing criteria must include a matrix-assisted laser desorption/ionization time of flight (MALDI-TOF) mass spectrometry peptide sizing analysis and a ((6)) six spore log reduction or greater in the level of *Bacillus* spores. An operator shall retain this documentation on-site and be able to provide it upon request to state or local health officials.

(3) A local registrar, in cooperation with the Washington state funeral and cemetery board, may issue a burial-transit permit for disposition of human remains reduced through alkaline hydrolysis. The permit for the disposition of remains reduced through alkaline hydrolysis may be used in connection with the transportation of remains reduced through alkaline hydrolysis by common carrier or other means.

(4) The local registrar or the department of health may issue a burial-transit permit for the disposition of human remains reduced through alkaline hydrolysis which have been in the lawful possession of any person, firm, corporation, county, or association for a period of ((ninety)) 45 days or more. This permit will specify that the disposition of remains reduced through alkaline hydrolysis must be consistent with Washington state laws and rules.

AMENDATORY SECTION (Amending WSR 23-09-027, filed 4/12/23, effective 5/13/23)

WAC 246-500-055 Human remains reduced through natural organic reduction. (1) Other than the provisions of this section and WAC 246-500-010, this chapter does not apply to human remains after natural organic reduction.

(2) A natural organic reduction facility operator shall:

(a) Collect material samples for analysis that are representative of each instance of natural organic reduction using a sampling method such as described in the U.S. Composting Council 2002 Test Methods for the Examination of Composting and Compost, Method 02.01-A through E;

(b) Analyze each instance of reduced human remains for physical contaminants. Reduced remains must have less than 0.01 mg/kg dry weight of physical contaminants which include, but are not limited to, intact bone, dental fillings, and medical implants;

(c) Analyze, using a third-party laboratory, the reduction facility's reduced human remains according to the following schedule:

(i) The reduction facility's initial 20 instances of reduced human remains for the parameters identified in Table 500-A, and any additional instances of human remains necessary to achieve 20 reductions meeting the limits identified in Table 500-A;

(ii) Following 20 reductions meeting limits outlined in Table 500-A, analyze, at minimum, 25 percent of a facility's monthly instances of reduced human remains for the parameters identified in Table 500-A until 80 total instances have met the requirements in Table 500-A;

(iii) The local health jurisdiction may require tests for additional parameters under (b) and (c) of this subsection;

(d) Not release any human remains that exceed the limits identified in Table 500-A;

(e) Prepare, maintain, and provide upon request by the local health jurisdiction, an annual report each calendar year. The annual report must detail the facility's activities during the previous calendar year and must include the following information:

- (i) Name and address of the facility;
 - (ii) Calendar year covered by the report;
 - (iii) Annual quantity of reduced human remains;
 - (iv) Results of any laboratory analyses of reduced human remains;
- and
- (v) Any additional information required by the local health jurisdiction; and
 - (f) Test for arsenic, cadmium, lead, mercury, and selenium, and either fecal coliform or salmonella in reduced human remains to meet the testing parameters and limits identified in Table 500-A.

**Table 500-A
Testing Parameters**

Metals and other testing parameters	Limit (mg/kg dry weight), unless otherwise specified
Fecal coliform	< 1,000 Most probable number per gram of total solids (dry weight)
or	
Salmonella	< 3 Most probable number per 4 grams of total solids (dry weight)
and	
Arsenic	≤ 20 ppm
Cadmium	≤ 10 ppm
Lead	≤ 150 ppm
Mercury	≤ 8 ppm
Selenium	≤ 18 ppm

(3) A local registrar, in cooperation with the Washington state funeral and cemetery board, may issue a burial-transit permit for disposition of human remains reduced through natural organic reduction. The permit for the disposition of remains reduced through natural organic reduction may be used in connection with the transportation of remains reduced through natural organic reduction by common carrier or other means.

(4) The local registrar or the department of health may issue a burial-transit permit for the disposition of human remains reduced through natural organic reduction which have been in the lawful possession of any person, firm, corporation, county, or association for a period of ((90)) 45 days or more. This permit will specify that the disposition of remains reduced through natural organic reduction must be consistent with Washington state laws and rules.

WSR 24-10-095

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed April 30, 2024, 2:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-13-017.

Title of Rule and Other Identifying Information: Behavioral health agency regulations as they relate to 23-hour crisis relief centers (CRC) in Washington state. The department of health (department) is proposing to amend the behavioral health agency regulations in chapter 246-341 WAC, including WAC 246-341-0110, 246-341-0200, 246-341-0365, 246-341-0901, 246-341-0912, 246-341-1140 and new WAC 246-341-0903, in order to implement 2SSB 5120 (chapter 433, Laws of 2023), an act concerning the establishment of 23-hour CRCs in Washington state. The department is also proposing amendments in WAC 246-341-0200, 246-341-0515 and 246-341-0901 to align the regulations with statutory changes passed by the 2023 legislature, including 2SHB 1724 (chapter 425, Laws of 2023) and 2SSB 5555 (chapter 469, Laws of 2023, partial veto). Finally, the department is conducting general cleanup, where needed, throughout these WAC sections.

Hearing Location(s): On June 5, 2024, at 12:00 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_6bE0eJteSridX4FAMvRNPA.

After registering, you will receive a confirmation email containing information about joining the webinar.

If you are in need of special accommodations to have proper access to this public hearing, such as American Sign Language interpretation or translation services, please contact Dan Overton at dan.overton@doh.wa.gov or 564-201-0579 by May 22, 2024, and we will do our best to accommodate your request.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: Dan Overton, P.O. Box 47843, Olympia, WA 98504-7843, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2321, by June 5, 2024.

Assistance for Persons with Disabilities: Contact Dan Overton, phone 564-201-0579, fax 360-236-2321, TTY 711, email dan.overton@doh.wa.gov, by May 22, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend existing WAC 246-341-0110, 246-341-0200, 246-341-0365, 246-341-0515, 246-341-0901, 246-341-0912, and 246-341-1140 and creating new WAC 246-341-0903 to develop standards for the licensure or certification of CRCs and to align existing regulations with other statutory changes made by the 2023 legislature. These statutory changes include changes made to the definition of "mental health professional" in RCW 71.05.020, as well as the creation of the profession of certified peer specialists. 2SSB 5120 also removed references to triage facilities from the law and instructed the department to convert the license or certification of any triage facilities to a crisis stabilization unit. The proposed rule language reflects this change.

Reasons Supporting Proposal: In 2023, 2SSB 5120 passed, creating 23-hour CRCs, a new type of behavioral health service model that will provide mental health and substance use crisis response to adults for no longer than 23 hours and 59 minutes at a time. Section 2 of 2SSB

5120 directs the department to adopt rules to develop standards for the licensure or certification of 23-hour CRCs. Other bills that passed in 2023 included 2SHB 1724 and 2SSB 5555 and resulted in conflicting language between the laws and the behavioral health agency rules in chapter 246-341 WAC. This rule-making project intends to address all of these interrelated topics. The department conducted workshops and solicited input from interested parties in order to develop standards that meet the intent of 2SSB 5120 and to ensure that the other proposed changes meet the intents of 2SHB 1724 and 2SSB 5555.

Statutory Authority for Adoption: RCW 71.24.037; and 2SSB 5120 (chapter 433, Laws of 2023), codified as RCW 71.24.916.

Statute Being Implemented: 2SSB 5120 (chapter 433, Laws of 2023), codified as RCW 71.24.916; 2SHB 1724 (chapter 425, Laws of 2023); and 2SSB 5555 (chapter 469, Laws of 2023, partial veto).

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

Name of Proponent: Washington state department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Dan Overton, 111 Israel Road S.E., Tumwater, WA 98501, 564-201-0579.

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 Dan Overton, P.O. Box 47843, Olympia, WA 98504-7843, phone 564-201-0579, fax 360-236-2321, TTY 711, email dan.overton@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 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 exemptions: WAC 246-341-0200, 246-341-0901 and 246-341-0912 are exempt under RCW 34.05.310 (4)(d), as the proposed changes clarify language. WAC 246-341-0515 and 246-341-1140 are exempt under RCW 34.05.310 (4)(e), as the proposed changes are dictated by statute. WAC 246-341-0365 is exempt under RCW 34.05.310 (4)(f), as the proposed changes relate to the setting or adjusting of fees. WAC 246-341-0110 is exempt under both RCW 34.05.310 (4)(d) and 34.05.310 (4)(e), as the proposed changes both clarify language and are dictated by statute.

Scope of exemption for rule proposal:

Is partially exempt:

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

Small Business Economic Impact Statement (SBEIS)

The following is a brief description of the proposed rule, including the current situation/rule, followed by the history of the issue and why the proposed rule is needed. A description of the probable compliance requirements and the kinds of professional services that a small business is likely to need in order to comply with the proposed

rule: 2SSB 5120 established a new type of behavioral health service model in the state of Washington called a 23-hour CRC. CRCs are meant to provide mental health and substance use crisis response to adults for no more than 23 hours and 59 minutes at a time and must accept all behavioral health crisis walks-ins and drop-offs from first responders, as well as individuals referred through the 988 system, regardless of behavioral health acuity.

The department is adopting compliance requirements in rule for businesses that wish to provide CRC services, including small businesses. However, with CRCs, it is mostly the statute (RCW 71.24.916) that will be dictating the professional services that a small business is likely to need, with the department either clarifying the statutory requirements in the proposed rules or building on these requirements for the sake of patient and staff safety.

SBEIS Table 1 identifies and summarizes which businesses are required to comply with the proposed rule using the North American Industry Classification System (NAICS).

SBEIS Table 1. Summary of Businesses Required to Comply to the Proposed Rule

NAICS Code (4, 5, or 6 digit)	NAICS Business Description	Number of Businesses in Washington State	Minor Cost Threshold
621420	Outpatient Mental Health and Substance Abuse Centers	393	\$4,376.75

The department conducted an analysis of probable costs of businesses in the industry to comply with the proposed rule and includes the cost of equipment, supplies, labor, professional services, and administrative costs. The analysis considers if compliance with the proposed rule will cause businesses in the industry to lose sales or revenue. The complete analysis may be obtained by contacting the department. The following is a summary of the analysis: Seven organizations participated in informational gathering interviews. Four already hold a behavioral health agency (BHA) license in the state of Washington and three will be applying for a new license. Since some of the organizations are already providing behavioral health services in Washington state, they may already be in compliance with aspects of the proposed rule.

Two of the organizations that were interviewed identified as small businesses¹, meaning that they currently have, or plan to have, 50 or fewer employees.

¹ RCW 19.85.020: Definitions. (wa.gov) "(3) "Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty of [or] fewer employees."

In most instances, the department did not collate or provide average costs because of the variation in responses received. The analysis is intended to give the reader an array of any potential additional costs for the proposed rule section.

Portions of the proposed rule are exempt from the requirements of the Regulatory Fairness Act as identified above. The remaining sections of the proposed rule have probable costs for businesses in the industry.

Summary of all Cost(s):

SBEIS Table 2. Summary of Probable Cost(s)

Description of Proposed Rule	Probable Cost(s)
Following requirements for outpatient crisis services	No additional cost impact up to indeterminate additional probable costs (including equipment, staffing, and training).
36-hour maximum time frame	No additional cost impact up to the following additional probable costs: Staffing Indeterminate additional probable costs. Equipment Additional probable costs of \$5,000 (privacy screens, beds) up to \$100,000 (unspecified). Other/miscellaneous Indeterminate additional probable costs (may include meal costs, food storage, linens, environmental services, medication and treatment, other accommodation costs).
Medical stability for EMS drop-offs	No additional cost impact up to indeterminate additional probable costs (may include \$400 in transportation costs, per patient, for patients whose EMS medical stability assessment does not match the facility's admission criteria).
Medication dispensing and management	Dispensing License Indeterminate additional probable costs for contracting with pharmacy vendors or procuring a license to dispense medication. Staffing Indeterminate additional probable costs associated with adding various job cadres to the staff mix, to be able to administer/dispense medications. Equipment Additional probable one-time costs ranging from \$19,000 (to purchase a Pyxis machine) to \$70-80,000 (to purchase an Omnicell machine), plus additional probable recurring costs associated with monthly subscription fees (\$110/month) and IT lines. Medication room Additional probable cost of \$200,000 for a medication room. Other Indeterminate additional probable cost for updating computer systems for prescriptions.
Nursing assessment for minor physical or basic health needs	Additional probable costs of \$12.22 to \$61.10 to conduct each nursing assessment.
Restraint and seclusion	No additional cost impact up to \$25,000-\$30,000 in conversion costs, per room. Indeterminate additional probable cost for staffing (1:1 monitoring).
Infection control plan	No additional cost impact up to \$1,947.30 to develop an infection control plan. Indeterminate probable costs for staff training on the infection control plan.
Orientation	Additional probable costs of \$5.87 to \$61.00 to complete the orientation, per person.
Screenings for suicide risk, violence risk, nature of the crisis, and physical and cognitive health needs.	Additional probable costs of \$14.43 to \$225.02 to complete the screening, per person.
Support for declined admissions	Additional probable costs of \$9.31 to \$76.89 to provide the support, per person.
Assessment appropriate to the nature of the crisis	Additional probable costs of \$48.88 to \$9,760.00 to create the assessment. Additional probable costs of \$13.96 to \$61.00 to complete each assessment.
Variance for no-refusal policy	Additional probable costs of \$1,800 to \$52,500 for a CRC to purchase new recliners for the purpose of overflow. Indeterminate additional probable costs may include additional staffing (\$600/day) and costs associated with patient volume.
Description of recliner	Additional probable costs of \$9,000 to \$164,500 for a CRC to purchase new recliners that will best suit their patients and facility.
Construction standards - Facility Guidelines Institute	No additional cost impact up to \$960,000 for building conversion.
Additional construction standards	No additional cost impact up to \$25,000 for the delayed egress system.
Construction review process	Indeterminate additional probable costs (project review fee, plus cost of architect and Life Safety Code staff involvement in the construction review process).

* Probable costs are not intended to be summed and represent a summary of respondents answers to the additional probable costs to comply with the proposed rule.

The department does not anticipate that compliance with the proposed rule will cause businesses in the industry to lose sales or revenue.

The following is an analysis on if the proposed rule may impose more-than-minor costs for businesses in the industry. It includes a summary of how the costs were calculated: The estimated costs of the proposed rule will likely exceed the minor cost threshold.

Summary of how the costs were calculated: The minor cost threshold for Outpatient Mental Health and Substance Abuse Centers as of 2022 is \$4,376.75, based on 0.3 percent of average annual gross business income as calculated by data collected by the United States Bureau of Labor Statistics (SBEIS Table 1).

Many of the cost estimates that the department collected for this analysis are indeterminate because the CRC service model is new to the state and respondents have not yet finalized plans for their business model. For example, in some cases, respondents are still in the process of acquiring the building that they will be utilizing for CRC services and, therefore, cannot definitively say how many recliners they will be certifying and the number and types of staff that they will have. Additionally, reimbursement rates have not been finalized and this is a crucial determining factor for whether there will be any loss of sales/revenue and how each of these CRCs will set up their business models. Similarly, many of the additional probable costs that the department was able to ascertain from the key informant interviews have a per-patient multiplier. Even in instances where the department was able to create a range, an estimated recurrent cost cannot be ascertained because respondents do not have a reliable estimate of what their patient volumes will be. Therefore, based on the cost analysis as identified in SBEIS Table 2, the department estimates that it is likely that businesses that choose to provide CRC services will exceed the minor cost threshold of \$4,376.75.

Determination on if the proposed rule may have a disproportionate impact on small businesses as compared to the 10 percent of businesses that are the largest businesses required to comply with the proposed rule: The department estimates that the proposed rule may have a disproportionate impact on small businesses as compared to the 10 percent of businesses that are the largest businesses required to comply with the proposed rule.

Explanation of the determination: At this time, the department is not able to determine whether the proposed rule will disproportionately impact small businesses. For this cost/benefit analysis, the department interviewed seven organizations interested in standing up a CRC, and only two of the seven were small businesses. This is a very small sample. Additionally, CRCs are a new service model that is being introduced to the state of Washington. While respondents provided the department with their best estimates for probable costs, certain aspects of each organization's business model may change once reimbursement rates are finalized by the health care authority.

Based on the qualitative and quantitative data provided during interviews, the department did not find evidence that costs would differ between the small and large businesses. The two small businesses indicated that they would most likely have the smallest number of certified recliners (10), versus 20-25 certified recliners for the large businesses. Limiting the number of certified recliners is a business decision that may result in lower costs but larger economies of scale (where fixed costs are spread over output).²

² Economies of scale are realized when a cost (especially start-up costs/fixed costs) are spread over a larger amount of output (in this case larger patient volume which in turn leads to increased reimbursement).

The following steps have been identified and taken to reduce the costs of the rule on small businesses: The department conducts rule making with a lens that attempts to consider all possible scenarios and reduce barriers in all situations. Considering this approach when conducting rule making for CRCs, it was imperative to make certain that all aspects of the rule were "scalable," meaning that a small, rural organization could stand up a CRC with minimum standards comparable to their size/resources. For example, after discussion with interested parties, the department did not put a limit on the number of certified recliners that a CRC may have in the proposed rule. Instead, this number will be determined by the size of the multipatient observation area. The Facility Guidelines Institute standards that are referenced in the proposed rule state that there shall be a minimum of 80 square feet per patient in the observation area, and further specify the clearance that shall be provided between recliners. As long as the CRC follows these requirements, each facility will be able to scale the number of recliners to the size of their building/space. Additionally, in most cases throughout the proposed rule, each CRC will be able to determine what kinds of staff will conduct the orientation, the screenings, and assessments, provide support in the case of a declined admission, etc. This will provide flexibility for the CRCs to hire the appropriate staff mix for their facility.

Description of how small businesses were involved in the development of the proposed rule: BHAs that are subscribed to the department's BHA GovDelivery listserv received invitations to participate in rule-making workshops for this project. Additionally, Section 22 of 2SSB 5120 specifically instructed the department to consult with various interested parties, including the Washington council for behavioral health, during the rule-making process. This helped disseminate information regarding this rule-making project to BHAs.

The department made every effort to ensure that interested parties, including small businesses, could participate in this rule-making process. The department held 11 progressive rules workshops between August and October 2023 to develop standards for the licensure/certification of CRCs. Additionally, weekly debriefing sessions were scheduled each week for attendees who were unable to attend each rules workshop. These debriefing sessions were held after standard work hours.

Rule-making workshops were open to anyone interested in participating. Workshops typically had 40-60 participants. Detailed notes from every workshop were shared publicly via GovDelivery emails and posted on the department's web page.

The estimated number of jobs that will be created or lost as a result of the compliance with the proposed rule: The department does not anticipate that compliance with the proposed rule will result in either jobs being created or lost. The addition of the CRC service model to the behavioral health service landscape in the state of Washington will most likely create jobs within this sector. However, the proposed rule itself creates the standards to which those jobs will be applied.

A copy of the statement may be obtained by contacting Dan Overton, P.O. Box 47843, Olympia, WA 98504-7843, phone 564-201-0579, fax 360-236-2321, TTY 711, email dan.overton@doh.wa.gov.

April 30, 2024

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

OTS-5377.1

AMENDATORY SECTION (Amending WSR 22-24-091, filed 12/6/22, effective 5/1/23)

WAC 246-341-0110 Behavioral health—Available certifications.

(1) A behavioral health agency licensed by the department must hold one or more of the following certifications:

- (a) Behavioral health information and assistance;
- (b) Behavioral health support;
- (c) Mental health peer respite;
- (d) Clubhouse;
- (e) Behavioral health outpatient intervention, assessment and treatment;
- (f) Behavioral health outpatient crisis (~~(, observation, and in-tervention)~~) services;
- (g) 23-hour crisis relief center services;
- (h) Designated crisis responder services;
- ~~((h))~~ (i) Opioid treatment program;
- ~~((i))~~ (j) Withdrawal management;
- ~~((j))~~ (k) Behavioral health residential or inpatient intervention, assessment and treatment;
- ~~((k))~~ (l) Involuntary behavioral health residential or inpatient;
- ~~((l))~~ (m) Intensive behavioral health treatment;
- ~~((m))~~ (n) Crisis stabilization unit (~~(and triage)~~);
- ~~((n))~~ (o) Competency restoration;
- ~~((o))~~ (p) Problem gambling and gambling disorder; or
- ~~((p))~~ (q) Applied behavior analysis.

(2) The type of certification(s) held by the agency determines which behavioral health services the agency is approved to provide.

AMENDATORY SECTION (Amending WSR 22-24-091, filed 12/6/22, effective 5/1/23)

WAC 246-341-0200 Behavioral health—Definitions. The definitions in this section and RCW 71.05.020, 71.24.025, and 71.34.020 apply throughout this chapter unless the context clearly requires otherwise.

(1) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025.

(2) "Administrator" means the designated person responsible for the day-to-day operation of either the licensed behavioral health agency, or certified treatment service, or both.

~~((2))~~ (3) "Adult" means an individual 18 years of age or older. For purposes of the medicaid program, adult means an individual 21 years of age or older.

~~((3))~~ (4) "ASAM criteria" means admission, continued service, transfer, and discharge criteria for the treatment of substance use disorders as published by the American Society of Addiction Medicine (ASAM).

~~((4))~~ (5) "Assessment" means the process of obtaining all pertinent bio-psychosocial information, as identified by the individual, and family and collateral sources, for determining a diagnosis and to plan individualized services and supports.

~~((5))~~ (6) "Behavioral health" means the prevention, treatment of, and recovery from any or all of the following disorders: Substance use disorders, mental health disorders, co-occurring disorders, or problem gambling and gambling disorders.

~~((6))~~ (7) "Behavioral health agency," "licensed behavioral health agency," or "agency" means an entity licensed by the department to provide behavioral health services under chapter 71.24, 71.05, or 71.34 RCW.

~~((7))~~ (8) "Behavioral health service" means the specific service(s) that may be provided under an approved certification.

~~((8))~~ (9) "Branch site" means a physically separate licensed site, governed by the same parent organization as the main site, where qualified staff provides certified treatment services.

~~((9))~~ (10) "Campus" means an area where all of the agency's buildings are located on contiguous properties undivided by:

(a) Public streets, not including alleyways used primarily for delivery services or parking; or

(b) Other land that is not owned and maintained by the owners of the property on which the agency is located.

~~((10))~~ (11) "Care coordination" or "coordination of care" means a process-oriented activity to facilitate ongoing communication and collaboration to meet multiple needs of an individual. Care coordination includes facilitating communication between the family, natural supports, community resources, and involved providers and agencies, organizing, facilitating and participating in team meetings, and providing for continuity of care by creating linkages to and managing transitions between levels of care.

~~((11))~~ (12) "Certified" or "certification" means the status given by the department that authorizes the agency to provide specific types of behavioral health services included under the certification category.

~~((12))~~ (13) "Child," "minor," and "youth" mean:

(a) An individual under the age of 18 years; or

(b) An individual age 18 to 21 years who is eligible to receive and who elects to receive an early and periodic screening, diagnostic, and treatment (EPSDT) medicaid service. An individual age 18 to 21 years who receives EPSDT services is not considered a "child" for any other purpose.

~~((13))~~ (14) "Clinical supervision" means regular and periodic activities performed by a mental health professional, co-occurring disorder specialist, or substance use disorder professional licensed, certified, or registered under Title 18 RCW. Clinical supervision may include review of assessment, diagnostic formulation, individual service plan development, progress toward completion of care, identification of barriers to care, continuation of services, authorization of care, and the direct observation of the delivery of clinical care. In

the context of this chapter, clinical supervision is separate from clinical supervision required for purposes of obtaining supervised hours toward fulfilling requirements related to professional licensure under Title 18 RCW.

~~((14))~~ (15) "Complaint" means an alleged violation of licensing or certification requirements under chapters 71.05, 71.12, 71.24, 71.34 RCW, and this chapter, which has been authorized by the department for investigation.

~~((15))~~ (16) "Consent" means agreement given by an individual after being provided with a description of the nature, character, anticipated results of proposed treatments and the recognized serious possible risks, complications, and anticipated benefits, including alternatives and nontreatment, that must be provided in a terminology that the individual can reasonably be expected to understand. Consent can be obtained from an individual's parent or legal representative, when applicable.

~~((16))~~ (17) "Consultation" means the clinical review and development of recommendations by persons with appropriate knowledge and experience regarding activities or decisions of clinical staff, contracted employees, volunteers, or students.

~~((17))~~ (18) "Co-occurring disorder" means the coexistence of both a mental health and a substance use disorder. Co-occurring treatment is a unified treatment approach intended to treat both disorders within the context of a primary treatment relationship or treatment setting.

~~((18))~~ (19) "Cultural competence" or "culturally competent" means the ability to recognize and respond to health-related beliefs and cultural values, disease incidence and prevalence, and treatment efficacy. Examples of culturally competent care include striving to overcome cultural, language, and communications barriers, providing an environment in which individuals from diverse cultural backgrounds feel comfortable discussing their cultural health beliefs and practices in the context of negotiating treatment options, encouraging individuals to express their spiritual beliefs and cultural practices, and being familiar with and respectful of various traditional healing systems and beliefs and, where appropriate, integrating these approaches into treatment plans.

~~((19))~~ (20) "Deemed" means a status that is given to a licensed behavioral health agency as a result of the agency receiving accreditation by a recognized behavioral health accrediting body which has a current agreement with the department.

~~((20))~~ (21) "Disability" means a physical or mental impairment that substantially limits one or more major life activities of the individual and the individual:

- (a) Has a record of such an impairment; or
- (b) Is regarded as having such impairment.

~~((21))~~ (22) "Face-to-face" means either in person or by way of synchronous video conferencing.

~~((22))~~ (23) "Individual service record" means either a paper, or electronic file, or both that is maintained by the behavioral health agency and contains pertinent behavioral health, medical, and clinical information for each individual served.

~~((23))~~ (24) "Licensed" or "licensure" means the status given to behavioral health agencies by the department under its authority to license and certify mental health and substance use disorder programs under chapters 71.05, 71.12, 71.34, and 71.24 RCW and its authority to

certify problem gambling and gambling disorder treatment programs under RCW 43.70.080(5) and 41.05.750.

~~((24))~~ (25) "Medical practitioner" means a physician licensed under chapter 18.57 or 18.71 RCW, advance registered nurse practitioner (ARNP) licensed under chapter 18.79 RCW, or physician assistant licensed under chapter 18.71A RCW.

~~((25))~~ (26) "Mental health disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

~~((26))~~ (27) "Mental health professional" or "MHP" means a person who meets the ~~((qualifications in WAC 246-341-0515-4))~~ definition in RCW 71.05.020.

~~((27))~~ (28) "Peer ~~((counselor))~~" means ~~((the same))~~ a peer counselor as defined in WAC 182-538D-0200 or a certified peer specialist certified under chapter 18.420 RCW.

~~((28))~~ (29) "Peer support" means services provided by peer counselors to individuals under the supervision of a mental health professional or individual appropriately credentialed to provide substance use disorder treatment. Peer support provides scheduled activities that promote recovery, self-advocacy, development of natural supports, and maintenance of community living skills.

~~((29))~~ (30) "Problem gambling and gambling disorder" means one or more of the following disorders:

(a) "Gambling disorder" means a mental disorder characterized by loss of control over gambling, progression in preoccupation with gambling and in obtaining money to gamble, and continuation of gambling despite adverse consequences;

(b) "Problem gambling" is an earlier stage of gambling disorder that compromises, disrupts, or damages family or personal relationships or vocational pursuits.

~~((30))~~ (31) "Progress notes" means permanent written or electronic record of services and supports provided to an individual documenting the individual's participation in, and response to, treatment or support services, progress in recovery, and progress toward intended outcomes.

~~((31))~~ (32) "Secretary" means the secretary of the department of health.

~~((32))~~ (33) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement chapters 71.05, 71.24, and 71.34 RCW for delivery of behavioral health services.

~~((33))~~ (34) "Substance use disorder professional" or "SUDP" means a person credentialed by the department as a substance use disorder professional (SUDP) under chapter 18.205 RCW.

~~((34))~~ (35) "Substance use disorder professional trainee" or "SUDPT" means a person credentialed by the department as a substance use disorder professional trainee (SUDPT) under chapter 18.205 RCW.

~~((35))~~ (36) "Summary suspension" means the immediate suspension of either a facility's license or program-specific certification or both by the department pending administrative proceedings for suspension, revocation, or other actions deemed necessary by the department.

~~((36))~~ (37) "Supervision" means the regular monitoring of the administrative, clinical, or clerical work performance of a staff member, trainee, student, volunteer, or employee on contract by a person with the authority to give direction and require change.

~~((37))~~ (38) "Suspend" means termination of a behavioral health agency's license or program specific certification to provide behavior-

ral health treatment program service for a specified period or until specific conditions have been met and the department notifies the agency of the program's reinstatement of license or certification.

AMENDATORY SECTION (Amending WSR 22-24-091, filed 12/6/22, effective 5/1/23)

WAC 246-341-0365 Agency licensure and certification—Fee requirements. (1) An agency must include payment of licensing and certification fees required under this chapter with the initial application, renewal application, or with requests for other services.

(2) The department may refund one-half of the application fee if an application is withdrawn before certification or denial.

(3) The department will not refund fees when licensure or certification is denied, revoked, or suspended.

(4) The applicant shall submit the following fees for approved substance use disorder treatment programs:

New agency application	\$1,000
Branch agency application	\$500
Application to add one or more certifications	\$200
Application to change ownership	\$500
Initial and annual certification fees for withdrawal management, residential, and nonresidential services	
Withdrawal management and residential services	\$100 per licensed bed, per year, for agencies not renewing certification through deeming
	\$50 per licensed bed, per year, for agencies renewing certification through deeming per WAC 246-341-0310
Nonresidential services	\$750 per year for agencies not renewing certification through deeming
	\$200 per year for agencies certified through deeming per WAC 246-341-0310
Complaint/critical incident investigation fees	
All agencies	\$1,000 per substantiated complaint investigation and \$1,000 per substantiated critical incident investigation that results in a requirement for corrective action

(5) An agency providing substance use disorder treatment programs must annually complete a declaration form provided by the department to indicate information necessary for establishing fees and updating certification information. Required information includes, but is not limited to:

(a) The number of licensed withdrawal management and residential beds; and

(b) The agency provider's national accreditation status.

(6) The applicant shall submit the following fees for approved mental health treatment programs:

Initial licensing application fee	\$1,000
Initial and annual licensing fees for agencies not deemed	
Annual service hours provided:	Initial and annual licensing fees:
0-3,999	\$728
4,000-14,999	\$1,055
15,000-29,999	\$1,405
30,000-49,999	\$2,105
50,000 or more	\$2,575
Annual licensing fees for deemed agencies	
Annual licensing fee for deemed agencies licensed by the department	\$500
Complaint/critical incident investigation fee	
All residential and nonresidential agencies	\$1,000 per substantiated complaint investigation and \$1,000 per substantiated critical incident investigation that results in a requirement for corrective action

(7) Agencies providing nonresidential mental health services or inpatient or residential mental health services in accordance with WAC 246-341-1118 must report the number of annual service hours provided.

(a) Existing licensed agencies must compute the annual service hours based on the most recent state fiscal year.

(b) Newly licensed agencies must compute the annual service hours by projecting the service hours for the first 12 months of operation.

(8) Agencies providing mental health peer respite services, 23-hour crisis relief center services, intensive behavioral health treatment services, evaluation and treatment services, and competency evaluation and restoration treatment services must pay the following certification fees:

(a) Ninety dollars initial certification fee, per bed or recliner; and

(b) Ninety dollars annual certification fee, per bed or recliner.

AMENDATORY SECTION (Amending WSR 22-24-091, filed 12/6/22, effective 5/1/23)

WAC 246-341-0515 Personnel—Agency staff requirements. Each behavioral health agency must ensure that all of the following staff requirements are met:

(1) All staff providing clinical services are appropriately credentialed for the services they provide, which may include a co-occurring disorder specialist enhancement.

(2) All staff providing clinical services receive clinical supervision.

(3) An agency providing group counseling or group therapy must have a staff ratio of at least one staff member to every 16 individuals during group counseling or therapy sessions.

(4) ~~((A mental health professional is:~~

~~(a) A psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner (ARNP), psychiatric nurse, or social worker as defined in chapters 71.05 and 71.34 RCW;~~

~~(b) A person who is licensed by the department as a mental health counselor or mental health counselor associate, marriage and family therapist, or marriage and family therapist associate; or~~

~~(c) An agency staff member with a designation given by the department or an attestation by the licensed behavioral health agency that the person meets the following:~~

~~(i) Holds a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university who has at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, experience that was gained under the supervision of a mental health professional recognized by the department or attested to by the licensed behavioral health agency;~~

~~(ii) Who meets the waiver criteria of RCW 71.24.260, and the waiver was granted prior to 1986; or~~

~~(iii) Who had an approved waiver to perform the duties of a mental health professional (MHP), that was requested by the behavioral health organization (BHO) and granted by the mental health division prior to July 1, 2001.~~

~~(5)) An agency providing problem gambling and gambling disorder treatment services must ensure staffing in accordance with WAC 246-341-1200.~~

AMENDATORY SECTION (Amending WSR 22-24-091, filed 12/6/22, effective 5/1/23)

WAC 246-341-0901 Behavioral health outpatient crisis ~~((outreach, observation and intervention))~~ services—Certification standards.

(1) Agencies certified for outpatient behavioral health crisis ~~((outreach, observation and intervention))~~ services provide face-to-face and other means of services to stabilize an individual in crisis to prevent further deterioration, provide immediate treatment or intervention in the least restrictive environment at a location best suited to meet the needs of the individual which may be in the community, a behavioral health agency, or other setting.

(2) An agency certified for outpatient behavioral health crisis ~~((outreach, observation and intervention))~~ services does not need to meet the requirements in WAC 246-341-0640.

(3) An agency providing outpatient behavioral health crisis ~~((outreach, observation and intervention))~~ services for substance use disorder must ensure a professional appropriately credentialed to provide substance use disorder treatment is available or on staff 24 hours a day, seven days a week.

(4) An agency providing any outpatient behavioral health crisis ~~((outreach, observation and intervention))~~ services must:

- (a) Provide crisis telephone support in accordance with WAC 246-341-0670;
- (b) For mental health crisis, ensure face-to-face outreach services are provided by a mental health professional or department-credentialed staff person with documented training in crisis response;
- (c) For a substance use disorder crisis, ensure face-to-face outreach services are provided by a professional appropriately credentialed to provide substance use disorder treatment, or individual who has completed training that covers substance use disorders;
- (d) Develop and implement policies and procedures for training staff to identify and assist individuals in crisis before assigning the staff member unsupervised duties;
- (e) Resolve the crisis in the least restrictive manner possible;
- (f) Require that trained staff remain with the individual in crisis in order to provide stabilization and support until the crisis is resolved or referral to another service is accomplished;
- (g) Determine if an individual has a crisis plan and request a copy if available;
- (h) Assure communication and coordination with the individual's mental health or substance use treatment provider, if indicated and appropriate;
- (i) As appropriate, refer individuals to voluntary or involuntary treatment facilities for admission on a seven day a week, 24 hour a day basis, including arrangements for contacting the designated crisis responder;
- (j) Maintain a current list of local resources for referrals, legal, employment, education, interpreter and social and health services;
- (k) Transport or arrange for transport of an individual in a safe and timely manner, when necessary;
- (l) Be available 24 hours a day, seven days a week; and
- (m) Include family members, significant others, and other relevant treatment providers, as necessary, to provide support to the individual in crisis.
- (5) Documentation of a crisis service must include the following:
- (a) A brief summary of each crisis service encounter, including the:
- (i) Date;
- (ii) Time, including time elapsed from initial contact to face-to-face contact, if applicable; and
- (iii) Nature and duration of the encounter.
- (b) The names of the participants;
- (c) A disposition including any referrals for services and individualized follow-up plan;
- (d) Whether the individual has a crisis plan and any request to obtain the crisis plan; and
- (e) The name and credential, if applicable, of the staff person providing the service.
- (6) An agency utilizing ~~((certified))~~ peers ~~((counselors))~~ to provide crisis outreach services must:
- (a) Ensure services are provided by a person recognized by the health care authority as a peer ~~((counselor))~~, as defined in WAC 246-341-0200;
- (b) Ensure services provided by a peer ~~((counselor))~~ are within the scope of the peer's ~~((counselor's))~~ training and credential;
- (c) Ensure peers ~~((counselors))~~ receive annual training that is relevant to their unique working environment.

(7) When services are provided in a private home or nonpublic setting, the agency must:

(a) Have a written plan for training, staff back-up, information sharing, and communication for staff members who respond to a crisis in an individual's personal residence or in a nonpublic location;

(b) Ensure that a staff member responding to a crisis is able to be accompanied by a second trained individual when services are provided in the individual's personal residence or other nonpublic location;

(c) Ensure that any staff member who engages in home visits is provided access, by their employer, to a wireless telephone or comparable device, for the purpose of emergency communication;

(d) Provide staff members who are sent to a personal residence or other nonpublic location to evaluate an individual in crisis prompt access to information about any history of dangerousness or potential dangerousness on the individual they are being sent to evaluate, that is documented in a crisis plan(s) or commitment record(s). This information must be made available without unduly delaying the crisis response.

(8) If utilizing peers ((~~counselors~~)) for crisis outreach response:

(a) Ensure that a peer ((~~counselor~~)) responding to an initial crisis visit is accompanied by a mental health professional or individual appropriately credentialed to provide substance use disorder treatment as appropriate to the crisis;

(b) Develop and implement policies and procedures for determining when peers ((~~counselors~~)) may provide follow-up crisis outreach services without being accompanied by a mental health professional or individual appropriately credentialed to provide substance use disorder treatment as appropriate to the crisis.

NEW SECTION

WAC 246-341-0903 23-hour crisis relief center services—Certification standards. (1) General requirements: An agency certified for 23-hour crisis relief center services must:

(a) Follow requirements for outpatient crisis services in WAC 246-341-0901;

(b) Provide services to address mental health and substance use crisis issues which may include treatment of chemical withdrawal symptoms;

(c) Limit patient stays to a maximum of 23 hours and 59 minutes, except in the following circumstances in which the patient may stay up to a maximum of 36 hours when:

(i) A patient is waiting on a designated crisis responder evaluation; or

(ii) A patient is making an imminent transition to another setting as part of an established aftercare plan;

(d) Be staffed 24 hours a day, seven days a week, with a multidisciplinary team capable of meeting the needs of individuals experiencing all levels of crisis in the community including, but not limited to, nurses, department-credentialed professionals who can provide mental health and substance use disorder assessments, peers, and access to a prescriber;

(e) Offer walk-in options and drop-off options for first responders and persons referred through the 988 system, without a requirement for medical clearance for these individuals;

(f) Only accept emergency medical services drop-offs of individuals determined to be medically stable by emergency medical services in accordance with department guidelines on transport to behavioral health service facilities developed pursuant to RCW 70.168.170 (available at <https://doh.wa.gov/BHA> or by contacting the department at ochsfacilities@doh.wa.gov or 360-236-2957.

(g) Have a no refusal policy for law enforcement, including tribal law enforcement;

(h) Provide the ability to dispense medications and provide medication management in accordance with WAC 246-337-105, except that references to RTF in WAC 246-337-105 shall be understood to mean behavioral health agency (BHA);

(i) Maintain capacity to deliver minor wound care for nonlife-threatening wounds, and provide care for most minor physical or basic health needs that can be identified and addressed through a nursing assessment;

(j) Identify pathways to transfer individuals to more medically appropriate services if needed;

(k) If restraint or seclusion are used, follow requirements in WAC 246-337-110 (3) through (19) except that references to RTF in WAC 246-337-110 shall be understood to mean behavioral health agency (BHA);

(l) Establish and maintain relationships with entities capable of providing for reasonably anticipated ongoing service needs of clients, unless the licensee itself provides sufficient services:

(i) For individuals identifying as American Indian/Alaska Native (AI/AN), relationships will be with tribal behavioral health systems;

(ii) For individuals identifying as veterans, relationships will be with the local/regional Veterans Administration Medical Center (VAMC);

(m) When appropriate, coordinate connection to ongoing care; and

(n) Have an infection control plan inclusive of:

(i) Hand hygiene;

(ii) Cleaning and disinfection;

(iii) Environmental management; and

(iv) Housekeeping functions.

(2) Orientation and initial screening: An agency certified for 23-hour crisis relief center services must:

(a) Orient all walk-ins and drop-offs upon arrival;

(b) Screen all individuals for:

(i) Suicide risk and, when clinically indicated, engage in comprehensive suicide risk assessment and planning;

(ii) Violence risk and, when clinically indicated, engage in comprehensive violence risk assessment and planning;

(iii) Nature of the crisis; and

(iv) Physical and cognitive health needs, including dementia screening;

(c) Following initial screening, if admission is declined, the agency must:

(i) Document and make available to the department instances of declined admissions, including those that were not eligible for admission, declined due to no capacity, or those declined for any other reason;

(ii) Provide support to the individual to identify and, when appropriate, access services or resources necessary for the individual's health and safety.

(3) Admission: An agency certified for 23-hour crisis relief center services must:

(a) Accept eligible admissions 90 percent of the time when the facility is not at its full capacity; and

(b) Provide an assessment appropriate to the nature of the crisis to each individual admitted to a recliner. The assessment must inform the interval for monitoring the individual based on their medical condition, behavior, suspected drug or alcohol misuse, and medication status.

(4) For the purposes of this section:

(a) Eligible admission includes individuals 18 years of age or older who are identified upon screening as needing behavioral health crisis services, and whose physical health needs can be addressed by the crisis relief center in accordance with subsection (1)(i) of this section;

(b) Full capacity means all certified recliners are occupied by individuals receiving crisis services;

(c) An agency may temporarily exceed the number of certified recliners only to comply with the no refusal policy for law enforcement, up to the maximum occupancy allowed by the local building department for patient care spaces within the licensed unit;

(d) A recliner means a piece of equipment used by individuals receiving crisis services that can be in a sitting position and fully reclined.

(5) An agency certified to provide 23-hour crisis relief center services must be constructed in such a way to be responsive to the unique characteristics of the types of interventions used to provide care for all levels of behavioral health acuity and accessibility needs. These rules are not retroactive and are intended to be applied as outlined below.

(a) The construction review rules in subsections (6) and (7) of this section will be applied to the following agencies who are providing 23-hour crisis relief center services:

(i) New buildings to be certified to provide 23-hour crisis relief center services;

(ii) Conversion of an existing building or portion of an existing building certified or to be certified to provide 23-hour crisis relief center services;

(iii) Additions to an existing building certified or to be certified to provide 23-hour crisis relief center services;

(iv) Alterations to an existing building certified or to be certified to provide 23-hour crisis relief center services;

(v) Buildings or portions of buildings certified to provide 23-hour crisis relief center services and used for providing 23-hour crisis relief center services; and

(vi) Excludes nonpatient care buildings used exclusively for administration functions.

(b) The requirements of this chapter in effect at the time the complete construction review application and fee are received by the department, apply for the duration of the construction project.

(6) Standards for design and construction.

Facilities constructed and intended for use under this section shall comply with:

(a) The following sections of the 2022 edition of the *Guidelines for Design and Construction of Hospitals* as developed by the Facility Guidelines Institute and published by the Facility Guidelines Institute, 9750 Fall Ridge Trail, St. Louis, MO 63127 (available at <https://www.fgiguidelines.org> or by contacting the department at ochsfacilities@doh.wa.gov or 360-236-2957):

- (i) 1.1 Introduction;
 - (ii) 1.2 Planning, Design, Construction, and Commissioning;
 - (iii) 2.1 Common Elements for Hospitals;
 - (iv) 2.2 - 3.2 Specific Requirements for General Hospitals, Behavioral Health Crisis Unit;
 - (v) Part 4: Ventilation of Health Care Facilities; and
- (b) The following specific requirements:

- (i) A public walk-in entrance;
- (ii) A designated area for first responder drop-off;
- (iii) A bed in a private space for individuals who are admitted for greater than 24 hours per subsection (1)(c) of this section;

(iv) A system or systems within the building that give staff awareness of the movements of individuals within the facility. If a door control system is used, it shall not prevent an individual from leaving the licensed space on their own accord, except temporary delays. Such systems include:

(A) Limited egress systems consistent with state building code, such as delayed egress;

(B) Appropriate staffing levels to address safety and security; and

(C) Policies and procedures that are consistent with the assessment of the individual's care needs and plan and do not limit the rights of a voluntary individual;

(v) Access to a telephone for individuals receiving services.

(7) Construction review process.

(a) Preconstruction. The applicant or licensee must request and attend a presubmission conference with the department for projects with a construction value of \$250,000 or more. The presubmission conference shall be scheduled to occur at the end of the design development phase or the beginning of the construction documentation phase of the project.

(b) Construction document review. The applicant or licensee must submit accurate and complete construction documents for proposed new construction to the department for review within 10 business days of submission to the local authorities. The construction documents must include:

(i) A written functional program outlining the types of services provided, types of individuals to be served, and how the needs of the individuals will be met including a narrative description of:

(A) Program goals;

(B) Staffing and health care to be provided, as applicable;

(C) Room functions;

(D) Safety and security efforts;

(E) Restraint and seclusion;

(F) Medication storage; and

(G) Housekeeping;

(ii) Drawings prepared, stamped, and signed by an architect or engineer licensed by the state of Washington under chapter 18.08 RCW. The services of a consulting engineer licensed by the state of Washington may be used for the various branches of the work, if appropriate;

(iii) Drawings with coordinated architectural, mechanical, and electrical work drawn to scale showing complete details for construction;

(iv) Specifications that describe with specificity the workmanship and finishes;

(v) Shop drawings and related equipment specifications;

(vi) An interim life safety measures plan to ensure the health and safety of occupants during construction and renovation; and

(vii) An infection control risk assessment indicating appropriate infection control measures, including keeping the surrounding occupied area free of dust and fumes during construction, and ensuring rooms or areas are well ventilated, unoccupied, and unavailable for use until free of volatile fumes and odors.

(8) Copies of the reference material listed in subsections (1)(f) and (6)(a) of this section are available for public inspection at the department's office at Department of Health, Town Center 2, 111 Israel Road S.E., Tumwater, WA 98501.

AMENDATORY SECTION (Amending WSR 22-24-091, filed 12/6/22, effective 5/1/23)

WAC 246-341-0912 Designated crisis responder (DCR) services—Certification standards. Designated crisis responder (DCR) services are services provided by a DCR to evaluate an individual in crisis and determine if involuntary services are required. An agency providing DCR services must do all of the following:

(1) Ensure that services are provided by a DCR;

(2) Ensure staff members utilize the protocols for DCRs required by RCW 71.05.214;

(3) Document that services provided to the individual were in accordance with the requirements in chapter 71.05 or 71.34 RCW, as applicable; and

(4) Meet the outpatient behavioral health crisis (~~outreach, observation and intervention~~) services certification standards in WAC 246-341-0901.

AMENDATORY SECTION (Amending WSR 22-24-091, filed 12/6/22, effective 5/1/23)

WAC 246-341-1140 Crisis stabilization unit (~~and triage~~)—Certification standards. An agency certified to provide crisis stabilization unit (~~or triage~~) services must meet all of the following criteria:

(1) (~~A triage facility must be licensed as a residential treatment facility under chapter 71.12 RCW.~~

~~(2))~~ If a crisis stabilization unit (~~or triage facility~~) is part of a jail, the unit must be located in an area of the building that is physically separate from the general population. "Physically separate" means:

(a) Out of sight and sound of the general population at all times;

(b) Located in an area with no foot traffic between other areas of the building, except in the case of emergency evacuation; and

(c) Has a secured entrance and exit between the unit and the rest of the facility.

~~((3))~~ (2) Ensure that a mental health professional is on-site at least eight hours per day, seven days a week, and accessible 24 hours per day, seven days per week.

~~((4))~~ (3) Ensure a mental health professional assesses an individual within three hours of the individual's arrival at the facility.

~~((5))~~ (4) For persons admitted to the crisis stabilization unit ~~((or triage facility))~~ on a voluntary basis, the individual service record must meet the individual service record requirements in WAC 246-341-0640.

~~((6))~~ (5) An agency certified to provide crisis stabilization unit ~~((or triage))~~ services must meet the service standards for residential and inpatient behavioral health services in WAC 246-341-1105 and the applicable standards in WAC 246-341-1131 if providing involuntary crisis stabilization unit ~~((or triage))~~ services.

WSR 24-10-098
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-03—Filed April 30, 2024, 3:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-03-120 on January 19, 2024.

Title of Rule and Other Identifying Information: 2024 North of Falcon recreational fisheries rule making. The department of fish and wildlife (WDFW) is considering amendments to current recreational fishing rules resulting from stakeholder recommendations made during North of Falcon meetings: WAC 220-312-020 Freshwater exceptions to statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, 220-312-050 Freshwater exceptions to statewide rules—Eastside, 220-312-060 Freshwater exceptions to statewide rules—Columbia River, 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits, 220-311-020 Coastal salmon—Puget Sound public fishing piers—Restricted fishing areas, and 220-300-220 Geographical definitions—River mouth definitions.

Hearing Location(s): On June 4, 2024, at 10:00 a.m., via Zoom meeting. Register in advance for this meeting https://us02web.zoom.us/webinar/register/WN_AiZYCw2GS8eP3yG5S6pHGA. After registering, you will receive a confirmation email containing information about joining the meeting.

Date of Intended Adoption: June 14, 2024.

Submit Written Comments to: WDFW rules coordinator, public comment website <https://publicinput.com/nof2024-recreational>, email nof2024-recreational@PublicInput.com, voice mail comments 855-925-2801, project code 7009, by June 4, 2024.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 711, email Title6@dfw.wa.gov, <https://wdfw.wa.gov/accessibility/requests-accommodation>, by May 28, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules were developed through the annual North of Falcon salmon season setting process, which began in January 2024, and provide the season schedule for the 2024 recreational fisheries statewide.

These proposed rules regulate the recreational salmon fisheries statewide and are part of a comprehensive rule-making package to implement the new 2024-2025 salmon seasons for Washington state developed through the broader North of Falcon process pursuant to the fish and wildlife commission's (commission) North of Falcon Policy C-3608 for 2024-2028. As such, the seasons specified in these proposed rules are structured in a coordinated manner intended to provide commercial and recreational fishing opportunities while ensuring conservation requirements and management objectives in federal and state laws and regulations, state/tribal harvest management agreements, and commission policies are met. Even though drafted as amendments to preceding rules, these new amendments function as a coordinated and unitary fishery package for the 2024-2025 fishery season, and thus substantively replace prior years' recreational salmon fisheries. Comments should be considered with that understanding.

The intent of this rule-making package, once adopted, is to replace and supersede the language in these WAC in their entirety: WAC 220-312-020 Freshwater exceptions to statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, 220-312-050 Freshwater exceptions to statewide rules—Eastside, 220-312-060 Freshwater exceptions to statewide rules—Columbia River, 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits, 220-311-020 Coastal salmon—Puget Sound public fishing piers—Restricted fishing areas, and 220-300-220 Geographical definitions—River mouth definitions.

WDFW is proposing *specific revisions* to these rules to describe the seasons and dates for these fisheries for 2024. However, all of the provisions encompassed within the WAC listed above are available for public review and comment, and WDFW will consider all public comments received on this rule making.

Reasons Supporting Proposal: The proposed rules were developed through the annual North of Falcon salmon season setting process, which is an extensive stakeholder engagement process to develop and analyze various season options for recreational, commercial, and tribal fisheries for the current year. It is named "North of Falcon" as it includes setting the salmon seasons for the area north of Cape Falcon, Oregon, which is located at 45°N. latitude.

The North of Falcon process typically begins in January and consists of government-to-government meetings involving the National Marine Fisheries Service (NMFS), treaty tribes, and WDFW representatives. Separate meetings are held with stakeholders, both at a statewide and regional level, to review preseason run size forecasts, NMFS guidance relative to allowable impacts for species listed under the Endangered Species Act (ESA), which includes salmon, but other protected species as well, such as southern resident killer whales. Meeting schedules and information can be found on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon>.

Ocean fishery seasons are developed through the Pacific Fishery Management Council process, which is concurrent with and part of the broader North of Falcon process, with meetings in early March and early April. Ocean fishery options are also analyzed and considered in light of potential ESA-listed species impacts and state/tribal harvest agreements and are also reviewed for consistency with the Pacific Salmon Treaty.

Statutory Authority for Adoption: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Henderson, 1111 Washington Street, Olympia, WA 98501, 360-902-2684; Implementation: Kyle Adicks, 1111 Washington Street, Olympia, WA 98501, 360-902-2664; and Enforcement: Chief Steve Bear, 1111 Washington Street, Olympia, WA 98501, 360-902-2373.

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

A cost-benefit analysis is not required under RCW 34.05.328. This proposal is exempt under RCW 34.05.328 (5) (a).

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: WDFW is exempt from the requirements of chapter 19.85 RCW because the proposed recreational fishing rules do not regulate small businesses; rather, WDFW's proposed fishing rules open fishing seasons, and provide fishing opportunity that would otherwise be closed. In doing so, the proposed rules regulate individuals who undertake recreational fishing activities. The proposed statewide recreational rules simply govern the time, place and manner for individuals who want to enjoy the recreational fishing opportunities provided. While recreational fisheries contribute to statewide or local economies, and while those economic effects are part of WDFW's consideration in opening fisheries, the economic effect of different possible recreational fishery packages does not constitute the direct imposition of any regulatory compliance costs on small businesses that supply recreational fishers, or that indirectly benefit from the state's decision to open such fisheries

Scope of exemption for rule proposal:

Is fully exempt.

April 30, 2024
Scott Bird
Rules Coordinator

OTS-5378.1

AMENDATORY SECTION (Amending WSR 17-16-109, filed 7/28/17, effective 8/28/17)

WAC 220-300-220 Geographical definitions—River mouth definitions. When pertaining to angling, unless otherwise defined, any reference to the mouths of rivers or streams includes those waters of any river or stream, including sloughs and tributaries, upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" means those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.
Bear River - Highway 101 Bridge.
Bone River - Highway 101 Bridge.
California Creek - Drayton Harbor Road Bridge.
Chambers Creek - Burlington Northern Railroad Bridge.
Chehalis River - Highway 101 Bridge in Aberdeen.
Chelan River - Railroad Bridge.
Cispus River - Posted markers at the Lewis County P.U.D. kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus rivers.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.

Drano Lake - Highway 14 Bridge.

Duwamish River - An east-west line extending through the southernmost tip of Harbor Island.

Elk River - Highway 105 Bridge.

Entiat River - Railroad Bridge.

Hawk Creek (Lincoln County) - Falls at the Hawk Creek campground.

Hoquiam River - Highway 101 Bridge.

Humptulips River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kalama River - Boundary markers at mouth.

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River - Barstow Bridge.

Klickitat River - Burlington Northern Railroad Bridge.

Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a fishing boundary marker or from the outermost upland at the north shore of the Lewis River mouth, southerly across the Lewis River to a fishing boundary marker near the south shore.

McLane Creek - A line 100 feet upstream of and parallel to the southernmost Highway 101 Bridge.

Minter Creek - A line from a point on the eastern most spit at the mouth of Minter Bay (47°21'29.26"N, -122°41'31.94"W) north to the opposite shore.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

Nisqually River - At the upstream end of Alder Lake, the mouth of the Nisqually River is the Highway 7 Bridge at Elbe.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snake River - Railroad bridge between Burbank and Pasco.

Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Spokane River - State Route 25 Bridge.

Tahuya River - North Shore Rd. Bridge.

Tucannon River - The water south of a line of sight from a sign with an orange triangle along the shoulder of Highway 261 (the northwest of the Tucannon River), southeast across to the eastern, unsubmerged shoreline of the Tucannon River. (The embayment between the eastern shoreline of the Tucannon River and the rock bluff to the east that has an affixed orange channel navigation marker, along the south shore of the Snake River, is considered part of the Snake River.)

Wallace River - The furthest downstream railroad bridge.

Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

Little White Salmon River - At boundary markers on river bank downstream from the Little White Salmon National Fish Hatchery.

White Salmon River - Burlington Northern Railroad Bridge.

Willapa River - City of South Bend boat launch.

Wind River - Boundary line markers at mouth.

Yakima River - Highway 240 Bridge.

OTS-5379.1

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

WAC 220-311-020 Puget Sound public fishing piers—Restricted fishing areas. (1) ~~((Dash Point Dock public fishing pier: It is unlawful to take, fish for or possess food fish or shellfish taken within 100 yards of the Dash Point Dock public fishing pier, except while fishing from the Dash Point Dock public fishing pier.~~

~~(2))~~ Des Moines public fishing pier: It is unlawful to take, fish for or possess food fish or shellfish taken within 100 yards of the Des Moines public fishing pier, except while fishing from the Des Moines public fishing pier.

~~((3))~~ (2) Edmonds public fishing pier:

(a) It is unlawful to take, fish for or possess food fish or shellfish taken from the following waters, except while fishing from the Edmonds public fishing pier: Waters inside a line from a boundary marker on the north breakwater to the southernmost marker buoy, then to the north end of the city of Edmonds public beach.

(b) It is unlawful to take, fish for or possess food fish or shellfish taken by any means from within the boundaries of the underwater artificial reef surrounding the Edmonds public fishing pier as defined in this subsection, except while fishing from the Edmonds public fishing pier. The underwater artificial reef area is defined as waters lying northerly and easterly of the north breakwater of the port of Edmonds marina inside of a line from a boundary marker on the north breakwater, northwesterly 275 feet to a marker buoy, thence northeasterly 1350 feet to a marker buoy, thence southeasterly to the northeastern end of the city of Edmonds public beach.

~~((4))~~ (3) Elliot Bay public fishing pier: It is unlawful to take, fish for or possess food fish or shellfish taken within 100 yards of the Elliot Bay public fishing pier, except while fishing from the Elliot Bay public fishing pier.

~~((5))~~ (4) Les Davis public fishing pier: It is unlawful to take, fish for or possess food fish or shellfish taken within 100 yards of the Les Davis public fishing pier, except while fishing from the Les Davis public fishing pier.

~~((6))~~ (5) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish. If the person has harvested fish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

OTS-5381.2

AMENDATORY SECTION (Amending WSR 23-13-072, filed 6/14/23, effective 7/15/23)

WAC 220-312-020 Freshwater exceptions to statewide rules—Coast.

(1) **Aberdeen Lake (Grays Harbor County):** Open the fourth Saturday in April through October 31.

(2) **Bear Creek (Clallam County) (Bogachiel River tributary):**

(a) It is unlawful to use anything other than one single-point barbless hook.

(b) It is unlawful to use bait.

(c) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow trout.

(3) **Bear Creek (Clallam County) (Sol Duc River tributary):**

(a) It is unlawful to use anything other than one single-point barbless hook.

(b) It is unlawful to use bait.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(4) **Bear River (Pacific County):**

(a) Open the Saturday before Memorial Day through March 31.

(b) From August 16 through November 30: Night closure.

(c) From the mouth (Highway 101 Bridge) to Lime Quarry Road (approximately 2 river miles):

(i) August 16 through November 30:

(ii) Barbless hooks required.

(iii) Anti-snagging rule.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open September 1 through January 31:

(A) Daily limit 6; up to 2 may be adults; of which 1 may be a wild coho.

(B) Release wild Chinook.

(d) From the Lime Quarry Road upstream to the Longview Fiber Bridge:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(5) **Beaver Creek (Clallam County) (Sol Duc River tributary):**

(a) From the mouth upstream to Beaver Falls:

(b) It is unlawful to use anything other than one single-point barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(6) **Beaver Lake (Clallam County):** Selective gear rules.

(7) **Big River (Clallam County), outside of Olympic National Park:**

(a) Open the Saturday before Memorial Day through October 15, and January 1 through the last day of February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(8) **Big River tributaries (Clallam County), outside of Olympic National Park:** Open the Saturday before Memorial Day through October 15.

(9) **Black River (Grays Harbor/Thurston counties):** From the mouth to the bridge on 128th Ave. S.W.:

(a) Anti-snagging rule.

(b) Night closure.

(c) Barbless hooks required.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(e) Salmon:

(i) Open October 1 through November 30:

- (A) Daily limit 6; up to 2 may be adults.
- (B) Release adult Chinook.
- (ii) Open December 1 through December 31:
- (A) Daily limit 6; up to 1 may be an adult.
- (B) Release Chinook.

(10) **Bogachiel Hatchery Pond, South (Clallam County):** Closed waters.

(11) **Bogachiel River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one single-point barbless hook.

(c) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) November 1 through last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open July 1 through August 31:

(I) Daily limit 4; up to 2 may be adults.

(II) Release wild adult Chinook and wild adult coho.

(B) Open September 1 through ~~(September)~~ December 15:

(I) Daily limit 3; up to ~~((2))~~ 1 may be an adult ~~((s, of which 1 may be a wild Chinook))~~.

(II) Release wild adult coho and sockeye.

~~((C) Open September 16 through December 15:~~

~~(I) Daily limit 3; up to 2 may be adults, of which 1 may be a wild Chinook.~~

~~(II) Release sockeye.)~~

(d) From Highway 101 Bridge to Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(12) **Calawah River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one single-point barbless hook.

(c) From the mouth to the Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open July 1 through August 31:

(I) Daily limit 4; up to 2 may be adults.

(II) Release wild adult Chinook and wild adult coho.

(B) Open September 1 through ~~((September))~~ December 15:

(I) Daily limit 3; up to ~~((2))~~ 1 may be an adult ~~((s, of which 1 may be a wild Chinook))~~.

(II) Release wild adult coho and sockeye.

~~((C) Open September 16 through December 15:~~

~~(I) Daily limit 3; up to 2 may be adults, of which 1 may be a wild Chinook.~~

~~(II) Release sockeye.)~~

(d) From the Highway 101 Bridge to the forks:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(13) Calawah River, North Fork (Clallam County):

(a) It is unlawful to use anything other than one single-point barbless hook.

(b) It is unlawful to use bait.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(14) Calawah River, South Fork (Clallam County):

(a) From the mouth to the Olympic National Park boundary:

(b) Open the Saturday before Memorial Day through the last day in February.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) It is unlawful to use anything other than one single-point barbless hook.

(e) It is unlawful to use bait.

(f) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(15) Canyon River (Grays Harbor County): Closed waters.

(16) Cases Pond (Pacific County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(17) Cedar Creek (Jefferson County), outside Olympic National Park:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(18) Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:

(a) From the mouth (Highway 101 Bridge in Aberdeen) to Fuller Bridge (Keys Road) including all channels, sloughs, and interconnected waterways:

(i) August 1 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through April 15:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open August 1 through September 15.

(I) Daily limit 6.

- (II) Release adult salmon.
- (B) Open September 16 through November 30.
- (I) Daily limit 6; up to 2 may be adults.
- (II) Release adult Chinook.
- (C) Open December 1 through December 31.
- (I) Daily limit 6; up to 1 may be an adult.
- (II) Release Chinook.
- (b) From Fuller Bridge (Keys Road) to South Elma Bridge (Wakefield Road) including all channels, sloughs, and interconnected waterways:
 - (i) August 1 through November 30: Single-point barbless hooks are required.
 - (ii) It is unlawful to use bait August 1 through September 15.
 - ~~(iii)~~ Open the Saturday before Memorial Day through April 15.
 - ~~((iii))~~ (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - ~~((iv))~~ (v) Salmon:
 - (A) Open August 1 through September 15:
 - (I) Daily limit 6.
 - (II) Release adult salmon.
 - (B) September 16 through September 30: Closed.
 - (C) Open October 1 through November 30.
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release adult Chinook.
 - (D) Open December 1 through December 31.
 - (I) Daily limit 6; up to 1 may be an adult.
 - (II) Release Chinook.
- (c) From South Elma Bridge (Wakefield Road) to the confluence of Black River:
 - (i) August 16 through November 30: Single-point barbless hooks are required.
 - (ii) Open the Saturday before Memorial Day through April 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon:
 - (A) Open October 1 through November 30.
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release adult Chinook.
 - (B) Open December 1 through December 31.
 - (I) Daily limit 6; up to 1 may be an adult.
 - (II) Release Chinook.
- (d) From the confluence of Black River to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell):
 - (i) Open the Saturday before Memorial Day through April 15.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (iii) August 16 through November 30: Single-point barbless hooks are required.
 - (iv) Salmon:
 - (A) Open October 1 through November 30.
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release adult Chinook.
 - (B) Open December 1 through December 31.
 - (I) Daily limit 6; up to 1 may be an adult.
 - (II) Release Chinook.

(e) From high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell) upstream including all forks:

(i) Open the Saturday before Memorial Day through April 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(19) **Chehalis River, South Fork (Lewis County)**: From the mouth to County Highway Bridge near Boistfort School:

(a) Open the Saturday before Memorial Day through April 15.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(20) **Chimacum Creek (Jefferson County)**:

(a) From the mouth to Ness's Corner Road:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From Ness's Corner Road upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(21) **Clallam River (Clallam County)**:

(a) Open the Saturday before Memorial Day through October 31:

(i) Selective gear rules.

(ii) Release all fish.

(b) Open from November 1 through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(22) **Clearwater River (Jefferson County)**:

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to Snahapish River:

(i) Open the Saturday before Memorial Day through April 15.

(ii) Bait is allowed September 1 through February 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open September 1 through November 30:

(B) Daily limit 3; up to 2 may be adults (~~(, of which up to 1 may be a Chinook)~~).

(C) Release Chinook.

(d) From the Snahapish River upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(23) **Cloquallum Creek (Grays Harbor County)**: From the mouth to the outlet at Stump Lake:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(24) **Copalis River (Grays Harbor County):**

(a) From the mouth to Carlisle Bridge:

(i) Open the Saturday before Memorial Day through last day in February.

(ii) It is permissible to retain hatchery steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Single-point barbless hooks required August 16 through November 30.

(v) Salmon:

(A) Open September 1 through November 30:

(I) Daily limit 6; up to 2 may be adults.

(II) Release adult Chinook.

(B) Open December 1 through December 31:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release Chinook.

(b) From Carlisle Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(25) **Crim Creek (Lewis County) (Chehalis River tributary):** Closed waters.

(26) **Damon Lake (Grays Harbor County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(27) **Deep Creek (Clallam County) (tributary to the straits):**

(a) Open December 1 through January 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(28) **Dickey Lake (Clallam County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(29) **Dickey River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one single-point barbless hook.

- (c) From Olympic National Park boundary upstream to the confluence of the East and West forks:
- (i) Open the Saturday before Memorial Day through April 30.
 - (ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release wild rainbow trout.
 - (B) Cutthroat trout: Minimum length 14 inches.
 - (iv) Salmon:
 - (A) Open July 1 through August 31:
 - (I) Daily limit 4; up to 2 may be adults.
 - (II) Release wild adult Chinook and wild adult coho.
 - (B) Open September 1 through ~~(September)~~ December 15:
 - (I) Daily limit 3; up to 1 may be an adult.
 - (II) Release wild adult coho and sockeye.
 - ~~((C) Open September 16 through December 15:~~
 - ~~(I) Daily limit 3; up to 1 may be an adult.~~
 - ~~(II) Release sockeye.)~~
- (d) From the confluence of the East and West forks upstream (for both forks):
- (i) Open the Saturday before Memorial Day through March 31.
 - (ii) It is unlawful to use bait.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release wild rainbow trout.
 - (B) Cutthroat trout: Minimum length 14 inches.
 - (30) **Duck Lake (Grays Harbor County):**
 - (a) Game fish: Statewide minimum length/daily limit, except: Crappie: No limit and no minimum length.
 - (b) Grass carp: No limit for anglers and bow and arrow fishing.
 - (31) **Dungeness River (Clallam County):** From the mouth to the forks at Dungeness Forks Campground:
 - (a) Open October 16 through January 31.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (c) Salmon:
 - (i) Open October 16 through November 30.
 - (ii) Daily limit 4 coho only.
 - (iii) Release wild coho.
 - (32) **East Twin River (Clallam County):**
 - (a) Selective gear rules.
 - (b) Release all fish.
 - (33) **Elk Creek (Lewis County) (Chehalis River tributary):** Open the Saturday before Memorial Day through September 30 and January 1 through March 31.
 - (34) **Elk Lake (Clallam County):**
 - (a) Open the Saturday before Memorial Day through October 15.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Release kokanee.
 - (35) **Elk River (Grays Harbor County):**
 - (a) From the mouth (Highway 105 Bridge) to the confluence of the middle branch:
 - (i) Open the Saturday before Memorial Day through the last day in February.
 - (ii) August 16 through November 30: Single-point barbless hooks are required.

- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon:
 - (A) Open October 1 through November 30:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release adult Chinook.
 - (B) Open December 1 through December 31:
 - (I) Daily limit 6; up to 1 may be an adult.
 - (II) Release Chinook.
- (b) From confluence of the middle branch upstream:
 - (i) Open the Saturday before Memorial Day through the last day in February.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (36) **Elwha River and all tributaries (Clallam County)**: Closed waters.
- (37) **Failor Lake (Grays Harbor County)**: Open the fourth Saturday in April through September 15.
- (38) **Fork Creek (Pacific County) (Willapa River tributary)**: Closed waters.
- (39) **Goodman Creek (Jefferson County), outside Olympic National Park**:
 - (a) Open the Saturday before Memorial Day through the last day in February.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (40) **Gray Wolf River (Clallam County)**:
 - (a) From the confluence with the Dungeness to the bridge at river mile 1.0: Closed waters.
 - (b) From the bridge at river mile 1.0, upstream:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (41) **Hoh River (Jefferson County)**:
 - (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (b) It is unlawful to use anything other than one single-point barbless hook.
 - (c) From the Olympic National Park boundary upstream to the DNR Oxbow Campground Boat Launch:
 - (i) It is unlawful to use bait from February 16 through April 15 and June 1 through August 31.
 - (ii) Open June 1 through August 31 and September 16 through April 15:
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release wild rainbow trout.
 - (B) Cutthroat trout: Minimum length 14 inches.
 - (C) November 1 through February 15: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (iv) Salmon:
 - (A) Open September 16 through November 30: Daily limit ((4)) 2; up to ((2)) 1 may be an adult (~~(s, of which 1 may be a Chinook)~~).
 - (B) Open December 1 through December 15: Daily limit 1 coho only.
 - (d) From the DNR Oxbow Campground Boat Launch to Morgans Crossing Boat Launch:

- (i) Open June 1 through August 31 and September 16 through April 15.
- (ii) It is unlawful to use bait June 1 through October 15 and December 1 through April 15.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Release wild rainbow trout.
- (B) Cutthroat trout: Minimum length 14 inches.
- (iv) Salmon:
- (A) Open October 16 through November 30: Daily limit ((4)) 2; up to ((2)) 1 may be an adult (~~(s, of which 1 may be a Chinook)~~).
- (B) Open December 1 through December 15: Daily limit 1 coho only.
- (e) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:
- (i) Open June 1 through August 31 and September 16 through April 15.
- (ii) It is unlawful to use bait.
- (iii) It is unlawful to fish from a floating device.
- (iv) Game fish: Statewide minimum length/daily limit, except:
- (A) Release wild rainbow trout.
- (B) Cutthroat trout: Minimum length 14 inches.
- (42) Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:**
- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) Open June 1 through August 31 and September 16 through April 15.
- (c) It is unlawful to use anything other than one single-point barbless hook.
- (d) It is unlawful to use bait.
- (e) Game fish: Statewide minimum length/daily limit, except:
- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.
- (43) Hoko River (Clallam County):**
- (a) From the mouth to the upper Hoko Bridge:
- (i) From the hatchery ladder downstream 100 feet: Closed waters.
- (ii) Open the Saturday before Memorial Day through March 15.
- (iii) September 1 through October 31: Open to fly fishing only.
- (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (b) From the upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5):
- (i) Open the Saturday before Memorial Day through March 31 to fly fishing only.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (44) Hoquiam River, including West Fork (Grays Harbor County):**
- (a) From the mouth (Highway 101 Bridge on Simpson) to Dekay Road Bridge (West Fork):
- (i) August 16 through November 30: Single-point barbless hooks are required.
- (ii) Open the Saturday before Memorial Day through the last day of February:
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon:
- (A) Open October 1 through November 30:
- (I) Daily limit 6; up to 2 may be adults.

- (II) Release adult Chinook.
- (B) Open December 1 through December 31:
 - (I) Daily limit 6; up to 1 may be an adult.
 - (II) Release Chinook.
- (b) From Dekay Road Bridge upstream:
 - (i) Open the Saturday before Memorial Day through the last day of February.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (45) **Hoquiam River, East Fork (Grays Harbor County):**
 - (a) From the mouth to the confluence of Berryman Creek:
 - (i) August 16 through November 30: Single-point barbless hooks are required.
 - (ii) Open the Saturday before Memorial Day through the last day of February.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon:
 - (A) Open October 1 through November 30:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release adult Chinook.
 - (B) Open December 1 through December 31:
 - (I) Daily limit 6; up to 1 may be an adult.
 - (II) Release Chinook.
 - (b) From the confluence of Berryman Creek upstream:
 - (i) Open the Saturday before Memorial Day through the last day of February.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) Selective gear rules.
 - (46) **Humtulpips River (Grays Harbor County):**
 - (a) From the mouth (Jessie Slough) to the Highway 101 Bridge, including all channels, sloughs, and interconnected waterways:
 - (i) August 16 through November 30:
 - (A) Night closure.
 - (B) Single-point barbless hooks are required.
 - (ii) Open the Saturday before Memorial Day through March 31.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon:
 - (A) Open September 1 through (~~September 30~~) October 24:
 - (I) Daily limit 6; up to ((2)) 1 may be an adult((s)).
 - (II) Release wild coho and wild Chinook.
 - (B) Open October ((1)) 25 through ((October)) December 31:
 - (I) Daily limit 6; up to ((2)) 1 may be an adult((s, of which 1 may be a Chinook)).
 - (II) Release ((wild)) Chinook and wild coho.
 - (~~(C) Open November 1 through December 31:~~
 - (~~I) Daily limit 6; up to 1 may be an adult.~~
 - (~~II) Release Chinook and wild coho.~~)
 - (b) From the Highway 101 Bridge to the confluence of the East and West forks:
 - (i) From December 1 through March 31: It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (ii) August 16 through November 30:
 - (A) Night closure.

- (B) Single-point barbless hooks are required.
- (iii) March 1 through March 31: Selective gear rule.
- (iv) Game fish:

(A) Open the Saturday before Memorial Day through the last day in February: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Open March 1 through March 31: Release all fish, except: Anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) Open September 1 through (~~September 30~~) October 24:

(I) Daily limit 6; up to ((2)) 1 may be an adult((s)).

(II) Release wild coho and wild Chinook.

(B) Open October ((±)) 25 through (~~October~~) December 31:

(I) Daily limit 6; up to ((2)) 1 may be an adult(~~s, of which 1 may be a Chinook~~)).

(II) Release ((wild)) Chinook and wild coho.

~~((C) Open November 1 through December 31:~~

~~(I) Daily limit 6; up to 1 may be an adult.~~

~~(II) Release Chinook and wild coho.))~~

(47) **Humptulips River, East Fork (Grays Harbor County)**: August 16 through October 31:

(a) Anti-snagging rule.

(b) Night closure.

(48) **Humptulips River, West Fork (Grays Harbor County)**: From the mouth to Donkey Creek:

(a) August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) March 1 through March 31: Selective gear rule.

(c) Game fish:

(i) Open the Saturday before Memorial Day through the last day in February: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Open March 1 through March 31: Release all fish, except: Anglers may retain up to 2 hatchery steelhead.

(49) **Joe Creek (Grays Harbor County)**: From the mouth to Ocean Beach Road Bridge:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through December 31.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon:

(i) Open September 1 through November 30:

(A) Daily limit 6; up to 2 may be adults.

(B) Release adult Chinook.

(ii) Open December 1 through December 31:

(A) Daily limit 6; up to 1 may be an adult.

(B) Release Chinook.

(50) **Johns River (Grays Harbor County)**: From the mouth (Highway 105 Bridge) to Ballon Creek:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (d) Salmon:
- (i) Open October 1 through November 30:
- (A) Daily limit 6; up to 2 may be adults.
- (B) Release adult Chinook.
- (ii) Open December 1 through December 31:
- (A) Daily limit 6; up to 1 may be an adult.
- (B) Release Chinook.

(51) Kalaloch Creek (Jefferson County), outside Olympic National Park:

(a) Open the Saturday before Memorial Day through the last day in February:

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(52) **Lena Lake, Lower (Jefferson County):** The inlet stream from the mouth upstream to the footbridge (about 100 feet): Closed waters.

(53) **Lincoln Pond (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(54) **Little Hoko River (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(55) **Loomis Lake (Pacific County):** Open the fourth Saturday in April through October 31.

(56) **Lyre River (Clallam County):**

(a) From the mouth to falls near river mile 3:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the falls to the Olympic National Park boundary:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(57) **Matheny Creek (Jefferson County) (Queets River tributary), outside the Olympic National Park:**

(a) Open the Saturday before Memorial Day through October 31.

(b) It is unlawful to use bait.

(c) It is unlawful to use anything other than one barbless hook.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(58) **McDonald Creek (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(59) **Moclips River (Grays Harbor County):**

(a) From the mouth to the Quinault Indian Reservation boundary.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(e) August 16 through November 30: Single-point barbless hooks are required.

- (f) Salmon:
- (i) Open September 1 through November 30:
 - (A) Daily limit 6; up to 2 may be adults.
 - (B) Release adult Chinook.
- (ii) Open December 1 through December 31:
 - (A) Daily limit 6; up to 1 may be an adult.
 - (B) Release Chinook.

(60) **Morse Creek (Clallam County)**: From the mouth to Port Angeles Dam:

- (a) Open from December 1 through January 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(61) **Mosquito Creek (Jefferson County)**: From outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge:

- (a) Open the Saturday before Memorial Day through the last day in February.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(62) **Naselle River (Pacific/Wahkiakum counties)**:

- (a) From the Highway 101 Bridge to the South Fork:
 - (i) August 1 through November 15:
 - (A) Night closure.
 - (B) Anti-snagging rule.
 - (C) Barbless hooks are required.
 - (ii) Open the Saturday before Memorial Day through April 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon:
 - (A) Open August 1 through January 31:
 - (B) Daily limit 6; up to 2 may be adults (~~(, of which 1 may be a wild coho)~~).
 - (C) Release wild Chinook and wild coho.
- (b) From the confluence of the South Fork upstream to the Highway 4 Bridge:

- (i) February 1 through April 15: Selective gear rules.
- (ii) August 1 through November 15:
 - (A) Night closure.
 - (B) Anti-snagging rule.
 - (C) Barbless hooks are required.
 - (D) Stationary gear restriction.
- (iii) Open the Saturday before Memorial Day through April 15.
- (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (v) Salmon:
 - (A) Open August 1 through January 31:
 - (B) Daily limit 6; up to 2 may be adults (~~(, of which 1 may be a wild coho)~~).
 - (C) Release wild Chinook and wild coho.

(c) From the Highway 4 Bridge to 300 feet below the upstream entrance of the Naselle Hatchery attraction channel:

- (i) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (ii) February 1 through April 15: Selective gear rules.
- (iii) August 16 through October 15: Bait or lure must be suspended below a float.
- (iv) October 16 through November 15:

- (A) Night closure.
- (B) Anti-snagging rule.
- (C) Barbless hooks are required.
- (D) Stationary gear restrictions.
- (v) Open the Saturday before Memorial Day through July 31 and October 16 through April 15.
- (vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (vii) Salmon:
 - (A) Open October 16 through January 31:
 - (B) Daily limit 6; up to 2 may be adults (~~(, of which 1 may be a wild coho)~~).
 - (C) Release wild Chinook and wild coho.
- (d) From 300 feet below the upstream entrance of the Naselle Hatchery attraction channel to the upstream entrance of the Naselle Hatchery attraction channel: Closed waters.
- (e) From the upstream entrance of the Naselle Hatchery attraction channel to the full spanning concrete diversion structure at the Naselle Hatchery:
 - (i) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (ii) August 1 through October 15: Closed waters.
 - (iii) October 16 through November 15:
 - (A) Night closure.
 - (B) Anti-snagging rule.
 - (C) Barbless hooks are required.
 - (D) Stationary gear rules.
 - (iv) February 1 through April 15: Selective gear rules.
 - (v) Open the Saturday before Memorial Day through April 15.
 - (vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (vii) Salmon:
 - (A) Open October 16 through January 31:
 - (B) Daily limit 6; up to 2 may be adults (~~(, of which 1 may be a wild coho)~~).
 - (C) Release wild Chinook and wild coho.
- (f) From the full spanning concrete diversion structure at the Naselle Hatchery to 400 feet downstream of the falls in Sec. 6 T10N R8W:
 - (i) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (ii) August 1 through November 15:
 - (A) Night closure.
 - (B) Anti-snagging rule.
 - (C) Barbless hooks are required.
 - (D) Stationary gear rules.
 - (iii) Open the Saturday before Memorial Day through April 15.
 - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (v) Salmon:
 - (A) Open October 16 through January 31:
 - (B) Daily limit 6; up to 2 may be adults (~~(, of which 1 may be a wild coho)~~).
 - (C) Release wild Chinook and wild coho.
- (g) From 400 feet downstream of the falls in Sec. 6, T10N, R8W to the falls in (Wahkiakum County): Closed waters.

(h) From the falls in Sec. 6, T10N, R8W to the Crown Mainline (Salme) Bridge:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear rules.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) Open October 16 through January 31:

(B) Daily limit 6; up to 2 may be adults (~~(, of which 1 may be a wild coho)~~).

(C) Release wild Chinook and wild coho.

(i) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:

(i) February 1 through April 15; selective gear rules.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) August 16 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(j) Upstream from the mouth of the North Fork.

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(63) Naselle River, South (Pacific County):

(a) From the mouth to Bean Creek: Open the Saturday before Memorial Day through the last day in February.

(b) The Saturday before Memorial Day through August 15: Selective gear rules.

(c) August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(64) Nemah River, Middle (Pacific County):

(a) From the mouth upstream to the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road:

(i) Open the Saturday before Memorial Day through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iv) Salmon:

(A) Open September 1 through January 31:

(B) Daily limit 6; up to 2 may be adults.

(C) Release wild Chinook and wild coho.

(b) From the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road upstream:

(i) Open the Saturday before Memorial Day through March 31:

(ii) Selective gear rules.

- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) August 16 through November 30: Night closure.
- (65) **Nemah River, North (Pacific County):**
 - (a) From Highway 101 Bridge upstream to the bridge on Nemah Valley Road:
 - (i) Open the Saturday before Memorial Day through March 31.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) August 1 through November 30:
 - (A) Night closure.
 - (B) Stationary gear restriction.
 - (C) Single-point barbless hooks are required.
 - (iv) Salmon:
 - (A) Open August 1 through January 31:
 - (B) Daily limit 6; up to 2 may be adults, of which 1 may be a wild coho.
 - (C) Release wild Chinook.
 - (b) From the bridge on Nemah Valley Road upstream to approximately 1.66 miles to the Hancock property line:
 - (i) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) August 16 through November 30:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (iv) December 1 through March 31: Selective gear rules.
 - (c) From the Hancock property line upstream to the fishing boundary sign (approximately 210 feet above the Nemah Hatchery Bridge):
 - (i) Open only for salmon for anglers that possess a senior's license from August 1 through September 15:
 - (A) Salmon: Daily limit 6; up to 2 may be adults, of which 1 may be a wild coho.
 - (B) Release wild Chinook.
 - (ii) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) August 16 through November 30:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (v) December 1 through March 31: Selective gear rules.
 - (d) From the fishing boundary sign (approximately 210 feet above the Nemah Hatchery Bridge) upstream to the Nemah Hatchery Dam: Closed waters.
 - (e) From the Nemah Hatchery Dam upstream to N-700 Road (46°28.58N, 123°48.54W):
 - (i) Open the Saturday before Memorial Day through March 31.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) August 16 through November 30:
 - (A) Night closure.
 - (B) Anti-snagging rule.
 - (iv) December 1 through March 31: Selective gear rules.
 - (v) Salmon: Open October 1 through January 31:

- (A) Daily limit 6; up to 2 may be adults, of which 1 may be a wild coho.
- (B) Release wild Chinook.
- (f) From the N-700 Road (46°28.58N, 123°48.54W) to Cruiser Creek:
- (i) Open the Saturday before Memorial Day through March 31.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) August 16 through November 30:
- (A) Night closure.
- (B) Anti-snagging rule.
- (iv) December 1 through March 31: Selective gear rules.
- (66) Nemah River, South (Pacific County):**
- (a) September 1 through November 30:
- (i) Night closure.
- (ii) Single-point barbless hooks are required.
- (b) Open the Saturday before Memorial Day through March 31:
- (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (d) Salmon:
- (i) Open September 1 through January 31.
- (ii) Daily limit 6; up to 2 may be adults.
- (iii) Release wild Chinook and wild coho.
- (67) Newaukum River, including South Fork (Lewis County):**
- (a) From the mouth to Leonard Road near Onalaska:
- (i) Open the Saturday before Memorial Day through March 31:
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) August 16 through November 30:
- (A) Night closure.
- (B) Single-point barbless hooks are required.
- (iv) Salmon:
- (A) Open October 16 through November 30:
- (I) Daily limit 6; up to 2 may be adults.
- (II) Release adult Chinook.
- (B) Open December 1 through December 31:
- (I) Daily limit 6; up to 1 may be an adult.
- (II) Release Chinook.
- (b) From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:
- (i) Open the Saturday before Memorial Day through March 31:
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) August 16 through November 30:
- (A) Night closure.
- (B) Single-point barbless hooks are required.
- (68) Newaukum River, Middle Fork (Lewis County), from the mouth to Tauscher Road Bridge:**
- (a) Open the Saturday before Memorial Day through March 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (69) Newaukum River, North Fork (Lewis County), from the mouth to 400 feet below the Chehalis city water intake:**
- (a) Open the Saturday before Memorial Day through March 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (70) Niawiakum River (Pacific County):** From Highway 101 Bridge to the South Bend/Palix Road Bridge:

- (a) August 16 through November 30:
 - (i) Night closure.
 - (ii) Single-point barbless hooks are required.
- (b) Open the Saturday before Memorial Day through November 30.
- (71) **North River (Grays Harbor/Pacific counties):**
 - (a) From the Highway 105 Bridge to Fall River:
 - (i) August 16 through November 30:
 - (A) Night closure.
 - (B) Single-point barbless hooks are required.
 - (C) Anti-snagging rule.
 - (ii) Open the Saturday before Memorial Day through the last day in February.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon: Open October 1 through January 31:
 - (A) Daily limit 6; up to 2 may be adults, of which 1 may be a wild coho.
 - (B) Release wild Chinook.
 - (b) From Fall River upstream to Raimie Creek:
 - (i) Selective gear rules.
 - (ii) Open the Saturday before Memorial Day through the last day in February.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (72) **Ozette Lake tributaries and their tributaries except Big River (Clallam County):** Outside of Olympic National Park. Open the Saturday before Memorial Day through October 15.
 - (73) **Palix River, including all forks (Pacific County):**
 - (a) From the Highway 101 Bridge to the mouth of the Middle Fork:
 - (i) August 16 through November 30:
 - (A) Night closure.
 - (B) Single-point barbless hooks are required.
 - (ii) Open the Saturday before Memorial Day through March 31.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon: Open September 1 through January 31:
 - (A) Daily limit 6; up to 2 may be adults.
 - (B) Release wild Chinook and wild coho.
 - (b) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Canon rivers:
 - (i) August 16 through October 15:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (ii) The Saturday before Memorial Day through August 15, and December 16 through March 31: Selective gear rules.
 - (iii) Open the Saturday before Memorial Day through October 15, and December 16 through March 31.
 - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (74) **Peabody Creek (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
 - (75) **Pleasant Lake (Clallam County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Kokanee: Daily limit 5; minimum length 8 inches, maximum length 18 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(76) Pysht River (Clallam County):

(a) Open the Saturday before Memorial Day through January 31.

(b) Selective gear rules.

(c) The Saturday before Memorial Day through October 31.

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Release cutthroat trout and wild rainbow trout.

(d) Open November 1 through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(77) Quigg Lake (Grays Harbor County):

(a) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) Salmon:

(i) Open October 1 through January 31.

(ii) Daily limit 6 hatchery coho salmon; up to 4 may be adult hatchery coho.

(78) Quillayute River (Clallam County), outside of Olympic National Park:

(a) Open year-round, except closed Mondays and Tuesdays September ((4)) 2 through October ((17. Also closed September 27, October 4, and October 11)) 15.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one single-point barbless hook.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(ii) November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open February 1 through August 31:

(A) Daily limit 4; up to 2 may be adults.

(B) Release sockeye, wild adult Chinook, and wild adult coho.

(ii) Open September 1 through ((September)) December 15:

(A) Daily limit 6; up to ((4)) 3 may be adults, of which only 1 may be a wild Chinook.

(B) Release sockeye and wild adult coho.

~~((iii) Open September 16 through December 15:~~

~~(A) Daily limit 6; up to 4 may be adults, of which only 1 may be a wild Chinook and only 1 may be a wild coho.~~

~~(B) Release sockeye.)~~

(79) Quinault River (Grays Harbor County): From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

(a) Open the Saturday before Memorial Day through April 15.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

- (c) It is unlawful to use anything other than one barbless hook.
- (d) It is unlawful to use bait the Saturday before Memorial Day through September 30 and February 16 through April 15.
- (e) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release wild rainbow trout.
 - (ii) Cutthroat trout: Minimum length 14 inches.
- (f) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.
 - (g) Salmon:
 - (i) Open July 1 through September 30: Daily limit 6 jack salmon only.
 - (ii) Open October 1 through November 30:
 - (A) Daily limit 6; up to 2 may be adults.
 - (B) Release sockeye and chum.
- (80) **Rocky Brook (Jefferson County) (Dosewallips River tributary):** From the mouth upstream: Closed waters.
- (81) **Salmon Creek (Pacific County) (tributary of Naselle River):**
 - (a) Open the Saturday before Memorial Day through the last day in February.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (82) **Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:**
 - (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (b) It is unlawful to use anything other than one barbless hook.
 - (c) It is unlawful to use bait the Saturday before Memorial Day through August 31.
 - (d) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.
 - (e) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release wild rainbow trout.
 - (ii) Cutthroat trout: Minimum length 14 inches.
 - (iii) Saturday before Memorial Day through September 30: It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.
 - (iv) December 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (f) Salmon:
 - (i) Open September 1 through November 30:
 - (ii) Daily limit 6; up to 2 may be adults (~~(, of which up to 1 may be a Chinook)~~).
 - (iii) Release Chinook.
- (83) **Salt Creek (Clallam County):** From the mouth to the bridge on Highway 112:
 - (a) Selective gear rules.
 - (b) Open the Saturday before Memorial Day through January 31:
 - (i) Game fish: Statewide minimum length/daily limit, except:
 - (ii) Release cutthroat trout and wild rainbow trout.
- (84) **Satsop River and East Fork (Grays Harbor County):**
 - (a) From the mouth to the bridge at Schafer State Park:
 - (i) August 16 through November 30:
 - (A) Night closure.
 - (B) Single-point barbless hooks are required.
 - (ii) August 1 through September 30: Selective gear rules.

(iii) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open October 1 through November 30:

(I) Daily limit 6; up to 2 may be adults.

(II) Release adult Chinook.

(B) Open December 1 through December 31:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release Chinook.

(b) From the bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(c) From 400 feet downstream of the Bingham Creek Hatchery barrier dam upstream to the dam:

(i) Open within posted markers to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(ii) Night closure.

(iii) August 16 through November 30: Single-point barbless hooks are required.

(iv) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) Open October 1 through November 30:

(I) Daily limit 6; up to 2 may be adults.

(II) Release adult Chinook.

(B) Open December 1 through December 31:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release Chinook.

(85) **Satsop River, Middle Fork (Turnow Branch) (Grays Harbor County):**

(a) August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) Open the Saturday before Memorial Day through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(86) **Satsop River, West Fork (Grays Harbor County):**

(a) August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) Open the Saturday before Memorial Day through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(87) **Sekiu River (Clallam County):** From mouth to forks:

- (a) Open the Saturday before Memorial Day through January 31.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (88) **Siebert Creek (Clallam County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (89) **Sitkum River (Clallam County) (Calawah River tributary):**
 - (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (b) It is unlawful to use anything other than one single-point barbless hook.
 - (c) It is unlawful to use bait.
 - (d) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release wild rainbow trout.
 - (ii) Cutthroat trout: Minimum length 14 inches.
- (90) **Skookumchuck River (Thurston County):** From the mouth to 100 feet below the outlet of the TransAlta/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:
 - (a) August 16 through November 30:
 - (i) Night closure.
 - (ii) Single-point barbless hooks are required.
 - (b) Open the Saturday before Memorial Day through April 30:
 - (i) Game fish: Statewide minimum length/daily limit, except:
 - (ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (c) Salmon:
 - (i) Open October 16 through November 30:
 - (A) Daily limit 6; up to 2 may be adults.
 - (B) Release adult Chinook.
 - (ii) Open December 1 through December 31:
 - (A) Daily limit 6; up to 1 may be an adult.
 - (B) Release Chinook.
 - (91) **Smith Creek (near North River) (Pacific County):**
 - (a) From the mouth to the Highway 101 Bridge:
 - (i) August 16 through November 30:
 - (A) Night closure.
 - (B) Single-point barbless hooks are required.
 - (ii) Open the Saturday before Memorial Day through the last day in February.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon: Open October 1 through December 31:
 - (A) Daily limit 6; up to 2 may be adults, of which 1 may be a wild coho.
 - (B) Release wild Chinook.
 - (b) From the Highway 101 Bridge upstream:
 - (i) Selective gear rules.
 - (ii) Open the Saturday before Memorial Day through the last day in February.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (92) **Snahapish River (Jefferson County) (Clearwater River tributary):**
 - (a) Open the Saturday before Memorial Day through October 31.

- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) It is unlawful to use anything other than one barbless hook.
- (d) It is unlawful to use bait.
- (e) Game fish: Statewide minimum length/daily limit, except:
- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.
- (93) **Snow Creek and all tributaries (Jefferson County):** Closed waters.
- (94) **Sol Duc River (Clallam County):**
- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) It is unlawful to use anything other than one single-point barbless hook.
- (c) From the mouth to the concrete pump station at the Sol Duc Hatchery:
- (i) It is unlawful to use bait July 16 through August 31 and February 16 through April 30.
- (ii) Game fish: Open year-round: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (iii) Salmon:
- (A) Open February 1 through August 31:
- (I) Daily limit 4; up to 2 may be adults.
- (II) Release sockeye, wild adult Chinook and wild adult coho.
- (B) Open September 1 through ~~(September)~~ December 15:
- (I) Daily limit 6; up to ~~((4))~~ 3 may be adults, of which only 1 may be a wild Chinook.
- (II) Release sockeye and wild adult coho.
- ~~((C) Open September 16 through December 15:~~
- ~~(I) Daily limit 6; up to 4 may be adults, of which only 1 may be a wild Chinook and only 1 may be a wild coho.~~
- ~~(II) Release sockeye.)~~
- (d) From the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya Campground:
- (i) Open the Saturday before Memorial Day through April 30.
- (ii) It is unlawful to use bait.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (e) From the Highway 101 Bridge upstream of Klahowya Campground to the Olympic National Park boundary:
- (i) Open the Saturday before Memorial Day through October 31.
- (ii) It is unlawful to use bait.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (95) **Sol Duc River tributaries unless otherwise listed (Clallam County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (96) **Solleks River (Jefferson County) (Clearwater River tributary):**
- (a) Open the Saturday before Memorial Day through October 31.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) It is unlawful to use anything other than one barbless hook.
- (d) It is unlawful to use bait.
- (e) Game fish: Statewide minimum length/daily limit, except:

- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.

(97) **Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation:** Open the Saturday before Memorial Day through the last day in February.

(98) **Soules Pond (Pacific County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(99) **South Bend Mill Pond (Pacific County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(100) **Stevens Creek (Grays Harbor County):** From the mouth to the Highway 101 Bridge:

(a) From the WDFW hatchery outlet downstream to the cable crossing: Closed waters.

(b) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(101) **Sutherland Lake (Clallam County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches and maximum length 18 inches.

(102) **Thrash Creek (Pacific/Lewis County):** Closed waters.

(103) **Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one single-point barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(e) From mouth to D2400 Road: Open the Saturday before Memorial Day through April 30.

(f) From D2400 Road upstream: Open the Saturday before Memorial Day through October 31.

(104) **Thunder Lake (Clallam County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(105) **Valley Creek (Clallam County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(106) **Vance Creek/Elma Ponds (Grays Harbor County), Pond One (Bowers Lake) and Pond Two (Lake Ines)**: Pond One/Bowers Lake is open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(107) **Van Winkle Creek (Grays Harbor County)**:

(a) August 16 through November 30:

(i) Night closure.

(ii) Anti-snagging rule.

(b) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon:

(A) Open October 1 through November 30:

(I) Daily limit 6; up to 2 may be adults.

(II) Release adult Chinook.

(B) Open December 1 through December 31:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release Chinook.

(108) **West Twin River (Clallam County)**:

(a) Selective gear rules.

(b) Release all fish.

(109) **Willapa River (Pacific County)**:

(a) From the mouth (city of South Bend boat launch) to the WDFW access site at the mouth of Ward/Wilson creeks:

(i) August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open December 1 through January 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through January 31:

(A) Daily limit 6; up to 2 may be adults (~~(, of which 1 may be a wild coho)~~).

(B) Release wild Chinook and wild coho.

(b) From the WDFW access site at the mouth of Ward/Wilson creeks to the second bridge on Camp One Road:

(i) August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through January 31:

(A) Daily limit 6; up to 2 may be adults (~~(, of which 1 may be a wild coho)~~).

(B) Release wild Chinook and wild coho.

(c) From the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles):

(i) August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

- (C) Stationary gear restriction.
- (D) It is unlawful to fish from a floating device.
- (ii) Open the Saturday before Memorial Day through March 31.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon: Open August 1 through January 31:
- (A) Daily limit 6; up to 2 may be adults(~~(, of which 1 may be a wild coho)~~).
- (B) Release wild Chinook and wild coho.
- (d) From the mouth of Mill Creek to the Highway 6 bridge (approximately 2 miles below the mouth of Trap Creek):
- (i) August 1 through November 30:
- (A) Night closure.
- (B) Single-point barbless hooks are required.
- (C) Stationary gear restriction.
- (ii) Open the Saturday before Memorial Day through March 31.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon: Open August 1 through January 31:
- (A) Daily limit 6; up to 2 may be adults(~~(, of which 1 may be a wild coho)~~).
- (B) Release wild Chinook and wild coho.
- (e) From Highway 6 Bridge (approximately 2 miles below the mouth of Trap Creek) to Fork Creek:
- (i) August 16 through November 30:
- (A) Night closure.
- (B) Single-point barbless hooks are required.
- (C) Stationary gear restriction.
- (ii) Open the Saturday before Memorial Day through March 31:
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon: Open August 16 through January 31:
- (A) Daily limit 6; up to 2 may be adults(~~(, of which 1 may be a wild coho)~~).
- (B) Release wild Chinook and wild coho.
- (f) From Fork Creek upstream to the Highway 6 Bridge near the town of Lebam:
- (i) August 16 through October 31:
- (A) Night closure.
- (B) Single-point barbless hooks are required.
- (C) Stationary gear restriction.
- (ii) Open the Saturday before Memorial Day through March 31:
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon: Open October 1 through January 31:
- (A) Daily limit 6; up to 2 may be adults(~~(, of which 1 may be a wild coho)~~).
- (B) Release wild Chinook and wild coho.
- (g) From the Highway 6 Bridge near the town of Lebam upstream:
- (i) August 16 through October 31:
- (A) Night closure.
- (B) Single-point barbless hooks are required.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (110) **Willapa River, South Fork (Pacific County):**
- (a) From the mouth to the Pehl Road bridge:

- (i) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed waters.
- (ii) The Saturday before Memorial Day through July 31: Selective gear rules.
 - (iii) August 1 through November 30:
 - (A) Night closure.
 - (B) Anti-snagging rule.
 - (C) Barbless hooks are required.
- (b) Open the Saturday before Memorial Day through the last day in February:
 - (i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (ii) Salmon: Open August 1 through January 31:
 - (A) Daily limit 6; up to 2 may be adults (~~(, of which 1 may be a wild coho)~~).
 - (B) Release wild Chinook and wild coho.
 - (c) From Pehl Road bridge upstream:
 - (i) Open the Saturday before Memorial Day through the last day in February.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (111) **Wirrkala Pond 1 (Pacific County)**: Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (112) **Wishkah River (Grays Harbor County)**:
 - (a) August 16 through November 30: Single-point barbless hooks are required.
 - (b) From the mouth to 200 feet below the weir at the Wishkah Rearing Ponds:
 - (i) Open the Saturday before Memorial Day through the last day in February.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) Salmon:
 - (A) Open October 1 through November 30:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release adult Chinook.
 - (B) Open December 1 through December 31:
 - (I) Daily limit 6; up to 1 may be an adult.
 - (II) Release Chinook.
 - (iv) From 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Open only to anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.
- (113) **Wynoochee River (Grays Harbor County)**:
 - (a) From the mouth to the WDFW White Bridge Access Site:
 - (i) August 16 through November 30: Single-point barbless hooks are required.
 - (ii) August 1 through September 30: Selective gear rules.
 - (iii) Open the Saturday before Memorial Day through March 31:

- (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (v) Salmon:
 - (A) Open October 1 through November 30:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release adult Chinook.
 - (B) Open December 1 through December 31:
 - (I) Daily limit 6; up to 1 may be an adult.
 - (II) Release Chinook.
- (b) From the WDFW White Bridge Access Site to the 7400 line bridge:
 - (i) From August 16 through November 30: Single-point barbless hooks are required.
 - (ii) From September 16 through November 30: It is unlawful to use bait.
 - (iii) Open the Saturday before Memorial Day through March 31:
 - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (c) From the 7400 line bridge to 400 feet below Wynoochee Dam:
 - (i) From 400 feet downstream of Wynoochee Dam to the Wynoochee dam and from the barrier dam near Grisdale to the barrier dam: Closed waters.
 - (ii) Open the Saturday before Memorial Day through March 31:
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Selective gear rules.
 - (d) From the confluence of the Wynoochee Reservoir upstream to Wynoochee Falls:
 - (i) Open the Saturday before Memorial Day through March 31:
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (114) **Wynoochee Reservoir (Grays Harbor County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iv) Channel catfish: Daily limit 10; no size restriction.
 - (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

AMENDATORY SECTION (Amending WSR 23-13-072, filed 6/14/23, effective 7/15/23)

- WAC 220-312-030 Freshwater exceptions to statewide rules—Southwest.** (1) **Abernathy Creek and tributaries (Cowlitz County):**
- (a) From 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center: Closed waters.
 - (b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

- (c) Selective gear rules, except: Use of barbed hooks is allowed.
- (d) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (e) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (2) **Beaver Creek (Wahkiakum County):** Closed waters.
- (3) **Blue Creek (Lewis County), from the mouth to Spencer Road:**
 - (a) From posted sign above rearing pond outlet to Spencer Road: Closed waters.
 - (b) Anti-snagging rule.
 - (c) Night closure.
 - (d) Open Saturday before Memorial Day through April 15.
 - (e) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 5; minimum length 8 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (f) Salmon:
 - (i) Open August 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (4) **Blue Lake (Cowlitz County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Selective gear rules.
 - (c) Release all fish.
- (5) **Blue Lake Creek (Lewis County):** Selective gear rules.
- (6) **Butter Creek (Lewis County):** Selective gear rules.
- (7) **Canyon Creek (Clark County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5.
- (8) **Carlisle Lake (Lewis County):**
 - (a) Open year-round.
 - (b) Landlocked salmon rules.
- (9) **Cedar Creek and tributaries (tributary of N.F. Lewis) (Clark County):**
 - (a) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters.
 - (b) Selective gear rules, except: Use of barbed hooks is allowed.
 - (c) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (d) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (e) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Daily limit 6; up to 3 adults, of which 2 may be Chinook.
 - (iii) Release all salmon except hatchery Chinook and hatchery coho.
- (10) **Chinook River (Pacific County):** From the Highway 101 Bridge upstream:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(11) **Cispus River (Lewis County)**: From the mouth to the falls, not including the North Fork:

(a) Open year-round, except closed to all angling within posted "Closed Waters" signs around the adult fish release site.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(c) Salmon:

(i) Daily limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained.

(12) **Cispus River, North Fork (Lewis County)**: Selective gear rules.

(13) **Coal Creek (Cowlitz County)**:

(a) From the mouth to 400 feet below the falls:

(i) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open November 1 through December 31.

(B) Daily limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(b) From 400 feet below the falls to the falls: Closed waters.

(14) **Coldwater Lake (Cowlitz County)**:

(a) The Coldwater Lake inlet and outlet streams: Closed waters.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(15) **Cougar Creek (tributary to Yale Reservoir) (Cowlitz County)**:

(a) Selective gear rules.

(b) Open the Saturday before Memorial Day through August 31.

(16) **Coweeman River and tributaries (Cowlitz County)**:

(a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open November 1 through December 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(17) **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County)**:

(a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted Lewis County PUD sign on Peters Road.

(b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arm.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow and wild cutthroat trout.

(ii) Trout: Daily limit 10; minimum length 8 inches.

(iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(v) Channel catfish: Daily limit 10; no size restriction.

(vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(d) Salmon:

(i) Daily limit 6; minimum length 12 inches.

(ii) Up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(18) **Cowlitz River (Lewis/Cowlitz counties):**

(a) From the boundary markers at the mouth to Lexington Bridge:

(i) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: State-wide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round: Daily limit 3 hatchery steelhead, minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(ii) Salmon:

(A) Open January 1 through July 31.

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Daily limit 6; up to 3 may be adults.

(II) Release all salmon other than hatchery coho.

(b) From the Lexington Bridge to the mouth of Mill Creek:

(i) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open: Closed waters.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: State-wide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Daily limit 6; up to 3 may be adults.

(II) Release all salmon other than hatchery coho.

(c) From the mouth of Mill Creek to 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam:

(i) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam: Closed waters.

(ii) Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities **and** who have a designated harvester companion card: Closed waters.

(iii) It is unlawful to fish from a floating device.

(iv) April 1 through November 30:

(A) Anti-snagging rule.

(B) Night closure.

(v) May 1 through June 15: It is unlawful to fish from the south side of the river.

(vi) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: State-wide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(vii) Salmon:

(A) Open January 1 through July 31.

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Daily limit 6; up to 3 may be adults.

(II) Release all salmon other than hatchery coho.

(d) From 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam to Mayfield Dam.

(i) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam: Closed waters.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: State-wide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

- (I) Daily limit 6; up to 3 may be adults.
- (II) Release all salmon other than hatchery coho.
- (e) From the posted PUD sign on Peters Road to the Forest Road 1270 (old Jody's Bridge):
 - (i) Closed to all angling within posted "Closed Waters" signs around the adult fish release site.
 - (ii) September 1 through October 31: Anti-snagging rule and night closure.
 - (iii) Open year-round.
 - (iv) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.
 - (v) Salmon:
 - (A) Open year-round.
 - (B) Daily limit 6; up to 2 may be adults.
 - (C) Only hatchery Chinook and hatchery coho may be retained.
 - (f) From Forest Road 1270 (old Jody's Bridge) upstream and tributaries.
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.
- (19) **Deep River (Wahkiakum County):**
 - (a) Open year-round.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Daily limit 6; up to 2 may be adults.
 - (ii) Only hatchery Chinook and hatchery coho may be retained.
- (20) **Delameter Creek (Cowlitz County):**
 - (a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.
 - (b) Selective gear rules, except: Use of barbed hooks is allowed.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (d) Salmon:
 - (i) Open August 1 through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (21) **Drano Lake (Skamania County):** In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:
 - (a) Closed on Wednesdays beginning the second Wednesday in April through June 30.
 - (b) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.
 - (c) March 16 through October 31: Night closure.
 - (d) August 1 through December 31: Anti-snagging rule.
 - (e) May 1 through June 30 and October 1 through December 31:
 - (i) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.
 - (ii) Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

- (f) April 16 through June 30: The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing.
- (g) Open year-round.
- (i) Game fish: Statewide minimum length/daily limit, except:
- (A) Bass: No limit and no size restriction.
- (B) Channel catfish: No limit.
- (C) Walleye: No limit and no size restriction.
- (D) Release trout.
- (E) Steelhead: From January 1 through March 15; daily limit 2 hatchery steelhead; minimum length 20 inches.
- (ii) Salmon and steelhead: Open March 16 through December 31:
- (A) March 16 through June 30: Daily limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each. Release all other salmon.
- (B) July 1 through July 31:
- (I) Daily limit 2 hatchery Chinook. Closed to fishing for or retaining steelhead.
- (II) Release all other salmon.
- (C) August 1 through October 31: Daily limit 6; no more than 1 adult salmon. Closed to fishing for or retaining steelhead.
- (D) November 1 through December 31: Daily limit 6; up to 1 may be an adult salmon or hatchery steelhead.
- (22) **Elochoman River (Wahkiakum County):**
- (a) From the mouth to Foster (Risk) Road Bridge:
- (i) August 1 through October 31:
- (A) Anti-snagging rule.
- (B) Night closure.
- (C) Stationary gear restriction.
- (ii) Open the Saturday before Memorial Day through March 15.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Trout: Daily limit 2; minimum length 14 inches.
- (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon: Open the Saturday before Memorial Day through March 15.
- (A) Daily limit 6; up to 2 may be adults.
- (B) Only hatchery Chinook and hatchery coho may be retained.
- (C) All Chinook must be adipose and/or ventral fin clipped to be retained.
- (v) Salmon and steelhead: Open April 16 through the Friday before Memorial Day: Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.
- (b) From Foster (Risk) Road Bridge upstream to 200 feet above the WDFW temporary weir:
- (i) From Foster (Risk) Road Bridge to 200 feet above the WDFW temporary weir while the weir is installed in the river: Closed waters.
- (ii) August 1 through October 31:
- (A) Anti-snagging rule.
- (B) Night closure.
- (C) Stationary gear restriction.
- (iii) Open the Saturday before Memorial Day through March 15.
- (iv) Game fish: Statewide minimum length/daily limit, except:
- (A) Trout: Daily limit 2; minimum length 14 inches.
- (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

- (v) Salmon: Open the Saturday before Memorial Day through March 15.
- (A) Daily limit 6; up to 2 may be adults.
 - (B) Only hatchery Chinook and hatchery coho may be retained.
 - (C) All Chinook must be adipose and/or ventral fin clipped to be retained.
- (vi) Salmon and steelhead: Open April 16 through the Friday before Memorial Day: Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.
- (c) From 200 feet above the WDFW temporary weir to the Beaver Creek Road Bridge:
- (i) August 1 through October 31:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (C) Stationary gear restriction.
 - (ii) Open the Saturday before Memorial Day through March 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (iv) Salmon: Open the Saturday before Memorial Day through March 15.
 - (A) Daily limit 6; up to 2 may be adults.
 - (B) Only hatchery Chinook and hatchery coho may be retained.
 - (C) All Chinook must be adipose and/or ventral fin clipped to be retained.
 - (v) Salmon and steelhead:
 - (A) Open April 16 through the Friday before Memorial Day.
 - (B) Daily limit 6; up to 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.
 - (d) From the Beaver Creek Road Bridge to the Elochoman Hatchery Bridge:
 - (i) August 1 through October 31:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (C) Stationary gear restriction.
 - (ii) Open the Saturday before Memorial Day through March 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (iv) Salmon: Open the Saturday before Memorial Day through March 15.
 - (A) Daily limit 6; up to 2 may be adults.
 - (B) Only hatchery Chinook and hatchery coho may be retained.
 - (C) All Chinook must be adipose and/or ventral fin clipped to be retained.
 - (v) Salmon and steelhead:
 - (A) Open April 16 through the Friday before Memorial Day.
 - (B) Daily limit 6; up to 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.
 - (e) Elochoman Hatchery Bridge to West Fork:
 - (i) August 1 through October 31:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (C) Stationary gear restriction.
 - (ii) Open the Saturday before Memorial Day through March 15.

- (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon: Open the Saturday before Memorial Day through March 15.
 - (A) Daily limit 6; up to 2 may be adults.
 - (B) Only hatchery Chinook and hatchery coho may be retained.
 - (C) All Chinook must be adipose and/or ventral fin clipped to be retained.
- (f) From West Fork upstream:
 - (i) Game fish: Statewide minimum length/daily limit, except:
 - Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (ii) Salmon:
 - (A) Daily limit 6; up to 2 may be adults.
 - (B) Only hatchery Chinook and hatchery coho may be retained.
 - (C) All Chinook must be adipose and/or ventral fin clipped to be retained.
- (23) **Franz Lake (Skamania County):** Closed waters.
- (24) **Germany Creek (Cowlitz County) and all tributaries:**
 - (a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (b) Selective gear rules, except: Use of barbed hooks is allowed.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (d) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (25) **Grays River (Wahkiakum County):** From the mouth to South Fork:
 - (a) From mouth to Barr Road Bridge:
 - (i) August 1 through November 15:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (C) Stationary gear restriction.
 - (ii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.
 - (iii) Open Saturday before Memorial Day through March 15.
 - (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (v) Salmon:
 - (A) Open Saturday before Memorial Day through July 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery Chinook may be retained.
 - (B) Open August 1 through December 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery coho and hatchery Chinook may be retained.
 - (III) All Chinook must be adipose and/or ventral fin clipped to be retained.
 - (b) From Barr Road Bridge to Highway 4 Bridge:
 - (i) August 1 through November 15:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (C) Stationary gear restriction.

- (ii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.
- (iii) Open Saturday before Memorial Day through March 15.
- (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (v) Salmon:
 - (A) Open Saturday before Memorial Day through July 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery Chinook may be retained.
 - (B) Open August 1 through December 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery coho and hatchery Chinook may be retained.
 - (III) All Chinook must be adipose and/or ventral fin clipped to be retained.
- (c) From the Highway 4 Bridge to the mouth of South Fork:
 - (i) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the river: Closed waters.
 - (ii) August 1 through November 15:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (C) Stationary gear restriction.
 - (iii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.
 - (iv) Open Saturday before Memorial Day through March 15.
 - (v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (vi) Salmon:
 - (A) Open Saturday before Memorial Day through July 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery Chinook may be retained.
 - (B) Open August 1 through December 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (III) All Chinook must be adipose and/or ventral fin clipped to be retained.
 - (d) From South Fork upstream:
 - (i) Selective gear rules, except: Use of barbed hooks is allowed.
 - (ii) Open the Saturday before Memorial Day through March 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (iv) Salmon:
 - (A) Open the Saturday before Memorial Day through December 31.
 - (B) Daily limit 6; minimum length 12 inches. Up to 2 adults may be retained.
 - (C) Only hatchery Chinook and hatchery coho may be retained. All Chinook must be adipose and/or ventral fin clipped to be retained.
- (26) **Grays River tributaries (unless otherwise listed) (Wahkiakum County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (27) **Grays River, East Fork (Wahkiakum County):**
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Open the Saturday before Memorial Day through October 31.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (d) Salmon:

- (i) Open the Saturday before Memorial Day through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
 - (iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.
- (28) **Grays River, East Fork tributaries (unless otherwise listed) (Wahkiakum County):**
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (29) **Grays River, South Fork (Wahkiakum County):**
- (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Open the Saturday before Memorial Day through October 31.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (d) Salmon:
 - (i) Open the Saturday before Memorial Day through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.
- (30) **Grays River, South Fork tributaries (unless otherwise listed) (Wahkiakum County):**
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (31) **Grays River, West Fork (Wahkiakum County):**
- (a) Open the Saturday before Memorial Day through December 31.
 - (b) August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (d) Salmon: Open the Saturday before Memorial Day through December 31.
 - (i) Daily limit 6; up to 2 may be adults.
 - (ii) Only hatchery Chinook and hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.
- (32) **Grays River, West Fork tributaries (unless otherwise listed) (Wahkiakum County):**
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (33) **Green River (Cowlitz County):**
- (a) From the mouth to Miner's Creek:
 - (i) From 400 feet above and 400 feet below the salmon hatchery rack (or from the posted signs above and below the salmon hatchery rack) when the rack is installed in the river: Closed waters.
 - (ii) From 400 feet below to 400 feet above the water intake at the upper end of the hatchery grounds from September 1 through November 30: Closed waters.
 - (iii) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack.
 - (iv) Selective gear rules, except: Use of barbed hooks is allowed from the Saturday before Memorial Day through July 31 and December 1 through March 15.

(v) Open the Saturday before Memorial Day through March 15. Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon:

(A) From mouth to 400 feet or posted markers below Toutle Hatchery rack site:

(I) Open August 1 through November 30.

(II) Daily limit 6; up to 3 may be adults.

(III) Only hatchery coho may be retained.

(B) From 400 feet or posted markers below Toutle Hatchery rack site to Miner's Creek:

(I) Open August 1 through November 30.

((~~B~~)) (II) Daily limit 6; up to 3 may be adults, of which 1 may be a Chinook.

((~~C~~)) (III) Only hatchery Chinook and hatchery coho may be retained.

(b) From Miner's Creek upstream:

(i) Selective gear rules, except: Use of barbed hooks is allowed.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(34) **Green River tributaries (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(35) **Grizzly Lake (Skamania County):** Closed waters.

(36) **Hamilton Creek (Skamania County):**

(a) Tributaries downstream from the Highway 14 Bridge: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(37) **Horsethief Lake (Klickitat County):** Open the fourth Saturday in April through October 31.

(38) **Indian Heaven Wilderness Lakes (Skamania County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 8 inches.

(39) **Johnson Creek (Lewis County) (Cowlitz River tributary):** Selective gear rules.

(40) **Kalama River (Cowlitz County):**

(a) From the mouth to the railroad bridge below Interstate 5:

(i) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead:

Open year-round: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

- (B) Open August 1 through December 31:
- (I) Daily limit 6; up to 3 may be adults.
- (II) Only hatchery Chinook and hatchery coho may be retained.
- (e) From the Fallert Creek hatchery intake to 1,000 feet below fishway at the Kalama Falls hatchery:
 - (i) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (ii) Game fish: Open year-round.
 - (A) Statewide minimum length/daily limit, except:
 - (B) Trout: Daily limit 2; minimum length 14 inches.
 - (C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (iii) Salmon:
 - (A) Open January 1 through July 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (B) Open August 1 through December 31:
 - (I) Daily limit 6; up to 3 may be adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
- (f) From 1,000 feet below to 1,000 feet above the fishway at the Kalama Falls hatchery: Closed waters.
- (g) From 1,000 feet above the fishway at the Kalama Falls hatchery, upstream to Summers Creek:
 - (i) Open year-round.
 - (ii) Selective gear rules, except: Use of barbed hooks is allowed.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (h) From Summers Creek upstream to the intersection of 6000 and 6420 roads: Open year-round:
 - (i) Fly fishing only, except: Use of barbed hooks is allowed.
 - (ii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (i) From the intersection of 6000 and 6420 roads to the 6600 road bridge immediately downstream of Jacks Creek:
 - (i) Selective gear rules, except: Use of barbed hooks is allowed.
 - (ii) Open the Saturday before Memorial Day through November 30.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (j) From the 6600 road bridge immediately downstream of Jacks Creek to Kalama Falls and tributaries: Closed waters.
- (41) **Klickitat River (Klickitat County):**
 - (a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:
 - (i) April 1 through the Friday before Memorial Day:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (ii) July 1 through July 31: Night closure.
 - (iii) August 1 through January 31:
 - (A) Anti-snagging rule.
 - (B) Night closure.

(iv) Game fish:

(A) Open Saturday before Memorial Day through January 31.

(B) Statewide minimum length/daily limit, except:

(C) Trout: Daily limit 2; minimum length 14 inches.

(v) Steelhead:

it 3 hatchery steelhead, minimum length 20 inches.

(B) July 1 through October 31: Closed.

(C) Open November 1 through January 31: Daily limit 3 hatchery steelhead, minimum length 20 inches.

(vi) Salmon:

it 6; up to 2 adults may be retained. Release wild Chinook.

(B) Open August 1 through January 31: Daily limit 6; up to 2 adults may be retained.

(vii) Salmon and steelhead: Open April 1 to the Friday before Memorial Day for salmon and steelhead on Mondays, Wednesdays, and Saturdays only:

(A) Daily limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.

(B) Release wild Chinook.

(b) From Fisher Hill Bridge to the boundary markers above Klickitat Salmon Hatchery, the following waters are closed: From Fisher Hill Bridge to 400 feet above #5 fishway (Lyle Falls fishway), tributaries except Bird, Blockhouse, Bowman, Spring, Outlet creeks and the Little Klickitat River, and the waters from the boundary markers above Klickitat Salmon Hatchery to the boundary markers below the hatchery.

(c) From 400 feet above #5 (Lyle Falls fishway) fishway to the boundary markers below Klickitat Salmon Hatchery:

(i) Open the Saturday before Memorial Day through November 30:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(iii) Salmon:

(A) Saturday before Memorial Day through July 31:

(I) Daily limit 6 fish; no more than 2 adults may be retained.

(II) Release wild Chinook.

(B) August 1 through November 30: Daily limit 6 fish; no more than 2 may be adults.

(d) From the boundary markers above Klickitat Salmon Hatchery to the Yakama Indian Reservation boundary:

(i) Game fish open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(42) **Lacamas Creek (Clark County):**

- (a) From the mouth to the footbridge at the lower falls:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules, except: Use of barbed hooks is allowed.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (b) From the footbridge at the lower falls upstream: It is permissible to fish up to the base of Lacamas Lake Dam.
- (43) **Lacamas Creek, tributary of Cowlitz River (Lewis County):**
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (44) **Lewis River (Clark County):**
 - (a) From the mouth to the mouth of the East Fork Lewis River:
 - (i) Game fish:
 - (A) Open year-round.
 - (B) Statewide minimum length/daily limit, except:
 - (I) Trout: Daily limit 2; minimum length 14 inches.
 - (II) Steelhead: Daily limit 3 steelhead; minimum length 20 inches.
 - (ii) Salmon:
 - (A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; up to 1 may be an adult.
 - (B) Open August 1 through September 30:
 - (I) Daily limit 6; up to 3 adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (C) Open October 1 through December 31:
 - (I) Daily limit 6; up to 3 adults, of which 1 may be a Chinook.
 - (II) Only Chinook and hatchery coho may be retained.
 - (b) From the mouth of the East Fork Lewis River to Johnson Creek.
 - (i) Game fish:
 - (A) Open year-round.
 - (B) Statewide minimum length/daily limit, except:
 - (I) Trout: Daily limit 2; minimum length 14 inches.
 - (II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (ii) Salmon:
 - (A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; up to 1 may be an adult.
 - (B) Open August 1 through September 30:
 - (I) Daily limit 6; up to 3 adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (C) Open October 1 through December 31:
 - (I) Daily limit 6; up to 3 adults, of which 1 may be a Chinook.
 - (II) Only Chinook and hatchery coho may be retained.
 - (c) From Johnson Creek to Colvin Creek:
 - (i) May 1 through May 31: Closed waters.
 - (ii) Those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder: Closed waters.

- (iii) June 1 through November 30 and April 1 through April 30: Anti-snagging rule and night closure.
- (iv) Game fish:
 - (A) Open June 1 through April 30.
 - (B) Statewide minimum length/daily limit, except:
 - (I) Trout: Daily limit 2; minimum length 14 inches.
 - (II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (v) Salmon:
 - (A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; up to 1 may be an adult.
 - (B) Open August 1 through September 30:
 - (I) Daily limit 6; up to 3 adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (C) Open October 1 through December 31:
 - (I) Daily limit 6; up to 3 adults, of which 1 may be a Chinook.
 - (II) Only Chinook and hatchery coho may be retained.
- (d) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:
 - (i) Open June 1 through October 31 and December 16 through April 30.
 - (ii) Anti-snagging rule and night closure April 1 through April 30 and June 1 through October 31.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (iv) Salmon:
 - (A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; up to 1 may be an adult.
 - (B) Open August 1 through September 30:
 - (I) Daily limit 6; up to 3 adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (C) Open October 1 through October 31:
 - (I) Daily limit 6; up to 3 adults, of which 1 may be a Chinook.
 - (II) Only Chinook and hatchery coho may be retained.
 - (D) Open December 16 through December 31:
 - (I) Daily limit 6; up to 3 adults, of which 1 may be a Chinook.
 - (II) Only Chinook and hatchery coho may be retained.
 - (e) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed waters.
 - (f) From the cable crossing 1,300 yards below Yale Dam to Yale Dam: Closed waters.
 - (g) From the old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse: Closed waters.
 - (h) Lewis River Power Canal:
 - (i) Open the fourth Saturday in April through October 31.
 - (ii) It is unlawful to fish from a floating device.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (iv) Trout: Daily limit 5; no minimum length.
 - (i) From Eagle Cliff Bridge to Muddy River, including all tributaries except Muddy River:
 - (i) Selective gear rules.
 - (ii) Open the Saturday before Memorial Day through July 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 10; minimum length 8 inches.
 - (B) Release wild trout.

- (j) From the Muddy River to the lower falls and tributaries (including the Muddy River):
- (i) Selective gear rules.
 - (ii) Release all fish.
- (45) **Lewis River, East Fork (Clark/Skamania counties):**
- (a) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls: Closed waters.
 - (b) From 400 feet below to 400 feet above Moulton Falls: Closed waters.
 - (c) From 400 feet below Horseshoe Falls upstream, including tributaries above Horseshoe Falls: Closed waters.
 - (d) From the mouth to 400 feet below Horseshoe Falls:
 - (i) Open the Saturday before Memorial Day through July 15 and September 16 through March 15.
 - (ii) Selective gear rules, except: Use of barbed hooks is allowed.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (iv) Salmon:
 - (A) Open September 16 through December 31.
 - (B) Daily limit 6; up to 2 may be adults.
 - (C) Only hatchery Chinook and hatchery coho may be retained.
 - (e) Tributaries from the mouth to 400 feet below Horseshoe Falls:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (46) **Little Klickitat River (Klickitat County):** Within Goldendale city limits:
- (a) Open the fourth Saturday in April through the Friday before Memorial Day to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
 - (b) Open the Saturday before Memorial Day through October 31 to all anglers.
 - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; no minimum length.
- (47) **Little Washougal River (Clark County):**
- (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (48) **Little White Salmon River (Skamania County):**
- (a) From the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery: Closed waters.
 - (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; minimum length 8 inches.
- (49) **Love Lake (Clark County):** Closed waters.
- (50) **Mayfield Lake (Reservoir) (Lewis County):**
- (a) Open from the Mayfield Dam to Onion Rock Bridge.
 - (b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed waters.
 - (c) Game fish: Statewide minimum length/daily limit, except:

- (i) Trout: Daily limit 10; minimum length 8 inches.
 - (ii) Release wild rainbow trout and wild cutthroat trout.
 - (iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (v) Channel catfish: Daily limit 10; no size restriction.
 - (vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (d) Salmon:
- (i) Open September 1 through December 31:
 - (ii) Daily limit 6; minimum length 12 inches.
 - (iii) Up to 2 may be adults.
 - (iv) Only hatchery Chinook and hatchery coho may be retained.
- (51) **Merrill Lake (Cowlitz County):**
- (a) Fly fishing only.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Release all fish.
- (52) **Merwin Lake (Reservoir) (Clark/Cowlitz counties):** Landlocked salmon rules.
- (53) **Mill Creek (Cowlitz County):**
- (a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (b) Selective gear rules, except: Use of barbed hooks is allowed.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (d) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (54) **Mill Creek (Lewis County):** From the mouth to the hatchery road crossing culvert.
- (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Open the Saturday before Memorial Day through October 31 and December 1 through December 31.
 - (c) Anti-snagging rule from December 1 through December 31.
 - (d) Night closure from December 1 through December 31.
 - (e) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (f) Salmon:
 - (i) Open August 1 through October 31 and December 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (55) **Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.
- (56) **Olequa Creek (Lewis/Cowlitz counties):**
- (a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.
 - (b) Selective gear rules, except: Use of barbed hooks is allowed.
 - (c) Game fish: Statewide minimum length/daily limit, except:

- (i) Trout: Daily limit 2; minimum length 14 inches.
- (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (d) Salmon:
 - (i) Open August 1 through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (57) **Ostrander Creek (Cowlitz County):**
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (58) **Outlet Creek (Silver Lake) (Cowlitz County):**
 - (a) From the Saturday before Memorial Day through November 30.
 - (b) Selective gear rules, except: Use of barbed hooks is allowed.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (d) Salmon:
 - (i) Open August 1 through November 30.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
 - (59) **Rainey Creek (Lewis County):**
 - (a) From mouth to Highway 12.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 5; minimum length 8 inches.
 - (ii) Release wild rainbow and cutthroat trout.
 - (60) **Riffe Lake (Reservoir) (Lewis County):**
 - (a) Open from Mossyrock Dam to Cowlitz Falls Dam:
 - (b) From Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam: Closed waters.
 - (c) It is permissible to fish up to the base of Swofford Pond Dam.
 - (d) Landlocked salmon rules.
 - (61) **Rock Creek (Klickitat County):**
 - (a) From Army Corps of Engineers Park upstream to the source: Closed waters.
 - (b) Open year-round from the mouth to the Army Corps of Engineers Park. Limits, size restrictions, and gear restrictions are the same as those in the adjacent portion of the Columbia River.
 - (62) **Rock Creek (Skamania County):** From the mouth to the falls at approximately river mile one:
 - (a) Open the Saturday before Memorial Day through March 15.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
 - (63) **Rowland Lake, North (Klickitat County):** Open the fourth Saturday in April through March 31.

- (64) **Salmon Creek (Clark County)**: From the mouth to 182nd Avenue Bridge:
- (a) Open the Saturday before Memorial Day through March 15.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (65) **Salmon Creek (Lewis County)**:
- (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook or hatchery coho may be retained.
- (66) **Silver Lake (Cowlitz County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Crappie: Daily limit 10; minimum length 9 inches.
 - (b) Grass carp: No limit and no minimum length.
 - (c) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (d) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (e) Channel catfish: Daily limit 10; no size restriction.
 - (f) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (67) **Silver Creek (tributary to Cowlitz River) (Lewis County)**: From the mouth to USFS Road 4778. Selective gear rules.
- (68) **Skamokawa Creek (Wahkiakum County)**:
- (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (d) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (69) **Skate Creek (tributary to Cowlitz River) (Lewis County)**: Selective gear rules.
- (70) **Spearfish Lake (Klickitat County)**: Open the fourth Saturday in April through March 31.
- (71) **Spirit Lake (Skamania County)**: Closed waters.
- (72) **Spring Creek (Klickitat County)**: From Hill Road upstream to the Goldendale Hatchery: Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; minimum length 8 inches.
- (73) **Stillwater Creek (Lewis County)**:
- (a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(74) **Swift Reservoir (Skamania County)**:

(a) From dam to posted markers approximately 3/8 mile below Eagle Cliff Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(C) Release all steelhead.

(iii) Salmon:

(A) Open the Saturday before Memorial Day through November 30.

(B) Salmon count toward trout daily limit.

(C) Minimum length 8 inches.

(D) Maximum length 15 inches.

(E) No catch record card required.

(b) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through July 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(C) Release all steelhead.

(iv) Salmon:

(A) Open the Saturday before Memorial Day through July 15.

(B) Landlocked salmon rules.

(C) Maximum length 15 inches.

(75) **Tilton River (Lewis County)**: From the mouth to the West Fork:

(a) Within posted "Closed Waters" signs around the adult fish release sites: Closed waters.

(b) Anti-snagging rule from September 1 through October 31.

(c) Night closure from September 1 through October 31.

(d) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout. Open year-round.

(e) Salmon:

(i) Open year-round.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery coho may be retained.

(76) **Tilton River, East, North, South and West Forks (Lewis County)**: Selective gear rules.

(77) **Toutle River (Cowlitz County)**: From the mouth to the forks:

(a) Open the Saturday before Memorial Day through March 15.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(c) Salmon open August 1 through November 30:

(i) Daily limit 6; up to 3 may be adults, of which 1 may be a Chinook.

(ii) Only hatchery Chinook and hatchery coho may be retained.

(78) Toutle River tributaries (unless otherwise listed) (Cowlitz County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild trout.

(79) Toutle River, North Fork (Cowlitz County):

(a) From the mouth to the posted deadline below the fish collection facility:

(i) Open the Saturday before Memorial Day through March 15.

(ii) September 1 through October 15: Anti-snagging rule and night closure on the North Fork from the confluence with the South Fork to the mouth of Green River.

(iii) Selective gear rules, except: Use of barbed hooks is allowed the Saturday before Memorial Day through July 31 and December 1 through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon open August 1 through Nov 30:

(A) Daily limit 6; up to 3 adults, of which 1 may be a Chinook.

(B) Only hatchery Chinook and hatchery coho may be retained.

(b) From the posted deadline downstream of the fish collection facility upstream and tributaries: Closed waters.

(80) Toutle River, North Fork tributaries from the mouth to the posted deadline below the fish collection facility (unless otherwise listed) (Cowlitz County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(81) Toutle River, South Fork (Cowlitz County):

(a) From the mouth to 4700 Road Bridge:

(i) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Release trout.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Open the Saturday before Memorial Day through November 30:

Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Open December 1 through March 15:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Salmon:

(I) Open August 1 through November 30.

(II) Daily limit 6; up to 2 may be adults.

(III) Only hatchery Chinook and hatchery coho may be retained.

(b) From 4700 Road Bridge upstream:

(i) Open the Saturday before Memorial Day through March 15.

(ii) From December 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open August 1 through November 30.

(B) Daily limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(82) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):

(a) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.

(b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(83) Walupt Lake (Lewis County): All inlet streams: Closed waters.

(84) Washougal River (Clark County):

(a) From the mouth to the boat ramp at the WDFW county line access site:

(i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.

(ii) Night closure.

(iii) July 1 through October 31: Anti-snagging rule.

(iv) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except: Release all trout.

(v) Open the Saturday before Memorial Day through March 15.

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(vi) March 16 through April 15: Closed.

(vii) Steelhead:

(A) Open April 16 through March 15: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) March 16 through April 15: Closed.

(viii) Salmon:

(A) Open August 1 through December 31.

(B) Daily limit 6; up to 3 adults may be retained, of which 2 may be Chinook.

(C) Only hatchery Chinook and hatchery coho may be retained.

(b) From the boat ramp at the WDFW county line access site to the bridge at Salmon Falls:

(i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.

(ii) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(iii) Game fish:

- (A) Open from the Saturday before Memorial Day through March 15.
- (B) Game fish: Statewide minimum length/daily limit, except:
- (C) Trout: Daily limit 2; minimum length 14 inches.
- (D) Steelhead: Daily limit 3 hatchery steelhead; minimum length

20 inches.

(iv) Salmon:

- (A) Open August 1 through December 31.

(B) Daily limit 6; up to 3 adults may be retained, of which 2 may be Chinook.

- (C) Only hatchery Chinook and hatchery coho may be retained.

(c) From the bridge at Salmon Falls upstream and tributaries:

Closed waters.

(85) **Washougal River, West (North) Fork (Clark/Skamania counties):**

(a) From the mouth to the water intake at the department hatchery: Closed waters.

- (b) From the intake at the department hatchery upstream:

(i) Open the Saturday before Memorial Day through March 15.

- (ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Salmon:

- (A) Open August 1 through December 31.

(B) Daily limit 6; up to 2 may be adults.

- (C) Only hatchery Chinook and hatchery coho may be retained.

(86) **White Salmon River (Klickitat/Skamania counties):**

(a) From the mouth (Burlington Northern Railroad Bridge) to the county road bridge below the former location of the powerhouse:

- (i) Open year-round.

(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat.

(iii) July 1 through October 31: Night closure for salmon and steelhead.

- (iv) August 1 through December 31: Anti-snagging rule.

(v) Salmon and steelhead:

- (A) Open April 1 through June 30:

(I) Daily limit 2; up to 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

- (II) Release wild Chinook.

(B) Open July 1 through July 31:

- (I) Daily limit 2; up to 2 salmon.

(II) Release wild Chinook. Closed to fishing for or retaining steelhead.

- (C) Open August 1 through October 31:

(I) Daily limit 6; up to 2 adult salmon. Closed to fishing for or retaining steelhead.

- (II) Only hatchery Chinook and hatchery coho may be retained.

(D) Open November 1 through March 31:

(I) Daily limit 6; up to 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

- (II) Only hatchery Chinook and hatchery coho may be retained.

(b) From the county road bridge below the former location of the powerhouse upstream to Big Brother Falls (river mile 16):

- (i) From Big Brother Falls downstream 400 feet: Closed waters.

- (ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.
- (iii) Selective gear rules, except: Use of barbed hooks is allowed.
- (iv) Salmon and steelhead:
 - (A) Open Saturday before Memorial Day through July 31:
 - (I) Daily limit 2 fish, up to 2 salmon, or 2 steelhead, or one of each may be retained.
 - (II) Only hatchery salmon and hatchery steelhead may be retained.
 - (B) Open August 1 through October 31:
 - (I) Daily limit 6; up to 2 adult salmon, or 2 steelhead, or one of each may be retained.
 - (II) Only hatchery salmon and hatchery steelhead may be retained.
- (87) **Wind River (Skamania County):**
 - (a) From the mouth to the Highway 14 Bridge:
 - (i) Open year-round.
 - (ii) March 16 through June 30: Night closure.
 - (iii) March 16 through June 30: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.
 - (iv) March 16 through June 30: Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.
 - (v) July 1 through October 31: Night closure for salmon and steelhead fishing.
 - (vi) August 1 through October 31: Anti-snagging rule applies.
 - (vii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release cutthroat trout and wild rainbow trout.
 - (B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (viii) Salmon and steelhead:
 - (A) Open March 16 through June 30: Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained. Release wild Chinook and wild coho.
 - (B) Open July 1 through September 30:
 - (I) Daily limit 6; up to 2 adult salmon may be retained. Closed to fishing for or retaining steelhead.
 - (II) Release wild Chinook and wild coho.
 - (C) Open October 1 through October 31:
 - (I) Daily limit 6; up to 2 may be adults. Closed to fishing for or retaining steelhead.
 - (II) Release wild coho.
 - (b) From the Highway 14 Bridge to 400 feet below Shipherd Falls:
 - (i) Open year-round.
 - (ii) March 16 through June 30: Night closure.
 - (iii) July 1 through October 31: Night closure for salmon and steelhead fishing.
 - (iv) Anti-snagging rule from May 1 through June 30 and August 1 through October 31.
 - (v) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release cutthroat trout and wild rainbow trout.
 - (B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (vi) Salmon and steelhead:
 - (A) Open March 16 through June 30: Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained. Release wild Chinook and wild coho.

- (B) Open July 1 through July 31:
- (I) Daily limit 6; up to 2 adult salmon may be retained. Closed to fishing for or retaining steelhead.
- (II) Release wild Chinook and wild coho.
- (C) Open August 1 through October 31:
- (I) Daily limit 6; up to 2 adult salmon may be retained. Closed to fishing for or retaining steelhead.
- (II) Release wild Chinook and wild coho.
- (c) From 400 feet below to 100 feet above Shipherd Falls fish ladder: Closed waters.
- (d) From 100 feet above Shipherd Falls fish ladder to 400 feet below the Coffe Dam:
- (i) Anti-snagging rule.
- (ii) Night closure.
- (iii) Open September 16 through November 30:
- (A) Release all fish.
- (B) Selective gear rules, except: Use of barbed hooks is allowed.
- (iv) Salmon and steelhead:
- (A) Open May 1 through June 30.
- (B) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
- (e) From 400 feet below the Coffe Dam to 100 feet above the Coffe Dam: Closed waters.
- (f) From 100 feet above the Coffe Dam to 800 yards downstream from Carson National Fish Hatchery:
- (i) Anti-snagging rule.
- (ii) Night closure.
- (iii) Open September 16 through November 30:
- (A) Release all fish.
- (B) Selective gear rules, except: Use of barbed hooks is allowed.
- (iv) Salmon and steelhead open May 1 through June 30: Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
- (g) From 800 yards downstream from Carson National Fish Hatchery upstream to Moore Bridge:
- (i) Open September 16 through November 30.
- (ii) Release all fish.
- (iii) Selective gear rules, except: Use of barbed hooks is allowed.
- (h) From Moore Bridge upstream: Closed waters.
- (88) **Wind River tributaries (Skamania County)**: Closed waters.
- (89) **Yale Reservoir (Cowlitz County)**: Landlocked salmon rules.
- (90) **Yellowjacket Creek (tributary to Cispus River) (Lewis County)**: Selective gear rules.

AMENDATORY SECTION (Amending WSR 23-13-072, filed 6/14/23, effective 7/15/23)

WAC 220-312-040 Freshwater exceptions to statewide rules—Puget Sound. (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

(2) **County-wide freshwater exceptions to statewide rules:**

- (a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):
- (i) Open the fourth Saturday in April through October 31.
 - (ii) Trout: No minimum length.
- (b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):
- (i) Open the first Saturday in June through October 31.
 - (ii) Trout: No minimum length.
- (3) **AKL Pond (King County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (4) **Aldrich Lake (Mason County)**: Open the fourth Saturday in April through October 31.
- (5) **Alexander Lake (Kitsap County)**: Closed waters.
- (6) **American Lake (Pierce County)**:
- (a) Chumming is permissible.
 - (b) Game fish: Statewide minimum length/daily limit, except: Combined daily limit of trout and kokanee is 5, any length.
- (7) **Anderson Creek (Kitsap County)**:
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (8) **Armstrong Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.
- (9) **Bainbridge Island - All streams (Kitsap County)**:
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (10) **Baker Lake (Whatcom County)**:
- (a) Closed waters within a 200-foot radius around the pump discharge at the south end of the lake.
 - (b) Chumming is permissible.
 - (c) Open the fourth Saturday in April through October 31.
 - (d) Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches and maximum length 18 inches.
 - (e) Salmon: Open July (~~15~~) 6 through August 31:
 - (i) Daily limit (~~3~~) 4 sockeye only.
 - (ii) Release all other salmon.
 - (iii) Minimum size 18 inches.
 - (iv) Each angler aboard a vessel may deploy salmon angling gear until the salmon limit for all anglers aboard has been achieved.
- (11) **Baker River (Skagit/Whatcom County)**: From the mouth to the Lower Baker Dam: Closed waters.
- (12) **Ballinger Lake (Snohomish County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(13) **Beaver Lake (Skagit County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(14) **Beecher, Lake (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(15) **Benson Lake (Mason County):** Open the fourth Saturday in April through October 31.

(16) **Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:**

(a) Open July 1 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(17) **Big Beef Creek (Kitsap County):**

(a) From Seabeck Highway Bridge to Lake Symington:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) From August 1 through August 31: Closed waters within 100 feet of the Seabeck Highway N.W. Bridge.

(b) From Lake Symington upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(18) **Big Lake (Skagit County):**

(a) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(b) Landlocked salmon rules.

(19) Big Mission Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(20) Big Quilcene River (Jefferson County):(a) From the mouth to the downstream terminus of the Washington department of fish and wildlife public access easement ((~~47.816759~~) 47.81675 lat., (~~-122.8943~~) -122.89056 long.):

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) Game fish:

(A) Open the Saturday before Memorial Day through August 15.

(B) Selective gear rules.

(C) Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:

(A) Open August 16 through August 31.

(B) Daily limit 4 coho only. Release all other salmon.

(C) Night closure.

(D) Anti-snagging rules.

(b) From the downstream terminus of the Washington department of fish and wildlife public access easement ((~~47.816759~~) 47.81675 lat., (~~-122.8943~~) -122.89056 long.) to the Highway 101 Bridge:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) Game fish:

(A) Open the Saturday before Memorial Day through August 15.

(B) Selective gear rules.

(C) Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:

(A) Open August 16 through October 31.

(B) Daily limit 4 coho only. Release all other salmon.

(C) Night closure.

(D) Anti-snagging rules.

(c) From the Highway 101 Bridge to the weir at Quilcene National Fish Hatchery: Closed waters.

(d) From the weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(21) Big Soos Creek (King County): From the mouth to the hatchery rack:

(a) Open the Saturday before Memorial Day through August 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(22) Black Lake (Thurston County): Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.**(23) Blackjack Creek (Kitsap County):**

(a) Open Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(24) Blacksmith Pond (Mason County): Game fish: Statewide minimum length/daily limit, except:

- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (25) **Boise Creek (King County) (White River tributary):** From the mouth to the Highway 410 crossing: Closed waters.
- (26) **Bosworth Lake (Snohomish County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except:
- (i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (iii) Channel catfish: Daily limit 10; no size restriction.
- (iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (27) **Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):** From the mouth to Boulder Falls:
- (a) Open October 16 through October 31.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (28) **Bradley Lake (Pierce County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (29) **Buck Lake (Kitsap County):** Open the fourth Saturday in April through October 31.
- (30) **Buffington Pond (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (31) **Burley Creek (Kitsap County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (32) **Cady Lake (Mason County):**
- (a) Fly fishing only.
- (b) Release all fish.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (33) **Cain Lake (Whatcom County):** Open the fourth Saturday in April through October 31.
- (34) **Calligan Lake (King County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (35) **Campbell Creek (Mason County):**

- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (36) **Campbell Lake (Skagit County)**: Grass carp: No daily limit for anglers and bow and arrow fishing allowed.
- (37) **Canyon Creek (Snohomish County) (S.F. Stillaguamish River)**:
 - (a) From the mouth to the forks (North Fork and South Fork):
 - (i) Open October 16 through January 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (b) From the forks (North Fork and South Fork) upstream: Closed waters.
- (38) **Capitol Lake (Thurston County)**: Closed waters.
- (39) **Carbon River (Pierce County)**:
 - (a) From the mouth to Voight Creek:
 - (i) From September 1 through October 31:
 - (A) Night closure.
 - (B) Anti-snagging rules.
 - (C) Barbless hooks are required.
 - (ii) Open September 1 through September 30: Wednesdays through Saturdays only.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~)).
 - (iv) Open October 1 through October 31.
 - (v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).
 - ~~(vi) Open December 1 through January 15:~~
 - ~~(A) Selective gear rules.~~
 - ~~(B) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~
 - ~~((vii))~~ (vi) Salmon:
 - (A) Open September 1 through September 30, Wednesdays through Saturdays only.
 - (I) Daily limit 6; up to 2 may be adults, minimum length 12 inches.
 - (II) Release wild Chinook and chum.
 - (B) Open October 1 through October 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release wild Chinook and chum.
 - (b) From Voight Creek to the Highway 162 Bridge:
 - ~~((i) Open from December 1 through January 15.~~
 - ~~(ii) Selective gear rules.~~
 - ~~(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.)~~ Closed waters.
 - (40) **Carney Lake (Pierce County)**:
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Salmon: Landlocked salmon rules.
 - (41) **Carpenter Lake (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(42) Cascade Creek (San Juan County):

(a) From the mouth to Mountain Lake.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(43) Cascade Lake (San Juan County): Open the fourth Saturday in April through October 31.

(44) Cascade River (Skagit County):

(a) From the mouth to the Rockport-Cascade Road Bridge:

(i) Open July 1 through July 15: Wednesdays through Saturdays only:

(A) Anti-snagging rules and night closure.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(C) Salmon: Daily limit 4 hatchery Chinook; up to 2 may be adults.

(I) Release all other salmon.

(II) Minimum length 12 inches.

(ii) Open September 16 through September 30: Wednesdays through Saturdays only:

(A) Anti-snagging rules.

(B) Barbless hooks are required.

(C) No bait allowed.

(D) Night closure.

(E) Salmon: Daily limit 4 coho.

(F) Release all other salmon.

(G) Game fish: Statewide length/daily limit, except:

(I) Cutthroat trout and wild rainbow: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(iii) Open October 1 through October 31: Wednesdays through Saturdays only:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 4 coho. Release all other salmon.

(D) Game fish: Statewide length/daily limit, except:

(I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(iv) Open December 1 through January 31:

(A) Game fish: Statewide length/daily limit, except:

(I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(B) Salmon: Closed.

(b) From the Rockport-Cascade Road Bridge upstream:

(i) Open June 1 through January 31.

(ii) Selective gear rules.

(iii) Release all fish except hatchery steelhead.

(45) **Cass Pond (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(46) **Cavanaugh Lake (Skagit County)**: Chumming is permissible.

(47) **Cedar River (King County)**:

(a) From the mouth to Landsburg Road:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) From Landsburg Bridge upstream to the falls: Closed waters.

(48) **Chain Lake (Snohomish County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(49) **Chambers Creek (Pierce County)**:

(a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through November 15 for game fish.

(iii) Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon: Open July 1 through November 15:

(A) Daily limit 6; up to 4 may be adults; minimum length 12 inches.

(B) Release chum, wild Chinook, and wild coho.

(b) From Boise-Cascade Dam to Steilacoom Lake:

(i) Selective gear rules.

(ii) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(50) **Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

- (i) Release cutthroat trout and wild rainbow trout.
- (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (iv) Channel catfish: Daily limit 10; no size restriction.
- (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (51) **Channel Creek (Whatcom County) (Baker River tributary)**: Open the Saturday before Memorial Day through August 31.
- (52) **Chaplain Creek (Snohomish County) (Sultan River tributary)**: Waters adjacent to the water filtration plant, from the inlet to the beaver pond (Grass Lake) below the water filtration plant gate to the waterfall approximately .4 miles upstream: Closed waters.
- (53) **Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River)**: From the mouth to Cherry Creek Falls: Selective gear rules.
- (54) **Chico Creek (Kitsap County)**:
 - (a) Open Saturday before Memorial Day through August 31.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (55) **Christine, Lake (Mason County)**: Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (56) **Church Creek (Mason County)**: From the mouth to the bridge on U.S. Forest Service Road #2361: Closed waters.
- (57) **Clarks Creek (Pierce County)**: Closed waters.
- (58) **Clear Creek (Kitsap County)**:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (59) **Clear Lake (Pierce County)**:
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Chumming is permissible.
- (60) **Clear Lake (Skagit County)**: Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (61) **Clear Lake (Thurston County)**: Open the fourth Saturday in April through October 31.
- (62) **Clearwater River (Pierce County)**:
 - (a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(63) **Clover Creek (Pierce County)**: From the mouth upstream to Steilacoom Lake: Closed waters.

(64) **Cottage Creek South Pond (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(65) **Cottage Lake (King County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(66) **Coulter Creek (Kitsap/Mason counties)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(67) **County Line Ponds (Skagit County)**: Closed waters.

(68) **Crabapple Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

(69) **Cranberry Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(70) **Cranberry Lake (Mason County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(71) **Crescent Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(72) **Crescent Lake (Pierce County)**: Open the fourth Saturday in April through October 31.

(73) **Crocker Lake (Jefferson County)**: Game fish: Statewide minimum length/daily limit, except: Closed to trout fishing.

(74) **Cushman Lake (Mason County)**: Game fish: Statewide minimum length/daily limit, except:

- (a) Kokanee: Minimum length 8 inches and maximum length 18 inches.
- (b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (d) Channel catfish: Daily limit 10; no size restriction.
- (e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (75) **Dakota Creek (Whatcom County)**: From the mouth to Giles Road Bridge.
- (a) Open the Saturday before Memorial Day through December 31.
- (b) Selective gear rules.
- (76) **De Coursey Pond (Pierce County)**: Open the fourth Saturday in April through October 31 to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (77) **Deer Creek (Mason County)**:
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (78) **Deer Creek (Snohomish/Skagit counties) (Tributary to the N.F. Stillaguamish) and all tributaries**: Closed waters.
- (79) **Deer Lake (Island County)**: Open the fourth Saturday in April through October 31.
- (80) **Deer Lake (Mason County)**: Open the fourth Saturday in April through October 31.
- (81) **Deschutes River (Thurston County)**: From Old Highway 99 Bridge upstream:
- (a) Selective gear rules.
- (b) Game fish:
- (i) Open year-round.
- (ii) Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (c) Salmon:
- (i) Open year-round.
- (ii) Daily limit 6; up to 2 may be adults.
- (iii) Release coho.
- (82) **Devereaux Lake (Mason County)**: Open the fourth Saturday in April through October 31.
- (83) **Dewatto River (Mason County)**:
- (a) From the mouth to Dewatto-Holly Road Bridge:
- (i) Open the Saturday before Memorial Day through August 15.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (b) From Dewatto-Holly Road Bridge upstream:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (84) **Dogfish Creek (Kitsap County)**:
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (85) **Don Lake (also known as "Clara Lake") (Mason County)**: Open the fourth Saturday in April through October 31.

(86) Dosewallips River (Jefferson County):

(a) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

Release cutthroat trout and wild rainbow trout.

(87) Duckabush River (Jefferson County):

(a) From the mouth to Mason County PUD #1 overhead distribution line:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open November 1 through December 15.

(B) Daily limit 2 chum only.

(b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

Release cutthroat trout and wild rainbow trout.

(88) **Echo Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(89) Eglon Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(90) **Elsion Creek (Thurston County):** Closed waters.

(91) **Erdman Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(92) **Erickson Pond (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (93) **Erickson Reservoir (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (94) **Erie Lake (Skagit County):** Open the fourth Saturday in April through October 31.
- (95) **Fawn Lake (Upper and Lower) (Mason County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (96) **Fazon Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.
- (97) **Finch Creek (Mason County):** Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA accessible site at the Hoodsport Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.
- (98) **Finney Creek (Skagit County):** From the mouth up to the USFS 17 road bridge: Closed waters.
- (99) **Fisher Creek Slough (Skagit County):** From the mouth to the I-5 Bridge: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (100) **Fortson Mill Pond #1 (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (101) **Fortson Mill Pond #2 (Snohomish County):**
- (a) Open the fourth Saturday in April through October 31 for juvenile anglers only.
- (b) Game fish: Statewide minimum length/daily limit, except:
- (i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(102) **Fulton Creek (Mason County)**: From the mouth to falls at river mile 0.8:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(103) **Geneva Lake (King County)**: Open the fourth Saturday in April through October 31.

(104) **Gibbs Lake (Jefferson County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(105) **Gissberg Pond, North (Snohomish County)**: Open for juvenile anglers only.

(106) **Goat Ranch Pond (Mason County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(107) **Goldsborough Creek and tributaries (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(108) **Goodwin Lake (Snohomish County)**: Chumming is permissible.

(109) **Goss Lake (Island County)**: Open the fourth Saturday in April through October 31.

(110) **Gorst Creek (Kitsap County)**:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(111) **Grandy Lake (Skagit County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

- (112) **Granite Lakes (near Marblemount) (Skagit County):** Game fish: Statewide minimum length/daily limit, except: Release Grayling.
- (113) **Grass Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (114) **Green (Duwamish) River (King County):**
- (a) From an east-west line extending through the southernmost tip of Harbor Island to Tukwila International Boulevard/Old Highway 99:
- (i) Open for game fish the Saturday before Memorial Day through ((July)) December 31.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) ((In years ending in odd numbers, open for game fish and salmon)) Salmon: Open August 20 through December 31:
- (A) Anti-snagging rules.
- (B) Night closure.
- (C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.
- (I) Release Chinook.
- (II) Salmon minimum length 12 inches.
- ((III) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:
- (A) Anti-snagging rules.
- (B) Night closure.
- (C) Salmon: Daily limit 6 salmon of which no more than 3 adults may be retained. Release Chinook.
- (D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.))
- (b) From Tukwila International Boulevard/Old Highway 99 to the South 212th Street Bridge:
- (i) Open for game fish the Saturday before Memorial Day through ((July)) December 31.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) ((In years ending in odd numbers: Open for salmon and game fish)) Salmon: Open August 20 through December 31:
- (A) Anti-snagging rules.
- (B) Night closure.
- (C) Salmon: Daily limit 6; up to 3 may be any combination of adult coho, chum, or Chinook. Up to 2 of the daily limit may be Chinook, anglers must keep the first 2 Chinook caught.
- ((D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:
- (A) Anti-snagging rules.
- (B) Night closure.
- (C) Salmon: Daily limit 6; up to 3 may be adults of which up to 2 of the daily limit may be Chinook. Anglers must keep the first 2 adult Chinook caught.
- (D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.))
- (c) From the South 212th Street Bridge to the Highway 18 East-bound Bridge:
- (i) Open for game fish the Saturday before Memorial Day through ((August 15)) December 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) ~~((In years ending in odd numbers, open for game fish and))~~

Salmon: Open September 16 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6; up to 3 may be any combination of adult coho and adult chum. Release Chinook.

~~((D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iv) In years ending in even numbers, open for game fish and salmon October 1 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(C) Salmon: Daily limit 6; up to 3 adults may be retained. Release Chinook.~~

~~(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.))~~

(d) From Highway 18 Eastbound Bridge to the Auburn-Black Diamond Road Bridge: Closed waters.

(e) From the Auburn-Black Diamond Road Bridge to Tacoma Municipal Watershed Boundary Marker (1.3 miles downstream of Tacoma Headworks Dam):

(i) From 150 feet upstream and 150 feet downstream from a point directly across the river from the mouth of Keta Creek (Crisp) including both banks of the river: Closed waters.

(ii) Open for game fish the Saturday before Memorial Day through ~~((September 15))~~ December 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open ~~((for game fish and salmon))~~ November 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6; up to 3 may be adults. Release Chinook.

~~((D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.))~~

(f) From Tacoma Municipal Watershed Boundary Marker (1.3 miles downstream of Tacoma Headworks Dam) to Friday Creek: Closed waters.

(115) **Greenwater River (King County)**: From the mouth to Greenwater Lakes:

(a) Open December 1 through last day in February for whitefish only.

(b) Whitefish gear rules.

(116) **Grovers Creek (Kitsap County)**:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(117) **Hamma Hamma River (Mason County)**: From the mouth to 400 feet below the falls:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(118) **Hancock Lake (King County)**: It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(119) **Harvey Creek (Snohomish County)**: Closed waters.

(120) **Haven Lake (Mason County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(121) **Heart Lake (near Anacortes) (Skagit County)**: Open the fourth Saturday in April through October 31.

(122) **Heins Lake (Kitsap County)**: Closed waters.

(123) **Hicks Lake (Thurston County)**: Open the fourth Saturday in April through October 31.

(124) **Horseshoe Lake (Jefferson County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(125) **Horseshoe Lake (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(126) **Horseshoe Lake (Kitsap County)**: Open the fourth Saturday in April through October 31.

(127) **Howard Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

(128) **Howell Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(129) **Hozomeen Lake (Whatcom County)**: It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(130) **Illahee Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(131) **Isabella Lake (Mason County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(132) **Issaquah Creek (King County)**: Open the Saturday before Memorial Day through August 31.

(133) **Jackson Lake (Pierce County)**: Open the fourth Saturday in April through October 31.

(134) **Jennings Park Pond (Snohomish County)**: Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

(135) **Jimmy-come-lately Creek (Clallam County)**: From the mouth to the confluence with East Fork. Open the Saturday before Memorial Day through August 31.

(136) **Johns Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(137) **Joy, Lake (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(138) **Kapowsin, Lake (Pierce County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(139) **Keefe Lake (Whatcom County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(140) **Kendall Creek (Whatcom County) (N.F. Nooksack tributary)**: From the mouth through the hatchery to the hatchery boundary fence: Closed waters.

(141) **Kennedy Creek (Mason County)**:

(a) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon: Closed.

(b) From Highway 101 Bridge upstream:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(142) **Ki Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

(143) **Kings Lake Bog (King County)**: Closed waters.

(144) **Kitsap Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(145) **Kitsap Lake (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(146) **Koeneman Lake (Fern Lake) (Kitsap County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Release all fish.

(147) **Langlois Lake (King County)**: Open the fourth Saturday in April through October 31.

(148) **Larsen Lake (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(149) **LeBar Creek (Mason County)**: From the mouth to the falls at river mile 1: Closed waters.

(150) **Lilliwaup River (Mason County)**: From the mouth to 200 feet below the falls:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(151) **Limerick Lake (Mason County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(152) **Little Menzel Lake (Snohomish County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(153) **Little Quilcene River (Jefferson County)**: From the mouth to the Little Quilcene River Bridge on Penny Creek Road:

(a) From the mouth to the Highway 101 Bridge: Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(154) **Little Scandia Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(155) **Lois Lakes (Thurston County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(156) **Lone Lake (Island County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Grass carp: No limit for anglers and bow and arrow fishing.

(157) **Long Lake (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(158) **Long's Pond (Thurston County)**: Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card only.

(159) **Maggie Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(160) **Malaney Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

- (161) **Margaret Lake (King County)**: Open the fourth Saturday in April through October 31.
- (162) **Martha Lake (Alderwood Manor) (Snohomish County)**: Open the fourth Saturday in April through October 31.
- (163) **Martha Lake (Warm Beach) (Snohomish County)**:
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (164) **Mashel River (Pierce County)**: Closed waters.
- (165) **Mason Lake (Mason County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (166) **McAllister Creek (Thurston County)**:
- (a) Open the Saturday before Memorial Day through November 15.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - ~~((e))~~ (d) Salmon:
 - (i) Open July 1 through November 15.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Release chum, wild coho, and wild Chinook.
- (167) **McLane Creek (Thurston County)**:
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (c) Night closure.
- (168) **McMurray Lake (Skagit County)**:
- (a) Open the fourth Saturday in April through October 31.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iii) Channel catfish: Daily limit 10; no size restriction.
 - (iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
 - (c) Landlocked salmon rules.
- (169) **Melbourne Lake (Mason County)**: Open the fourth Saturday in April through October 31.
- (170) **Mill Creek (Mason County)**:
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (171) **Mill Pond (Auburn) (King County)**: Open for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (172) **Millers Pond (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(173) **Minter Creek (Pierce/Kitsap counties)**: From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

(a) September 1 through December 31: All waters within channels created by exposed tidelands are closed to fishing.

(b) Open for salmon September 1 through December 31.

~~((b))~~ (c) Night closure.

~~((e))~~ (d) Anti-snagging rules.

~~((d))~~ (e) Daily limit 6; up to 4 may be adults, of which only 2 may be coho or Chinook. Release wild coho.

~~((e))~~ (f) Game fish: Closed.

(174) **Mission Lake (Kitsap County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(175) **Mission Lower Pond (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(176) **Monte Cristo Lake (Snohomish County)**:

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) Release all fish except hatchery steelhead.

(177) **Muck Lake (Pierce County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(178) **Mud Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(179) **Munn Lake (Thurston County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

(180) Nisqually River (Pierce County):

(a) From the mouth to (~~(Military Tank Crossing Bridge)~~) Kalama Creek:

(i) Anti-snagging rules.

(ii) Night closure.

(iii) Barbless hooks are required.

(iv) Open July 1 through November 15. From August (~~(6)~~) 11 through (~~(August)~~) September 30, Wednesdays through Saturdays only. (~~(Closed August 31.)~~) From (~~(September 3)~~) October 1 through November 15, Tuesdays through Saturday only.

(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon:

(A) Daily limit 6; up to 2 may be adults.

(B) Release chum, wild coho, and wild Chinook.

(b) From (~~(Military Tank Crossing Bridge)~~) Kalama Creek to 400 feet below La Grande Powerhouse:

(i) Open July 1 through (~~(October)~~) July 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(181) Nisqually River tributaries downstream of Alder Dam not otherwise listed (Pierce County):

(a) Open July 1 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(182) Nooksack River (Whatcom County):

(a) From the Lummi Indian Reservation boundary to the (~~(Highway 544 Bridge in Everson)~~) I-5 Bridge (Ferndale):

(i) (~~(Open the Saturday before Memorial Day through January 31.~~

~~(ii) From the Saturday before Memorial Day through December 31:))~~
Open August 1 through January 31.

(A) Anti-snagging rules.

(B) Night closure.

~~((iii))~~ (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iv))~~ (iii) Steelhead:

~~((A) Open the Saturday before Memorial Day through September 30))~~ Open December 1 through January 31: Statewide minimum size/daily limit.

~~((B) From October 1 through December 31: Closed to retention.~~

~~(C) Open January 1 through January 31: Statewide minimum size/daily limit.~~

~~(v))~~ (iv) Salmon:

(A) Open August 1 through September 30:

(I) Daily limit 4; up to 2 may be wild coho and up to 2 may be hatchery Chinook.

(II) Release chum(~~(pink)~~) and wild Chinook.

(B) Open October 1 through December 31:

(I) Daily limit 4; up to 2 may be wild coho and up to 2 may be Chinook.

(II) Release chum ((and pink)).

(b) From the ((Highway 544 Bridge in Everson)) I-5 Bridge (Ferndale) to the yellow marker at the FFA High School barn in Deming:

(i) Open ((October)) August 1 through January 31.

((~~(ii) August 1 through December 31~~))

(A) Anti-snagging rules.

(B) Night closure.

((~~(iii)~~)) (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

((~~(iv)~~)) (iii) Steelhead:

(A) From October 1 through ((December 31)) November 30: Closed to retention.

(B) Open ((January)) December 1 through January 31: Statewide minimum size/daily limit.

((~~(v)~~)) (iv) Salmon:

(A) Open August 1 through September 30:

(I) Daily limit 4; up to 2 may be wild coho and up to 2 may be hatchery Chinook.

(II) Release chum((~~pink~~)) and wild Chinook.

(B) Open October 1 through October 31:

(I) Daily limit 4; up to 2 may be wild coho and up to 2 may be Chinook.

(II) Release chum ((and pink)).

(C) Open November 1 through November 30: Daily limit 4; up to 2 may be wild coho, up to 2 may be Chinook, and up to 1 may be a chum.

(D) Open December 1 through December 31:

(I) Daily limit 4; up to 2 may be wild coho.

(II) Release chum.

(c) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:

(i) Open ((October)) August 1 through January 31.

((~~(ii) August 1 through December 31~~))

(A) Anti-snagging rules.

(B) Night closure.

((~~(iii)~~)) (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

((~~(iv)~~)) (iii) Steelhead:

(A) From October 1 through ((December 31)) November 30: Closed to retention.

(B) Open ((January)) December 1 through January 31: Statewide minimum size/daily limit.

((~~(v)~~)) (iv) Salmon:

(A) Open October 1 through October 31:

(I) Daily limit 4; up to 2 may be wild coho.

(II) Release chum ((and pink)).

(B) Open November 1 through November 30: Daily limit 4; up to 2 may be wild coho and up to 1 may be a chum.

(C) Open December 1 through December 31:

(I) Daily limit 4; up to 2 may be wild coho.

(II) Release chum.

(183) Nooksack River, North Fork (Whatcom County):

(a) From the mouth to the Highway 9 Bridge: Closed waters.

(b) From the Highway 9 Bridge to ((the yellow marker at the up-stream side of Kendall Hatchery)) Maple Creek:

- (i) Open ~~((the Saturday before Memorial Day))~~ August 1 through ~~((February 15))~~ January 31.
- ~~((ii) The Saturday before Memorial Day through December 31:))~~
- (A) Anti-snagging rules.
- (B) Night closure.
- ~~((iii))~~ (ii) November 1 through ~~((February 15))~~ January 31: It is unlawful to fish from a floating device equipped with a motor.
- ~~((iv))~~ (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- ~~((v))~~ (iv) Steelhead:
- (A) From October 1 through November 30: Closed.
- (B) Open ((the Saturday before Memorial Day)) December 1 through ((September 30)) January 31: Statewide minimum size/daily limit.
- ~~((B) From October 1 through December 31: Closed.~~
- ~~(C) Open January 1 through February 15: Statewide minimum size/daily limit.~~
- ~~(vi))~~ (v) Salmon:
- (A) Open October 1 through November 30.
- (B) Daily limit 4; up to 2 may be wild coho.
- (C) Release chum ~~((and pink))~~.
- (c) ~~((From the yellow marker at the upstream side of Kendall Hatchery to Maple Creek:~~
- ~~(i) Open the Saturday before Memorial Day through February 15.~~
- ~~(ii) From the Saturday before Memorial Day through December 31:~~
- ~~(A) Anti-snagging rules.~~
- ~~(B) Night closure.~~
- ~~(iii) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.~~
- ~~(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~
- ~~(v) Steelhead:~~
- ~~(A) Open the Saturday before Memorial Day through September 30: Statewide minimum size/daily limit.~~
- ~~(B) From October 1 through December 31: Closed to retention.~~
- ~~(C) Open January 1 through February 15: Statewide minimum size/daily limit.~~
- ~~(vi) Salmon:~~
- ~~(A) Open October 1 through November 30.~~
- ~~(B) Daily limit 4; up to 2 may be wild coho.~~
- ~~(C) Release chum and pink.~~
- ~~(d))~~ From Maple Creek to Nooksack Falls:
- (i) Open ~~((the Saturday before Memorial Day))~~ August 1 through January 31.
- (ii) Selective gear rules.
- (iii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.
- (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (184) **Nooksack River, Middle Fork (Whatcom County)**: From the mouth to the former city of Bellingham diversion dam:
- (a) November 1 through January 31: It is unlawful to use motors.
- (b) Open ~~((the Saturday before Memorial Day))~~ August 1 through January 31.
- (c) Selective gear rules.
- (d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(185) Nooksack River, South Fork (Skagit/Whatcom counties):

(a) From the mouth to Skookum Creek:

(i) Open October 1 through (~~January~~) December 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Only one single-point hook allowed.

(iv) From October 1 through December 31: Night closure.

(v) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(vi) Steelhead:

(A) From October 1 through (~~December 31~~) November 30: Closed to retention.

(B) Open (~~January~~) December 1 through (~~January~~) December 31: Statewide minimum size/daily limit.

(vii) Salmon:

(A) Open October 1 through October 15:

(I) Daily limit 6; of which up to 2 may be wild coho or 2 hatchery Chinook or 1 of each.

(II) Release chum(~~(pink)~~) and wild Chinook.

(B) Open October 16 through December 31:

(I) Daily limit 6; of which up to 2 may be wild coho or 2 Chinook or 1 of each.

(II) Release chum.

(b) From Skookum Creek upstream to Wanlick Creek: Closed waters.

(c) Upstream from and including Wanlick Creek, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31 for fly fishing only.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(186) North Lake (King County): Open the fourth Saturday in April through October 31.

(187) Northern State Hospital Pond (Skagit County): Open for juvenile anglers only.

(188) Ohop Lake (Pierce County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(189) Olalla Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(190) Old Fishing Hole Pond (Kent, King County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card.

(191) Osborne Lake (Mason County): Open the fourth Saturday in April through October 31.

(192) Padden Lake (Whatcom County): Open the fourth Saturday in April through October 31.

(193) Panther Lake (Kitsap/Mason counties): Open the fourth Saturday in April through October 31.

- (194) **Panther Lake (Snohomish County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (195) **Pass Lake (Skagit County)**:
- (a) Fly fishing only.
 - (b) All motors prohibited.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release all trout.
- (196) **Perry Creek (Thurston County)**: From the mouth to the falls:
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (197) **Phillips Lake (Mason County)**: Open the fourth Saturday in April through October 31.
- (198) **Pilchuck Creek (Snohomish County)**:
- (a) From the mouth to the Highway 9 Bridge:
 - (i) Open September (~~16~~) 21 through January 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (b) From the Highway 9 Bridge to Pilchuck Falls:
 - (i) Open the Saturday before Memorial Day through January 31.
 - (ii) From the Saturday before Memorial Day through November 30; selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (199) **Pilchuck River (Snohomish County)**:
- (a) From the mouth to the concrete wall remnant of the Snohomish City diversion dam site:
 - (i) Open from December 1 through January 31.
 - (ii) It is unlawful to fish from any floating device.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (b) From the concrete wall remnant of the Snohomish City diversion dam site upstream: Closed waters.
- (200) **Pine Lake (King County)**: Open the fourth Saturday in April through October 31.
- (201) **Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County)**: Closed waters.
- (202) **Pipers Creek (King County) and tributaries**: Closed waters.
- (203) **Portage Creek (Snohomish County)**: Closed waters.
- (204) **Prices Lake (Mason County)**:
- (a) Selective gear rules.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Release all fish.
- (205) **Puyallup River (Pierce County)**:
- (a) From the 11th Street Bridge to 400 feet downstream of Clarks Creek:

- (i) From August 16 through September 30 all waters open Wednesdays through Saturdays.
 - (A) Anti-snagging rules.
 - (B) Night closure.
 - (C) Barbless hooks are required.
- (ii) Open August 16 through September 30.
 - (A) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (B) Salmon: Daily limit 6; up to ((4)) 2 may be adults (~~(; up to 2~~ which up to 2 may be hatchery Chinook or coho or 1 of each)).
 - (C) Release chum and wild Chinook.
- (iii) From October 1 through October 31:
 - (A) Anti-snagging rules.
 - (B) Night closure.
 - (C) Barbless hooks are required.
- (iv) Open October 1 through October 31.
 - (A) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (B) Salmon: Daily limit 6; up to ((4)) 2 may be adults (~~(; up to 2~~ may be hatchery Chinook or coho or one of each. Release chum and wild Chinook)).
- (b) From 400 feet downstream to 400 feet upstream of Clarks Creek: Closed waters.
 - (c) From 400 feet upstream of Clarks Creek to East Main Bridge:
 - (i) From August 16 through September 30 all waters open Wednesdays through Saturdays.
 - (A) Anti-snagging rules.
 - (B) Night closure.
 - (C) Barbless hooks are required.
 - (ii) Open August 16 through September 30:
 - (A) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (B) Salmon: Daily limit 6; up to 2 may be adults. Release chum and wild Chinook.
 - (iii) From October 1 through October 31:
 - (A) Anti-snagging rules.
 - (B) Night closure.
 - (C) Barbless hooks are required.
 - (iv) Open October 1 through October 31.
 - (A) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (B) Salmon: Daily limit 6; up to ((4)) 2 may be adults (~~(; up to 2~~ may be hatchery Chinook or coho or one of each)). Release chum and wild Chinook.
 - (d) From East Main Bridge to Carbon River:
 - (i) From August 16 through September 30 open Wednesdays through Saturdays:
 - (A) Anti-snagging rules.
 - (B) Night closure.
 - (C) Barbless hooks are required.
 - (ii) Open August 16 through September 30.
 - (A) Game fish: Statewide minimum length/daily limit except: Release cutthroat trout and wild rainbow trout.
 - (B) Salmon: Daily limit 6; up to 2 may be adults. Release chum and wild Chinook.
 - (iii) From October 1 through October 31:
 - (A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

(iv) Open October 1 through October 31:

(A) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(B) Salmon: Daily limit 6; up to ((4)) 2 may be adults (~~(; up to 2~~ may be hatchery Chinook or coho or one of each)). Release chum and wild Chinook.

(e) From Carbon River upstream:

(i) Open the Saturday before Memorial Day through January 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(206) **Raging River (King County)**: From the mouth to the Highway 18 Bridge:

(a) Open (~~(the Saturday before Memorial Day)~~) November 1 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(207) **Rapjohn Lake (Pierce County)**: Open the fourth Saturday in April through October 31.

(208) **Rattlesnake Lake (King County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(209) **Ravensdale Lake (King County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(210) **Riley Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

(211) **Robbins Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(212) **Rocky Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat and wild rainbow trout.

(213) **Roesiger Lake (Snohomish County)**: Game fish: statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(214) **Ross Lake (Reservoir) (Whatcom County)**:

(a) Open July 1 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout except eastern brook trout: Daily limit 1; minimum length 16 inches.

(ii) Eastern brook trout: Daily limit 5; no minimum size.

(215) **Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County)**:

(a) From mouth to one mile upstream: Closed waters.

(b) From one mile above the mouths to the headwaters: Open July 1 through October 31.

(216) **Ruby Creek (Whatcom County)**: Closed waters.

(217) **Ruby Creek tributaries (Whatcom County)**: Open July 1 through October 31.

(218) **Salmon Creek and all forks (Jefferson/Clallam counties)**: Closed waters.

(219) **Salmonberry Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(220) **Samish Lake (Whatcom County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Cutthroat trout: Daily limit 2; minimum length 14 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(221) **Samish River (Skagit County)**:

(a) From the mouth to the (~~Thomas Road Bridge~~) Yellow Marker at wing wall (approximately 1,000 feet up stream):

(i) Open the Saturday before Memorial Day through September 13 and November 1 through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 1 through November 30:

(A) Night closure.

(B) It is unlawful to use anything other than one single-point hook.

(iv) Salmon:

(A) Open August 1 through September 13.

~~((B))~~ (I) Daily limit 2.

(II) Release chum and wild coho.

(III) Bait only.

(IV) Only one single-point hook allowed. Maximum hook gap 1/2 inch point to shank.

~~((I))~~ (V) Anglers may only retain fish hooked inside the mouth.

~~((II))~~ (VI) Stationary gear restriction.

~~((C) Release chum, pink, and wild coho.)~~

(B) September 14 for Active and Veteran Military only.

(I) Daily limit 2.

(II) Release chum and wild coho.

(III) Bait only.

(IV) Only one single-point hook allowed. Maximum hook gap 1/2 inch point to shank.

(V) Anglers may only retain fish hooked inside the mouth.

(VI) Stationary gear rules apply.

(C) Open September 15 through September 30.

(I) Daily limit 2.

(II) Release chum and wild coho.

(III) Bait only.

(IV) Only one single-point hook allowed. Maximum hook gap 1/2 inch point to shank.

(V) Anglers may only retain fish hooked inside the mouth.

(VI) Stationary gear rules apply.

(b) From Yellow Marker at wing wall (approximately 1,000 feet up stream) to the Thomas Road Bridge (~~to the I-5 Bridge~~):

(i) Open the Saturday before Memorial Day through September 13 and November 1 through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 1 through November 30:

(A) Night closure.

(B) It is unlawful to use anything other than one single-point hook.

(iv) Salmon:

(A) Open August 1 through September 30.

(B) Daily limit 2.

(C) Release chum and wild coho.

(D) Only one single-point hook allowed. Maximum hook gap 1/2 inch point to shank.

(E) Anglers may only retain fish hooked inside the mouth.

(F) Stationary gear rules apply.

(c) From Thomas Road Bridge to I-5 Bridge:

(i) Open the Saturday before Memorial Day through July 31 and November 1 through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) November 1 through November 30:

(A) Night closure.

(B) It is unlawful to use anything other than one single-point hook.

(~~(e)~~) (d) From the I-5 Bridge to the Old Highway 99 Bridge:

(i) Open the Saturday before Memorial Day through July 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(~~(d)~~) (e) From the Old Highway 99 Bridge to the Samish hatchery salmon rack: Closed waters.

(~~(e)~~) (f) From upstream of the Samish hatchery rack to Hickson Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(222) Sammamish Lake (King County):

(a) Closed waters within 100 yards of the mouth of Issaquah Creek August 16 through November 30.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release all kokanee.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(c) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.

(d) Landlocked salmon rules apply for December 1 through May 31. Hatchery coho only may be retained as part of the trout daily limit under the landlocked salmon rules, minimum length 12 inches.

(e) Salmon: Open October 1 through November 30: Daily limit 4 coho only. Release all other salmon.

(223) **Sammamish River (Slough) (King County)**: From the 68th Avenue N.E. Bridge to Lake Sammamish:

(a) Open from January 1 through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(224) **Sandyshore Lake (Jefferson County)**: Open the fourth Saturday in April through October 31.

(225) **Sauk River (Skagit/Snohomish counties)**:

(a) Selective gear rules.

(b) Release all fish except hatchery steelhead.

(c) From the mouth to Darrington Bridge:

(i) Open June 1 through January 31.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) From Darrington Bridge to the mouth of the White Chuck River: Open June 1 through January 31.

(e) From the Whitechuck River to the headwaters, including the North Fork from mouth to North Forks Falls and the South Fork from mouth to Elliot Creek: Open June 1 through October 31.

(f) In the South Fork upstream from Elliot Creek: Open June 1 through August 31.

(226) **Sawyer Lake (King County)**:

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(227) **Schneider Creek (Thurston County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(228) **Serene Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

(229) **Shady Lake (King County)**: Open the fourth Saturday in April through October 31.

(230) **Shannon, Lake (Skagit County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except: Kookanee: Minimum length 8 inches.

(231) **Shelton Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(232) Sherwood Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(233) Sherwood Creek Mill Pond (Mason County): Game fish: Statewide minimum length/daily limit, except:

(a) Trout: Daily limit 2; minimum length 14 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(234) Shoe Lake (Mason County): Open the fourth Saturday in April through October 31.

(235) Silent Lake (Jefferson County): Open the fourth Saturday in April through October 31.

(236) Silver Lake (Pierce County): Open the fourth Saturday in April through October 31.

(237) Silver Lake (Whatcom County): Open the fourth Saturday in April through October 31.

(238) Sixteen Lake (Skagit County): Open the fourth Saturday in April through October 31.

(239) Skagit River (Skagit/Whatcom counties):

(a) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

(i) Open March 1 through January 31.

(ii) From March 1 through August 13:

(A) Selective gear rule except anglers fishing for sturgeon must use bait.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iii) From August 14 through October 31: Night closure.

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(vi) Salmon:

~~((A) Open August 14 through August 31: Daily limit 2 pink salmon. Release all other salmon.~~

~~(B))~~ Open September 1 through October 31: Daily limit 2 salmon. Release Chinook ~~((,))~~ and chum ~~((, and wild coho))~~.

(b) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

(i) Open June 1 through January 31.

(ii) From June 16 through July 15, August 14 through August 31, and September 1 through October 31: Night closure.

(iii) From June 1 through August 13:

(A) Selective gear rules except for sturgeon.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.
- (vi) Salmon:
 - (A) Open July 1 through July 15:
 - (I) Daily limit ((3)) 4 sockeye only.
 - (II) Release all other salmon.
 - (B) ((Open August 14 through August 31:
 - ~~(I) Daily limit 2 pink only.~~
 - ~~(II) Release all other salmon.~~
 - ~~(C))~~ Open September 1 through October 31:
 - (I) Daily limit 2 salmon.
 - (II) Release Chinook((~~r~~)) and chum((~~r~~ and wild coho)).
- (c) From Gilligan Creek to The Dalles Bridge at Concrete:
 - (i) Open June 1 through January 31.
 - (ii) From June 1 through August 31:
 - (A) Selective gear rules.
 - (B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.
 - (iii) From June 1 through October 31: Night closure.
 - (iv) From September 1 through September 30:
 - (A) Single-point barbless hooks only.
 - (B) Bait is prohibited.
- (v) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (vi) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.
- (vii) Salmon:
 - (A) Open July 1 through July 15:
 - (I) Daily limit ((3)) 4 sockeye only.
 - (II) Release all other salmon.
 - (B) Open September 1 through October 31:
 - (I) Daily limit 2 salmon.
 - (II) Release Chinook((~~r~~)) and chum((~~r~~ and wild coho)).
- (d) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:
 - (i) Open June 1 through January 31.
 - (ii) June 1 through September 15: Closed waters between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.
 - (iii) From June 1 through September 15:
 - (A) Selective gear rules.
 - (B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.
 - (iv) From June 1 through October 31: Night closure.
 - (v) From September 16 through September 30:
 - (I) Single-point barbless hooks are required.
 - (II) Bait is prohibited.
- (vi) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (vii) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.
- (viii) Salmon: Open September 16 through October 31: Daily limit 2 salmon. Release Chinook((~~r~~)) and chum((~~r~~ and wild coho)).
- (e) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):
 - (i) Open June 1 through January 31:

- (ii) From June 1 through July 15; anti-snagging rules.
- (iii) From June 1 through October 31: Night closure.
- (iv) From July 16 through September 15: Selective gear rules and it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.
- (v) From September 16 through September 30:
 - (A) Single-point barbless hooks are required.
 - (B) Bait is prohibited.
- (vi) Salmon:
 - (A) Open July 1 through July 15: Daily limit 4 hatchery Chinook only; up to 2 may be adults.
 - (B) Open September 16 through October 31: Daily limit 2. Release Chinook(~~(7)~~) and chum(~~(7, and wild coho)~~).
- (f) From Cascade River Road to the Gorge Powerhouse:
 - (i) Open June 1 through January 31.
 - (ii) Selective gear rules.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) Release all fish except hatchery steelhead.
- (240) **Skokomish River (Mason County)**:
 - (a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed waters.
 - (b) From the city of Tacoma PUD overhead distribution lines to the Bonneville Transmission lines west of Highway 101: Closed waters.
 - (c) From the Bonneville Transmission lines west of Highway 101 to the forks:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.
- (241) **Skokomish River, North Fork (Mason County)**:
 - (a) From the mouth to the lower dam:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.
 - (b) Above Lake Cushman, from the mouth to Olympic National Park boundary:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Release all fish.
- (242) **Skokomish River, South Fork (Mason County)**:
 - (a) From the mouth to the mouth of LeBar Creek:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.
 - (b) From LeBar Creek to Rule Creek: Closed waters.
- (243) **Skookum Creek (Mason County)**:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (244) **Skykomish River (Snohomish County)**:
 - (a) Game fish: Statewide minimum length/daily limit, except:
 - (i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
 - (b) From the mouth to the mouth of Wallace River:

- (i) Open (~~(the Saturday before Memorial Day)~~) November 1 through January 31.
- (ii) From (~~(August)~~) November 1 through November 30:
- (A) Anti-snagging rules.
- (B) Night closure.
- (iii) From November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.
- (c) From the mouth of the Wallace River to High Bridge (Highway 2):
- (i) Open November 1 through January 31 for game fish only.
- (ii) From November 1 through November 30:
- (A) Anti-snagging rules.
- (B) Night closure.
- (d) From High Bridge (Highway 2) to the forks:
- (i) Open (~~(the Saturday before Memorial Day)~~) June 15 through July 10 and November 1 through February 15.
- (ii) From (~~(August 1 through November 30)~~) June 15 through July 10:
- (A) Anti-snagging rules.
- (B) Night closure.
- (C) (~~(Bait is prohibited)~~) Selective gear rules.
- (iii) From (~~(the Saturday before Memorial Day)~~) June 15 through July 10 and November 1 through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.
- (245) Skykomish River, North Fork (Snohomish County):**
- (a) From the mouth to 1,000 feet downstream of Bear Creek Falls:
- (i) Open November 1 through January 31.
- (ii) Selective gear rules.
- (iii) Release all fish except hatchery steelhead.
- (b) From 1000 feet downstream of Bear Creek Falls to Deer Falls and all tributaries: Closed waters.
- (246) Skykomish River, South Fork (King/Snohomish counties):**
- (a) From the mouth to 600 feet downstream from the Sunset Falls fishway:
- (i) Open (~~(the Saturday before Memorial Day)~~) November 1 through January 31.
- (ii) From (~~(August)~~) November 1 through November 30:
- (A) Anti-snagging rules.
- (B) Night closure.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (b) From 600 feet downstream of Sunset Falls fishway to Sunset Falls: Closed waters.
- (c) From Sunset Falls to the source:
- (i) Open the Saturday before Memorial Day through July 10 and November 1 through the last day in February.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (d) All tributaries and their tributaries above Sunset Falls:
- (i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (ii) Selective gear rules.
- (247) Snohomish River (Snohomish County):**

- (a) From the Burlington-Northern Railroad bridges to (~~Highway 9 Bridge~~) Pilchuck River, including all channels, sloughs, and inter-connected waterways, but excluding all tributaries:
- (i) Sturgeon catch and release is permissible year-round.
 - (ii) From (~~August 1~~) September 21 through November 30:
 - (A) Anti-snagging rules; except anglers fishing for sturgeon may use single-point barbless hooks of any size.
 - (B) Night closure.
 - (iii) From September (~~16~~) 21 through October (~~15~~) 31:
 - (A) Single-point barbless hooks are required.
 - (B) Bait prohibited.
 - (iv) Open (~~the Saturday before Memorial Day~~) September 21 through January 31.
 - (v) Game fish: Statewide minimum length/daily limit, except:
 - (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
 - (vi) Salmon: Open September (~~16~~) 21 through October (~~15~~) 31:
 - (A) Daily limit (~~4; up to 2 may be coho~~) 2.
 - (B) Release Chinook and chum.
- (b) From (~~the Highway 9 Bridge~~) Pilchuck River to the confluence of the Skykomish and Snoqualmie rivers and all channels:
- (i) Open (~~the Saturday before Memorial Day~~) October 1 through January 31.
 - (ii) From (~~August~~) October 1 through November 30:
 - (A) Anti-snagging rules.
 - (B) Night closure.
 - (iii) From (~~September 16~~) October 1 through October (~~15~~) 31:
 - (A) Single-point barbless hooks are required.
 - (B) Bait is prohibited.
 - (iv) Game fish: Statewide minimum length/daily limit, except:
 - (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
 - (v) Salmon: Open (~~September 16~~) October 1 through October (~~15~~) 31:
 - (A) Daily limit (~~4; up to 2 may be coho~~) 2.
 - (B) Release Chinook and chum.
- (248) **Snoqualmie River (King County) :**
- (a) From the mouth to Snoqualmie Falls:
 - (i) From (~~the Saturday before Memorial Day~~) November 1 through November 30: Selective gear rules.
 - (ii) From (~~September~~) November 1 through November 30: Night closure.
 - (iii) From the mouth to the boat ramp at the Plum access: Open (~~the Saturday before Memorial Day~~) November 1 through January 31.
 - (iv) From the boat ramp at the Plum access to the falls: Open (~~the Saturday before Memorial Day~~) November 1 through February 15.
 - (v) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).
 - (vi) Game fish: Statewide minimum length/daily limit, except:
 - Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Snoqualmie Falls upstream, including the North Fork, South Fork, all tributaries except Middle Fork and tributaries to the Middle Fork:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open the Saturday before Memorial Day through October 31.

(iv) Open November 1 through the Friday before Memorial Day: Release all fish.

(c) Middle Fork from the mouth to the source, including all tributaries:

(i) Open year-round.

(ii) Selective gear rules.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish.

(249) **South Prairie Creek (Pierce County)**: From the mouth to the city of Buckley diversion dam: Closed waters.

(250) **Spada Lake (Reservoir) (Snohomish County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; maximum length 12 inches.

(251) **Spada Lake (Reservoir) tributaries (Snohomish County)**: Closed waters.

(252) **Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County)**: Open year-round.

(253) **Sprague Pond (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(254) **Squalicum Lake (Whatcom County)**:

(a) Fly fishing only.

(b) All motors prohibited.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(255) **Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary)**:

(a) Open October 16 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(256) **Steel Lake (King County)**: Open the fourth Saturday in April through October 31.

(257) **Stetattle Creek (Whatcom County)**: From the mouth to Bucket Creek: Closed waters.

(258) **Stevens, Lake (Snohomish County)**:

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(259) **Steilacoom Lake (Pierce County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(260) **Steves Lake (Stevens Lake) (Mason County)**: Open the fourth Saturday in April through October 31.

(261) **Stickney Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

(262) **Stillaguamish River (Snohomish County)**:

(a) From the mouth to Marine Drive, including all sloughs:

(i) Open year-round.

(ii) Night closure.

(iii) From August 1 through November 30: Anti-snagging rules, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed waters.

(ii) Open September ((16)) 21 through October 31:

(A) Selective gear rules.

(B) Night closure.

(C) Release all game fish except hatchery steelhead.

(iii) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open September ((16)) 21 through October 31: Daily limit ((4; up to 2 may be coho)) 2. Release Chinook and chum.

(263) **Stillaguamish River, North Fork (Snohomish County)**:

(a) From the North Fork mouth to Highway 530 Bridge at mile post 28.8 (Cicero Bridge):

(i) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(ii) Open ((the)) September 16 through November 30:

(A) Fly fishing only.

(B) Night closure.

(C) Release all fish except hatchery steelhead.

(iv) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Highway 530 Bridge at mile post 28.8 (Cicero Bridge) to the mouth of French Creek:

- (i) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).
- (ii) From (~~September~~) October 16 through November 30:
 - (A) Night closure.
 - (B) Anti-snagging rules.
- (iii) Open (~~September~~) October 16 through November 30:
 - (A) Fly fishing only.
 - (B) Release all fish except hatchery steelhead.
- (iv) Open from December 1 through February 15. Game fish: State-wide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (c) From mouth of French Creek to Swede Heaven Bridge:
 - (i) Open (~~September~~) October 16 through November 30.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (d) From Swede Heaven Bridge to North Forks Falls approximately one mile upstream of Cascade Creek:
 - (i) Open (~~September~~) October 16 through January 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (264) **Stillaguamish River, South Fork (Snohomish County):**
 - (a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:
 - (i) Open October 16 through January 31.
 - (ii) From October 16 through November 30:
 - (A) Anti-snagging rules.
 - (B) Night closure.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (b) From 400 feet below the Granite Falls Fishway to the Mountain Loop Highway Bridge above Granite Falls: Closed waters.
 - (c) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:
 - (i) Open Saturday before Memorial Day through November 30.
 - (ii) From August 1 through November 30:
 - (A) Anti-snagging rules.
 - (B) Night closure.
- (265) **Stitch Lake (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (266) **Storm Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (267) **Suiattle River (Skagit/Snohomish County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of trout limit.

(268) **Sultan River (Snohomish County)**: From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:

(a) Open (~~the Saturday before Memorial Day~~) November 1 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(269) **Sultan River; North Fork (Snohomish County)**: Closed waters.

(270) **Sultan River; South Fork (Snohomish County)**: Closed waters.

(271) **Summit Lake (Thurston County)**: Open the fourth Saturday in April through October 31.

(272) **Sunset Lake (Whatcom County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(273) **Susan Lake (Thurston County)**:

(a) Selective gear rules.

(b) Release all fish.

(274) **Swan's Mill Pond (Stossel Creek) (King County)**: Open the Saturday before Memorial Day through October 31.

(275) **Symington Lake (Kitsap County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Release cutthroat trout and wild rainbow trout.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(276) **Tahuya Lake (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(277) **Tahuya River (Mason County)**:

(a) From the mouth to the Belfair Tahuya Road Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the Belfair Tahuya Road Bridge upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(278) **Tanwax Lake (Pierce County)**: Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(279) **Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County)**, to within 400 feet of the screen at Dingle Basin: Open year-round.

(280) **Tarboo Creek (Jefferson County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(281) **Tarboo Lake (Jefferson County)**:

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(282) **Teal Lake (Jefferson County)**:

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(283) **Tenas Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(284) **Tennant Lake (Whatcom County)**: It is unlawful to fish from any floating device from the first Friday in October through January 27.

(285) **Terrell, Lake (Whatcom County)**: It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.

(286) **Thornton Creek (Whatcom County)**: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

(287) **Thornton Lake, lower (Whatcom County)**: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

(288) **Tiger Lake (Kitsap/Mason counties)**: Open the fourth Saturday in April through October 31.

(289) **Toad Lake (Whatcom County)**: Open the fourth Saturday in April through October 31.

(290) **Tokul Creek (King County) (Snoqualmie River tributary)**:

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted boundary marker located downstream of the diversion dam:

(i) Open January 15 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the posted boundary marker downstream of the diversion dam to Tokul Road S.E.: Closed waters.

(291) Tolt River (King County):

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

(i) Open (~~(the Saturday before Memorial Day)~~) November 1 through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the USGS trolley cable just below the confluence of the North Fork and South Forks to the forks: Closed waters.

(292) Tolt River, North Fork (King County):

(a) From the mouth upstream to the falls approximately 1/3 miles above the Northeast North Fork Road Bridge (Pipeline Bridge): Closed waters.

(b) From the falls approximately 1/3 mile above the Northeast North Fork Road Bridge (Pipeline Bridge) upstream, including all tributaries:

(i) Selective gear rules.

(ii) Release all fish.

(293) Tolt River, South Fork (King County): From the mouth upstream to the dam: Closed waters.

(294) U Lake (Mason County): Open the fourth Saturday in April through October 31.

(295) Uncle John Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(296) Union River (Mason County):

(a) From the mouth to the lower bridge on Old Belfair Highway:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the lower bridge on Old Belfair Highway upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(297) Vogler Lake (Skagit County):

(a) Fly fishing only.

(b) Release all fish.

(298) Voight Creek (Pierce County): From the mouth to the Highway 162 Bridge: Closed waters.

(299) Wagners Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(300) Walker Lake (King County): Open the fourth Saturday in April through October 31.

(301) Wallace River (Snohomish County):

(a) From the mouth to 363rd Ave. S.E./Reece Rd:

(i) Open from (~~(the Saturday before Memorial Day)~~) October 16 through February 15.

(ii) From (~~(the Saturday before Memorial Day)~~) October 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon:

(A) Open October 16 through October 31.

(B) Daily limit 2 ((~~hatchery~~)) coho ((~~only~~)).

(C) Release all other salmon.

(b) From 363rd Avenue S.E./Reece Road to 200 feet downstream of the water intake of the Wallace salmon hatchery:

(i) Open October 16 through February 15.

(ii) October 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon:

(A) Open October 16 through November 30.

(B) Daily limit 2 ((~~hatchery~~)) coho ((~~only~~)).

(C) Release all other salmon.

(c) From 200 feet downstream of the water intake to 200 feet upstream of the water intake: Closed waters when the hatchery weir is in operation.

(d) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:

(i) Open November 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(302) **Walsh Lake (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(303) **Wapato Lake (Pierce County)**: Open to juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

(304) **Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream and Mercer slough (King County)**:

(a) Open year-round.

(b) Chumming is permissible.

(c) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except:

(i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(d) December 1 through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.

(ii) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(v) Channel catfish: Daily limit 10; no size restriction.

(vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(e) March 1 through June 30: Game fish: Statewide minimum length/daily limit, except:

(i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(ii) Trout: Minimum length 12 inches.

(iii) Release steelhead and rainbow trout over 20 inches in length.

(iv) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(v) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(vi) Channel catfish: Daily limit 10; no size restriction.

(vii) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(f) Salmon: Open September 16 through October 31: North of Highway 520 Bridge and east of Montlake Bridge. Daily limit 4 coho only. Release all other salmon.

(305) Washington Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):

(a) East of the Fremont Bridge: Chumming is permissible.

(b) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

(c) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(C) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Channel catfish: Daily limit 10; no size restriction.

(E) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(ii) From December 1 through the last day in February: Game fish: Statewide minimum length/daily limit, except:

(A) Release steelhead and rainbow trout over 20 inches in length.

(B) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(C) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(D) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(E) Channel catfish: Daily limit 10; no size restriction.

(F) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(iii) March 1 through June 30: Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Trout: Minimum length 12 inches.

(C) Release steelhead and rainbow trout over 20 inches in length.

(D) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(E) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(F) Channel catfish: Daily limit 10; no size restriction.

(G) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(306) Whatcom Creek (Whatcom County):

(a) From the mouth to the (~~markers below the~~) footbridge below Dupont Street in Bellingham:

(i) Open the Saturday before Memorial Day through July 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Anglers fishing lawfully within 50 yards of the Bellingham Technical College Hatchery Collection Tube and on the hatchery side of the creek that hook and land chum salmon may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

~~((b) From the markers below the footbridge below Dupont Street in Bellingham to the footbridge below Dupont Street: Closed waters.)~~

(iv) From October 1 through October 31: Closed waters.

(v) Salmon: Open August ((4)) 3 through September ((10 Friday,)) 15 Saturdays((7)) and Sundays only.

~~((i))~~ (A) Daily limit ~~((1))~~ 2 hatchery Chinook only.

~~((ii))~~ (B) Release all other salmon.

~~((iii))~~ (C) Anti-snagging rules.

~~((iv))~~ (vi) Night closure.

~~((e))~~ (b) From the footbridge below Dupont Street in Bellingham to the stone bridge at Whatcom Falls Park:

(i) From August 1 through October 31:

(A) Anti-snagging rules.

(B) Night closure.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((d))~~ (c) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Open the fourth Saturday in April through October 31 for juvenile anglers only.

~~((e))~~ (d) Game fish: Statewide minimum length/daily limit, except: Trout: No minimum length.

(307) Whatcom, Lake (Whatcom County):

(a) The waters between the Electric Avenue Bridge and the outlet dam: Closed waters.

(b) Open the fourth Saturday in April through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release all cutthroat trout.

(308) Whatcom, Lake, tributaries (Whatcom County): Closed waters.

(309) White (Stuck) River (Pierce County):

(a) From October 1 through October 31:

(i) Night closure.

(ii) Selective gear rules.

(b) Release all fish.

(c) Cascade Water Alliance canal, including the screen bypass channel above the screen at Dingle Basin: Closed waters.

(d) Whitefish: Open December 1 through the last day in February: Whitefish gear rules.

(310) White Chuck River (Snohomish County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(311) Wildcat Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(312) Wildcat Lake (Kitsap County): Open the fourth Saturday in April through October 31.

(313) Wilderness Lake (King County):

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules.

(314) Wilkeson Creek (Pierce County) (South Prairie Creek tributary): From the mouth to the confluence with Gale Creek: Closed waters.

(315) Woodard Creek (Thurston County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(316) Wood Lake (Mason County): Open the fourth Saturday in April through October 31.

(317) Woodland Creek (Thurston County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(318) Woodland Farm Reservoir (Snohomish County): Game fish: Statewide minimum length/daily limit, except:

- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (319) **Wooten Lake (Mason County)**: Open the fourth Saturday in April through October 31.

AMENDATORY SECTION (Amending WSR 23-13-072, filed 6/14/23, effective 7/15/23)

WAC 220-312-060 Freshwater exceptions to statewide rules—Columbia. The following exceptions to statewide rules apply to the Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:

(1) **General Columbia River rules:**

- (a) In the concurrent waters of the Columbia River between Washington and Oregon, the license of either state is valid when fishing from a vessel.
 - (i) Anglers must comply with the fishing regulations of the state in which they are fishing.
 - (ii) This subsection does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except as otherwise provided by department rule.
 - (iii) Anglers fishing the Columbia River are restricted to one limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.
- (b) It is unlawful to possess in the field salmon or steelhead mutilated so that size, species, or fin clip cannot be determined until the angler has reached their automobile or principal means of land transportation and completed his or her daily angling.
- (c) Salmon and trout handling rules provided in WAC 220-310-100 apply to the Columbia River, except from February 15 through June 15 in the mainstem Columbia from the Rocky Point/Tongue Point line upstream to the Washington-Oregon border where WAC 220-310-100 applies only to anglers fishing from vessels less than 30 feet in length (as substantiated by Coast Guard documentation or Marine Board registration).
- (d) From Buoy 10 to the (~~Washington/Oregon border~~) Highway 395 Bridge in Pasco:
 - (i) From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.
 - (ii) Barbless hooks are required for salmon and steelhead.
 - (e) Open year-round unless otherwise provided.
 - (f) Year-round night closure for salmon and steelhead fishing from Buoy 10 to Priest Rapids Dam.

(2) **Rules by river section:**

- (a) Fishing from the north jetty is permissible when Marine Area 1 or Buoy 10 areas are open for salmon, and the limit and minimum size restrictions follow the most liberal regulations if both areas are

open. Only single point barbless hooks may be used for salmon and steelhead.

(b) **From a true north-south line through Buoy 10 to the Megler Astoria Bridge:**

(i) The Youngs Bay Control Zone is defined as those waters south-erly of a line originating on the Oregon shore at the east end of the seawall at the Warrenton Fiber log yard (approximately river mile 10.1) northeasterly through green navigation buoys 29, 31, 33, and 35A to the center of the Astoria-Megler Bridge abutment adjacent to, and north of the ship channel, and continuing southerly in line with the center of the Megler Bridge span to the Oregon shore.

(ii) The Youngs Bay Control Zone is closed to recreational an-gling from August 1 through September 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(iv) Salmon and steelhead:

(A) April 1 through July 31: Closed.

(B) Open August 1 through August ((20)) 29:

(I) Daily limit 2; of which only 1 may be a Chinook.

(II) Release all salmon and steelhead except hatchery Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

~~(C) ((August 21 through August 23: Closed.~~

~~(D) Open August 24 through August 27:~~

~~(I) Daily limit 2; of which 1 may be a Chinook.~~

~~(II) Release all salmon and steelhead except hatchery Chinook and hatchery coho.~~

~~(III) Chinook minimum length 24 inches.~~

~~(IV) Coho minimum length 16 inches.~~

~~(E) August 28 through August 29: Closed.~~

~~(F)) Open August 30 through September ((4)) 3:~~

(I) Daily limit 2; of which 1 may be a Chinook.

(II) Release all salmon and steelhead except ((hatchery)) Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

~~((G))~~ (D) Open September ((5)) 4 through September 30:

(I) Daily limit ((3)) 2.

(II) Release all salmon and steelhead except hatchery coho.

(III) Coho minimum length 16 inches.

~~((H))~~ (E) Open October 1 through October 31:

(I) Daily limit 6; up to ((3)) 2 may be adults.

(II) Release all salmon and steelhead except hatchery coho.

(III) Salmon minimum length 12 inches.

~~((I))~~ (F) Open November 1 through December 31:

(I) Daily limit 6; up to ((3)) 2 adult ~~((s including no more than))~~ salmon, or 2 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon except hatchery coho.

(III) Salmon minimum length 12 inches.

~~((J))~~ (G) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(v) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(vi) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.

(c) **From the Megler Astoria Bridge to a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the red navigation marker 2 at Tongue Point on the Oregon bank:**

(i) Game fish: Statewide minimum length/daily limit, except: Release trout.

(ii) Salmon and steelhead:

(A) April 1 through June 15: Closed.

(B) Open from June 16 through ~~((July 31))~~ June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

~~((III) Salmon minimum length 12 inches.))~~

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults including no more than 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(D) Open August 1 through August ~~((20))~~ 29:

(I) Daily limit 2; of which 1 may be a Chinook.

(II) Release all salmon and steelhead except hatchery coho and hatchery Chinook.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

~~((D) August 21 through August 23: Closed.~~

~~(E) Open August 24 through August 27:~~

~~(I) Daily limit 2; of which 1 may be a Chinook.~~

~~(II) Release all salmon and steelhead except hatchery Chinook and hatchery coho.~~

~~(III) Chinook minimum length 24 inches.~~

~~(IV) Coho minimum length 16 inches.~~

~~(F) August 28 through August 29: Closed.~~

~~(G))~~ (E) Open August 30 through September ~~((4))~~ 3:

(I) Daily limit 2; of which 1 may be a Chinook.

(II) Release all salmon and steelhead except ~~((hatchery))~~ Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

~~((H))~~ (F) Open September ~~((5))~~ 4 through September 30:

(I) Daily limit ~~((3))~~ 2.

(II) Release all salmon and steelhead except hatchery coho.

(III) Coho minimum length 16 inches.

~~((I))~~ (G) Open October 1 through October 31:

(I) Daily limit 6; up to ~~((3))~~ 2 may be adults.

(II) Release all salmon and steelhead except hatchery coho.

(III) Salmon minimum length 12 inches.

~~((J))~~ (H) Open November 1 through December 31:

~~(I) Daily limit 6; up to ~~((3))~~ 2 adult~~~~((s including no more than))~~ salmon, or 2 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon except hatchery coho.

(III) Salmon minimum length 12 inches.

~~((K))~~ (I) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except hatchery Chinook.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(iv) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.

(d) **From a line at Rocky Point on the Washington bank through Red Buoy 44 to red navigation marker 2 at Tongue Point on the Oregon bank upstream to a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and terminating at red navigation marker 44A on the Oregon bank includes Blind Slough Select Area and Knappa Slough Select Area:**

(i) Blind Slough Select Area and Knappa Slough Select Area:

(A) The Blind Slough Select Area is defined as waters of Blind Slough and Gnat Creek from a north-south line represented by regulatory markers at the mouth of Blind Slough upstream to a regulatory marker in Gnat Creek located approximately 0.5 miles southeasterly (upstream) of the Barendse Road Bridge.

(B) The Knappa Slough Select Area is defined as waters of Knappa Slough, Calendar Slough, and Big Creek Slough bounded to the north (upstream) by a line projecting from a regulatory marker on the eastern shore of Karlson Island to the northernmost regulatory marker at the mouth of Blind Slough and bounded to the west (downstream) by a line projecting southerly from a regulatory marker on the southwestern tip of Karlson Island through regulatory markers on the western tips of Minaker Island to a marker on the Oregon shore.

(C) Game fish: Statewide minimum length/daily limit, except: Release trout.

(D) Salmon: Daily limit is 2 adult salmon or 2 steelhead or 1 of each and 5 jacks. No more than 2 daily jack limits in possession. 12 inches minimum size. Release all salmon other than hatchery Chinook, hatchery coho, and hatchery steelhead. Use of barbed hooks allowed.

(E) Shad: Open year-round.

(ii) Game fish: Statewide minimum size/daily limit, except:

(A) Trout: Open May 16 through March 31:

(B) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

(C) Release all trout except hatchery cutthroat.

(D) Barbless hooks required for cutthroat trout.

(iii) Salmon and steelhead:

(A) April 1 through May 15: Closed.

(B) Open May 16 through June 15:

(I) Daily limit 6; up to 2 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open June 16 through ~~(July 31)~~ June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(D) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults including no more than 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(E) Open August 1 through August ~~(20)~~ 29:

(I) Daily limit 6; up to 2 may be adults of which 1 may be a Chinook.

(II) Release all salmon and steelhead except hatchery Chinook and hatchery coho.

~~((E) August 21 through August 23: Closed.~~

~~(F) Open August 24 through August 27:~~

~~(I) Daily limit 6; up to 2 may be adults of which 1 may be a Chinook.~~

- ~~(II) Release all salmon and steelhead except hatchery Chinook and hatchery coho.~~
- ~~(III) Salmon minimum length 12 inches.~~
- ~~(G) August 28 through August 29: Closed.~~
- ~~(H)) (F) Open August 30 through September ((4)) 3:~~
- (I) Daily limit 6; up to 2 may be adults of which 1 may be a Chinook.
- (II) Release all salmon and steelhead except ((hatchery)) Chinook and hatchery coho.
- (III) Salmon minimum length 12 inches.
- ~~((I)) (G) Open September ((5)) 4 through October 31:~~
- (I) Daily limit 6; up to ((3)) 2 may be adults.
- (II) Release all salmon and steelhead except hatchery coho.
- (III) Coho minimum length 12 inches.
- ~~((J)) (H) Open November 1 through December 31:~~
- (I) Daily limit 6; up to ((3)) 2 may be adult ~~((s including no more than))~~ salmon, or 2 hatchery steelhead, or 1 of each may be retained.
- (II) Release all salmon except hatchery coho.
- ~~((K)) (I) Open January 1 through March 31:~~
- (I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.
- (II) Release all salmon except hatchery Chinook.
- (iv) Shad:
- (A) April 1 through May 15: Closed.
- (B) Open May 16 through March 31.
- (e) **From a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and terminating at red navigation marker 44A on the Oregon bank, upstream to the Longview Bridge:**
- (i) Game fish: Statewide minimum size/daily limit, except:
- (A) Trout: Open May 16 through March 31.
- (B) Release all trout except hatchery cutthroat.
- (C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.
- (D) Barbless hooks are required for cutthroat trout.
- (ii) Salmon and steelhead:
- (A) April 1 through May 15: Closed.
- (B) Open May 16 through June 15:
- (I) Daily limit 6; up to 2 hatchery steelhead may be retained.
- (II) Release all salmon except hatchery jack Chinook.
- (C) Open June 16 through ~~((July 31))~~ June 30:
- (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
- (II) Release all salmon except hatchery jack Chinook.
- (D) Open July 1 through July 31:
- (I) Daily limit 6; up to 2 adult salmon including no more than 1 hatchery steelhead may be retained.
- (II) Release all salmon except hatchery jack Chinook and sockeye.
- (E) Open August 1 through September 4:
- (I) Daily limit 6; up to 2 may be adults of which 1 may be a Chinook.
- (II) Release all salmon and steelhead except Chinook and hatchery coho.
- ~~((E)) (F) September 5 through September 11:~~
- (I) Daily limit 6; up to 2 may be adults of which 1 may be a Chinook.

(II) Release all salmon and steelhead except hatchery Chinook and hatchery coho.

(G) September 12 through September 30: Closed.

~~((F))~~ (H) Open October 1 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except hatchery coho.

~~((G))~~ (I) Open November 1 through December 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except hatchery coho.

~~((H))~~ (J) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except hatchery Chinook.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(f) From the Longview Bridge to a line projected from the Warrior Rock lighthouse through Red Buoy 4 to the marker atop the piling dolphin located at the downstream end of Bachelor Island on the Washington shore (Warrior Rock line):

(i) Game fish: Statewide minimum size/daily limit, except:

(A) Trout: Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat.

(C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

(D) Barbless hooks are required for cutthroat trout.

(ii) Salmon and steelhead:

(A) April 1 through May 15: Closed.

(B) Open May 16 through June 15:

(I) Daily limit 6; up to 2 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(D) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults including no more than 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(E) Open August 1 through September 4:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

~~((E))~~ (F) September 5 through September 11:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except hatchery Chinook and hatchery coho.

(G) September 12 through September 30: Closed.

~~((F))~~ (H) Open October 1 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except hatchery coho.

~~((G))~~ (I) Open November 1 through December 31:

(I) Daily limit 6; up to 2 adult salmon, of which 2 hatchery steelhead may be retained.

(II) Release all salmon except hatchery coho.

~~((H))~~ (J) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except hatchery Chinook.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(g) **From a line projected from the Warrior Rock lighthouse through Red Buoy 4 to the marker atop the piling dolphin located at the downstream end of Bachelor Island on the Washington shore (Warrior Rock line) to the I-5 Bridge:**

(i) Game fish: Statewide minimum size/daily limit, except:

(A) Trout: Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat.

(C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

(D) Barbless hooks are required for cutthroat trout.

(ii) Salmon and steelhead:

(A) April 1 through May 15: Closed.

(B) Open May 16 through June 15:

(I) Daily limit 6; up to 2 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open June 16 through (~~July 31~~) June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(D) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults including no more than 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(E) Open August 1 through September (~~14~~) 15:

(I) Daily limit 6; up to 2 may be adults of which 1 may be a Chinook.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

~~((E))~~ (F) September (~~15~~) 16 through September 30: Closed.

~~((F))~~ (G) Open October 1 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except hatchery coho.

~~((G))~~ (H) Open November 1 through December 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except hatchery coho.

~~((H))~~ (I) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except hatchery Chinook.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(h) **From the I-5 Bridge to a line crossing the Columbia from Navigation Marker 82 on the Oregon shore westerly to the boundary marker on the Washington shore upstream of Fir Point 9 miles downstream from Bonneville Dam:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) April 1 through June 15: Closed.

(B) Open June 16 through (~~July 31~~) June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults including no more than 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(D) Open August 1 through September (~~14~~) 15:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(~~(D)~~) (E) September (~~15~~) 16 through September 30: Closed.

(~~(E)~~) (F) Open October 1 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except hatchery coho.

(~~(F)~~) (G) Open November 1 through December 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon except hatchery coho.

(~~(G)~~) (H) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(i) **Camas Slough:**

(i) It is permissible for an angler licensed in Oregon or Washington to fish from a floating device.

(ii) In the waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island.

(iii) Additional angling rules for Camas Slough are the same as the special rules or effective emergency rule in the adjacent mainstem Columbia.

(j) **From a line between the upstream end of Sand Island (near Rooster Rock) on the Columbia River, to the boundary marker on the Oregon shore, downstream to a line between the lower end of Sand Island and the boundary marker on the Oregon shore:**

(i) January 1 through April 30: Closed waters.

(ii) Game fish:

(A) Open May 1 through December 31.

(B) Statewide minimum size/daily limit, except: Release all trout.

(iii) Salmon and steelhead:

(A) May 1 through June 15: Closed.

(B) Open June 16 through (~~July 31~~) June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults including no more than 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(D) Open August 1 through September (~~14~~) 15:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(~~(D)~~) (E) September (~~15~~) 16 through September 30: Closed.

~~((E))~~ (F) Open October 1 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except hatchery coho.

~~((F))~~ (G) Open November 1 through December 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon except hatchery coho.

~~((G))~~ (H) January 1 through April 30: Closed waters.

(iv) Shad:

(A) May 1 through May 15: Closed.

(B) Open May 16 through December 31.

(k) From a line crossing the Columbia from Navigation Marker 82 on the Oregon shore westerly to the boundary marker on the Washington shore upstream of Fir Point 9 miles downstream from Bonneville Dam to Beacon Rock:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) April 1 through June 15: Closed.

(B) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults including no more than 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(D) Open August 1 through September ~~((14))~~ 15:

(I) Daily limit 6; up to 2 may be adults of which 1 may be a Chinook.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

~~((D))~~ (E) September ~~((15))~~ 16 through September 30: Closed.

~~((E))~~ (F) Open October 1 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except hatchery coho.

~~((F))~~ (G) Open November 1 through December 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon except hatchery coho.

~~((G))~~ (H) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(l) From Beacon Rock to a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) April 1 through June 15: Closed.

(B) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults including no more than 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(D) Open August 1 through September (~~(14)~~) 15:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

~~((D))~~ (E) September (~~(15)~~) 16 through September 30: Closed.

~~((E))~~ (F) Open October 1 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except hatchery coho.

~~((F))~~ (G) November 1 through December 31: Closed.

~~((G))~~ (H) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(m) **From a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore to a line projected from a boundary marker about 4,000 feet downstream from the fish ladder at the new Bonneville Dam Powerhouse south to the downstream end of Cascade Island and across to the Oregon angling boundary on Bradford Island (about 850 feet downstream from the fish ladder):**

(i) It is unlawful to fish from any floating device.

(ii) Closed to any method of angling except hand-casted gear from shore.

(iii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iv) Salmon and steelhead:

(A) April 1 through June 15: Closed.

(B) Open June 16 through (~~(July 31)~~) June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults including no more than 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(D) Open August 1 through September (~~(14)~~) 15:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

~~((D))~~ (E) September (~~(15)~~) 16 through September 30: Closed.

~~((E))~~ (F) Open October 1 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except hatchery coho.

~~((F))~~ (G) Open November 1 through December 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon except hatchery coho.

~~((G))~~ (H) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(v) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(n) **Inside the south navigation lock at Bonneville Dam, from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore:** Closed waters.

(o) **From a boundary marker about 4,000 feet downstream from the fish ladder at the new Bonneville Dam Powerhouse south to the downstream end of Cascade Island and across to the Oregon angling boundary on Bradford Island (about 850 feet downstream from the fish ladder) to a point 600 feet below the fish ladder at Bonneville Dam powerhouse:**

(i) It is unlawful to fish from any floating device.

(ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iii) Salmon and steelhead:

(A) April 1 through June 15: Closed.

(B) Open June 16 through (~~July 31~~) June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults including no more than 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(D) Open August 1 through September (~~14~~) 15:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

~~((D))~~ (E) September (~~15~~) 16 through September 30: Closed.

~~((E))~~ (F) Open October 1 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except hatchery coho.

~~((F))~~ (G) Open November 1 through December 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon except hatchery coho.

~~((G))~~ (H) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(iv) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(p) **From a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse to the upstream line of Bonneville Dam:** Closed waters.

(q) **From Bonneville Dam to the Hood River Bridge:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open from March 16 through June 15: Bank fishing only.

(B) When open from March 16 through June 15: Only hand-cast lines may be used.

(C) When open from March 16 through June 15: It is unlawful to use a floating device to set lines for salmon and steelhead.

(D) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(E) April 1 through June 15: Closed.

- (F) Open June 16 through June 30:
 (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 (II) Release all salmon except hatchery jack Chinook.
- (G) Open July 1 through July 31:
 (I) Daily limit 6; up to 2 adults (~~((salmon or))~~) including no more than 1 hatchery steelhead (~~((and 1 adult salmon))~~) may be retained.
 (II) Release all salmon except hatchery jack Chinook and sockeye.
- (H) Open August 1 through (~~(October))~~ September 15:
 (I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook.
 (II) Release all salmon and steelhead except Chinook and hatchery coho.
- (I) September 16 through September 30: Closed.
- (J) Open October (~~(16))~~ 1 through October 31:
 (I) Daily limit 6; up to 2 may be adults.
 (II) Release all salmon and steelhead except hatchery coho.
 (~~((J))~~) (K) Open November 1 through December 31:
 (I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.
 (II) Release all salmon except hatchery coho.
 (~~((K))~~) (L) Open January 1 through March 31:
 (I) Daily limit 2 hatchery steelhead.
 (II) Release all salmon.
- (r) **Waters within 1/4 mile of the USFWS Spring Creek Hatchery grounds between posted markers located 1/4 mile on either side of the fish ladder entrance:** Closed waters.
- (s) **From Hood River Bridge to the Tower Island power lines:**
 (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
 (ii) Salmon and steelhead:
 (A) When open from March 16 through June 15: Bank fishing only.
 (B) When open from March 16 through June 15: Only hand-cast lines may be used.
 (C) When open from March 16 through June 15: It is unlawful to use a floating device to set lines for salmon and steelhead.
 (D) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 (E) April 1 through June 15: Closed.
- (F) Open June 16 through June 30:
 (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 (II) Release all salmon except hatchery jack Chinook.
- (G) Open July 1 through July 31:
 (I) Daily limit 6; up to 2 adults (~~((salmon or))~~) including no more than 1 hatchery steelhead (~~((and 1 adult salmon))~~) may be retained.
 (II) Release all salmon except hatchery jack Chinook and sockeye.
- (H) Open August 1 through (~~(October))~~ September 15:
 (I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook.
 (II) Release all salmon and steelhead except Chinook and coho.
- (I) September 16 through September 30: Closed.
- (J) Open October (~~(16))~~ 1 through October 31:
 (I) Daily limit 6; up to 2 may be adults.
 (II) Release all salmon and steelhead except coho.
 (~~((J))~~) (K) Open November 1 through December 31:
 (I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.

- (II) Release all salmon except coho.
- ~~((K))~~ (L) Open January 1 through March 31:
- (I) Daily limit 2 hatchery steelhead.
- (II) Release all salmon.

(t) From Tower Island power lines to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a boundary marker on the Washington shore (approximately 1.8 miles below The Dalles Dam):

- (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
- (ii) Salmon and steelhead:
 - (A) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 - (B) April 1 through June 15: Closed.
 - (C) Open June 16 through June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (D) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 adults ~~((salmon or))~~ including no more than 1 hatchery steelhead ~~((and 1 adult salmon))~~ may be retained.
 - (II) Release all salmon except hatchery jack Chinook and sockeye.
 - (E) Open August 1 through ~~((October))~~ September 15:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook.
 - (II) Release all salmon and steelhead except Chinook and coho.
 - (F) September 16 through September 30: Closed.
 - (G) Open October ~~((16))~~ 1 through October 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release all salmon and steelhead except coho.
 - ~~((G))~~ (H) Open November 1 through December 31:
 - (I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.
 - (II) Release all salmon except coho.
 - ~~((H))~~ (I) Open January 1 through March 31:
 - (I) Daily limit 2 hatchery steelhead.
 - (II) Release all salmon.

(u) From a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a boundary marker on the Washington shore to the upstream side of the Interstate (Highway 197) Bridge:

- (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
- (ii) Salmon and steelhead:
 - (A) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 - (B) April 1 through June 15: Closed.
 - (C) Open June 16 through June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (D) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 adults ~~((salmon or))~~ including no more than 1 hatchery steelhead ~~((and 1 adult salmon))~~ may be retained.
 - (II) Release all salmon except hatchery jack Chinook and sockeye.
 - (E) Open August 1 through ~~((October))~~ September 15:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) September 16 through September 30: Closed.

(G) Open October (~~16~~) 1 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except coho.

~~((G))~~ (H) Open November 1 through December 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon except coho.

~~((H))~~ (I) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(v) From the Washington shore from the upstream side of the Interstate (Highway 197) Bridge to the navigation lock wall:

(i) It is unlawful to fish from a floating device.

(ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iii) Salmon and steelhead:

(A) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) April 1 through June 15: Closed.

(C) Open June 16 through June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(D) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults ~~((salmon or))~~ including no more than 1 hatchery steelhead ~~((and 1 adult salmon))~~ may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(E) Open August 1 through ~~((October))~~ September 15:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) September 16 through September 30: Closed.

(G) Open October (~~16~~) 1 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except coho.

~~((G))~~ (H) Open November 1 through December 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon except coho.

~~((H))~~ (I) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(w) From the Interstate (Highway 197) Bridge to the upstream line of The Dalles Dam except the Washington shore from the upstream side of the Interstate Bridge to the navigation lock wall: Closed waters.

(x) From The Dalles Dam to a line starting from a fishing boundary sign on the Washington north shore located approximately 1,300 feet upstream of The Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington southern shore located approximately 200 feet above the fish ladder exit:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead: Closed.

(y) From a line starting from a fishing boundary sign on the Washington north shore located approximately 1,300 feet upstream of

The Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington southern shore located approximately 200 feet above the fish ladder exit to the west end of the grain silo at Rufus, Oregon 2.4 miles downstream of John Day Dam:

- (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
- (ii) Salmon and steelhead:
 - (A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 - (B) Open June 16 through June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 adults ~~((salmon or))~~ including no more than 1 hatchery steelhead ~~((and 1 adult salmon))~~ may be retained.
 - (II) Release all salmon except hatchery jack Chinook and sockeye.
 - (D) Open August 1 through August 31:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except Chinook and coho.
 - (E) September 1 through ~~((October))~~ September 15:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.
 - (II) Release all salmon and steelhead except Chinook and coho.
 - (F) September 16 through September 30: Closed.
 - (G) Open October ~~((16))~~ 1 through December 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release all salmon and steelhead except coho.
 - ~~((G))~~ (H) Open January 1 through March 31:
 - (I) Daily limit 2 hatchery steelhead.
 - (II) Release all salmon.

(z) From the west end of the grain silo at Rufus, Oregon 2.4 miles downstream of John Day Dam to markers approximately 3,000 feet downstream of John Day Dam:

- (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
- (ii) Salmon and steelhead:
 - (A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 - (B) Open June 16 through June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 adults ~~((salmon or))~~ including no more than 1 hatchery steelhead ~~((and 1 adult salmon))~~ may be retained.
 - (II) Release all salmon except hatchery jack Chinook and sockeye.
 - (D) Open August 1 through August 31:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except Chinook and coho.
 - (E) September 1 through ~~((October))~~ September 15:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.
 - (II) Release all salmon and steelhead except Chinook and coho.

(F) September 16 through September 30: Closed.

(G) Open October ((16)) 1 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except coho.

((+G)) (H) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(I) April 1 through June 15: Closed.

(aa) **From markers approximately 3,000 feet downstream of John Day Dam to 400 feet below the fishway entrance:**

(i) It is unlawful to fish from a floating device.

(ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults ~~((salmon or))~~ including no more than 1 hatchery steelhead ((and 1 adult salmon)) may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(D) Open August 1 through August 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(E) September 1 through ~~((October))~~ September 15:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) September 16 through September 30: Closed.

(G) Open October ((16)) 1 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except coho.

((+G)) (H) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(I) April 1 through June 15: Closed.

(bb) **From 400 feet below the John Day Dam fishway entrance to the upstream line of John Day Dam:** Closed waters.

(cc) **From John Day Dam to a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundation:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults ~~((salmon or))~~ including no more than 1 hatchery steelhead ((and 1 adult salmon)) may be retained.

- (II) Release all salmon except hatchery jack Chinook and sockeye.
- (D) Open August 1 through August 31:
- (I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.
- (II) Release all salmon except Chinook and coho.
- (E) September 1 through (~~October~~) September 15:
- (I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.
- (II) Release all salmon and steelhead except Chinook and coho.
- (F) September 16 through September 30: Closed.
- (G) Open October (~~16~~) 1 through December 31:
- (I) Daily limit 6; up to 2 may be adults.
- (II) Release all salmon and steelhead except coho.
- (~~(G)~~) (H) Open January 1 through March 31:
- (I) Daily limit 2 hatchery steelhead.
- (II) Release all salmon.
- (I) April 1 through June 15: Closed.
- (dd) **From a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundation to the Interstate 82/Highway 395 Bridge:**
- (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
- (ii) Salmon and steelhead:
- (A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
- (B) Open June 16 through June 30:
- (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
- (II) Release all salmon except hatchery jack Chinook.
- (C) Open July 1 through July 31:
- (I) Daily limit 6; up to 2 adults (~~(salmon or)~~) including no more than 1 hatchery steelhead (and 1 adult salmon) may be retained.
- (II) Release all salmon except hatchery jack Chinook and sockeye.
- (D) Open August 1 through August 31:
- (I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.
- (II) Release all salmon except Chinook and coho.
- (E) September 1 through (~~October~~) September 15:
- (I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.
- (II) Release all salmon and steelhead except Chinook and coho.
- (F) September 16 through September 30: Closed.
- (G) Open October (~~16~~) 1 through December 31:
- (I) Daily limit 6; up to 2 may be adults.
- (II) Release all salmon and steelhead except coho.
- (~~(G)~~) (H) Open January 1 through March 31:
- (I) Daily limit 2 hatchery steelhead.
- (II) Release all salmon.
- (I) April 1 through June 15: Closed.
- (ee) **From the Interstate 82/Highway 395 Bridge to a red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore:**
- (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
- (ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults ~~((salmon or))~~ including no more than 1 hatchery steelhead ((and 1 adult salmon)) may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(D) Open August 1 through August 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(E) September 1 through ~~((October))~~ September 15:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) September 16 through September 30: Closed.

(G) Open October ((16)) 1 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except coho.

~~((G))~~ (H) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(I) April 1 through June 15: Closed.

(ff) From a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore to the upstream line of McNary Dam: Closed waters.

(gg) From McNary Dam to Highway 730 at Washington/Oregon border:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults ~~((salmon or))~~ including no more than 1 hatchery steelhead ((and 1 adult salmon)) may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(D) Open August 1 through August 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(E) September 1 through ~~((October))~~ September 15:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) September 16 through September 30: Closed.

(G) Open October ((16)) 1 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except coho.

~~((G))~~ (H) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(I) April 1 through June 15: Closed.

(hh) From Highway 730 at Washington/Oregon border to the Highway

395 Bridge at Pasco:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adults ~~((salmon or))~~ including no more than 1 hatchery steelhead ((and 1 adult salmon)) may be retained.

(II) Release all salmon except hatchery jack Chinook and sockeye.

(D) Open August 1 through August 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(E) September 1 through ~~((October))~~ September 15:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) September 16 through September 30: Closed.

(G) Open October ((16)) 1 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon and steelhead except coho.

~~((G))~~ (H) January 1 through June 15: Closed.

(ii) From the Highway 395 Bridge at Pasco to Columbia Point (1/3 mile downstream of the Interstate 182 Bridge):

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon: Open September ~~((1))~~ 15 through October 31: Daily limit 6; up to 1 adult salmon may be retained. Release all salmon except Chinook and coho.

(jj) Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park: Closed waters.

(kk) From Columbia Point (1/3 mile downstream of the Interstate 182 Bridge) to the Interstate 182 Bridge:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon:

(A) Open July 1 through July 15:

(I) Daily limit 6; up to ~~((2))~~ 4 may be adults; up to 1 may be an adult hatchery Chinook. Release wild adult Chinook.

(II) Richland/Benton County side of river. Bank fishing only. Hand-casted lines from shore only.

(B) Open September ~~((1))~~ 15 through October 31: Daily limit 6; up to 1 adult salmon may be retained. Release all salmon except Chinook and coho.

(11) From the Interstate 182 Bridge to a line between the Snyder Boat Launch and the Selph Landing Boat Launch:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Open October 1 through March 31: Daily limit 1. Steelhead must be both adipose fin clipped and ventral fin clipped to be retained.

(iii) Salmon:

(A) Open July 1 through August 15:

(I) Daily limit 6 salmon; up to 4 may be adults; up to 1 may be an adult hatchery Chinook.

(II) Release wild adult Chinook.

(B) Open September 15 through December 31:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release all salmon other than Chinook and coho.

(mm) From a line between the Snyder Boat Launch and the Selph Landing Boat Launch to WDFW markers 1/4 mile downstream from the South Columbia Basin Irrigation PE16.4 wasteway (Ringold wasteway) outlet:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Open October 1 through March 31: Daily limit 1. Steelhead must be both adipose fin clipped and ventral fin clipped to be retained.

(iii) Salmon:

(A) Open July 1 through August 15:

(I) Daily limit 6 salmon; up to ((2)) 4 may be adults; up to 1 may be an adult hatchery Chinook.

(II) Release wild adult Chinook.

(B) Open August 16 through December 31:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release all salmon other than Chinook and coho.

((mm)) (nn) West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River:

(i) September 1 through November 30: Closed waters.

(ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iii) Steelhead: Closed to fishing for or retaining.

(iv) Salmon:

(A) Open July 1 through August 15:

(B) Daily limit 6 salmon; up to ((2)) 4 may be adults; up to 1 may be an adult hatchery Chinook.

(C) Release wild adult Chinook.

(v) Open August 16 through August 31:

(A) Daily limit 6; up to 1 may be an adult.

(B) Release all salmon except Chinook and coho.

((nn)) (oo) From WDFW markers 1/4 mile downstream from the South Columbia Basin Irrigation PE16.4 wasteway (Ringold wasteway) outlet to WDFW markers 1/2 mile upstream from Ringold Springs Hatchery Creek:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead:

(A) Open October 1 through March 31: Daily limit 1. Steelhead must be both adipose fin clipped and ventral fin clipped to be retained.

(B) Open April 1 through April 15: Daily limit 1. Steelhead must be both adipose fin clipped and ventral fin clipped to be retained. Open only to fishing from the bank on the hatchery side of the river.

(iii) Salmon:

(A) Open July 1 through August 15:

(I) Daily limit 6 salmon; up to ((2)) 4 may be adults; up to 1 may be an adult hatchery Chinook.

(II) Release wild adult Chinook.

(B) Open August 16 through December 31:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release all salmon other than Chinook and coho.

~~((pp))~~ **(pp) Between the markers located 100 feet upstream and 100 feet downstream of the Ringold Springs Hatchery Creek, and extending 100 feet towards the middle of the river:** Closed waters.

~~((pp))~~ **(qq) From WDFW markers 1/2 mile upstream from Ringold Springs Hatchery Creek to the Old Hanford townsite powerline crossing:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Open October 1 through March 31: Daily limit 1. Steelhead must be both adipose fin clipped and ventral fin clipped to be retained.

(iii) Salmon:

(A) Open July 1 through August 15:

(I) Daily limit 6 salmon; up to ((2)) 4 may be adults; up to 1 may be an adult hatchery Chinook.

(II) Release wild adult Chinook.

(B) Open August 16 through December 31:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release all salmon other than Chinook and coho.

~~((qq))~~ **(rr) From the Old Hanford townsite powerline crossing to Vernita Bridge (Highway 24):**

(i) Open February 1 through October 15.

(ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iii) Steelhead: Closed to fishing for or retaining.

(iv) Salmon:

(A) Open July 1 through August 15:

(I) Daily limit 6 salmon; up to ((2)) 4 may be adults; up to 1 may be an adult hatchery Chinook.

(II) Release wild adult Chinook.

(B) Open August 16 through October 15:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release all salmon other than Chinook and coho.

~~((rr))~~ **(ss) From Vernita Bridge (Highway 24) to 400 feet downstream of the Priest Rapids Hatchery outlet channel (Jackson Creek):**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon:

(A) Open July 1 through August 15:

(I) Daily limit 6 salmon; up to ((2)) 4 may be adults; up to 1 may be an adult hatchery Chinook.

(II) Release wild adult Chinook.

(B) Open August 16 through October 15:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release all salmon other than Chinook and coho.

~~((ss))~~ (tt) **From the marker 400 feet downstream of the mouth of the Priest Rapids Hatchery outlet channel (Jackson Creek) to boundary markers 650 feet below the fish ladders at Priest Rapids Dam:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon:

(A) Open July 1 through August 15:

(I) Daily limit 6 salmon; up to ~~((2))~~ 4 may be adults; up to 1 may be an adult hatchery Chinook.

(II) Release wild adult Chinook.

(B) Open August 16 through October 15:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release all salmon other than Chinook and coho.

~~((tt))~~ (uu) **At Priest Rapids Hatchery outlet channel (Jackson Creek) extending to midstream of the Columbia River between boundary markers located 400 feet downstream of outlet channel to 100 feet upstream: Closed waters.**

~~((uu))~~ (vv) **From boundary markers 650 feet below the fish ladders at Priest Rapids Dam to the upstream line of the dam: Closed waters.**

~~((vv))~~ (ww) **From Priest Rapids Dam to a line from boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of west fish ladder at Wanapum Dam:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon:

(A) Open July 1 through August 31:

(I) Daily limit 6; up to 2 adult hatchery Chinook and up to 4 sockeye may be retained.

(II) Release coho and wild adult Chinook.

(B) Open September 1 through October 15: Daily limit 6 Chinook only; up to 2 adults may be retained. Release all other salmon.

~~((ww))~~ (xx) **From a line from boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder to the Wanapum Dam: Closed waters.**

~~((xx))~~ (yy) **From the Wanapum Dam to boundary markers 400 feet downstream of the fish ladders at Rock Island Dam:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon:

(A) Open July 1 through August 31:

(I) Daily limit 6; up to 2 adult hatchery Chinook and up to 4 sockeye.

(II) Release coho and wild adult Chinook.

(B) Open September 1 through October 15: Daily limit 6 Chinook only; up to 2 adults may be retained. Release all other salmon.

~~((yy))~~ (zz) **From the boundary markers 400 feet downstream of the fish ladders at Rock Island Dam to the upstream line of the dam: Closed waters.**

~~((zz))~~ (aaa) **From the upstream line of Rock Island Dam to boundary markers 400 feet downstream of the Rocky Reach Dam fish ladders:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon: Open July 1 through October 15:

(A) Daily limit 6; up to 2 adult hatchery Chinook and up to 4 sockeye.

(B) Release coho and wild adult Chinook.

~~((aaa))~~ (bbb) **From boundary markers 400 feet downstream of the Rocky Reach Dam fish ladders to the upstream line of Rocky Reach Dam: Closed waters.**

~~((bbb))~~ (ccc) **From the upstream line of Rocky Reach Dam to boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder at Wells Dam (on Douglas County side):**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon: Open July 1 through October 15:

(A) Daily limit 6; up to 2 adult hatchery Chinook and up to 4 sockeye.

(B) Release coho and wild adult Chinook.

~~((eee))~~ (ddd) **From the boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder at Wells Dam (on Douglas County side) to the upstream line of Wells Dam: Closed waters.**

~~((ddd))~~ (eee) **From Wells Dam to Highway 173 Bridge at Brewster:**

(i) Game fish: Statewide minimum size/daily limit, except: Hatchery trout: Open July 16 through August 15. Minimum size 12 inches. Daily limit 10. Barbless hooks required.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon: Open July 16 through September 30:

(A) Daily limit 6; up to 2 adult hatchery Chinook and up to 4 sockeye.

(B) Release coho and wild adult Chinook.

~~((eee))~~ (fff) **From Highway 173 Bridge at Brewster to a line drawn between Gun Club Road in Douglas County and Pelican Point in Okanogan County:**

(i) Game fish: Statewide minimum size/daily limit, except: Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon: Open July 1 through October 15:

(A) Daily limit 4 sockeye only.

(B) Release all other salmon.

(ggg) From a line drawn between Gun Club Road in Douglas County and Pelican Point in Okanogan County to the Highway 17 Bridge:

(i) Game fish: Statewide minimum size/daily limit, except: Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon: Open July 1 through October 15:

(A) Daily limit 6; up to 2 adult hatchery Chinook and up to 4 sockeye.

(B) Release coho and wild adult Chinook.

~~((fff))~~ (hhh) **From the Highway 17 Bridge to the Corps of Engineers safety marker on the Douglas County shore to the rock jetty at the upstream shoreline of Foster Creek:**

(i) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge: Closed waters.

(ii) From the Douglas County shore from Chief Joseph Dam to the rock jetty at the upstream shoreline of Foster Creek: Closed waters.

(iii) It is unlawful to fish from a floating device downstream of Chief Joseph Dam from the boundary marker to the Corps of Engineers safety zone marker.

(iv) Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(v) Steelhead: Closed to fishing for or retaining.

(vi) Salmon: Open July 1 through October 15:

(A) Daily limit 6; up to 2 adult hatchery Chinook and up to 4 sockeye.

(B) Release coho and wild adult Chinook.

~~((ggg))~~ (iii) **Above Chief Joseph Dam:** See Rufus Woods Lake in WAC 220-312-050.

~~((hhh))~~ (jjj) **Above Grand Coulee Dam:** See Lake Roosevelt in WAC 220-312-050.

OTS-5380.1

AMENDATORY SECTION (Amending WSR 24-05-062, filed 2/20/24, effective 7/1/24)

WAC 220-312-050 Freshwater exceptions to statewide rules—East-side. (1) **Countywide freshwater exceptions to statewide rules:**

(a) Irrigation canals, wasteways, drains and the inlets and outlets of all lakes, ponds, and reservoirs in Grant and Adams counties (except Crab Creek, Rocky Ford Creek and Ponds, Columbia Basin Hatchery Creek, Bobcat Creek, Coyote Creek, Frenchman Hills Wasteway and Drains, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round, statewide lake rules apply to all species.

(b) In Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.

(2) **Aeneas Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(3) **Ahtanum Creek (Yakima County):** Selective gear rules.

(4) **Ahtanum Creek, North Fork (Yakima County):**

(a) From the Grey Rock Trailhead Bridge crossing upstream to Shellneck Creek: Closed waters.

(b) Selective gear rules.

(5) **Ahtanum Creek, Middle Fork (Yakima County):**

(a) From the A2000 Spur Road Bridge in NE 1/4 of Section 34 upstream to the A2800 Road Bridge at Tree Phones Campground: Closed waters.

(b) Selective gear rules.

- (6) **Alta Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.
- (7) **Amber Lake (Spokane County)**:
- (a) Selective gear rules.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Open March 1 through November 30.
 - (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (8) **American River (Yakima County)**:
- (a) Selective gear rules.
 - (b) From the Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8: Closed waters from July 16 through September 15.
- (9) **Amon Wasteway (Benton County)**: Selective gear rules.
- (10) **Andrews Creek (tributary to Chewuch River) (Okanogan County)**: From the mouth to the falls approximately 0.5 miles upstream: Closed waters.
- (11) **Asotin Creek, mainstem and forks (Asotin County)**:
- (a) Closed waters:
 - (i) South Fork from mouth upstream.
 - (ii) North Fork from USFS border upstream.
 - (b) Game fish: Statewide minimum length/daily limit, except: It is unlawful to fish for steelhead.
 - (c) Selective gear rules.
- (12) **Aspen Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (13) **Badger Lake (Spokane County)**: Open the fourth Saturday in April through September 30.
- (14) **Banks Lake (Grant County)**:
- (a) Chumming is permissible.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Crappie: Daily limit 10; minimum length 9 inches.
 - (ii) Yellow perch: Daily limit 25.
- (15) **Bayley Lake (Stevens County)**:
- (a) Inlet stream: Closed waters.
 - (b) Open the fourth Saturday in April through October 31.
 - (c) Fly fishing only.
 - (d) It is unlawful to fish from a floating device equipped with a motor.
 - (e) Release all fish.
- (16) **Bear Creek (tributary to South Fork Tieton River) (Yakima County)**: From the mouth to the falls (approximately 0.75 mile): Closed waters.
- (17) **Bear Lake (Spokane County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (18) **Beaver Creek (tributary to Methow River) (Okanogan County)**: Closed waters.
- (19) **Beaver Lake (Big) (Okanogan County)**: Open the fourth Saturday in April through October 31.
- (20) **Beaver Lake, (Little)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (21) **Beda Lake (Grant County)**:
- (a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.

(22) **Beehive (Lake) Reservoir (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.

(23) **Beth Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(24) **Big Four Lake (Columbia County):**

(a) Fly fishing only.

(b) It is unlawful to fish from any floating device.

(c) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 2; minimum length 14 inches.

(25) **Big Meadow Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(26) **Big Twin Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.

(27) **Blackbird Island Pond (Chelan County):** Open July 1 through September 30 for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(28) **Black Canyon Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(29) **Black Lake (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(30) **Black Lake (Okanogan County):** Selective gear rules.

(31) **Black Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(32) **Blue Lake (Columbia County):** It is unlawful to fish from any floating device.

(33) **Blue Lake (Grant County):** Open the fourth Saturday in April through September 30.

(34) **Blue Lake (near Sinlahekin) (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.

(35) **Blue Lake (near Wannacut Lake) (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1, minimum length 18 inches.

- (36) **Bobcat Creek and Ponds (Adams County)**: Open the fourth Saturday in April through September 30.
- (37) **Bonaparte Creek (Okanogan County)**: From the mouth to the falls approximately river mile 1.0: Closed waters.
- (38) **Bonaparte Lake (Okanogan County)**:
- (a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (39) **Boulder Creek and tributaries (Okanogan County)**: From the mouth to the barrier falls at river mile 1.0: Closed waters.
- (40) **Box Canyon Creek and tributaries (Kittitas County)**: From mouth (Kachess Reservoir) upstream approximately 2 miles to the 20 foot high waterfall, including that portion of the creek that flows through the dry lake bed: Closed waters.
- (41) **Browns Lake (Pend Oreille County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Fly fishing only.
- (c) It is unlawful to fish from a floating device equipped with a motor.
- (42) **Bumping Lake (Reservoir) (Yakima County)**: Chumming is permissible.
- (43) **Buckskin Creek and tributaries (Yakima County)**: From the mouth to the west boundary of Suntides Golf Course: Closed waters.
- (44) **Bumping River (Yakima County)**:
- (a) It is permissible to fish up to the base of Bumping Dam.
- (b) From the mouth to Bumping Reservoir; selective gear rules.
- (45) **Burke Lake (Grant County)**: Open March 1 through September 30.
- (46) **Buttermilk Creek (tributary to Twisp River) (Okanogan County), including tributaries**:
- (a) Open the Saturday before Memorial Day through August 15.
- (b) Release all fish.
- (c) Selective gear rules.
- (47) **Buzzard Lake (Okanogan County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (48) **Caldwell Lake (Pend Oreille County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (49) **Caliche Lakes, Upper (Grant County)**: Open March 1 through September 30.
- (50) **Calispell Creek (Calispell River) (Pend Oreille County)**: From the mouth to Calispell Lake: Open year-round.
- (51) **Campbell Lake (Okanogan County)**:
- (a) Selective gear rules.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (52) **Carl's Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

- (53) **Cascade Lake (Grant County)**: Open March 1 through September 30.
- (54) **Cattail Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (55) **Cedar Creek (tributary to Early Winters Creek) (Okanogan County)**:
- (a) From the mouth to Cedar Falls:
 - (i) Open the Saturday before Memorial Day through August 15.
 - (ii) Selective gear rules.
 - (iii) Release all fish.
 - (b) From Cedar Falls upstream including tributaries: Selective gear rules.
- (56) **Cedar Lake (Stevens County)**: Open the fourth Saturday in April through October 31.
- (57) **Chain Lake (Pend Oreille County)**:
- (a) Open the fourth Saturday in April through October 31.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release kokanee.
- (58) **Chapman Lake (Spokane County)**:
- (a) Open the fourth Saturday in April through October 31.
 - (b) Chumming is permissible.
- (59) **Chelan Hatchery Creek (Chelan County)**: Closed waters.
- (60) **Chelan Lake (Chelan County)**:
- (a) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release wild cutthroat trout.
 - (ii) Lake trout: No limit and no size restriction.
 - (b) Salmon: Daily limit 1; minimum length 15 inches.
 - (c) No catch record card required.
- (61) **Chelan Lake tributaries (Chelan County)**:
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.
- (62) **Chelan River (Chelan County)**: From the railroad bridge to the Chelan PUD safety barrier below the power house:
- (a) Salmon: Open July 16 through October 15:
 - (i) Daily limit 6; up to 2 may be adult hatchery Chinook. Release sockeye, coho, and wild adult Chinook.
 - (ii) July 16 through October 15: Anti-snagging rule and night closure.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release trout.
 - (ii) Steelhead: Closed to fishing.
 - (c) From the Chelan PUD safety barrier below the power house upstream to Chelan Lake: Closed waters.
- (63) **Chewuch River (Okanogan County)**:
- (a) From the mouth to Eight Mile Creek:
 - (i) Open the Saturday before Memorial Day through August 15.
 - (ii) Selective gear rules.
 - (iii) Release all fish.
 - (b) From the mouth to Pasayten Wilderness boundary falls: Whitefish:
 - (i) Open December 1 through the last day in February for whitefish only.
 - (ii) Whitefish gear rules.
- (64) **Chiwaukum Creek (Chelan County)**:
- (a) From the mouth to Fool Hen Creek, including Fool Hen Creek and tributaries: Closed waters.

- (b) From Fool Hen Creek upstream and tributaries: Selective gear rules.
- (65) **Chiwawa River (Chelan County):**
- (a) From the mouth to Buck Creek and tributaries not including Buck Creek: Closed waters.
- (b) From Buck Creek upstream and tributaries (including Buck Creek): Selective gear rules.
- (66) **Chopaka Lake (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Fly fishing only.
- (c) It is unlawful to fish from a floating device equipped with a motor.
- (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (67) **Chumstick Creek (Chelan County):** Closed waters.
- (68) **Clear Lake (Chelan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (69) **Clear Lake (Spokane County):** Open the fourth Saturday in April through October 31.
- (70) **Cle Elum Lake (Reservoir) (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 9 inches and maximum length 15 inches.
- (71) **Cle Elum River (Kittitas County):**
- (a) From the mouth to Cle Elum Dam:
- (i) Open year-round.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release rainbow trout and cutthroat trout.
- (iv) It is permissible to fish up to the base of Cle Elum Dam.
- (v) Whitefish:
- (A) Open December 1 through last day in February for whitefish only.
- (B) Whitefish gear rules.
- (b) From above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules.
- (72) **Cliff Lake (Grant County):** Open March 1 through September 30.
- (73) **Coffee Pot Lake (Lincoln County):**
- (a) Open March 1 through September 30.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 1; minimum length 18 inches.
- (ii) Crappie: Daily limit 10; minimum length 9 inches.
- (74) **Columbia Basin Hatchery Creek (Grant County):**
- (a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.
- (b) Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (75) **Columbia Park Pond (Benton County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (76) **Colville River (Stevens County):** From the mouth to bridge at the town of Valley including Meyers Falls Reservoir: Open year-round.
- (77) **Conconully Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

- (78) **Conconully Reservoir (Okanogan County)**: Open the fourth Saturday in April through October 31.
- (79) **Conger Pond (Pend Oreille County)**: Open the fourth Saturday in April through October 31.
- (80) **Conner Lake (Okanogan County)**:
- (a) Open the fourth Saturday in April through October 31.
 - (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (81) **Cooper River (Kittitas County)**: From the mouth to Cooper Lake: Selective gear rules.
- (82) **Coot Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (83) **Corral Creek (Benton County)**: Selective gear rules.
- (84) **Cougar Lake (Pasayten Wilderness) (Okanogan County)**: Selective gear rules.
- (85) **Cougar Lake (near Winthrop) (Okanogan County)**:
- (a) Selective gear rules.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (86) **Cowiche Creek (Yakima County)**: Selective gear rules.
- (87) **Coyote Creek and Ponds (Adams County)**: Open the fourth Saturday in April through September 30.
- (88) **Crab Creek (Adams/Grant/Lincoln counties)**:
- (a) From the mouth to Morgan Lake Road: Open the Saturday before Memorial Day through September 30.
 - (b) From Morgan Lake Road to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.
 - (c) From the confluence of the Moses Lake outlets to Sand Dunes Road including tributaries:
 - (i) Open year-round.
 - (ii) Statewide lake rules apply to all species, except:
 - (A) Crappie: Minimum length 9 inches.
 - (B) Crappie and bluegill: Combined limit of 25 fish.
 - (C) Yellow perch: Daily limit 25 fish.
 - (d) From the fountain buoy and shoreline markers of 150 feet down stream of the Alder Street fill to Grant County Road 7 NE:
 - (i) Open year-round.
 - (ii) Statewide lake rules apply to all species, except:
 - (A) Crappie: Daily limit 10; minimum length 9 inches.
 - (B) Bluegill: Daily limit 5; minimum length 8 inches.
 - (C) Yellow perch: Daily limit 25.
 - (e) From Grant County Road 7 NE upstream (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.
- (89) **Crawfish Lake (Okanogan County)**:
- (a) Open the fourth Saturday in April through October 31.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (90) **Crescent Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.
- (91) **Crystal Lake (Grant County)**: Open March 1 through September 30.
- (92) **Cub Creek (tributary to Chewuch River) (Okanogan County)**: From mouth upstream to West Chewuch Road Bridge: Closed waters.

- (93) **Cup Lake (Grant County)**: Open March 1 through September 30.
- (94) **Curl Lake (Columbia County)**:
- (a) Open the Saturday before Memorial Day through October 31.
 - (b) It is unlawful to fish from any floating device.
- (95) **Davis Lake (Ferry County)**: Open the fourth Saturday in April through October 31.
- (96) **Davis Lake (Okanogan County)**:
- (a) Selective gear rules.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (97) **Dayton Pond (Columbia County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (98) **Deadman Lake (Adams County)**: Open the fourth Saturday in April through September 30.
- (99) **Deep Creek (tributary to Bumping Lake) (Yakima County)**: From the mouth to the waterfall approximately 0.33 mile above the second bridge crossing on USFS Road 1808 (approximately 3.7 miles from the junction of USFS Roads 1800 and 1808): Closed waters.
- (100) **Deep Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (101) **Deep Lake (Stevens County)**: Open the fourth Saturday in April through October 31.
- (102) **Deer Lake (Columbia County)**:
- (a) Open March 1 through November 30.
 - (b) It is unlawful to fish from any floating device.
- (103) **Deer (Deer Springs) Lake (Lincoln County)**: Open the fourth Saturday in April through September 30.
- (104) **Deer Lake (Stevens County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Eastern brook trout count as part of trout daily limit.
 - (b) Lake trout: Daily limit 5, no more than 1 over 26 inches may be retained.
- (105) **Delaney Springs (Grant County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (106) **De Roux Creek (Kittitas County)**: From the mouth to the USFS trail 1392 (De Roux Creek Trail) stream crossing (approximately 1 river mile): Closed waters.
- (107) **Dog Creek (tributary to Chewuch) (Okanogan County)**: From mouth upstream to falls approximately 1.5 miles: Closed waters.
- (108) **Domerie Creek (Kittitas County)**: Selective gear rules.
- (109) **Downs Lake (Lincoln/Spokane counties)**:
- (a) Open March 1 through September 30.
 - (b) Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.
- (110) **Dry Falls Lake (Grant County)**:
- (a) Open March 1 through November 30.
 - (b) Selective gear rules.
 - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (111) **Dune Lake (Grant County)**:
- (a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.

(112) **Dusty Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(113) **Eagle Creek (tributary to Twisp River) (Okanogan County):**

From mouth upstream to the falls approximately 0.5 miles: Closed waters.

(114) **Early Winters Creek (tributary to Methow River) (Okanogan County):**

(a) From the mouth upstream to Forest Road 300: Closed waters.

(b) From Forest Road 300 upstream; including tributaries except Cedar Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(115) **Eightmile Creek (tributary to Chewuch River) (Okanogan County):**

From the mouth upstream to Forest Road 5130 Bridge: Closed waters.

(116) **Elbow Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.

(117) **Ell Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(118) **Eloika Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(119) **Empire Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.

(120) **Entiat River (Chelan County):**

(a) From mouth (railroad bridge) to the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery):

(i) Salmon: Open from July 16 through September 30:

(A) Daily limit 6 Chinook salmon. Release all other salmon.

(B) Night closure.

(ii) Open December 1 through the last day in February for whitefish only.

(iii) Whitefish gear rules.

(b) From the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery) to Entiat Falls:

(i) Whitefish:

(ii) Open December 1 through the last day in February for whitefish only.

(iii) Whitefish gear rules.

- (c) Entiat River and all tributaries above Entiat Falls: Selective gear rules.
- (121) **Ephrata Lake (Grant County)**: Closed waters.
- (122) **Esquatzel Coulee (Franklin County)**: Open year-round.
- (123) **Esquatzel Coulee, West Branch (Franklin County)**: Open year-round.
- (124) **Falls Creek (tributary to Chewuch River) (Okanogan County)**: From mouth upstream to the falls approximately .15 miles: Closed waters.
- (125) **Fan Lake (Pend Oreille County)**:
- (a) Open the fourth Saturday in April through September 30.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (126) **Ferry Lake (Ferry County)**: It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (127) **Fiorito Lakes (Kittitas County)**: It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (128) **Fish Lake (Chelan County)**: Game fish: Statewide minimum length/daily limit, except: Yellow perch: Daily limit 25.
- (129) **Fish Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.
- (130) **Fish Lake (Spokane County)**:
- (a) Open the fourth Saturday in April through September 30.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (131) **Fishhook Pond (Walla Walla County)**: It is unlawful to fish from a floating device.
- (132) **Fishtrap Lake (Lincoln/Spokane counties)**: Open the fourth Saturday in April through September 30.
- (133) **Forde Lake (Okanogan County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (134) **Fourth of July Lake (Adams/Lincoln counties)**:
- (a) Open the Friday after Thanksgiving through March 31.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (135) **Frank's Pond (Chelan County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Open to juvenile anglers only.
- (136) **Frater Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.
- (137) **Frenchman Hills Wasteway and Drains (Grant County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (138) **Gadwall Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (139) **Garfield Juvenile Pond (Whitman County)**: Open to juvenile anglers only.
- (140) **Goat Creek (tributary to Methow River) (Okanogan County)**: Closed waters.
- (141) **Gold Creek, Gold Creek Pond and outlet channel (tributary to Keechelus Lake)**: Including that portion of Gold Creek that flows through the dry Keechelus Reservoir lakebed: Closed waters.

(142) **Gold Creek (tributary to Methow River) (Okanogan County):**
Closed waters.

(143) **Goose Creek (Lincoln County), within the city limits of Wilbur:** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(144) **Goose Lake, Lower (Grant County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: It is unlawful to retain more than 5 fish over 6 inches in length.

(145) **Grande Ronde River (Asotin County):**

(a) From the mouth to County Road Bridge, about 2.5 miles upstream:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Selective gear rules.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead:

(A) Open January 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through December 31; release steelhead.

(b) From the County Road Bridge upstream to the Oregon state line:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Barbless hooks required.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead: Open August 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) All tributaries: Closed waters.

(146) **Green Lakes (Lower and Upper) (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Eastern brook trout count as part of trout daily limit.

(147) **Grimes Lake (Douglas County):**

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(148) **Halfmoon Lake (Adams County):** Open the fourth Saturday in April through September 30.

(149) **Hampton Lakes (Lower and Upper) (Grant County):** Open the fourth Saturday in April through September 30.

(150) **H and H Reservoir Number One (Pascal's Pond) (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(151) **Harris Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(152) **Hatch Lake (Stevens County):** Open the Friday after Thanksgiving through March 31.

- (153) **Hays Creek and Ponds (Adams County)**: Open the fourth Saturday in April through September 30.
- (154) **Headgate Pond (Asotin County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (155) **Hen Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (156) **Hog Canyon Creek (Spokane County)**: From the mouth to Scroggie Road: Closed waters.
- (157) **Hog Canyon Lake (Spokane County)**: Open the Friday after Thanksgiving through March 31.
- (158) **Homestead Lake (Grant County)**:
- (a) Selective gear rules.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (159) **Hourglass Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (160) **Hutchinson Lake (Adams County)**: Open the fourth Saturday in April through September 30.
- (161) **I-82 Ponds, 1 through 7 (Yakima County)**: It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (162) **Icicle River and tributaries (Creek) (Chelan County)**:
- (a) From the mouth upstream 800 feet to posted signs: Closed waters.
 - (b) From posted signs 800 feet upstream of the mouth to 500 feet below Leavenworth National Fish Hatchery: Closed waters.
 - (c) From 500 feet below Leavenworth National Fish Hatchery to shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort: Closed waters.
 - (d) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation District footbridge (approximately 750 feet upstream of the "Snow Lakes Trailhead" parking lot): Closed waters.
 - (e) From the Icicle Irrigation Peshastin District footbridge upstream, and tributaries: Selective gear rules.
- (163) **Indian Creek (Yakima County)**: From the mouth to the waterfall approximately six miles upstream including that portion that flows through the dry lake bed of Rimrock Reservoir: Closed waters.
- (164) **Ingalls Creek (Chelan County)**: From the mouth to Alpine Lakes Wilderness boundary and tributaries: Closed waters.
- (165) **Jameson Lake (Douglas County)**: Open the fourth Saturday in April through October 31.
- (166) **Jasmine Creek (Okanogan County)**:
- (a) Open year-round to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
 - (b) Game fish: Statewide minimum length/daily limit, except: Steelhead: Closed to fishing.
- (167) **Jefferson Park Pond (Walla Walla County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (168) **Jolanda, Lake (Chelan County)**: Closed waters.
- (169) **Kachess Lake (Reservoir) (Kittitas County)**:

(a) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

(170) **Kachess River (Kittitas County):**

(a) From Kachess Lake (Reservoir) upstream to the waterfall approximately 0.5 miles above Mineral Creek: Closed waters.

(b) It is permissible to fish up to the base of Kachess Dam.

(c) From the mouth to Kachess Dam: Selective gear rules.

(171) **Keechelus Lake (Reservoir) (Kittitas County):**

(a) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

(172) **Kettle Creek (tributary to American River) (Yakima County):**
Closed waters.

(173) **Kettle River (Stevens County):** From Barstow Bridge upstream:

(a) Selective gear rules, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:
Trout: Minimum length 14 inches.

(d) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(174) **Kings Lake and tributaries (Pend Oreille County):** Closed waters.

(175) **Kiwanis Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(176) **Lake Creek (Okanogan County):**

(a) From the mouth to Black Lake: Closed waters.

(b) From Black Lake to Three Prong Creek: Closed waters.

(177) **Ledbetter Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(178) **Ledking Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(179) **Leech Lake (Yakima County):**

(a) Fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except:
Rainbow trout: Daily limit 1; minimum length 18 inches.

(180) **Lemna Lake (Grant County):** Open the fourth Saturday in April through September 30.

(181) **Lenice Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.

(182) **Lenore Lake (Grant County):**

(a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and

the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed waters.

(b) Open March 1 through November 30.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(183) **Libby Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(184) **Liberty Lake (Spokane County):** Open March 1 through October 31.

(185) **Lilly Lake (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(186) **Lions Park Pond (Walla Walla County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(187) **Little Bridge Creek (tributary of Twisp River) (Okanogan County):**

(a) Open the Saturday before Memorial Day through August 15.

(b) Release all fish.

(c) Selective gear rules.

(188) **Little Falls Reservoir (Spokane River) (Lincoln County):** From Little Falls Dam to Long Lake Dam: Landlocked salmon rules.

(189) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(190) **Little Naches River including tributaries (Yakima County):** Selective gear rules.

(191) **Little Pend Oreille River and tributaries (Stevens County):** Selective gear rules.

(192) **Little Spokane River and tributaries (Spokane County):**

(a) From the inlet of Chain Lake upstream 0.25 mile to the railroad crossing culvert: Closed waters.

(b) From the SR 291 Bridge upstream:

(i) Open Saturday before Memorial Day through October 31.

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(193) **Little Twin Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Eastern brook trout count as part of trout daily limit.

(194) **Little Twin Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(195) **Little Wenatchee River (Chelan County):**

(a) From the mouth to USFS road 6700 Bridge and tributaries: Closed waters.

(b) From the USFS road 6700 Bridge upstream including tributaries: Selective gear rules.

(196) **Long Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to use flies containing lead.

(d) It is unlawful to fish from a floating device equipped with a motor.

(197) **Long Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.

(198) **Long Lake (Lake Spokane) (Spokane County)**: From Long Lake Dam to Nine Mile Dam, including Little Spokane River from the mouth to the SR 291 Bridge: Landlocked salmon rules.

(199) **Loon Lake (Stevens County)**: Open the fourth Saturday in April through October 31.

(200) **Lost Lake (Kittitas County)**: Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 2; minimum length 14 inches.

(201) **Lost Lake (Okanogan County)**:

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(202) **Lost River (tributary to Methow River) (Okanogan County)**:

(a) From the mouth to the mouth of Monument Creek: Closed waters.

(b) From the mouth of Monument Creek including tributaries upstream to Deception Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Minimum length 14 inches; daily limit 2.

(B) Dolly Varden/bull trout may be retained as part of trout daily limit.

(203) **Lyman Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(204) **Mad River (Chelan County)**:

(a) From the mouth to Windy Creek, including Windy Creek and tributaries except Tillicum Creek: Closed waters.

(b) From Windy Creek upstream and tributaries: Selective gear rules.

(205) **Manastash Creek (Kittitas County)**: Selective gear rules.

(206) **Marshall Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

(207) **Martha Lake (Grant County)**: Open March 1 through September 30.

(208) **Mary Ann Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(209) **Mattoon Lake (Kittitas County)**: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(210) **McCabe Pond (Kittitas County)**: It is unlawful to fish from any floating device equipped with a motor.

(211) **McDowell Lake (Stevens County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

- (212) **McManaman Lake (Adams County)**: Open the fourth Saturday in April through September 30.
- (213) **Medical Lake (Spokane County)**:
- (a) Open March 1 through November 30.
 - (b) Selective gear rules.
 - (c) It is unlawful to fish from a floating device equipped with a motor.
 - (d) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 2; minimum length 14 inches.
- (214) **Medical Lake, West (Spokane County)**: Open the fourth Saturday in April through September 30.
- (215) **Mercer Creek (Kittitas County)**: Selective gear rules.
- (216) **Merry Lake (Grant County)**:
- (a) Open March 1 through November 30.
 - (b) Selective gear rules.
 - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (d) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.
- (217) **Methow River (Okanogan County)**:
- (a) From mouth to County Road 1535 (Burma Road) Bridge: Closed waters.
 - (b) Tributaries from mouth to County Road 1535 (Burma Road) Bridge except Black Canyon Creek:
 - (i) Release all fish, except: Eastern brook trout: No minimum length/daily limit.
 - (ii) Steelhead: Closed to fishing.
 - (c) From County Road 1535 (Burma Road) Bridge to Gold Creek:
 - (i) Open the Saturday before Memorial Day through September 15.
 - (ii) Selective gear rules.
 - (iii) Release all fish.
 - (iv) Steelhead: Closed to fishing.
 - (d) All tributaries from the County Road 1535 (Burma Road) to Gold Creek except Gold Creek:
 - (i) Selective gear rules.
 - (ii) Release all fish, except: Eastern brook trout: No minimum length/daily limit.
 - (iii) Steelhead: Closed to fishing.
 - (e) From Gold Creek to Foghorn Dam:
 - (i) Open the Saturday before Memorial Day through September 30.
 - (ii) Selective gear rules.
 - (iii) Release all fish.
 - (iv) Steelhead: Closed to fishing.
 - (v) Whitefish:
 - (A) Open December 1 through the last day in February for whitefish only.
 - (B) Whitefish gear rules.
 - (f) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River, Chewuch River, Libby Creek, and Beaver Creek:
 - (i) Release all fish, except: Eastern brook trout: No minimum length/daily limit.
 - (ii) Steelhead: Closed to fishing.
 - (g) From Foghorn Dam to Weeman Bridge including tributaries:
 - (i) Open the Saturday before Memorial Day through August 15:
 - (A) Release all fish.
 - (B) Selective gear rules.
 - (C) Steelhead: Closed to fishing.

(ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(h) From Weeman Bridge to the falls above Brush Creek: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(i) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, Early Winters Creek, and Wolf Creek:

(i) Selective gear rules.

(ii) Release all fish.

(iii) Steelhead: Closed to fishing.

(218) Mill Creek (tributary to the Walla Walla River) (Walla Walla County):

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream excluding tributaries: Selective gear rules.

(c) All tributaries upstream of Bennington Dam: Closed waters.

(219) Mineral Creek (tributary to upper Kachess River) (Kittitas County): From the mouth to the Wilderness Boundary: Closed waters.

(220) Molson Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(221) Monument Creek (Okanogan County), including tributaries: Selective gear rules.

(222) Morgan Lake (Adams County): Open the fourth Saturday in April through September 30.

(223) Moses Lake (Grant County): Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: Daily limit 5; minimum length 8 inches.

(c) Yellow perch: Daily limit 25.

(224) Mud Lake (Yakima County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(225) Mudgett Lake (Stevens County): Open the fourth Saturday in April through October 31.

(226) Muskegon Lake (Pend Oreille County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(227) Myron Lake (Yakima County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(228) **Mystic Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(229) **Naches River (Yakima/Kittitas counties):**

(a) From the mouth to Little Naches River:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) Whitefish: December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(230) **Naneum Creek and tributaries (Kittitas County):** Selective gear rules.

(231) **Naneum Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(232) **Napeequa River (Chelan County):** From mouth to Twin Lakes Creek (including Twin Lakes Creek and all tributaries: Closed waters.

(233) **Nason Creek (Chelan County):**

(a) From the mouth to Gaynor Falls and tributaries except White-pine Creek: Closed waters.

(b) From Gaynor Falls (approximately 0.7 miles upstream of White-pine Creek) upstream and tributaries: Selective gear rules.

(234) **Nile Creek and tributaries (Yakima County):** Selective gear rules.

(235) **No Name Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(236) **North Creek (tributary to Twisp River) (Okanogan County):** From the mouth upstream to Twisp River Road Bridge: Closed waters.

(237) **North Elton Pond (Yakima County):**

(a) Open the Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(238) **North Potholes Reserve Ponds (Grant County):** Open March 1 through the day before waterfowl season begins.

(239) **Nunnally Lake (Grant County):**

(a) The outlet stream of Nunnally Lake is closed waters.

(b) Open March 1 through November 30.

(c) Selective gear rules.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(240) **Oak Creek and tributaries (Yakima County):** Selective gear rules.

(241) **Okanogan River (Okanogan County):**

(a) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

~~((i) Salmon: Open July 1 through October 15;~~

~~(A) Daily limit 6; up to 2 adult hatchery Chinook and no more than 4 sockeye may be retained.~~

~~(B) Release coho and wild adult Chinook.~~

- ~~(ii) July 1 through October 15: Anti-snagging rule and night closure.~~
- ~~(iii)) Game fish: Open year-round. Statewide minimum length/daily limit, except:~~
- ~~((A)) (i) Release trout.~~
- ~~((B)) (ii) Steelhead: Closed to fishing.~~
- (b) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:
- ~~((i) Salmon: Open July 1 through September 15:~~
- ~~(A) Daily limit 6; up to 2 adult hatchery Chinook and no more than 4 sockeye may be retained.~~
- ~~(B) Release coho and wild adult Chinook.~~
- ~~(ii) July 1 through September 15: Anti-snagging rule and night closure.~~
- ~~(iii)) Game fish: Open year-round. Statewide minimum length/daily limit, except:~~
- ~~((A)) (i) Release trout.~~
- ~~((B)) (ii) Steelhead: Closed to fishing.~~
- (c) From the highway bridge at Malott to the Highway 97 Bridge at Oroville:
- ~~((i) Salmon: Open July 1 through September 15:~~
- ~~(A) Daily limit 6; up to 2 adult hatchery Chinook and no more than 4 sockeye may be retained.~~
- ~~(B) Release coho and wild adult Chinook.~~
- ~~(ii) July 1 through September 15: Anti-snagging rule and night closure.~~
- ~~(iii)) Game fish: Open the Saturday before Memorial Day through September 15. Statewide minimum length/daily limit, except:~~
- ~~((A)) (i) Release trout.~~
- ~~((B)) (ii) Steelhead: Closed to fishing.~~
- (d) From the Highway 97 Bridge at Oroville upstream to the Zosel Dam: Closed waters.
- (e) All Okanogan River tributaries, except Salmon Creek, Jasmine Creek, Bonaparte Creek, and the Similkameen River:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except:
- (A) Release trout.
- (B) Steelhead: Closed to fishing.
- (242) **Osoyoos Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (243) **Palouse River (Whitman County)**: From the mouth to the base of Palouse Falls:
- (a) Open year-round for game fish except trout and steelhead.
- (b) Trout: Open the Saturday before Memorial Day through October 31.
- (c) Steelhead:
- (i) Open August 1 through April 15.
- (ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement, except for steelhead.

(244) Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek and Hog Canyon Creek: Open year-round.

(245) Pampa Pond (Whitman County):

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

(246) Park Lake (Grant County): Open the fourth Saturday in April through September 30.

(247) Parker Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(248) Pataha Creek (Garfield County):

(a) Within the city limits of Pomeroy: Open to juvenile anglers, senior angler, and anglers with a disability who possess a designated harvester companion card only.

(b) From the city limits of Pomeroy upstream: Selective gear rules.

(249) Pearrygin Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(250) Pend Oreille River (Pend Oreille County):

(a) Open year-round.

(b) Game fish: Statewide lake rules.

(c) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed waters.

(251) Perch Lake (Grant County): Open the fourth Saturday in April through September 30.

(252) Peshastin Creek and all tributaries except Ingalls Creek (Chelan County): Closed waters.

(253) Petit Lake (Pend Oreille County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(254) Phalon Lake (Stevens County): Closed waters.

(255) Phillips Lake (Stevens County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(256) Pierre Lake (Stevens County): It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(257) Pillar Lake (Grant County): Open the fourth Saturday in April through September 30.

(258) Ping Pond (Oasis Park Pond) (Grant County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(259) Pit Lake (Douglas County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(260) Poacher Lake (Grant County): Open the fourth Saturday before April through September 30.

(261) Potholes Reservoir (Grant County): Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Minimum length 9 inches.

(b) Crappie and bluegill: Combined limit of 25 fish.

(c) Yellow perch: Daily limit 25 fish.

(262) Potter's Pond (Stevens County): Open the fourth Saturday in April through October 31.

(263) **Powerline Lake (Franklin County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(264) **Quail Lake (Adams County):**

(a) Fly fishing only.

(b) It is unlawful to fish from any floating device equipped with a motor.

(c) Release all fish.

(265) **Quarry Pond (Walla Walla County):** It is unlawful to fish from any floating device.

(266) **Quincy Lake (Grant County):** Open March 1 through September 30.

(267) **Rainbow Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

(268) **Rat Lake (Okanogan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(269) **Rattlesnake Creek and tributaries (Yakima County):**

(a) Selective gear rules.

(b) Release all fish.

(270) **Red Rock Creek (Grant County):** Open the Saturday before Memorial Day through September 30.

(271) **Reflection Pond (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(272) **Renner Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(273) **Rigley Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2, minimum length 14 inches.

(274) **Rimrock Lake (Reservoir) (Yakima County):** Chumming is permissible.

(275) **Ringold Springs Hatchery Creek (Franklin County):** Closed waters.

(276) **Roaring Creek (Entiat River tributary) (Chelan County):** Closed waters.

(277) **Rock Creek (Adams/Whitman counties):**

(a) From the mouth to the bridge on Jordan Knott Road at Revere:

(i) Selective gear rules.

(ii) Release all fish.

(b) From the bridge on Jordan Knott Road upstream: Open year-round.

(278) **Rocky Ford Creek and Ponds (Grant County):**

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Release all fish.

(279) **Rocky Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(280) **Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):** Columbia River from Grand Coulee Dam to U.S. Canadian border including Hawk Creek downstream of the falls at Hawk Creek Campground, Spokane River from 400 feet downstream of Little Falls Dam, Kettle River downstream of Barstow Bridge, and Colville River downstream of S.R. 25 Bridge.

(a) The following areas are closed waters:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point from March 1 through the Friday before Memorial Day.

(ii) Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(iii) The Kettle River upstream to Barstow Bridge from March 1 through the Friday before Memorial Day.

(b) From Grand Coulee Dam to the Little Dalles power line crossing:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(C) Walleye: Daily limit 16 fish; no size restrictions.

(ii) Salmon:

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(c) From the Little Dalles power line crossing to the Canadian border:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 2; minimum size 18 inches.

(C) Walleye: Daily limit 16; no size restrictions.

(ii) Salmon:

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(281) **Round Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(282) **Royal Lake (Adams County):** Closed waters.

(283) **Royal Slough (including Marsh Unit IV impoundments) (Adams County):** Closed waters.

(284) **Rufus Woods Lake (Douglas/Okanogan counties):**

(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed waters.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2.

(c) Sturgeon: Closed to fishing.

(d) A nonmember fishing permit issued by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods.

(e) A Colville tribal member identification card satisfies the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods.

(285) **Sacheen Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(286) **Saddle Mountain Lake (Grant County)**: Closed waters.

(287) **Sago Lake (Grant County)**: Open the fourth Saturday in April through September 30.

(288) **Salmon Creek (Okanogan County)**:

(a) From the mouth to Conconully Reservoir:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout other than eastern brook trout.

(B) Steelhead: Closed to fishing.

(b) From Conconully Reservoir upstream including tributaries: Selective gear rules.

(289) **San Poil River (Ferry County)**:

(a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Open June 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:

(I) Kokanee: Daily limit 2.

(II) Trout: Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(III) Walleye: Daily limit 16; no size restrictions.

(IV) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(B) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round:

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(iii) Carp: Open year-round.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Kokanee: Unlawful to fish for or retain.

(B) Trout: Unlawful to fish for or retain.

(C) Open June 1 through January 31 for walleye and smallmouth bass:

(I) Walleye: Daily limit 16; no size restrictions.

(II) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round; unlawful to fish for carp with bow and arrow.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea lev-

el elevation upstream to the northern reservation boundary are managed under the regulatory authority of the Colville Confederated Tribes.

(290) **Sand Hollow Creek (Grant County) including tributaries:**

From the mouth (State Route 243) upstream: Open the Saturday before Memorial Day through September 30.

(291) **Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):**

Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(292) **Schallow Pond (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(293) **Sedge Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(294) **Shellneck Creek (Yakima County):** Closed waters.

(295) **Sherman Creek (Ferry County) and tributaries:** From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed waters.

(296) **Shiner Lake (Adams County):** Open the fourth Saturday in April through September 30.

(297) **Shoveler Lake (Grant County):** Open the fourth Saturday in April through September 30.

(298) **Silver Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(299) **Silver Nail Lake (Okanogan County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(300) **Similkameen River (Okanogan County):**

(a) From Enloe Dam downstream 400 feet: Closed waters.

(b) From the mouth to Enloe Dam:

(i) Open July 1 through September 15.

(ii) ~~((Salmon: Daily limit 6; up to 2 adult hatchery Chinook and up to 4 sockeye may be retained. Release coho and wild adult Chinook:~~

~~(A) Anti-snagging rule.~~

~~(B) Night closure.~~

~~(v))~~ Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

~~((vi))~~ (iii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(c) From Enloe Dam to the Canadian border, including tributaries, except Sinlahekin Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(301) **Sinlahekin Creek (Okanogan County):** From Palmer Lake to Cecile Creek Bridge:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Whitefish:

- (i) Open December 1 through the last day in February for whitefish only.
- (ii) Whitefish gear rules.
- (302) **Skookum Lake, North (Pend Oreille County)**: Open the fourth Saturday in April through October 31.
- (303) **Skookum Lake, South (Pend Oreille County)**:
 - (a) Open the fourth Saturday in April through October 31.
 - (b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (304) **Snake River**:
 - (a) Tributaries except Palouse River, Tucannon River, Asotin Creek, and Grande Ronde River: Closed waters.
 - (b) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.
 - (c) Within 400 feet of the base of any dam: Closed waters.
 - (d) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery: Closed waters.
 - (e) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam: Closed waters.
 - (f) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank: Closed waters.
 - (g) Game fish: Open year-round; statewide minimum length/daily limit, except:
 - (i) Trout: Open the Saturday before Memorial Day through October 31.
 - (ii) Steelhead:
 - (A) Open July 1 through August 31; catch and release only. Barbless hooks required.
 - (B) Open September 1 through March 31; Daily limit 3 hatchery steelhead; barbless hooks required.
 - (C) April 1 through June 30; closed to fishing.
- (305) **Snipe Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (306) **Snipes Creek (Benton County)**: Selective gear rules.
- (307) **South Columbia Basin Irrigation PE16.4 spillway at the Ringold Springs access downstream 400' towards the Columbia River. (46°30'20.0"N 119°15'28.7"W) (Franklin County)**: Closed waters.
- (308) **Spectacle Lake (Okanogan County)**: Open April 1 through September 30.
- (309) **Spokane River (Spokane County)**: From Nine Mile Dam upstream to the Idaho/Washington state line:
 - (a) Selective gear rules.
 - (b) Open the Saturday before Memorial Day through March 15.
 - (c) Game fish: Release all fish, except: Hatchery rainbow trout: Daily limit 2.
- (310) **Sprague Lake (Adams/Lincoln counties)**:
 - (a) The following waters are closed waters:
 - (i) Cow Creek.
 - (ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds, including Cow Creek, to Danekas Road.
 - (iii) The small bay at the southeast end of the lake.
 - (b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.
 - (c) Game fish: Statewide minimum length/daily limit except:
 - (i) Crappie: Minimum length 9 inches.

(ii) Crappie and bluegill: Combined limit of 25 fish.

(311) **Spring Creek (Benton County)**: Selective gear rules.

(312) **Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1, minimum length 18 inches.

(313) **Spring Lake (Columbia County)**: It is unlawful to fish from any floating device.

(314) **Spring Lakes (Upper and Lower) (Grant County)**: Open March 1 through September 30.

(315) **Springdale Pond (Lucky Duck Pond) (Stevens County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(316) **Spruce Creek (tributary to South Fork Tieton River) (Yakima County)**: Closed waters.

(317) **Starvation Lake (Stevens County)**: Open the fourth Saturday in April through October 31.

(318) **Starzman Lakes (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(319) **Stehekin River (Chelan County)**: From the mouth (Powerline crossing) upstream and tributaries:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat.

(320) **Stratford/Brook Lake (Grant County)**: Open March 1 through September 30.

(321) **Sugarloaf Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(322) **Sullivan Creek and tributaries (Pend Oreille County)**:

(a) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout.

(b) Selective gear rules.

(323) **Sullivan Lake (Pend Oreille County)**: Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(324) **Summit Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(325) **Summit Lake (Stevens County)**: Open the fourth Saturday in April through October 31.

(326) **Swan Lake (Ferry County)**: It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(327) **Swauk Creek and tributaries (Kittitas County)**: Selective gear rules.

(328) **Taneum Creek and tributaries (Kittitas County)**: Selective gear rules.

(329) **Teal Lakes (North and South) (Grant/Adams counties)**: Open the fourth Saturday in April through September 30.

(330) **Teaway River (Kittitas County), and tributaries except North Fork**: Selective gear rules.

(331) Teanaway River, North Fork (Kittitas County):

(a) From the mouth to Beverly Creek and tributaries; including Beverly Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(b) From Beverly Creek to the impassable waterfall at the end of USFS Road 9737: Closed waters.

(332) Tern Lake (Grant County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(333) Thirtymile Creek (tributary to Chewuch River) (Okanogan County): From mouth upstream to falls (approximately 700 feet): Closed waters.

(334) Tieton River (Yakima County):

(a) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(b) Selective gear rules apply.

(335) Tieton River, North Fork (Yakima County):

(a) From mouth to USFS Road 740 Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(b) The Clear Lake spillway channel: Closed waters.

(c) From the USFS Road 740 Bridge to Clear Lake Dam: Closed waters.

(d) The mainstem and tributaries including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream of Clear Lake:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(336) Tieton River, South Fork (Yakima County): From the bridge on USFS Road 1200 to bridge on USFS road 1070: Closed waters.

(337) Tillicum Creek (tributary to Mad River) (Chelan River):

(a) From mouth to the intersection of USFS 5800 and USFS 5808: Closed waters.

(b) From the intersection of USFS 5800 and USFS 5808 upstream (upstream 2.25 miles) including tributaries: Selective gear rules.

(338) Touchet River and tributaries (Columbia/Walla Walla counties):

(a) From the mouth to the confluence of the North and South Forks:

(i) All tributaries: Closed waters.

(ii) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(A) November 1 through April 15: Release all fish except steelhead.

(B) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(b) From the confluence of the North and South Forks upstream including both forks, Robinson Fork, and Wolf Fork:

(i) All other tributaries: Closed waters.

(ii) Open the Saturday before Memorial Day through August 31.

(iii) Selective gear rules.

(339) Trout Lake (Ferry County): Open the fourth Saturday in April through October 31.

(340) Tucannon River (Columbia County):

- (a) All tributaries are closed waters, except Pataha Creek.
- (b) Mouth upstream to Tucannon Hatchery Road Bridge:
- (c) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:
 - (i) November 1 through April 15: Release all fish except steelhead.
 - (ii) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.
- (d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed waters.
- (e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
- (f) Cow Camp Bridge upstream: Closed waters.
- (341) Tucuala Lake (Kittitas County):**
 - (a) Open the Saturday before Memorial Day through October 31.
 - (b) Statewide stream rules apply.
- (342) Twentymile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to falls (approximately 0.75 miles): Closed waters.
- (343) Twin Lakes, tributaries, and Twin Lakes Creek (outlet stream) to the confluence with the Napeequa River (Chelan County):** Closed waters.
- (344) Twisp River (Okanogan County):**
 - (a) Mouth to War Creek:
 - (i) Open the Saturday before Memorial Day through August 15.
 - (ii) Selective gear rules.
 - (iii) Release all fish.
 - (b) Twisp River tributaries from War Creek upstream except North Creek and North Fork Twisp River:
 - (i) Selective gear rules.
 - (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iii) Release all fish.
 - (c) From War Creek upstream: Closed waters.
- (345) Twisp River, North Fork (Okanogan County):** From mouth to falls including tributaries: Closed waters.
- (346) Umtanum Creek (Kittitas County):** Selective gear rules.
- (347) Union Creek (Yakima County):** From the mouth to the falls: Closed waters.
- (348) Upper Wheeler Reservoir (Chelan County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Fly fishing only.
 - (c) It is unlawful to fish from a floating device equipped with a motor.
 - (d) Release all fish.
- (349) Vic Meyers (Rainbow) Lake (Grant County):**
 - (a) Open the fourth Saturday in April through September 30.
 - (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (350) Walla Walla River (Walla Walla County):** From mouth to Washington/Oregon stateline:
 - (a) All tributaries except Touchet River and Mill Creek: Closed waters.
 - (b) Game fish: Open year-round; statewide minimum length/daily limit, except for trout and steelhead:

- (i) Trout: Open the Saturday before Memorial day through October 31; statewide minimum length/daily limit.
- (ii) Steelhead:
 - (A) Open the Saturday before Memorial Day through July 31; daily limit 2 hatchery steelhead.
 - (B) Open August 1 through April 15; daily limit 3 hatchery steelhead, barbless hooks required.
- (351) **Wannacut Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.
- (352) **Wapato Lake (Chelan County)**: Open the fourth Saturday in April through October 31.
- (353) **Ward Lake (Ferry County)**:
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (354) **Warden Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (355) **Warden Lake, South (Grant County)**: Open the fourth Saturday in April through September 30.
- (356) **Washburn Island Pond (Okanogan County)**:
 - (a) Open April 1 through September 30.
 - (b) An internal combustion motor may be attached to a floating device, but cannot be used.
- (357) **Washburn Lake (Okanogan County)**:
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
 - (c) Selective gear rules.
 - (d) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (358) **Watson Lake (Columbia County)**:
 - (a) Open March 1 through November 30.
 - (b) It is unlawful to fish from any floating device.
- (359) **Wenaha River tributaries**:
 - (a) Open the Saturday before Memorial Day through August 31.
 - (b) Selective gear rules.
- (360) **Wenas Creek (Yakima County)**: From the mouth to Wenas Lake, including tributaries: Selective gear rules.
- (361) **Wenatchee Lake (Chelan County)**:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release trout.
 - (ii) Steelhead: Closed to fishing.
 - (iii) Kokanee: Closed to fishing.
- (362) **Wenatchee River (Chelan County)**:
 - (a) From the mouth to the Icicle Road Bridge:
 - (i) Game fish: Closed to fishing.
 - (ii) Salmon: Open August 1 through September 30:
 - (A) Daily limit 6; up to 2 adult hatchery Chinook may be retained.
 - (B) Release sockeye, coho, and wild adult Chinook.
 - (iii) Night closure.
 - (iv) Selective gear rules, except bait allowed.
 - (b) From Icicle Road Bridge upstream to Lake Wenatchee: Closed waters.

(363) **Whitepine Creek (Chelan County)**: From the mouth to Whitepine Creek Falls (1 mile upstream of mouth) and tributaries: Closed waters.

(364) **White River (Chelan County)**: From the mouth to White River Falls and tributaries, except Napeequa River: Closed waters.

(365) **Widgeon Lake (Grant County)**: Open the fourth Saturday in April through September 30.

(366) **Williams Lake (Spokane County)**: Open the fourth Saturday in April through September 30.

(367) **Williams Lake (Stevens County)**: Open the Friday after Thanksgiving through March 31.

(368) **Wilson Creek (Kittitas County)**: From BNSF railroad bridge upstream: Selective gear rules.

(369) **Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve)**: Open March 1 through September 30.

(370) **Wolf Creek (Methow River tributary) (Okanogan County)**: Closed waters.

(371) **Yakima River (Yakima County)**:

(a) Downstream of Highway 240 Bridge: Columbia River rules apply.

(b) From the Highway 240 Bridge to 400 feet downstream of the Horn Rapids (Wanawish) Dam:

(i) Open March 1 through October 31.

(ii) Chumming is permissible.

(iii) Game fish: Statewide minimum size/daily limit, except: Release trout.

(iv) Barbless hooks required for salmon and steelhead.

(v) Salmon: Open September ((±)) 15 through ((~~October 31~~)) November 15.

(A) Daily limit 6; up to 2 adults may be retained.

(B) Release all salmon other than Chinook and coho.

(C) Night closure.

(c) From 400 feet downstream of the Horn Rapids (Wanawish) Dam to the dam: Closed waters.

(d) From the Horn Rapids (Wanawish) Dam to 200 feet downstream of the USBR Chandler Powerhouse:

(i) Open March 1 through October 31.

(ii) Chumming is permissible.

(iii) Game fish: Statewide minimum size/daily limit, except: Release trout.

(iv) Barbless hooks required for salmon and steelhead.

(v) Salmon: Open September ((±)) 15 through ((~~October 31~~)) November 15.

(A) Daily limit 6; up to 2 adults may be retained.

(B) Release all salmon other than Chinook and coho.

(C) Night closure.

(e) From 200 feet downstream of the USBR Chandler Powerhouse to 200 feet upstream of the Chandler Powerhouse:

(i) Open March 1 through August 31.

(ii) Chumming is permissible.

(iii) Game fish: Statewide minimum size/daily limit, except: Release trout.

(iv) Barbless hooks required for steelhead.

(v) September 1 through October 31: Closed waters.

(f) From 200 feet upstream of the Chandler Powerhouse to the downstream side of the westbound I-82 Bridge in Prosser:

(i) Open March 1 through October 31.

(ii) Chumming is permissible.

- (iii) Game fish: Statewide minimum size/daily limit, except: Release trout.
- (iv) Barbless hooks required for salmon and steelhead.
- (v) Salmon: Open September ((±)) 15 through ((~~October 31~~)) November 15.
 - (A) Daily limit 6; up to 2 adults may be retained.
 - (B) Release all salmon other than Chinook and coho.
 - (C) Night closure.
- (g) From the downstream side of the westbound I-82 Bridge in Prosser to the Grant Avenue Bridge in Prosser:
 - (i) Open March 1 through October 31.
 - (ii) Chumming is permissible.
 - (iii) Fishing from a floating device is prohibited September ((±)) 15 through ((~~October 31~~)) November 15.
- (iv) Game fish: Statewide minimum size/daily limit, except: Release trout.
- (v) Barbless hooks required for salmon and steelhead.
- (vi) Salmon: Open September ((±)) 15 through ((~~October 31~~)) November 15.
 - (A) Daily limit 6; up to 2 adults may be retained.
 - (B) Release all salmon other than Chinook and coho.
 - (C) Night closure.
 - (h) From Grant Avenue Bridge to Prosser Dam: Closed waters.
 - (i) From Prosser Dam to Highway 223 Bridge:
 - (i) Open March 1 through October 31.
 - (ii) Game fish: Statewide minimum size/daily limit, except: Release trout.
 - (iii) Barbless hooks required for steelhead.
 - (j) From Highway 223 Bridge to 400 feet below the Sunnyside (Parker) Dam:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.
 - (iii) Whitefish:
 - (A) Open December 1 through the last day in February for whitefish only.
 - (B) Whitefish gear rules.
 - (k) From 400 feet below the Sunnyside (Parker) Dam to the dam: Closed waters.
 - (l) From the Sunnyside (Parker) Dam to the Yakima Avenue-Terrace Heights Bridge:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.
 - (iii) Whitefish:
 - (A) Open December 1 through the last day in February for whitefish only.
 - (B) Whitefish gear rules.
 - (m) From Yakima Avenue-Terrace Heights Bridge upstream 400 feet: Closed waters.
 - (n) From 400 feet upstream of the Yakima Avenue-Terrace Heights Bridge to 3,500 feet below Roza Dam:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.
 - (iii) Whitefish:

- (A) Open December 1 through the last day in February for whitefish only.
- (B) Whitefish gear rules.
- (o) From 3,500 feet below Roza Dam to Roza Dam: Closed waters.
- (p) From Roza Dam to the U.S. Bureau of Reclamation restricted area signs: Open year-round.
- (i) Selective gear rules.
- (ii) Internal combustion motors are prohibited.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release trout.
- (iv) Whitefish: December 1 through the last day in February: Whitefish gear rules.
- (q) From the U.S. Bureau of Reclamation restricted area signs to the boat launch ramp on the Roza Access Area (approximately 1.3 river miles): Open year-round.
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release trout.
- (iii) Whitefish: December 1 through the last day in February: Whitefish gear rules.
- (r) From the boat launch ramp on the Roza Access Area (approximately 1.3 river miles) to 400 feet below Easton Dam; including the portion of Wilson Creek from the mouth upstream to the BNSF railroad bridge: Open year-round.
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release trout.
- (iii) Whitefish: December 1 through the last day in February: Whitefish gear rules.
- (s) From 400 feet below Easton Dam to the dam: Closed waters.
- (t) From Easton Dam to the base of Keechelus Dam including Easton Lake:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release rainbow and cutthroat trout.
- (372) **Yakima Sportsmen's Park Ponds (Yakima County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (373) **Yocum Lake (Pend Oreille County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

OTS-5360.3

AMENDATORY SECTION (Amending WSR 23-13-072, filed 6/14/23, effective 7/15/23)

WAC 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits. (1) It is unlawful to fish for or possess salmon taken by an-

gling for personal use except from the following Puget Sound areas and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-313-010. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters under WAC 220-313-070.

(2) **Catch Record Card Area 5:**

- (a) May 1 through June 30: Closed.
- (b) Open July 1 through August 15:
 - (i) Daily limit 2 salmon; up to 1 may be a Chinook.
 - (ii) Release chum, sockeye, wild Chinook and wild coho.
- (c) Open August 16 through September (~~30~~) 26:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum, Chinook, sockeye, and wild coho.
- (d) (~~October 1~~) Open September 27 through October 15:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum, sockeye, and Chinook.
- (e) October 16 through March 31: Closed.
- (f) Open April 1 through April 30:
 - (i) Daily limit 2 salmon; up to 1 may be a Chinook.
 - (ii) Release chum, coho, sockeye, and wild Chinook.

(3) **Catch Record Card Area 6:**

- (a) May 1 through June 30: Closed.
- (b) Open July 1 through August 15:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum, sockeye, wild Chinook and wild coho.
 - (iii) Waters east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook: Release all Chinook.
- (c) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock: Closed July 1 through August 15.
- (d) Open August 16 through September (~~30~~) 26:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum, sockeye, Chinook and wild coho.
- (e) Open (~~October 1~~) September 27 through October 15:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum, sockeye, and Chinook.
- (f) October 16 through April 30: Closed except in Dungeness Bay as described in this section.

(g) Waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp are closed except:

- (i) Open October 1 through October 31.
- (ii) Daily limit 2 hatchery coho only.

(4) **Catch Record Card Area 7:**

- (a) May 1 through July (~~12~~) 17: Closed.
- (b) Open July (~~13~~) 18 through July (~~15~~) 20:
 - (i) Daily limit 2 salmon; up to 1 may be a hatchery Chinook.
 - (ii) Release chum, sockeye, wild coho, and wild Chinook.
- (c) Waters of Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7): Closed to salmon fishing July 1 through September 30.
- (d) July (~~16~~) 21 through July 31: Closed.
- (e) Open August 1 through August 31:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum, sockeye, Chinook, and wild coho.
- (f) Open September 1 through September (~~30~~) 29:
 - (i) Daily limit 2 salmon (~~; up to 1 may be a coho~~).

- (ii) Release chum, sockeye, and Chinook.
- (g) Lummi Bay: Waters east of a line from Gooseberry Point to Sandy Point: Closed (~~(the Tuesday after Labor Day through September 30)~~).
- (h) (~~(October 1)~~) September 30 through April 30: Closed.
- (i) Closed to salmon fishing in Samish Bay area described in WAC 220-313-020(7).
- (j) Waters of Bellingham Bay described in WAC 220-313-020(1):
 - (i) July 1 through August 15: Closed.
 - (ii) Open August 16 through September 30: Daily limit 4 salmon.
 - (iii) October 1 through April 30: Closed.
- (5) **Catch Record Card Area 8-1:**
 - (a) May 1 through July 31: Closed.
 - (b) Open August 1 through (~~(September 30)~~) October 13:
 - (i) Daily limit 2 salmon.
 - (ii) Release Chinook and chum.
 - (c) October (~~(1)~~) 14 through April 30: Closed.
- (6) **Catch Record Card Area 8-2:**
 - (a) May 1 through July 31: Closed, except waters described in this subsection.
 - (b) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point:
 - (i) Open May (~~(26)~~) 24 through September (~~(4)~~) 2; only from Friday through 11:59 a.m. the following Monday of each week. Daily limit 2 salmon.
 - (ii) Open September (~~(9)~~) 7 through September (~~(24)~~) 22; only from Saturdays through Sundays of each week. Daily limit 2 salmon.
 - (c) Open August 1 through September 24:
 - (i) Daily limit 2 salmon (~~(; up to 1 may be a coho)~~).
 - (ii) Release chum and Chinook.
 - (d) September 25 through April 30: Closed.
- (7) **Catch Record Card Area 9:**
 - (a) May 1 through July (~~(12)~~) 17: Closed.
 - (b) Open July (~~(13)~~) 18 through July (~~(31, Thursdays through Saturdays only of each week)~~) 20:
 - (i) Daily limit 2 salmon; up to 1 may be a hatchery Chinook salmon.
 - (ii) Release chum, wild coho, and wild Chinook.
 - (iii) Waters south of a line from Foulweather Bluff to Olele Point: Closed.
 - (c) Open August 1 through September (~~(17)~~) 23:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum, wild coho, and Chinook.
 - (d) Open September (~~(18)~~) 24 through September 30:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum and Chinook.
 - (e) October 1 through April 30: Closed.
 - (f) Edmonds Fishing Pier:
 - (i) Open October 1 through July 31: Daily limit 2 salmon; up to 1 may be a Chinook salmon.
 - (ii) Open August 1 through September 30:
 - (A) Daily limit 2 salmon; up to 1 may be a Chinook salmon.
 - (B) Release chum.
- (8) **Catch Record Card Area 10:**
 - (a) May 1 through May 31: Closed.
 - (b) Open June 1 through July (~~(12)~~) 17:

- (i) Daily limit 2 salmon.
- (ii) Release Chinook and chum.
- (c) Open July ~~((13))~~ 18 through ~~((August))~~ July 31:
 - (i) Daily limit 2 salmon; up to 1 may be a hatchery Chinook may be retained on Thursdays, Fridays, and Saturdays only.
 - (ii) Release chum and wild Chinook on Thursdays, Fridays, and Saturdays. Release chum and Chinook on Sundays, Mondays, Tuesdays, and Wednesdays.
- (d) Open August 1 through August 31:
 - (i) Daily limit 2 salmon; up to 1 may be a hatchery Chinook.
 - (ii) Release chum and wild Chinook.
- (e) Open September 1 through September 30:
 - (i) Daily limit 2 salmon.
 - (ii) Release Chinook and chum.
- ~~((e))~~ (f) Open October 1 through ~~((October 31))~~ November 15:
 - (i) Daily limit 2 salmon.
 - (ii) Release Chinook.
- ~~((f))~~ (g) November ~~((1))~~ 16 through ~~((the last day of February))~~ March 15: Closed.
 - ~~((g))~~ (h) Open March ~~((1))~~ 16 through April ~~((15))~~ 30.
 - (i) Daily limit 2 salmon; up to 1 may be a hatchery Chinook.
 - (ii) Release chum and wild Chinook.
 - ~~((h) April 16 through April 30: Closed.)~~
 - (i) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed July 1 through August 31.
 - (j) West Elliott Bay: Waters of Elliott Bay between a line from West Point to Alki Point and a line from Duwamish Head to Pier 91.
 - (i) May 1 through May 31: Closed.
 - (ii) Open June 1 through June 30:
 - (A) Daily limit 2 salmon.
 - (B) Release Chinook and chum.
 - (iii) July 1 through August ~~((17))~~ 31: Closed.
 - (iv) Open ~~((August 18))~~ September 1 through September 30:
 - (A) Daily limit 2 salmon.
 - (B) Release Chinook and chum.
 - (v) Open October 1 through October 31:
 - (A) Daily limit 2 salmon.
 - (B) Release Chinook.
 - (vi) November 1 through ~~((the last day of February))~~ March 15: Closed.
 - (vii) Open March ~~((1))~~ 16 through April ~~((15))~~ 30:
 - (A) Daily limit 2 salmon; up to 1 may be a Chinook.
 - (B) Release chum and wild Chinook.
 - ~~((viii) April 16 through April 30: Closed.)~~
 - (k) East Elliott Bay: Waters of Elliott Bay between a line from Duwamish Head to Pier 91 up to the mouth of the Duwamish River including Harbor Island (Duwamish Waterways).
 - (i) May 1 through May 31: Closed.
 - (ii) Open June 1 through June 30:
 - (A) Daily limit 2 salmon.
 - (B) Release Chinook and chum.
 - (iii) July 1 through August ~~((3))~~ 1: Closed.
 - (iv) Open August ~~((4))~~ 2 through August ~~((7))~~ 5 at 11:59 a.m. Daily limit 2 salmon. Release chum.
 - (v) August ~~((7))~~ 5 at 12:00 p.m. through August ~~((17))~~ 31: Closed.
 - (vi) Open ~~((August 18))~~ September 1 through September 30:

- (A) Daily limit 2 salmon.
- (B) Release Chinook and chum.
- (vii) Open October 1 through October 31:
 - (A) Daily limit 2 salmon.
 - (B) Release Chinook.

(viii) November 1 through (~~(the last day in February)~~) March 15:
Closed.

- (ix) Open March (~~(1)~~) 16 through April (~~(15)~~) 30:
 - (A) Daily limit 2 salmon; up to 1 may be a Chinook.
 - (B) Release chum and wild Chinook.
- (~~(x) April 16 through April 30: Closed.~~)

(l) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White:

- (i) May 1 through May 31: Closed.
- (ii) Open June 1 through July 15:
 - (A) Daily limit 2 salmon.
 - (B) Release Chinook and chum.
- (iii) Open July 16 through September 30:
 - (A) Daily limit 3 salmon.
 - (B) Release chum and wild Chinook.

- (iv) Open October 1 through (~~(October 31)~~) November 15:
 - (A) Daily limit 2 salmon.
 - (B) Release Chinook.

(v) November (~~(1)~~) 16 through (~~(the last day of February)~~) March 15: Closed.

- (vi) Open March (~~(1)~~) 16 through April (~~(15)~~) 30:
 - (A) Daily limit 2 salmon; up to 1 may be a Chinook.
 - (B) Release wild Chinook.
- (~~(vii) April 16 through April 30: Closed.~~)

(m) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point: Fly fishing only, lead core lines prohibited, and catch and release from January 1 through March 31. April 1 through April 30: Closed.

(n) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier, open year-round: Daily limit 2 salmon; up to 1 may be a Chinook salmon. Release chum.

(o) Duwamish Waterway downstream from an east-west line projected through southernmost tip of Harbor Island to a line extending from Jack Block Park through the northernmost tip of Harbor Island extending to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), from July 1 through October 31 night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.

(p) (~~(Free-flowing freshwaters are closed)~~) All waters within channels created by exposed tidelands are closed to fishing downstream of the mouth at Gorst Creek, Blackjack Creek, Chico Creek, Curley Creek, Grovers Creek from July 1 through December 31.

(9) **Catch Record Card Area 11:**

- (a) May 1 through May 31: Closed.

(b) Open June 1 through (~~(September)~~) June 30: Open (~~(Thursdays through Sundays)~~) Wednesdays through Saturdays only.

- (i) Daily limit 2 salmon; up to 1 may be a hatchery Chinook.
- (ii) Release chum and wild Chinook.
- (c) July 1 through July 17: Closed.

(d) Open July 18 through July 31: Open Thursdays through Saturdays only.

- (i) Daily limit 2 salmon; up to 1 may be a hatchery Chinook.
- (ii) Release chum and wild Chinook.
- (e) Open August 1 through August 31:
 - (i) Daily limit 2 salmon; up to 1 may be a hatchery Chinook.
 - (ii) Release chum and wild Chinook.
- (f) Open September 1 through September 30:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum and Chinook.
- (g) Open October 1 through (~~October 31~~) November 15:
- (i) Daily limit 2 salmon.
- (ii) Release Chinook.
- ~~((d))~~ (h) November (~~1~~) 16 through (~~the last day of February~~) March 15: Closed.
- ~~((e))~~ (i) Open March (~~1~~) 16 through April (~~15~~) 30:
- (i) Daily limit 2 salmon.
- (ii) Release chum and wild Chinook.
- ~~((f))~~ April 16 through April 30: Closed.
- ~~(g))~~ (j) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock:
 - (i) June 1 through July 31: Closed.
 - (ii) Open August 1 through September 30:
 - (A) Daily limit 2 salmon; up to 1 may be a hatchery Chinook.
 - (B) Release chum and wild Chinook.
 - (C) Open Thursdays through Sundays only.
 - (iii) Open October 1 through October 31:
 - (A) Daily limit 2 salmon.
 - (B) Release Chinook.
 - (iv) November 1 through (~~the last day of February~~) April 30: Closed.
- ~~((v))~~ Open March 1 through April 15:
 - ~~(A) Daily limit 2 salmon; up to 1 may be a Chinook.~~
 - ~~(B) Release coho, chum, and wild Chinook.~~
- ~~(vi) April 16 through April 30: Closed.~~
- ~~(h) Dash Point Dock,~~) (k) Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock: Open year-round. Daily limit 2 salmon; up to 1 may be a Chinook salmon. Release chum.
- (10) Catch Record Card Area 12:**
 - (a) May 1 through (~~July 9~~) June 30: Closed.
 - (b) In waters south of Ayock Point including waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodsport Salmon Hatchery:
 - (i) Open July (~~10~~) 1 through September 30:
 - (A) Daily limit 4 salmon.
 - (B) Release chum and wild Chinook.
 - (ii) Open October 1 through October 15:
 - (A) Daily limit 4 salmon.
 - (B) Release chum and Chinook.
 - (iii) Open October 16 through October 31:
 - (A) Daily limit 4 salmon.
 - (B) Release Chinook.
 - (iv) Open November 1 through November 30:
 - (A) Daily limit 4 salmon.
 - (B) Release Chinook and coho.
 - (v) December 1 through April 30: Closed.
 - (vi) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodsport Salmon Hatchery: It is unlawful

to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

(vii) Those waters of Hood Canal inshore of the 2 yellow buoy markers to the mouth of Finch Creek, waters within the channel created by Finch Creek on exposed tideland and fishing from any Hoodsport Hatchery structure are closed except to persons with disabilities who permanently use a wheelchair and who have a designated harvester card may fish from the ADA-access site at the Hoodsport Salmon Hatchery, as long as persons follow all applicable department rules.

(c) In waters north of Ayock Point:

(i) ~~((Open July 10 through July 31:~~

~~(A) Daily limit 4 salmon.~~

~~(B) Release chum and Chinook.~~

~~(C) No bait allowed, 1 single-point barbless hook measuring 1/2 inch or less from point to shank.)) July 1 through July 31: Closed.~~

(ii) Open August 1 through September 30:

(A) Daily limit 4 salmon.

(B) Release chum and Chinook.

(iii) Open October 1 through October 15:

(A) Daily limit 4 salmon.

(B) Release chum and Chinook.

(iv) Open October 16 through October 31:

(A) Daily limit 4 salmon.

(B) Release Chinook.

(v) Open November 1 through November 30:

(A) Daily limit 4 salmon.

(B) Release Chinook and coho.

(vi) December 1 through April 30: Closed.

(vii) Waters north of a line true east from Broad Spit (Tarboo Bay): September 16 through December 31: Closed.

(d) July 1 through October 15: Free-flowing freshwater is closed to all fishing downstream of the mouth of the Dewatto, Dosewallips, Duckabush, Hamma Hamma, and Skokomish rivers.

(11) **Catch Record Card Area 13:**

(a) Open May 1 through June 30:

(i) Daily limit 2 salmon.

(ii) Release chum, wild Chinook, and wild coho.

(b) Open July 1 through September 30:

(i) Daily limit 2 salmon.

(ii) Release chum, wild Chinook, and wild coho.

(iii) Chinook minimum length 20 inches.

(c) Open October 1 through April 30:

(i) Daily limit 2 salmon.

(ii) Release chum, wild Chinook, and wild coho.

~~(d) ((Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes: April 16 through September 15: Closed.)) September 1 through December 31: All waters within channels created by exposed tidelands at the mouth of Minter Creek are closed to fishing.~~

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge: Closed.

(f) Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge adjacent to the Fourth Avenue Bridge on the western shore: July 16 through October 31: Closed.

(g) Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower: July 16 through October 31: Night closure and anti-snagging rule.

(h) Fox Island Public Fishing Pier:

(i) Open May 1 through June 30: Daily limit 2 salmon; up to 1 may be a Chinook salmon. Release chum.

(ii) Open July 1 through September 30:

(A) Daily limit 2 salmon; up to 1 may be a Chinook salmon.

(B) Chinook minimum length 20 inches.

(C) Release chum.

(iii) Open October 1 through April 30: Daily limit 2 salmon; up to 1 may be a Chinook salmon. Release chum.

(12) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

WSR 24-10-099
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-04—Filed April 30, 2024, 3:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-03-122 filed January 19, 2024.

Title of Rule and Other Identifying Information: 2024 North of Falcon coastal commercial salmon seasons. The Washington department of fish and wildlife (WDFW) is proposing amendments to WAC 220-354-250 Willapa Bay salmon fall fishery and 220-354-290 Grays Harbor salmon fall fishery.

Hearing Location(s): On June 4, 2024, at 10:00 a.m., via Zoom meeting. Register in advance for this meeting https://us02web.zoom.us/webinar/register/WN_AiZYCw2GS8eP3yG5S6pHGA. After registering, you will receive a confirmation email containing information about joining the meeting.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: WDFW rules coordinator, public comment website publicinput.com/nof2024-ps-commercial, voice mail comments 855-925-2801, project code 1235, by June 4, 2024.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 711, email Title6@dfw.wa.gov, <https://wdfw.wa.gov/accessibility/requests-accommodation>, by May 28, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules were developed through the annual North of Falcon salmon season setting process, which began in January 2024, and provide the season schedule for the 2024 fall commercial salmon gillnet fisheries in Willapa Bay and Grays Harbor.

These proposed rules regulate the commercial fisheries in Willapa Bay and Grays Harbor and are part of a comprehensive rule-making package to implement the new 2024-2025 salmon seasons for Washington state, developed through the broader North of Falcon process pursuant to the fish and wildlife commission's (commission) North of Falcon Policy C-3608 for 2024-2028. As such, while these rules regulate only commercial fisheries, the seasons specified in these proposed rules are part of implementing Willapa Bay-wide commercial and recreational fisheries in a coordinated manner pursuant to the Willapa Bay Salmon Management Policy C-3622. As such, the proposed commercial fishery for 2024-2025 is structured in a manner intended to consider and provide both commercial and recreational fishing opportunities in Willapa Bay and Grays Harbor, while ensuring conservation requirements and management objectives in federal and state laws and regulations, state/tribal harvest management agreements, and commission policies are met.

Even though drafted as amendments to preceding rules, these new amendments function as a coordinated and unitary fishery package for the 2024-2025 fishery season, and thus substantively replace prior years' fisheries in Willapa Bay and Grays Harbor. Comments should be considered and provided with that understanding.

The intent of this rule-making package, once adopted, is to replace and supersede the language in WAC 220-354-250 for the Willapa Bay salmon fall fishery and WAC 220-354-290 for the Grays Harbor salmon fall fishery in their entirety. As such, while WDFW is proposing

specific revisions to these rules to describe the seasons and dates for these fisheries for 2024, all of the provisions encompassed within WAC 220-354-250 and 220-354-290 are available for public review and comment, and WDFW will consider all public comments received on this rule making.

Reasons Supporting Proposal: The proposed rules were developed through the annual North of Falcon salmon season setting process, which is an extensive stakeholder engagement process to develop and analyze various season options for recreational, commercial, and tribal fisheries for the current year. It is named "North of Falcon" as it includes setting the salmon seasons for the area north of Cape Falcon, Oregon, which is located at 45°N. latitude.

The North of Falcon process typically begins in January and consists of government-to-government meetings involving the National Marine Fisheries Service (NMFS), treaty tribes, and WDFW representatives. Separate meetings are held with stakeholders, both at a state-wide and regional level, to review preseason run size forecasts, NMFS guidance relative to allowable impacts for species listed under the Endangered Species Act (ESA), which includes salmon and other protected species such as southern resident killer whales. Meeting schedules and information can be found on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon>.

Ocean fishery seasons are developed through the Pacific Fishery Management Council process, which is concurrent with and part of the broader North of Falcon process, with meetings in early March and early April. Ocean fishery options are also analyzed and considered in light of potential ESA-listed species impacts and state/tribal harvest agreements and are also reviewed for consistency with the Pacific Salmon Treaty. Stakeholder meetings specific to the Willapa Bay and Grays Harbor fisheries were held in March and April. The comprehensive North of Falcon meeting schedule and the meeting agendas, handouts, and audio recordings of the public meetings are available on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon/public-meetings>.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

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

Name of Proponent: [WDFW], governmental.

Name of Agency Personnel Responsible for Drafting: Barbara McClellan and Kim Figlar-Barnes, 48 Devonshire Road, Montesano, WA 98563, 360-470-3459 and 360-249-4628; Implementation: Kyle Adicks, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2664; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

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

A cost-benefit analysis is not required under RCW 34.05.328. This proposal is exempt under RCW 34.05.328 (5) (a).

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: WDFW is exempt from the requirements of chapter 19.85 RCW because, while WDFW considers commercial fishers to be a "small business," the commercial fishing rules proposed for

2024-2025 do not affect these small businesses by imposing new direct costs of regulatory compliance. These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited-participation salmon fisheries, and legal gear requirements for those fisheries. There are no new anticipated professional services required to comply. Based on WDFW's analysis, the proposed rules do not require any new or additional equipment, supplies, labor, or administrative costs.

Specific to WAC 220-354-250 for the Willapa Bay salmon fall fishery, in the past, WDFW has produced a small business economic impact statement (SBEIS) to address new gear restrictions in the fishery that likely resulted in small businesses incurring new direct regulatory compliance costs (e.g., purchase of new tangle nets not previously required). However, we believe an SBEIS is not necessary for this rule making as the gear restrictions in the proposed rule have not changed since they went into effect in 2016, and this proposed rule does not impose any new costs on small businesses.

Scope of exemption for rule proposal:
Is fully exempt.

April 30, 2024
Scott Bird
Rules Coordinator

OTS-5392.1

AMENDATORY SECTION (Amending WSR 23-13-070, filed 6/14/23, effective 7/15/23)

WAC 220-354-250 Willapa Bay salmon fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for coho salmon, chum salmon, and Chinook salmon for the dates listed in the table below:

Area	Time	Date(s)	Maximum Mesh Size
2N, 2M , 2R	6:00 a.m. through 6:00 p.m.	((8/20)) <u>8/17, 8/24, 8/31</u>	4.25"
((2M)) <u>2N</u> , 2R	6:00 a.m. through 6:00 p.m.	((8/25)) <u>8/21, 8/28</u>	4.25"
2N, <u>2R</u>	6:00 a.m. through 6:00 p.m.	((8/27)) <u>9/9</u>	4.25"
<u>2N</u> , 2M, 2R	6:00 a.m. through 6:00 p.m.	((8/31)) <u>9/12</u>	4.25"
2N, 2R, <u>2T</u>	((6:00)) <u>7:00</u> a.m. through ((6:00)) <u>7:00</u> p.m.	((9/10, 9/13)) <u>9/15</u>	((4.25")) <u>6.5"</u>
2N, 2M, 2R, 2T((-2U)))	((6:00)) <u>7:00</u> a.m. through ((6:00)) <u>7:00</u> p.m.	9/16, <u>9/17, 9/18, 9/19</u>	((4.25")) <u>6.5"</u>
2N, ((2M, 2R,)) 2T	7:00 a.m. through 7:00 p.m.	((9/17)) <u>9/20</u>	((4.25")) <u>6.5"</u>
<u>2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>9/15, 9/18, 9/20</u>	<u>4.25"</u>
2N, 2M, 2R, 2T((-2U)))	7:00 a.m. through 7:00 p.m.	((9/18)) <u>9/22, 9/23, 9/24, 9/25</u>	((4.25")) <u>6.5"</u>

Area	Time	Date(s)	Maximum Mesh Size
2N, ((2M,)) 2R, ((2U)) <u>2T</u>	7:00 a.m. through 7:00 p.m.	((9/19, 9/20)) <u>9/26</u>	((4.25")) <u>6.5"</u>
2N, ((2M,)) 2T((,2U))	7:00 a.m. through 7:00 p.m.	((9/21, 9/22)) <u>9/27</u>	((4.25")) <u>6.5"</u>
((2M 2U	7:00 a.m. through 7:00 p.m. 7:00 a.m. through 7:00 p.m.	9/23 ((9/24)) <u>9/23, 9/25, ((9/26,)) 9/27((,9/28))</u>	4.25")) ((4.25")) <u>6.5"</u>
2N, 2M, 2R, <u>2T</u>	7:00 a.m. through 7:00 p.m.	((9/24)) <u>9/29, 9/30, 10/1, 10/4, 10/5</u>	6.5"
((2N, 2M, 2R, 2T	7:00 a.m. through 7:00 p.m.	9/25, 9/26, 9/27, 9/28, 9/29	6.5"
<u>2M</u>	7:00 a.m. through 7:00 p.m.	9/30	6.5"))
2U	7:00 a.m. through 7:00 p.m.	((10/1)) <u>9/30, 10/2, 10/3, ((10/4,)) 10/5((, 10/6))</u>	((4.25")) <u>6.5"</u>
2N, 2M, ((2R,)) 2T, <u>2U</u>	7:00 a.m. through 7:00 p.m.	((10/1, 10/2, 10/3)) <u>10/7</u>	6.5"
2N, 2M, 2R, <u>2T</u>	7:00 a.m. through 7:00 p.m.	((10/4)) <u>10/9</u>	6.5"
2N, 2M, 2R, 2T, <u>2U</u>	7:00 a.m. through 7:00 p.m.	((10/5, 10/6)) <u>10/11</u>	6.5"
<u>2N</u> , 2M, <u>2R</u> , 2T	7:00 a.m. through 7:00 p.m.	((10/7)) <u>10/14</u>	6.5"
((2U	7:00 a.m. through 7:00 p.m.	10/9, 10/10, 10/11, 10/12, 10/13	4.25"))
2N, 2M, 2R, 2T, <u>2U</u>	7:00 a.m. through 7:00 p.m.	((10/9, 10/10, 10/11, 10/12, 10/13)) <u>10/16</u>	6.5"
2N, ((2R,)) 2T((,2U))	7:00 a.m. through 7:00 p.m.	((11/2)) <u>10/18</u>	6.5"
((2N, 2U	7:00 a.m. through 7:00 p.m.	11/3	6.5"))
2N, 2M, 2R, 2T, 2U	7:00 a.m. through 7:00 p.m.	((11/6)) <u>10/20, 10/23</u>	6.5"
2N, 2T((,2U))	7:00 a.m. through 7:00 p.m.	((11/9)) <u>10/25</u>	6.5"
2N, 2M, 2R, 2T((,2U))	7:00 a.m. through 7:00 p.m.	((11/13)) <u>10/28</u>	6.5"
((2T, 2U)) <u>2N</u> , <u>2R</u>	7:00 a.m. through 7:00 p.m.	((11/16)) <u>10/29</u>	6.5"
2N, 2M, 2R, 2T((,2U))	7:00 a.m. through 7:00 p.m.	((11/20)) <u>11/3, 11/10</u>	6.5"
((2T, 2U	7:00 a.m. through 7:00 p.m.	11/21	6.5"))
<u>2N</u> , 2M, ((2T, 2U)) <u>2R</u>	7:00 a.m. through 7:00 p.m.	((11/27)) <u>11/6</u>	6.5"
<u>2N</u> , 2M, 2R, 2T, 2U	<u>7:00 a.m. through 7:00 p.m.</u>	<u>11/17, 11/24</u>	<u>6.5"</u>
<u>2N</u> , 2M, 2R, 2U	<u>7:00 a.m. through 7:00 p.m.</u>	<u>11/20</u>	<u>6.5"</u>

Gear :

(2) Gillnet gear restrictions - All areas:

(a) Drift gillnet gear only. It is unlawful to use set net gear.

(b) It is permissible to have on-board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery, and the length of any one net does not exceed (~~one thousand five hundred~~) 1,500 feet in length.

(c) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line.

(d) It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Willapa Bay, provided the net is properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of (~~ten~~) 10 revolutions of rope that is 3/8 (0.375) inches or greater.

(e) From ((12:01)) 6:00 a.m. August ((20 through 11:59)) 17 through 7:00 p.m. November ((27, 2023)) 24, 2024: Mesh size must not exceed six and one-half inches stretched, except mesh size must not exceed four and one-quarter inches stretched in Areas 2N and 2R on Au-

~~gust ((20, 27, September 10, 13, 16, 17, 18, 19, 20, 21, and 22)) 17, 21, 24, 28, 31, September 9 and 12, Area 2M on August ((25, 31, September 16, 17, 18, 19, 20, 21, 22, and 23, Area 2R on August 25, 31, September 16, 17, 18, 19, and 20, Area 2T on September 16, 17, 18, 21, and 22)) 17, 24, 31, and September 12, and Area 2U on September ((16, 18, 19, 20, 21, 22, September 24 through September 28, October 1 through October 6, and October 9 through October 13, 2023)) 15, 18, 20, 2024.~~

Other:

(3) Recovery boxes and soak time limits described in this section are required from ((12:01)) 6:00 a.m. August ((20 through 11:59)) 17 through 7:00 p.m. November ((27, 2023)) 24, 2024:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2M, 2N, 2R, 2T, and 2U.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(b) From ((12:01)) 6:00 a.m. August ((20 through 11:59)) 17 through 7:00 p.m. November ((27, 2023)) 24, 2024, all steelhead and all wild (unmarked) Chinook must be placed in an operating recovery box, which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection.

(c) All fish placed in recovery boxes must remain until they are not lethargic and/or not bleeding and must be released to the river/bay prior to landing or docking.

(d) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "limited fish seller endorsement." According to WAC 220-352-320, reports must be submitted by 10:00 a.m. on the day after the purchase date, unless otherwise specified in a vol-

untary electronic fish receiving ticket reporting agreement (see WAC 220-352-035(3)).

(5) Retention prohibitions:

(a) All green and white sturgeon and all steelhead, except as provided in subsection (3) of this section, must be handled with care to minimize injury to the fish and must be released immediately to the river/bay.

(b) Retention of any species other than coho, Chinook, or chum salmon is prohibited.

(c) From ~~((12:01))~~ 6:00 a.m. August ~~((20 through 11:59))~~ 17 through 7:00 p.m. November ~~((27, 2023))~~ 24, 2024, retention of any species other than coho salmon, hatchery Chinook salmon marked by a healed scar at the site of the adipose fin, or chum salmon is prohibited.

(6) Report all encounters of green sturgeon, white sturgeon, and steelhead, (your name, date of encounter, and number of species encountered) to the quick reporting office via phone at #866-791-1280, fax at #360-249-1229, or email at harborfishtickets@dfw.wa.gov. Fishers may have wholesale dealers use the "buyer only" portion of the fish ticket and have encounters included with each day's quick reporting.

(7) Do not remove tags from white sturgeon. Please obtain available information from tags without removing tags. Submit tag information to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563.

(8) Those waters of Area 2T, north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green), then northeasterly to the power transmission pole located at 46°43.1907'N, 123°50.83134'W are CLOSED from 12:01 a.m. September ~~((16, 2023))~~ 15, 2024, through 11:59 p.m., September 30, ~~((2023))~~ 2024.

(9) It is unlawful to fish with gillnet gear in Areas 2M, 2N, 2R, 2T, and 2U unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in their possession while fishing a department-issued certification card.

(10) Fishers must take department observers, if requested by department staff, when participating in these openings. Fishers also must provide notice of intent to participate by contacting quick reporting by phone, fax, or email, listed in subsection (6) of this section. Notice of intent must be given prior to 5:00 p.m. on August ~~((11, 2023))~~ 9, 2024.

AMENDATORY SECTION (Amending WSR 23-13-070, filed 6/14/23, effective 7/15/23)

WAC 220-354-290 Grays Harbor salmon fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for Chinook, coho, and chum salmon, and shad as provided in this section and in the tables below.

Area	Time	Date(s)	Maximum Mesh Size
2A, 2D	((12:01 p.m. through 7:00 p.m.)) <u>9:00 a.m. through 4:00 p.m.</u>	October ((3)) <u>2</u>	4.25"
2A, 2D	((7:00 a.m. through 7:00 p.m.)) <u>9:00 a.m. through 4:00 p.m.</u>	October ((4)) <u>3</u>	4.25"
2A, 2D	((12:01 p.m. through 7:00 p.m.)) <u>8:00 a.m. through 8:00 p.m.</u>	October ((18)) <u>21</u>	((4.25")) <u>6.50"</u>
2A, 2D	7:00 a.m. through ((7:00)) <u>3:00 p.m.</u>	October ((26)) <u>22</u>	6.50"
2A, 2D	((7:00 a.m. through 7:00 p.m.)) <u>12:01 p.m. through 8:00 p.m.</u>	October 30	6.50"
2A, 2D	((7:00 a.m. through 7:00 p.m.)) <u>8:00 a.m. through 8:00 p.m.</u>	October 31	6.50"
2A, 2D	((7:00 a.m. through 7:00 p.m.)) <u>8:00 a.m. through 8:00 p.m.</u>	November ((1)) <u>4</u>	6.50"
<u>2A, 2D</u>	<u>7:00 a.m. through 3:00 p.m.</u>	<u>November 5</u>	<u>6.50"</u>

Area	Time and Date	Maximum Mesh Size
2C	7:00 a.m. October 23 through 7:00 p.m. October 24	9.00"
2C	7:00 a.m. through 7:00 p.m. ((November 2)) <u>October 28</u>	9.00"

Gear :

(2) Gillnet gear restrictions - All areas:

(a) It is permissible to have on board a commercial vessel more than one net, provided that the length of any one net does not exceed 1,500 feet in length. Nets not specifically authorized for use in this fishery may be aboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of 10 revolutions of rope that is 3/8 (0.375) inches in diameter or greater.

(b) Areas 2A and 2D from October 3 through November 30: Gillnet gear only.

(i) Drift gillnet gear only. It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed six and one-half inch maximum, except mesh size must not exceed four and one-quarter inches stretched in Areas 2A and 2D on October ~~((3-4, and October 18, 2023))~~ 2-3, 2024.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

(c) Area 2C from October 1 through November 30: Gillnet gear only.

(i) Drift gillnet gear only. It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed nine inches.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on

the cork line. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

Other:

(3) Recovery boxes and soak times:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Areas 2A, 2C, and 2D.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked and any time a fish is being held in accordance with (b) and (c) of this subsection. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river or fresh bay water into each chamber.

(b) When fishing in Grays Harbor Areas 2A and 2D, all steelhead and wild (unmarked) Chinook must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(c) When fishing in Grays Harbor Area 2C, all steelhead must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(d) All fish placed in recovery boxes must remain until they are not lethargic and not bleeding and must be released to the river or bay prior to landing or docking.

(e) For Areas 2A and 2D, soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Retention of any species other than coho, chum, hatchery Chinook marked by a healed scar at the site of the adipose fin, or shad is prohibited in Areas 2A and 2D from October ((3)) 1 through November 30.

(5) Retention of any species other than Chinook, chum, coho or shad, is prohibited in Area 2C from October 1 through November 30.

(6) Quick reporting is required for original receivers. According to WAC 220-352-320, reports must be made by 10:00 a.m. the day follow-

ing landing, unless otherwise specified in an electronic fish receiving ticket reporting agreement (see WAC 220-352-035(3)).

(7) Report all encounters of green sturgeon to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or email at harborfishtickets@dfw.wa.gov. Fishers may have wholesale fish buyers use the "buyer only" portion of the fish ticket and include encounters with each day's quick reporting.

(8) Do NOT remove tags from white or green sturgeon. Please obtain available information from tags without removing tags. Submit tag information to:

Washington Department of Fish and Wildlife
48 Devonshire Rd.
Montesano, WA 98563.

(9) (a) Fishers must take department observers, if requested, by department staff when participating in these openings.

(b) Fishers also must provide notice of intent to participate by contacting Quick Reporting by phone, fax or email. Notice of intent must be given prior to 5:00 p.m. on September (~~(26)~~) 20, for openings in Areas 2A, 2C, or 2D.

(10) It is unlawful to fish for salmon with tangle net or gillnet gear in Areas 2A and 2D unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in his or her possession a department-issued certification card.

(11) Those waters of Area 2D commonly known as the South Channel, shoreward of a line projected from a point on the southwest side of Hwy 105 bridge (46°53.925'N, 123°59.986'W) then northwest to a point on an unnamed projection of land (46°54.060'N, 124°0.239'W) then northerly to Channel Marker 8 (46°55.369'N, 124°00.576'W) and to Channel Marker 27 (46°56.487'N, 124°0.394'W), then easterly to North Pipeline Beacon (46°57.329'N, 123°50.957'W) and south easterly in a straight line through the South Pipeline Beacon (46°57.303'N, 123°50.932'W) to the south shore are closed from 12:01 a.m. October (~~(3, 2023)~~) 1, 2024, through 11:59 p.m., October (~~(21, 2023)~~) 13, 2024.

WSR 24-10-101
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-02—Filed April 30, 2024, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-03-121 on January 19, 2024.

Title of Rule and Other Identifying Information: 2024 North of Falcon Puget Sound commercial salmon seasons. The Washington department of fish and wildlife (WDFW) is proposing amendments to WAC 220-354-080 Puget Sound salmon—Closed areas, 220-354-120 Puget Sound salmon—Purse seine—Open periods, 220-354-160 Puget Sound salmon—Gillnet—Open periods, 220-354-180 Puget Sound salmon—Reef net—Open periods, 220-354-200 Puget Sound salmon—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear, and 220-354-210 Puget Sound salmon—Beach seine—Open periods.

Hearing Location(s): On June 4, 2024, at 10:00 a.m., via Zoom meeting. Register in advance for this meeting https://us02web.zoom.us/webinar/register/WN_AiZYCw2GS8eP3yG5S6pHGA. After registering, you will receive a confirmation email containing information about joining the meeting.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: WDFW rules coordinator, public comment website <https://publicinput.com/nof2024-ps-commercial>, email nof2024-ps-commercial@PublicInput.com, fax voice mail comments 855-925-2801, project code 6195, by June 4, 2024.

Assistance for Persons with Disabilities: Contact Title VI/ADA coordinator, phone 360-902-2349, TTY 711 or 360-902-2207, email Title6@dfw.wa.gov, <https://wdfw.wa.gov/accessibility/requests-accommodation>, by May 28, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules were developed through the annual North of Falcon salmon season setting process, which began in January 2024, and provided the season schedule for the 2024 commercial fisheries in Puget Sound.

These proposed rules regulate the commercial fisheries in Puget Sound and are part of a comprehensive rule-making package to implement the new 2024-2025 salmon seasons for Washington state developed through the broader North of Falcon process pursuant to the fish and wildlife commission's (commission) North of Falcon Policy C-3608 for 2024-2028. As such, the seasons specified in these proposed rules are structured in a coordinated manner intended to provide commercial and recreational fishing opportunities in Puget Sound while ensuring conservation requirements and management objectives in federal and state laws and regulations, state/tribal harvest management agreements, and commission policies are met. Though drafted as amendments to preceding rules, these new amendments function as a coordinated and unitary fishery package for the 2024-2025 fishery season, and thus substantively replace prior years' fisheries in Puget Sound. Comments should be considered and provided with that understanding.

The intent of this rule-making proposal is to replace and supersede the language in these WAC entirely: WAC 220-354-080 Puget Sound salmon—Closed areas, 220-354-120 Puget Sound salmon—Purse seine—Open periods, 220-354-160 Puget Sound salmon—Gillnet—Open periods,

220-354-150 Puget Sound salmon—Gillnet—Daily hours, 220-354-180 Puget Sound salmon—Reef net—Open periods, 220-354-200 Puget Sound salmon—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear, and 220-354-210 Puget Sound salmon—Beach seine—Open periods.

WDFW is proposing specific revisions to these rules to describe the seasons and dates for these fisheries for 2024, however, all of the provisions encompassed within the WAC listed above are available for public review and comment, and WDFW will consider all public comments received on this rule making.

Reasons Supporting Proposal: The proposed rules were developed through the annual North of Falcon salmon season setting process, which is an extensive stakeholder engagement process to develop and analyze various season options for recreational, commercial, and tribal fisheries for the current year. It is named "North of Falcon" as it includes setting the salmon seasons for the area north of Cape Falcon, Oregon, which is located at 45°N. latitude.

The North of Falcon process typically begins in January and consists of government-to-government meetings involving the National Marine Fisheries Service (NMFS), treaty tribes, and WDFW representatives. Separate meetings are held with stakeholders, both at a state-wide and regional level, to review preseason run size forecasts, and NMFS guidance relative to allowable impacts for species listed under the Endangered Species Act (ESA), which includes salmon, but other protected species as well, such as southern resident killer whales.

Ocean fishery seasons are developed through the Pacific Fishery Management Council process, which is concurrent with and part of the broader North of Falcon process, with meetings in early March and early April. Ocean fishery options are also analyzed and considered in light of potential ESA-listed species impacts and state/tribal harvest agreements and are also reviewed for consistency with the Pacific Salmon Treaty. Meeting schedules and information can be found on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon>.

Stakeholder meetings specific to the Puget Sound fisheries were held in February and March. The comprehensive North of Falcon meeting schedule and the meeting agendas, handouts, and audio recordings of the public meetings are available on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon/public-meetings>.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Christina Iverson, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2717; Implementation: Kyle Adicks, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2664; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

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

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is exempt under RCW 34.05.328 (5) (a).

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: WDFW is exempt from the requirements of chapter 19.85 RCW because, while WDFW considers commercial fishers to be a "small business," the commercial fishing rules proposed for 2024-2025 do not affect these small businesses by imposing new direct costs of regulatory compliance. These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited-participation salmon fisheries, and legal gear requirements for those fisheries. There are no new anticipated professional services required to comply. Based on WDFW's analysis, the proposed rules do not require any new or additional equipment, supplies, labor, or administrative costs.

April 30, 2024
Scott Bird
Rules Coordinator

OTS-5371.2

AMENDATORY SECTION (Amending WSR 23-13-071, filed 6/14/23, effective 7/15/23)

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

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-354-330.

Area 6D - Waters within 1/4 nautical mile of the Dungeness River mouth (48°9'16"N, 123°7'48"W, east to waters within 500 feet of Meadowbrook Creek mouth (48°9'7"N, 123°7'19"W).

Area 7 -

(1) The San Juan Island Preserve as defined in WAC 220-354-320.

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

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

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

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

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island (48°26'33.1"N, 122°40'42.3"W) to the Williamson Rocks Lighted Buoy 4 (Light List No. 19335 FlR4s4M"4"RED, 48°26'51"N, 122°42'27.8"W), thence to the Dennis Shoal Buoy 6 (Light List No. 19345 Red Nun, 48°27'27"W, 122°42'57"N), thence to Burrows Island Light (Light List No. 19350 FlW6s57ft7MHorn(Bl(2)30s, 48°27'27.6"N, 122°42'59.3"W) on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head (48°29'31.2"N, 122°42'10.6"W), and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwestern-most point of Fidalgo Head (48°29'31.2"N, 122°42'10.6"W) northerly to Shannon Point (48°30'32.8"N, 122°41'2.5"W).

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

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

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

Area 7B -

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

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

(3) *Section reserved* Additional coho seasonal closure: Hale Pass - Not in place for ((2021)) 2024.

(4) Additional chum seasonal closure: That portion of Bellingham Bay referred to as the Whatcom Creek Zone (~~is closed~~) east of a line projected 180 degrees true from the Bellingham Breakwater north entrance light 4 (Light List No. 19280 Fl(1)R6s17m5M, 48°45'26.3"N, 122°30'41.5"W) at the west entrance to Squalicum Harbor, to landfall east of Post Point (48°43'18.2"N, 122°30'41.5"W) - Closure not in place for 2024.

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

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

Area 8 -

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

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

Area 8A -

(1) Those waters easterly of a line projected from Mission Beach (48°3'19.3"N, 122°17'23.1"W) to Gedney Island Light 1 (Light List No. 18480 FLG25s15ft4M"1, " 48°0'15.5"N, 122°17'49.7"W), excluding the waters of Area 8D, thence through the Snohomish River Light 5 (Light List No. 18535 FLG4s16ft5M, 47°59'16.3"N, 122°13'47.4"W) and across the mouth of the Snohomish River to landfall on the eastern shore (47°59'13.3"N, 122°13'35"W), and those waters northerly of a line from Camano Head (48°3'23.2"N, 122°21'24.6"W) to the northern boundary of Area 8D, except when open for pink fisheries.

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

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

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point Light (Light List No. 16550 Fl(3)W10s27ft14M, 47°54'43.9"N, 122°31'36.3"W) to the traffic separation lane Lighted Buoy SE (Light List No. 16540 FLY2.5s5MY"SE, " (47°55'26.8"N, 122°29'30.7"W), thence to landfall at (47°55'4.2"N, 122°32'46"W) on Norwegian Point.

Area 9A -

(1) Those waters north of a line projected from the southern edge of the old mill site (47°51'05.5"N, 122°34'59"W) to the fallen tree on the opposite shore (47°51'6.6"N, 122°34'15.9"W).

(2) Those waters within 1000 feet of Port Gamble Creek and Martha John Creek.

Area 10 -

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

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

(3) Additional pink seasonal closure: The area east inside of the line projected from West Point (47°39'43.6"N, 122°26'8.5"W) and extending west to the traffic separation lane Lighted Buoy SG (Light List No. 16815 FLY2.5s5MY"SG, " 47°39'41.6"N, 122°27'52.6"W), thence 20 degrees true until reaching latitude 47°44'30.0"N, thence extending directly east to the shoreline (47°44'30"N, 122°22'40.5"W).

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

(5) Additional chum seasonal closure: Those waters of Elliott Bay east of a line from Alki Point (Light List No. 16915 Fl5s39ft16M, 47°34'34.5"N, 122°25'14"W) to the Fourmile Rock Light 1 (Light List No. 16810 FlG6s15ft6M"1," 47°38'20.4"N, 122°24'48.7"W), and those waters northerly of a line projected from Point Wells to traffic separation lane Lighted Buoy SF (Light List No. 16745 FlY2.5s5MY"SF," 47°45'53"N, 122°26'15.7"W), then west to President's Point (47°45'57.2"N, 122°28'20.1"W).

(6) Those waters of Rich Passage, easterly of a line projected from Orchard Point (47°33'55"N, 122°31'56"W) to Beans Point (47°34'29"N, 122°31'20"W) on Bainbridge Island, and westerly of a line projected from Restoration Point (47°35'1"N, 122°28'46"W) to landfall at Colchester (47°32'41"N, 122°32'22.6"W) true west from the northwest point of Blake Island.

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

Area 11 -

(1) The waters of Gig Harbor, northerly of a line projected true west from the Gig Harbor Light (Light List No. 17221 FlR4s13ft3MPriv., 47°19'35.7"N, 122°34'29.2"W). The waters of Commencement Bay, south of a line from Browns Point (47°18'20.3"N, 122°26'39.4"W) to the northernmost point of land on Point Defiance (47°19'7.7"N, 122°32'23.9"W).

(2) Additional chum seasonal closure: Those waters south of a line projected from the Gig Harbor Light (Light List No. 17221 FlR4s13ft3MPriv., 47°19'35.7"N, 122°34'29.2"W) to the Washington state ferry Tahlequah terminal (47°19'58.3"N, 122°30'25.5"W), south of a line projected from Neill Point (47°19'53"N, 122°29'33"W) to Piner Point (47°20'37"N, 122°27'17"W), west of a line projected from Piner Point (47°20'37"N, 122°27'17"W) to Dash Point (47°19'10"N, 122°25'47"W), and north of Area 11/11A line.

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

Area 12 - Those waters inside and easterly of a line projected from Lone Rock (47°39'46"N, 122°46'11"W) to Hood Canal Light 13 (Light List No. 17855 FlG2.5s20ft4M"13," 47°39'45.5"N, 122°47'14.4"W) off Big Beef Creek, thence southerly to the outermost northern headland of Little Beef Creek (47°39'24.4"N, 122°47'23.4"W).

Area 12 - Additional chum seasonal closures: Those waters of Area 12 south and west of a line projected 94 degrees true from south Hazel Point (47°41'29.1"N, 122°46'22.6"W) to the Hood Canal Light 11 on the opposite shore (Light List No. 17845 FlG4s15ft5M"11," 47°41'24.6"N, 122°44'50.4"W), bounded on the west by the Area 12/12B boundary line (~~(are closed to purse seine weeks 43, 44, and 45. Open to gillnets weeks 43 and 44)~~).

Area 12A -

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

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

Area 12B -

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

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

Area 12C -

(1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park (47°25'14.1"W, 23°7'50.7"N) and the Port of Hoodspport marina dock (47°24'12.6"N, 123°8'29.5"W). This area is also referred to as the Hoodspport Hatchery Zone.

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

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

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

AMENDATORY SECTION (Amending WSR 23-13-071, filed 6/14/23, effective 7/15/23)

WAC 220-354-120 Puget Sound salmon—Purse seine—Open periods.

(1) It is unlawful to take, fish for, or possess salmon taken with purse seine gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

AREA	TIME		DATE
7, 7A:	7AM - 6PM	-	10/11, 10/12, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9(11/10, 11/11)
Note: In Areas 7 and 7A, it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).			
7B:	6AM - 8PM	-	((8/16, 8/23, 8/30, 8/31, 9/6)) 8/14, 8/21, 8/28, 8/29, 9/4
	7AM - 7PM	-	9/9, 9/11, 9/13(9/15)
7B:	7AM - 7PM	-	9/16, 9/18, 9/20(9/22)
	((7AM-9/24	-	6PM-10/28))
	7AM - 6PM	-	9/22 - 10/19
	7AM - 6PM	-	((10/30-11/3)) 10/28 - 11/1
	7AM - 5PM	-	((11/6-11/10)) 11/4 - 11/8

AREA	TIME	DATE
	7AM - 5PM	- ((11/13-11/17)) <u>11/11-11/15</u>
	7AM - 5PM	- ((11/20-11/24)) <u>11/18-11/22</u>
	7AM - 5PM	- ((11/27-12/1)) <u>11/25-11/29</u>
	7AM - 5PM	- ((12/4-12/8)) <u>12/2-12/6</u>
7C:	6AM - 8PM	- ((8/16, 8/23, 8/30, 8/31, 9/6)) <u>8/14, 8/21, 8/28, 8/29, 9/4</u>
	7AM - 7PM	- <u>9/9, 9/11, 9/13</u> ((9/15))

Note: The Whatcom Creek Zone: That portion of Area 7B east of a North - South line from the flashing red light at the west entrance to Squilicum Harbor to land fall east of Post Point may close per in-season management needs.

8:	Closed	
8A:	Closed	
8D:	Closed	
10, 11:	6AM - 8PM	- ((8/22, 8/23, 8/24, 8/29, 8/30, 9/5, 9/6))
	7AM - 6PM	- ((10/20, 10/26, 11/2)) <u>10/17, 10/21, 10/28</u>
	7AM - 5PM	- ((11/3, 11/9)) <u>11/4, 11/7</u> Additional October dates (determined per agreement with tribal co-managers in-season if harvestable surplus of salmon increase).
12, 12B:	7AM - 6PM	- ((10/20, 10/26, 11/2, 11/3)) <u>10/17, 10/21, 10/28</u>
	7AM - 5PM	- ((11/9, 11/16, 11/23)) <u>11/4, 11/7, 11/11, 11/19</u>

12C: Closed

Note: Areas 10 pink directed purse seine fisheries, adjusted hours 7AM-7PM, limited participation to 5 purse seine and 5 gillnet, observers required, use of recovery box required. Purse seines must brail. Retention of Chinook, coho, and chum is prohibited for all gears. It is unlawful to fail to brail or use a brailing bunt when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

Note: Areas 10 and 11 chum directed fisheries may be subject to limited participation with daily per vessel catch limits. The number of purse seine vessels and daily per vessel catch limits will be determined by in-season management. Observers are required for all participating purse seine vessels. This may also include requiring observers aboard tender vessels during offloads.

(2) It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

- (a) Chinook salmon - At all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October 20 in Area 7B.
- (b) Coho salmon - At all times in Areas 7, 7A, 10, 11, 12, 12B, and 12C, and prior to September 1 in Area 7B.
- (c) Chum salmon - Prior to October 1 in Areas 7 ~~((and))~~, 7A, 7B, and 7C, and at all times in 8A.
- (d) Sockeye - At all times in Areas 7, 7A, 7B, 7C, 8, 8A, 8D, 10, 11, 12, 12B, and 12C. Sockeye retention may be allowed in Areas 7 and 7A if authorized under the Fraser Panel.
- (e) All other saltwater and freshwater areas - Closed.

(3) Fishers must take department observers, if requested by department staff, when participating in these openings under RCW 77.12.071.

AMENDATORY SECTION (Amending WSR 23-13-071, filed 6/14/23, effective 7/15/23)

WAC 220-354-160 Puget Sound salmon—Gillnet—Open periods. (1)

It is unlawful to take, fish for, or possess salmon taken with gillnet gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for in each respective fishing area:

AREA	TIME	DATE(S)	MINIMUM MESH
6D: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM - 7PM	((9/21, 9/22)) 9/23, 9/24, 9/25, 9/26, 9/27, ((9/28, 9/29)) 9/30, 10/1, 10/2, 10/3, 10/4, ((10/5, 10/6)) 10/7, 10/8, 10/9, 10/10, 10/11, ((10/12, 10/13)) 10/14, 10/15, 10/16, 10/17, 10/18, ((10/19, 10/20)) 10/21, 10/22, 10/23, 10/24, 10/25, ((10/26, 10/27)) 10/28, 10/29, 10/30, 10/31, 11/1, ((11/2, 11/3)) 11/4, 11/5, 11/6, 11/7, 11/8, 11/9, ((11/10))	5"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet fishery. It is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 15 per Table 3.34 of the SCSCI Base Conservation Regime. In Area 6D, any Chinook or chum salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM - Midnight	10/11, 10/12, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9, ((11/10, 11/11))	6 1/4"
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Note: In Areas 7 and 7A after October 9 and prior to October 18, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-354-140 (5)(a) through (f) when coho and Chinook release is required.

7B:	7PM - 8AM	NIGHTLY ((8/13, 8/14, 8/15)) 8/11, 8/12, 8/13, 8/18, 8/19, 8/20, 8/21, ((8/22, 8/23)) 8/25, 8/26, 8/27, 8/28, ((8/29, 8/30))	7"
	7AM ((9/3)) 9/1 - 7AM ((9/7)) 9/5		5"
	7AM ((9/10)) 9/8 - 7AM ((9/14)) 9/12		5"
	7AM ((9/17)) 9/15 - 7AM ((9/21)) 9/19		5"
	7AM ((9/24)) 9/22 - Midnight ((10/28)) 10/26		5"
	7AM ((10/30)) 10/28 - 4PM ((11/3)) 11/1		6 1/4"
	7AM ((11/6)) 11/4 - 4PM ((11/10)) 11/8		
	7AM ((11/13)) 11/11 - 4PM ((11/17)) 11/15		
	7AM ((11/20)) 11/18 - 4PM ((11/24)) 11/22		
	7AM ((11/27)) 11/25 - 4PM ((12/1)) 11/29		
	7AM ((12/4)) 12/2 - 4PM ((12/8)) 12/6		
7C:	7PM - 8AM	NIGHTLY ((8/13, 8/14, 8/15, 8/20, 8/21, 8/22, 8/23, 8/27, 8/28, 8/29, 8/30)) 8/11, 8/12, 8/13, 8/18, 8/19, 8/20, 8/21, 8/25, 8/26, 8/27, 8/28	7"
	7AM ((9/3)) 9/1 - 7AM ((9/7)) 9/5		7"
	7AM ((9/10)) 9/8 - 7AM ((9/14)) 9/12		7"

Note: In Area 7C the minimum mesh size is 7" through ~~((9/14))~~ 9/12.

Note: The Whatcom Creek Zone: That portion of Area 7B east of a North - South line from the flashing red light at the west entrance to Squalicum Harbor to land fall east of Post Point may close per in-season management needs.

AREA	TIME	DATE(S)	MINIMUM MESH
8:	5AM - 11PM	Closed	5"
Note: In Area 8 it is unlawful to take or fish for pink salmon with drift gillnets greater than 60-mesh maximum depth. Fishers must also use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.			
8A:	6PM - 8AM	Closed	5"
	6PM - 8AM	Closed	5"
Note: In Area 8A fishers must use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.			
8D:	6PM - 8AM	NIGHTLY ((9/17, 9/21, 9/24, 9/28, 10/1, 10/5, 10/8, 10/12)) 9/15, 9/19, 9/22, 9/26, 9/29, 10/3, 10/6, 10/10	5"
	6PM ((9/18)) - 8AM ((9/21)) 9/16 9/19		5"
	6PM ((9/25)) - 8AM ((9/28)) 9/23 9/26		5"
	6PM ((10/2)) - 8AM ((10/5)) 9/30 10/3		5"
	6PM ((10/9)) - 8AM ((10/12)) 10/7 10/10		5"
	5PM - 9AM	NIGHTLY ((10/15, 10/19, 10/22, 10/26)) 10/13, 10/17, 10/20, 10/24	5"
	5PM - 9AM ((10/19)) ((10/16)) 10/14 10/17		5"
	5PM - 9AM ((10/26)) ((10/23)) 10/21 10/24		5"
	5PM - 9AM	Closed	5"
	4PM - 8AM	Closed	5"
	4PM - 8AM	Closed	5"
	6AM - 6PM	Closed	6 1/4"
	7AM - 6PM	Closed	6 1/4"
9A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM ((8/13)) - 7PM ((11/4)) 8/11 11/2		5"
Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1, and it is unlawful to retain Chinook salmon at any time. Any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.			
10, 11:	((7PM - 8AM	8/22, 8/23, 8/24, 8/29, 8/30, 9/5, 9/6))	
	5PM - 9AM	((10/18, 10/22, 10/24)) 10/16, 10/20, 10/22, 10/29, 10/31	6 1/4"
	4PM - 8AM	((11/5, 11/7)) 11/3, 11/5	
Note: Areas 10 pink directed gillnet fisheries, adjusted hours 7AM-7PM, limited participation to 5 purse seine and 5 gillnet, observers required, use of recovery box required in compliance with WAC 220-354-140 (5)(a) through (f). For gillnets it is unlawful to use a net soak time of more than 90 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is fully retrieved from the water. Retention of Chinook, coho, and chum is prohibited for all gears.			
Note: Areas 10 and 11 chum directed fisheries may be subject to limited participation with daily per vessel catch limits. The number of vessels per gear type and daily per vessel catch limits will be determined by in-season management. Observers may be required for gillnets, including observers aboard tender vessels during offloads.			
12A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM - 7PM	Closed.	5"
Note: In Area 12A, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet fishery. It is unlawful to retain Chinook or chum salmon taken in Area 12A at any time, and any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.			
12, 12B:	7AM - 8PM	((10/23, 10/25, 10/30, 11/1, 11/3)) 10/15, 10/20, 10/22, 10/29, 10/31	6 1/4"
	7AM - 7PM	((11/6, 11/8)) 11/3, 11/5	6 1/4"
	6AM - 6PM	((11/13, 11/16, 11/21)) 11/12, 11/14, 11/18, 11/20	6 1/4"
12C:	6AM - 6PM	Closed	6 1/4"

All other saltwater and freshwater areas - Closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

(2) Fishers must take department observers, if requested by department staff, when participating in these openings.

AMENDATORY SECTION (Amending WSR 23-13-071, filed 6/14/23, effective 7/15/23)

WAC 220-354-180 Puget Sound salmon—Reef net open periods. (1)

It is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for in each respective area:

AREA	TIME	DATE(S)
7	5AM - 9PM Daily	((9/47-11/4)) 9/15 - 11/9

(2) It is unlawful at all times to retain unmarked Chinook salmon taken with reef net gear, and it is unlawful to retain chum salmon taken with reef net gear prior to October 1.

(3) It is unlawful to retain marked Chinook after September 30.

(a) It is unlawful to retain marked Chinook with reef net gear if the fisher does not have in his or her immediate possession a department-issued Puget Sound Reef Net Logbook with all retained Chinook accounted for in the logbook. Marked Chinook are those with a clipped adipose fin and a healed scar at the site of the clipped fin.

(b) Completed logs must be submitted and received within six working days to: Puget Sound Commercial Salmon Manager, Department of Fish & Wildlife, P.O. Box 43200, Olympia, WA 98504.

(4) All other saltwater and freshwater areas - Closed.

AMENDATORY SECTION (Amending WSR 23-13-071, filed 6/14/23, effective 7/15/23)

WAC 220-354-210 Puget Sound salmon—Beach seine—Open periods.

(1) It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas:

AREA	TIME	DATE(S)
12A:	7AM - 7PM	8/26, 8/27, 8/28, 8/29, 8/30, ((8/31, 9/4)) 9/2, 9/3, 9/4, 9/5, 9/6, ((9/7, 9/8)) 9/9, 9/10, 9/11, 9/12, 9/13, ((9/14, 9/15)) 9/16, 9/17, 9/18, 9/19, 9/20, ((9/21, 9/22)) 9/23, 9/24, 9/25, 9/26, 9/27, ((9/28, 9/29)) 9/30, 10/1, 10/2, 10/3, 10/4((-10/5, 10/6))
12C, Hoodspout Hatchery Zone:	7AM - 7PM	((7/27, 8/3, 8/10, 8/17, 8/24, 8/31, 9/7, 9/14)) 7/29, 8/5, 8/12, 8/19, 8/26, 9/3 Additional July and August dates (determined per agreement with tribal co-managers in-season if harvestable surplus of salmon increase). November (dates determined per agreement with tribal co-managers in-season if harvestable surplus of salmon remain).

(2) It is unlawful to retain the following salmon species taken with beach seine gear within the following areas during the following periods:

(a) Chinook salmon - At all times in Area 12A.

- (b) Chum salmon - In all areas prior to October 10.
- (c) Sockeye salmon - At all times in Areas 12, 12A, 12B, and 12C.

OTS-5370.1

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

WAC 220-354-200 Puget Sound salmon—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear. (1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue (~~four~~) six salmon beach seine experimental fishery permits.

(3) The following is the selection process the department will use to offer a salmon beach seine experimental permit.

(a) Persons who held a salmon beach seine experimental fishery permit in the previous management year will be eligible for a permit in the current management year.

(b) The department will work with the advisory board, per RCW 77.70.160(1), to establish criteria by which applicants will qualify to enter the pool. The pool established by this drawing will be maintained to replace any permit(s) which are voided.

(4) Permit holders are required to participate in the salmon beach seine experimental fishery.

(a) For purposes of this section, "participation" means the holder of the salmon beach seine experimental permit is aboard the designated vessel in the open fishery.

(b) If the salmon beach seine experimental permit holder fails to participate, the salmon beach seine experimental permit issued to that fisher will be voided, and a new salmon beach seine experimental permit will be issued through a random drawing from the applicant pool.

(c) The department may require permit holders to show proof of participation by maintaining a department approved log book or registering with state officials each day the salmon beach seine experimental permit holder participates.

(d) Persons who participate in the fishery but violate conditions of a salmon beach seine experimental permit will have their permit voided, and a new salmon beach seine experimental permit will be reissued through a random drawing from the pool of the voided permit holder.

(5) In Quilcene Bay, chum salmon may not be retained by a salmon beach seine experimental permit holder. Chum salmon in Quilcene Bay must be released alive.

(6) Any person who fails to purchase the license, fails to participate, or violates the conditions of a salmon beach seine experimental permit will have his or her name permanently withdrawn from the pools.

(7) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 990 feet in length or 200 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

WSR 24-10-102
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed May 1, 2024, 8:07 a.m.]

Supplemental Notice to WSR 24-09-084.

Preproposal statement of inquiry was filed as WSR 23-06-024.

Title of Rule and Other Identifying Information: WAC 308-104-050
Waiver of driver education requirement—When granted.

Hearing Location(s): On June 13, 2024, at 3:00 p.m. Join Zoom meeting <https://dol-wa.zoom.us/j/87241577435?pwd=8CNe9T0akMwaYacwnZVq1kOMUnziOI.1>, Meeting ID 872 4157 7435, Passcode 615795; or One-tap mobile +12532158782,,87241577435#,,,,*615795# US (Tacoma), +12532050468,,87241577435#,,,,*615795# US, Meeting ID 872 4157 7435, Passcode 615795. Find your local number <https://dol-wa.zoom.us/j/87241577435?pwd=8CNe9T0akMwaYacwnZVq1kOMUnziOI.1>. If you are having difficulty joining the Zoom meeting at the time of the public hearing, please call 360-902-0131. An in-person option is available at the Highways and Licensing Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: June 14, 2024.

Submit Written Comments to: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98501, email rulescoordinator@dol.wa.gov, 360-902-3846, by June 13, 2024.

Assistance for Persons with Disabilities: Contact Ellis Starrett, phone 360-902-3846, email rulescoordinator@dol.wa.gov, by June 4, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal would amend WAC 308-104-050 to reflect the department of licensing's (DOL) current process and recent statutory changes related to RCW 46.20.100 Persons under eighteen.

Reasons Supporting Proposal: DOL received a petition from the public to update WAC 308-104-050 to reflect DOL's current process and changes made to RCW 46.20.100.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority, 46.20.100 (2)(c)(iii) Persons under eighteen.

Statute Being Implemented: RCW 46.20.100 Persons under eighteen; and SB 5800.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: Dave Sedelmeier, Apex Driving School, private.

Name of Agency Personnel Responsible for Drafting: Colton Myers, 1125 Washington Street S.E., Olympia, WA 98504, 360-634-5094; Implementation and Enforcement: Bryan Jackson, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-3854.

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

A cost-benefit analysis is not required under RCW 34.05.328. This rule making aligns rule with current practices and does not impose any additional requirements on customers or businesses.

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 vio-

lation by a nongovernment party; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.
 Scope of exemption for rule proposal:
 Is fully exempt.

May 1, 2024
 Ellis Starrett
 Rules and Policy Manager

OTS-5336.1

AMENDATORY SECTION (Amending WSR 90-17-028, filed 8/8/90, effective 9/8/90)

WAC 308-104-050 Waiver of driver education requirement—When granted. No waiver of the traffic safety education course requirement for applicants under the age of 18 years shall be issued unless ~~((+ (1)))~~ the parent, guardian, responsible adult as defined in RCW 46.20.075 (9) (b), or other person having the care, custody and control of the applicant certifies that the applicant is:

~~((a))~~ (1) Unable to take or successfully complete a traffic safety education course and the reasons therefor ~~((r))~~; and

~~((b))~~ (2) That there exists an immediate need to operate a motor vehicle. The immediate need shall be set forth in as much detail as possible. For the purpose of meeting this requirement, "an immediate need exists" shall be construed to mean that the capability to drive will reduce or help eliminate the negative consequences of the situation that created the immediate need to drive. If operating a motor vehicle does not reduce the hardship which was created by the situation, "an immediate need" does not exist ~~((; and~~

~~(2) The waiver is approved by a majority of a three member committee consisting of two department of licensing members which shall include any two of the following: The assistant director for driver services, the administrator of hearings, the administrator of driver responsibility, the administrator or assistant administrator(s) for driver operations, and one member who shall be the supervisor of driver and safety education in the office of the superintendent of public instruction or his/her designee. The committee shall have the power to set definite restrictions as to hours of the day and routes or areas of travel permitted under the waiver until the applicant has completed a driver education course or has reached the age of 18 years))~~.

WSR 24-10-103
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed May 1, 2024, 8:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-06-079.

Title of Rule and Other Identifying Information: WAC 308-409-080 Prohibitions.

Hearing Location(s): On June 7, 2024, at 10:00 a.m. Join Zoom meeting <https://dol-wa.zoom.us/j/88086258469?pwd=1aIy88ppSTFkIMrH29TeNjIKBkrsHa.1>, Meeting ID 880 8625 8469, Passcode 883764; or One-tap mobile +12532158782,,88086258469#,,,,*883764# US (Tacoma), +12532050468,,88086258469#,,,,*883764# US, Meeting ID 880 8625 8469, Passcode 883764. Find your local number [https://dol-wa.zoom.us/u/kc06tkQ6s5](https://dol-wa.zoom.us/j/88086258469?pwd=1aIy88ppSTFkIMrH29TeNjIKBkrsHa.1). If you are having difficulty joining the Zoom meeting at the time of the public hearing, please call 360-902-0131. An in-person option is available at the Highways and Licensing Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: June 8, 2024.

Submit Written Comments to: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, email rulescoordinator@dol.wa.gov, by June 7, 2024.

Assistance for Persons with Disabilities: Contact Kelsey Stone, phone 360-902-0131, email rulescoordinator@dol.wa.gov, by May 28, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of licensing (DOL) is considering updating language in WAC 308-409-080 to include requirements from RCW 18.310.150 Disciplinary actions—Grounds.

Reasons Supporting Proposal: This rule making is based on a petition DOL received from the public requesting inclusion of the actions in RCW 18.310.150 under the type of activity DOL could take action against a licensee for.

Statutory Authority for Adoption: RCW 18.310.020 Powers and duties of director.

Statute Being Implemented: RCW 18.310.020 Powers and duties of director.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: Public.

Name of Agency Personnel Responsible for Drafting: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-0131; Implementation and Enforcement: Kathe McDaniel, P.O. Box 9020, Olympia, WA 8507 [98507], 360-634-5238.

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

A cost-benefit analysis is not required under RCW 34.05.328. This rule-making effort is supported through a public petition and simply includes an additional reference to an RCW that is already current law.

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).

Scope of exemption for rule proposal:

Is fully exempt.

May 1, 2024

Ellis Starrett

Rules and Policy Manager

OTS-5183.1

AMENDATORY SECTION (Amending WSR 11-24-067, filed 12/6/11, effective 1/6/12)

WAC 308-409-080 Prohibitions. (1) In addition to the unprofessional conduct described in RCW 18.235.130, and the actions described in RCW 18.310.150, the director may take disciplinary action for the following conduct, actions or conditions:

(a) Prohibiting or refusing to allow, or attempting to prohibit or refuse to allow the professional appraisal assistance of registered real estate appraiser trainees in appraisal services unless such action is required by the appraisal management company's client;

(b) The appraisal management company shall not permit any employee, agent, third party, or controlling principal to engage in any of the following activities:

(i) Require the appraiser to collect the appraisal fee from a borrower, homeowner, or third party or to accept a credit card payment;

(ii) Require the appraiser to provide the appraisal management company with the appraiser's digital signature or seal; or

(iii) Compensate an unlicensed appraisal management company for referrals of appraisal services.

(2) This section does not prohibit an appraisal management company or an individual with an interest in a real estate transaction from requesting an appraiser to:

(a) Consider additional appropriate property information including relevant sales comparables not considered in the initial appraisal report;

(b) Provide further detail, substantiation or explanation of the appraiser's value conclusion; or

(c) Correct errors in the appraisal report.

WSR 24-10-105
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed May 1, 2024, 9:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-20-126.

Title of Rule and Other Identifying Information: Medical insurance premium reimbursement—Law enforcement officers' and firefighters' (LEOFF) Plan 2 members.

Hearing Location(s): On June 4, 2024, at 4:00 p.m., online via Microsoft Teams, link is available on <https://www.drs.wa.gov/sitemap/rules/#proposed-rule-hearings>, Meeting ID 250 482 317 038, Passcode BoWwap; or by phone 833-322-1218, Code 872 589 686#.

Date of Intended Adoption: June 7, 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 May 30, 2024.

Assistance for Persons with Disabilities: Contact Bianca Stoner, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, by May 30, 2024.

Statutory Authority for Adoption: RCW 41.50.050.

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 the agency.

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

Is exempt under RCW 19.85.025(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.

May 1, 2024
Bianca Stoner
Rules Coordinator

OTS-5181.2

AMENDATORY SECTION (Amending WSR 23-17-019, filed 8/7/23, effective 9/7/23)

WAC 415-104-4801 Medical reimbursement for LEOFF 2 catastrophically disabled members. (1) What type of medical premiums are availa-

ble for reimbursement for a LEOFF Plan 2 member who is catastrophically disabled in the line of duty?

(a) LEOFF Plan 2 members who are catastrophically disabled in the line of duty are eligible for reimbursement of medical premiums ~~((ef+))~~.

(i) For members who are not eligible for medicare, DRS will pay for the member, spouse, state-registered domestic partner, and eligible dependents:

(A) Employer-provided medical insurance((-));

~~((+ii))~~ (B) Medical insurance offered under the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)((-)); or

~~((+iii))~~ (C) Other medical premiums, which could include vision and dental, not to exceed the COBRA amount. DRS will not pay for separate supplemental plans for vision, dental, and prescriptions.

~~((+iv))~~ (ii) For members who are eligible for medicare, DRS will pay medicare Part A and B.

(b) LEOFF Plan 2 members who are catastrophically disabled are eligible for reimbursement for medical insurance premiums paid after June 30, 2013. ~~((DRS will not reimburse for any supplemental health plans.))~~

(2) **What if I am eligible for medicare coverage?** If you or your spouse become eligible for medicare coverage, you must notify DRS when you become eligible. To remain eligible for the reimbursement payment, you must enroll in and maintain enrollment in medicare Part B. At that point, DRS will only reimburse for medicare Part A and B ~~((and vision and dental coverage for that individual))~~. DRS will not reimburse for any medicare supplemental or prescription plans.

(3) **How do I apply for medical premium reimbursements?** To receive medical premium reimbursements, you must first complete a request for medical reimbursement form and provide proof of medical insurance coverage and premium payment to DRS.

(4) **What is acceptable as proof of insurance coverage?** DRS will accept these documents as proof of insurance coverage:

- (a) Invoice from insurance provider.
- (b) Certificate from insurance provider.
- (c) Invoice from medicare.
- (d) Social Security Form SSA-1099.

(5) **What is acceptable as proof of premium payment?** DRS will accept these documents as proof of payment:

- (a) Letter from the Social Security Administration showing your medicare deduction from your monthly benefit;
- (b) Bank or credit card statement showing insurance payment that is supported by other documentation showing this is for medical insurance;

(c) Receipt from insurance provider; or

(d) Copies of both sides of cashed checks ~~((; or~~

~~((e) Letter from the Social Security Administration showing deduction amount))~~.

(6) **What if my premiums are deducted from my DRS benefit or my spouse's payroll checks?** DRS will accept these documents as proof of both insurance coverage and premium payment:

(a) Premium deduction authorization from your insurance provider, if premium payments are being paid directly from DRS.

(b) Copy of spouse's or partner's pay stub showing insurance deduction amount.

(7) **When is documentation required?**

(a) You must provide proof of insurance coverage and premium payments at the time you apply for reimbursement. After you are enrolled in the reimbursement program, you must submit this form each (~~June and December~~) time DRS requests, at a minimum twice a year, along with requested documentation.

(b) DRS will reach out to each retiree receiving medical reimbursement payments, and retirees will have 90 days from the date of the letter to provide proof of premium payment. DRS will provide notifications of the 90-day window to ensure that retirees are aware of the requirement to reapply and supply proof.

(c) After 90 days, DRS will suspend reimbursement until (~~receiving~~) proof of insurance coverage and premium payments have been received for each missed period. After DRS receives (~~this~~) supporting information, DRS will reinstate reimbursement payments for the month(s) that documentation supports were paid.

(d) Any adjustment in or cancellation of medical premiums paid by retirees may result in an overpayment of the reimbursement paid to the retiree, so changes should be reported to DRS when they occur.

WSR 24-10-106
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed May 1, 2024, 9:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-20-113.

Title of Rule and Other Identifying Information: Holiday leave bank cash-out.

Hearing Location(s): On June 10, 2024, at 11:00 a.m., online via Microsoft Teams, link is available on <https://www.drs.wa.gov/sitemap/rules/#proposed-rule-hearings>, Meeting ID 258 763 758 022, Passcode FsczED, phone 833-322-1218, Code 121 353 30#.

Date of Intended Adoption: June 14, 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 June 6, 2024.

Assistance for Persons with Disabilities: Contact Bianca Stoner, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, by June 6, 2024.

Statutory Authority for Adoption: RCW 41.50.050.

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

Name of Proponent: DRS, governmental.

Name of Agency Personnel Responsible for Implementation: Mike Ricchio, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7227.

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 the agency.

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

Is exempt under RCW 19.85.025(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.

May 1, 2024
Bianca Stoner
Rules Coordinator

OTS-5303.2

AMENDATORY SECTION (Amending WSR 20-24-109, filed 12/1/20, effective 1/1/21)

WAC 415-104-370 Overtime is included in LEOFF Plan 2 basic salary. Overtime, additional pay earned for working time in excess of regularly scheduled shift(s), is a salary or wage for services ren-

dered. Overtime payments are considered part of basic salary for LEOFF Plan 2. Overtime includes, but is not limited to:

(1) **Additional pay for working on a holiday.** If a member receives an extra payment for working on a (~~scheduled~~) recognized holiday, the payment is overtime. The employer may make the additional payment when the holiday occurs or in a lump sum at some other time. In either case, the payment is considered to be basic salary for LEOFF Plan 2(~~(7)~~).

(a) What are recognized holidays for purposes of holiday leave banks? Holidays recognized by either the state of Washington, the federal government, or formalized by an organization; and tied to a specific date. An employer must identify the recognized holidays associated with the hours that are added to the holiday leave bank.

(b) Are personal or floating holidays considered recognized holidays for purposes of holiday leave bank cash outs? No. Personal or floating holidays are not tied to a specific date and are not considered recognized holidays for the purposes of holiday leave bank cash outs.

Examples: A firefighter works on Christmas day. As compensation for working on a holiday, the firefighter is given the option of taking some other day off with pay or receiving an extra day's pay. If the firefighter opts for the extra day of pay, this payment is overtime and is LEOFF Plan 2 basic salary. If the firefighter opts to take a day off instead, this is paid leave that qualifies as LEOFF Plan 2 basic salary.

Some employers create holiday leave banks for these employees, and it is considered a regular workday if an employee works on the holiday. Later, the employee may use hours from the holiday leave bank to take a day off and/or cash out all or some of the hours in the future. These cashed out days are reportable if the accrued leave was associated with (~~state or federal~~) recognized holidays. Report the cash out in the months the holidays occurred.

If the employer does not track the holidays worked, or does not separate out personal or floating holidays from recognized holidays, the employer should use the FIFO (first in, first out) method to report compensation for the holiday bank cash out. Recognized holidays would be accounted for before personal or floating holidays.

(2) **Callback pay**, which is a special rate of pay some employers provide members for being called back to work after the end of the member's regular shift;

(3) **Court pay**, which is an additional payment for appearing in court or performing other duties outside of a member's regularly scheduled shift.

(4) **Compensatory time (comp time)**, is paid time off given to an employee instead of overtime pay in compensation for extra hours of work. However, if the employee later receives this leave as a paid cash out, that payment is for overtime previously worked and therefore is basic salary. Basic salary is earned when the service is rendered, rather than when the payment is made. If the comp time is used as leave, it is reported as leave when used.

Example: An employee works eight additional hours in March and receives ((~~twelve~~)) 12 hours of comp time. The employer has a policy that all unused comp time must be paid out at the end of the fiscal year in June. When this cash out is paid to the employee, the compensation and eight hours were earned in March and should be reported as such. If the comp time is used as leave, it is reported as leave whenever it is used.

**WSR 24-10-108
PROPOSED RULES****DEPARTMENT OF COMMERCE**
[Filed May 1, 2024, 10:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-01-034.

Title of Rule and Other Identifying Information: Codifying new requirements for the decarbonization of campus district energy systems enacted in 2SHB 1390, chapter 291, Laws of 2023.

Hearing Location(s): On June 4, 2024, at 10:00 a.m., virtual.

Date of Intended Adoption: July 2, 2024.

Submit Written Comments to: Nick Manning, 1011 Plum Street S.E., email nick.manning@commerce.wa.gov, by June 4, 2024, at 5:00 p.m. PST.

Assistance for Persons with Disabilities: Contact Nick Manning, phone 564-200-4324, email nick.manning@commerce.wa.gov, by May 28, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of commerce (commerce) is proposing to maintain consistency between administrative rules and statute by updating the existing chapter 194-50 WAC to include the new requirements that were added to RCW 19.27A.210 upon passage of SSHB [2SHB] 1390. Requirements will relate to alternate compliance pathways, management plan implementation, and compliance with state energy efficiency requirements for state campus district energy systems and owners.

Reasons Supporting Proposal: The passage of 2SHB 1390 in 2023 (chapter 291, Laws of 2023) added new requirements for the decarbonization of campus district energy systems to statute (RCW 19.27A.210). These statutory changes require commerce to clarify its rules for the clean building performance standard (chapter 194-50 WAC) in order to add additional requirements and maintain consistency.

Statutory Authority for Adoption: RCW 19.27A.210.

Statute Being Implemented: RCW 19.27A.210, 19.27A.260.

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

Name of Proponent: The Washington department of commerce, governmental.

Name of Agency Personnel Responsible for Drafting: Luke Howard, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525, 360-742-4386; Implementation: Emily Salzberg, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525, 360-561-8182; and Enforcement: Annalyn Bergin, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525, 360-584-6905.

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. Commerce is not a listed agency in RCW 34.05.328.

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.

Small Business Economic Impact Statement
Chapter 194-50 WAC

WASHINGTON STATE DEPARTMENT OF COMMERCE ADOPTION AND AMENDMENT OF ASHRAE STANDARD 100, 2018

A rule concerning the decarbonization of district energy systems,
Date 5/1/2024.

SECTION 1: Describe the proposed rule: The Clean Buildings Performance Standard (CBPS) and HB [2SHB] 1390: Buildings are Washington's second-largest source of greenhouse gas emissions, accounting for 25 percent of statewide emissions¹. Energy-efficient buildings are essential to meet statewide greenhouse gas emissions limits by 2030, 2040, and 2050². Thus, in 2019, the Washington state legislature passed the State Energy Performance Standard (RCW 19.27A.210), which directed commerce to establish a statewide energy performance standard for large commercial buildings greater than 50,000 square feet (Tier 1 covered buildings) and to "maximize reductions of greenhouse gas emissions from the building sector."

¹ WA Department of Ecology - GHG inventories - Washington State Department of Ecology.

² RCW 70A.45.020 - RCW 70A.45.020: Greenhouse gas emissions reductions—Reporting requirements. (wa.gov).

In 2022, the law was expanded to include buildings greater than 20,000 square feet, including multifamily, known as Tier 2 covered buildings.

Tier 1 and Tier 2 covered building requirements under RCW 19.27A.200 through 19.27A.250 and chapter 194-50 WAC include the following:

Tier 1 requirements:

- Building benchmarking.
- Implement an energy management plan (EMP).
- Implement an operations and maintenance program at least 12 months before the compliance date.
- Meet an energy performance metric for their building, either by:
 - Meeting an energy use intensity target (EUI_t); or
 - Meeting the investment criteria which requires an ASHRAE Level II energy audit of the building and a life cycle cost analysis of all energy efficiency measures (EEM) identified by the audit to create an optimized bundle of EEMs.

Tier 2 requirements:

- Building benchmarking.
- Implement an EMP.
- Implement an operations and maintenance program by the compliance date.

The legislature directed commerce to use the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 100-2018 as the basis for the performance standard. Commerce developed amendments to Standard 100, which can be found in chapter 194-50 WAC or the Clean Buildings Performance Standard- Integrated Document.

Legislation of decarbonizing district energy systems: In 2023, the legislature recognized that building decarbonization is necessary to achieve the state's climate goals and that upgrading existing district energy systems has great potential to increase efficiency, in some cases, greater than an individual building approach. As a result, the legislature passed HB [2SHB] 1390 relating to district energy systems. The bill amended RCW 19.27A.210, and directed commerce to develop a district energy policy that could be used in coordination with the current statewide energy building performance standard.

The legislature mandates that owners of a *state campus district energy system* develop a decarbonization plan that provides a strategy for up to 15 years. Commerce may approve a decarbonization plan that is based on a planning time frame longer than 15 years.

A *state campus district energy system* is a district energy system that provides heating, cooling, or heating and cooling to a campus through a distributed system providing steam, hot water, or cool water to five or more buildings with more than 100,000 square feet of combined conditioned space, where the system and all connected buildings are owned by the state of Washington or by a public-private partnership including one public buildings owner and one private entity. A *state campus district energy system* can consist of Tier 1, Tier 2, and not covered buildings.

The owner of a *state campus district energy system* must:

- Begin developing a decarbonization plan by June 30, 2024;
- Submit a final decarbonization plan to commerce by June 30, 2025; and
- Every five years after June 30, 2025, resubmit the decarbonization plan, along with a progress report on the implementation of the decarbonization plan, to commerce.

The owner of the *state campus district energy system* is also expected to meet the clean buildings performance standard requirements, including:

- Benchmarking;
- Energy management plans (EMP);
- Operations and maintenance program (O&M); and
- The performance metric for Tier 1 covered building requirements.

The owner of a *campus district energy system* may submit a request to commerce to opt-in to the process for approval of an alternative compliance pathway as outlined in the HB [2SHB] 1390 legislation. If their request is approved by commerce, the owner of the *campus district energy system* must meet the requirements outlined in the legislation for *state campus district energy systems*.

A *campus district energy system* is a district energy system that provides heating, cooling, or heating and cooling to a campus through a distributed system providing steam, hot water, or cool water to three or more buildings with more than 100,000 square feet of combined conditioned space, where the system and all connected buildings are owned by:

- (i) A single entity;
- (ii) A public-private partnership in which a private entity owns the systems providing heating, cooling, or heating and cooling to buildings owned by one public entity; or
- (iii) Two private entities in which one private entity owns the connected buildings and another private entity owns the system providing heating, cooling, or heating and cooling to the buildings.

The Proposed Rules: Commerce's proposed rules amend certain sections of chapter 194-50 WAC and add a new section titled Normative Annex W to describe the compliance requirements for complying with the Tier 1 and Tier 2 requirements when developing a decarbonization plan for a district energy system.

The proposed rules apply to a *state campus district energy system* and *campus district energy systems* that voluntarily opt-in.

Covered buildings on *campus district energy systems* are required to comply with Tier 1 and Tier 2 requirements of the clean buildings

performance standard whether or not they opt-in to comply with the proposed rules. Participating campus owners are allowed up to a 15-year period to develop and implement a decarbonization plan, which effectively extends their compliance dates for Tier 1 and Tier 2 buildings as long as their decarbonization plan has been approved by commerce.

Within the proposed rules, the decarbonization plan must include:

- (1) Decarbonization through mechanisms to replace fossil fuels in the district energy system.
- (2) Evaluating waste heat and cooling.
- (3) Expanding the district energy system.
- (4) Meeting the CBPS performance metric requirements.
- (5) Developing an EMP and O&M.

The Regulatory Fairness Act (RFA): RFA, chapter 19.85 RCW, directs state agencies to determine if their rules would have a disproportionate compliance cost burden on small businesses and, if legal and feasible, to reduce this disproportionate impact.

A small business is any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses and has 50 or fewer employees.

To determine whether the proposed rule will have a disproportionate cost impact on small businesses, the impact statement must compare the cost of compliance for small business with the cost of compliance for the 10 percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the basis listed in RCW 19.85.040 for comparing costs.

SECTION 2: Identify which businesses must comply with the proposed rule using the North American Industry Classification System (NAICS) codes and the minor cost thresholds: Compliance with the legislation and proposed rules is mandatory for owners of state *campus district energy systems*, where the district energy system and all of the connected buildings are owned by a single entity (state), or a public-private partnership with one public building owner and the district energy system is owned by a private entity.

Owners of *campus district energy systems* may choose to opt-in to comply with the proposed rules on a voluntary basis. Doing so extends their compliance deadlines for Tier 1 covered buildings.

2.1 Single-Owner Compliance: Business owners are not required to comply with the proposed rule. Therefore, there are no small businesses in this category required to comply with the proposed rules.

2.2 Public-Private Partnership: *State campus district energy systems* or a *campus district energy system* with a public-private ownership model will consist of at least one private entity, which does represent a potential for business impacts. Private sector entities complying with the law through the public-private partnership will come from the following NAICS categories:

NAICS Code (4, 5, or 6 digits)	NAICS Business Industry Description
2211	Electric Power Generation, Transmission and Distribution
2212	Natural Gas Distribution
2213	Water, Sewage, and Other Systems

While there may be several firms in each of these NAICS categories, only those that own a *campus district energy system* that provides thermal energy to a *state campus district energy system* are re-

quired to comply. Eligible *state campus district energy systems* cannot include buildings with multiple owners.

2.3 Private-Private Partnerships: Private to private partnerships or public to private *campus district energy systems* may opt-in on a voluntary basis; however, there is no meaningful way to identify which NAICS codes the buildings would be associated with other than the fact that at least one of the private entities would fall under the codes listed above as the owner of the *campus district energy system*. To qualify as an eligible *campus district energy system* it must consist of at least three buildings that total more than 100,000 square feet in gross floor area.

Commerce could not identify any data sources that provide comprehensive building ownership classifications by building activity type and size because such a data source does not exist. Commerce acknowledges that the proposed rules could affect all NAICS codes. However, commerce also recognizes that many NAICS codes may not be impacted. Commerce therefore assumes the proposed rules affect all NAICS codes.

SECTION 3: Analyze the probable cost of compliance: 3.1 Single Owner Compliance: Cost data for state owners of *campus district energy systems* has been captured in fiscal note package 68189³. This document contains agency estimated costs associated with compliance for both operating and capital budget expenditures. Because these are state entities, compliance costs would come from public funding measures and appropriations, which do not correspond to "costs to a business."

³ OFM Fiscal Note Package 68189 Fiscal Note Package 68189 (wa.gov).

3.2 Public-Private Partnerships: For private sector partners having to comply as part of a public-private partnership, there are potential compliance costs associated with any modification or upgrades made to the utility infrastructure that supports the *campus district energy system*. These costs will vary depending on any changes made to the *campus district energy system* base load and whether the existing infrastructure will need to be modified as a result. Public-private partnerships are allowed to opt-in, where the public buildings are not owned by the state campus. Any cost burden assumed by either entity would be voluntary.

3.3 Private-Private Partnerships: Private entities entering into an agreement together under this scenario would be opting into this compliance pathway and any cost burden assumed by either entity would be voluntary.

3.4 Funding Opportunities to Reduce Compliance Costs: There are a number of incentives and reimbursement programs available for both public and private building and district energy system owners. Participating campuses that have Tier 1 and Tier 2 covered buildings can take advantage of commerce's incentive programs in place for Tier 1 and Tier 2 buildings. Commerce has recently started an audit reimbursement program that retroactively reimburses owners of public buildings for their documented energy audit costs as of July 1, 2023. There are also state block grants, federal tax incentives, and specifically allocated funding provided through legislative actions aimed at financing, audits, and other associated compliance costs.

3.5 Penalties and Time Allowances: There are no penalties or fines associated with the proposed rule for participating campuses complying with the district energy systems decarbonization plans. The only penalties assessed are for clean buildings performance standard requirements already in place for Tier 1 and Tier 2 buildings. Additionally, participating campus owners are allowed up to a 15-year pe-

riod to develop and implement a decarbonization plan which effectively extends their compliance dates for Tier 1 and Tier 2 buildings as long as their decarbonization plan has been approved by commerce. This time extension allows participating campus owners to phase in energy efficiency measures for their entire building stock of covered buildings connected to the district energy system.

SECTION 4: Analyze whether the proposed rule may impose more-than-minor costs on businesses in the industry: 4.1 Single-Owner Compliance: For single state-owned campuses and district energy systems, costs associated with compliance are not considered business costs, as they are not private entities. The federal Small Business Administration specifically does not consider any entity that falls under Sector 92 Public Administration when developing its small business size standards⁴. State campus building owners all belong to this sector.

⁴ U.S. Small Business Administration Table of Small Business Size Standards - SBA Table of Size Standards.

4.2 Public-Private Partnerships: It is not certain as to how much of the compliance measure costs private partners in public-private partnerships may incur. Costs could include replacement of district energy system heating plants or modifying the existing distribution infrastructure to support any changes to the district energy system. State campus owners are required to consult with their utilities on measures and potential impacts as part of developing their decarbonization plan. If private partners do contribute to the overall project costs than it is very likely that these costs would be more-than-minor costs given the scope of the projects. Public-private partnerships of *campus district energy systems* would be opting into this compliance pathway and any cost burden assumed by either entity would be voluntary. While there may be costs associated with developing decarbonization plans, these costs are associated with implementing the statute. Because the proposed rules themselves only ask for pertinent information to document the owners' actions implementing the statutory requirement, costs associated with the rules themselves are expected to be minimal.

4.3 Private-Private Partnerships: Private entities entering into an agreement together under this scenario would be opting into this compliance pathway and any cost burden assumed by either entity would be voluntary. Due to the likely scope of technical work and construction projects, commerce assumes that any costs incurred by private entities in this arrangement would be more than minor. While there may be costs associated with developing decarbonization plans, these costs are associated with implementing the statute. Because the proposed rules themselves only ask for pertinent information to document the owners' actions implementing the statutory requirement, costs associated with the rules themselves are expected to be minimal.

SECTION 5: Determine whether the proposed rule may have a disproportionate impact on small businesses as compared to the 10 percent of businesses that are the largest businesses required to comply with the proposed rule: 5.1 Single-Owner Compliance: Under this arrangement, no privately owned businesses will be impacted, as all entities will be state-owned campuses. Therefore, there will be no disproportionate impact on small businesses.

5.2 Public-Private Partnerships: There are no identifiable small businesses at this time; therefore, commerce cannot determine whether there is a disproportionate impact to small businesses.

5.3 Private-Private Partnerships: Private businesses partnering together can be from any NAICS category and any business size as long

as they meet the requirements laid out in Section 2.4. Without a comprehensive list of interested groupings, it's not possible to determine whether disproportionate impacts to small businesses may occur; however, any impacts associated with opting in are fully voluntary in nature.

SECTION 6: Action taken to reduce small business impacts: The RFA (RCW 19.85.030(2)) states that:

Based upon the extent of disproportionate impact on a 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 cost 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 businesses or small business advocates.

Commerce considered all of the above options; however, no identifiable legal and feasible alternatives were found. The legislation upon which the proposed rule is based defines the size and composition of campuses and campus district energy systems that are required to comply. The features associated with a decarbonization plan laid out in the proposed rules ask only for pertinent information relating to the properties of the existing campus and district energy system as well as document the intended changes that need to be implemented to meet the decarbonization requirement. Additionally, the period of reporting and recurrence schedule of progress reporting is also set in the legislation.

An approved decarbonization plan is an alternative compliance pathway that extends the existing timetables for Tier 1 and Tier 2 buildings on campus and potentially benefits any effected [affected] small business. The proposed rule does not include any additional fines or fees to owners of campuses and campus district energy systems. While there are no exemptions allowed for campuses and campus district energy systems as a whole, building owners are permitted to file a financial hardship exemption on a building-by-building basis.

SECTION 7: Describe how small businesses were involved in the development of the proposed rule: Commerce has conducted outreach and engagement efforts through a number of avenues to reach potentially impacted businesses and public entities. The table below shows the dates of public workshops held during the rule-making process that were open to any interested party. These workshops included educational components, statements of intention regarding the rule and policies proposed, as well as soliciting public comments and feedback on the proposed rules. In addition to the workshop series, commerce also sends out a weekly bulletin detailing the rule-making progress. Commerce is also engaged in a number of workgroup meetings with various sectors including utilities and higher education.

Date(s)	Activity How were small businesses notified and involved in the development of the proposed rule? (News release, public meeting, survey, etc.)
1/18/2023	HB 1390 Rulemaking Kick-Off Public Workshop
2/8/2023	HB 1390 Workshop 2
3/7/2023	HB 1390 Workshop 3
3/21/2023	HB 1390 Workshop 4 - Final

SECTION 8: Identify the estimated number of jobs that will be created or lost as the result of compliance with the proposed rule: It is unlikely that jobs will be lost due to the proposed rule. Instead, there are significant efforts tied to workforce development and expansion that go along with the incentives and ancillary programs that have been and are being developed to make compliance easier. Compliance requirements include specific accredited positions such as energy auditors, resource conservation managers, and qualified energy managers. This creates an opportunity for future investments in human capital growth for both employees and employers.

Grants have been secured for projects such as the Columbia Technical Center Campus Clean Energy Technician Program, which aims to expand the existing curriculum to focus on district energy systems and clean energy technologies. These programs and opportunities also tie into a larger national trend towards building performance standards and decarbonization efforts, with Washington state offering a number of opportunities for education and certification that other states may wish to duplicate.

Additionally, it is expected that there will be a large number of construction, HVAC, and engineering related projects developed as part of compliance, which will positively impact the construction labor market and professional engineering services market.

SECTION 9: Summarize the results of the analysis, including the determination if costs are disproportionate: The proposed rule has three compliance arrangements depending on the campus and district energy system's ownership. For single-owned compliance, the costs and impacts are only mandated for those with sole ownership of the *state campus district energy system* and the buildings on the state campus. These costs are all non-private sector costs and do not impact businesses.

Private entities engaged in either public-private partnerships or private-private partnerships may incur costs associated with compliance. As noted in the preceding sections, the exact cost of compliance is not certain. It's unclear as to whether these entities will be small businesses; however, it is more likely that the private utilities and energy providers in public-private partnerships will be a larger industry leader within the state. Private entities in a private-private partnership that opt in are voluntarily accepting any compliance cost burdens that they may face.

While there may be costs associated with developing decarbonization plans, these costs are associated with implementing the statute. Because the proposed rules themselves only ask for pertinent information to document the owners' actions implementing the statutory requirement, costs associated with the rules themselves are expected to be minimal.

In conclusion, while it is unclear whether small businesses will be impacted, it is more likely that they will not due to the compliance requirements laid out in the proposed rule.

A copy of the detailed cost calculations may be obtained by contacting James Witherington, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525, phone 360-725-3129, email buildings@commerce.wa.gov.

May 1, 2024
Amanda Hathaway
Rules Coordinator

OTS-5399.1

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-001 Foreword. *ANSI/ASHRAE/IES Standard 100-2018 Energy Efficiency in Existing Buildings* is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code (WAC) updated February 7, 2024, to include Tier 2 covered buildings pursuant to RCW 19.27A.250, updated June 2024 to include district energy systems decarbonization pursuant to RCW 19.27A.260. In the event of a conflict between the standard and rules in this chapter, the provisions of this chapter apply.

ANSI/ASHRAE/IES Standard 100-2018 Energy Efficiency in Existing Buildings is adopted by the Washington state department of commerce pursuant to RCW 19.27A.200, 19.27A.210, and 19.27A.220. This standard has been adopted by reference and modified to implement the requirements for *covered buildings* as directed by the Washington state legislature. The legislature delegated the responsibility of adoption and amendment of this standard to the Washington state department of commerce.

Complying with this rule requires the user to comply with *ANSI/ASHRAE/IES Standard 100-2018* as amended by this rule. When this rule amends a section of *Standard 100*, the entire section is published in the rule. The user will need to have both documents in hand, but detailed comparison within any one section is not necessary. Simply apply the entire section as published in the rule. All other sections in *Standard 100* apply.

The Washington state administrative requirements for this standard are included in Normative Annex Z for Tier 1 covered buildings, Normative Annex Y for Tier 2 covered buildings, and Normative Annex W for district energy system decarbonization plans. For building owners that must comply with this standard, reading Normative Annex Z, Normative Annex Y, or Normative Annex W first allows the owner to put the rest of the standard in context. Multiple compliance options are available and should be reviewed prior to beginning implementation of this standard.

AMENDATORY SECTION (Amending WSR 20-22-059, filed 10/30/20, effective 11/30/20)

WAC 194-50-010 ASHRAE Standard 100, 2018—Section 1—Purpose.

1.1 This standard provides criteria that will result in reduced energy consumption through improved energy efficiency and performance in existing *buildings*. In adopting this standard by rule, Washington state department of commerce shall seek to maximize reductions of greenhouse gas emissions from the *building* sector.

1.2 This standard is directed toward providing procedures and programs essential to energy efficient operation, maintenance, management, and monitoring; increasing the energy efficiency of the energy-using systems and components; upgrading the thermal performance of the *building* envelope; and promoting the use of *district energy system decarbonization plans* aligning with district energy policy in coordination with statewide *building* performance standards policies to reduce commercial and large state-owned *building* emissions.

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-020 ASHRAE Standard 100, 2018—Section 2—Scope. This standard is mandatory for all *covered buildings and state campus district energy systems* located in the state of Washington. *Multifamily residential buildings* exceeding 50,000 square feet of *gross floor area*, excluding the parking garage areas, may seek early adopter incentives by voluntarily complying with the applicable *energy use intensity target* consistent with RCW 19.27A.220.

This standard applies to existing *buildings*, portions of *buildings*, and *building complexes*, including the envelope and all systems in the *building*, *state campus district energy systems*, and *campus district energy systems*. *State campus district energy system* must develop a *decarbonization plan* that provides a strategy for up to 15 years for the decarbonization of the *district energy system*. Owners of a *campus district energy system* may opt-in to compliance with the standard through the *alternative decarbonization plan compliance pathway*. *Participating campuses* must comply with all of the *decarbonization plan* requirements in accordance with Normative Annex W. This standard excludes industrial and agricultural processes in *buildings* for which the energy targets do not include those processes.

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-030 ASHRAE Standard 100, 2018—Section 3—Definitions.

3.1 General

Agricultural structure: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products, and is not a place used by the public or a place of human habitation or employment where agricultural products are processed, treated, or packaged.

Applicable building codes: The Washington state building codes as adopted by the Washington state building code council, and as modified by local government amendments.

Authority having jurisdiction (AHJ): Washington state department of commerce.

Benchmarking: The practice of comparing the measured performance of a device, process, facility, or organization to itself, its peers, or established norms, with the goal of informing and motivating performance improvement. When applied to *building* energy use, *benchmarking* serves as a mechanism to measure energy performance over time, relative to other similar *buildings*.

Building owner: An individual or entity possessing title to a *building*. In the event of a land lease, the *building owner* is the entity possessing title to the *building* on leased land. Where condominium structures are subject to the standard, "*building owner*" means the owners' association.

Building tenant: A person or entity occupying or holding possession of a *building* or premises pursuant to a rental agreement.

Campus: A (~~campus is a~~) collection of *buildings* served by a (~~campus~~) district heating, cooling, water reuse (~~and~~) or power system (~~owned by the same building owner.~~)

~~**Campus district heating and/or cooling system:** A district heating and/or cooling system that serves a campus and is owned by the building owner.)~~

Campus district energy system: A district energy system that provides heating, cooling, or heating and cooling to a campus through a distributed system providing steam, hot water, or cool water to three or more buildings with more than 100,000 square feet of combined conditioned space, where the system and all buildings connected to the system are owned by:

(a) A single entity;

(b) A public-private partnership in which a private entity owns the systems providing heating, cooling, or heating and cooling to buildings owned by one public entity; or

(c) Two private entities in which one private entity owns the buildings connected to the system and another private entity owns the system providing heating, cooling, or heating and cooling to the buildings.

Certified commissioning professional: A person who is certified by an ANSI/ISO/IEC 17024:2012 accredited organization to lead, plan, coordinate, and manage commissioning teams and implement the commissioning process and with experience commissioning at least two projects of similar size and of similar equipment to the current project, and at least one in the last three years. This experience includes the writing and execution of verification checks and functional test plans.

Complex: A group of *buildings* interconnected by *conditioned spaces* on *contiguous property*.

Conditional compliance: A temporary compliance method:

(a) For *Tier 1 covered buildings* used by *building owners* that demonstrates the owner has implemented energy use reduction strategies required by the standard, but has not demonstrated full compliance with the *energy use intensity target*.

(b) For *Tier 2 covered buildings* used by *building owners* that demonstrates the owner has benchmarked the *building energy use* in ac-

cordance with the standard, and provides an additional 180 days for *building owner* to demonstrate full compliance with the energy management plan (*EMP*) and operations and maintenance (*O&M*) program documentation.

Conditioned space: An area, room or space that is enclosed within the *building's* thermal envelope and is directly heated or cooled or is indirectly heated or cooled. Spaces are indirectly heated or cooled where they communicate through openings with *conditioned spaces*, where they are separated from *conditioned spaces* by uninsulated walls, floors or ceilings, or where they contain uninsulated ducts, piping or other sources of heating or cooling. (also see, *semi-heated space*).

Connected buildings: A collection of *buildings* with shared energy meter(s) on *contiguous property*.

Contiguous property: Adjoining property under sole ownership.

Covered building: Includes *Tier 1 covered buildings* and *Tier 2 covered buildings*.

Decarbonization plan: A plan to comply with clean building performance standard in accordance with Normative Annex W.

Director: The *director* of the department of commerce or the *director's* designee.

Discounted payback: The time when the accumulated savings achieved by an investment, discounted by the appropriate discount rate, equals the initial cost of the investment.

~~((**District heating and/or cooling system:** A system that provides heating or cooling to multiple *buildings* through a distributed system providing steam, hot water, or cool water to *buildings*.)~~

District energy system: A system that provides heating, cooling, or heating and cooling to a *campus* through a distributed system providing steam, hot water, or cool water to *buildings*.

District energy system, campus: See *campus district energy system*.

District energy system, state campus: See *state campus district energy system*.

Energy target (EUI_t): Not adopted. See *energy use intensity target (EUI_t)*.

Energy use intensity (*EUI*): A measurement that normalizes a *building's* site energy use relative to its size. A *building's* energy use intensity is calculated by dividing the total net energy consumed in one year by the *gross floor area* of the *building*, excluding the parking garage. "Energy use intensity" is reported as a value of a thousand British thermal units per square foot per year.

Energy use intensity target (EUI_t): The target for *net energy use intensity* of a *covered building*.

Gross floor area: The total number of square feet measured between the exterior surfaces of the enclosing fixed walls of a *building*, including all supporting functions such as offices, lobbies, restrooms, equipment, storage areas, mechanical rooms, break rooms, and elevator shafts. *Gross floor area* does not include outside bays or docks.

~~((**Gross floor area for residential buildings:** Not adopted.))~~

Gross floor area for nonresidential buildings: Not adopted.

Gross floor area for residential buildings: Not adopted.

Grouped buildings: *Buildings that comply at the campus-level as noted in Tables 7-2a and 7-4, Footnote #9, campuses, and connected buildings.*

Lighting schedule: A list that provides a count of all luminaires in the building, lighting controls, fixture types, and product information.

More recently built buildings: *Buildings or additions greater than 50,000 square feet in conditioned floor area permitted for construction based on the application permit date of July 1, 2016, or later. For example, buildings permitted to the 2015 edition of the Washington State Building Code, chapter 51-50 WAC.*

Multifamily residential building: A covered multifamily building containing sleeping units or more than five dwelling units where occupants are primarily permanent in nature.

Net energy use: The sum of the metered and bulk fuel energy entering the building, minus the sum of metered energy leaving the building or campus. Renewable energy produced on a campus that is not attached to a covered building may be included. The same applies to portions of buildings with submetering. Bulk fuels are included using the equation in Section 5.2.2.1.

Nontarget buildings: *Buildings with building activity type(s) without an energy target or not listed in Table 7-1 in more than 50 percent of the gross floor area.*

Nontarget space: *Space within a building with a building activity type without an energy target or not listed in Table 7-1.*

Participating campus: *A campus pursuing compliance through a decarbonization plan in accordance with Normative Annex W.*

Physical occupancy: Space that is used by an owner or tenant regardless of occupant density and frequency of use. A building does not have physical occupancy and is considered unoccupied when 50 percent or more of the conditioned floor area is not leased or is otherwise vacant.

Qualified commissioning authority: Not adopted.

Qualified energy auditor: A person acting as the auditor of record having training, expertise and three years professional experience in building energy auditing and any one of the following:

(a) A licensed professional architect or engineer;

(b) A building energy assessment professional (BEAP) certified by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE);

(c) A certified energy auditor (CEA) certified by the Association of Energy Engineers (AEE).

(d) A certified energy manager (CEM) in current standing, certified by the Association of Energy Engineers (AEE).

(e) An energy management professional (EMP) certified by the Energy Management Association (EMA).

The AHJ may prescribe additional certifications and training to meet the minimum qualifications of a qualified energy auditor. When the AHJ prescribes such additional qualifications, it will provide no-

tice of the determination on the agency website and will periodically update these rules to reflect additional qualifications of *qualified energy auditors*.

Qualified energy manager (QEM): An individual designated by the *building owner* who:

- (a) Has two years of experience, including educational and/or professional experience, with commercial *building* operations and/or *building* energy management in addition to successful completion of clean buildings tier 2 training program as specified by the *AHJ*; or
- (b) Meets the definition of a *qualified person*.

Qualified person: A person having training, expertise and three years professional experience in *building* energy use analysis and any of the following:

- (a) A licensed professional architect or engineer in the state of Washington;
- (b) A person with Building Operator Certification (BOC) Level II by ~~((the Northwest Energy Efficiency Council (NEEC))~~) Building Potential;
- (c) A building commissioning professional certified by an ANSI/ISO/IEC 17024:2012 accredited organization;
- (d) A *qualified energy auditor*;
- (e) ~~((A certified energy manager (CEM) in current standing, certified by the Association of Energy Engineers (AEE);~~
- ~~(f) An energy management professional (EMP) certified by the Energy Management Association (EMA);~~
- ~~(g))~~) A person with South Seattle College Sustainable Building Science Technology Bachelor of Applied Science degree, or as approved as equivalent by the *AHJ*.

The *AHJ* may prescribe additional certifications and training to meet the minimum qualifications of a *qualified person*. When the *AHJ* prescribes such additional qualifications, it will provide notice of the determination on the agency website and will periodically update these rules to reflect additional qualifications of *qualified persons*.

Recommissioning: An application of the commission process requirements to a project that has been delivered using the commissioning process.

Renewable natural gas: A gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, or anaerobic digesters and that is fully interchangeable with conventional natural gas.

Residential building: Not adopted.

Savings-to-investment ratio: The ratio of the total present value savings to the total present value costs of a bundle of an energy or water conservation measure estimated over the projected *useful life* of each measure. The numerator of the ratio is the present value of net savings in energy or water and nonfuel or nonwater operation and maintenance costs attributable to the proposed energy or water conservation measure. The denominator of the ratio is the present value of the net increase in investment and replacement costs less salvage value attributable to the proposed energy or water conservation measure.

Semi-heated space: An enclosed space within a *building*, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors) which:

(a) Is heated but not cooled, and has an installed heating system output capacity greater than or equal to 3.4 Btu/(h-ft²) but not greater than 8 Btu/(h-ft²);

(b) Is not a walk-in cooler, walk-in freezer, refrigerated warehouse cooler or refrigerated warehouse freezer space.

Service life: See *useful life*.

Simple payback (years): The estimated initial cost of an *EEM* divided by the estimated annual cost savings of the measure expressed in years. The cost savings may include *energy cost* savings and incremental routine operations and maintenance costs or savings.

State campus district energy system: A district energy system that provides heating, cooling, or heating and cooling to a campus through a distributed system providing steam, hot water, or cool water to five or more buildings with more than 100,000 square feet of combined conditioned space, where the system and all buildings connected to the system are owned by:

(a) The state of Washington; or

(b) A public-private partnership including one public buildings owner and one private entity.

State equipment standards: Appliance and equipment standards listed in chapter 19.260 RCW, Energy efficiency.

Tier 1 covered building: A building where the sum of nonresidential, hotel, motel, and dormitory floor areas exceeds 50,000 gross square feet, excluding the parking garage area.

Tier 2 covered building: A building where the sum of multifamily residential, nonresidential, hotel, motel, and dormitory floor areas exceeds 20,000 gross square feet, but does not exceed 50,000 gross square feet, excluding the parking garage area. *Tier 2 covered buildings* also include *multifamily residential buildings* where floor areas are equal to or exceed 50,000 gross square feet, excluding the parking garage area.

Useful life: ~~((Useful life is))~~ The expected ~~((remaining))~~ *service life of building systems or equipment as published by the AHJ. For EEMs not included, the qualified energy auditor will be responsible for determining useful life.* Used interchangeably with *service life*.

Weather normalized: A method for modifying the measured *building energy use* in a specific weather year to energy use under normal weather conditions.

Weather normalized energy use intensity (WNEUI): Measurement that normalizes a *building's site energy use* relative to its size based on the *buildings weather normalized site energy use*. A *building's energy use intensity* is calculated by dividing the total net *weather normalized energy* consumed in one year by the *gross floor area of the building*, excluding the parking garage. *Weather normalized energy use intensity* is reported as a value of 1,000 British thermal units per square foot per year.

3.2 Common abbreviations and acronyms

AEE Association of Energy Engineers.

AHJ authority having jurisdiction.

DDC direct digital control.

EEM energy efficiency measure.

EM energy manager.
EMP energy management plan.
EUI energy use intensity.
IRR internal rate of return.
LCCA life cycle cost analysis.
O&M operations and maintenance.
WSEC Washington State Energy Code.
WNEUI Weather normalized energy use intensity.

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-040 ASHRAE Standard 100, 2018—Section 4—Compliance requirements.

4.1.1.1 A building or complex of buildings whose majority of gross floor area has activities in Table 7-1 shall comply with the requirements of Sections 4.2 and 4.3.

4.1.1.2 ((*) For Tier 1 covered buildings, the qualified person determining compliance shall:

1. Determine whether or not the building seeking compliance has an energy use intensity target (EUI_t) according to Section 7;
2. Establish the energy use intensity target (EUI_t) according to Section 7; and
3. Submit forms as specified in Normative Annex Z to the AHJ.

((*) 4.1.1.3 For Tier 2 covered buildings, the qualified energy manager submitting compliance documents shall:

1. Determine whether or not the building seeking compliance has an energy use intensity target (EUI_t) according to Section 7;
2. Establish the energy use intensity target (EUI_t) according to Section 7; and
3. Submit forms as specified in Normative Annex Y to the AHJ.

4.1.2 Residential building.

4.1.2.1 A multifamily residential building or complex of multifamily residential buildings shall comply with the requirements of Sections 4.2 and 4.3.

4.1.2.2 For Tier 2 covered buildings, the qualified energy manager submitting compliance documents shall:

1. Determine whether or not the building seeking compliance has an energy use intensity target (EUI_t) according to Section 7;
2. Establish the energy use intensity target (EUI_t) according to Section 7; and
3. Submit forms as specified in Normative Annex Y to the AHJ.

4.1.3 Buildings with residential and nonresidential activities - Not adopted.

4.1.4 District energy systems decarbonization.

4.1.4.1 Participating campuses shall comply with the requirements of Sections 4.2 and 4.3.

4.1.4.2 For participating campuses, the qualified person determining compliance shall:

1. Determine whether or not the campus seeking compliance has an energy use intensity target (EUI_t) according to Section 7;
2. Establish the energy use intensity target (EUI_t) according to Section 7;
3. Submit forms in accordance with Normative Annex W to the AHJ;
and
4. Submit decarbonization plan as specified in Normative Annex W to the AHJ.

4.2.1 Operations and maintenance. The *building manager* shall comply with the operations and maintenance (O&M) requirements of Section 6.

~~((• For Tier 1 covered buildings the qualified person determining compliance shall state in writing on Form A that the operating and maintenance requirements of Section 6 have been met according to the following subsections.~~

~~• For Tier 2 covered buildings the qualified energy manager submitting compliance documents shall state in writing on Form A that the operating and maintenance requirements of Section 6 have been met according to the following subsections.~~

4.2.1.1 For first-time applicants.

- ~~• Tier 1 covered buildings, for the previous year.~~
- ~~• Tier 2 covered buildings, by the compliance date.))~~

4.2.1.1 For Tier 1 covered buildings, the qualified person determining compliance shall state in writing on Form A that the operating and maintenance requirements of Section 6 have been met:

1. For first-time Tier 1 covered buildings applicants, for the previous year.
2. For previously compliant buildings, since the previous validation of compliance.

4.2.1.2 For Tier 2 covered buildings, the qualified energy manager submitting compliance documents shall state in writing on Form A that the operating and maintenance requirements of Section 6 have been met:

1. For first-time Tier 2 covered buildings applicants, by the compliance date.
2. For previously compliant buildings, since the previous validation of compliance.

4.2.1.3 For grouped buildings, the qualified person determining compliance shall state in writing on Form J, that the operating and maintenance requirements of Section 6 have been met:

1. For first-time grouped buildings applicants, follow the compliance schedules in:
 - a. Section Z3.2 for Tier 1 covered buildings;
 - b. Section Y3.2 for Tier 2 covered buildings; and
 - c. For participating campuses only by July 1, 2030, for buildings not covered, connected to the district energy system.
2. For previously compliant grouped buildings, since the previous validation of compliance.

4.2.1.4 For grouped buildings, the qualified person determining compliance may submit a single O&M program. The O&M program implemented for participating campuses through a decarbonization plan shall include all campus buildings. The O&M program implemented at a connected building or campus-level shall include all covered buildings.

4.2.2 Energy management plan. The *building manager* shall comply with the energy management plan (EMP) requirements of Section 5.

~~((• For Tier 1 covered buildings the qualified person determining compliance shall state in writing on Form A that the energy management program described in Section 5 has been developed and is being maintained as of the date on Form A.~~

~~• For Tier 2 covered buildings the qualified energy manager submitting compliance documents shall state in writing on Form A that the energy management program described in Section 5 has been developed and is being maintained as of the date on Form A.)~~

4.2.2.1 For Tier 1 covered buildings, the *qualified person* determining compliance shall state in writing on Form A that the EMP described in Section 5 has been developed and is being maintained as of the date on Form A.

4.2.2.2 For Tier 2 covered buildings, the *qualified energy manager* submitting compliance documents shall state in writing on Form A that the EMP described in Section 5 has been developed and is being maintained as of the date on Form A.

4.2.2.3 For grouped buildings, the *qualified person* determining compliance shall state in writing on Form J, that the EMP described in Section 5 has been developed and is being maintained as of the date on Form J.

4.2.2.4 For grouped buildings, the *qualified person* determining compliance may submit a single EMP. The EMP implemented for *participating campuses* through a *decarbonization plan* shall include all *campus buildings*. The EMP implemented at a *connected building* or *campus-level* shall include all *covered buildings*.

4.3 Building energy use.

4.3.1 Measured EUI.

~~((• For Tier 1 covered buildings the qualified person shall calculate the *building's* measured energy use intensity (EUI) by completing Form C according to Section 5.2.~~

~~• For Tier 2 covered buildings the qualified energy manager submitting compliance documents shall calculate the *building's* measured energy use intensity (EUI) by completing Form C according to Section 5.2.)~~

4.3.1.1 For Tier 1 covered buildings, the *qualified person* shall calculate the *building's* measured energy use intensity (EUI) by completing Form C according to Section 5.2.

4.3.1.2 For Tier 2 covered buildings, the *qualified energy manager* submitting compliance documents shall calculate the *building's* measured energy use intensity (EUI) by completing Form C according to Section 5.2.

4.3.1.3 For grouped buildings, the *qualified person* submitting compliance documents shall calculate the *grouped buildings'* measured energy use intensity (EUI) by completing Form C according to Section 5.2.

4.3.2 Buildings with energy targets. Covered buildings with energy targets must meet all the criteria for developing an energy target in Section 7.2 Determining energy use intensity target (EUI_t) and provide energy use data as specified by Section 5.2 Building energy monitoring. All other *buildings* shall comply with Section 4.3.3, Buildings

without energy targets. *Tier 2 covered buildings* are not required to meet the target as they are exempt from Sections 4.3.2.1 through 4.3.2.3.

4.3.2.1 Building meets the energy target (EUI_t). If the *Tier 1 covered building's* measured weather normalized energy use intensity (*WNEUI*) is less than or equal to its energy target (EUI_t), the *building* complies.

4.3.2.2 Tier 1 covered building does not meet the energy use intensity target (EUI_t). A *qualified energy auditor* shall complete an energy audit according to Section 8, and *EEMs* that will reduce energy use to meet the energy target shall be implemented according to Section 9. Upon completion of the implementation of all required *EEMs*, a *building* shall be granted *conditional compliance*.

Exceptions to 4.3.2.2:

1. *More recently built buildings:* For *buildings* that exceed the target developed in accordance with Section 7.2.1.1, but do not exceed the target developed in accordance with Section 7.2.1, the owner may demonstrate compliance by *recommissioning* the *building* using the existing-building commissioning process. The commissioning process consists of the following:

a. A *certified commissioning professional* shall implement the *building* commissioning process specified by the most recent edition of the Washington state energy code. The energy code commissioning process shall be modified by the *certified commissioning professional* for *recommissioning* purposes as described in ASHRAE Guideline 0.2-2015 Commissioning Process for Existing Systems and Assemblies and ASHRAE Guideline 1.2-2019 Technical Requirements for the Commissioning Process for Existing HVAC&R Systems and Assemblies.

b. Washington state energy code (*WSEC*) exceptions based on mechanical system or service water heating capacity shall not be applied when developing the scope for commissioning. For example, the 2018 *WSEC*, Section C408.1 General, the exceptions do not apply.

c. All deficiencies found during the commissioning process shall be resolved including corrections and retesting prior to submitting documentation for compliance or *conditional compliance*.

d. *Building owners* may omit capital expenditures identified by the commissioning process that are not cost-effective, as documented using the procedures in Normative Annex X.

2. No individual requirement need be met that would compromise the historical integrity of a *building* or part of a *building* designated by a government body for long-term preservation in its existing state, such as historical monuments. *EEMs* that can be implemented without modifying historical parts of the *building* shall be implemented as required by this standard. Documentation of historic significance must be provided to the *AHJ* by submitting Form G in accordance with Normative Annex Z.

4.3.2.3 Verification of compliance. Within 15 months after the completion of Section 4.3.2.2, the *weather normalized energy use intensity* (*WNEUI*) shall be recalculated by the *energy manager* (*EM*) from 12 consecutive months of measured energy use, and Form A shall be resubmitted to the *AHJ*. If the *building's* post-implementation measured *EUI* is less than or equal to the energy target (EUI_t), the *building* complies with the standard. If the *building's* post-implementation measured *EUI* is greater than the energy target (EUI_t), the *building* does not comply

with the standard and the *conditional compliance* is suspended until either:

a. Additional *EEMs* have been implemented that reduce the subsequently measured *EUI* to below the energy target (EUI_t) and a new Form A is submitted to the *AHJ*; or

b. The *AHJ* revokes *conditional compliance*.

4.3.3 Buildings without energy targets.

Exception to 4.3.3: *Tier 2 covered buildings.*

4.3.3.2 Implement EEMs. The entire *optimized bundle* of *EEMs* identified shall be implemented. Upon completion of the implementation of the *optimized bundle* of *EEMs* and the energy management plan, including the operations and maintenance program, is in place as directed by Section Z4.5, a *building* shall be granted *conditional compliance* in accordance with Section 9.1.1.2.

Exception to 4.3.3.2: No individual requirement need be met that would compromise the historical integrity of a *building* or part of a *building* designated by a government body for long-term preservation in its existing state, such as historical monuments. Documentation of historic significance must be provided to the *AHJ* by submitting Form G in accordance with Normative Annex Z.

4.3.3.3 Verification of compliance for buildings with building energy monitoring in compliance with Section 5.2. If the *building* complies with Section 4.2, then within 15 months following the completion of implementation of the *optimized bundle of EEMs*, *building owners with conditional compliance* or the *qualified person* representing the *building owner* shall submit verification that measured post-implementation energy savings meet or exceed 75 percent of the energy savings projected in the energy audit report to the *AHJ*. Energy savings shall be compared at the whole-*building* consumption level in common units for electricity, fossil fuels, and other sources. If the measured post-implementation energy savings of the package of *EEMs* do not meet or exceed 75 percent of the energy savings projected in the energy audit, the *conditional compliance* is suspended until one of the following:

a. Additional cost-effective *EEMs* are implemented that reduce the subsequently measured energy savings of the package of *EEMs* so that it meets or exceeds 75 percent of the energy savings projected in the energy audit; or

b. Verification of energy savings using the methods of the *International Performance Measurement & Verification Protocol, Concepts and Options for Determining Energy and Water Savings Volume I*, options A through D. If the measurement and verification protocol identified any outstanding performance issues, they shall be corrected and the verification protocol shall be repeated to ensure optimal performance; or

c. The *AHJ* revokes *conditional compliance*.

4.3.3.4 Verification of compliance for buildings without building energy monitoring in compliance with Section 5.2. Verification of energy savings using the methods of the *International Performance Measurement & Verification Protocol, Concepts and Options for Determining Energy and Water Savings Volume I* options A through D. If the measurement and verification protocol identified any outstanding performance issues, they shall be corrected and the verification protocol shall be repeated to assure savings estimated in the original audit are realized.

4.4.1 Administrative requirements. *Building owners* shall demonstrate compliance with the standard by following the administrative requirements in Normative Annex Z for *Tier 1 covered buildings* or Normative Annex Y for *Tier 2 covered buildings*, including:

- **Z2/Y2** "*Building owner response to notifications.*"
- **Z3/Y3** "*Washington state reporting requirements for building owners.*"
- **Z4/Y4** "*Documentation of compliance with the standard.*"
- **Z5/Y5** "*Violations, assessment of administrative penalties, mitigation and review of penalty decisions.*"
- **Z6/Y6** "*Compliance forms.*"
- **Z7/Y7** "*Section 7 tables as modified by Washington state.*"

4.4.2 Alternative energy targets (EUI_t) - Not adopted.

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-050 ASHRAE Standard 100, 2018—Section 5—Energy management plan.

Exception to 5.1.1 - Not adopted.

5.1.2.1 Energy accounting in accordance with Section 5.2.

5.1.2.2 In the initial year of compliance, the *building's weather normalized energy use intensity (WNEUI)* and *energy use intensity (EUI)*.

5.1.2.3 Annual updates of the *net energy use*, *WNEUI* and *EUI*.

5.1.2.4 Annual comparison of the net *WNEUI* and *EUI* to the energy target.

5.1.2.5 Documentation of original, current, and changes in number of occupants, weekly operating hours, or time of day scheduled for occupancy, production rates, and energy using equipment that would have caused change in the measured *WNEUI* and *EUI*.

Exceptions to 5.1.2.12:

1. *Buildings and grouped buildings* that meet the *EUI_t*.
2. *Buildings* that have implemented a utility program lighting upgrade covering 75 percent of the *building's* GFA, within the previous five years, can use the *lighting schedule* provided by the utility program.
3. *Tier 2 covered buildings*.
4. *Buildings not meeting the definition of covered building.*

5.1.2.13 The current lighting satisfaction survey and lighting checklist as described in Appendix D of *Performance Measurement Protocols for Commercial Buildings*¹ or as approved by the AHJ.

Exceptions to 5.1.2.13:

1. *Buildings and grouped buildings* that meet the *EUI_t*.
2. *Buildings* that have implemented a utility program lighting upgrade covering 75 percent of the *building's* GFA through a utility program within the previous five years.
3. *Tier 2 covered buildings*.
4. *Buildings not meeting the definition of covered building.*

5.1.2.14 Operations and Maintenance Plan including:

1. An operations and maintenance (O&M) program as defined in Section 6.
2. An O&M implementation plan as specified in Normative Annex L.
3. Implementation documentation as specified in L2.2.5 Documentation.

5.1.3 The *EM* shall provide access to the energy management plan to the *building* occupants annually.

5.2.1 Provide measured *net energy* ((consumption)) use data for each *covered building*, including all forms of imported and exported energy from at least 12 consecutive months of data monitored in a period not to exceed two years prior to the efficiency audit. The *net energy* concept is illustrated in Figure 5-1 ((and)), Table 5-1, Table 5-2 and is calculated in accordance with Section 5.2.4 as follows:

$$\text{Building net energy use} = (1a + 1b + 1c + 1d) - (3a + 3b + 3c + 3d + 3e)$$

Where 1a, 1b, 1c, and 1d are metered energy supplies that are used in the *building* (this includes bulk energy sources), and 3a, 3b, 3c, 3d, and 3e are metered energy excesses that are supplied to another *building* or grid as useful energy.

Table 5-2 Campus Energy Flow Definitions

<u>Energy Input in to District Plant</u>	<u>Energy Delivered to Buildings</u>	<u>Campus Renewable Energy Production</u>	<u>Energy Exported from Campus for Beneficial Use</u>
<u>1a. Electrical</u>	<u>2a. Electrical</u>	<u>3a. Electrical</u>	<u>4a. Excess solar thermal</u>
<u>1b. Gas</u>	<u>2b. Gas</u>	<u>3b. Thermal</u>	<u>4b. Excess solar or wind electrical</u>
<u>1c. Bulk fuel</u>	<u>2c. Bulk fuel (coal/biomass/propane/oil)</u>	<u>3c. Waste heat</u>	<u>4c. Excess or recovered thermal energy</u>
			<u>4d. Excess co-gen electrical</u>
			<u>4e. Excess co-gen thermal</u>

5.2.1.1 ((**Connected buildings**. Where energy consumption is not monitored at the *covered building* level:

1. *Tier 1 covered buildings*: Net energy consumption data may be provided at the *connected building* level.
2. *Tier 2 covered buildings*: Net energy consumption data shall be provided at the *connected building* level.

5.2.1.2)) End use deductions. Where submetered from a *building's* meter, the following end use energy consumption may be deducted from the *building's* measured *net energy use*:

1. Electric vehicle charging equipment that transfers electricity to batteries or other energy storage devices in electric vehicles.
2. Electric loads related to broadcast antennas, on-site cell phone towers or other communications equipment that is unrelated to the primary purpose of the *building*.
3. The *AHJ* may add additional end use deductions based on technological advancements.

5.2.1.2 Connected buildings. Where energy use is not monitored at the *covered building* level:

1. *Tier 1 covered buildings*: Net energy use data may be provided at the *connected building* level.
2. *Tier 2 covered buildings*: Net energy use data shall be provided at the *connected building* level.

5.2.1.3 Campuses. Campuses with district energy systems use the campus net energy use outlined in Table 5-2. Provide measured net energy use data for the campus including all forms of imported and exported energy from at least 12 consecutive months of data monitored in a period not to exceed two years prior to the efficiency audit. Provide measured energy on the input side of the district energy system and include net energy use data for each covered building. Campus net energy use is calculated as follows:

$$\text{Campus net energy use} = (1a + 1b + 1c + 2a + 2b + 2c) - (4a + 4b + 4c + 4d + 4e)$$

5.2.1.4 Decarbonization plan. Participating campuses' net energy use data shall include all buildings on the campus. Thermal energy for the campus shall be measured at the input side of the district energy system.

5.2.2 Energy use data for each type of energy imported into and exported from the *building* shall be collected from utility or energy delivery bills (that must include the quantity of energy or fuel delivered) or by monitoring local energy meters (either utility or owner-provided meters). Owner-provided energy meters shall meet the metering accuracy, tolerances and testing requirements of Title 480 WAC or WAC 51-11C-40904 (Section C409.4 of the *WSEC*).

5.2.3 Energy conversion factors. The *site energy* content of different forms of purchased energy shall be converted from the purchased unit to the standard *site energy* unit using the conversion factors incorporated in Energy Star portfolio manager.

5.2.4 The *energy accounting system* shall be Energy Star Portfolio Manager as specified in Normative Annex Z.

5.2.4.1 - Not adopted.

5.2.4.2 - Not adopted.

5.2.4.3 - Not adopted.

Table 5-2a Site Energy Conversion Factors - Table not adopted.

Table 5-2b Primary Energy Conversion Factors - Table not adopted.

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-060 ASHRAE Standard 100, 2018—Section 6—Operations and maintenance requirements.

6.3 Operation and maintenance (O&M) Implementation. The *O&M* program shall be implemented in accordance with Normative Annex L.

Exception to 6.3: *O&M* programs developed and implemented by the *building's* serving utility or local government and approved as equivalent or more stringent by the *AHJ* may be used as an alternative to the requirement in Section 6.3. Where local government programs are more stringent than applicable utility programs, local government programs shall be selected over utility programs.

6.6.1 When HVAC, domestic hot-water heating, or refrigeration equipment or appliances are replaced, the replacement equipment shall meet all applicable energy efficiency requirements in the federal equipment standards, *state equipment standards*, and the (~~applicable building code~~) applicable building code.

Exception to 6.6.1 - Not adopted.

6.6.2.1 When lighting equipment is replaced, the replacement equipment shall meet all applicable energy efficiency requirements in the federal equipment standards, *state equipment standards* and in the (~~applicable building code~~) applicable building code. Implementation of more efficient equipment shall be evaluated and included as specified for the *capital management plan*, Section 5.1.2.10.

Exception to 6.6.2.2: The existing installed lighting power may proportionally increase when the current light levels are below those recommended in the IES *Lighting Handbook 4* or latest version of the Washington State Energy Code.

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-070 ASHRAE Standard 100, 2018—Section 7—Energy use analysis and target requirements.

7.1 Building activity type and energy targets.

7.1.1 Building activity type. *Buildings* are divided into activity types as shown in Table 7-1 Normative Annex Z. Building activity types are defined by the *AHJ* in Table 7-4.

7.1.2 Energy targets. Energy targets for each building activity type are listed in Table 7.2a, Normative Annex Z.

7.1.3 Building operating shifts normalization factors. *Building operating shifts normalization factors* for each building activity type are listed in Table 7-3, Normative Annex Z.

7.2.1 For *Tier 1 covered buildings* the *qualified person* or for *Tier 2 covered building* the *qualified energy manager* shall determine the *energy use intensity target* (EUI_t) according to Section 7.2.2 for *single-type/activity buildings* and Section 7.2.3 for *mixed-use buildings*, and shall complete Form B.

Note: (~~Covered buildings~~) *Buildings in participating campuses* pursuing compliance through Normative Annex W, or at the *connected building or campus-level* shall determine the *EUI_t*, (~~at the connected building level~~) as an area weighted aggregate of building-level *EUI_t*. Development of the *EUI_t*, shall not include *nontarget buildings*.

Exceptions to 7.2.1:

1. *Tier 2 covered buildings* unable to develop EUI_t in accordance with Section 7.2.2 or 7.2.3 of this standard shall report Energy Star portfolio manager median site *EUI*.

2. EUI_t programs developed and implemented by the *building's* local government and approved as equivalent or more stringent by the *AHJ* may be used as an alternative to the requirement in Section 7.2.1.

7.2.1.1 Additional target for more recently built buildings: In addition to the requirements of section 7.2.1, *more recently built build-*

ings shall create a second EUI_t that is 15 percent less than the target developed for compliance with section 7.2.1. This shall be the *building* EUI_t and shall be included on Form B.

7.2.2 Energy targets for *buildings* with a single activity shall be calculated as follows:

$$(EUI)_t = S \times (EUI_{t1})$$

where (EUI_{t1}) is the *building* activity energy target value in Table 7-2a for the appropriate *building* activities/types and climate, and S is the *building* operating shifts normalization factor in Table 7-3.

7.2.3 Energy targets for *buildings* with multiple activities shall be determined using weighted averages of *building* activity energy target for each area with a single activity, per the following equation, and reported on Normative Annex C Form B:

$$EUI_t = (A \times S \times EUI_{t1})_1 + (A \times S \times EUI_{t1})_2 + \dots + (A \times S \times EUI_{t1})_i + \dots + (A \times S \times EUI_{t1})_n$$

Where:

- $(A)_i$ = percentage of the *gross floor area* with single *building* activity i
- $(EUI_{t1})_i$ = *building* activity target from Table 7-2a for space i
- $(S)_i$ = operating shifts normalization factor from Table 7-3 for space i
- $(A \times S \times EUI_{t1})_i$ = the weighted space EUI target for space i

Exceptions to 7.2.3: The *energy use intensity target* (EUI_t) of a *building* may be modified using the following exceptions. These exceptions shall not be applied at the grouped building level. To develop the EUI_t for grouped buildings, apply the exceptions at the building-level, then calculate the weighted average EUI_t for the grouped buildings. None of these exceptions may be used to change the total *gross floor area* as it applies to Normative Annex Z, Section Z3.1 Compliance schedule.

1. **Majority of building is single-use:** Spaces where more than 75 percent of the *gross floor area* has a single *building* activity type listed in Table 7-1 shall be reported as a single-use *building* or as a multiuse *building* in accordance with either Section 7.2.2 or Section 7.2.3.

2. **Similar building activity types:** Spaces less than 10 percent of the *gross floor area* with *building* activity type listed in Table 7-1 can combine their floor area with the floor area within the *building* that has a similar *building* activity type and similar EUI_t as determined by the *qualified person*.

3. **Nontarget spaces 10 percent:** Nontarget spaces in buildings with multiple activities ((that are not listed in Table 7-1 and have a)) can be excluded from building energy target calculations if the nontarget spaces total combined area $\Sigma A_{nontarget}$ ((comprising)) comprise less than 10 percent of the *building gross floor area* A_{gross} ((can be excluded from building energy target calculations if the energy)) and both:

a. Energy use of such space is metered separately ((and the nontarget)).

b. Nontarget spaces comply with Sections 4.1 and 4.2.

The energy target for the remaining part of the *building* shall be calculated after deducting the ((unlisted *building* type)) floor area

of the nontarget spaces from the *building gross floor area* ($A_{gross} - \Sigma A_{nontarget}$). *Nontarget spaces* shall be limited to the floor area occupied by the nontarget activity and shall not include supporting spaces such as corridors, common areas or other ~~(space)~~ building activity types listed in Table 7-1.

4. **Nontarget spaces 50 percent:** Nontarget spaces in buildings with multiple activities ~~((that are not listed in Table 7-1 and have a))~~ can be excluded from building energy target calculations if the nontarget spaces total combined area $\Sigma A_{nontarget}$ ((comprising)) comprise less than 50 percent of the building gross floor area A_{gross} ((can be excluded from building energy target calculations if the energy)) and both:

a. Energy use of such space is metered separately ~~((and the nontarget))~~.

b. Nontarget spaces comply with Sections 4.1, 4.2, 4.3.1, and 4.3.3.

The energy target for the remaining part of the *building* shall be calculated after deducting the ~~((unlisted building type))~~ floor area of the nontarget spaces from the *building gross floor area* ($A_{gross} - \Sigma A_{nontarget}$). *Nontarget spaces* shall be limited to the floor area occupied by the nontarget activity and shall not include supporting spaces such as corridors, common areas or other building activity types listed in Table 7-1.

7.2.4 Energy targets for vacant and partially vacant buildings.

Exception to 7.2.4 Vacant and partially vacant buildings: If the *building* did not have *physical occupancy* by owner or tenant for at least 50 percent of the conditioned floor area throughout the consecutive 12-month period prior to the *building* compliance date, the *building* owner may apply for an exemption as specified in Normative Annex Z.

7.2.4.1 The energy target for vacant spaces shall be based on its pre-vacancy activity if the intended use of the *building* will be unchanged.

7.2.4.2 If the total floor area of a nonheated, noncooled, and nonilluminated vacant part of a *building* is smaller than 30 percent of the *gross floor area*, then it shall be excluded from the *gross floor area*, and the energy target shall be determined based on the remainder of the *building* as described in Section 7.2.3. This allowance may not be used to change the total *gross floor area* as it applies to Normative Annex Z, Z3.1 Compliance schedule.

7.2.4.3 If the vacant part of a *building* is heated and/or cooled and the *building* energy use data for 12 consecutive month period when the *building* was occupied within two years prior to the compliance date is not available, compliance for this part of the *building* will be determined after it becomes occupied and energy use data for 12 consecutive months becomes available.

Table 7-1 Building Activity Types/Activities

Table 7-1 adopted as modified and published in Section Z7

Table 7-2a Building Activity Site Energy Targets (EUI_{t1}) (I-P

Units)

Table 7-2a adopted as modified and published in Section Z7

- Table 7-2a Building Activity Site Energy Targets (EUI_{t1}) (SI Units)** - Not adopted
- Table 7-2b Building Activity Source Energy Targets (EUI_{t1}) (I-P Units)** - Not adopted
- Table 7-2b Building Activity Source Energy Targets (EUI_{t1}) (SI Units)** - Not adopted
- Table 7-2c Building Activity Electricity Site Energy Use Targets (ELUI_{t1}) (I-P Units)** - Not adopted
- Table 7-2c Building Activity Electricity Site Energy Use Targets (ELUI_{t1}) (SI Units)** - Not adopted
- Table 7-2d Building Activity Fossil Fuel Site Energy Use Targets (FEUI_{t1}) (I-P Units)** - Not adopted
- Table 7-2d Building Activity Fossil Fuel Site Energy Use Targets (FEUI_{t1}) (SI Units)** - Not adopted
- Table 7-3 Building Operating Shifts Normalization Factor**
- Table 7-3** adopted as modified in Section Z7
- Table 7-4 Building Activity Type Definitions Table**

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-080 ASHRAE Standard 100, 2018—Section 8—Energy Audit Requirements.

8.1 The *qualified energy auditor* shall complete Form D and submit to the *authority having jurisdiction (AHJ)*. If an energy audit is required within this section, a copy of the audit summary results shall be included in the compliance documentation in a format specified in Normative Annex Z. Compliance with this standard shall be achieved by adopting *energy efficiency measures (EEMs)* that collectively will reduce annual *building energy use*.

Exception to 8.1: For Level 1 audit, no Form D is required unless complying through conditional compliance or the decarbonization plan exception to Section W3.1.1(1).

8.2 Energy audit requirements for buildings without energy targets.

8.2.1 Overall process. A Level 2 energy audit (as defined in Section 8.4.2) shall be conducted for all *Tier 1 covered buildings* not having an energy target. The energy audit and the associated energy audit report shall be completed by a *qualified energy auditor* practicing within their field of competency.

Exception to 8.2.1: *Buildings* may use energy audits completed within five years prior to the *building's* compliance date, provided that the scope of the energy audit meets the requirements of this section and that there have been minimal changes to the systems within the audit scope. The energy audit must be evaluated consistent with the investment criteria in Normative Annex X.

8.2.2 The scope of the energy audit shall include the following required end uses as applicable to the *building*:

- Envelope;
- Lighting;
- Cooling;

- Heating;
- Ventilation and exhaust systems;
- Air distribution systems;
- Heating, chilled, condenser, and domestic water systems;
- Refrigeration except for food processing refrigeration;
- Power generation equipment;
- Uninterruptible power supplies and power distribution units;
- People-moving systems;
- The scope of the energy audit may include *campus district heating and/or cooling systems* when the *campus district heating and/or cooling system* serves the *building* being audited.

8.3.2 Buildings that do not meet their energy targets overall process.

An energy audit shall be conducted, and an associated energy audit report shall be provided, for all *buildings* that do not meet their energy target. The energy audit shall be completed by a *qualified energy auditor* practicing within their field of competency. The energy audit shall be at an audit level specified by the *qualified energy auditor* to be sufficient to identify and evaluate the *EEMs* that, if implemented, would result in the *building* meeting its energy target. The *qualified energy auditor* may refer to the list of potential *EEMs* in Informative Annex E.

After the completion of the audit and the selection of *EEMs* to be implemented, the applicant must calculate an adjusted *energy use intensity (EUI)* for the *building* based on the estimated energy savings from the selected *EEMs* and the historical energy use of the *building*. This adjusted *EUI* is then compared to the energy target for the *building*. If the adjusted *EUI* is less than the energy target, the applicant shall proceed with implementation as specified in Section 9. If the adjusted *EUI* is greater than the energy target, a more rigorous energy audit investigation is required to identify additional *EEMs*. This process is repeated until the *building's* adjusted *EUI* is less than its energy target.

Calculation of the adjusted *EUI* is shown in the following equation:

$$EUI_{adj} = (\text{Energy}_{hist} - \text{Energy}_{saved}) / \text{GFA}$$

Where:

Energy_{hist} = Historical annual energy use, kBtu

Energy_{saved} = Estimated annual energy savings, kBtu

GFA = *Gross floor area*, ft²

Following the completion of an energy audit that has identified *EEMs* sufficient to meet the *building's* energy target, the applicant shall implement those *EEMs* per the requirements of Section 9.

Exception to 8.3.2: *Buildings* may use energy audits completed within five years prior to the *building's* compliance date, provided that the scope of the energy audit meets the requirements of this section and there have been minimal changes to the systems within the audit scope. In this case, the same comparison of adjusted *EUI* to energy target shall be made by the applicant. If the *EEMs* identified in the audit are still applicable, have not been implemented, and if implemented would result in the *building* meeting its energy target, these measures shall be implemented by the facility, and the project shall follow the

procedures in Section 9. If the identified *EEMs* do not result in an adjusted *EUI* less than the energy target, a new energy audit shall be conducted as described in Section 8.3.2.

8.4.1 Level 1 Audit. *Buildings* shall perform a Level 1 audit (walk-through analysis) as defined in ANSI/ASHRAE/ACCA Standard 211-2018 Standard for Commercial Building Energy Audits, Section 5.3¹².

8.4.2 Level 2 Audit. *Buildings* shall perform a Level 2 Audit (energy survey and engineering analysis) as defined in ANSI/ASHRAE/ACCA Standard 211-2018 Standard for Commercial Building Energy Audits, Section 5.4¹².

8.5.1 Audit results. The energy audit report shall define the actions necessary for the *building owner* to achieve the energy and cost savings that are recommended in the report.

Energy audit results shall be presented in a summary table that includes, at a minimum, an estimate of each of the following:

- A list of recommended *EEMs* that, if implemented, will either meet the energy target for the *building* if it has a target or, if it does not have an energy target, will meet the economic criteria set by the standard in Section 9.

- The estimated energy savings and peak demand savings associated with each recommended *EEM*, expressed in the cost units used on the *building owner's* energy bills, and the units used for comparison with the energy target.

- The estimated (modeled) *energy cost* savings associated with each recommended *EEM*.

- The estimated cost of implementation for each recommended *EEM*. The costs of implementation shall include the required monitoring of energy savings per the requirements of Section 9.

The economic evaluation of measures are required by Normative Annex X.

8.5.2 Interactive effects. Energy savings analysis shall include *interactive effects* of all selected *EEMs*. When considering multiple *EEMs* with *interactive effects*, the order of analysis shall start with load reduction measures and proceed through distribution systems and associated equipment efficiencies and then plant and heat-rejection systems. Any *interactive effects* on equipment sizing and part load performance of equipment shall be accounted for due to reduced loads on subsequent systems.

8.5.4.1 Nonfederal facilities. The minimum financial criteria required for reporting is specified in Normative Annex X.

8.5.4.2 U.S. Federal Facilities - Not adopted.

8.5.5 End-use analysis. The energy audit shall include an end-use analysis that compares the estimated energy use of the facility after implementation of all selected *EEMs* to historical utility consumption. The intent of this requirement is to ensure that estimates of the base-case end-use energy estimates and potential energy-savings estimates in the energy audit report are reasonable.

Informative Note: For example, if the audit identifies lighting retrofit opportunities, the *qualified energy auditor* shall compare the identified energy savings for those opportunities with the base-case energy use of the facility and demonstrate that they make up a reasonable fraction of the historical electricity consumption at the site.

8.5.5.2 Requirements for Level 2 Audits. The *qualified energy auditor* is required to estimate the energy use of all end uses that individually comprise more than five percent of total historical *building* energy use. The energy estimates for these end uses shall be summed and compared to historical energy consumption for the facility. The sum of the base-case end-use energy estimates must be between 90 percent and 100 percent of the historical energy use at the site.

This comparison shall be conducted separately for each fuel type, such as electricity, natural gas, or fuel oil, for which *EEMs* are identified. On-site energy sources such as solar, photovoltaic, geothermal, and wind shall be included.

Correction for historical weather for the base year versus average weather used in *baseline* estimates may be used.

The same energy use estimates that comprise the end-use analysis shall also be used as the basis for energy savings calculations. The *qualified energy auditor* shall verify that each *EEM* savings estimate is reasonable in comparison to the historical energy consumption of that end use based on energy consumption survey data or experience with similar sites.

The *qualified energy auditor* shall verify that the combined savings from multiple *EEMs* shall take into account *interactive effects* among measures.

Miscellaneous plug loads may be estimated on average equipment power density and *building* area. (See Form D in Normative Annex Z.)

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-090 ASHRAE Standard 100, 2018—Section 9—Implementation and verification requirements.

9.1.1 Requirements. *Buildings* that have an energy target shall comply with the requirements of Section 9.1.1.1. *Buildings* that do not have an energy target shall comply with the requirements of Section 9.1.1.2. All *buildings* shall implement an energy management plan as described in Section 5. The energy management plan shall be integrated into the *building's capital management plan* as described in Section 5. The energy management plan shall include the elements listed in Section 5.

9.1.1.1 Buildings with energy targets. For *buildings* having energy targets, *energy efficiency measures (EEMs)* identified from the energy audit shall be implemented in order to meet the *building's* energy target. Develop a written plan for maintaining the *building's energy use intensity (EUI)* at or below the energy target.

Exceptions to Section 9.1.1.1:

1. **Investment criteria EEMs:** *Buildings* may demonstrate compliance by implementing all of the *EEMs* that achieve the investment criteria in Normative Annex X.

2. **District energy system EEMs:** Implementation of *EEMs* to ((*campus*)) *district* ((*heating and/or cooling*)) *energy system(s)* in lieu of or in combination with *EEMs* implemented directly to *campus buildings* is acceptable, provided the energy audit demonstrates the energy savings from the ((*campus*)) *district* ((*heating and/or cooling*)) *energy*

system *EEMs* will be equal to or greater than the energy saved from the *EEMs* identified for the buildings. Energy savings shall be measured as a reduction in Btu per year.

3. **Grouped buildings *EEMs***: Implementation of *EEMs* to non-Tier 1 covered buildings complying at the (~~campus-level or connected building~~) grouped buildings level is acceptable, provided the energy audit demonstrates the energy savings from the *EEMs* implemented at the (~~campus-level or connected building level will be~~) grouped buildings level will result in a *WNEUI* at or below the energy target of (~~campus-level or connected building level~~) the grouped buildings.

4. **Tier 2 covered buildings**: Tier 2 covered buildings.

9.1.1.2 Buildings without energy targets. Buildings that do not have an energy target shall implement all of the *EEMs* that achieve the investment criteria in Normative Annex X.

Exceptions to 9.1.1.2:

1. **District energy system *EEMs***: Implementation of *EEMs* to (~~campus~~) district ((heating and/or cooling)) energy system(s) in lieu of or in combination with *EEMs* implemented directly to campus buildings is acceptable, provided the energy audit demonstrates the energy savings from the (~~campus~~) district ((heating and/or cooling)) energy system *EEMs* will be equal to or greater than the energy saved from the *EEMs* identified for the buildings. Energy savings shall be measured as a reduction in Btu per year.

2. **Tier 2 covered buildings**: Tier 2 covered buildings.

9.1.1.2.1 - Not adopted.

9.1.1.2.2 - Not adopted.

9.1.2.1 Training of Building Staff. An ongoing written training plan shall be implemented. Building occupants and staff shall be trained, at a minimum, as established by the operations and maintenance (O&M) program defined in Section 6.

9.1.2.2 Multiple buildings. A multiple-building plan shall be implemented to coordinate *EEM* implementation and measurement of the *EUI* among buildings when complying at the campus, campus-level or connected building level.

9.1.2.3 Implementation and commissioning of *EEMs*. *EEMs* shall be implemented and commissioned in accordance with the Washington State Energy Code. Washington state energy code (*WSEC*) exceptions based on mechanical system or service water heating capacity shall not be applied when developing the scope for commissioning. For example, the 2018 *WSEC*, Section C408.1 General, the exceptions do not apply. The *qualified energy auditor* or *qualified person* shall review the commissioning report and certify that the *EEMs* are functioning as intended.

Informative Note: For guidance on commissioning protocols, refer to ASHRAE Guideline 0.2-2015 Commissioning Process for Existing Systems and Assemblies and ASHRAE Guideline 1.2-2019 Technical Requirements for the Commissioning Process for Existing HVAC&R Systems and Assemblies.

9.1.2.4 Energy efficiency sequencing. Implementation of *EEMs* shall be prioritized to take advantage of the life cycle of building systems and to minimize the disruption of building occupants. Delayed implementation shall be evaluated using the methodology included in Normative Appendix X and reported in the energy management plan.

9.2.2 Verification of implemented EEMs for Buildings without Energy Targets. Upon implementation of *EEMs*, the affected end-use systems shall be monitored for one year to verify *EEM* energy savings. The *qualified energy auditor* or *qualified person* shall review the results of the *EEM* energy monitoring and certify that the energy savings of the package of *EEMs* meets or exceeds 75 percent of the energy savings projected in the energy audit as required. For *buildings* unable to meet the requirements of Section 5.2 Building energy monitoring, the *qualified energy auditor* or *qualified person* shall provide verification using the methods of the *International Performance Measurement & Verification Protocol, Concepts and Options for Determining Energy and Water Savings Volume I*¹¹ options A through D.

9.3 Compliance. The *qualified person* shall complete the compliance documentation as required in Normative Annex Z.

ASHRAE Standard 100, 2018—Section 10 - Not adopted.

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-140 Normative Annex X—Investment criteria—This is a normative annex and is part of the Tier 1 covered building requirements of this standard.

X1 Demonstrating compliance with the investment criteria. *Buildings* seeking compliance using the exception to Section 9.1.1.1 or 9.1.1.2 shall demonstrate compliance with the financial investment criteria of this annex. The investment criteria shall be documented using a level 2 energy audit and by performing the life cycle cost analysis (*LCCA*) as per X2.2.

X1.1 General guidance on cost and benefits for the base case and alternative case.

The life cycle cost analysis is a process which compares the base case of the existing *building* to the alternative case that implements *EEMs* proposed by the energy audit. Total life cycle cost of each case are produced by the analysis, but the resulting cost and benefits of interest are the incremental life cycle cost difference between each case. Measures and bundles of measures demonstrating positive life cycle cost compared to the base case are to be implemented in accordance with chapter 9.

The base case will include all costs for energy, operations and maintenance and other related cost scheduled in the analysis period. This may include replacement of existing equipment upon failure with code compliant equipment. All these costs are captured in the base case.

The alternate case captures all cost and benefits associated with implementing additional efficiency features. All costs and all benefits of implementing *EEMs* required by Section 9 should be captured by the analysis. All documented costs may be considered.

Extended implementation periods are allowed by this standard. This allows more *EEMs* to be considered at time of failure resulting in much of the cost of implementation being attributed to the base case. This requires including the implementation timing of the measure in

the extended compliance period. Ultimately, this reduces the cost of the alternative case and will likely make *EEMs* that are not cost-effective as an early replacement be cost-effective as replacement upgrades.

X2 Energy audits and investment criteria pathway.

X2.1 Buildings qualifying under the investment criteria must complete a *LCCA* and implement an *optimized bundle of energy efficiency measures* that provide maximum energy savings without resulting in a *savings-to-investment ratio* of less than one.

Exception: *Building owners* may demonstrate compliance with this section by completing the Level 2 energy audit and implementing all *EEMs* determined to have a *simple payback* that is less than the *EEMs* expected *useful life*.

X2.2 The procedures for developing the investment criteria shall be based on ANSI/ASHRAE/ACCA Standard 211 Section 5.5.2 and Section 5.5.3 Life-Cycle Cost Analysis (*LCCA*) as modified by section X2. The *LCCA* shall also follow, and consider the findings of, the Level 2 Audit as defined by ANSI/ASHRAE/ACCA Standard 211 Section 5.4.

X2.3 Investment criteria chronological process.

X2.3.1 Level 2 audit. Evaluate a comprehensive list of individual *EEMs* using *simple payback* as a screening criteria. Individual *EEMs* determined to have a *simple payback* that is greater than the *EEMs* *useful life* may be excluded from further consideration.

X2.3.2 Life cycle cost assessment. Identify an *optimized bundle of EEMs* that provides maximum energy savings without resulting in a *savings-to-investment ratio* of less than one. The *optimized bundle* of measures shall be implemented based on the schedule established within the energy management plan.

X2.3.2.1 Life cycle cost assessment on individual measures. Individual measures that do not meet the life cycle cost test may be excluded from the implementation plan if they are not integral to the implementation of other cost-effective measures in the bundle.

X2.3.2.2 Phased implementation. The *LCCA* and energy management plan may include phased implementation such that the *building owner* is not required to replace a system or equipment before the end of the system's or equipment's *useful life*.

X3 Included LCCA costs and savings.

X3.1 The costs and savings to be included within the life cycle cost analysis shall be based on ANSI/ASHRAE/ACCA Standard 211 Sections 5.4.8.1, 5.5.2 and 5.5.3 as modified by the following:

X3.1.1 Cost for implementation of EEM, as required by Section 9.

1. **Estimate EEM Costs** (based on Standard 211 Sections 5.4.8).

2. **Estimate the total expected cost of implementation for each**

practical measure. Cost estimates shall include the following factors, as applicable:

- (~~1.~~) a. Material costs;
- (~~2.~~) b. Labor costs, contracted or executed by employees;
- (~~3.~~) c. Design fees;
- (~~4.~~) d. Construction management, contracted or executed by employees;
- (~~5.~~) e. Site-specific installation factors;
- (~~6.~~) f. Permits;
- (~~7.~~) g. Temporary services;
- (~~8.~~) h. Testing, adjusting, and balancing;

- (9.) i. Utility service upgrades;
- (10.) j. Verification, as required in Section 9.2.2 only;
- (11.) k. Commissioning;
- (12.) l. Taxes;
- (13.) m. Profit;
- (14.) n. Any additional adjustments that significantly impact the cost estimate of the *EEM*.

Informative Note: Multiple measures affecting the same *building* systems or end uses may be combined and their costs estimated as a group. Combining costs may improve the cost-effectiveness of combined measures.

3. Hazardous material abatement (based on standard 211, 5.4.8.2). Estimation of hazardous material abatement costs is not required. If the possible presence of hazardous materials is apparent at the site, either through observation or as reported by others, the possible presence of the hazardous material shall be included in the report (see Standard 211 Section 6.2.5) as potentially affecting health and safety and installation costs.

4. Cost and cost savings of recommended EEMs (based on standard 211 Section 5.5.2).

Estimate the initial and recurring costs, *energy cost savings*, and nonenergy cost savings of each measure and each integrated group of measures. Cost estimates shall either be:

- (1.) a. Obtained from a vendor at the quoted price; or
- (2.) b. Based on quotations of similar projects within the last year; or
- (3.) c. Based on labor cost estimates for employee labor.

5. Life-cycle cost analysis (LCCA) (based on standard 211 section 5.5.2). *LCCA* 7,8,9,10 of each recommended *EEM* shall be conducted for a time frame that spans, at a minimum, the life of the measure with the longest service *useful life* and shall include the following:

- (1.) a. Initial costs (per Standard 211 Section 5.4.8.1);
- (2.) b. Financing costs;
- (3.) c. Annual *energy costs*;
- (4.) d. Escalation rates as published by the *AHJ* citing the source within the energy audit report;
- (5.) e. Discount rates as published by the *AHJ* citing the source within the energy audit report;
- (6.) f. Tax credits and deductions;
- (7.) g. Cash incentives, grants, and rebates;
- (8.) h. Expected periodic replacements;
- (9.) i. Estimated recurring nonenergy costs (maintenance, etc.), of each measure or set of measures. Such costs include annual maintenance and service labor costs, routine replacement of worn parts, or annual warranty fees from manufacturers;
- (10.) j. Contingency funds not to exceed 5 percent of estimated *EEM* implementation cost; and
- (11.) k. Water & sewer savings from *EEM*. *EEMs* that provide water and/or wastewater savings shall include the operations and maintenance savings resulting from implementation of the *EEM*.

X4 Life cycle cost analysis methodology, form and key variables.

X4.1 Life-cycle cost analysis completed for *buildings* qualifying under the investment criteria shall follow the *National Institute of Standards and Technology (NIST) Handbook 135, Life-Cycle Costing Manual*

((~~Handbook 135~~)) for the Federal Energy Management Program except as specified in this standard in Table ((X4)) X-1.

Table ((X4)) X-1 Life Cycle Cost Analysis Variables Independent Of NIST Handbook - 135 Methodology.

Public owner discount rate	A fixed annual rate based on the cost of borrowing through the Washington state treasurer, certificate of participation programs, the local program and the state lease-purchase program.
Private owner discount rate	Shall be the published <i>Wall Street Journal Prime Rate</i> for based on the average of the previous twelve months.
Financing	Applicants with documented costs of borrowing assuming one hundred percent of the <i>EEM</i> implementation costs are financed at an actual cost of borrowing and stated terms when the property being improved is listed as loan collateral.
Rate of inflation	A fixed annual rate, as published annually by the Washington state office of financial management.
Fuel escalation rate	Based on the most recent edition of <i>NIST Handbook - 135 Annual Supplement - Fuel Escalation Rates</i> .
Study period	Equal to the <i>useful life</i> of the longest-lived <i>EEM</i> within an <i>optimized bundle</i> . (STD 211, 5.5.3)

X4.2 Publication of analysis variables. The *AHJ* shall on an annual basis publish the public owner discount rate, private owner discount rate, rate of inflation and fuel escalation rates on the agency website.

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-150 Normative Annex Z—Washington state Tier 1 covered buildings reporting requirements—This is a normative annex and is part of the Tier 1 covered building requirements of this standard.

Z1 Building owner notifications by the AHJ.

Z1.1 Notification to building owners of covered buildings by the AHJ. Based on records obtained from each county assessor and other available information sources, the *AHJ* must create a database of *covered buildings* and *building owners* required to comply with the standard established in accordance with this section. The database may include *buildings* and *building complexes* presumed to meet the definition of *covered building* and *multifamily buildings* greater than 50,000 square feet in floor area.

Z1.1.1 The database will contain information about *buildings* that may be subject to compliance, their owners, and information about *multi-family residential buildings* eligible for incentives. The database will also contain information to assist tracking and reporting on *building owner* compliance, and incentive application and distribution. Commerce will create a method for tracking *building owner* notification responses. Each *building* or *building complex* will be assigned a unique *building* identifier.

Z1.2 By July 1, 2021, the *AHJ* must provide the owners of *covered buildings* with notification of compliance requirements. Notifications will be mailed to the mailing addresses county assessors have on file.

Z1.3 Failure by the *AHJ* to provide the notification in Z1.2 does not release the *building owner* of the legal obligation to comply with this law. When a *covered building* undergoes a change of ownership, it is the buyer's responsibility to contact the *AHJ* and update the *covered building's* profile.

Z1.4 By July 1, 2021, the *AHJ* must provide notifications to the *building owners* of *multifamily residential building* where the floor area exceeds 50,000 gross square feet, excluding the parking garage area.

Z2 Building owner response to notifications.

Z2.1 Correction of errors. *Building owners* are responsible for reviewing the property and *building* information provided by the *AHJ* through notification including, but not limited to, *building* or *building complex* ownership details, *gross floor area*, and other information as identified by the *building owner*.

Z2.1.1 Correction of errors documentation form. *Building owners* who are notified in error may submit a correction form to the *AHJ*. The correction form will be used to document *gross floor area* (conditioned and unconditioned) and/or *building type*. *Building owners* that submit the correction form must also submit the documentation required to demonstrate an exception as required in Section Z4.1 prior to the compliance date if applicable.

Z3 Washington state reporting requirements for building owners.

Z3.1 General compliance. The *building owner* of a *covered building* must report compliance with the standard to the *AHJ* in accordance with the compliance schedule established under Section Z3.1 and every five years thereafter. For each reporting date, the *building owner* must submit documentation to demonstrate that:

1. The *weather normalized energy use intensity* of the *covered building* measured in a period not to exceed two years prior to the compliance deadline specified in Normative Annex Z3.1 is less than or equal to the *energy use intensity target* (*buildings* that meet their energy targets); or
2. The *covered building* has met the measurement and verification requirements of Section 4.3.3.3 or Section 4.3.3.4 of the investment criteria; or
3. The *covered building* has received *conditional compliance* from the *AHJ* based on energy efficiency actions prescribed by the standard; or
4. The *covered building* is exempt from the standard by demonstrating that the *building* meets one of the criteria for an exemption.

Z3.2 Compliance schedule. The *building owner* of a *covered building* must report the *building owner's* compliance with the standard to the *AHJ* in accordance with the appropriate initial compliance date as follows and every five years thereafter. (~~Covered buildings complying at a campus-level or connected building level shall use the compliance schedule representing the largest covered building or the compliance schedule can be graduated through conditional compliance based upon individual covered building compliance schedules. Notify the AHJ to update the covered building profile(s) and your compliance deadline.~~)

1. For a *building* with more than 220,000 gross square feet, June 1, 2026;
2. For a *building* with more than 90,000 gross square feet but less than 220,001 gross square feet, June 1, 2027; and

3. For a *building* with more than 50,000 gross square feet but less than 90,001 gross square feet, June 1, 2028.

4. Covered buildings complying at a grouped building level shall use the compliance schedule representing the largest covered building or the compliance schedule can be graduated through conditional compliance provisions of the standard in accordance with individual covered building compliance schedules of Sections Z3.2, Y3.2, and W3.2. Notify the AHJ a minimum of 180 days prior to the largest covered building's compliance date when complying at a grouped building level to update the covered building profile(s) and when applicable, to apply for conditional compliance in accordance with Section Z4.4 or Z4.5.

Z3.2.1 Early compliance option. *Building owners* may submit for compliance to the AHJ beginning July 1, 2023. Energy use data for developing the net energy consumption of the *covered building* shall be measured in a period not to exceed two years prior to the submission of compliance documentation. This section expires June 1, 2028.

Z3.2.2 Application for conditional compliance. Applications for *conditional compliance* must be submitted to the AHJ no later than 180 days prior to the compliance date to receive *conditional compliance* approval prior to the compliance date.

Z3.2.3 Application for exemption. *Building owners* submitting an application for exemption as specified in Section Z4.1 must submit to the AHJ no sooner than three years prior and no later than 180 days prior to the compliance date to receive exemption approval prior to the compliance date.

Z4 Documentation of compliance with the standard. Documentation of compliance shall be submitted to the AHJ demonstrating the *building owner* has complied with the standard through submission of documentation in accordance with Section Z4.1, Z4.2, Z4.3, Z4.4 or Z4.5. Additional requirements for continued reporting may be required as specified in Z4.6.

Z4.1 Documentation of compliance through exemption. *Building owners* seeking approval of exemption shall submit to the AHJ the Z6.7 Form H, "Application for exemption certificate," documenting the following:

1. **Exemption conditions.** The *building* qualifies for one of the exemptions listed in Z4.1(2), and:

a. **Exemption verification.** Compliance with the exemption must be verified by the owner based on the *building* as it is to be occupied and operating on the compliance date;

b. **Exemption application time frame.** Applications for exemptions may be submitted no sooner than three years prior to the compliance date and submitted to the AHJ no later than 180 days prior to the compliance date;

c. **Exemption certificate validity.** Exemptions certificates are only valid for the current compliance review cycle.

d. **Exemption recertification.** Within six months before the compliance date, *building owners* who have received exemption approval must certify that the *building* still meets the eligibility qualifications for the exemption and that there have been no material changes to qualifying conditions. A template for acceptable declarations will be made available by the AHJ on the agency website.

2. **Exemptions.** *Covered buildings* are not eligible for exemption from the standards unless they meet at least one of the following criteria:

a. **Certificate of occupancy.** The *building* did not have a certificate of occupancy or temporary certificate of occupancy for a consecutive 12-month period within two years prior to the compliance date;

b. **Physical occupancy.** The *building* did not have *physical occupancy* by owner or tenant for at least 50 percent of the *conditioned floor area* throughout the consecutive 12-month period prior to the *building* compliance date. *Buildings* approved for this exemption that have a *gross floor area* with greater than 20,000 square feet of occupied floor area shall comply with *Tier 2 covered building* requirements for the occupied floor area;

c. **Unconditioned and semi-heated space.** The sum of the *building's gross floor area* minus unconditioned and *semi-heated spaces*, as defined in the Washington State Energy Code, is less than 50,000 square feet. *Buildings* approved for this exemption with *gross floor area* minus unconditioned and *semi-heated spaces*, as defined in the Washington State Energy Code, greater than 20,000 square feet shall comply with *Tier 2 covered building* requirements of this standard;

d. **Manufacturing or industrial.** More than 50 percent of the *gross floor area* of the *building* is used for manufacturing or other industrial purposes, as defined under the following use designations of the Washington state edition of the *International Building Code*:

i. Factory group F; or

ii. High hazard group H.

Aggregate *gross floor area* of spaces with nonexempt occupancy classification greater than 20,000 square feet shall comply with *Tier 2 covered building* requirements.

e. **Agricultural.** The *building* is an *agricultural structure*;

f. **Demolition.** The *building* is pending demolition; or

g. **Financial hardship.** The *building* meets at least one of the following conditions of financial hardship:

i. The *building* had arrears of property taxes or water or wastewater charges that resulted in the *building's* inclusion, within the prior two years, on a city's or county's annual tax lien sale list;

ii. The *building* has a court appointed receiver in control of the asset due to financial distress;

iii. The *building* is owned by a financial institution through default by a borrower;

iv. The *building* has been acquired by a deed in lieu of foreclosure within the previous 24 months;

v. The *building* has a senior mortgage subject to a notice of default;

vi. The *building owner* has an immediate and heavy financial need which cannot be satisfied from other reasonable available resources and which are caused by events that are beyond their control.

3. **Notification of exemption approved or denied.** After documents have been submitted and reviewed, the *AHJ* will send notification of approval or denial.

a. If the exemption is approved the *AHJ* shall notify the applicant stating the application has been approved and update the *AHJ* records for the *building*.

b. If the exemption is denied the *AHJ* shall notify the applicant stating the application has been denied and update the *AHJ* records for the *building*.

4. **Compliance required when exemption denied.** When an application for exemption is denied the *building owner* must proceed with the process to demonstrate compliance with one of the compliance options in Washington state reporting requirements for *building owners*, Z4.2-Z4.5.

Z4.2 Buildings that meet the EUI_t . *Building owners* must provide the following documentation to verify that the *building weather normalized EUI* is less than the *building EUI_t* and that the energy management plan (*EMP*) must be completed and the operations and maintenance program (*O&M*) must be implemented.

- Form A;
- Form B;
- Form C.

Z4.3 Buildings that will meet the building investment criteria prior to the compliance date. *Building owners* must provide the following documentation to verify that the *building* has implemented all *EEMs* that meet the cost-effectiveness criteria resulting from the energy audit and economic evaluation criteria from Normative Annex X. The energy management plan (*EMP*) must be completed and the operations and maintenance program (*O&M*) must be implemented and all *EEMs* must be installed and commissioned prior to the compliance date.

- Form A;
- Form B;
- Form C, except *buildings* unable to meet Section 5.2, Building energy monitoring;
- Form D;
- Form F, except *buildings* using the exception to Section X2.1.

Z4.4 Buildings that will meet the EUI_t through conditional compliance. *Building owners* must provide the following documentation to verify that the *building weather normalized EUI* is projected to be less than the *building EUI_t* at the end of the measurement and verification period and that the energy management plan (*EMP*) must be completed and the operations and maintenance program (*O&M*) must be implemented. *EEMs* required to meet the *EUI_t* must be installed and commissioned prior to the compliance date. Verification and completion shall be documented as required in Section Z4.6.

- Form A;
- Form B;
- Form C;
- Form D.
- Continued reporting until completion as specified in Section Z4.6.

Z4.5 Buildings that will meet the building investment criteria through conditional compliance. *Building owners* must provide the following documentation to verify that the *building* has implemented all *EEMs* that meet the cost-effectiveness criteria resulting from the energy audit and economic evaluation criteria from Normative Annex X. The energy management plan (*EMP*) must be completed and the operations and maintenance program (*O&M*) must be implemented and all *EEMs* must be installed and commissioned prior to the compliance date. Verification and completion shall be documented as required in Section Z4.6.

- Form A;
- Form B;

- Form C, except *buildings* unable to meet Section 5.2 Building Energy Monitoring;
- Form D;
- Form F, except *buildings* using the exception to Section X2.1.
- Continued reporting until completion as specified in Section 24.6.

Z4.5.1 Phased implementation for investment criteria through conditional compliance. The *building owner* may include phased implementation of *EEMs* such that the *building owner* is not required to replace a system or equipment before the end of the system or equipment's *useful life*. System or equipment fitting this description shall be included in the energy audit and Normative Annex X - Investment criteria submission with a schedule for replacement. Phased implementation shall be documented in the energy management plan (*EMP*) and *capital management plan* required in Section 5.

Z4.6 Continued reporting until completion. Continued reporting is required as specified in Sections 24.6.1 and 24.6.2 until completion when: a) measurement and verification extends one year or more beyond the compliance date, or b) implementation is extended phased implementation.

Z4.6.1 Annual reporting. The following up to date reports shall be submitted to the *AHJ* annually, (date specific).

- Form A;
- Form B;
- Form C, except *buildings* unable to meet Section 5.2, Building energy.

Z4.6.2 Completion Reporting. The following up to date reports shall be submitted to the *AHJ* when all conditions of compliance have been verified and documented:

- Form A;
- Form B;
- Form C, except *buildings* unable to meet Section 5.2, Building energy monitoring. *Buildings* unable to meet Section 5.2 shall include the verification specified in Section 9.2.2 in the *building* energy management plan.

Z5 Violations, assessment of administrative penalties, mitigation and review of penalty decisions.

Z5.1 Authorization. The *AHJ* is authorized to impose administrative penalties upon *building owners* for failing to submit documentation demonstrating compliance with the requirements of this standard.

Failure to submit documentation demonstrating compliance by the scheduled reporting date will result in progressive penalties by legal notice.

Z5.2 Notice of violation and opportunity to correct (NOVC) (first notice).

Z5.2.1 Notifying owner of failure to demonstrate compliance. The *AHJ* may issue a NOVC when a *building owner* has failed to submit documentation that demonstrates compliance with this standard by the scheduled reporting date.

Z5.2.2 Issuing NOVC. A NOVC may be issued for any of the following reasons:

1. Failure to submit a compliance report in the form and manner prescribed by the *AHJ*;
2. Failure to meet an *energy use intensity target* or failure to receive *conditional compliance* approval;
3. Failure to provide accurate reporting consistent with the requirements of the standard; and
4. Failure to provide a valid exemption certificate.

Z5.2.3 Identifying failure to demonstrate compliance. The *AHJ* will identify in the NOVC which section(s) of law, code, or the standard for which the *building owner* has failed to demonstrate compliance.

Z5.2.4 Specifying time frame to remedy. The NOVC will specify the time by which the *building owner* must cure the violation by submitting documentation that demonstrates compliance with the identified section(s) of law, code, or the standard. The *AHJ* will give the *building owner* at least seven calendar days to submit such documentation.

Z5.2.5 Missing NOVC response deadline. If sufficient documentation is not submitted by the date specified in the NOVC, the *AHJ* will issue a notice of violation and intent to assess administrative penalties (NOVI) and the *building owner* will be subject to administrative penalties.

Z5.3 Notice of violation and intent to assess administrative penalties (NOVI) (second notice).

Z5.3.1 Issuing NOVI. If a *building owner* fails to respond to a NOVC by submitting documentation demonstrating compliance by the date specified in the NOVC, the *AHJ* will issue a NOVI.

Z5.3.2 Identifying failure to demonstrate compliance and assessing penalties. The *AHJ* will identify in the NOVI which section(s) of law, code, or the standard for which the *building owner* has failed to demonstrate compliance. The NOVI will also include a description of how the penalties the *AHJ* intends to assess will be calculated.

Z5.3.3 Responding to NOVI. *Building owners* must respond to a NOVI within 30 days by either:

1. Submitting an application for exemption in accordance with Section Z4.1 if applicable;
2. Submitting a noncompliance mitigation plan in accordance with Z5.7;
3. Submitting its intent to pay the penalties by using the form provided by the *AHJ*; or
4. Submitting a request for an administrative proceeding to challenge or mitigate the penalty.

Z5.3.4 Missing NOVI response deadline. If the *building owner* does not timely request a hearing or submit an application for exemption, the *building owner* waives its right to a hearing and the *director* or their designee may issue a final order assessing the penalties described in the NOVI. If the *building owner* has submitted a mitigation plan, the final order will only assess penalties from the scheduled compliance date until the date of an approval of compliance or *conditional compliance*.

Z5.3.5 Requesting hearing for denied exemption. *Building owners* who submit an application for exemption that is denied may request a hearing by submitting a request for a hearing within 30 days of issuance of the decision denying its application for exemption. If the *building*

owner does not request a hearing within 30 days, the *building owner* waives its right to a hearing and the *director* or their designee may issue a final order assessing the penalties described in the NOVI.

25.4 Assessment of administrative penalties.

25.4.1 Penalties for building owners. Failure to submit documentation demonstrating compliance with the standard by the date specified in a NOVC will result in the issuance of a NOVI and the assessment of administrative penalties at an amount not to exceed \$5,000 plus an amount based on the duration of any continuing violation. The additional amount for a continuing violation may not exceed a daily amount equal to one dollar per square foot of *gross floor area* per year.

a. Penalties are assessed for each compliance period.

b. The *AHJ* may by rule increase the penalty rates to adjust for the effects of inflation.

25.4.1.1 Submit a noncompliance mitigation plan. For *building owners* subject to a NOVI who respond within 30 days by submitting a noncompliance mitigation plan (25.7), fines shall be assessed on an annual basis or when the *building owner* achieves compliance or *conditional compliance*.

a. **With completion documentation.** For applicants that submit a noncompliance mitigation plan and who submit documentation demonstrating completion, daily penalties will be assessed from the scheduled compliance date to the date of approval of compliance or *conditional compliance*. The penalty will be assessed at an amount not to exceed 30 percent of \$5,000 plus a daily amount equal to 20 cents per square foot of *gross floor area* per year.

b. **Without completion documentation.** For applicants that submit a noncompliance mitigation plan but have not submitted documentation demonstrating completion, if the *building* does not comply with the standard by the next compliance date, the *building owner* will be assessed the maximum penalty of \$5,000 plus a daily amount equal to one dollar per square foot of *gross floor area* per year not to exceed a value greater than 18 months of accrued penalty.

25.4.1.2 Choose to pay the fine rather than pursuing compliance.

Building owners may choose to respond to the NOVI by paying the maximum penalty. The *building owner* will be assessed the maximum penalty of \$5,000 plus a daily amount equal to one dollar per square foot of *gross floor area* per year not to exceed a value greater than 18 months of accrued penalty.

25.4.2 Late fees. When assessed penalties are not paid within 180 days of the date of a final order assessing penalties, the *AHJ* may assess further penalties. Total penalties assessed for *Tier 1 covered buildings* will not exceed \$5,000 plus a daily amount equal to one dollar per square foot of *gross floor area* per year.

25.4.3 Interest. Interest will accrue on civil penalties pursuant to RCW 43.17.240 if and when the debt becomes past due.

25.5 Due date and collection of penalties.

25.5.1 Penalties due. Penalties shall become due and payable on the later of:

1. Thirty days after receipt of the final order imposing the penalty; or

2. The date specified in the final order imposing the penalty.

Z5.5.2 Debt collection. If a penalty has not been paid by the due date, the *AHJ* may assign the debt to a collection agency as authorized by RCW 19.16.500 or take other action to pursue collection as authorized by law. If referred to a collection agency, the *AHJ* may add a reasonable fee, payable by the debtor, to the outstanding debt for the collection agency fee.

Z5.5.3 Accumulated daily fine. For *building owners* that are implementing a noncompliance mitigation plan but have not yet complied, the *AHJ* may assess the accumulated daily fine on June 1st of each year or shortly thereafter.

Z5.6 Payment of administrative penalties.

A check or money order payable in U.S. funds to the Washington state department of commerce can be mailed to:

Washington State Department of Commerce
Re: Clean Buildings Initiative, Energy Division
P.O. Box 42525
Olympia, WA 98504-2525

Z5.7 Noncompliance mitigation plan. Owners of *covered buildings* that are out of compliance by the scheduled compliance date and have not corrected the violation by the date noted in a NOVC may reduce possible penalties by demonstrating that they are taking action to achieve compliance with the standard. To begin the process of mitigating noncompliance, a *building owner* must submit to the *AHJ* the noncompliance mitigation plan form selecting one of the following actions within 30 days of the date of a NOVI to avoid immediate issuance of penalty in accordance with Z5.4.1.

1. Compliance with the standard in accordance with Z4.2.
2. *Conditional compliance* with the standard in accordance with Z4.4.
3. *Conditional compliance* with the standard in accordance with Z4.5.

Z5.7.1 Mitigation completion. To demonstrate completion, the *building owner* shall complete all of the requirements of this standard and submit documentation as required by Section Z4.2, Z4.4 or Z4.5. After the *building owner* has demonstrated completion, the *AHJ* shall issue a final order assessing the reduced penalty as specified by Z5.4.1.1(a).

Z5.8 Administrative hearings.

Z5.8.1 Requesting a hearing. A *building owner* may request an administrative hearing after receiving an NOVI or after the denial of its application for an exemption by submitting a request within 30 days of the date of a NOVI or the denial of a timely application for exemption. All requests must be made in writing and filed at the address specified on the NOVI. For convenience, the *AHJ* will attach a form titled request for hearing to the NOVI that may be used to request an administrative hearing.

Requests for hearing must be accompanied by the following:

1. Washington state building ID;
2. Submit Annex Z Forms A, B, and C.

Z5.8.2 Hearing process. The *AHJ* may refer matters to the office of administrative hearings (OAH). Administrative hearings will be conducted in accordance with chapter 34.05 WAC, Administrative Procedure Act, chapter 10-08 WAC, Model rules of procedure, and the procedural rules

adopted in this chapter. In the case of a conflict between the model rules of procedure and the procedural rules adopted in this section, the procedural rules adopted in this section take precedence.

Z5.8.3 Initial orders to become final orders. Initial orders issued by the presiding officer will become final without further agency action unless, within 20 days:

1. The *director* determines that the initial order should be re-viewed; or
2. A party to the proceeding files a petition for administrative review of the initial order. Upon occurrence of either event, notice shall be given to all parties to the proceeding.

Z5.8.4. Judicial review. A final order entered pursuant to this section is subject to judicial review pursuant to RCW 34.05.510 through 34.05.598.

Z5.8.5 Collected penalties. Administrative penalties collected under this section must be deposited into the low-income weatherization and structural rehabilitation assistance account created in RCW 70A.35.030.

Z6 Compliance forms. The following section replace Normative Annex C Forms in Standard 100 and provide additional forms specified by rule *Building owners* are required to submit the applicable forms and the required supporting information to demonstrate compliance with the standard. These forms replace all referenced forms in this standard. The *AHJ* will make these forms available in an electronic format for submission to the *AHJ*.

Z6.1 Compliance with Standard 100 (Form A)

Note: For grouped buildings, use Grouped Buildings Compliance with Standard 100 (Form J), instead of Form A.

1. *Building* identification:
 - a. ((WA)) Washington state *building* ID;
 - b. County;
 - c. County parcel number(s);
 - d. Portfolio manager property ID number;
 - e. Property name;
 - f. Parent property name;
 - g. Address 1 (street);
 - h. Address 2;
 - i. City;
 - j. State; and
 - k. Postal code.
2. Contact information:
 - a. *Building owner* name(s);
 - b. Contact name;
 - c. Address 1 (street);
 - d. Address 2;
 - e. City;
 - f. State/Province;
 - g. Country;
 - h. Postal code;
 - i. Telephone number;
 - j. Email address.
3. *Qualified person*:
 - a. *Qualified person* name;
 - b. Address 1 (street);
 - c. Address 2;

- d. City;
 - e. State;
 - f. Postal code;
 - g. Telephone number;
 - h. Email address;
 - i. Licensed, certified (select all that apply):
 - i. Licensure; or
 - ii. Certifying authority.
 - 4. *Energy manager* (if different than the *qualified person*):
 - a. *Energy manager* name;
 - b. Address 1 (street);
 - c. Address 2;
 - d. City;
 - e. State/Province;
 - f. Postal code;
 - g. Country;
 - h. Telephone number;
 - i. Email address.
 - 5. This compliance report is for:
 - a. *Building* that meets the EUI_t ;
 - b. *Building* that meets the *building* investment criteria prior to the compliance date;
 - c. *Building* that will meet the EUI_t through *conditional compliance*;
 - d. *Building* that will meet the *building* investment criteria through *conditional compliance*;
 - e. Annual reporting;
 - f. Completion reporting.
 - 6. Summary data:
 - a. *Energy use intensity target* (EUI_t) (kBtu/ft²/yr) based on completed Z6.2 Form B;
- Note:** *Baseline WNEUI* for *buildings* that will meet investment criteria through *conditional compliance*.
- b. Measured site *EUI* (kBtu/ft²) for the compliance year for this *building* based on Z6.3 Form C;
 - c. *Building* without an energy target;
- Note:** Predicted site *EUI* for *buildings* that will meet the *EUI*, or investment criteria through *conditional compliance*.
- Note:** *Buildings* unable to develop *EUI*, in accordance with Section 7.2.2 or 7.2.3 of this standard shall report national median site *EUI* as calculated by the Energy Star portfolio manager account and reported on Form C.
- d. Measured *weather normalized* site *EUI* (kBtu/ft²) for the compliance year based on Z6.3 Form C;
 - e. List the months/year of the collected data (mm/yyyy - mm/yyyy) for the compliance year for this *building* from Z6.3 Form C;
 - f. *Buildings* applying for *conditional compliance* through meeting the EUI_t shall submit the following based on Section Z6.4 Form D:
 - *Baseline EUI*;
 - *Projected EUI*;
 - g. *Buildings* applying for *conditional compliance* through meeting the investment criteria shall submit the following based on Section Z6.4 Form D:
 - *Baseline* total kBtu;
 - *Projected* total kBtu;
 - *Projected* savings total kBtu;
 - h. *Buildings* unable to comply with Section 5.2, Building energy monitoring and complete Z6.3 Form C shall provide a reason statement.

7. Have the energy management requirements of Section 5 been met?
 Yes No
 • Upload energy management plan as specified by the AHJ.
8. Have the operation and maintenance requirements of Section 6 been met? Yes No
 • Upload operation and maintenance implementation documentation as specified by the AHJ.
9. Date the audit and economic evaluation was completed (N/A if none required).
 • Upload audit reports as specified by Z6.4 Form D.
10. Have all *EEMs* required by Section 8 been implemented? Yes
 No
11. Have the requirements of Section 9 been completed? Yes
 No
12. We state that this *building* complies with ANSI/ASHRAE/IES Standard 100 as amended by the AHJ to conform with RCW 19.27A.210:
- a. Signature of *building owner*:
 • Date:
 - b. Signature of *qualified person*:
 • Date:
 - c. Signature of *energy manager*:
 • Date:
 - d. Signature of *authority having jurisdiction*:
 • Conditional or final compliance:
 • Date:

Z6.2 Building activity and energy use intensity target (EUI_t) (Form B). - Complete form provided by the AHJ with the following information:

1. *Building* identification:
 - a. Washington state *building* ID;
 - b. County;
 - c. County parcel number(s);
 - d. Portfolio manager property ID number;
 - e. Property name;
 - f. Parent property name;
 - g. Address 1 (street);
 - h. Address 2;
 - i. City;
 - j. State; and
 - k. Postal code.
2. List the *building* location climate zone, 4C or 5B. Determine the climate zone using ASHRAE climate zone as found on the map in Informative Annex G.
 - a. *Buildings* located in Climate Zone 5C shall use Climate Zone 4C.
 - b. *Buildings* located in Climate Zone 6B shall use Climate Zone 5B.
3. The *gross floor area* in square feet shall be reported as defined in Section 3.
4. If entire *building* is a nontarget building, a single (~~activity/type~~) building activity type not listed in Table 7-1, it should be listed as "*building without target*" on Z6.1 Form A. List "energy target" as "N/A" on Z6.2 Form B and Z6.2 Form B is considered complete.
5. Fill in fraction of *gross floor area* (A)_i for each activity. For single-activity *buildings* this is 1.0.

6. Fill in the operating shifts normalization factor (S)_{*i*} from Table 7-3 for each activity.

7. Fill in the activity energy target (EUI_{t1})_{*i*} from Table 7-2 (or table from *AHJ*) for each activity.

8. Calculate weighted space *EUI* target ($A \times S \times EUI_{t1}$)_{*i*} for each activity.

9. Add up fraction of floor area and enter sum in "Total fraction of floor area with target," and add up all weighted space *EUI* targets and enter sum as the "energy target" on Z6.2 and Z6.1 Forms B and A.

10. If more than 50 percent of *gross floor area* has no target, it should be listed as "building without target" on Z6.1 Form A. List "energy target" as "N/A" on Z6.2 Form B.

For single-activity *buildings* this is 1.0.

Z6.3 Energy Use Intensity Calculations (Form C). *Energy Use Intensity* Calculations shall be reported via the U.S. EPA's ENERGY STAR Portfolio Manager (www.energystar.gov/benchmark). The *energy manager* is responsible for creating Energy Star portfolio manager record for each *building*.

Exception to Z6.3: *Buildings* unable to comply with Section 5.2, Building energy monitoring shall comply at the *connected buildings* level or demonstrate compliance through Z4.3 or Z4.5.

The Energy Star portfolio manager *building* record shall be identical to the *building* activity/type, fraction floor area, operating shifts (hours of operation) and *gross floor area* of the *building* as reported on Form B. All inputs shall be up to date prior to reporting as required in Section Z4 and annually as required in Section 5.1.2.3, Annual updates of the *net energy use* and *EUI*.

Prior to submitting reports run the Energy Star portfolio manager data quality checker and make all corrections required to complete the report.

The *energy manager* shall use the EPA's Energy Star portfolio manager share properties feature and share the property data with the *AHJ* by enabling the read only access and exchange data feature.

For each report submitted under Section Z4, the *energy manager* shall create and submit a report documenting the required data fields listed (below) and other fields deemed necessary by the *AHJ* for the reporting period. This shall be submitted using the Washington state report specified in Energy Star portfolio manager.

Report fields shall include:

- Portfolio manager property ID;
- Portfolio manager parent property ID;
- Property name;
- Parent property name;
- Address 1;
- Address 2;
- City;
- County;
- State/Province;
- Postal Code;
- Primary property type - Self-selected;
- Primary property type - EPA calculated;
- List of all property use types at property;
- Property GFA - Self-reported (ft²);
- Property GFA - EPA calculated (*buildings* and parking) (ft²);
- Property GFA - EPA calculated (*buildings*) (ft²);

- Property GFA - EPA calculated (parking) (ft²);
- Largest property use type;
- Largest property use type - *Gross floor area* (ft²);
- 2nd Largest property use type;
- 2nd Largest property use - *Gross floor area* (ft²);
- 3rd Largest property use type;
- 3rd Largest property use type - *Gross floor area* (ft²);
- Year built;
- Occupancy;
- Property notes;
- Property data administrator;
- Property data administrator - Email;
- Last modified date - Property;
- Last modified date - Electric meters;
- Last modified date - Gas meters;
- Last modified date - Nonelectric nongas energy meters;
- Local standard ID(s) Washington state building standard;
- Data center - Energy estimates applied;
- Electricity use - Grid purchase and generated from on-site renewable systems (kWh);
- Electricity use - Grid purchase (kWh);
- Electricity use - Generated from on-site renewable systems and used on-site (kWh);
- Natural gas use (therms);
- Fuel oil #1 use (kBtu);
- Fuel oil #2 use (kBtu);
- Fuel oil #4 use (kBtu);
- Fuel oil #5 and 6 use (kBtu);
- Diesel #2 use (kBtu);
- Kerosene use (kBtu);
- Propane use (kBtu);
- District steam use (kBtu);
- District hot water use (kBtu);
- District chilled water use (kBtu);
- Coal - Anthracite use (kBtu);
- Coal - Bituminous use (kBtu);
- Coke use (kBtu);
- Wood use (kBtu);
- Other use (kBtu);
- Default values;
- Temporary values;
- Estimated data flag - Electricity (grid purchase);
- Estimated data flag - Natural gas;
- Alert - Data center does not have an IT meter;
- Alert - *Gross floor area* is 0 ft²;
- Alert - Property has no uses;
- Data quality checker - Date run;
- Data quality checker run - ?
- Alert - Energy meter has less than 12 full calendar months of data;
- Alert - Energy meter has gaps;
- Alert - Energy meter has overlaps;
- Alert - Energy - No meters selected for metrics;
- Alert - Energy meter has single entry more than 65 days;
- Estimated values - Energy;
- Energy Star score;

- National median *site energy* use (kBtu);
- National median *site EUI* (kBtu/ft²);
- *Site energy* use (kBtu);
- *Site EUI* (kBtu/ft²);
- *Weather normalized site energy* use (kBtu);
- *Weather normalized site EUI* (kBtu/ft²);
- *Weather normalized site electricity* (kWh);
- *Weather normalized site electricity intensity* (kWh/ft²);
- *Weather normalized site natural gas use* (therms);
- *Weather normalized site natural gas intensity* (therms/ft²) energy current date;
- Electricity use - Generated from on-site renewable systems (kWh);
- Electricity use - Generated from on-site renewable systems and exported (kWh);
- Electricity Use - Grid purchase and generated from on-site renewable systems (kBtu);
- Electricity use - Grid purchase (kBtu);
- Electricity use - Generated from on-site renewable systems and used on site (kBtu);
- Natural gas use (kBtu);
- Percent of total electricity generated from on-site renewable systems;
- Cooling degree days (CDD) (°F);
- Heating degree days (HDD) (°F);
- Weather station name;
- Weather station ID.

Z6.4 End-use analysis requirements. *Building owners* shall demonstrate compliance with Form D by providing the documentation required by section Z6.4.1.

Z6.4.1 Energy Audit Forms (Form D). The energy audit form shall be provided electronically by completing the energy audit form included in the U.S. Department of Energy, Energy Asset Score Tool, or an equivalent tool provided by the AHJ. This form shall be completed to document the energy audit, as published in ASHRAE Standard 211, *Standard for commercial building energy audits*, including *EEMs* considered but determined to have a *simple payback* that is greater than the *EEMs useful life*.

Form E - Not adopted.

Z6.5 Normative Annex X, Investment Criteria Tool (Form F).

Z6.5.1 To demonstrate compliance with the investment criteria of Normative Annex X, *building owners* shall complete and submit Form F.

Z6.5.2 Form F shall be developed by the AHJ. Form F shall be a life cycle cost evaluation tool compliant with NIST Standard 135 and capable of supporting the evaluation criteria required by Normative Annex X.

Z6.5.3 Form F shall evaluate all EEMs considered that have a *simple payback* that is less than the *EEMs useful life*.

Z6.6 Documentation of a building of historic significance (Form G).

Z6.6.1 Energy efficiency measure exemptions for historic buildings. No individual *energy efficiency measure* identified by energy efficiency

audits need to be implemented if it would compromise the historical integrity of a *building* or part of a *building*. *Building owners* seeking this exception shall provide the following documentation. Certified historic *buildings* are not exempt from the other requirements of this standard.

Z6.6.2 Plan for compliance. The owner of a qualifying historic *building* shall have the plan for compliance evaluated by a qualified historic preservationist, as defined in 36 C.F.R., Part 61, identifying any energy efficiency requirement that may compromise the historic integrity of the *building* or part of the *building*. Any element of the plan identified to compromise the historic integrity of the *building* or part of the *building* shall be omitted from the compliance plan. Evidence of this evaluation must be submitted to the *AHJ* for approval.

Z6.6.3 Documentation of a historic building. *Building owners* must provide documentation to the *AHJ* that proves its historic identification or eligibility. Valid documentation from any existing programs listed below is acceptable.

1. Examples of existing programs that verify historic property include:

- a. The National Register of Historic Places;
- b. The Washington heritage register;
- c. Properties that are identified by the department of archaeology and historic preservation (DAHP) to be eligible for listing in either one of these registers; and
- d. Properties which are listed in a local register of historic places; or

2. Other documentation approved by the *AHJ*.

Z6.7 Application for Exemption Certificate (Form H).

Apply for an exemption certificate by submitting the following documentation in the form specified by the *AHJ*. The application must include:

1. *Building* identification:
 - a. Washington state *building* ID;
 - b. County;
 - c. County parcel number(s);
 - d. Portfolio manager property ID number;
 - e. Property name;
 - f. Parent property name;
 - g. Address 1 (street);
 - h. Address 2;
 - i. City;
 - j. State; and
 - k. Postal code.
2. Contact information:
 - a. *Building owner* name(s);
 - b. Contact name;
 - c. Address 1 (street);
 - d. Address 2;
 - e. City;
 - f. State/Province;
 - g. Country;
 - h. Postal code;
 - i. Telephone number; and
 - j. Email address.
3. *Building* information:

- a. Primary *building activity type* from Table 7-1, or a description of the (~~nonlisted~~) *nontarget building* type;
 - b. *Building gross floor area*;
 - c. *Building gross conditioned floor area*.
4. Reason for exemption: Based on exemptions listed in Section 24.1(2).

A list all of documents enclosed and any facts in support of this application. Provide at least two of the acceptable documents listed below:

- a. Municipal or county records;
- b. Documents from a *qualified person*;
- c. Construction permit;
- d. Certificate of occupancy or application for certificate of occupancy;
- e. Demolition permit;
- f. Financial statements such as statement of assets; liabilities, capital, and surplus, statement of revenue and expenses; or statement of cash flow;
- g. A letter from the *building owner* stating facts and explaining financial hardships;
- h. Other documentation approved by the AHJ.

5. Signature and statement of *building owner* stating that the authorized representative of the *building*, affirm and attest to the accuracy, truthfulness and completeness of the statements of material fact provided in this form.

Z6.8 Grouped Buildings Compliance with Standard 100 (Form J).

1. Grouped buildings identification:

- a. Washington state grouped buildings ID;
- b. County;
- c. County parcel number(s);
- d. Portfolio manager property ID number;
- e. Property name;
- f. Parent property name;
- g. Address 1 (street);
- h. Address 2;
- i. City;
- j. State;
- k. Postal code.

2. Contact information:

- a. Grouped buildings owner name(s);
- b. Contact name;
- c. Address 1 (street);
- d. Address 2;
- e. City;
- f. State/province;
- g. Country;
- h. Postal code;
- i. Telephone number;
- j. Email address.

3. Qualified person:

- a. Qualified person name;
- b. Address 1 (street);
- c. Address 2;
- d. City;
- e. State;
- f. Postal code;

- g. Telephone number;
 h. Email address;
 i. Licensed, certified (select all that apply):
 i. Licensure; or
 ii. Certifying authority.
 4. Energy manager (if different than the qualified person):
 a. Energy manager name;
 b. Address 1 (street);
 c. Address 2;
 d. City;
 e. State/province;
 f. Postal code;
 g. Country;
 h. Telephone number;
 i. Email address.
 5. Decarbonization plan author, where applicable:
 a. Company name;
 b. Contact name;
 c. Address 1 (street);
 d. Address 2;
 e. City;
 f. State;
 g. Postal code;
 h. Telephone number;
 i. Email address.
 6. This compliance report is for:
 a. Grouped buildings that meet the EUI_t ;
 b. Grouped buildings that meet the investment criteria prior to the compliance date;
 c. Grouped buildings that will meet the EUI_t through conditional compliance;
 d. Grouped buildings that will meet the investment criteria through conditional compliance;
 e. Annual reporting for conditional compliance;
 f. Progress reporting for decarbonization plan;
 g. Completion reporting.
 7. Summary data:
 a. Energy use intensity target (EUI_t) (kBtu/ft²/yr) based on completed Section Z6.2 Form B;
Note: Baseline WNEUI for grouped buildings that will meet investment criteria through conditional compliance.
 b. Measured site EUI (kBtu/ft²) for the compliance year for grouped buildings based on Section Z6.3 Form C;
 c. Grouped buildings without an energy target;
Notes:
 1. Predicted site EUI for grouped buildings that will meet the EUI_t or investment criteria through conditional compliance.
 2. Grouped buildings unable to develop EUI_t in accordance with Section 7.2.2 or 7.2.3 of this standard shall report national median site EUI as calculated by the Energy Star portfolio manager account and reported on Form C.
 d. Grouped buildings measured weather normalized site EUI (kBtu/ft²) for the compliance year based on Section Z6.3 Form C;
 e. List the months/year of the collected data (mm/yyyy - mm/yyyy) for the compliance year for this grouped buildings from Section Z6.3 Form C;
 f. Grouped buildings applying for conditional compliance through meeting the EUI_t shall submit the following based on Section Z6.4 Form D:
 • Baseline EUI ;

- Projected EUI;

Note: Not applicable to decarbonization plan.

g. Grouped buildings applying for conditional compliance through meeting the investment criteria shall submit the following based on Section Z6.4 Form D:

- Baseline total kBtu;
- Projected total kBtu;
- Projected savings total kBtu.

Note: Not applicable to decarbonization plan.

8. Have the energy management requirements of Section 5 been met in accordance with the compliance schedule outlined in Section Z3.2 for Tier 1 covered buildings, Section Y3.2 for Tier 2 covered buildings, and for campuses participating in the decarbonization plan by July 1, 2030, for buildings not covered, but connected to the district energy system? [] Yes [] No

- Upload energy management plan as specified by the AHJ.

9. Have the operation and maintenance requirements of Section 6 been met in accordance with the compliance schedule outlined in Section Z3.2 for Tier 1 covered buildings, Section Y3.2 for Tier 2 covered buildings, and for campuses participating in the decarbonization plan by July 1, 2030, for buildings not covered, but connected to the district energy system? [] Yes [] No

• Upload operation and maintenance implementation documentation as specified by the AHJ.

10. Date the audit and economic evaluation was completed (N/A if none required).

- Upload audit reports as specified by Section Z6.4 Form D.

11. Have all EEMs required by Section 8 been implemented? [] Yes [] No

12. Have the requirements of Section 9 been completed? [] Yes [] No

13. We state that these grouped buildings comply with ANSI/ASHRAE/IES Standard 100 as amended by the AHJ to conform with RCW 19.27A.210:

a. Signature of grouped buildings' owner:

- Date:

b. Signature of qualified person:

- Date:

c. Signature of energy manager:

- Date:

d. Signature of authority having jurisdiction:

- Conditional or final compliance:

- Date:

Z7 Section 7—Tables as modified by Washington state.

Table 7-1 Building Activity Types/Activities

No.	Building Activity Type ^{1,2}			Notes
	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed	
1	Banking/financial services	Bank Branch		
2	Banking/financial services	Financial Office		
3	Education	Adult Education		
4	Education	College/University		
5	Education	K-12 School	Elementary/middle school	
6	Education	K-12 School	High school	

Building Activity Type ^{1,2}				
No.	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed	Notes
7	Education	Preschool/Daycare		
8	Education	Vocational School		
9	Education	Other - Education		
10	Entertainment/public assembly	Aquarium		
11	Entertainment/public assembly	Bar/Nightclub		
12	Entertainment/public assembly	Bowling Alley		
13	Entertainment/public assembly	Casino		
14	Entertainment/public assembly	Convention Center		
15	Entertainment/public assembly	Fitness Center/Health Club/Gym		
16	Entertainment/public assembly	Ice/Curling Rink		
17	Entertainment/public assembly	Indoor Arena		
18	Entertainment/public assembly	Movie Theater		
19	Entertainment/public assembly	Museum		
20	Entertainment/public assembly	Performing Arts		
21	Entertainment/public assembly	Race Track		
22	Entertainment/public assembly	Roller Rink		
23	Entertainment/public assembly	Social/Meeting Hall		
24	Entertainment/public assembly	Stadium (Closed)		
25	Entertainment/public assembly	Stadium (Open)		
26	Entertainment/public assembly	Swimming Pool		
27	Entertainment/public assembly	Zoo		
28	Entertainment/public assembly	Other - Entertainment/Public Assembly	Entertainment/culture	
29	Entertainment/public assembly	Other - Entertainment/Public Assembly	Library	
30	Entertainment/public assembly	Other - Entertainment/Public Assembly	Other public assembly	
31	Entertainment/public assembly	Other - Entertainment/Public Assembly	Recreation	
32	Entertainment/public assembly	Other - Entertainment/Public Assembly	Social/meeting	
33	Entertainment/public assembly	Other - Recreation		
34	Entertainment/public assembly	Other - Stadium		
35	Food sales and service	Bar/Nightclub		
36	Food sales and service	Convenience Store with Gas Station		
37	Food sales and service	Convenience Store without Gas Station		
38	Food sales and service	Fast Food Restaurant		
39	Food sales and service	Food Sales	Grocery/food market	
40	Food sales and service	Food Sales	Convenience store with gas	
41	Food sales and service	Food Sales	Convenience store	
42	Food sales and service	Food Sales	Other food sales	
43	Food sales and service	Food Service	Fast food	
44	Food sales and service	Food Service	Restaurant/cafeteria	
45	Food sales and service	Food Service	Other food service	

No.	Building Activity Type ^{1,2}			Notes
	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed	
46	Food sales and service	Restaurant		
47	Food sales and service	Supermarket/Grocery Store		
48	Food sales and service	Wholesale Club/Supercenter		
49	Food sales and service	Other - Restaurant/Bar		
50	Healthcare	Ambulatory Surgical Center		
51	Healthcare	Hospital (General Medical & Surgical)*		
52	Healthcare	Medical Office		3
53	Healthcare	Outpatient Rehabilitation/ Physical Therapy		
54	Healthcare	Residential Care Facility		
55	Healthcare	Senior Care Community		
56	Healthcare	Urgent Care/Clinic/Other Outpatient		
57	Healthcare	Other - Specialty Hospital		
58	Lodging/residential	Barracks		
59	Lodging/residential	Hotel	Hotel	
60	Lodging/residential	Hotel	Motel or inn	
61	Lodging/residential	Multifamily Housing		
62	Lodging/residential	Prison/Incarceration		
63	Lodging/residential	Residence Hall/Dormitory		
64	Lodging/residential	Residential Care Facility		
65	Lodging/residential	Senior Care Community		
66	Lodging/residential	Other - Lodging/Residential		
67	Mixed use	Mixed Use Property		4
68	Office	Medical Office		3
69	Office	Office	Admin/professional office	
70	Office	Office	Bank/other financial	
71	Office	Office	Government office	
72	Office	Office	Medical office (diagnostic)	3
73	Office	Office	Other office	
74	Office	Veterinary Office		
75	Office	Other - Office		
76	Public services	Courthouse		
77	Public services	Fire Station		
78	Public services	Library		
79	Public services	Mailing Center/Post Office		
80	Public services	Police Station		
81	Public services	Prison/Incarceration		
82	Public services	Social/Meeting Hall		
83	Public services	Transportation Terminal/Station		
84	Public services	Other - Public Service		
85	Religious worship	Worship Facility		
86	Retail	Automobile Dealership		
87	Retail	Convenience Store with Gas Station		

No.	Building Activity Type ^{1,2}			Notes
	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed	
88	Retail	Convenience Store without Gas Station		
89	Retail	Enclosed Mall		5
90	Retail	Lifestyle Center	Enclosed mall	5
91	Retail	Lifestyle Center	Other retail	
92	Retail	Lifestyle Center	Retail store	
93	Retail	Lifestyle Center		4
94	Retail	Retail Store		
95	Retail	Strip Mall		4
96	Retail	Supermarket/Grocery Store		
97	Retail	Wholesale Club/Supercenter		
98	Retail	Other - Retail/Mall	Enclosed mall	5
99	Retail	Other - Retail/Mall		4
100	Technology/science	Data Center		6
101	Technology/science	Laboratory		
102	Technology/science	Other - Technology/Science	Other service	
103	Services	Personal Services (Health/Beauty, Dry Cleaning, etc.)		
104	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Repair shop	
105	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Vehicle service/repair shop	
106	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Vehicle storage/maintenance	
107	Services	Other - Services		
108	Utility	Energy/Power Station		7
109	Utility	Other - Utility		7
110	Warehouse/storage	Self-Storage Facility		
111	Warehouse/storage	Distribution Center		
112	Warehouse/storage	Nonrefrigerated Warehouse		
113	Warehouse/storage	Refrigerated Warehouse		

- Notes:
1. Select the most specific building activity type that applies.
 2. Building Activity Types are defined by *AHJ* in Table 7-4 and also include the following:
 - Data center: Is an activity space designed and equipped to meet the needs of high density computing equipment, such as server racks, used for data storage and processing, including dedicated uninterruptible power supplies and cooling systems and require a constant power load of 75 kW or more. *Gross floor area* shall only include space within the *building* including raised floor computing space, server rack aisles, storage silos, control console areas, battery rooms and mechanical rooms for dedicated cooling equipment. *Gross floor area* shall not include a server closet, telecommunications equipment closet, computer training area, office, elevator, corridors, or other auxiliary space.
 - Urgent care center/clinic/other outpatient office means the *buildings* used to diagnose and treat patients, usually on an unscheduled, walk-in basis, who have an injury or illness that requires immediate care but is not serious enough to warrant a visit to an emergency department. Includes facilities that provide same-day surgical, diagnostic and preventive care.
 3. All medical offices considered to be diagnostic type.
 4. Must use of Section 7.2.3 method for mixed use *buildings*.
 5. Suggest considering use of Section 7.2.3 method for mixed use *buildings*.
 6. This is a *building* or activity without an energy target. Included to provide definition only.
 7. This is a *building* or activity without an energy target. This may be exempt from the standard, see Section Z4.1 2, d.

Table 7-2a Building Activity Site Energy Targets (EUI_{t1}) (I-P Units)

No.	Building Activity Type ^{1,2}			Notes	Climate Zone 4C	Climate Zone 5B
	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed		EUI _f	EUI _f
1	Banking/financial services	Bank Branch			69	71
2	Banking/financial services	Financial Office			69	71
3	Education	Adult Education			49	51
4	Education	College/University		8, 9	102	102
5	Education	K-12 School	Elementary/middle school	9	49	50
6	Education	K-12 School	High school	9	48	49
7	Education	Preschool/Daycare			59	59
8	Education	Vocational School			49	51
9	Education	Other - Education			49	51
10	Entertainment/public assembly	Aquarium			55	59
11	Entertainment/public assembly	Bar/Nightclub			55	59
12	Entertainment/public assembly	Bowling Alley			73	78
13	Entertainment/public assembly	Casino			55	59
14	Entertainment/public assembly	Convention Center			50	52
15	Entertainment/public assembly	Fitness Center/Health Club/Gym			73	78
16	Entertainment/public assembly	Ice/Curling Rink			73	78
17	Entertainment/public assembly	Indoor Arena			67	70
18	Entertainment/public assembly	Movie Theater			67	70
19	Entertainment/public assembly	Museum			67	70
20	Entertainment/public assembly	Performing Arts			55	59
21	Entertainment/public assembly	Race Track			67	70
22	Entertainment/public assembly	Roller Rink			73	78
23	Entertainment/public assembly	Social/Meeting Hall			50	52
24	Entertainment/public assembly	Stadium (Closed)			67	70
25	Entertainment/public assembly	Stadium (Open)			67	70
26	Entertainment/public assembly	Swimming Pool			73	78
27	Entertainment/public assembly	Zoo			55	59

	Building Activity Type ^{1,2}				Climate Zone 4C	Climate Zone 5B
No.	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed	Notes	EUI _f	EUI _f
28	Entertainment/public assembly	Other - Entertainment/ Public Assembly	Entertainment/culture		67	70
29	Entertainment/public assembly	Other - Entertainment/ Public Assembly	Library		56	59
30	Entertainment/public assembly	Other - Entertainment/ Public Assembly	Other public assembly		55	59
31	Entertainment/public assembly	Other - Entertainment/ Public Assembly	Recreation		73	78
32	Entertainment/public assembly	Other - Entertainment/ Public Assembly	Social/meeting		50	52
33	Entertainment/public assembly	Other - Recreation			73	78
34	Entertainment/public assembly	Other - Stadium			67	70
35	Food sales and service	Bar/Nightclub			361	378
36	Food sales and service	Convenience Store with Gas Station			260	269
37	Food sales and service	Convenience Store without Gas Station			244	253
38	Food sales and service	Fast Food Restaurant			427	454
39	Food sales and service	Food Sales	Grocery/food market		191	198
40	Food sales and service	Food Sales	Convenience store with gas		260	269
41	Food sales and service	Food Sales	Convenience store		244	253
42	Food sales and service	Food Sales	Other food sales		184	189
43	Food sales and service	Food Service	Fast food		427	454
44	Food sales and service	Food Service	Restaurant/cafeteria		361	378
45	Food sales and service	Food Service	Other food service		293	308
46	Food sales and service	Restaurant			361	378
47	Food sales and service	Supermarket/Grocery Store			191	198
48	Food sales and service	Wholesale Club/ Supercenter			68	75
49	Food sales and service	Other - Restaurant/Bar			361	378
50	Healthcare	Ambulatory Surgical Center			90	96
51	Healthcare	Hospital (General Medical & Surgical)*		9	215	215
52	Healthcare	Medical Office		3		
53	Healthcare	Outpatient Rehabilitation/Physical Therapy			90	96
54	Healthcare	Residential Care Facility			78	82
55	Healthcare	Senior Care Community			78	82
56	Healthcare	Urgent Care/Clinic/ Other Outpatient			90	96
57	Healthcare	Other - Specialty Hospital			196	196

No.	Building Activity Type ^{1,2}			Notes	Climate Zone 4C	Climate Zone 5B
	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed		EUI _f	EUI _f
58	Lodging/residential	Barracks			88	90
59	Lodging/residential	Hotel	Hotel		68	72
60	Lodging/residential	Hotel	Motel or inn		74	77
61	Lodging/residential	Multifamily Housing			32	33
62	Lodging/residential	Prison/Incarceration		9	101	106
63	Lodging/residential	Residence Hall/ Dormitory			88	90
64	Lodging/residential	Residential Care Facility			78	82
65	Lodging/residential	Senior Care Community			78	82
66	Lodging/residential	Other - Lodging/ Residential			71	74
67	Mixed use	Mixed Use Property		4		
68	Office	Medical Office		3	60	65
69	Office	Office	Admin/professional office		63	66
70	Office	Office	Bank/other financial		69	71
71	Office	Office	Government office		66	69
72	Office	Office	Medical office (diagnostic)	3	60	65
73	Office	Office	Other office		66	68
74	Office	Veterinary Office			90	96
75	Office	Other - Office			66	68
76	Public services	Courthouse			101	106
77	Public services	Fire Station			65	68
78	Public services	Library			56	59
79	Public services	Mailing Center/Post Office			51	54
80	Public services	Police Station			65	68
81	Public services	Prison/Incarceration		9	101	106
82	Public services	Social/Meeting Hall			50	52
83	Public services	Transportation Terminal/ Station			55	59
84	Public services	Other - Public Service			66	69
85	Religious worship	Worship Facility			39	42
86	Retail	Automobile Dealership			59	66
87	Retail	Convenience Store with Gas Station			260	269
88	Retail	Convenience Store without Gas Station			244	253
89	Retail	Enclosed Mall		5	58	64
90	Retail	Lifestyle Center	Enclosed mall	5	58	64
91	Retail	Lifestyle Center	Other retail		55	62
92	Retail	Lifestyle Center	Retail store		68	75
93	Retail	Lifestyle Center		4		
94	Retail	Retail Store			68	75

No.	Building Activity Type ^{1,2}			Notes	Climate Zone 4C	Climate Zone 5B
	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed		EUI _f	EUI _f
95	Retail	Strip Mall		4		
96	Retail	Supermarket/Grocery Store			191	198
97	Retail	Wholesale Club/ Supercenter			68	75
98	Retail	Other - Retail/Mall	Enclosed mall	5	58	64
99	Retail	Other - Retail/Mall		4		
100	Technology/science	Data Center		6		
101	Technology/science	Laboratory			237	249
102	Technology/science	Other - Technology/ Science	Other service		66	69
103	Services	Personal Services (Health/Beauty, Dry Cleaning, etc.)			66	69
104	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Repair shop		36	39
105	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Vehicle service/repair shop		60	64
106	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Vehicle storage/ maintenance		41	44
107	Services	Other - Services			66	69
108	Utility	Energy/Power Station		7		
109	Utility	Other - Utility		7		
110	Warehouse/storage	Self-Storage Facility			36	44
111	Warehouse/storage	Distribution Center			36	44
112	Warehouse/storage	Nonrefrigerated Warehouse			36	44
113	Warehouse/storage	Refrigerated Warehouse			121	126

- Notes:
1. Select the most specific building activity type that applies.
 2. Building Activity Types are defined by *AHJ* in Table 7-4 and also include the following:
 - Data center: Is an activity space designed and equipped to meet the needs of high density computing equipment, such as server racks, used for data storage and processing, including dedicated uninterruptible power supplies and cooling systems and require a constant power load of 75 kW or more. *Gross floor area* shall only include space within the *building* including raised floor computing space, server rack aisles, storage silos, control console areas, battery rooms and mechanical rooms for dedicated cooling equipment. *Gross floor area* shall not include a server closet, telecommunications equipment closet, computer training area, office, elevator, corridors, or other auxiliary space.
 - Urgent care center/clinic/other outpatient office means the *buildings* used to diagnose and treat patients, usually on an unscheduled, walk-in basis, who have an injury or illness that requires immediate care but is not serious enough to warrant a visit to an emergency department. Includes facilities that provide same-day surgical, diagnostic and preventive care.
 3. All medical offices considered to be diagnostic type.
 4. Must use of Section 7.2.3 method for mixed use *buildings*.
 5. Suggest considering use of Section 7.2.3 method for mixed use *buildings*.
 6. This is a *building* or activity without an energy target. Included to provide definition only.
 7. This is a *building* or activity without an energy target. This may be exempt from the standard, see Section Z4.1 2, d.
 8. Laboratories as defined by the college/university building activity type where the primary activity is for teaching practical science shall use the college/university building activity type target. College/university *buildings* with research laboratory building activities where the primary activities are of scientific research, measurement, and experiments are performed, can utilize building activity type 101 Laboratory for an area weighted EUI_f.
 9. Building activity type target developed at the campus-level. As an alternative to complying at the building-level, these *covered buildings* may comply at a campus-level with the EUI_f, "Campus-level" is an alternative reporting pathway for a collection of all *buildings* on adjoining property with a single shared primary function that act as a single property.

Table 7-3 Building Operating Shifts Normalization Factor

No.	Building Activity Type ^{1,2}			Notes	Weekly Hours ^{1,2}		
	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed		50 or less	51 to 167	168
1	Banking/financial services	Bank Branch		3	0.8	1.0	1.5
2	Banking/financial services	Financial Office		3	0.8	1.0	1.5
3	Education	Adult Education		4	0.9	1.1	1.9
4	Education	College/University		4	0.9	1.1	1.9
5	Education	K-12 School	Elementary/middle school	4	0.9	1.1	1.9
6	Education	K-12 School	High school	4	0.9	1.1	1.9
7	Education	Preschool/Daycare		4	0.9	1.1	1.9
8	Education	Vocational School		4	0.9	1.1	1.9
9	Education	Other - Education		4	0.9	1.1	1.9
10	Entertainment/public assembly	Aquarium		4, 9	0.6	1.1	1.6
11	Entertainment/public assembly	Bar/Nightclub		4	0.6	1.1	1.6
12	Entertainment/public assembly	Bowling Alley		4	0.6	1.1	1.6
13	Entertainment/public assembly	Casino		4	0.6	1.1	1.6
14	Entertainment/public assembly	Convention Center		4	0.6	1.1	1.6
15	Entertainment/public assembly	Fitness Center/Health Club/Gym		4	0.6	1.1	1.6
16	Entertainment/public assembly	Ice/Curling Rink		4	0.6	1.1	1.6
17	Entertainment/public assembly	Indoor Arena		4	0.6	1.1	1.6
18	Entertainment/public assembly	Movie Theater		4	0.6	1.1	1.6
19	Entertainment/public assembly	Museum		4, 9	0.6	1.1	1.6
20	Entertainment/public assembly	Performing Arts		4	0.6	1.1	1.6
21	Entertainment/public assembly	Race Track		4	0.6	1.1	1.6
22	Entertainment/public assembly	Roller Rink		4	0.6	1.1	1.6
23	Entertainment/public assembly	Social/Meeting Hall		4	0.6	1.1	1.6
24	Entertainment/public assembly	Stadium (Closed)		4	0.6	1.1	1.6
25	Entertainment/public assembly	Stadium (Open)		4	0.6	1.1	1.6
26	Entertainment/public assembly	Swimming Pool		4	0.6	1.1	1.6
27	Entertainment/public assembly	Zoo		4, 9	0.6	1.1	1.6
28	Entertainment/public assembly	Other - Entertainment/ Public Assembly	Entertainment/culture	4	0.6	1.1	1.6

No.	Building Activity Type ^{1,2}			Notes	Weekly Hours ^{1,2}		
	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed		50 or less	51 to 167	168
29	Entertainment/public assembly	Other - Entertainment/Public Assembly	Library	4	0.6	1.1	1.6
30	Entertainment/public assembly	Other - Entertainment/Public Assembly	Other public assembly	4	0.6	1.1	1.6
31	Entertainment/public assembly	Other - Entertainment/Public Assembly	Recreation	4	0.6	1.1	1.6
32	Entertainment/public assembly	Other - Entertainment/Public Assembly	Social/meeting	4	0.6	1.1	1.6
33	Entertainment/public assembly	Other - Recreation		4	0.6	1.1	1.6
34	Entertainment/public assembly	Other - Stadium		4	0.6	1.1	1.6
35	Food sales and service	Bar/Nightclub		4	0.6	1.1	1.5
36	Food sales and service	Convenience Store with Gas Station		4	0.5	0.9	1.3
37	Food sales and service	Convenience Store without Gas Station		4	0.5	0.9	1.3
38	Food sales and service	Fast Food Restaurant		4	0.6	1.1	1.5
39	Food sales and service	Food Sales	Grocery/food market	4	0.5	0.9	1.3
40	Food sales and service	Food Sales	Convenience store with gas	4	0.5	0.9	1.3
41	Food sales and service	Food Sales	Convenience store	4	0.5	0.9	1.3
42	Food sales and service	Food Sales	Other food sales	4	0.5	0.9	1.3
43	Food sales and service	Food Service	Fast food	4	0.6	1.1	1.5
44	Food sales and service	Food Service	Restaurant/cafeteria	4	0.6	1.1	1.5
45	Food sales and service	Food Service	Other food service	4	0.6	1.1	1.5
46	Food sales and service	Restaurant		4	0.6	1.1	1.5
47	Food sales and service	Supermarket/Grocery Store		4	0.5	0.9	1.3
48	Food sales and service	Wholesale Club/Supercenter		4	0.6	1.0	1.5
49	Food sales and service	Other - Restaurant/Bar		4	0.6	1.1	1.5
50	Healthcare	Ambulatory Surgical Center		4,7	0.8	1.1	1.3
51	Healthcare	Hospital (General Medical & Surgical)*			1.0	1.0	1.0
52	Healthcare	Medical Office		4,7			
53	Healthcare	Outpatient Rehabilitation/Physical Therapy		4,7	0.8	1.1	1.3
54	Healthcare	Residential Care Facility			1.0	1.0	1.0
55	Healthcare	Senior Care Community			1.0	1.0	1.0
56	Healthcare	Urgent Care/Clinic/Other Outpatient		4,7	0.8	1.1	1.3
57	Healthcare	Other - Specialty Hospital			1.0	1.0	1.0
58	Lodging/residential	Barracks			1.0	1.0	1.0
59	Lodging/residential	Hotel	Hotel		1.0	1.0	1.0

No.	Building Activity Type ^{1,2}			Notes	Weekly Hours ^{1,2}		
	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed		50 or less	51 to 167	168
60	Lodging/residential	Hotel	Motel or inn		1.0	1.0	1.0
61	Lodging/residential	Multifamily Housing			1.0	1.0	1.0
62	Lodging/residential	Prison/Incarceration			1.0	1.0	1.0
63	Lodging/residential	Residence Hall/ Dormitory			1.0	1.0	1.0
64	Lodging/residential	Residential Care Facility			1.0	1.0	1.0
65	Lodging/residential	Senior Care Community			1.0	1.0	1.0
66	Lodging/residential	Other - Lodging/ Residential			1.0	1.0	1.0
67	Mixed use	Mixed Use Property		6			
68	Office	Medical Office		4,7	0.8	1.1	1.3
69	Office	Office	Admin/professional office	3	0.8	1.0	1.5
70	Office	Office	Bank/other financial	3	0.8	1.0	1.5
71	Office	Office	Government office	3	0.8	1.0	1.5
72	Office	Office	Medical office (diagnostic)	4	0.8	1.1	1.3
73	Office	Office	Other office	3	0.8	1.0	1.5
74	Office	Veterinary Office		3	0.8	1.1	1.3
75	Office	Other - Office		3	0.8	1.0	1.5
76	Public services	Courthouse		4	0.8	0.8	1.1
77	Public services	Fire Station		3	0.8	0.8	1.1
78	Public services	Library		4	0.6	1.1	1.6
79	Public services	Mailing Center/Post Office		3	0.8	1.2	1.3
80	Public services	Police Station		3	0.8	0.8	1.1
81	Public services	Prison/Incarceration			1.0	1.0	1.0
82	Public services	Social/Meeting Hall		4	0.6	1.1	1.6
83	Public services	Transportation Terminal/Station		4	0.6	1.1	1.6
84	Public services	Other - Public Service		4	0.8	1.2	1.3
85	Religious worship	Worship Facility		5	0.9	1.7	1.7
86	Retail	Automobile Dealership		4	0.6	1.0	1.5
87	Retail	Convenience Store with Gas Station		4	0.5	0.9	1.3
88	Retail	Convenience Store without Gas Station		4	0.5	0.9	1.3
89	Retail	Enclosed Mall		4	0.6	1.0	1.5
90	Retail	Lifestyle Center	Enclosed mall	4	0.6	1.0	1.5
91	Retail	Lifestyle Center	Other retail	4	0.6	1.0	1.5
92	Retail	Lifestyle Center	Retail store	4	0.6	1.0	1.5
93	Retail	Lifestyle Center					
94	Retail	Retail Store		4	0.6	1.0	1.5
95	Retail	Strip Mall					

No.	Building Activity Type ^{1,2}			Notes	Weekly Hours ^{1,2}		
	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed		50 or less	51 to 167	168
96	Retail	Supermarket/Grocery Store		4	0.5	0.9	1.3
97	Retail	Wholesale Club/ Supercenter		4	0.6	1.0	1.5
98	Retail	Other - Retail/Mall	Enclosed mall	4	0.6	1.0	1.5
99	Retail	Other - Retail/Mall					
100	Technology/science	Data Center					
101	Technology/science	Laboratory		3	1.0	1.0	1.0
102	Technology/science	Other - Technology/ Science	Other service	3	0.8	1.2	1.3
103	Services	Personal Services (Health/Beauty, Dry Cleaning, etc.)		4	0.8	1.2	1.3
104	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Repair shop	4	0.8	1.2	1.3
105	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Vehicle service/repair shop	4	0.8	1.2	1.3
106	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Vehicle storage/ maintenance	4	0.8	1.2	1.3
107	Services	Other - Services		4	0.8	1.2	1.3
108	Utility	Energy/Power Station					
109	Utility	Other - Utility					
110	Warehouse/storage	Self-Storage Facility		4	0.8	1.0	1.4
111	Warehouse/storage	Distribution Center		3	0.8	1.0	1.4
112	Warehouse/storage	Nonrefrigerated Warehouse		3	0.8	1.0	1.4
113	Warehouse/storage	Refrigerated Warehouse		3,8	1.0	1.0	1.4

- Notes:
1. Do not count the hours when the property is occupied only by maintenance, security, the cleaning crew, or other support personnel. Do not count the hours when the property is occupied only by maintenance staff.
 2. Working hours are based on the average use over the 12-month period selected to document energy use in form C.
 3. The weekly hours are the total number of hours per week where the majority of workers are present. If there are two or more shifts of workers, add the hours. When developing targets using Section 7.2.3 for mixed use *buildings*, use the hours each separate activity, the hours per week the majority of workers are present.
 4. The weekly hours are the hours that be majority of the *building* is open to serve the public. When developing targets using Section 7.2.3 for mixed use *buildings*, the hours each separate activity is open to the public.
 5. The weekly hours the facility is open for operation, which may include worship services, choir practice, administrative use, committee meetings, classes, or other activities.
 6. Must use of Section 7.2.3 method for mixed use *buildings*.
 7. Health care *buildings* may use other weekly hours if they are required to operate *building* systems additional hours to protect patient and staff safety. Provide documentation of the requirement in the energy management plan.
 8. Refrigerated warehouse greater than 167 hours assumes the workers on shift are loading and/or unloading vehicles.
 9. Aquariums, museums, and zoos may use other weekly hours if they are required to operate *building* systems additional hours to protect *building* contents. Provide documentation of the requirement in the energy management plan.

Table 7-4 Building Activity Type Definitions Table

Building Activity Type ^{1,2}	Notes	Clean Buildings Performance Standard Definitions
Definitions are provided to define building activity types and the spaces within to include as <i>gross floor area</i> . Unless otherwise defined, <i>gross floor area</i> shall include all space within the <i>building</i> and not space outside the <i>building</i> , such as exterior/outside loading bays or docks, open air stairwells and breezeways and vehicle parking and parking garages. Definitions are not necessarily exclusive. For <i>Tier 1 covered buildings</i> , the <i>qualified person</i> , or for <i>Tier 2 covered buildings</i> , the <i>qualified energy manager</i> shall determine the <i>gross floor area</i> associated with each identified building activity type using industry standards guidance documents provided by the <i>AHJ</i> .		

Building Activity Type ^{1,2}				Notes	Clean Buildings Performance Standard Definitions
No.	Portfolio Manager Types	Portfolio Manager Sub-Types	Sub-Types: Detailed		
1	Banking/ financial services	Bank Branch			Bank branch refers to a commercial banking outlet that offers banking services to walk-in customers. <i>Gross floor area</i> should include all space within the <i>building</i> , including banking areas, vaults, lobbies, atriums, kitchens used by staff, restrooms, conference rooms, storage areas, stairways, and elevator shafts.
2	Banking/ financial services	Financial Office			Financial office refers to <i>buildings</i> used for financial services such as bank headquarters and securities and brokerage firms. <i>Gross floor area</i> should include all space within the <i>building</i> , including offices, trading floors, conference rooms and auditoriums, vaults, restrooms, kitchens used by staff, lobbies, atriums, fitness areas for staff, storage areas, stairways, and elevator shafts.
3	Education	Adult Education			Adult education refers to <i>buildings</i> used primarily for providing adult students with continuing education, workforce development, or professional development outside of the college or university setting. <i>Gross floor area</i> should include all space within the <i>building</i> , including classrooms, administrative space, conference rooms, kitchens used by staff, lobbies, cafeterias, auditoriums, restrooms, stairways, atriums, elevator shafts, and storage areas.
4	Education	College/ University		8, 9	College/university refers to <i>buildings</i> used for the purpose of higher education. This includes public and private colleges and universities. <i>Gross floor area</i> should include all space within the <i>building</i> , including classrooms, libraries, laboratory classrooms, offices, cafeterias, maintenance facilities, arts facilities, athletic facilities, residential areas, storage rooms, restrooms, elevator shafts, and stairways.

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
5	Education	K-12 School	Elementary/ middle school	9	<p>K-12 school refers to <i>buildings</i> or campuses used as a school for kindergarten through 12th grade students. This does not include college or university classroom facilities/laboratories, vocational, technical, trade, adult, or continuing education schools, preschools, or day care facilities. If the school serves any of the above student populations (e.g., an elementary school that includes prekindergarten), at least 75 percent of the students must be in grades kindergarten through 12.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including classrooms, libraries, administrative space, conference rooms, restrooms, kitchens used by staff, lobbies, cafeterias, gymnasiums, auditoriums, laboratory classrooms, portable classrooms, greenhouses, stairways, atriums, elevator shafts, small landscaping sheds, and storage areas.</p>
6	Education	K-12 School	High School	9	
7	Education	Preschool/ Daycare			<p>Preschool/daycare applies to <i>buildings</i> used for educational programs or daytime supervision/recreation for young children before they attend kindergarten.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including classrooms, libraries, administrative space, conference rooms, restrooms, kitchens used by staff, lobbies, cafeterias, gymnasiums, auditoriums, stairways, elevator shafts, and storage areas.</p>
8	Education	Vocational School			<p>Vocational school refers to <i>buildings</i> primarily designed to teach skilled trades to students, including trade and technical schools. Typically, vocational schools are commonly post-secondary education, consisting of 1-2 years of technical/trade training.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including classrooms, libraries, administrative space, conference rooms, restrooms, kitchens used by staff, lobbies, cafeterias, gymnasiums, auditoriums, laboratory classrooms, stairways, elevator shafts, and storage areas.</p>

	Building Activity Type ^{1,2}		Notes	Clean Buildings Performance Standard Definitions
9	Education	Other - Education		<p>Other – Education refers to <i>buildings</i> used for religious, community, or other educational purposes that do not meet the definition of any other building activity type defined in Table 7-4 (i.e., educational purposes other than adult education, college/university, K-12 school, preschool/daycare and vocational schools).</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including classrooms, libraries, administrative space, conference rooms, restrooms, kitchens used by staff, lobbies, cafeterias, auditoriums, laboratory classrooms, stairways, elevator shafts, and storage areas.</p>
10	Entertainment/public assembly	Aquarium		<p>Aquarium refers to <i>buildings</i> used to provide aquatic habitat primarily to live animals and which may include public or private viewing areas and educational programs.</p> <p><i>Gross floor area</i> should include public and restricted areas such as visitor walkways, tank space, retail areas, restaurants, restrooms, laboratories, classrooms, administrative/office space, mechanical rooms, storage areas, elevator shafts, and stairwells.</p>
11	Entertainment/public assembly	Bar/Nightclub		<p>Bar/nightclub refers to <i>buildings</i> used primarily for social/entertainment purposes and is characterized by most of the revenue being generated from the sale of beverages instead of food.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including standing/seating areas, stage/dressing room areas, food/drink preparation or kitchen areas, retail areas, restrooms, administrative/office space, mechanical rooms, storage areas, elevator shafts, and stairwells.</p> <p>Properties whose primary business revenue is generated from the sale of food should be entered using one of the restaurant building activity types, even if there is a bar.</p>
12	Entertainment/public assembly	Bowling Alley		<p>Bowling alley refers to <i>buildings</i> used for public or private, recreational or professional bowling.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including bowling lanes, concession areas, restrooms, party rooms, retail areas, administrative/office space, employee break rooms, storage areas, and mechanical rooms.</p>

	Building Activity Type ^{1,2}		Notes	Clean Buildings Performance Standard Definitions
13	Entertainment/ public assembly	Casino		<p>Casino refers to <i>buildings</i> primarily used to conduct gambling activities including both electronic and live table games.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including the main casino floor/gaming area, restaurants/bars, retail areas, administrative/office space, restrooms, mechanical rooms, storage areas, elevator shafts, and stairwells. If your casino is in the same <i>building</i> as a hotel, enter a separate hotel building activity type.</p>
14	Entertainment/ public assembly	Convention Center		<p>Convention center refers to <i>buildings</i> used primarily for large conferences, exhibitions, and similar events. Convention centers may include a diverse variety of spaces, including large exhibition halls, meeting rooms, and concession stands.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including exhibit halls, preparation and staging areas, meeting rooms, concession stands, offices, restrooms, break rooms, security areas, elevator shafts, and stairwells.</p> <p>Conference facilities located within a hotel should be included along with your hotel building activity type details, rather than added as a separate convention center building activity type. Conference facilities primarily serving smaller meetings should be entered as social/meeting hall.</p>
15	Entertainment/ public assembly	Fitness Center/ Health Club/Gym		<p>Fitness center/health club/gym refers to <i>buildings</i> used for recreational or professional athletic training and related activities.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including weight and cardio equipment areas, personal training areas, courts, locker rooms, restrooms, sauna and spa areas, retail areas, administrative/office space, mechanical rooms, storage areas, elevator shafts, and stairwells.</p>
16	Entertainment/ public assembly	Ice/Curling Rink		<p>Ice/curling rink refers to <i>buildings</i> that include one or more ice sheets used for public or private, recreational or professional skating, hockey, or ringette.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including ice area, spectator areas, concession stands, retail areas, locker rooms, restrooms, administrative/office areas, employee break rooms, mechanical rooms, and storage areas. Larger facilities primarily serving professional or collegiate functions and with significant spectator seating (above 5,000 seats) should be entered as indoor arena.</p>

	Building Activity Type ^{1,2}		Notes	Clean Buildings Performance Standard Definitions
17	Entertainment/ public assembly	Indoor Arena		<p>Indoor arena refers to enclosed structures used for professional or collegiate sports and entertainment events. Examples of events held in indoor arenas include basketball and hockey games, circus performances, and concerts. Indoor arenas usually have capacities of 5,000 seats or more and are often characterized by multiple concourses and concession areas.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including court/rink space, all concourse space on which workers or guests can walk, concession areas, retail stores, restaurants, administrative/office areas, restrooms, employee break rooms, kitchens, mechanical rooms, storage areas, elevator shafts, and stairwells.</p>
18	Entertainment/ public assembly	Movie Theater		<p>Movie theater refers to <i>buildings</i> used for public or private film screenings.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including seating areas, lobbies, concession stands, restrooms, administrative/office space, mechanical rooms, storage areas, elevator shafts, and stairwells.</p>
19	Entertainment/ public assembly	Museum		<p>Museum refers to <i>buildings</i> that display collections to outside visitors for public viewing and enjoyment and for informational/educational purposes.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including public collection display areas, meeting rooms, classrooms, gift shops, food service areas, restrooms, administrative/office space, mechanical rooms, storage areas for collections, elevator shafts, and stairwells.</p>
20	Entertainment/ public assembly	Performing Arts		<p>Performing arts refers to <i>buildings</i> used for public or private artistic or musical performances.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including seating, stage and backstage areas, food service areas, restrooms, retail areas, rehearsal studios, administrative/office space, mechanical rooms, storage areas, elevator shafts, and stairwells.</p>
21	Entertainment/ public assembly	Race Track		<p>Race track refers to <i>buildings</i> used primarily to hold racing events such as vehicle races, track/field races, horse races, and/or dog-races.</p> <p><i>Gross floor area</i> should include all spectator viewing areas, concourse space on which workers or guests can walk, concession areas, retail stores, restaurants, restrooms, administrative/office areas, employee break rooms, mechanical rooms, storage areas, elevator shafts, and stairwells.</p>

	Building Activity Type ^{1,2}		Notes	Clean Buildings Performance Standard Definitions
22	Entertainment/ public assembly	Roller Rink		<p>Roller rink refers to <i>buildings</i> used primarily for roller-skating, inline skating/rollerblading, or skateboarding.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including the rink space, concession areas, restrooms, locker rooms, retail areas, administrative/office areas, employee break rooms, mechanical rooms, and storage areas.</p>
23	Entertainment/ public assembly	Social/Meeting Hall		<p>Social/meeting hall refers to <i>buildings</i> primarily used for public or private gatherings. This may include community group meetings, seminars, workshops, or performances. Please note that there is another building activity type available, convention center, for large exhibition and conference facilities.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including meeting rooms, auditoriums, food service areas, restrooms, lobbies, administrative/office space, mechanical rooms, storage areas, elevator shafts, and stairwells.</p>
24	Entertainment/ public assembly	Stadium (Closed)		<p>Stadium (closed) refers to structures with a permanent or retractable roof which are used primarily for professional or collegiate sports and entertainment events. Examples of events held in closed stadiums include baseball and football games, and concerts. Closed stadiums usually have capacities of 25,000 seats or more and are often characterized by multiple concourses and concession areas.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including concourse space on which workers or guests can walk, concession areas, retail stores, restaurants, administrative/office areas, restrooms, employee break rooms, kitchens, mechanical rooms, storage areas, elevator shafts, and stairwells.</p>
25	Entertainment/ public assembly	Stadium (Open)		<p>Stadium (open) refers to structures used primarily for professional or collegiate sports and entertainment events in which the playing field is not covered and is exposed to the outside. Examples of events held in open stadiums include baseball, football, and soccer games, and concerts. Open stadiums usually have capacities of 5,000 seats or more and are often characterized by multiple concourses and concession areas.</p> <p><i>Gross floor area</i> should include all space including concourse space on which workers or guests can walk, concession areas, retail stores, restaurants, administrative/office areas, restrooms, employee break rooms, kitchens, mechanical rooms, storage areas, elevator shafts, and stairwells.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
26	Entertainment/ public assembly	Swimming Pool			Swimming pool refers to any heated swimming pools located inside a <i>building</i> .
27	Entertainment/ public assembly	Zoo			Zoo refers to <i>buildings</i> used primarily to provide habitat to live animals and which may include public or private viewing and educational programs. <i>Gross floor area</i> should include all space within all fully enclosed <i>buildings</i> , including habitats, visitor viewing areas, theaters, classrooms, food service areas, restrooms, retail stores, veterinary offices, exhibit space, administrative/office space, mechanical rooms, storage areas, elevator shafts, and stairwells.
28	Entertainment/ public assembly	Other - Entertainment/ Public Assembly	Entertainment/ culture		Entertainment/culture refers to <i>buildings</i> providing entertainment and/or cultural services that do not meet the definition of any other building activity type defined in Table 7-4.
29	Entertainment/ public assembly	Other - Entertainment/ Public Assembly	Library		Library refers to <i>buildings</i> used to store and manage collections of literary and artistic materials such as books, periodicals, newspapers, films, etc. that can be used for reference or lending. <i>Gross floor area</i> should include all space within the <i>building</i> , including circulation rooms, storage areas, reading/study rooms, administrative space, kitchens used by staff, lobbies, conference rooms and auditoriums, fitness areas for staff, restrooms, storage areas, stairways, and elevator shafts.
30	Entertainment/ public assembly	Other - Entertainment/ Public Assembly	Other public assembly		Other public assembly refers to <i>buildings</i> primarily used for entertainment or public gatherings that do not meet the definition of any other building activity type defined in Table 7-4. <i>Gross floor area</i> should include all space within the <i>building</i> , including entertainment areas, administrative areas, and supporting areas such as storage rooms, hallways, restrooms, stairways, and maintenance areas.
31	Entertainment/ public assembly	Other - Entertainment/ Public Assembly	Recreation		Recreation refers to <i>buildings</i> primarily used for recreation that do not meet the definition of any other building activity type defined in Table 7-4. <i>Gross floor area</i> should include all space within the <i>building</i> , including recreational areas, restrooms, and supporting activities such as mechanical rooms, storage areas, elevator shafts, and stairwells.

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
32	Entertainment/ public assembly	Other - Entertainment/ Public Assembly	Social/meeting		<p>Social/meeting hall refers to <i>buildings</i> primarily used for public or private gatherings. This may include community group meetings, seminars, workshops, or performances. Please note that there is another building activity type available, convention center, for large exhibition and conference facilities.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including meeting rooms, auditoriums, food service areas, restrooms, lobbies, administrative/office space, mechanical rooms, storage areas, elevator shafts, and stairwells.</p>
33	Entertainment/ public assembly	Other - Recreation			<p>Other - Recreation refers to <i>buildings</i> primarily used for recreation that do not meet the definition of any other building activity type defined in Table 7-4.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including recreational areas, restrooms, and supporting activities such as mechanical rooms, storage areas, elevator shafts, and stairwells.</p>
34	Entertainment/ public assembly	Other - Stadium			<p>Other - Stadium refers to <i>buildings</i> primarily used for sporting events that do not meet the definition of any other building activity type defined in Table 7-4.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including areas for athletic activity and spectator seating, restrooms, and supporting activities such as mechanical rooms, storage areas, elevator shafts, and stairwells.</p>
35	Food sales and service	Bar/Nightclub			<p>Bar/nightclub refers to <i>buildings</i> used primarily for preparation and sale of ready-to-eat food and beverages, but with secondary purposes characterized by revenue generated from social/entertainment services and associated sale of beverages instead of food. Examples include restaurants with lounges and nightclubs featuring entertainment together or separate from dining.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including kitchens, sales areas, dining areas, offices, restrooms, staff break rooms, and storage areas.</p>
36	Food sales and service	Convenience Store with Gas Station			<p>Convenience store with gas station refers to <i>buildings</i> that are colocated with gas stations and are used for the sale of a limited range of items such as groceries, toiletries, newspapers, soft drinks, tobacco products, and other everyday items. Convenience store with gas station may include space for vehicle servicing and repair.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, offices, restrooms, staff break rooms, storage areas, and vehicle repair areas.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
37	Food sales and service	Convenience Store without Gas Station			<p>Convenience store without gas station refers to <i>buildings</i> used for the sale of a limited range of items such as groceries, toiletries, newspapers, soft drinks, tobacco products, and other everyday items, which are not colocated with a gas station.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, offices, restrooms, staff break rooms, and storage areas.</p>
38	Food sales and service	Fast Food Restaurant			<p>Fast food restaurant, also known as quick service restaurant, refers to <i>buildings</i> used for the preparation and sale of ready-to-eat food. Fast food restaurants are characterized by a limited menu of food prepared quickly (often within a few minutes), and sometimes cooked in bulk in advance and kept hot.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including kitchens, sales areas, dining areas, offices, restrooms, staff break rooms, and storage areas.</p>
39	Food sales and service	Food Sales	Supermarket/ Grocery Store/ Food Market		<p>Supermarket/grocery store/food market refers to <i>buildings</i> used for the retail sale of primarily food and beverage products, and which may include small amounts of preparation and sale of ready-to-eat food. <i>Buildings</i> where the primary business is the on-site preparation and sale of ready-to-eat food should use one of the restaurant building activity types.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including the sales floor, offices, storage areas, kitchens, restrooms, staff break rooms, and stairwells.</p>
40	Food sales and service	Food Sales	Convenience store with gas		<p>Convenience store with gas station refers to <i>buildings</i> that are colocated with gas stations and are used for the sale of a limited range of items such as groceries, toiletries, newspapers, soft drinks, tobacco products, and other everyday items. Convenience store with gas station may include space for vehicle servicing and repair.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, offices, restrooms, staff break rooms, storage areas, and vehicle repair areas.</p>
41	Food sales and service	Food Sales	Convenience store		<p>Convenience store without gas station refers to <i>buildings</i> used for the sale of a limited range of items such as groceries, toiletries, newspapers, soft drinks, tobacco products, and other everyday items, which are not colocated with a gas station.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, offices, restrooms, staff break rooms, and storage areas.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
42	Food sales and service	Food Sales	Other food sales		<p>Other food sales refers to <i>buildings</i> used for the sales of food on either a retail or wholesale basis, but which do not meet the definition of supermarket/grocery store/food market, convenience store, or convenience store with gas stations. For example, specialty food sales like a cheese shop or butcher.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales areas, storage areas, offices, kitchens, restrooms, and staff break rooms.</p>
43	Food sales and service	Food Sales	Fast Food		<p>Fast food restaurant, also known as quick service restaurant, refers to <i>buildings</i> used for the preparation and sale of ready-to-eat food. Fast food restaurants are characterized by a limited menu of food prepared quickly (often within a few minutes), and sometimes cooked in bulk in advance and kept hot.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including kitchens, sales areas, dining areas, offices, restrooms, staff break rooms, and storage areas.</p>
44	Food sales and service	Food Sales	Restaurant/cafeteria		<p>Restaurant/cafeteria refers to <i>buildings</i> used for preparation and sale of ready-to-eat food and beverages, but which do not fit in the fast food building activity type. Examples include fast casual, casual, and fine dining restaurants.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including kitchens, sales areas, dining areas, offices, restrooms, staff break rooms, and storage areas.</p>
45	Food sales and service	Food Sales	Other food service		<p>Other food service refers to <i>buildings</i> used for preparation and sale of food and beverages, but which do not meet the definition of restaurant or bar/nightclub. For example, a bakery or coffee shop.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including kitchens, sales areas, dining areas, offices, restrooms, staff break rooms, and storage areas.</p>
46	Food sales and service	Restaurant			<p>Restaurant refers to <i>buildings</i> used for preparation and sale of ready-to-eat food and beverages, but which do not fit in the fast food building activity type. Examples include fast casual, casual, and fine dining restaurants.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including kitchens, sales areas, dining areas, offices, restrooms, staff break rooms, and storage areas.</p>

	Building Activity Type ^{1,2}		Notes	Clean Buildings Performance Standard Definitions
47	Food sales and service	Supermarket/ Grocery Store		<p>Supermarket/grocery store refers to <i>buildings</i> used for the retail sale of primarily food and beverage products, and which may include small amounts of preparation and sale of ready-to-eat food. <i>Buildings</i> where the primary business is the on-site preparation and sale of ready-to-eat food should use one of the restaurant building activity types.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including the sales floor, offices, storage areas, kitchens, restrooms, staff break rooms, and stairwells.</p>
48	Food sales and service	Wholesale Club/ Supercenter		<p>Wholesale club/supercenter refers to <i>buildings</i> used to conduct the retail sale of a wide variety of merchandise, typically in bulk quantities. Merchandise may include food, clothing, office supplies, furniture, electronics, books, sporting goods, toys, and hardware.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including the sales floor, offices, storage areas, kitchens, restrooms, staff break rooms, elevators, and stairwells.</p>
49	Food sales and service	Other - Restaurant/Bar		<p>Other - Restaurant/bar refers to <i>buildings</i> used for preparation and sale of ready-to-eat food and beverages, but which does not fit into the fast food restaurant, restaurant, or bar/nightclub building activity types.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including kitchens, sales areas, dining areas, restrooms, staff break rooms, and storage areas.</p>
50	Health care	Ambulatory Surgical Center		<p>Ambulatory surgical centers refers to health care facilities that provide same-day surgical care, including diagnostic and preventive procedures.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including offices, operating and recovery rooms, waiting rooms, restrooms, employee break rooms and kitchens, elevator shafts, stairways, mechanical rooms, and storage areas.</p>

	Building Activity Type ^{1,2}		Notes	Clean Buildings Performance Standard Definitions
51	Health care	Hospital (General Medical & Surgical)	9	<p>Hospital refers to a general medical and surgical hospital (including critical access hospitals and children's hospitals). These facilities provide acute care services intended to treat patients for short periods of time, including emergency medical care, physician's office services, diagnostic care, ambulatory care, surgical care, and limited specialty services such as rehabilitation and cancer care. The definition of hospital accounts for all space types owned by the hospital that are located within the hospital <i>building/complex</i>, including nonclinical spaces such as administrative offices, food service, retail, hotels, and power plant.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i> on the campus including operating rooms, bedrooms, emergency treatment areas, and medical offices, exam rooms, laboratories, lobbies, atriums, cafeterias, restrooms, stairways, corridors connecting <i>buildings</i>, storage areas, and elevator shafts.</p>
52	Health care	Medical Office	3	<p>All medical offices considered to be diagnostic type.</p>
53	Health care	Outpatient Rehabilitation/Physical Therapy		<p>Outpatient rehabilitation/physical therapy offices refers to <i>buildings</i> used to provide diagnosis and treatment for rehabilitation and physical therapy.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including offices, exam rooms, waiting rooms, indoor pool areas, atriums, employee break rooms and kitchens, restrooms, elevator shafts, stairways, mechanical rooms, and storage areas.</p>
54	Health care	Residential Care Facility		<p>Residential care facilities refers to <i>buildings</i> that provide rehabilitative and restorative care to patients on a long-term or permanent basis. Residential care facilities treat mental health issues, substance abuse, and rehabilitation for injury, illness, and disabilities. This building activity type is intended for facilities that offer long-term residential care to residents of all ages who may need assistance with activities of daily living. If a facility is designed to provide nursing and assistance to seniors only, then the senior care community building activity type should be used.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including individual rooms or units, wellness centers, exam rooms, community rooms, small shops or service areas for residents and visitors (e.g., hair salons, convenience stores), staff offices, lobbies, atriums, cafeterias, kitchens, restrooms, storage areas, hallways, basements, stairways, corridors between <i>buildings</i>, and elevator shafts.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
55	Health care	Senior Care Community			<p>Senior care community refers to <i>buildings</i> that house and provide care and assistance for elderly residents.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including individual rooms or units, wellness centers, exam rooms, community rooms, small shops or service areas for residents and visitors (e.g., hair salons, convenience stores), staff offices, lobbies, atriums, cafeterias, kitchens, restrooms, storage areas, hallways, basements, stairways, corridors between <i>buildings</i>, and elevator shafts.</p>
56	Health care	Urgent Care/Clinic/Other Outpatient			<p>Urgent care center/clinic/other outpatient office refers to <i>buildings</i> used to diagnose and treat patients, usually on an unscheduled, walk-in basis, who have an injury or illness that requires immediate care but is not serious enough to warrant a visit to an emergency department. Includes facilities that provide same-day surgical, diagnostic and preventive care.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including offices, exam rooms, waiting rooms, atriums, employee break rooms and kitchens, restrooms, elevator shafts, stairways, mechanical rooms, and storage areas.</p>
57	Health care	Other - Specialty Hospital			<p>Other/specialty hospitals refers to long-term acute care hospitals, inpatient rehabilitation facilities, including cancer centers and psychiatric and substance abuse hospitals/facilities.</p> <p><i>Gross floor area</i> should include all space within the <i>building/complex</i>, including medical offices, patient rooms, laboratories, lobbies, atriums, cafeterias, restrooms, stairways, corridors connecting <i>buildings</i>, storage areas, and elevator shafts.</p>
58	Lodging/residential	Barracks			<p>Barracks refers to <i>residential buildings</i> associated with military facilities or educational institutions, which offer multiple accommodations for long-term residents.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including bedrooms, common areas, food service facilities, restrooms, laundry facilities, meeting spaces, exercise rooms, health club/spas, lobbies, elevator shafts, storage areas, and stairways.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
59	Lodging/ residential	Hotel	Hotel		<p>Hotel refers to <i>buildings</i> renting overnight accommodations on a room/suite and nightly basis, and typically include a bath/shower and other facilities in guest rooms. Hotel properties typically have daily services available to guests including housekeeping/laundry and a front desk/concierge. Hotel does not apply to properties where more than 50 percent of the floor area is occupied by fractional ownership units such as condominiums or vacation timeshares, or to private residences that are rented out on a daily or weekly basis. Hotel properties should be majority-owned by a single entity and have rooms available on a nightly basis. Condominiums or time shares should select the multifamily housing building activity type.</p> <p><i>Gross floor area</i> should include all interior space within the <i>building</i>, including guestrooms, halls, lobbies, atriums, food preparation and restaurant space, conference and banquet space, fitness centers/spas, laundry facilities, elevator shafts, stairways, mechanical rooms, storage areas, restrooms, employee break rooms, and back-of-house offices.</p>
60	Lodging/ residential	Hotel	Motel or inn		<p>Motel is a hotel like lodging where most rooms are entered from the exterior.</p> <p><i>Gross floor area</i> should include all interior space within the <i>building</i>, including guestrooms, halls, lobbies, atriums, food preparation and restaurant space, conference and banquet space, fitness centers/spas, laundry facilities, elevator shafts, stairways, mechanical rooms, storage areas, restrooms, employee break rooms, and back-of-house offices.</p>
61	Lodging/ residential	Multifamily Housing			<p>Multifamily housing refers to a covered multifamily <i>building</i> containing sleeping units or more than five dwelling units where occupants are primarily permanent in nature.</p> <p><i>Gross floor area</i> should include management offices or other spaces that may not contain living units.</p> <p><i>Gross floor area</i> should include all interior space within the <i>building</i>, including living space in each unit (including occupied and unoccupied units), interior common areas (e.g., lobbies, offices, community rooms, common kitchens, fitness rooms), hallways, stairwells, elevator shafts, connecting corridors between <i>buildings</i>, storage areas, restrooms, and mechanical space such as a boiler room.</p>

	Building Activity Type ^{1,2}		Notes	Clean Buildings Performance Standard Definitions
62	Lodging/ residential	Prison/ Incarceration	9	<p>Prison/incarceration refers to federal, state, local, or private-sector <i>buildings</i> used for the detention of persons awaiting trial or convicted of crimes.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including holding cells, cafeterias, administrative spaces, kitchens, lobbies, atriums, conference rooms and auditoriums, fitness areas, storage areas, restrooms, stairways, and elevator shafts.</p>
63	Lodging/ residential	Residence Hall/ Dormitory		<p>Residence hall/dormitory refers to <i>buildings</i> associated with educational institutions or military facilities, which offer multiple accommodations for long-term residents.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including bedrooms, common areas, food service facilities, restrooms, laundry facilities, meeting spaces, exercise rooms, health club/spas, lobbies, elevator shafts, storage areas, and stairways.</p>
64	Lodging/ residential	Residential Care Facility		<p>Residential care facilities refers to <i>buildings</i> that provide rehabilitative and restorative care to patients on a long-term or permanent basis. Residential care facilities treat mental health issues, substance abuse, and rehabilitation for injury, illness, and disabilities. This building activity type is intended for facilities that offer long-term residential care to residents of all ages who may need assistance with activities of daily living. If a facility is designed to provide nursing and assistance to seniors only, then the senior care community building activity type should be used.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including individual rooms or units, wellness centers, exam rooms, community rooms, small shops or service areas for residents and visitors (e.g., hair salons, convenience stores), staff offices, lobbies, atriums, cafeterias, kitchens, restrooms, storage areas, hallways, basements, stairways, corridors between <i>buildings</i>, and elevator shafts.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
65	Lodging/ residential	Senior Care Community			<p>Senior care community refers to <i>buildings</i> that house and provide care and assistance for elderly residents.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including individual rooms or units, wellness centers, exam rooms, community rooms, small shops or service areas for residents and visitors (e.g., hair salons, convenience stores), staff offices, lobbies, atriums, cafeterias, kitchens, restrooms, storage areas, hallways, basements, stairways, corridors between <i>buildings</i>, and elevator shafts.</p> <p>A community with only independent living should benchmark under the multifamily building activity type.</p>
66	Lodging/ residential	Other - Lodging/ Residential			<p>Other - Lodging/residential refers to <i>buildings</i> used for residential purposes other than those described in the available building activity types in this table (i.e., residential other than multifamily residential, single family home, senior care community, residence hall/dormitory, barracks, prison/incarceration, or hotel).</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including living areas, common areas, and administrative space, kitchens used by staff, lobbies, waiting areas, cafeterias, restrooms, stairways, atriums, elevator shafts, and storage areas.</p>
67	Mixed use	Mixed Use Property		4	<p>Must use of Section 7.2.3 method for mixed use <i>buildings</i>, area weighted EUI_t based on building activity types.</p>
68	Office	Medical Office		3	<p>Medical office refers to <i>buildings</i> used to provide diagnosis and treatment for medical, dental, or psychiatric outpatient care.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including offices, exam rooms, laboratories, lobbies, atriums, conference rooms and auditoriums, employee break rooms and kitchens, restrooms, elevator shafts, stairways, mechanical rooms, and storage areas.</p> <p>If you have restaurants, retail (pharmacy), or services (dry cleaners) within the medical office, you should most likely include this square footage and energy in the medical office building activity type.</p>
69	Office	Office	Admin/ professional office		<p>Administrative/professional office refers to <i>buildings</i> used for the conduct of commercial business activities.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including offices, conference rooms and auditoriums, kitchens used by staff, lobbies, fitness areas for staff, restrooms, storage areas, stairways, and elevator shafts.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
70	Office	Office	Bank/other financial		<p>Financial office refers to <i>buildings</i> used for financial services such as bank headquarters and securities and brokerage firms.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including offices, trading floors, conference rooms and auditoriums, vaults, kitchens used by staff, lobbies, atriums, fitness areas for staff, restrooms, storage areas, stairways, and elevator shafts.</p>
71	Office	Office	Government office		<p>Government office is an office used by employees of federal, state, county, or city governments.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including offices, conference rooms and auditoriums, kitchens used by staff, lobbies, fitness areas for staff, restrooms, storage areas, stairways, and elevator shafts.</p>
72	Office	Office	Medical office (diagnostic)	3	<p>Medical office refers to <i>buildings</i> used to provide diagnosis and treatment for medical, dental, or psychiatric outpatient care.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including offices, exam rooms, laboratories, lobbies, atriums, conference rooms and auditoriums, employee break rooms and kitchens, restrooms, elevator shafts, stairways, mechanical rooms, and storage areas.</p>
73	Office	Office	Other office		<p>Other office is an office that does not meet the definition of any of the other office building activity type defined in Table 7-4.</p>
74	Office	Veterinary Office			<p>Veterinary office refers to <i>buildings</i> used for the medical care and treatment of animals.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including offices, exam rooms, waiting rooms, atriums, employee break rooms and kitchens, restrooms, elevator shafts, stairways, mechanical rooms, and storage areas.</p>
75	Office	Other - Office			<p>Other office is an office that does not meet the definition of any of the other office building activity type defined in Table 7-4.</p>
76	Public services	Courthouse			<p>Courthouse refers to <i>buildings</i> used for federal, state, or local courts, and associated administrative office space.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including temporary holding cells, chambers, kitchens used by staff, lobbies, atriums, conference rooms and auditoriums, fitness areas for staff, restrooms, storage areas, stairways, and elevator shafts.</p>

	Building Activity Type ^{1,2}		Notes	Clean Buildings Performance Standard Definitions
77	Public services	Fire Station		<p>Fire station refers to <i>buildings</i> used to provide emergency response services associated with fires. Fire stations may be staffed by either volunteer or full-time paid firefighters.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including office areas, vehicle storage areas, residential areas (if applicable), storage areas, break rooms, restrooms, kitchens, elevator shafts, and stairwells.</p>
78	Public services	Library		<p>Library refers to <i>buildings</i> used to store and manage collections of literary and artistic materials such as books, periodicals, newspapers, films, etc. that can be used for reference or lending.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including circulation rooms, storage areas, reading/study rooms, administrative space, kitchens used by staff, lobbies, conference rooms and auditoriums, fitness areas for staff, restrooms, storage areas, stairways, and elevator shafts.</p>
79	Public services	Mailing Center/ Post Office		<p>Mailing center/post office refers to <i>buildings</i> used as retail establishments dedicated to mail and mailing supplies. This includes U.S. Post Offices, in addition to private retailers that offer priority mail services and mailing supplies.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including retail counters, administrative space, kitchens used by staff, restrooms, lobbies, conference rooms, storage areas, stairways, and mechanical rooms.</p>
80	Public services	Police Station		<p>Police station applies to <i>buildings</i> used for federal, state, or local police forces and their associated office space.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including offices, temporary holding cells, kitchens used by staff, restrooms, lobbies, atriums, conference rooms and auditoriums, fitness areas for staff, storage areas, stairways, and elevator shafts.</p>
81	Public services	Prison/ Incarceration	9	<p>Prison/incarceration refers to federal, state, local, or private-sector <i>buildings</i> used for the detention of persons awaiting trial or convicted of crimes.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including holding cells, cafeterias, administrative spaces, kitchens, restrooms, lobbies, atriums, conference rooms and auditoriums, fitness areas, storage areas, stairways, and elevator shafts.</p>

	Building Activity Type ^{1,2}		Notes	Clean Buildings Performance Standard Definitions
82	Public services	Social/Meeting Hall		<p>Social/meeting hall refers to <i>buildings</i> primarily used for public or private gatherings. This may include community group meetings, seminars, workshops, or performances. Please note that there is another building activity type available, convention center, for large exhibition and conference facilities.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including meeting rooms, auditoriums, food service areas, restrooms, lobbies, administrative/office space, mechanical rooms, storage areas, elevator shafts, and stairwells.</p>
83	Public services	Transportation Terminal/Station		<p>Transportation terminal/station applies to <i>buildings</i> used primarily for accessing public or private transportation. This includes train stations, bus stations, airports, and seaports. These terminals include areas for ticket purchases, and embarkation/disembarkation, and may also include public waiting areas with restaurants and other concessions.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including boarding areas, waiting areas, administrative space, kitchens used by staff, restrooms, lobbies, restaurants, cafeterias, stairways, atriums, elevator shafts, and storage areas.</p>
84	Public services	Other - Public Service		<p>Other - Public service refers to <i>buildings</i> used by public-sector organizations to provide public services other than those described in the available building activity types in this table (i.e., services other than offices, courthouses, drinking water treatment and distribution plants, fire stations, libraries, mailing centers or post offices, police stations, prisons or incarceration facilities, social or meeting halls, transportation terminals or stations, or wastewater treatment plants).</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including administrative space, kitchens used by staff, restrooms, lobbies, waiting areas, cafeterias, stairways, atriums, elevator shafts, landscaping sheds, and storage areas.</p>
85	Religious worship	Worship Facility		<p>Worship facility refers to <i>buildings</i> that are used as places of worship. This includes churches, temples, mosques, synagogues, meetinghouses, or any other <i>buildings</i> that primarily function as a place of religious worship.</p> <p><i>Gross floor area</i> should include all areas inside the <i>building</i> that includes the primary worship area, including food preparation, community rooms, classrooms, and supporting areas such as restrooms, storage areas, hallways, and elevator shafts.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
86	Retail	Automobile Dealership			<p>Automobile dealership refers to <i>buildings</i> used for the sale of new or used cars and light trucks.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, offices, conference rooms, vehicle service centers, parts storage areas, waiting rooms, staff break rooms, restrooms, hallways, and stairwells.</p>
87	Retail	Convenience Store with Gas Station			<p>Convenience store with gas station refers to <i>buildings</i> that are colocated with gas stations and are used for the sale of a limited range of items such as groceries, toiletries, newspapers, soft drinks, tobacco products, and other everyday items. Convenience store with gas station may include space for vehicle servicing and repair.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, offices, restrooms, staff break rooms, storage areas, and vehicle repair areas.</p>
88	Retail	Convenience Store without Gas Station			<p>Convenience store without gas station refers to <i>buildings</i> used for the sale of a limited range of items such as groceries, toiletries, newspapers, soft drinks, tobacco products, and other everyday items, which are not colocated with a gas station.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, offices, restrooms, staff break rooms, and storage areas.</p>
89	Retail	Enclosed Mall		5	<p>Enclosed mall refers to <i>buildings</i> that house multiple stores, often "anchored" by one or more department stores, and with interior walkways. Most stores will not have entrances accessible from outside, with the exception of the "anchor" stores.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including retail stores, offices, food courts, restaurants, storage areas, restrooms, staff break rooms, atriums, walkways, stairwells, and mechanical rooms.</p>
90	Retail	Lifestyle Center	Enclosed mall	5	<p>Enclosed mall refers to <i>buildings</i> that house multiple stores, often "anchored" by one or more department stores, and with interior walkways. Most stores will not have entrances accessible from outside, with the exception of the "anchor" stores.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including retail stores, offices, food courts, restaurants, storage areas, restrooms, staff break rooms, atriums, walkways, stairwells, and mechanical rooms.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
91	Retail	Lifestyle Center	Other retail		<p>Other - Retail refers to a mixed-use commercial development that includes retail stores and leisure amenities that do not meet the definition of lifestyle center - retail store.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including retail stores, offices, food courts, restaurants, residential areas, storage areas, restrooms, staff break rooms, walkways, stairwells, and mechanical areas.</p>
92	Retail	Lifestyle Center	Retail store		<p>Lifestyle center refers to a mixed-use commercial development that includes retail stores and leisure amenities, where individual retail stores typically contain an entrance accessible from the outside and are not connected by internal walkways. Lifestyle centers have an open-air design, unlike traditional enclosed malls, and often include landscaped pedestrian areas, as well as streets and vehicle parking.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including retail stores, offices, food courts, restaurants, residential areas, storage areas, restrooms, staff break rooms, walkways, stairwells, and mechanical areas.</p>
93	Retail	Lifestyle Center		4	<p>Must use of Section 7.2.3 method for mixed use <i>buildings</i>.</p>
94	Retail	Retail Store			<p>Retail store refers to individual stores used to conduct the retail sale of nonfood consumer goods such as clothing, books, toys, sporting goods, office supplies, hardware, and electronics. <i>Buildings</i> containing multiple stores should be classified as enclosed mall, lifestyle center, or strip mall.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales areas, storage areas, offices, restrooms, staff break rooms, elevators, and stairwells.</p>
95	Retail	Strip Mall		4	<p>Strip mall refers to <i>buildings</i> comprising more than one retail store, restaurant, or other business, in an open-air configuration where each establishment has an exterior entrance to the public and there are no internal walkways.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including retail stores, offices, restaurants, storage areas, restrooms, staff break rooms, and stairwells.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
96	Retail	Supermarket/ Grocery Store			<p>Supermarket/grocery store refers to <i>buildings</i> used for the retail sale of primarily food and beverage products, and which may include small amounts of preparation and sale of ready-to-eat food. <i>Buildings</i> where the primary business is the on-site preparation and sale of ready-to-eat food should use one of the restaurant building activity types.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including the sales floor, offices, storage areas, kitchens, restrooms, staff break rooms, and stairwells.</p>
97	Retail	Wholesale Club/ Supercenter			<p>Wholesale club/supercenter refers to <i>buildings</i> used to conduct the retail sale of a wide variety of merchandise, typically in bulk quantities. Merchandise may include food, clothing, office supplies, furniture, electronics, books, sporting goods, toys, and hardware.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including the sales floor, offices, storage areas, kitchens, restrooms, staff break rooms, elevators, and stairwells.</p>
98	Retail	Other - Retail/ Mall	Enclosed mall	5	<p>Enclosed mall refers to <i>buildings</i> that house multiple stores, often "anchored" by one or more department stores, and with interior walkways. Most stores will not have entrances accessible from outside, with the exception of the "anchor" stores.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including retail stores, offices, food courts, restaurants, storage areas, restrooms, staff break rooms, atriums, walkways, stairwells, and mechanical rooms.</p>
99	Retail	Other - Retail/ Mall		4	<p>Must use of Section 7.2.3 method for mixed use <i>buildings</i>.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
100	Technology/ science	Data Center		6	<p>Data center refers to an activity space or <i>buildings</i> specifically designed and equipped to meet the needs of high density computing equipment, such as server racks, used for data storage and processing, including dedicated uninterruptible power supplies and cooling systems and require a constant power load of 75 kW or more.</p> <p><i>Gross floor area</i> shall only include space within the <i>building</i>, including raised floor computing space, server rack aisles, storage silos, control console areas, battery rooms and mechanical rooms for dedicated cooling equipment.</p> <p><i>Gross floor area</i> shall not include a server closet, telecommunications equipment closet, computer training area, office, elevator, corridors, or other auxiliary space.</p> <p>This is a <i>building</i> or activity without an energy target. Included to provide definition only.</p>
101	Technology/ science	Laboratory			<p>Laboratory refers to <i>buildings</i> that provide controlled conditions in which scientific research, measurement, and experiments are performed or practical science is taught.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including workstations/hoods, offices, conference rooms, restrooms, storage areas, decontamination rooms, mechanical rooms, elevator shafts, and stairwells.</p>
102	Technology/ science	Other - Technology/ Science	Other service		<p>Other - Technology/science refers to <i>buildings</i> used for science and technology related services other than laboratories and data centers.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including areas with the main business activity, production areas, administrative offices, restrooms, employee break areas, stairways, atriums, elevator shafts, and storage areas.</p>
103	Services	Personal Services (Health/Beauty, Dry Cleaning, etc.)			<p>Personal services refers to <i>buildings</i> used to sell services rather than physical goods. Examples include dry cleaners, salons, spas, etc.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, offices, storage areas, restrooms, staff break rooms, walkways, and stairwells.</p>

	Building Activity Type ^{1,2}			Notes	Clean Buildings Performance Standard Definitions
104	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Repair shop		<p>Repair services refers to <i>buildings</i> in which repair service is provided other than vehicle repair or maintenance. Examples include vehicle service or repair shops, shoe repair, jewelry repair, locksmiths, etc.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, repair areas, workshops, offices, parts storage areas, waiting rooms, restrooms, staff break rooms, hallways, and stairwells.</p>
105	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Vehicle service/repair shop		<p>Vehicle service/repair shop refers to <i>buildings</i> in which vehicle repair service is provided. Examples include vehicle mechanical repair, body and paint shops, muffler, brake and tire shops.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, repair areas, workshops, offices, parts storage areas, waiting rooms, restrooms, staff break rooms, hallways, and stairwells.</p>
106	Services	Repair Services (Vehicle, Shoe, Locksmith, etc.)	Vehicle storage/maintenance		<p>Repair services - Vehicle storage/maintenance refers to <i>buildings</i> in which vehicle storage or maintenance service is provided. Examples include warehousing of vehicles and maintenance services such as vehicle washing/detailing.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, maintenance areas, repair areas, workshops, offices, storage areas, waiting rooms, restrooms, staff break rooms, hallways, and stairwells.</p>
107	Services	Other - Services			<p>Other - Services refers to <i>buildings</i> in which primarily services are offered, but which does not fit into the personal services or repair services building activity type. Examples include kennels, photo processing shops, etc.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including sales floors, offices, storage areas, restrooms, staff break rooms, walkways, and stairwells.</p>

	Building Activity Type ^{1,2}		Notes	Clean Buildings Performance Standard Definitions
108	Utility	Energy/Power Station	7	<p>Energy/power station applies to <i>buildings</i> containing machinery and/or associated equipment for generating electricity or district heat (steam, hot water, or chilled water) from a raw fuel, including fossil fuel power plants, traditional district heat power plants, combined heat and power plants, nuclear reactors, hydroelectric dams, or facilities associated with a solar or wind farm.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including power generation areas (boilers, turbines, etc.), administrative space, cooling towers, kitchens used by staff, restrooms, lobbies, meeting rooms, cafeterias, stairways, elevator shafts, and storage areas (which may include fossil fuel storage tanks or bins).</p> <p>This is a <i>building</i> or activity without an energy target. This may be exempt from the standard, see Section Z4.1 2, d.</p>
109	Utility	Other - Utility	7	<p>Other - Utility applies to <i>buildings</i> used by a utility for some purpose other than general office or energy/power generation. This may include utility transfer stations or maintenance facilities. Note that an administrative office occupied by a utility should be entered as office, and a power or energy generation plant should be entered as energy/power station.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including administrative space, maintenance and equipment areas, generator rooms, kitchens used by staff, restrooms, lobbies, meeting rooms, stairways, elevator shafts, and storage areas.</p> <p>This is a <i>building</i> or activity without an energy target. This may be exempt from the standard, see Section Z4.1 2, d.</p>
110	Warehouse/ storage	Self-Storage Facility		<p>Self-storage facility refers to <i>buildings</i> that are used for private storage. Typically, a single self-storage facility will contain a variety of individual units that are rented out for the purpose of storing personal belongings.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including individual storage units, administrative offices, security and maintenance areas, mechanical rooms, hallways, stairways, and elevator shafts.</p>

	Building Activity Type ^{1,2}		Notes	Clean Buildings Performance Standard Definitions
111	Warehouse/ storage	Distribution Center		<p>Distribution center refers to unrefrigerated <i>buildings</i> that are used for the temporary storage and redistribution of goods, manufactured products, merchandise or raw materials. <i>Buildings</i> that are used primarily for assembling, modifying, manufacturing, or growing goods, products, merchandise or raw material should be classified as manufacturing facility.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including space designed to store nonperishable goods and merchandise, offices, lobbies, stairways, restrooms, equipment storage areas, and elevator shafts.</p>
112	Warehouse/ storage	Nonrefrigerated Warehouse		<p>Nonrefrigerated warehouse refers to unrefrigerated <i>buildings</i> that are used to store goods, manufactured products, merchandise or raw materials. <i>Buildings</i> that are used primarily for assembling, modifying, manufacturing, or growing goods, products, merchandise or raw material should be classified as manufacturing facility.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, including the main storage rooms, administrative offices, lobbies, stairways, restrooms, equipment storage areas, and elevator shafts.</p>
113	Warehouse/ storage	Refrigerated Warehouse		<p>Refrigerated warehouse refers to refrigerated <i>buildings</i> that are used to store or redistribute perishable goods or merchandise under refrigeration at temperatures below 50 degrees Fahrenheit (10 degrees Celsius). <i>Buildings</i> that are used primarily for assembling, modifying, manufacturing, or growing goods, products, merchandise or raw material should be classified as manufacturing facility.</p> <p><i>Gross floor area</i> should include all space within the <i>building</i>, which includes temperature controlled areas, administrative offices, lobbies, stairways, restrooms, equipment storage areas, and elevator shafts.</p>

Notes:

1. Select the most specific building activity type that applies.
2. Building activity types are defined by *AHJ* in Table 7-4.
3. All medical offices considered to be diagnostic type.
4. Must use of Section 7.2.3 method for mixed use *buildings*.
5. Suggest considering use of Section 7.2.3 method for mixed use *buildings*.
6. This is a *building* or activity without an energy target. Included to provide definition only.
7. This is a *building* or activity without an energy target. This may be exempt from the standard, see Section Z4.1 2, d.
8. Laboratories as defined by the college/university building activity type where the primary activity is for teaching practical science shall use the college/university building activity type target. College/university *buildings* with research laboratory *building* activities where the primary activities are of scientific research, measurement, and experiments are performed, can utilize building activity type 101 laboratory for an area weighted *EUI*.
9. Building activity type target developed at the campus-level. As an alternative to complying at the building-level, these *covered buildings* may comply at a campus-level with the *EUI*. "Campus-level" is an alternative reporting pathway for a collection of all *buildings* on adjoining property with a single shared primary function that act as a single property.

AMENDATORY SECTION (Amending WSR 24-03-033, filed 1/8/24, effective 2/8/24)

WAC 194-50-160 Normative Annex Y—Washington state Tier 2 covered buildings reporting requirements—This is a normative annex and is part of the Tier 2 covered building requirements of this standard.

Y1 Building owner notifications by the AHJ.

Y1.1 Notification to building owners of covered buildings by the AHJ.

Based on records obtained from each county assessor and other available information sources, the *AHJ* must create a database of *covered buildings* and *building owners* required to comply with the standard established in accordance with this section. The database may include *buildings* and *building complexes* presumed to meet the definition of *covered building* and *multifamily residential buildings* greater than 20,000 square feet in floor area.

Y1.1.1 The database will contain information about *buildings* that may be subject to compliance and their owners. The database will also contain information to assist tracking and reporting on *building owner* compliance, and incentive application and distribution. Commerce will create a method for tracking *building owner* notification responses. Each *building* or *building complex* will be assigned a unique *building* identifier.

Y1.2 By July 1, 2025, the *AHJ* must provide the owners of *covered buildings* with notification of compliance requirements.

Y1.3 Failure by the *AHJ* to provide the notification in Section Y1.2 does not release the *building owner* of the legal obligation to comply with this law. When a *covered building* undergoes a change of ownership, it is the buyer's responsibility to contact the *AHJ* and update the *covered building's* profile.

Y2 Building owner response to notifications.

Y2.1 Correction of errors. *Building owners* are responsible for reviewing the property and *building* information provided by the *AHJ* through notification including, but not limited to, *building* or *building complex* ownership details, *gross floor area*, and other information as identified by the *building owner*.

Y2.1.1 Correction of errors documentation. *Building owners* who are notified in error may submit a correction to the *AHJ*. The correction will be used to document *gross floor area* (conditioned and unconditioned) and/or *building* type.

Y3 Washington state reporting requirements for building owners.

Y3.1 General compliance. The *building owner* of a *Tier 2 covered building* must report compliance with the standard to the *AHJ* in accordance with the compliance schedule established under Section Y3.2 and every five years thereafter. For each reporting date, the *building owner* must submit documentation to demonstrate that

1. The *weather normalized energy use intensity* of the *Tier 2 covered building* measured in a period not to exceed two years prior to the compliance deadline specified in Normative Annex Y, Section Y3.1 compared to the *energy use intensity target*; and has developed and is maintaining an energy management plan (*EMP*) in accordance with Section

5, including an operations and maintenance program (O&M) in accordance with Section 6; or

2. The covered building has received Tier 2 covered building conditional compliance from the AHJ; or

3. The covered building is exempt from the standard by demonstrating that the building meets one of the criteria for an exemption.

Y3.2 Compliance schedule. The building owner of a Tier 2 covered building must report the building owner's compliance with the standard to the AHJ in accordance with the appropriate initial compliance date as follows and every five years thereafter.

1. For a building with more than 20,000 gross square feet but less than 50,001 gross square feet and all multifamily residential buildings more than 20,000 gross square feet: July 1, 2027.

2. Covered buildings complying at a (~~campus-level or connected~~) grouped building level shall use the compliance schedule representing the largest covered building or the compliance schedule can be graduated through the conditional compliance provisions of the standard in accordance with individual covered buildings compliance schedules of Sections Z3.2, Y3.2, and W3.2. (~~Where the largest building is more than 50,000 gross square feet but less than 90,001 gross square feet: June 1, 2028.~~) Notify the AHJ a minimum of 180 days prior to the largest covered building's compliance date when complying at a grouped building level to update the covered building profile(s) and (your compliance deadline) when applicable, to apply for conditional compliance in accordance with Section Z4.4 or Z4.5.

Y3.2.1 Early compliance option. Building owners may submit for compliance to the AHJ beginning July 1, 2025. Energy use data for developing the net energy consumption of the covered building shall be measured in a period not to exceed two years prior to the submission of compliance documentation. This section expires June 1, 2027.

Y3.2.2 Application for Tier 2 covered building conditional compliance. Applications for Tier 2 covered building conditional compliance must be submitted to the AHJ prior to the compliance date to receive Tier 2 covered building conditional compliance approval.

1. Tier 2 covered building conditional compliance is valid for the EMP and O&M requirements of the standard.

2. Benchmarking is required and shall be reported in application for Tier 2 covered building conditional compliance. Approved applications will receive a revised compliance date of 180 days. Application for Tier 2 covered building conditional compliance is limited to one application per compliance cycle.

Y3.2.3 Application for exemption. Building owners submitting an application for exemption as specified in Section Y4.1 must submit to the AHJ no sooner than two years prior and no later than 180 days prior to the compliance date to receive exemption approval prior to the compliance date.

Y4 Documentation of compliance with the standard. Documentation of compliance shall be submitted to the AHJ demonstrating the building owner has complied with the standard through submission of documentation in accordance with Section Y4.1, Y4.2 or Y4.3.

Y4.1 Documentation of compliance through exemption. Building owners seeking approval of exemption shall submit to the AHJ Section Y6.7 Form H, "Application for Exemption Certificate," documenting the following:

1. **Exemption conditions.** The *building* qualifies for one of the exemptions listed in Y4.1(2), and:

a. **Exemption verification.** Compliance with the exemption must be verified by the owner based on the *building* as it is to be occupied and operating on the compliance date.

b. **Exemption application time frame.** Applications for exemptions may be submitted no sooner than two years prior to the compliance date and submitted to the *AHJ* no later than 180 days prior to the compliance date.

c. **Exemption certificate validity.** Exemptions certificates are only valid for the current compliance review cycle.

2. **Exemptions.** *Covered buildings* are not eligible for exemption from the standards unless they meet at least one of the following criteria:

a. **Certificate of occupancy.** The *building* did not have a certificate of occupancy or temporary certificate of occupancy for a consecutive 12-month period within two years prior to the compliance date.

b. **Physical occupancy.** The *building* did not have *physical occupancy* by owner or tenant for at least 50 percent of the conditioned floor area throughout the consecutive 12-month period prior to the *building* compliance date.

c. **Floor area.** The sum of the *building's* gross floor area minus unconditioned and *semi-heated spaces*, as defined in the Washington State Energy Code, is less than 20,000 square feet.

d. **Manufacturing or industrial.** More than 50 percent of the gross floor area of the *building* is used for manufacturing or other industrial purposes, as defined under the following use designations of the Washington state edition of the International Building Code:

i. Factory group F; or

ii. High hazard group H.

e. **Agricultural.** The *building* is an *agricultural structure*.

f. **Demolition.** The *building* is pending demolition.

g. **Financial hardship.** The *building* meets at least one of the following conditions of financial hardship:

i. The *building* had arrears of property taxes or water or wastewater charges that resulted in the *building's* inclusion, within the prior two years, on a city or county's annual tax lien sale list.

ii. The *building* has a court-appointed receiver in control of the asset due to financial distress.

iii. The *building* is owned by a financial institution through default by a borrower.

iv. The *building* has been acquired by a deed in lieu of foreclosure within the previous 24 months.

v. The *building* has a senior mortgage subject to a notice of default.

vi. The *building* owner has an immediate and heavy financial need that cannot be satisfied from other reasonable available resources and that is caused by events that are beyond their control.

3. **Notification of exemption approved or denied.** After documents have been submitted and reviewed, the *AHJ* will send notification of approval or denial.

a. If the exemption is approved, the *AHJ* shall notify the applicant stating the application has been approved and update the *AHJ* records for the *building*.

b. If the exemption is denied, the *AHJ* shall notify the applicant stating the application has been denied and update the *AHJ* records for the *building*.

i. **Requesting hearing for denied exemption.** See Section Y5.7 Administrative hearings.

4. **Compliance required when exemption denied.** When an application for exemption is denied, the *building owner* must proceed with the process to demonstrate compliance with one of the compliance options in Washington state reporting requirements for *building owners* in Sections Y4.2 through Y4.5.

Y4.2 Benchmarking. *Building owners* must provide the following documentation to verify that the *building weather normalized EUI* is compared to the *building EUI_t* and that the energy management plan (*EMP*), including the operations and maintenance program (*O&M*) is complete and being implemented.

1. Form A;
2. Form B; except *buildings* unable to meet Section 7.2, Determining Energy Target (*EUI_t*);
3. Form C.

Y4.3 Buildings approved for Tier 2 covered building conditional compliance. *Building owners* seeking approval of *Tier 2 covered building conditional compliance* for the energy management plan (*EMP*), including the operations and maintenance (*O&M*) program shall submit to the *AHJ Tier 2 covered building conditional compliance* application along with the following documentation:

1. Form A;
2. Form B;
3. Form C.

Once *Tier 2 covered building conditional compliance* is approved:

4. Documentation to verify that the *EMP* and *O&M* is complete and being implemented must be submitted to the *AHJ* by the revised compliance date.

Y5. Violations, assessment of administrative penalties and review of penalty decisions.

Y5.1 Authorization. The *AHJ* is authorized to impose administrative penalties on *building owners* for failing to submit documentation demonstrating compliance with the requirements of this standard. Failure to submit documentation demonstrating compliance by the scheduled reporting date will result in penalties by legal notice.

Y5.2 Notice of violation, opportunity to correct, and intent to assess penalties (NOVCI).

Y5.2.1 Notifying owner of failure to demonstrate compliance. The *AHJ* may issue a NOVCI when a *building owner* has failed to submit documentation that demonstrates compliance with this standard by the scheduled reporting date.

Y5.2.2 Issuing NOVCI. A NOVCI may be issued for any of the following reasons:

1. Failure to submit a compliance report in the form and manner prescribed by the *AHJ*.
2. Failure to submit compliance report by the revised compliance date after receiving *Tier 2 covered building conditional compliance* approval.
3. Failure to provide accurate reporting consistent with the requirements of the standard.
4. Failure to provide a valid exemption certificate.

Y5.2.3 Identifying failure to demonstrate compliance. The *AHJ* will identify in the NOVCI the section(s) of law, code, or the standard for which the *building owner* has failed to demonstrate compliance.

Y5.2.4 Specifying time frame to remedy. The NOVCI will specify the time by which the *building owner* must cure the violation by submitting documentation that demonstrates compliance with the identified section(s) of law, code, or the standard. The *AHJ* will give the *building owner* at least 30 calendar days to submit such documentation.

Y5.3 Response to NOVCI.

Y5.3.1 Responding to NOVCI. *Building owners* must respond to a NOVCI within 30 days by meeting one of the following:

1. **Compliance:** Submitting a compliance report in the form and manner prescribed by the *AHJ*.
2. **Exemption:** Submitting an application for exemption in accordance with Section Y4.1 Documentation of compliance through exemption, if applicable;
3. **Tier 2 Covered building conditional compliance:** Submitting a *Tier 2 covered building conditional compliance* application in accordance with Section Y4.3 Buildings approved for Tier 2 covered building conditional compliance;
4. **Pay penalties:** Submitting their intent to pay the penalties by using the form provided by the *AHJ*; or
5. **Request hearing:** Submitting a request for an administrative hearing to challenge or mitigate the penalty in accordance with Section Y5.7 Administrative hearings.

Y5.3.2 Missing NOVCI response deadline. If the *building owner* does not respond within 30 days in accordance with Section Y5.3.1 Responding to the NOVCI, the *building owner* waives their right to a hearing, and the *director* or their designee may issue a final order assessing the penalties described in the NOVCI.

Y5.4 Assessment of administrative penalties.

Y5.4.1 Penalties for building owners. Failure to submit documentation demonstrating compliance with the standard by the date specified in a NOVCI will result in the assessment of administrative penalties at an amount not to exceed \$0.30 per square foot of *gross floor area*.

Y5.4.1.1 Penalties for building owners pursuing relief. For *building owners* subject to a NOVCI who respond within 30 days:

1. **With documentation demonstrating compliance or successful challenges.** For *building owners* that submit documentation demonstrating compliance or are successful in their challenges:
 - a. Fines shall be waived.
 - b. *Building owners* may be eligible to apply for early adopter incentive program.
2. **Without compliance documentation or unsuccessful challenges.** For *building owners* that have not submitted documentation demonstrating compliance by deadline or *Tier 2 covered building conditional compliance* deadline, or have an unsuccessful challenge:
 - a. The Tier 2 *building owner* will be assessed the maximum penalty of amount equal to \$0.30 per square foot of *gross floor area*.
 - b. *Building owners* may not be eligible to apply for early adopter incentive program.
 - c. The *AHJ* may by rule increase the penalty rates to adjust for the effects of inflation.

Y5.4.1.2 Building owners that choose to pay the fine rather than pursuing compliance. *Building owners* may choose to respond to the NOVCI by paying the maximum penalty.

1. The Tier 2 *building owner* will be assessed the maximum penalty of \$0.30 per square foot of *gross floor area*.
2. *Building owners* may not be eligible to apply for early adopter incentive program.
3. Penalties are assessed for each compliance period.

Y5.4.2 Interest. Interest will accrue on civil penalties pursuant to RCW 43.17.240 if and when the debt becomes past due.

Y5.5 Due date and collection of penalties.

Y5.5.1 Penalties due. Penalties shall become due and payable on the later of:

1. Thirty days after receipt of the final order imposing the penalty; or
2. The date specified in the final order imposing the penalty.

Y5.5.2 Debt collection. If a penalty has not been paid by the due date, the *AHJ* may assign the debt to a collection agency as authorized by RCW 19.16.500 or take other action to pursue collection as authorized by law. If referred to a collection agency, the *AHJ* may add a reasonable fee, payable by the debtor, to the outstanding debt for the collection agency fee.

Y5.6 Payment of administrative penalties. Penalties will be payable in U.S. funds to the Washington state department of commerce, as specified by the *AHJ*.

Y5.7 Administrative hearings.

Y5.7.1 Requesting a hearing. A *building owner* may request an administrative hearing after receiving a NOVCI or after the denial of their application for an exemption by submitting a request within 30 days of the date of a NOVCI or the denial of a timely application for exemption. All requests must be made in writing and filed at the address specified on the NOVCI. For convenience, the *AHJ* will attach a form titled "Request for Hearing" to the NOVCI that may be used to request an administrative hearing. Requests for hearing must be accompanied by the following:

1. Washington state *building ID*;
2. Submitted Annex Y Forms A, B, and C.

Y5.7.2 Hearing process. The *AHJ* may refer matters to the office of administrative hearings (OAH). Administrative hearings will be conducted in accordance with chapter 34.05 WAC, Administrative Procedure Act, chapter 10-08 WAC, Model rules of procedure, and the procedural rules adopted in this chapter. In the case of a conflict between the model rules of procedure and the procedural rules adopted in this section, the procedural rules adopted in this section take precedence.

Y5.7.3 Initial orders to become final orders. Initial orders issued by the presiding officer will become final without further agency action unless, within 20 days,

1. The *director* determines that the initial order should be reviewed; or
2. A party to the proceeding files a petition for administrative review of the initial order.

Upon occurrence of either event, notice shall be given to all parties to the proceeding.

Y5.7.4 Judicial review. A final order entered pursuant to this section is subject to judicial review pursuant to RCW 34.05.510 through 34.05.598.

Y5.7.5 Collected penalties. Administrative penalties collected under this section must be deposited into the low-income weatherization and structural rehabilitation assistance account created in RCW 70A.35.030 and reinvested into the clean buildings program, where feasible, to support compliance with the standard.

Y6 Compliance forms. The following sections replace Standard 100, Normative Annex C, "Reporting Forms," and provide additional forms specified by rule. *Building owners* are required to submit the applicable forms and the required supporting information to demonstrate compliance with the standard. These forms replace all referenced forms in this standard. The *AHJ* will make these forms available in an electronic format for submission to the *AHJ*.

Y6.1 Compliance with Standard 100 (Form A).

Note: For *grouped buildings*, use *Grouped Buildings Compliance with Standard 100 (Form J)*, instead of *Form A*.

1. *Building* identification:
 - a. ((WA)) Washington state *building* ID;
 - b. County;
 - c. County parcel number(s);
 - d. Portfolio manager property ID number;
 - e. Property name;
 - f. Parent property name;
 - g. Address 1 (street);
 - h. Address 2;
 - i. City;
 - j. State;
 - k. Postal code.
2. Contact information:
 - a. *Building owner* name(s);
 - b. Contact name;
 - c. Address 1 (street);
 - d. Address 2;
 - e. City;
 - f. State/province;
 - g. Country;
 - h. Postal code;
 - i. Telephone number;
 - j. Email address.
3. *Qualified person* (if applicable):
 - a. *Qualified person* name;
 - b. Address 1 (street);
 - c. Address 2;
 - d. City;
 - e. State;
 - f. Postal code;
 - g. Telephone number;
 - h. Email address;
 - i. Licensed, certified (select all that apply):
 - i. Licensure; or
 - ii. Certifying authority.

4. *Qualified energy manager* (if not the *qualified person*):
 - a. *Qualified energy manager* name;
 - b. Address 1 (street);
 - c. Address 2;
 - d. City;
 - e. State/province;
 - f. Postal code;
 - g. Country;
 - h. Telephone number;
 - i. Email address;
 - j. *Qualified energy manager* certification number.
5. *Energy manager* (if different than the *qualified person* or *qualified energy manager*):
 - a. *Energy manager* name;
 - b. Address 1 (street);
 - c. Address 2;
 - d. City;
 - e. State/province;
 - f. Postal code;
 - g. Country;
 - h. Telephone number;
 - i. Email address.
6. Summary data:
 - a. *Energy use intensity target* (EUI_t) (kBtu/ft²/yr) based on completed Section Y6.2 Form B;

Note: *Buildings* unable to develop EUI_t in accordance with Section 7.2.2 or 7.2.3 of this standard shall report national median site EUI target as calculated by the Energy Star portfolio manager account and reported on Form C.
 - b. Measured site EUI (kBtu/ft²) for the compliance year for this *building* based on Section Y6.3 Form C;
 - c. Measured *weather normalized* site EUI (kBtu/ft²) for the compliance year based on Section Y6.3 Form C;
 - d. List the months/year of the collected data (mm/yyyy - mm/yyyy) for the compliance year for this *building* from Section Y6.3 Form C;
 - e. *Buildings* unable to comply with Section 5.2, building energy monitoring, and complete Section Y6.3 Form C, shall provide a reason statement.
7. Have the energy management requirements of Section 5 been met?
 Yes No
 - Upload energy management plan as specified by the AHJ.
8. Have the operation and maintenance requirements of Section 6 been met? Yes No
 - Upload operation and maintenance implementation documentation as specified by the AHJ.
9. Date the audit and economic evaluation was completed (N/A if none required)
 - Upload audit reports as specified by Section Y6.4 Form D.
10. We state that this *building* complies with ANSI/ASHRAE/IES Standard 100 as amended by the AHJ to conform with RCW 19.27A.210:
 - a. Signature of *building owner*:
 - Date:
 - b. Signature of *qualified person*:
 - Date:
 - c. Signature of *energy manager*:
 - Date:
 - d. Signature of *authority having jurisdiction*:
 - Conditional or final compliance:

- Date:

Y6.2 Building activity and energy use intensity target (EUI_t) (Form

B). Complete form provided by the AHJ with the following information:

1. *Building* identification:
 - a. Washington state *building* ID;
 - b. County;
 - c. County parcel number(s);
 - d. Portfolio manager property ID number;
 - e. Property name;
 - f. Parent property name;
 - g. Address 1 (street);
 - h. Address 2;
 - i. City;
 - j. State;
 - k. Postal code.
2. List the *building* location climate zone, 4C or 5B. Determine the climate zone using the ASHRAE climate zone map located in Informative Annex G.
 - a. *Buildings* located in Climate Zone 5C shall use Climate Zone 4C.
 - b. *Buildings* located in Climate Zone 6B shall use Climate Zone 5B.
3. The *gross floor area* in square feet shall be reported as defined in Section 3.
4. If entire *building* is a nontarget building, a single (~~activity/type~~) building activity type not listed in Table 7-1, it should be listed as "building without target" on Section Y6.1 Form A. List "energy target" as "N/A" on Section Y6.2 Form B, and Section Y6.2 Form B is considered complete.
5. Fill in fraction of *gross floor area* (A)_{*i*} for each activity. For single-activity *buildings* this is 1.0.
6. Fill in the operating shifts normalization factor (S)_{*i*} from Table 7-3 for each activity.
7. Fill in the activity energy target (EUI_{t1})_{*i*} from Table 7-2 (or table from AHJ) for each activity.
8. Calculate weighted space *EUI* target ($A \times S \times EUI_{t1}$)_{*i*} for each activity.
9. Add up fraction of floor area and enter sum in "Total fraction of floor area with target," and add up all weighted space *EUI* targets and enter sum as the "energy target" on Sections Y6.2 and Y6.1 Forms B and A.
10. If more than 50 percent of *gross floor area* has no target, it should be listed as "building without target" on Section Y6.1 Form A. List "energy target" as "N/A" on Section Y6.2 Form B. For single-activity *buildings* this is 1.0.

Y6.3 Energy use intensity calculations (Form C). *Energy use intensity* calculations shall be reported via the U.S. EPA's ENERGY STAR portfolio manager (www.energystar.gov/benchmark). The *energy manager* is responsible for creating Energy Star portfolio manager record for each *building*.

Exception to Y6.3: *Buildings* unable to comply with Section 5.2, building energy monitoring shall demonstrate compliance at the *connected buildings* level.

The Energy Star portfolio manager *building* record shall be identical to the *building* activity/type, fraction floor area, operating shifts (hours of operation), and *gross floor area* of the *building* as reported on Form B. All inputs shall be up to date prior to reporting as required in Section Y4, and annually as required in Section 5.1.2.3.

Prior to submitting reports, run the Energy Star portfolio manager data quality checker and make all corrections required to complete the report.

The *energy manager* shall use the EPA's Energy Star portfolio manager share properties feature and share the property data with the *AHJ* by enabling the read-only access and exchange data feature.

For each report submitted under Section Y4, the *energy manager* shall create and submit a report documenting the required data fields listed (below) and other fields deemed necessary by the *AHJ* for the reporting period. This shall be submitted using the Washington state report specified in Energy Star portfolio manager.

Report fields shall include the following:

- Portfolio manager property ID;
- Portfolio manager parent property ID;
- Property name;
- Parent property name;
- Address 1;
- Address 2;
- City;
- County;
- State/Province;
- Postal Code;
- Primary property type - Self-selected;
- Primary property type - EPA calculated;
- List of all property use types at property;
- Property GFA - Self-reported (ft²);
- Property GFA - EPA calculated (*buildings* and parking) (ft²);
- Property GFA - EPA calculated (*buildings*) (ft²);
- Property GFA - EPA calculated (parking) (ft²);
- Largest property use type;
- Largest property use type - *Gross floor area* (ft²);
- 2nd Largest property use type;
- 2nd Largest property use - *Gross floor area* (ft²);
- 3rd Largest property use type;
- 3rd Largest property use type - *Gross floor area* (ft²);
- Year built;
- Occupancy;
- Property notes;
- Property data administrator;
- Property data administrator - Email;
- Last modified date - Property;
- Last modified date - Electric meters;
- Last modified date - Gas meters;
- Last modified date - Nonelectric nongas energy meters;
- Local standard ID(s) Washington state building standard;
- Data center - Energy estimates applied;
- Electricity use - Grid purchase and generated from on-site renewable systems (kWh);
- Electricity use - Grid purchase (kWh);

- Electricity use - Generated from on-site renewable systems and used on-site (kWh);
- Natural gas use (therms);
- Fuel oil #1 use (kBtu);
- Fuel oil #2 use (kBtu);
- Fuel oil #4 use (kBtu);
- Fuel oil #5 and #6 use (kBtu);
- Diesel #2 use (kBtu);
- Kerosene use (kBtu);
- Propane use (kBtu);
- District steam use (kBtu);
- District hot water use (kBtu);
- District chilled water use (kBtu);
- Coal - Anthracite use (kBtu);
- Coal - Bituminous use (kBtu);
- Coke use (kBtu);
- Wood use (kBtu);
- Other use (kBtu);
- Default values;
- Temporary values;
- Estimated data flag - Electricity (grid purchase);
- Estimated data flag - Natural gas;
- Alert - Data center does not have an IT meter;
- Alert - *Gross floor area* is 0 ft²;
- Alert - Property has no uses;
- Data quality checker - Date run;
- Data quality checker run - ?;
- Alert - Energy meter has less than 12 full calendar months of data;
- Alert - Energy meter has gaps;
- Alert - Energy meter has overlaps;
- Alert - Energy - No meters selected for metrics;
- Alert - Energy meter has single entry more than 65 days;
- Estimated values - Energy;
- Energy Star score;
- National median *site energy* use (kBtu);
- *Site energy* use (kBtu);
- *Site EUI* (kBtu/ft²);
- *Weather normalized site energy* use (kBtu);
- *Weather normalized site EUI* (kBtu/ft²);
- *Weather normalized site electricity* (kWh);
- *Weather normalized site electricity intensity* (kWh/ft²);
- *Weather normalized site natural gas use* (therms);
- *Weather normalized site natural gas intensity* (therms/ft²) energy current date;
- Electricity use - Generated from on-site renewable systems (kWh);
- Electricity use - Generated from on-site renewable systems and exported (kWh);
- Electricity Use - Grid purchase and generated from on-site renewable systems (kBtu);
- Electricity use - Grid purchase (kBtu);
- Electricity use - Generated from on-site renewable systems and used on site (kBtu);
- Natural gas use (kBtu);

- Percent of total electricity generated from on-site renewable systems;
- Cooling degree days (CDD) (°F);
- Heating degree days (HDD) (°F);
- Weather station name;
- Weather station ID.

Y6.4 Energy Audit Forms (Form D). Not applicable for *Tier 2 covered buildings*.

Form E. Not adopted.

Y6.5 Normative Annex X, Investment Criteria Tool (Form F). Not applicable for *Tier 2 covered buildings*.

Y6.6 Documentation of a building of historic significance (Form G). Not applicable for *Tier 2 covered buildings*.

Y6.7 Application for exemption certificate (Form H). Apply for an exemption certificate by submitting the following documentation in the form specified by the AHJ. The application must include the following:

1. *Building* identification:
 - a. Washington state *building* ID;
 - b. County;
 - c. County parcel number(s);
 - d. Portfolio manager property ID number;
 - e. Property name;
 - f. Parent property name;
 - g. Address 1 (street);
 - h. Address 2;
 - i. City;
 - j. State;
 - k. Postal code.
2. Contact information:
 - a. *Building* owner name(s);
 - b. Contact name;
 - c. Address 1 (street);
 - d. Address 2;
 - e. City;
 - f. State/Province;
 - g. Country;
 - h. Postal code;
 - i. Telephone number;
 - j. Email address.
3. *Building* information:
 - a. Primary *building* activity type from Table 7-1, or a description of the (~~nonlisted~~) nontarget *building* type;
 - b. *Building* gross floor area;
 - c. *Building* gross conditioned floor area.
4. Reason for exemption: Based on exemptions listed in Section Y4.1(b). A list all of documents enclosed and any facts in support of this application. Provide at least two of the acceptable documents listed below:
 - a. Municipal or county records;
 - b. Documents from a *qualified person*;
 - c. Construction permit;
 - d. Certificate of occupancy or application for certificate of occupancy;
 - e. Demolition permit;

f. Financial statements such as statement of assets; liabilities, capital, and surplus, statement of revenue and expenses; or statement of cash flow;

g. A letter from the *building owner* stating facts and explaining financial hardships;

h. Other documentation approved by the AHJ.

5. Signature and statement of *building owner* stating that the authorized representative of the *building* affirm and attest to the accuracy, truthfulness, and completeness of the statements of material fact provided in this form.

Y6.8 Grouped Buildings Compliance with Standard 100 (Form J).

1. Grouped buildings identification:

a. Washington state grouped buildings ID;

b. County;

c. County parcel number(s);

d. Portfolio manager property ID number;

e. Property name;

f. Parent property name;

g. Address 1 (street);

h. Address 2;

i. City;

j. State;

k. Postal code.

2. Contact information:

a. Grouped buildings owner name(s);

b. Contact name;

c. Address 1 (street);

d. Address 2;

e. City;

f. State/province;

g. Country;

h. Postal code;

i. Telephone number;

j. Email address.

3. Qualified person:

a. Qualified person name;

b. Address 1 (street);

c. Address 2;

d. City;

e. State;

f. Postal code;

g. Telephone number;

h. Email address;

i. Licensed, certified (select all that apply):

i. Licensure; or

ii. Certifying authority.

4. Energy manager (if different than the qualified person):

a. Energy manager name;

b. Address 1 (street);

c. Address 2;

d. City;

e. State/province;

f. Postal code;

g. Country;

h. Telephone number;

i. Email address.

5. Decarbonization plan author, where applicable:

- a. Company name;
- b. Contact name;
- c. Address 1 (street);
- d. Address 2;
- e. City;
- f. State;
- g. Postal code;
- h. Telephone number;
- i. Email address.

6. This compliance report is for:

- a. Grouped buildings that meet the EUI_t ;
 - b. Grouped buildings that meet the investment criteria prior to the compliance date;
 - c. Grouped buildings that will meet the EUI_t through conditional compliance;
 - d. Grouped buildings that will meet the investment criteria through conditional compliance;
 - e. Annual reporting for conditional compliance;
 - f. Progress reporting for decarbonization plan;
 - g. Completion reporting.
7. Summary data:
- a. Energy use intensity target (EUI_t) (kBtu/ft²/yr) based on completed Section Z6.2 Form B;

Note: Baseline WNEUI for grouped buildings that will meet investment criteria through conditional compliance.

- b. Measured site EUI (kBtu/ft²) for the compliance year for grouped buildings based on Section Z6.3 Form C;
- c. Grouped buildings without an energy target;

Notes:

1. Predicted site EUI for grouped buildings that will meet the EUI_t or investment criteria through conditional compliance.
2. Grouped buildings unable to develop EUI_t in accordance with Section 7.2.2 or 7.2.3 of this standard shall report national median site EUI as calculated by the Energy Star portfolio manager account and reported on Form C.

- d. Grouped buildings measured weather normalized site EUI (kBtu/ft²) for the compliance year based on Section Z6.3 Form C;
- e. List the months/year of the collected data (mm/yyyy - mm/yyyy) for the compliance year for this grouped buildings from Section Z6.3 Form C;
- f. Grouped buildings applying for conditional compliance through meeting the EUI_t shall submit the following based on Section Z6.4 Form D:

- Baseline EUI_t ;
- Projected EUI_t ;

Note: Not applicable to decarbonization plan.

- g. Grouped buildings applying for conditional compliance through meeting the investment criteria shall submit the following based on Section Z6.4 Form D:

- Baseline total kBtu;
- Projected total kBtu;
- Projected savings total kBtu;

Note: Not applicable to decarbonization plan.

- 8. Have the energy management requirements of Section 5 been met in accordance with the compliance schedule outlined in Section Z3.2 for Tier 1 covered buildings, Section Y3.2 for Tier 2 covered buildings, and for campuses participating in the decarbonization plan by

July 1, 2030, for buildings not covered, but connected to the district energy system? Yes No

• Upload energy management plan as specified by the AHJ.

9. Have the operation and maintenance requirements of Section 6 been met in accordance with the compliance schedule outlined in Section Z3.2 for Tier 1 covered buildings, Section Y3.2 for Tier 2 covered buildings, and for campuses participating in the decarbonization plan by July 1, 2030, for buildings not covered, but connected to the district energy system? Yes No

• Upload operation and maintenance implementation documentation as specified by the AHJ.

10. Date the audit and economic evaluation was completed (N/A if none required).

• Upload audit reports as specified by Section Z6.4 Form D.

11. Have all EEMs required by Section 8 been implemented? Yes No

12. Have the requirements of Section 9 been completed? Yes

No

13. We state that these grouped buildings comply with ANSI/ASHRAE/IES Standard 100 as amended by the AHJ to conform with RCW 19.27A.210:

a. Signature of grouped buildings' owner:

• Date:

b. Signature of qualified person:

• Date:

c. Signature of energy manager:

• Date:

d. Signature of authority having jurisdiction:

• Conditional or final compliance:

• Date:

((Y3)) Y7. Section 7—Tables as modified by Washington state.

See Normative Annex Z - Washington State Reporting Requirements for:

• **Table 7-1 Building Activity Types/Activities**

• **Table 7-2a Building Activity Site Energy Targets (EUI_{t1}) (I-P Units)**

• **Table 7-3 Building Operating Shifts Normalization Factor**

• **Table 7-4 Building Activity Type Definitions Table**

NEW SECTION

WAC 194-50-170 Normative Annex W—Washington state participating campus district energy system decarbonization plan general compliance and reporting requirements—This is a normative annex and is part of the district energy systems decarbonization requirements of this standard.

W1. Building owner notifications to the AHJ.

W1.1 Notification to the AHJ by participating campus owners with a district energy system. By June 30, 2024, owner or owner's designated representative of a *state campus district energy system* shall notify the AHJ that they are developing a *decarbonization plan*. Designated representatives of a *campus district energy system* may submit to the AHJ a request to opt-in to the *decarbonization plan* process. *Partici-*

participating campuses must comply with all of the *decarbonization plan* requirements in accordance with Normative Annex W.

Provide the following information to the AHJ:

For *participating campus*:

- State agency name or owners' organization name;
- Agency or owners' organization mailing address;
- *Campus* name;
- *Campus* owner name;
- Main point of contact: Name, email, phone;
- *District energy system* utility name and whether they are publicly or privately owned.

For each *building* connected to the *district energy system*:

- *Building* name/identifier and associated *gross floor area (GFA)*;
- Address;
- Parcel number;
- Commerce *building* ID - where applicable.

W2. AHJ reporting.

W2.1 Summary report. The AHJ must provide a summary report on the *decarbonization plans* required to decarbonize *district energy systems* in accordance with the clean buildings performance standard (CBPS) and Normative Annex W to the Governor and the appropriate committees of the legislature by December 1, 2025. The AHJ's report may include *campuses* that fail to submit a *decarbonization plan* or fail to comply with the requirements, including the implementation schedule defined within the plan.

W3. Washington state reporting requirements for participating campus district energy systems.

W3.1 General compliance.

W3.1.1 District energy system decarbonization plan requirements: By June 30, 2025, the owner of a *participating campus* must develop a *district energy system decarbonization plan* to provide a strategy for up to 15 years and submit it to the AHJ. The AHJ may approve a *decarbonization plan* that is based on an implementation schedule longer than 15 years.

The *decarbonization plan* must include:

1. **Decarbonization:** Mechanisms to replace fossil fuels in the *district energy system* heating plants to provide 100 percent of the *campus* design load, including a schedule for replacement:
 - a. A *campus* with a *district energy system* providing cooling only shall evaluate:
 - i. Addition of a *district energy system* heating plant, in compliance with Normative Annex W;
 - ii. Mechanisms to replace fossil fuels of the heating systems at the building-level;
 - b. A *campus* with a *district energy system* providing cooling only may extend compliance schedule in accordance with Section W3.2, where decarbonization of the *campus* heating system is pursued in accordance with Section W3.1.1(1) (a);

Exceptions to W3.1.1(1):

1. Fossil fuel or electric resistance sources may account for a maximum of 10 percent of:
 - a. A *district energy system* heating plant's annual output; or
 - b. Building-level heating system output when complying in accordance with Section W3.1.1(1) (b).

2. Decommissioning of the *district energy system* heating plant is an acceptable alternative if a life cycle cost analysis demonstrates implementation of decarbonized heating systems at the building-level saves more energy and is more cost-effective over the life of the measure, in accordance with Normative Annex X. If decarbonizing by decommissioning the *district energy system* heating plant, provide the following:

a. *Decarbonization plan* representing implementation of decarbonized heating systems at the building-level in lieu of decarbonization of the *district energy system's* heating plant, in accordance with Normative Annex W.

b. Life cycle cost analysis (LCCA), evaluating implementation of decarbonized heating systems at the building-level vs. decarbonization of the *district energy system* heating plant, in accordance with Normative Annex W.

c. Evaluation of potential beneficial and cost-effective use of existing distribution system.

2. **Waste heat and cooling:** An evaluation of possible options to partner with nearby sources and uses of waste heat and cooling;

3. **Expansion:** An examination of opportunities to add *buildings* or other facilities to the *district energy system* once it is decarbonized, a strategy to incentivize growth of a decarbonized system, and requirements for facilities joining the system;

4. **CBPS performance metric:** An evaluation, prioritization, and scheduled plan for meeting the requirements of Sections 4.1 and 4.3 for the *campus*.

When a *decarbonization plan* is fully implemented, the *campus* shall meet the requirements of Section 4.3.

5. **CBPS EMP and O&M program:** Compliance with the requirements of Section 4.2 in accordance with the compliance schedule of Z3.2, Y3.2, and W3.2 as applicable for all *buildings* connected to the *campus*. The requirements of Section 4.2 shall apply to all *buildings* connected to the *campus*.

W3.1.2 Recommended district energy system decarbonization plan considerations: *Participating campuses* are encouraged to include the following considerations in a *decarbonization plan*:

1. Distribution network upgrades;
2. On-site energy storage facilities;
3. Space cooling for residential facilities;
4. Labor and workforce, including state registered apprenticeship utilization;
5. Options for public-private partnerships;
6. Incorporation of industrial symbiosis projects or networks as described in chapter 308, Laws of 2021.

W3.1.3 Utility engagement: *Participating campuses* must consult with the electric utility and the natural gas utility serving the site of the system during *decarbonization plan* development.

W3.2 Compliance Schedule. *Participating campuses* must:

1. **Develop decarbonization plan:** Begin developing a *decarbonization plan* by June 30, 2024, in accordance with the reporting requirements of Section W1.1.

2. **Final decarbonization plan:** Submit a final *decarbonization plan* to the department of commerce by June 30, 2025, in accordance with the reporting requirements of Sections W3.1.1 and W4.1.

3. Energy management plan and operations and maintenance program:

Submit EMP and O&M in accordance with compliance schedule in Section Z3.2 for *Tier 1 covered buildings*, Section Y3.2 for *Tier 2 covered buildings*, and by July 1, 2030, for *buildings not covered*, connected to the *district energy system*.

4. Decarbonization plan progress reports: Every five years after June 30, 2025, until full implementation of the *decarbonization plan* and compliance with the standard has been met *decarbonization plans* must be resubmitted by July 1st, along with a progress report including revisions to the implementation of the *decarbonization plan*, to the *AHJ* in accordance with Section W4.2. A *campus* with a *district energy system* providing cooling only, which does not decarbonize their heating systems, is required to submit completion reporting in lieu of progress reporting by July 1, 2030.

5. Completion reporting: Upon full implementation of *decarbonization plan* and compliance with the standard, submit completion report by July 1, 2040, or the alternatively approved *decarbonization plan* completion date to the *AHJ*, in accordance with Sections W4.3 through W4.5, as applicable. A *campus* with a *district energy system* providing cooling only, which does not decarbonize their heating systems, shall submit completion reporting by July 1, 2030, or the alternatively approved *decarbonization plan* completion date to the *AHJ*, in accordance with Sections W4.3 through W4.5, as applicable.

W3.2.1 Decarbonization plan review and evaluation: Upon submittal to the department of commerce, *decarbonization plans* will be reviewed and approved by the *AHJ* in accordance with Normative Annex W. The *AHJ* may ask for a *decarbonization plan* to be revised and resubmitted if it does not meet standards as determined by the *AHJ*.

W4. Performance standard compliance reporting through decarbonization plan.

W4.1 Decarbonization plan reporting. *Participating campus* owners must provide a final *decarbonization plan*.

- *Decarbonization plan*;
- Form J;
- Form K;
- Form B;
- Form C;
- Form D, as applicable;
- Form F, as applicable.

W4.2 Decarbonization plan progress reporting. *Participating campus* owners must provide status updates and revised *decarbonization plans* until *decarbonization plan* is fully implemented. A minimum of one energy management plan (EMP) must be completed and the operations and maintenance program (O&M) must be implemented for the *campus*.

- Revised *decarbonization plan*;
- Status updates;
- Identify any revisions to *decarbonization plan*;
- Form J;
- Form K;
- Form B;
- Form C;
- Form D, as applicable and if revised;
- Form F, as applicable and if revised.

W4.3 Documentation of exempt buildings connected to a district energy system. There are no exemptions for a whole *campus*. *Participating campus* owners seeking approval of *building* exemption shall submit to the AHJ Form H, "Application for Exemption Certificate," in accordance with Section Z6.7 for *Tier 1 covered buildings* or Section Y6.7 for *Tier 2 covered buildings*.

W4.4 Campus that meets the EUI_t through the decarbonization plan. *Participating campus* owners must provide the following documentation to verify that the *campus weather normalized EUI* is less than the *campus EUI_t* and that a minimum of one energy management plan (EMP) must be completed and the operations and maintenance program (O&M) must be implemented for the *campus*.

- *Decarbonization plan*;
- Form J;
- Form K;
- Form B;
- Form C;
- Form F, when complying with the *decarbonization plan* through decommissioning in accordance with Section W3.1.1 Exception 2.

W4.5 Campus that meets the investment criteria through the decarbonization plan. *Participating campus* owners must provide the following documentation to verify that the *campus* has implemented all *EEMs* that meet the cost-effectiveness criteria resulting from the energy audit and economic evaluation criteria from Normative Annex X. The cost-effectiveness criteria does not apply to the decarbonization of the *district energy system* heating plant. The energy management plan (EMP) must be completed and the operations and maintenance program (O&M) must be implemented for the *campus*, and all *EEMs* must be installed and commissioned, prior to the approved *decarbonization plan* implementation schedule.

- *Decarbonization plan*;
- Form J;
- Form K;
- Form B;
- Form C;
- Form D;
- Form F.

W5. Assessment of administrative penalties.

W5.1 Issuing NOVC. The AHJ may issue a NOVC in accordance with Sections Z5 and Y5, when a *building owner* has failed to submit a *decarbonization plan*, approved by the AHJ, and has not met the requirements of this standard. Approved *decarbonization plans* extend Normative Annexes Z and Y compliance deadlines to the schedule specified in the approved *decarbonization plan*. Progress reporting submitted in accordance with Section W4.2, is required to maintain deadline extension and avoid penalty.

W6. Compliance forms.

W6.1 Grouped Buildings Compliance with Standard 100 (Form J).

Note: Grouped Buildings Compliance with Standard 100 (Form J) is used instead of Form A for *grouped buildings*.

1. *Grouped buildings* identification:
 - a. Washington state *grouped buildings* ID;
 - b. County;

- c. County parcel number(s);
- d. Portfolio manager property ID number;
- e. Property name;
- f. Parent property name;
- g. Address 1 (street);
- h. Address 2;
- i. City;
- j. State;
- k. Postal code.
- 2. Contact information:
 - a. *Grouped buildings owner* name(s);
 - b. Contact name;
 - c. Address 1 (street);
 - d. Address 2;
 - e. City;
 - f. State/province;
 - g. Country;
 - h. Postal code;
 - i. Telephone number;
 - j. Email address.
- 3. *Qualified person*:
 - a. *Qualified person* name;
 - b. Address 1 (street);
 - c. Address 2;
 - d. City;
 - e. State;
 - f. Postal code;
 - g. Telephone number;
 - h. Email address;
 - i. Licensed, certified (select all that apply):
 - i. Licensure; or
 - ii. Certifying authority.
- 4. *Energy manager* (if different than the *qualified person*):
 - a. *Energy manager* name;
 - b. Address 1 (street);
 - c. Address 2;
 - d. City;
 - e. State/province;
 - f. Postal code;
 - g. Country;
 - h. Telephone number;
 - i. Email address.
- 5. *Decarbonization plan* author, where applicable:
 - a. Company name;
 - b. Contact name;
 - c. Address 1 (street);
 - d. Address 2;
 - e. City;
 - f. State;
 - g. Postal code;
 - h. Telephone number;
 - i. Email address.
- 6. This compliance report is for:
 - a. *Grouped buildings* that meets the EUI_t ;
 - b. *Grouped buildings* that meets the investment criteria prior to the compliance date;

- c. *Grouped buildings* that will meet the EUI_t through *conditional compliance*;
- d. *Grouped buildings* that will meet the investment criteria through *conditional compliance*;
- e. Annual reporting for *conditional compliance*;
- f. Progress reporting for *decarbonization plan*;
- g. Completion reporting.
7. Summary data:
- a. *Energy use intensity target* (EUI_t) (kBtu/ft²/yr) based on completed Section Z6.2 Form B;
- Note:** *Baseline WNEUI* for *grouped buildings* that will meet investment criteria through *conditional compliance*.
- b. Measured site *EUI* (kBtu/ft²) for the compliance year for *grouped buildings* based on Section Z6.3 Form C;
- c. *Grouped buildings* without an energy target;
- Notes:**
1. Predicted site *EUI* for *grouped buildings* that will meet the EUI_t or investment criteria through *conditional compliance*.
 2. *Grouped buildings* unable to develop EUI_t in accordance with Section 7.2.2 or 7.2.3 of this standard shall report national median site *EUI* as calculated by the Energy Star portfolio manager account and reported on Form C.
- d. *Grouped buildings* measured *weather normalized site EUI* (kBtu/ft²) for the compliance year based on Section Z6.3 Form C;
- e. List the months/year of the collected data (mm/yyyy - mm/yyyy) for the compliance year for this *grouped buildings* from Section Z6.3 Form C;
- f. *Grouped buildings* applying for *conditional compliance* through meeting the EUI_t shall submit the following based on Section Z6.4 Form D:
- *Baseline EUI*;
 - *Projected EUI*;
- Note:** Not applicable to *decarbonization plan*.
- g. *Grouped buildings* applying for *conditional compliance* through meeting the investment criteria shall submit the following based on Section Z6.4 Form D:
- *Baseline total kBtu*;
 - *Projected total kBtu*;
 - *Projected savings total kBtu*;
- Note:** Not applicable to *decarbonization plan*.
8. Have the energy management requirements of Section 5 been met in accordance with the compliance schedule outlined in Section Z3.2 for *Tier 1 covered buildings*, Section Y3.2 for *Tier 2 covered buildings*, and for *campuses* participating in the *decarbonization plan* by July 1, 2030, for *buildings* not covered, but connected to the *district energy system*? [] Yes [] No
- Upload energy management plan as specified by the AHJ.
9. Have the operation and maintenance requirements of Section 6 been met in accordance with the compliance schedule outlined in Section Z3.2 for *Tier 1 covered buildings*, Section Y3.2 for *Tier 2 covered buildings*, and for *campuses* participating in the *decarbonization plan* by July 1, 2030, for *buildings* not covered, but connected to the *district energy system*? [] Yes [] No
- Upload operation and maintenance implementation documentation as specified by the AHJ.
10. Date the audit and economic evaluation was completed (N/A if none required).
- Upload audit reports as specified by Section Z6.4 Form D.
11. Have all *EEMs* required by Section 8 been implemented? [] Yes [] No

12. Have the requirements of Section 9 been completed? Yes
 No

13. We state that these *grouped buildings* comply with ANSI/ASHRAE/IES Standard 100 as amended by the AHJ to conform with RCW 19.27A.210:

- a. Signature of *grouped buildings owner*:
 - Date:
- b. Signature of *qualified person*:
 - Date:
- c. Signature of *energy manager*:
 - Date:
- d. Signature of *authority having jurisdiction*:
 - Conditional or final compliance:
 - Date:

W6.2 Building activity and energy use intensity target (EUI_t) (Form B). See Section Z6.2.

W6.3 Energy use intensity calculations (Form C). See Section Z6.3.

W6.4 End use analysis requirements. *Building owners* shall demonstrate compliance with Form D by providing the documentation required by Section Z6.4.1 for all *Tier 1 covered buildings* of *campuses* pursuing compliance through the investment criteria.

W6.5 Normative Annex X, "Investment Criteria," Tool (Form F). See Section Z6.5 for all *Tier 1 covered buildings* of *campuses* pursuing compliance through the investment criteria.

W6.6 Documentation of a building of historic significance (Form G). See Section Z6.6.

W6.7 Application for exemption certificate (Form H). See Section Z6.7 for *Tier 1 covered buildings* or Section Y6.7 for *Tier 2 covered buildings*.

W6.8 Decarbonization plan reporting requirements (decarbonization plan content out-line) (Form K).

1. **This decarbonization plan report is for:**

- a. Final *decarbonization plan* submittal Yes No
- b. Progress reporting Yes No
- c. Completion reporting Yes No

2. **Decarbonization project scope of work:**

- a. Summary of existing *district energy system* and *campus layout* including:
 - i. List of all *buildings* served by the *district energy system*;
 - ii. List of all *buildings* served by the *district energy system* heating and/or cooling plant, peak load;
 - iii. Description of current *district energy system* including, but not limited to, heating and cooling system type(s), configuration(s), output capacity(ies), thermal distribution loop(s);
 - iv. Energy monitoring (*benchmarking*):
 - Identification of current *benchmarking* configuration:
 - *Campus* Yes No
 - *Connected building* Yes No
 - *Campus-level* Yes No
 - v. *Energy use intensity target (EUI_t)* (kBtu/ft²/yr) based on completed Section Z6.2;

Form B Note: *Baseline WNEUI for decarbonization plans* that will meet investment criteria through *conditional compliance*.

- vi. Measured site *EUI* (kBtu/ft²) for the identified *benchmarking* configuration at time of *decarbonization plan* submittal based on Section Z6.3 Form C;
- b. Proposed decarbonized *district energy system* and *campus* layout including:
- i. List of all *buildings* to be served by the *district energy system*;
- ii. List of all *buildings* to be served by the *district energy system* heating plant, peak load;
- iii. List of all *buildings* to be served by the *district energy system* cooling plant, peak load;
- iv. Description of proposed *district energy system* including, but not limited to, heating and cooling system type(s), configuration(s), output capacity(ies), thermal distribution loop(s);
- An inventory and evaluation of possible options to partner with nearby sources and uses of waste heat and cooling;
 - An inventory and evaluation of expanding *district energy system* to other *buildings*;
- v. Identification of heating plant backup type, fuel source, capacity;
- vi. Identification of proposed *energy efficiency measures (EEMs)* required to meet the requirements of the standard;
- c. Proposed *building* performance metric:
- i. Compliance pathway:
- *EUI_t* [] Yes [] No
 - Investment criteria - (include within progress report) [] Yes [] No
- Plans for ASHRAE level 2 Energy Audit, on *Tier 1* covered *buildings*
- Plans for LCCA
- ii. Energy monitoring (*benchmarking*):
- Identification of proposed *benchmarking* configuration:
 - *Campus* [] Yes [] No
 - *Connected building* [] Yes [] No
 - *Campus-level* [] Yes [] No
 - Proposed *energy use intensity target (EUI_t)* (kBtu/ft²/yr) developed in accordance with the standard;
 - Projected site *EUI* (kBtu/ft²) for the identified *benchmarking* configuration after implementation of *decarbonization plan* based on Section Z6.3 Form C;
 - Form D documenting proposed *energy efficiency measures (EEMs)*;
 - Form F documenting the life cycle cost analysis if pursuing the investment criteria of the standard;
- d. Proposed metering configuration:
- i. Shall include metering to measure *district energy system* heating and/or cooling plant input to individual *buildings*;
- ii. Shall be configured in a manner to measure proposed *benchmarking* configuration;
- iii. Shall include independent end use metering of *district energy system* backup heating plant.
- 3. Recommended district energy system decarbonization plan considerations:** *Participating campuses* are encouraged to include the following considerations in a *decarbonization plan*:
- a. Distribution network upgrades;
- b. On-site energy storage facilities;
- c. Space cooling for residential facilities;

d. Labor and workforce, including state registered apprenticeship utilization;

e. Options for public-private partnerships;

f. Incorporation of industrial symbiosis projects or networks as described in chapter 308, Laws of 2021.

4. **Utility engagement:** Narrative of steps taken including the date range of communications, for *participating campuses* consultation with the electric utility and the natural gas utility serving the site of the system during *decarbonization plan* development.

5. **Proposed project timeline shall provide implementation details and dates for:**

a. Energy management plan and operations and maintenance program, implemented in accordance with Section W3.1.1(5);

b. *Energy efficiency measures (EEMs)* required to meet the standard;

c. All phases of *district energy system decarbonization plan*;

i. *Decarbonization plan* shall determine implementation schedule, project timeline, compliance schedule;

6. **Other considerations:**

a. Communication engagement including, but not limited to, occupants, utilities, funders, and public;

b. Are funding mechanisms in place? [] Yes [] No

c. Are there cost projections in place? [] Yes [] No

i. What are your current/updated estimated costs? _____

ii. What are your current expended costs? _____

d. Changes to plan required to meet changes in codes, laws, and standards including any future reductions in EUI_t .

WSR 24-10-114
PROPOSED RULES
SECRETARY OF STATE
[Filed May 1, 2024, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-07-037.

Title of Rule and Other Identifying Information: Custody of public records.

Hearing Location(s): On June 6, 2024, at 2:00-2:30 p.m., at the Washington Secretary of State, State Archives Building, 1129 Washington Street S.E., Olympia, WA 98501.

Date of Intended Adoption: June 7, 2024.

Submit Written Comments to: Terry Badger, P.O. Box 40238, Olympia, WA 98504-0238, email archives@sos.wa.gov, fax 360-664-8814, by June 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clarify the custody of public records when located by agencies in temporary storage at the state records center to state that it is not prohibited for agencies to transfer records between each other when needed to perform a governmental function.

Reasons Supporting Proposal: By removing "physical" as part of the custody requirement, it makes it clear that local governments may use private record storage facilities and all agencies may use cloud storage providers.

Statutory Authority for Adoption: RCW 40.14.020.

Statute Being Implemented: RCW 40.14.020.

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

Name of Proponent: Office of the secretary of state, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Terry Badger, Olympia, 360-902-4151.

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

A cost-benefit analysis is not required under RCW 34.05.328. No fiscal impact.

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.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

May 1, 2024
Amanda Doyle
Chief of Staff

OTS-5300.1

AMENDATORY SECTION (Amending WSR 93-04-001, filed 1/21/93, effective 2/21/93)

WAC 434-615-020 Custody. (1) Unless otherwise provided by law, public records must remain in the legal custody of the office in which they were originally filed, which shall be considered the office of record, or shall be destroyed or transferred pursuant to instructions from the state or local records committee as required by chapter 40.14 RCW. They shall not be placed in the legal (~~or physical~~) custody of any other person or agency, public or private, or released to individuals, except for disposition pursuant to law or unless otherwise expressly provided by law or by these regulations.

(2) Nothing in this rule shall be construed to prohibit an agency from transferring records to another agency whenever it is necessary that the agency possess the records in order to perform a governmental function. Any agency that has received records that should by law have been filed with another agency may transfer those records to the proper agency, or return to the filer.

WSR 24-10-115
PROPOSED RULES
SECRETARY OF STATE
[Filed May 1, 2024, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-07-036.

Title of Rule and Other Identifying Information: State records committee membership, local records committee membership.

Hearing Location(s): On June 6, 2024, at 2:00-2:30 p.m., at the Washington Secretary of State, State Archives Building, 1129 Washington Street S.E., Olympia, WA 98501.

Date of Intended Adoption: June 7, 2024.

Submit Written Comments to: Terry Badger, P.O. Box 40238, Olympia, WA 98504-0238, email archives@sos.wa.gov, fax 360-664-8814, by June 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Removes obsolete position language for the committee member from the state auditor with generalized membership language.

Reasons Supporting Proposal: The position "chief examiner of departmental audits" no longer exists and this negates any potential issue in filling the position on the committee. The position "chief examiner of the division of municipal corporations" no longer exists and this negates any potential issue in filling the position on the committee.

Statutory Authority for Adoption: RCW 40.14.020.

Statute Being Implemented: RCW 40.14.020.

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

Name of Proponent: Office of the secretary of state, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Terry Badger, Olympia, 360-902-4151.

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

A cost-benefit analysis is not required under RCW 34.05.328. No fiscal impact.

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.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

May 1, 2024
Amanda Doyle
Chief of Staff

OTS-5301.1

AMENDATORY SECTION (Amending WSR 93-04-001, filed 1/21/93, effective 2/21/93)

WAC 434-624-010 Membership. (~~(The chief examiner of the division of departmental audits of the state auditor's office)~~) A representative appointed by the state auditor, the state archivist, a representative appointed by the attorney general and a representative appointed by the director of the office of financial management shall constitute a committee to be known as the state records committee.

AMENDATORY SECTION (Amending WSR 93-04-001, filed 1/21/93, effective 2/21/93)

WAC 434-624-020 Committee officers—Duties. The (~~chief examiner of the division of departmental audits of the state auditor's office~~) representative of the state auditor shall be ex officio chairperson of the state records committee. The representative appointed by the attorney general shall be vice chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

OTS-5302.1

AMENDATORY SECTION (Amending WSR 92-18-047, filed 8/28/92, effective 9/28/92)

WAC 434-630-010 Membership. (~~(The chief examiner of the division of municipal corporations of the state auditor's office)~~) A representative appointed by the state auditor, the state archivist, and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee. Reference: RCW 40.14.070.

AMENDATORY SECTION (Amending WSR 92-18-047, filed 8/28/92, effective 9/28/92)

WAC 434-630-020 Committee officers—Duties. The (~~chief examiner of the division of municipal corporations~~) representative of the state auditor shall be ex officio chairperson of the local records committee. The representative appointed by the attorney general shall be vice chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

WSR 24-10-116
PROPOSED RULES
SECRETARY OF STATE
[Filed May 1, 2024, 11:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-16-091.

Title of Rule and Other Identifying Information: Ballot declaration signature verification standards.

Hearing Location(s): On June 4, 2024, at 1:00 p.m., at the Washington Secretary of State, Washington State Library, 6880 Capitol Boulevard S.E., Tumwater, WA 98501. When attending the hearing in person, walk into the front lobby of the Washington State Library. You will be escorted to the conference room at 12:55 p.m. to be present when the hearing begins at 1:00 p.m. If you arrive after that time, there will be a staff member available in the lobby to escort you to the conference room.

Date of Intended Adoption: June 5, 2024.

Submit Written Comments to: Dave Piersma, P.O. Box 40229, Olympia, WA 98504, email dave.piersma@sos.wa.gov, fax 360-664-4619, by June 3, 2024, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Dave Piersma, phone 360-902-4172, fax 360-664-4619, email dave.piersma@sos.wa.gov, by June 3, 2024, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to update the process and standards for verifying ballot declaration signatures in a manner that reduces and ensures consistency in counties throughout the state. The rule is expected to result in fewer mistaken rejections of valid ballots.

Reasons Supporting Proposal: The signature verification process ensures that only valid ballots are counted in elections. At times, valid ballots are not accepted because the signatures do not appear to match. The reason for the adoption of this rule is to ensure that valid ballots are not mistakenly rejected while also ensuring that the signature verification process prevents the acceptance of invalid ballots, expand outreach to voters if their provided signature does not match the signature on record, and update procedures for accepting or challenging a ballot declaration signature.

Statutory Authority for Adoption: RCW 29A.04.611.

Statute Being Implemented: RCW 29A.60.165, 29A.40.110.

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

Name of Proponent: Office of the secretary of state, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Stuart Holmes, Olympia, 360-902-4151.

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

A cost-benefit analysis is not required under RCW 34.05.328.

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

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Scope of exemption for rule proposal:

Is fully exempt.

May 1, 2024
Amanda Doyle
Chief of Staff

OTS-5396.1

AMENDATORY SECTION (Amending WSR 24-03-053, filed 1/10/24, effective 2/10/24)

WAC 434-208-060 Electronic filings. (1) In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file (~~in his or her office~~) electronic transmissions of the following documents:

(a) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;

(b) Any minor party or independent candidate filing material for president and vice president, except nominating petitions;

(c) Lists of presidential electors selected by political parties or independent candidates;

(d) Voted ballots and signed ballot declarations from service (~~and~~) or overseas voters received no later than 8:00 p.m. on election day;

(e) Resolutions from cities, towns, and other districts calling for a special election;

(f) Voter registration forms and cancellation (~~forms~~) material(s), unless the form or material(s) is illegible or the signature image is poor quality, requiring the county auditor to reject the form or material(s);

(g) Signed ballot declarations, and any accompanying materials, submitted pursuant to RCW 29A.60.165 and WAC (~~434-261-050~~) 434-261-053; and

(h) Requests to withdraw a declaration of candidacy.

(2) If payment of a fee is required, the electronic filing is not complete until the fee is received.

(3) No initiative, nominating petition, referendum, recall, or other signature petitions may be filed electronically.

(4) County auditors must use best practices provided by the secretary of state for securely handling documents received by fax and email.

OTS-5398.2

AMENDATORY SECTION (Amending WSR 24-07-018, filed 3/8/24, effective 5/4/24)

WAC 434-261-051 Standards for verifying ballot declaration signatures. (1) This regulation, together with WAC 434-261-052 and 434-261-053, describes the process for verifying that a signature on

the ballot declaration is the (~~voter's~~) same as the signature(s) in the voter registration ((signature)) record.

(2) At each stage of the signature verification process, there is a presumption that the signature on the ballot declaration is the voter's signature.

(3) When reviewing ballot declaration signatures, staff assigned to verify signatures shall consider the following criteria:

(a) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;

(b) Agreement in the proportions of individual letters, characters, or symbols, height to width, and heights of the upper to lower case letters, characters, or symbols;

(c) Irregular spacing, slants, or sizes of letters, characters, or symbols that are duplicated in both signatures;

(d) Agreement of the most distinctive, unusual traits of the signatures;

(e) The ballot declaration signature is in the same format as the signature(s) in the voter registration ((signatures)) record, such as in printed(~~,-in~~) or cursive, various languages, pictorial, symbol, or another form;

(f) Agreement of individual characteristics, such as how "t's" are crossed, "i's" are dotted, or loops are made on letters, characters, or symbols;

(g) Agreement of initial strokes and connecting strokes of the signature;

(h) Agreement of similar endings, such as an abrupt end, a long tail, or loop back around;

(i) Agreement of presence or absence of pen lifts;

(j) Agreement in the way names are spelled; and

(k) After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

(4) If it appears the voter has changed their name, and the information required under RCW 29A.08.440 to complete a name change is not provided or legible, the county auditor shall send the voter a change of name form or voter registration form under RCW 29A.08.440 and direct the voter to complete the form.

(5) When reviewing ballot declaration signatures that appear to contain (~~discrepancies~~) a discrepancy, staff verifying signatures should accept signatures if the appearance of a discrepancy can reasonably be explained by the following:

(a) A shaky signature that could be health-related or the result of aging;

(b) The voter's use of a variation of the voter's full name, such as the use of initials, including or omitting a middle name, or substituting a middle name for a first name;

(c) A change in the voter's signature over time;

(d) A signature written in haste;

(e) A signature in the voter's registration (~~file~~) record that was written with a stylus pen or other electronic signature tool, which may result in a thick or fuzzy quality;

(f) A writing surface that was hard, soft, uneven, or unstable;

(g) The voter has a limited history of fewer than three ballots returned; and

(h) Any other reasonable factor.

~~((5))~~ (6) An agent, including someone acting under a power of attorney, cannot sign a ballot declaration on behalf of their principal.

~~((6))~~ (7) If a voter (~~(inadvertently)~~) signs another voter's ballot declaration, but elections personnel can identify the correct voter (~~and~~), verify that (~~(voter's signature)~~) the provided signature matches the signature(s) in the voter registration record and verify that the voter who signed the ballot declaration has not returned another ballot, the signature and the ballot must be accepted for the voter (~~(that)~~) who signed the ballot declaration. The county auditor may only count the races and measures for which the voter who signed the declaration is eligible to vote. If the voter who signed the ballot declaration has previously submitted a ballot, the county auditor shall refer the ballot(s) received after the initially received ballot to the canvassing board. If the ballot was identified by staff on or before election day, the county auditor must attempt to contact the voter to whom the ballot was issued by phone, email, text message, or, if time allows, by mail, and provide the voter a replacement ballot.

~~((7))~~ (8) All staff verifying ballot declaration signatures must receive training on these signature verification standards before verifying ballot declaration signatures. They must attend the training at least once every two years. This applies to, but is not necessarily limited to, individuals performing the initial review, secondary review, and review of signatures as part of the cure process. Members of the county canvassing board are required to receive training except as exempted by RCW 29A.04.540. The county auditor shall publish on its website the names of all canvassing board members who received training on the statewide standards for signature verification and the date(s) on which the training was completed. The website shall be updated at least 18 days before the next election with the canvassing board members' training date(s).

~~((8))~~ (9) The canvassing board may designate the county auditor or the county auditor's staff to perform the signature verification function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of their duties.

~~((9))~~ (10) The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

AMENDATORY SECTION (Amending WSR 24-07-018, filed 3/8/24, effective 5/4/24)

WAC 434-261-052 Initial and secondary review of ballot declaration signatures. (1) When conducting an initial review of a ballot declaration signature, the county auditor must accept the signature under the following conditions:

(a) The county auditor must accept the signature unless, considering the criteria in WAC 434-261-051 (~~((3) and (4))~~), the signature on the ballot envelope has multiple, significant, and obvious discrepancies from (~~(all signatures)~~) the signature(s) in the (~~(voter's)) voter registration record; or~~

(b) If the voter is unable to sign their name as they are registered to vote, the signature must be accepted so long as the voter has made a mark (~~(, symbol,)~~) or signature stamp, and the ballot declaration includes two witness signatures.

(2) If the signature is not accepted following the initial review, the ballot declaration signature must be referred to a second review.

(a) A different person who has received signature verification training under WAC 434-261-051 (~~((+7))~~) (8) must conduct the second review of the signature.

(b) If, considering the criteria in WAC 434-261-051 (~~((+3) and (+4))~~), the second reviewer determines that there are multiple, significant, obvious discrepancies from (~~(all signatures)~~) the signature(s) in the (~~(voter's)~~) voter registration record, the voter must be notified of the process to cure the signature;

(3) The county auditor may conduct additional reviews of ballot declaration signatures that have not yet been accepted. For example, if the county auditor becomes aware of reasonable explanations that should be considered under WAC 434-261-051 (~~((+4))~~) (5), an additional review may be appropriate.

(4) Even if the ballot declaration signature appears to match the (~~(signature)~~) signature(s) in the voter registration record, and notwithstanding any other provision, a ballot may be referred to the canvassing board if there is clear, objective evidence, beyond the signature itself, that a ballot declaration signature is fraudulent. This provision is intended to apply only very rarely, such as in instances of confessed forgery or similar circumstances. A person verifying signatures may refer a ballot declaration signature to the county auditor, and, if satisfied that the standard is met, the county auditor may refer the ballot to the canvassing board. The county auditor and the canvassing board may refer the matter to law enforcement.

(5) The county auditor may conduct the initial signature review by using an automated verification system approved by the secretary of state. If a signature is not accepted by the automated verification system, the county auditor must manually use the process described in this section.

(6) If two ballots are returned in one return envelope, ballots may be accepted in the following manner. In all other circumstances, the ballots must be referred to the canvassing board for rejection.

(a) If there is only one valid signature on the ballot declaration and the races and measures voted are the same on both ballots, the races and measures voted the same on both ballots may be counted once;

(b) If there are two valid signatures on the ballot declaration, both ballots may be counted in their entirety; or

(c) If there is one valid signature on the ballot declaration and the envelope contains one voted ballot and one blank ballot without marked votes, the voted ballot may be counted in its entirety.

AMENDATORY SECTION (Amending WSR 24-07-018, filed 3/8/24, effective 5/4/24)

WAC 434-261-053 Ballot declaration signature cure process. (1)

If a ballot declaration signature is not accepted following secondary review, the voter used a mark or signature stamp but did not include

witnesses, or if the ballot declaration was not signed, the ballot cannot be counted until the voter cures their signature. The voter identified on the ballot return envelope must be notified as soon as practicable, but no later than three business days following receipt, that the signature on the ballot declaration does not match the signature(s) in the voter registration record. The county must notify the voter of the procedure for curing their signature by:

(a) A notice letter package sent by first class mail with a signature update form or a missing signature form. The form(~~s~~) must include the ballot declaration required by WAC 434-230-015. The notice letter package must also include a prepaid envelope in which to return a completed signature update or missing signature form. The notice letter must:

(i) Be in substantially the same form as the sample notice letter created by the secretary of state; and

(ii) Be available in all languages required by the Department of Justice.

(b) (~~Phone~~) Telephone, leaving a voicemail if the voter does not answer and voicemail is available (if the voter has provided a phone number);

(c) Text message (if the voter has opted into text message notifications); and

(d) Email, enclosing a copy of the signature cure form (if the voter has provided an email address).

(2) The voter may cure their ballot signature no later than the close of business the day before the election is certified.

If the voter has not responded to the signature cure notice by five business days before the final meeting of the canvassing board, the county auditor must attempt to notify the voter by:

(a) Telephone, leaving a voicemail if the voter does not answer and voicemail is available (if the voter has provided a phone number);

(b) Text message (if the voter has opted into text message notifications); and

(c) Email, enclosing a copy of the signature cure form (if the voter has provided an email address).

(3) A voter may cure a missing signature by:

(a) Returning a signed missing signature form. The signature on the form must be compared to the (~~voter's signature~~) signature(s) in the voter registration record using the process described in WAC 434-261-052; or

(b) Appearing in person and signing the ballot declaration. The signature on the ballot declaration must be compared to the (~~voter's signature~~) signature(s) in the voter registration record using the process described in WAC 434-261-052.

(4) A voter using a mark or signature stamp may cure a failure to have two witnesses attest to the ballot declaration signature by returning a missing signature form. The form must contain the voter's mark or signature stamp and the signatures of two witnesses.

(5) A voter may cure a nonmatching signature by either:

(a) Returning a signature update form or appearing in person and signing a new registration form.

(i) The signature on the form must be compared to the signature on the ballot declaration using the process described in WAC 434-261-052;

(ii) The signature on the form is saved as a new signature in the voter registration record for the current and future elections; or

(b) Providing valid secondary identity verification. The county auditor must verify the secondary identification is for the voter who signed the ballot declaration. Secondary identification may be:

(i) The last four digits of the voter's Social Security number or the voter's full driver's license (~~(number)~~), instruction permit, or state (~~(identity card)~~) identocard number;

(ii) Photo identification, valid enrollment card of a federally recognized Indian tribe in Washington state, copy of a current utility bill or current bank statement, copy of a current government check, copy of a current paycheck, or a government document, other than a voter registration card, that shows both the name and address of the voter; or

(iii) A multifactor authentication code, from a system approved by the secretary of state, the county auditor sent to the voter's phone number or email address that has previously been provided by the voter.

If a voter successfully provides secondary identity verification and confirms, orally or in writing, that the voter in fact returned the ballot, the ballot must be accepted unless two persons who have received signature verification training under WAC 434-261-051(~~(+7)~~) (8) conclude beyond a reasonable doubt that a person other than the voter signed the ballot declaration. This conclusion may be based on evidence including, but not limited to, other ballots in the same election bearing the same signature.

(6) If the registered voter asserts that the signature on the ballot declaration is not the voter's signature prior to 8:00 p.m. on election day, the voter may (~~(vote a provisional)~~) be provided the opportunity to vote a replacement ballot.

(7) If the voter does not successfully cure their signature by close of business the day before certification of the election, the ballot must be sent to the canvassing board.

(8) A record must be kept of the process used to cure ballot envelopes with missing and mismatched signatures. The record must contain the date on which each voter was contacted, the notice was mailed, and the date on which each voter subsequently submitted a signature to cure the missing or mismatched signature.

OTS-5397.2

AMENDATORY SECTION (Amending WSR 24-07-018, filed 3/8/24, effective 5/4/24)

WAC 434-262-031 Rejection of ballots or parts of ballots. (1) The disposition of provisional ballots is governed by WAC 434-262-032. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(a) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

(b) Where the voter has voted for candidates or issues for whom the voter is not entitled to vote;

(c) Where the voter has overvoted;

(d) Where the ballot was created for a prior election;

(e) Where a ballot was submitted with a fraudulent signature; and

(f) Where the ballot declaration signature did not match the signature(s) in the voter registration ((signature)) record, or the signature was missing and the voter did not cure the signature by close of business the day before the election was certified.

(3) If a voter's ballot is rejected in two consecutive primaries, presidential primaries, special elections, or elections due to a mismatched signature, the auditor must contact the voter by:

(a) A notice sent by first class mail with a signature update form and request that the voter update the signature for their voter registration record. The form must include the voter declaration required by RCW 29A.08.230 (subject to the March 15, 2024, Consent Decree entered in *Washington State Alliance for Retired Americans v. Hobbs, et al.*, W.D.WA. Case No. 3-23-CV-06014-TMC). The package must include a prepaid envelope in which to return a completed signature update form. The notice letter must:

(i) Be in substantially the same form as the sample notice letter created by the secretary of state; and

(ii) Be available in all languages required by the Department of Justice.

(b) Telephone, leaving a voicemail if the voter does not answer and voicemail is available (if the voter provided a phone number);

(c) Text message (if the voter has opted into text message notifications); and

(d) Email, enclosing a copy of the signature update form (if the voter has provided an email address).