

WSR 21-09-012
PROPOSED RULES
SOUTHWEST CLEAN
AIR AGENCY

[Filed April 8, 2021, 12:31 p.m.]

Original Notice.

Proposal is exempt under RCW 70A.15.2040(1).

Title of Rule and Other Identifying Information: SWCAA 400-025 Adoption of Federal Rules. Existing rule section establishing an adoption by reference date for federal regulations cited in other sections of SWCAA 400.

SWCAA 400-030 Definitions. Existing rule section containing definitions for words and phrases used throughout SWCAA 400.

SWCAA 400-036 Portable Sources from Other Washington Jurisdictions. Existing rule section allowing for operation of portable sources with valid approvals from other jurisdictions without obtaining an agency approval.

SWCAA 400-040 General Standards for Maximum Emissions. Existing rule section containing a minimum set of air emission standards applicable to all sources.

SWCAA 400-045 Permit Application for Nonroad Engines. Existing rule section identifying requirements for nonroad engine permit applications.

SWCAA 400-046 Application Review Process for Nonroad Engines. Existing rule section identifying requirements for the processing and approval of nonroad engine permit applications.

SWCAA 400-050 Emission Standards for Combustion and Incineration Units. Existing rule section establishing minimum emission standards for all combustion and incineration units with additional requirements for specific categories of combustion and incineration units.

SWCAA 400-070 General Requirements for Certain Source Categories. Existing rule section containing minimum air emission standards and work practices for selected source categories.

SWCAA 400-072 Emission Standards for Selected Small Source Categories. Existing rule section containing air emission standards, work practices, and monitoring/reporting requirements that may be used in lieu of new source review for selected small source categories.

SWCAA 400-075 Emission Standards for Stationary Sources Emitting Hazardous Air Pollutants. Existing rule section that adopts by reference federal standards relating to hazardous air pollutant standards contained in 40 C.F.R. Parts 61, 63, and 65.

SWCAA 400-081 Startup and Shutdown. Existing rule section containing provisions addressing sources that cannot comply with technology based emission standards during startup and shutdown.

SWCAA 400-091 Voluntary Limits on Emissions. Existing rule section containing provisions by which a source may voluntarily limit its potential to emit.

SWCAA 400-100 Registration Requirements. Existing rule section identifying requirements for registration and inspection of air contaminant sources.

SWCAA 400-103 Operating Permit Fees. Existing rule section governing fee assessment and expenditure for the operating permit program.

SWCAA 400-105 Records, Monitoring and Reporting. Existing rule section identifying requirements for emission monitoring, emission sampling and reporting, and submission of emission inventories.

SWCAA 400-106 Emission Testing and Monitoring at Air Contaminant Sources. Existing rule section that establishes minimum standards for emission testing and monitoring at air contaminant sources.

SWCAA 400-107 Excess Emissions. Existing rule section identifying requirements for the reporting of excess emissions and providing penalty relief for unavoidable excess emissions.

SWCAA 400-109 Air Discharge Permit Applications. Existing rule section that identifies requirements for the submission and content of air discharge permit applications.

SWCAA 400-110 Application Review Process for Stationary Sources (New Source Review). Existing rule section identifying requirements for the processing and approval of air discharge permit applications.

SWCAA 400-111 Requirements for New Sources in a Maintenance Plan Area. Existing rule section identifying requirements specific to new sources located in a maintenance plan area.

SWCAA 400-112 Requirements for New Sources in Nonattainment Areas. Existing rule section identifying requirements specific to new sources located in nonattainment areas.

SWCAA 400-113 Requirements for New Sources in Attainment or Non-classifiable Areas. Existing rule section identifying requirements specific to new sources located in attainment or nonclassifiable areas.

SWCAA 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source. Existing rule section identifying requirements specific to replacement or alteration of existing emission control technology.

SWCAA 400-115 Standards of Performance for New Sources. Existing rule section that adopts by reference federal standards for new sources contained in 40 C.F.R. Part 60.

SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank. Existing rule section identifying requirements for maintenance of the emission credit bank, issuance of emission reduction credits, and management of expired credits.

SWCAA 400-151 Retrofit Requirements for Visibility Protection. Existing rule section identifying requirements for existing stationary facilities.

SWCAA 400-171 Public Involvement. Existing rule section identifying requirements for public notice of agency actions and the process by which public involvement is to be administered.

SWCAA 400-180 Variance. Existing rule section identifying procedure for requesting a variance.

SWCAA 400-230 Regulatory Actions and Civil Penalties. Existing rule section identifying the agency's authority to take regulatory action and issue civil penalties.

SWCAA 400-235 Credible Evidence. New rule section addressing the use of credible evidence in determining compliance.

SWCAA 400-240 Criminal Penalties. Existing rule section regarding applicability of criminal penalties.

SWCAA 400-260 Conflict of Interest. Existing rule section regarding compliance with Federal Clean Air Act provisions for conflict of interest.

SWCAA 400-265 Duty to Provide Information. New rule section addressing agency authority to request information relevant to air emissions.

SWCAA 400-270 Confidentiality of Records and Information. Existing rule section regarding submission and use of confidential information.

SWCAA 400-280 Powers of Agency. Existing rule section identifying various powers of the agency under the Washington Clean Air Act.

SWCAA 400-810 Major Stationary Source and Major Modification Definitions. Existing rule section containing definitions applicable to the permitting program for new major stationary sources located in a designated nonattainment area.

SWCAA 400, Appendix C—Federal Standards Adopted by Reference. Existing rule section containing informational lists of all federal regulations adopted by reference pursuant to SWCAA 400-075 and 400-115.

Hearing Location(s): On June 23, 2021, at 6:00 p.m., virtual on-line hearing.

Date of Intended Adoption: August 5, 2021.

Submit Written Comments to: Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, email wess@swcleanair.org, fax 360-576-0925, by June 23, 2021.

Assistance for Persons with Disabilities: Contact Tina Hallock, phone 360-574-3058 ext. 110, fax 360-576-0925, TTY 360-574-3058, email tina@swcleanair.org, by May 21, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SWCAA 400-025 Adoption of Federal Rules. The proposed rule changes update the adoption by reference date for federal regulations cited in other sections of SWCAA 400.

SWCAA 400-030 Definitions. The proposed rule changes revise references to chapter 70.94 RCW, add a definition for diesel and revise definitions for distillate oil, new source, and volatile organic compound.

SWCAA 400-036 Portable Sources From Other Washington Jurisdictions. The proposed rule changes revise requirements for relocation noticing and emission unit registration.

SWCAA 400-040 General Standards for Maximum Emissions. The proposed rule changes revise references to chapter 70.94 RCW and revise opacity standards to incorporate alternative standards for boiler startup/shutdown and kiln/boiler refractory curing.

SWCAA 400-045 Permit Application for Nonroad Engines. The proposed rule changes make administrative edits.

SWCAA 400-046 Application Review Process for Nonroad Engines. The proposed rule changes add language for presumptive application withdrawal and revise registration fee citations.

SWCAA 400-050 Emission Standards for Combustion and Incineration Units. The proposed rule change adopts the federal plan in 40 C.F.R. 62 Subpart III.

SWCAA 400-070 General Requirements for Certain Source Categories. The proposed rule changes remove opacity exception for boiler soot blowing and grate cleaning, adopt the federal plan in 40 C.F.R. 62 Subpart LLL, prohibit cyclonic burn barrels and make administrative edits.

SWCAA 400-072 Emission Standards for Selected Small Source Categories. The proposed rule changes remove EPA test method citation for small boilers/heaters, clarify exemption under SWCAA 400-109 and make administrative edits.

SWCAA 400-075 Emission Standards for Stationary Sources Emitting Hazardous Air Pollutants. The proposed rule changes add exceptions to federal NESHAP adoption, update exceptions to federal MACT adoptions and make administrative edits.

SWCAA 400-081 Startup and Shutdown. The proposed rule changes remove citation for technology-based emission standards.

SWCAA 400-091 Voluntary Limits on Emissions. The proposed rule changes revise references to chapter 70.94 RCW.

SWCAA 400-100 Registration Requirements. The proposed rule changes revise references to chapter 70.94 RCW and make administrative edits.

SWCAA 400-103 Operating Permit Fees. The proposed rule changes revise references to chapter 70.94 RCW and add a procedure for review of program fee determinations.

SWCAA 400-105 Records, Monitoring and Reporting. The proposed rule changes revise references to chapter 70.94 RCW, add a separate emission inventory submittal deadline for gasoline stations and make administrative edits.

SWCAA 400-106 Emission Testing and Monitoring at Air Contaminant Sources. The proposed rule changes revise requirement to test to include periodic and ongoing testing and revise required items for monitoring reports.

SWCAA 400-107 Excess Emissions. The proposed rule changes revise unavoidable excess emission criteria to be consistent with federal court rulings and EPA guidance.

SWCAA 400-109 Air Discharge Permit Applications. The proposed rule changes add an application procedure for permit extensions and make administrative edits.

SWCAA 400-110 Application Review Process for Stationary Sources (New Source Review). The proposed rule changes revise references to chapter 70.94 RCW, add language for presumptive application withdrawal, clarify supersession of previous permits in new permitting actions, add reference to SWCAA 400-036, add notification and public involvement requirements for reopening for cause actions and make administrative edits.

SWCAA 400-111 Requirements for New Sources in a Maintenance Plan Area. The proposed rule changes revise reference to chapter 70.94 RCW.

SWCAA 400-112 Requirements for New Sources in Nonattainment Areas. The proposed rule changes revise reference to chapter 70.94 RCW.

SWCAA 400-113 Requirements for New Sources in Attainment or Non-classifiable Areas. The proposed rule changes revise reference to chapter 70.94 RCW.

SWCAA 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source. The proposed rule changes add a reference to T-RACT and an anti-backsliding requirement.

SWCAA 400-115 Standards of Performance for New Sources. The proposed rule changes update exceptions to NSPS adoption and make administrative edits.

SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank. The proposed rule changes revise reference to chapter 70.94 RCW.

SWCAA 400-151 Retrofit Requirements for Visibility Protection. The proposed rule change makes an administrative edit.

SWCAA 400-171 Public Involvement. The proposed rule changes revise references to chapter 70.94 RCW and make administrative edits.

SWCAA 400-180 Variance. The proposed rule changes revise reference to chapter 70.94 RCW.

SWCAA 400-230 Regulatory Actions and Civil Penalties. The proposed rule changes revise references to chapter 70.94 RCW.

SWCAA 400-235 Credible Evidence. The proposed rule changes add a new rule section addressing the use of credible evidence in determining compliance.

SWCAA 400-240 Criminal Penalties. The proposed rule changes revise reference to chapter 70.94 RCW.

SWCAA 400-260 Conflict of Interest. The proposed rule changes revise federal regulation citations.

SWCAA 400-265 Duty to Provide Information. The proposed rule changes add a new rule section regarding Southwest Clean Air Agency's (SWCAA) authority to request information relevant to air emissions.

SWCAA 400-270 Confidentiality of Records and Information. The proposed rule changes revise references to chapter 70.94 RCW.

SWCAA 400-280 Powers of Agency. The proposed rule changes revise references to chapter 70.94 RCW and make administrative edits.

SWCAA 400-810 Major Stationary Source and Major Modification Definitions. The proposed rule changes make administrative edits.

SWCAA 400 Appendix C—FEDERAL STANDARDS ADOPTED BY REFERENCE. The proposed rule changes update lists of adopted federal regulations and make administrative edits.

Reasons Supporting Proposal: The proposed changes are necessary to support the agency's implementation of the Washington State Clean Air Act and associated federal standards.

Statutory Authority for Adoption: RCW 70A.15.2040(1).

Statute Being Implemented: RCW 70A.15.2040(1).

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

Name of Proponent: SWCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, 360-574-3058 x126; Implementation: Paul Mairose, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, 360-574-3058 x130; and Enforcement: Jerry Ebersole, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, 360-574-3058 x122.

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. Pursuant to RCW 70A.15.2040(1), section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. SWCAA is not voluntarily invoking section 201, chapter 403, Laws of 1995 for this action.

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

Is exempt under RCW 70A.15.2040(1).

Explanation of exemptions: Pursuant to RCW 70A.15.2040(1), air pollution control authorities are authorized to adopt and amend rules and regulations in accordance with chapter 42.30 RCW and selected portions of chapter 34.05 RCW. SWCAA is not deemed a state agency and is not required to comply with the provisions of chapter 19.85 RCW.

April 8, 2021

Uri Papish

Executive Director

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-025 Adoption of Federal Rules

Federal rules cited in this rule are adopted by reference as in effect on ((July 1, 2019)) May 1, 2021.

AMENDATORY SECTION (Amending WSR16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-030 Definitions

Except as provided elsewhere in this regulation the following definitions apply throughout the regulation:

(1) **"Actual emissions"** means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emission unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal "source" operation. The Agency shall allow the use of a different time period upon a determination that it is more representative of normal "source" operation. Actual emissions shall be calculated using the emission unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The Agency may presume that "source" specific allowable emissions for the unit are equivalent to the actual emissions of the emission unit.

(c) For any emission unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emission unit on that date.

(2) **"Adverse impact on visibility"** means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with: (a) times of visitor use of the Federal Class I area and (b) the frequency and timing of natural conditions that reduce visibility.

(3) **"Agency"** means the Southwest Clean Air Agency (SWCAA).

(4) **"Air contaminant"** or **"air pollutant"** means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. For the purposes of regulation under the Washington SIP, "air contaminant" means only:

(a) Those air contaminants for which EPA has established National Ambient Air Quality Standards (NAAQS) and precursors to such NAAQS pollutants as determined by EPA for the applicable geographic area; and

(b) Any additional air contaminants that are required to be regulated under Part C of Title I of the Federal Clean Air Act, but only for the purpose of meeting the requirements of Part C or to the extent those additional air contaminants are regulated in order to avoid such requirements.

(5) **"Air discharge permit"** means the same as "Order of Approval." This term does not apply to any permitting action conducted pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

(6) **"Air discharge permit application"** means the same as "Notice of Construction application." This term does not apply to any permitting action conducted pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

(7) **"Air pollution"** means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such

characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this regulation, air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of various pesticides.

(8) **"Allowable emissions"** means the emission rate of a "stationary source" calculated using the maximum rated capacity of the "stationary source" (unless the "stationary source" is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards in 40 CFR Parts 60, 61, 62, or 63;

(b) Any applicable State Implementation Plan (SIP) emission limitation including those with a future compliance date;

(c) The emission rate specified as a federally enforceable permit condition, including those with a future compliance date; or

(d) The emission rate specified by a federally enforceable regulatory order.

(9) **"Alteration"** means the act of altering, which means to change or make different. Alteration includes, but is not limited to, any enlargement, replacement, or change in the design, operation, capacity, or arrangement of a process; any increase in the connected loading of process or control equipment; and any change in fuels, method of operation or hours of operation not previously approved by the Agency.

(10) **"Ambient air"** means the surrounding outside air.

(11) **"Ambient air quality standard"** (AAQS) means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple air contaminants in the ambient air that shall not be exceeded.

(12) **"Attainment area"** means a geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

(13) **"Authority"** means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(14) **"Begin actual construction"** means, in general, initiation of physical on-site construction activities on an emission unit, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities that mark the initiation of the change.

(15) **"Best available control technology"** (BACT) means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to regulation under Chapter ((70.94)) 70A.15 RCW which would be emitted from or which results from any new or modified "stationary source," which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such "stationary source" or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of "best available control technology" result in emissions of any air pollutants which will exceed the emissions al-

lowed by any applicable standard under 40 CFR Parts 60, 61, 62 and 63. Emissions from any "stationary source" utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

(16) "**Best available retrofit technology**" (BART) means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the "stationary source," the remaining useful life of the "stationary source," and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

(17) "**Board**" means the Board of Directors of the Southwest Clean Air Agency.

(18) "**Bubble**" means a set of emission limits which allows an increase in emissions from a given emission unit in exchange for a decrease in emissions from another emission unit, pursuant to RCW ((70.94.155)) 70A.15.2240 and SWCAA 400-120.

(19) "**Capacity factor**" means the ratio of the average load on a machine or piece of equipment to the manufacturer's capacity rating of the machine or equipment for the period of time considered.

(20) "**Class I area**" means any area designated pursuant to Sections 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas located within Washington state:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) North Cascades National Park;
- (g) Olympic National Park;
- (h) Pasayten Wilderness; and
- (i) Spokane Indian Reservation.

(21) "**Climate change**" means any long-term significant change over durations ranging from decades to millions of years in the "average weather" of a region or the earth as a whole.

(22) "**Combustion and incineration units**" means emission units using combustion for waste disposal, steam production, chemical recovery or other process requirements, but excludes open or outdoor burning.

(23) "**Commenced**" as applied to construction, means that an owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the "stationary source," to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the "stationary source" to be completed within a reasonable time.

(c) For the purposes of this definition, "necessary preconstruction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state,

local, and federal regulations and orders contained in the Washington SIP.

(24) "**Composting**" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

(25) "**Concealment**" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

(26) "**Construction**" means any physical change or change in method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions. (ref. 40 CFR 52.21)

(27) "**Continuous emission monitoring system**" (**CEMS**) means all of the equipment that may be required to meet the data acquisition and availability requirements of this section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis. (ref. 40 CFR 51.166 (b) (43))

(28) "**Continuous emission rate monitoring system**" (**CERMS**) means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time). (ref. 40 CFR 51.166 (b) (46))

(29) "**Continuous parameter monitoring system**" (**CPMS**) means all of the equipment necessary to meet the data acquisition and availability requirements of this section, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and to record average operational parameter value(s) on a continuous basis. (ref. 40 CFR 51.166 (b) (45))

(30) "**Criteria pollutant**" or "**criteria air pollutant**" means an air pollutant for which a criteria document has been prepared by EPA and has a primary or secondary ambient air quality standard. These pollutants are identified in 40 CFR Part 50 and include sulfur oxides (measured as sulfur dioxide), particulate matter, carbon monoxide, ozone, oxides of nitrogen (measured as nitrogen dioxide), and lead. Although volatile organic compounds are no longer identified as a criteria pollutant category, they are regulated together with oxides of nitrogen as a precursor to ozone.

(31) "**Control Officer**" means the Executive Director of the Southwest Clean Air Agency.

(32) "**Deviation from permit requirements**" means an instance when any permit requirement is not met, including, but not limited to, conditions that establish emission limitations, emission standards, control equipment requirements, work practices, parameter ranges, and those designed to assure compliance with such requirements, such as monitoring, recordkeeping, and reporting. A deviation does not necessarily constitute a violation.

(33) "**Diesel**" means fuel oil that complies with the specifications for diesel fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D975.

~~((33))~~ (34) "**Director**" means the director of the Washington State Department of Ecology or duly authorized representative.

~~((34))~~ (35) "**Dispersion technique**" means a method that attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

~~((35))~~ (36) "**Distillate oil**" means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396(~~(-01~~"**Standard Specification for Fuel Oils.**")), diesel fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D975, kerosene, as defined by the American Society of Testing and Materials in ASTM D3699, biodiesel as defined by the American Society of Testing and Materials in ASTM D6751, or biodiesel blends as defined by the American Society of Testing and Materials in ASTM D7467.

~~((36))~~ (37) "**Ecology**" means the Washington State Department of Ecology.

~~((37))~~ (38) "**Emergency service**" means operation that is limited solely to emergency situations and required testing and maintenance. Emergency situations are those which occur without significant warning and are beyond the control of the permittee, owner or operator.

~~((38))~~ (39) "**Emission**" means a release of air contaminants into the ambient air.

~~((39))~~ (40) "**Emission control technology**" means emission control equipment integral or in addition to the emission unit or other technology, device, component or control parameter that is integral to the basic design of an emission unit (i.e., low NO_x burner for a boiler or turbine).

~~((40))~~ (41) "**Emission reduction credit**" (ERC) means a credit granted pursuant to SWCAA 400-131. This is a voluntary reduction in emissions beyond required levels of control.

~~((41))~~ (42) "**Emission standard**" and "**emission limitation**" mean a requirement established under the Federal Clean Air Act, Chapter ~~((70.94))~~ 70A.15 RCW or a local regulation that limits the quantity, rate, or concentration of air contaminant emissions on a continuous basis, including any requirement relating to the operation or maintenance of a "stationary source" to assure continuous emission reduction and any design, equipment, work practice, or operational standard adopted under the Federal Clean Air Act or Chapter ~~((70.94))~~ 70A.15 RCW.

~~((42))~~ (43) "**Emission unit**" means any part of a "stationary source" that emits or would have the potential to emit any air pollutant subject to regulation under the Federal Clean Air Act, Chapter ~~((70.94))~~ 70A.15 RCW, or Chapter 70.98 RCW.

~~((43))~~ (44) "**Excess emissions**" means emissions of an air pollutant in excess of any applicable emission standard or emission limit.

~~((44))~~ (45) "**Excess stack height**" means that portion of a stack which exceeds the greater of sixty-five meters (213.25 feet) or the calculated stack height described in SWCAA 400-200(3).

~~((45))~~ (46) "**Executive Director**" means the Control Officer of the Southwest Clean Air Agency.

~~((46))~~ (47) "**Existing stationary facility**" means a "stationary source" that meets all of the following conditions:

(a) The "stationary source" was not in operation prior to August 7, 1962, and was in existence on August 7, 1977;

(b) The "stationary source" is one of the following:

(i) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input,

(ii) Coal cleaning plants (thermal dryers),

(iii) Kraft pulp mills,

(iv) Portland cement plants,

(v) Primary zinc smelters,

- (vi) Iron and steel mills,
- (vii) Primary aluminum ore reduction plants,
- (viii) Primary copper smelters,
- (ix) Municipal incinerators capable of charging more than 250 tons of refuse per day,
- (x) Hydrofluoric, sulfuric, or nitric acid plants,
- (xi) Petroleum refineries,
- (xii) Lime plants,
- (xiii) Phosphate rock processing plants,
- (xiv) Coke oven batteries,
- (xv) Sulfur recovery plants,
- (xvi) Carbon black plants (furnace process),
- (xvii) Primary lead smelters,
- (xviii) Fuel conversion plants,
- (xix) Sintering plants,
- (xx) Secondary metal production plants,
- (xxi) Chemical process plants,
- (xxii) Fossil-fuel boilers of more than 250 million British thermal units per hour heat input,
- (xxiii) Petroleum storage and transfer units with a total capacity exceeding 300,000 barrels,
- (xxiv) Taconite ore processing plants,
- (xxv) Glass fiber processing plants,
- (xxvi) Charcoal production plants; and

(c) The "stationary source" has the potential to emit 250 tons per year or more of any air contaminant. Fugitive emissions, to the extent quantifiable, must be counted in determining the potential to emit.

(d) For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.

~~((47))~~ (48) "**Federal Clean Air Act**" (FCAA) means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

~~((48))~~ (49) "**Federal Class I area**" means any federal land that is classified or reclassified as Class I. The Federal Class I areas in Washington State are as follows:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) North Cascades National Park;
- (g) Olympic National Park; and
- (h) Pasayten Wilderness.

~~((49))~~ (50) "**Federal land manager**" means the secretary of the department with authority over federal lands in the United States. This includes, but is not limited to, the U.S. Department of the Interior-National Park Service, the U.S. Department of Agriculture-Forest

Service, and/or the U.S. Department of the Interior-Bureau of Land Management.

~~((50))~~ (51) "**Federally enforceable**" means all limitations and conditions which are enforceable by the EPA, including those requirements developed under 40 CFR Parts 60, 61, 62 and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or any order of approval established under a SIP approved new source review regulation, or any voluntary limits on emissions pursuant to WAC 173-400-091 or SWCAA 400-091.

~~((51))~~ (52) "**Fossil fuel-fired steam generator**" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

~~((52))~~ (53) "**Fugitive dust**" means a type of particulate emission made airborne by forces of wind, human activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

~~((53))~~ (54) "**Fugitive emissions**" means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

~~((54))~~ (55) "**General process unit**" means an emission unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

~~((55))~~ (56) "**Good agricultural practices**" means economically feasible practices that are customary among or appropriate to farms and ranches of a similar nature in the local area.

~~((56))~~ (57) "**Good engineering practice**" (GEP) refers to a calculated stack height based on the equation specified in SWCAA 400-200 (2) (a) (ii).

~~((57))~~ (58) "**Greenhouse gas**" means, for the purpose of these regulations, any or all of the following gases: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

~~((58))~~ (59) "**Incinerator**" means a furnace used primarily for the thermal destruction of waste.

~~((59))~~ (60) "**In operation**" means engaged in activity related to the primary design function of a "stationary source."

~~((60))~~ (61) "**Installation**" means the act of installing, placing, assembling or constructing process equipment or control equipment at the premises where the equipment will be used. Installation includes all preparatory work at such premises.

~~((61))~~ (62) "**Lowest achievable emission rate**" (LAER) means for any "stationary source" that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of "stationary source," unless the owner or operator of the proposed new or modified "stationary source" demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of "stationary source." In no event shall the application of this term permit a proposed new or modified "stationary source" to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

~~((62))~~ (63) "**Maintenance Area**" or "**Maintenance Plan Area**" means a geographical area within the jurisdiction of SWCAA which was former-

ly designated as a nonattainment area and which has been redesignated as an attainment area as provided under Section 107(d) of the Federal Clean Air Act. The maintenance area designation shall be in effect as long as there is a federal or state requirement to have a maintenance plan in effect.

~~((+63))~~ (64) "**Maintenance pollutant**" means a pollutant for which a maintenance plan area was formerly designated as a nonattainment area.

~~((+64))~~ (65)(a) "**Major modification**," as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas means the same as the definition found in SWCAA 400-810.

(b) "**Major modification**," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan, attainment, or unclassified areas, means the same as the definition found in WAC 173-400-710.

~~((+65))~~ (66)(a) "**Major stationary source**," as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas, means the same as the definition found in SWCAA 400-810.

(b) "**Major stationary source**," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan, attainment or unclassified areas, means the same as the definition found in WAC 173-400-710.

~~((+66))~~ (67) "**Malfunction**" means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not considered to be malfunctions.

~~((+67))~~ (68) "**Mandatory Class I federal area**" means any area defined in Section 162(a) of the Federal Clean Air Act. The mandatory Class I federal areas potentially affected by emissions from "sources" within SWCAA jurisdiction include the following:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) Mt. Hood Wilderness Area;
- (g) Mt. Jefferson Wilderness Area;
- (h) North Cascades National Park;
- (i) Olympic National Park; and
- (j) Pasayten Wilderness.

~~((+68))~~ (69) "**Masking**" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

~~((+69))~~ (70) "**Materials handling**" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

~~((+70))~~ (71) "**Modification**" means any physical change in, or change in the method of operation of, a "stationary source" that increases the amount of any air contaminant emitted by such "stationary source" or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consis-

tent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

~~((71))~~ (72) **"Motor vehicle"** means any vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle:

(1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or

(2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or

(3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

~~((72))~~ (73) **"National Ambient Air Quality Standard"** (NAAQS) means an ambient air quality standard set forth in 40 CFR Part 50, which includes standards for carbon monoxide (CO), particulate matter (PM₁₀, PM_{2.5}), ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

~~((73))~~ (74) **"National Emission Standards for Hazardous Air Pollutants"** (NESHAPS) means the federal rules in 40 CFR Part 61.

~~((74))~~ (75) **"National Emission Standards for Hazardous Air Pollutants for Source Categories"** means the federal rules in 40 CFR Part 63. These rules are commonly referred to as Maximum Available Control Technology (MACT) standards.

~~((75))~~ (76) **"Natural conditions"** means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

~~((76))~~ (77)(a) **"Net emissions increase,"** as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas, means the same as the definition found in SWCAA 400-810.

(b) **"Net emissions increase,"** as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan, attainment or unclassified areas, means the same as the definition found in WAC 173-400-710.

~~((77))~~ (78) **"New source"** means one or more of the following:

(a) The construction or modification of a "stationary source" that increases the amount of any air contaminant emitted by such "stationary source" or that results in the emission of any air contaminant not previously emitted;

(b) Any other project that constitutes a "new source" under the Federal Clean Air Act;

(c) Restart of a "stationary source" after permanent shutdown;

(d) The installation or construction of a new "emission unit";

(e) Relocation of a "stationary source" to a new location, except in the case of portable sources operating under a valid portable source permit as provided in SWCAA 400-036 and 400-110(6);

(f) Replacement or modification of the burner(s) in a combustion source;

(g) Nonroutine replacement or modification of a boiler shell and/or tubes without replacement of the associated burner(s); or

~~((g))~~ (h) Modification of a combustion source to fire a fuel that the source was not previously capable of firing.

~~((78))~~ (79) **"New Source Performance Standards"** (NSPS) means the federal rules in 40 CFR Part 60.

~~((79))~~ (80) **"Nonattainment area"** means a geographic area designated by EPA in 40 CFR Part 81 as exceeding a National Ambient Air Quality Standard (NAAQS) for a given criteria air pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

~~((80))~~ (81) **"Nonroad engine"** means:

(a) Except as discussed in (b) of this subsection, a nonroad engine is any internal combustion engine:

(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indications of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(b) An internal combustion engine is not a nonroad engine if:

(i) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under Section 202 of the Federal Clean Air Act; or

(ii) The engine is regulated by a New Source Performance Standard promulgated under Section 111 of the Federal Clean Air Act; or

(iii) The engine otherwise included in (a)(iii) of this subsection remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine(s) that replace(s) an engine at a location and that is intended to perform the same or similar function as the engine(s) replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a "stationary source" that remains in a single location on a permanent basis (i.e., two seasons or more) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location. (ref. 40 CFR 89.2)

~~((81))~~ (82) **"Nonroad engine permit"** means a regulatory order issued by the Agency to approve the installation, replacement or alteration of a nonroad engine. This term does not apply to any permitting action conducted pursuant to SWCAA 400-110 or Chapter 173-401 WAC.

~~((82))~~ (83) **"Nonroad engine permit application"** means a written application for installation, replacement or alteration of a nonroad engine. This term does not apply to any permitting action conducted pursuant to SWCAA 400-110 or Chapter 173-401 WAC.

~~((83))~~ (84) "**Notice of Construction application**" (NOC) means a written application requesting approval for installation, replacement, modification, or other alteration of an emission unit at an air contaminant source or replacement or substantial alteration of control technology at an existing "stationary source." Affected activities include, but are not limited to, equipment modifications or alterations, changes to process or control equipment, establishment of emission limits, installation of "new sources," control technology determinations, PSD determinations, and other items specified by the Agency. "Notice of Construction application" means the same as "air discharge permit application." (For more information refer to SWCAA 400-109.)

~~((84))~~ (85) "**Opacity**" means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((85))~~ (86) "**Open burning**" or "**outdoor burning**" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Open burning includes all forms of outdoor burning except those listed as exempt in SWCAA 425-020. Wood waste disposal in wigwam burners is not considered open or outdoor burning.

~~((86))~~ (87) "**Operating permit**" means a permit issued pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

~~((87))~~ (88) "**Operating permit application**" means the same as "application" as described in WAC 173-401-500 and -510.

~~((88))~~ (89) "**Order**" means any regulatory order issued by the Agency or Ecology pursuant to Chapter ~~((70.94))~~ 70A.15 RCW, including, but not limited to RCW ~~((70.94.332, 70.94.152, 70.94.153 and 70.94.141(3))~~ 70A.15.3010, 70A.15.2220, 70A.15.2210 and 70A.15.2040(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, air discharge permit, nonroad engine permit, compliance schedule order, consent order, order of denial, order of violation, order of prevention, order of discontinuance, administrative order, and regulatory order.

~~((89))~~ (90) "**Order of Approval**" means a regulatory order issued by the Agency or Ecology to approve a Notice of Construction or air discharge permit application. "Order of Approval" means the same as "air discharge permit." Note: For more information refer to SWCAA 400-230.

~~((90))~~ (91) "**Ozone depleting substance**" means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

~~((91))~~ (92) "**Particulate matter**" (PM) means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

~~((92))~~ (93) "**Particulate matter emissions**" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in Title 40, Chapter I of the Code of Federal Regulations or by a test method specified in the Washington SIP.

~~((93))~~ (94) "**Parts per million by volume**" (ppmv) means parts of a contaminant per million parts of gas or carrier medium, by volume, exclusive of water or particulates.

~~((94))~~ (95) "**Permanent shutdown**" means permanently stopping or terminating the operation of a "stationary source" or "emission unit." Except as provided in subsections (a), (b) and (c), whether a shutdown is permanent depends on the intention of the owner or operator at the time of the shutdown as determined from all facts and circumstances,

including the cause of the shutdown and the payment status of registration fees.

(a) A shutdown is permanent if the owner or operator files a report of shutdown, as provided in SWCAA 400-100(5). Failure to file such a report does not mean that a shutdown was not permanent.

(b) Failure to pay registration fees for greater than two consecutive years is presumed to constitute a permanent shutdown.

(c) Any actual shutdown lasting two or more years is presumed to be permanent.

~~((95))~~ (96) "**Permitting agency**" means Ecology or the local air pollution control agency with jurisdiction over a "source."

~~((96))~~ (97) "**Person**" means an individual, firm, public or private corporation, owner, owner's agent, operator, contractor, association, partnership, political subdivision, municipality, or government agency.

~~((97))~~ (98) "**Pipeline quality natural gas**" means natural gas fuel with a total fuel sulfur content of 0.5 grains per 100 standard cubic feet or less.

~~((98))~~ (99) "**PM₁₀**" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

~~((99))~~ (100) "**PM₁₀ emissions**" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the Washington SIP.

~~((100))~~ (101) "**PM_{2.5}**" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix L and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

~~((101))~~ (102) "**PM_{2.5} emissions**" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR Part 51 or by a test method specified in the Washington SIP.

~~((102))~~ (103) "**Pollutant**" means the same as air contaminant, air pollutant and air pollution. (Refer to definitions (4) and (7))

~~((103))~~ (104) "**Portable source**" means a "stationary source" consisting of one or more emission units that is portable or transportable and capable of being operated at multiple locations. Portable source includes, but is not limited to, rock crushers, portable asphalt plants, soil/water remediation plants, and portable concrete mixing plants (Portland cement).

~~((104))~~ (105) "**Potential to emit**" means the maximum capacity (i.e., design capacity) of a "stationary source" to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the "stationary source" to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally

enforceable. Secondary emissions do not count in determining the potential to emit of a "stationary source."

~~((105))~~ (106) "**Predictive emissions monitoring system**" (PEMS) means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis. (ref 40 CFR 51.166 (b) (44))

~~((106))~~ (107) "**Prevention of Significant Deterioration**" (PSD) means the program set forth in WAC 173-400-700 through WAC 173-400-750 (~~(and adopted by reference in SWCAA 400-141)~~).

~~((107))~~ (108) "**Projected width**" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

~~((108))~~ (109) "**Reasonably attributable**" means attributable by visual observation or any other technique the Agency deems appropriate.

~~((109))~~ (110) "**Reasonably available control technology**" (RACT) means the lowest emission limit that a particular "stationary source" or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual "stationary source" or source category taking into account the impact of the "stationary source" upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any "stationary source" or source category shall be adopted only after public notice and opportunity for comment are afforded. RACT shall apply to existing "stationary sources."

~~((110))~~ (111) "**Regulatory order**" means an order issued by the Agency or Ecology to an air contaminant source to achieve compliance with any applicable provision of Chapter ~~((70.94))~~ 70A.15 RCW, rules adopted thereunder, or the regulations of the Agency. Note: For further clarification, refer to the definitions of "Order," "Order of Approval," "air discharge permit," "nonroad engine permit," and SWCAA 400-230.

~~((111))~~ (112) "**Residual Oil**" means crude oil, fuel oil that does not comply with the specifications for "distillate oil," and all fuel oil numbers 4, 5, and 6 as defined by the American Society for Testing and Materials in ASTM D396-01.

~~((112))~~ (113) "**Secondary emissions**" means emissions which would occur as a result of the construction or operation of a "major stationary source" or "major modification," but do not come from the "major stationary source" or "major modification" itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the "major stationary source" or "major modification" which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the "major stationary source" or "major modification." Secondary emissions do not include any emissions that come directly from a mobile source, such as tailpipe emissions from a motor vehicle, train, or vessel.

~~((113))~~ (114) "**Shutdown**" means the cessation of operation of an affected source or portion of an affected source for any purpose.

~~((114))~~ (115) (a) "**Significant,**" as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas, means the same as the definition found in SWCAA 400-810.

(b) "**Significant,**" as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan, attainment, or unclassified areas, means the same as the definition found in WAC 173-400-710.

~~((115))~~ (116) "**SIP**" means the same as "State Implementation Plan".

~~((116))~~ (117) "**Source**" means all of the emission units (including quantifiable fugitive emissions) that are located on one or more contiguous and adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two-digit code) as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.

~~((117))~~ (118) "**Source category**" means all "sources" or "stationary sources" of the same type or classification as described in the *Standard Industrial Classification Manual 1972*, as amended by the 1977 supplement.

~~((118))~~ (119) "**Southwest Clean Air Agency**" (SWCAA) means the local clean air agency empowered to enforce and implement the Federal Clean Air Act 42 U.S.C. 7401, et seq.) and the Clean Air Washington Act Chapter ~~((70.94))~~ 70A.15 RCW in lark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties of Washington State.

~~((119))~~ (120) "**Stack**" means any emission point in a "stationary source" designed to emit solids, liquids, or gases into the air, including a pipe or duct.

~~((120))~~ (121) "**Stack height**" means the height of an emission point measured from the round-level elevation at the base of the stack.

~~((121))~~ (122) "**Standard conditions**" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury.

~~((122))~~ (123) "**Startup**" means the setting in operation of an affected source or portion of an affected source for any purpose.

~~((123))~~ (124) "**State Implementation Plan**" or "**Washington SIP**" means the Washington SIP in 40 CFR Part 52, Subpart WW. The SIP contains federal, state and local regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

~~((124))~~ (125) "**Stationary source**" means any building, structure, facility, or installation that emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road engine or non-road vehicle as defined in Section 216(11) of the Federal Clean Air Act.

~~((125))~~ (126) "**Sulfuric acid plant**" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

~~((126))~~ (127) "**Synthetic minor**" means any "stationary source" whose potential to emit has been limited below applicable air operating permit program (40 CFR Part 70) thresholds by means of a federally enforceable order, rule or permit condition.

~~((127))~~ (128) "**Total reduced sulfur**" (TRS) means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA Method 16 in 40 CFR Part 60, Appendix A or an EPA approved equivalent method and expressed as hydrogen sulfide.

~~((128))~~ (129) "**Total suspended particulate**" (TSP) means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.

~~((129))~~ (130) "**Toxic air pollutant**" (TAP) means any Class A or B toxic air pollutant listed in WAC 173-460-150 or -160 as in effect on August 21, 1998. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 or -160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

~~((130))~~ (131) "**Unclassifiable area**" means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA in 40 CFR Part 81.

~~((131))~~ (132) "**United States Environmental Protection Agency**" (USEPA) means the federal agency empowered to enforce and implement the Federal Clean Air Act (42 USC 7401, et seq.) and shall be referred to as EPA.

~~((132))~~ (133) "**Upgraded**" is defined only for gasoline dispensing facilities and means the modification of a gasoline storage tank or piping to add cathodic protection, tank lining or spill and overflow protection that involves removal of ground or ground cover above a portion of the product piping.

~~((133))~~ (134) "**Upset condition**" means a failure, breakdown, or malfunction of any piece of process equipment or pollution control equipment that causes, or has the potential to cause, excess emissions.

~~((134))~~ (135) "**Visibility impairment**" means any humanly perceptible change in visibility (light extinction, visual range, contrast, or coloration) from that which would have existed under natural conditions.

~~((135))~~ (136) "**Visibility impairment of Class I areas**" means visibility impairment within the Class I area and visibility impairment of any formally designated integral vista associated with the Class I area.

~~((136))~~ (137) "**Volatile organic compound**" (VOC) means:

(a) Any carbon compound that participates in atmospheric photochemical reactions. Exceptions: The following compounds are not a VOC: acetone; ammonium carbonate; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ethane; methane; methyl acetate; methylene chloride (dichloromethane); methyl formate; dimethyl carbonate; propylene carbonate; 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2 tetrafluoroethane (CFC-114); chloropentafluoroethane

(CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OC₂H₅); 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC-227ea); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); trans 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcf2); cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z) and perfluorocarbon compounds that fall into these classes:

- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
- (ii) Cyclic, branched, or linear, completely fluorinated ethers with no saturations;
- (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no saturations; and
- (iv) Sulfur containing perfluorocarbons with no saturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOCs will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where the method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of the compounds is accurately quantified, and the exclusion is approved by the Agency or EPA.

(c) As a precondition to excluding negligibly-reactive compounds as VOC, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating to the satisfaction of the Agency or EPA the amount of negligibly-reactive compounds in the "source's" emissions.

(d) The following compound(s) are VOC for purposes of all record-keeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements:

- (i) Tertiary butyl acetate.

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

AMENDATORY SECTION (Amending WSR 17-11-078 filed 5/18/17, effective 6/18/17)

SWCAA 400-036 Portable Sources From Other Washington Jurisdictions

(1) **Applicability.** Portable sources that do not have a valid air discharge permit issued by SWCAA may operate within SWCAA jurisdiction without filing an air discharge permit application pursuant to SWCAA 400-109 or obtaining an air discharge permit pursuant to SWCAA 400-110 provided the requirements of this section are met. If the owner or operator of such a portable source does not wish to utilize the provisions of this section, an air discharge permit application must be filed for the portable source pursuant to SWCAA 400-109. Portable sources that have a valid air discharge permit issued by SWCAA must operate in accordance with the SWCAA permit, and may not use the provisions of this section. This section does not apply to nonroad engines of any type.

(2) **Nonattainment areas.** If a portable source is locating in a nonattainment area and emits the pollutant(s) or pollutant precursors for which the area is classified as nonattainment, the source must acquire a site-specific air discharge permit from SWCAA.

(3) **Major Stationary Source.** If a portable source is a major stationary source then the source must also comply with applicable requirements from WAC 173-400-700 through 173-400-750.

(4) **General Requirements.** Portable sources must comply with the requirements listed below in order to gain coverage under this section.

(a) The portable source must possess a valid approval issued by a Washington air pollution control authority after July 1, 2010. The approval must identify the affected emission units as a portable source.

(b) Approval for the portable source must contain emission limitations and operational requirements that are consistent with BACT as determined by SWCAA for similar sources.

(c) The owner/operator of the portable source must pay a review fee as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(d) The owner/operator must obtain written confirmation from SWCAA that the portable source complies with the provisions of this section prior to commencing operation within SWCAA jurisdiction.

(e) The owner/operator of the portable source must submit a relocation notice and a copy of the applicable order of approval or air discharge permit to SWCAA at least 15 calendar days prior to commencing operation within SWCAA jurisdiction. An additional relocation notice shall be submitted for each subsequent location at which the source operates, including departure from SWCAA's jurisdiction.

(f) The owner/operator shall register the portable source with SWCAA and pay a registration fee as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098 (~~prior to commencement of operation~~) concurrent with submission of the relocation notice cited in section (e). For the purposes of this registration, (~~the term~~) each emission unit (~~means each rock crusher and aggregate screen and associated haul roads~~) shall be registered. Registration expires at the end of the Agency's fiscal year. If a permitted unit is still operating after its registration expires, it shall be reregistered including payment of the annual registration fee.

(g) The owner/operator must submit an emission inventory report to SWCAA as described in SWCCA 400-105(1). The inventory report must

contain information sufficient to enable calculation of air emissions from operation of the portable source within SWCAA jurisdiction. If the portable source operated at multiple locations, the inventory report must identify emissions specific to each location.

(5) **Enforcement of approval conditions.** SWCAA will enforce all terms and conditions contained in the portable source's order of approval or air discharge permit, regardless of which permitting authority approved the portable source.

(6) **Modification of approval conditions.** Terms and conditions contained in the portable source's order of approval or air discharge permit may only be modified by obtaining a new air discharge permit from SWCAA.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-040 General Standards for Maximum Emissions

All "sources" and emission units are required to meet the emission standards of this section. Where an emission standard listed in another section is applicable to a specific emission unit, such standard shall take precedent over a general emission standard listed in this section. When two or more emission units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emission units, and the relative contributions of the individual emission units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emission units.

All emission units are required to use reasonably available control technology (RACT) that may be determined for some "stationary sources" or "source categories" to be more stringent than the applicable emission limitations of this regulation or any Chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the Agency shall, as provided in RCW ((70.94.154)) 70A.15.2230, define RACT for each "stationary source" or "source category" and issue a rule or regulatory order requiring the installation of RACT.

(1) **Visible emissions.** No person shall cause or ((~~permit~~)) allow the emission for more than three minutes, in any one hour, of an air contaminant which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity as determined in accordance with SWCAA Method 9, Ecology Method 9A or 9A-Alternate 1 (LIDAR) except as follows:

(a) Soot blowing/grate cleaning. When ((~~the~~)) emissions occur due to soot blowing/grate cleaning ((~~and the operator can demonstrate that the emissions will~~)) of a hog fuel or wood-fired boiler, visible emissions shall not exceed ((~~twenty~~) forty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. Except for testing and troubleshooting, soot blowing/grate cleaning is to be scheduled for the same approximate times each day. The boiler operator shall maintain a written schedule on file with the Agency and provide updates as necessary.

(b) When the owner or operator of an emission unit supplies valid data to show that the presence of uncombined water is the only reason

for the opacity to exceed twenty percent or an alternative opacity standard established in this section.

(c) When two or more emission units are connected to a common stack, the Agency may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW (~~(70.94.331 (2)(e))~~) 70A.15.3000 (2)(c).

(e) Alternative Standard for Boiler Startup or Shutdown. Hog fuel or wood-fired boiler in operation before January 24, 2018. For emissions that occur due to planned startup or shutdown of a hog fuel or wood-fired boiler with dry particulate matter controls, an owner or operator may use the alternative standard in this subsection when all of the requirements below are met.

(i) The owner or operator notifies the permitting authority at least twenty-four hours prior to the planned boiler startup or shutdown or within two hours of restarting the boiler within twenty-four hours after the end of an unplanned shutdown (i.e., malfunction or upset).

(ii) Startup begins when fuel is ignited in the boiler fire box.

(iii) Startup ends when the boiler starts supplying useful thermal energy or four hours after the boiler starts supplying useful thermal energy if the facility follows the work practices in (e)(vi)(B) of this subsection.

(iv) Shutdown begins when the boiler no longer supplies useful thermal energy or when no fuel is being fed to the boiler or process heater, whichever is earlier.

(v) Shutdown ends when the boiler or process heater no longer supplies useful thermal energy and no fuel is being combusted in the boiler.

(vi) Alternative standard.

(A) Visible emissions during startup or shutdown shall not exceed forty percent opacity for more than three minutes in any hour, as determined by SWCAA Method 9; or

(B) During startup or shutdown, the owner or operator shall:

(I) Operate all continuous monitoring systems;

(II) Use only clean fuel as identified in 5.b. in Table 3 of 40 CFR Part 63, Subpart DDDDD;

(III) Engage all applicable control devices so as to comply with the twenty percent opacity standard within four hours of the start of supplying useful thermal energy;

(IV) Engage and operate particulate matter control devices within one hour of first feeding fuels that are not clean fuels; and

(V) Develop and implement a written startup and shutdown plan. The plan must minimize the startup period according to the manufacturer's recommended procedure. In the absence of manufacturer's recommendation, the owner or operator shall use the recommended startup procedure for a unit of a similar design. The plan must be maintained on-site and available upon request for public inspection.

(vii) The owner or operator maintains records sufficient to demonstrate compliance with (e)(i) through (vi) of this subsection. The records must include the following:

(A) The date and time of notification of the permitting authority;

(B) The date and time when startup and shutdown began;

(C) The date and time when startup and shutdown ended; and

(D) The compliance option in (e) (vi) of this subsection that was chosen and documentation of how the conditions of that option were met.

(f) Furnace refractory curing. For emissions that occur during curing of furnace refractory in a lime kiln or boiler, visible emissions (as determined by SWCAA Method 9A) shall not exceed forty percent opacity for more than three minutes in any hour, except when (b) of this subsection applies. For this provision to apply, the owner or operator shall meet all of the following requirements:

(i) The total duration of refractory curing shall not exceed thirty-six hours;

(ii) Use only clean fuel identified in 5.b. in Table 3 in 40 CFR Part 63, Subpart DDDDD;

(iii) Provide a copy of the manufacturer's instructions on curing refractory to the permitting authority;

(iv) Follow the manufacturer's instructions on curing refractory, including all instructions on temperature increase rates and holding temperatures and time;

(v) Engage the emission controls as soon as possible during the curing process; and

(vi) Notify the permitting authority at least one working day prior to the start of the refractory curing process.

~~((e)) (g) (Exemptions from the twenty percent opacity standard.)~~

~~((i)) Military training. Visible emissions resulting from military obscurant training exercises ~~(is)~~ are exempt from compliance with the twenty percent opacity limitation provided the following criteria are met:~~

~~((A)) (i) No visible emissions shall cross the boundary of the military training site/reservation.~~

~~((B)) (ii) The operation shall have in place methods, which have been reviewed and approved by the permitting agency, to detect changes in weather that would cause the obscurant to cross the site boundary either during the course of the exercise or prior to the start of the exercise. The approved methods shall include provisions that cancel the training exercise or cease the use of obscurant during the training exercise until weather conditions would allow such training to occur without causing obscurant to leave the site boundary of the military site/reservation.~~

~~((ii)) (h) Certification testing. Visible emissions from the "smoke generator" used for testing and certification of visible emissions readers per the requirements of 40 CFR 60, Appendix A, Reference Method 9 and Ecology Methods 9A and 9B shall be exempt from compliance with the twenty percent opacity limitation while being used for certifying visible emission readers.~~

~~((iii)) (i) Firefighter training. Visible emissions from fixed and mobile firefighter training facilities are exempt while being used to train firefighters and while complying with the requirements of WAC 173-425.~~

(2) **Fallout.** No person shall cause or permit the emission of particulate matter from any "stationary source" to be deposited beyond the property under direct control of the owner or operator of the "stationary source" in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) **Fugitive emissions.** The owner or operator of any emission unit engaging in materials handling, construction, demolition or any other operation that emits fugitive emissions:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emission unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the air contaminants for which nonattainment has been designated.

(4) **Odors.**

(a) No person shall cause or allow the generation of any odor from any "source" or activity, which may unreasonably interfere with any other property owner's use and enjoyment of his property. (~~Recognized good practice and procedures must be used to reduce odors to a reasonable minimum.~~) The Agency may take enforcement action under this section if it documents the following:

(i) The detection by the Executive Director or a duly authorized representative of an odor at Level 3 or greater, according to the following odor scale:

Level 0 No odor detected,

Level 1 Odor barely detected,

Level 2 Odor is distinct and definite, any unpleasant characteristics recognizable,

Level 3 Odor is objectionable enough or strong enough to cause attempts at avoidance, and

Level 4 Odor is so strong that a person does not want to remain present; and

(ii) An affidavit from a person making a complaint that demonstrates that they have experienced odor emissions in sufficient quantities and of such characteristics and duration so as to unreasonably interfere with their enjoyment of life and property.

(b) When the "source" is using "good agricultural practices," as provided in RCW (~~70.94.640~~) 70A.15.4530, no violation of this section shall have occurred.

(5) **Emissions detrimental to persons or property.** No person shall cause or permit the emission of any air contaminant from any "source" if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) **Sulfur dioxide.**

No person shall cause or permit the emission of a gas containing sulfur dioxide from any emission unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen or twelve percent carbon dioxide as required by the applicable emission standard for combustion sources, and based on the average of any period of sixty consecutive minutes.

(7) **Concealment and masking.** No person shall cause or permit the installation or use of any means that conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this section.

(8) **Fugitive dust sources.**

(a) The owner or operator of any "source" of or activity that generates fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the "source" to minimize emissions.

(b) The owner(s) or operator(s) of any existing "stationary source(s)" of fugitive dust that has been identified as a significant contributor to a PM₁₀ or PM_{2.5} nonattainment area shall be required to use reasonably available control technology (RACT) to control emissions. The status of a "stationary source" as a significant contributor will be determined by the criteria found in SWCAA 400-113(3).

AMENDATORY SECTION (Amending WSR 17-11-078 filed 5/18/17, effective 6/18/17)

SWCAA 400-045 Permit Application for Nonroad Engines

(1) **Purpose.** A nonroad engine permit application is the document used by the Agency to record and track requests to approve the installation, replacement, or other alteration of a nonroad engine.

(2) **Applicability.** The requirements of this section apply to all nonroad engines as defined in SWCAA 400-030 except for (~~the following~~) those identified in section (3) below.

(3) Exemptions

(a) Engines (~~put into service~~) operating in SWCAA jurisdiction prior to November 9, 2003;

(b) Nonroad engine installations with an aggregate power rating less than 500 horsepower not associated with stationary sources;

(c) Individual nonroad engines with a power rating less than 50 horsepower;

(d) Small/residential water well drilling rigs;

(e) Portable firefighting equipment;

(f) Mobile cranes and pile drivers;

(g) Engines used for emergency flood control;

(h) Engines used to power carnival or amusement rides;

(i) Engines used to power portable equipment (sign boards, lights, compressors, etc.) operating in support of short term construction or maintenance projects (< 1 year in duration);

(j) Engines used to replace utility power or utility powered equipment on a temporary basis (< 30 days in duration) provided that such engines are EPA Tier certified and use fuel with a maximum sulfur content of 0.0015% by weight;

(k) Engines used in, or on, a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (e.g., mobile cranes, bulldozers, forklifts, etc.); or

(l) Engines integral to a stationary source (e.g., portable power units dedicated to supporting sources such as rock crushers, asphalt plants, rock screens, etc.). These engines are subject to permitting under SWCAA 400-109.

~~((3))~~ (4) Application Submittal. The owner or operator shall submit a complete nonroad engine permit application for each new installation, replacement, or other alteration of a nonroad engine.

~~((4))~~ (5) Application Fees. A filing fee plus a review fee, as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098, shall be submitted with the application prior to Agency review.

Expedited Application Review. An applicant may request expedited processing of a permit application. The Agency shall, at its own discretion, determine if available permitting resources are sufficient to support expedited processing. If the application is accepted for expedited review, the applicant must pay double the normal application and

review fee. An expedited permit application will be processed as soon as possible and will receive priority over non-expedited applications.

~~((5))~~ **(6) Agency actions.** Each acceptable and complete nonroad engine permit application shall result in the issuance of a nonroad engine permit or other regulatory order by the Agency in accordance with SWCAA 400-046. The requirements of SEPA (State Environmental Policy Act) shall be complied with for each application.

~~((6))~~ **(7) Withdrawn or exempt applications.**

(a) An applicant may withdraw an application at any time prior to issuance of a final nonroad engine permit. The applicant must provide a written and signed request to the Agency indicating their desire to withdraw the application and certification that the proposed equipment or alteration will not be installed or operated without prior review and approval from the Agency. The Agency shall provide written response to acknowledge withdrawal of the application.

(b) After review by the Agency, an application may be determined to be exempt from the requirements of SWCAA 400-046 and 400-100. The Agency shall provide written notification to the applicant for all applications that are determined to be exempt. Exemption status shall not take effect until confirmed in writing.

(c) For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees may be refunded upon request, provided that substantial time has not been expended by the Agency for review of the application.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-046 Application Review Process for Nonroad Engines

(1) Applicability.

(a) All nonroad engine permit applications submitted to the Agency pursuant to SWCAA 400-045 shall be reviewed and processed as described in this section.

(b) Review of a permit application shall be limited to the nonroad engine proposed to be installed, replaced or altered and the air contaminants whose emissions would increase as a result.

(c) The requirements of this section do not apply to "stationary sources" as defined in SWCAA 400-030(115). Permit applications for "stationary sources" are reviewed and processed in accordance with SWCAA 400-110.

(2) Requirements.

(a) Provided that all review requirements are met, a nonroad engine permit shall be issued by the Agency prior to the installation, replacement or alteration of any nonroad engine subject to the requirements of SWCAA 400-045 and this section.

(b) A completed environmental checklist or a completed determination, as provided in Chapter 197-11 WAC, shall be submitted with each application.

(c) Each nonroad engine permit application shall demonstrate that the proposed nonroad engine complies with applicable ambient air quality standards. Regulation of nonroad engines pursuant to this section shall be consistent with Appendix A of 40 CFR 89 Subpart A (as in effect on the date cited in SWCAA 400-025). If the ambient impact of a proposed project could potentially exceed an applicable ambient air standard, the Agency may require that the applicant demonstrate compliance with ~~((available ambient air increments and))~~ applicable Ambient Air Quality Standards (AAQS) using a modeling technique consistent

with 40 CFR Part 51, Appendix W (as in effect on the date cited in SWCAA 400-025). Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

(3) **Application processing/completeness determination.** Within 30 calendar days of receipt of a nonroad engine permit application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.

(4) **Final determination.**

(a) Within 60 calendar days of receipt of a complete nonroad engine permit application, the Agency shall either issue a final decision on the application or initiate public notice on a proposed decision, followed as promptly as possible by a final decision. All actions taken under this subsection must meet the public involvement requirements of SWCAA 400-171(1). An owner or operator seeking approval of a project involving applications pursuant to both SWCAA 400-045 and 400-109 may elect to combine the applications into a single permit.

(b) Nonroad engine permits issued under this section shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Agency.

(c) Nonroad engine permits issued under this section become effective on the date of issuance unless otherwise specified.

(d) If an applicant fails to respond to Agency information requests within 60 calendar days, the Agency may presume the nonroad engine permit application is being withdrawn. The Agency will issue written notice of application withdrawal. No fees will be refunded if an application is withdrawn.

(5) **Appeals.** A nonroad engine permit, any conditions contained in a nonroad engine permit, the denial of a nonroad engine permit application, or any other regulatory order issued pursuant to this section, may be appealed to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW and Chapter 371-08 WAC. The Agency shall promptly mail copies of each nonroad engine permit or order to the applicant and any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board.

(6) **Compliance.** Noncompliance with any term or condition identified in a nonroad engine permit issued pursuant to this section shall be considered a violation of this section.

(7) **Expiration.** Nonroad engine permits issued pursuant to this section shall become invalid if installation or alteration does not occur within eighteen months after the date of issuance of a permit or if installation or alteration is discontinued for a period of eighteen months or more. The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. The Agency may specify an earlier date for installation or alteration in a nonroad engine permit.

If a nonroad engine remains in use at the same location for more than 12 months, approval under this section expires and the nonroad engine becomes a stationary source subject to the provisions of SWCAA 400-109 and 400-110. The owner or operator shall maintain records of the length of use at each location for the purpose of documenting compliance with this requirement.

(8) **Change of conditions.**

(a) The owner or operator may request, at any time, a change in conditions of an existing nonroad engine permit. The request may be approved provided the Agency finds that:

(i) No ambient air quality standard will be exceeded as a result of the change;

(ii) The change will not adversely impact the ability of the Agency to determine compliance with an applicable permit term or condition; and

(iii) The revised permit meets the requirements of SWCAA 400-046.

(b) A request to change existing approval conditions shall be filed as a nonroad engine permit application. The application shall demonstrate compliance with the requirements of subsection (2) of this section, and be acted upon according to the timelines in subsections (3) and (4) of this section. The current Consolidated Fee Schedule established in accordance with SWCAA 400-098 shall apply to these requests.

(c) Actions taken under this subsection may be subject to the public involvement provisions of SWCAA 400-171.

(9) **Engine registration.** The owner or operator of nonroad engines approved pursuant to this section shall notify the Agency within 10 calendar days of engine installation. Subsequent to notification, each permitted unit shall be registered with the Agency and the owner or operator shall pay a registration fee (~~((according to the schedule below))~~) as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098. Registration expires after a period of 12 consecutive months. If a permitted unit is still operating after its registration expires, it shall be reregistered and a second registration fee (~~(, as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098,)~~) must be paid.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-050 Emission Standards for Combustion and Incineration Units

(1) **Particulate matter emissions.** Combustion and incineration emission units shall meet all requirements of SWCAA 400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emission unit combusting wood derived fuels for the production of steam. No person shall allow or permit the emission of particulate matter from an emission unit combusting wood derived fuels for the production of steam in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA Method 5 in 40 CFR Part 60, Appendix A (as in effect on the date cited in SWCAA 400-025) or other acceptable sampling methods approved in advance by both the Agency and EPA.

(2) **Fuel oil sulfur content limit.** Effective January 1, 2015, combustion and/or incineration units shall not be fired on a fuel oil with a sulfur content greater than 15 ppm by weight (ppmw). Affected emission units include, but are not limited to, process boilers, aggregate dryers, internal combustion engines, small incinerators, and space heaters. This prohibition supersedes existing permit terms allowing the use of fuel oil with higher sulfur contents. Noncompliant fuel purchased prior to the effective date of this requirement may be fired in affected units.

(3) **Incinerators.**

(a) For any incinerator, no person shall cause or permit emissions in excess of one hundred (100) ppm of total carbonyls as measured by Ecology Test Method 14. Total carbonyls means the concentration of organic compounds containing the =C=O radical. An applicable EPA reference method or other procedures approved in advance by the Agency may be used to collect and analyze for the same compounds collected in Ecology Test Method 14.

(b) Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the Agency.

(4) **Measurement correction.** Measured concentrations for combustion and incineration units shall be corrected to 7% oxygen, except when the Agency determines that an alternate oxygen correction factor is more representative of normal operations such as the correction factor included in an applicable NSPS or NESHAP, actual operating characteristics, or the manufacturer's specifications for the emission unit.

(5) **Commercial and industrial solid waste incineration units constructed on or before November 30, 1999.** (See SWCAA 400-115(1) for the requirements for a commercial and industrial solid waste incineration unit constructed after November 30, 1999, or modified or reconstructed after June 1, 2001.)

(a) Definitions.

(i) "Commercial and industrial solid waste incineration (CISWI) unit" means any combustion device that combusts commercial and industrial waste, as defined in this subsection. The boundaries of a CISWI unit are defined as, but not limited to, the commercial or industrial solid waste fuel feed system, grate system, flue gas system, and bottom ash. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the commercial and industrial solid waste hopper (if applicable) and extends through two areas:

(A) The combustion unit flue gas system, which ends immediately after the last combustion chamber.

(B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.

(ii) "Commercial and industrial solid waste" means solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility (including field erected, modular, and custom built incineration units operating with starved or excess air), or solid waste combusted in an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility.

(b) Applicability. This section applies to incineration units that meet all three criteria:

(i) The incineration unit meets the definition of CISWI unit in this subsection.

(ii) The incineration unit commenced construction on or before November 30, 1999.

(iii) The incineration unit is not exempt under (4)(c) of this subsection.

(c) Exempted units. The following types of incineration units are exempt from this subsection:

(i) Pathological waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR 60.2265 (as in effect on the date cited in SWCAA 400-025) that meet the two requirements specified in (c)(i)(A) and (B) of this subsection.

(A) Notify the permitting agency that the unit meets these criteria.

(B) Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

(ii) Agricultural waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in 40 CFR 60.2265 (as in effect on the date cited in SWCAA 400-025) that meet the two requirements specified in (c)(ii)(A) and (B) of this subsection.

(A) Notify the permitting agency that the unit meets these criteria.

(B) Keep records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.

(iii) Municipal waste combustion units. Incineration units that meet either of the two criteria specified in (c)(iii)(A) and (B) of this subsection.

(A) Units regulated under 40 CFR Part 60, Subpart Ea or Subpart Eb (as in effect on the date cited in SWCAA 400-025); 40 CFR Part 60, Subpart AAAA (as in effect on the date cited in SWCAA 400-025); or WAC 173-400-050(5).

(B) Units burning greater than 30 percent municipal solid waste or refuse-derived fuel, as defined in 40 CFR Part 60, Subparts Ea (as in effect on the date cited in SWCAA 400-025), Eb (as in effect on the date cited in SWCAA 400-025), and AAAA (as in effect on the date cited in SWCAA 400-025), and SWCAA 400-050(5), and that have the capacity to burn less than 35 tons (32 megagrams) per day of municipal solid waste or refuse-derived fuel, if the two requirements in (c)(iii)(B)(I) and (II) of this subsection are met.

(I) Notify the Agency that the unit meets these criteria.

(II) Keep records on a calendar quarter basis of the weight of municipal solid waste burned and the weight of all other fuels and wastes burned in the unit.

(iv) Medical waste incineration units. Incineration units regulated under 40 CFR Part 60, Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) (as in effect on the date cited in SWCAA 400-025);

(v) Small power production facilities. Units that meet the three requirements specified in (c)(v)(A) through (C) of this subsection.

(A) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796 (17)(C)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(C) The owner or operator of the unit has notified the permitting agency that the unit meets all of these criteria.

(vi) Cogeneration facilities. Units that meet the three requirements specified in (c)(vi)(A) through (C) of this subsection.

(A) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796 (18)(B)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator of the unit has notified the permitting agency that the unit meets all of these criteria.

(vii) Hazardous waste combustion units. Units that meet either of the two criteria specified in (c)(vii)(A) or (B) of this subsection.

(A) Units for which you are required to get a permit under Section 3005 of the Solid Waste Disposal Act.

(B) Units regulated under Subpart EEE of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (as in effect on the date cited in SWCAA 400-025).

(viii) Materials recovery units. Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters;

(ix) Air curtain incinerators. Air curtain incinerators that burn only the materials listed in (c)(ix)(A) through (C) of this subsection are only required to meet the requirements under "Air Curtain Incinerators" in 40 CFR 60.2245 through 60.2260 (as in effect on the date cited in SWCAA 400-025).

(A) 100 percent wood waste.

(B) 100 percent clean lumber.

(C) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

(x) Cyclonic barrel burners. See 40 CFR 60.2265 (as in effect on the date cited in SWCAA 400-025).

(xi) Rack, part, and drum reclamation units. See 40 CFR 60.2265 (as in effect on the date cited in SWCAA 400-025).

(xii) Cement kilns. Kilns regulated under Subpart LLL of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry) (as in effect on the date cited in SWCAA 400-025).

(xiii) Sewage sludge incinerators. Incineration units regulated under 40 CFR Part 60, (Standards of Performance for Sewage Treatment Plants) (as in effect on the date cited in SWCAA 400-025).

(xiv) Chemical recovery units. Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The seven types of units described in (c)(xiv)(A) through (G) of this subsection are considered chemical recovery units.

(A) Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(B) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(C) Units burning only wood or coal feedstock for the production of charcoal.

(D) Units burning only manufacturing by-product streams/residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(E) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(F) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.

(G) Units burning only photographic film to recover silver.

(xv) Laboratory analysis units. Units that burn samples of materials for the purpose of chemical or physical analysis.

(d) Exceptions.

(i) Physical or operational changes to a CISWI unit made primarily to comply with this section do not qualify as a "modification" or "reconstruction" (as defined in 40 CFR 60.2815 (as in effect on the date cited in SWCAA 400-025)).

(ii) Changes to a CISWI unit made on or after June 1, 2001, that meet the definition of "modification" or "reconstruction" as defined in 40 CFR 60.2815 (as in effect on the date cited in SWCAA 400-025) mean the CISWI unit is considered a new unit and subject to SWCAA 400-115(1), which adopts 40 CFR Part 60, Subpart CCCC by reference.

(e) A CISWI unit must comply with 40 CFR 60.2575 through 60.2875 (as in effect on the date cited in SWCAA 400-025).

(i) The federal rule contains these major components:

(A) Increments of progress towards compliance in 60.2575 through 60.2630;

(B) Waste management plan requirements in 60.2620 through 60.2630;

(C) Operator training and qualification requirements in 60.2635 through 60.2665;

(D) Emission limitations and operating limits in 60.2670 through 60.2685;

(E) Performance testing requirements in 60.2690 through 60.2725;

(F) Initial compliance requirements in 60.2700 through 60.2725;

(G) Continuous compliance requirements in 60.2710 through 60.2725;

(H) Monitoring requirements in 60.2730 through 60.2735;

(I) Recordkeeping and reporting requirements in 60.2740 through 60.2800;

(J) Title V operating permits requirements in 60.2805;

(K) Air curtain incinerator requirements in 60.2810 through 60.2870;

(L) Definitions in 60.2875; and

(M) Tables in 60.2875. In Table 1, the final control plan must be submitted before June 1, 2004, and final compliance must be achieved by June 1, 2005.

(ii) Exception to adopting the federal rule. For purposes of this section, "administrator" includes the Agency.

(iii) Exception to adopting the federal rule. For purposes of this section, "you" means the owner or operator.

(iv) Exception to adopting the federal rule. For purposes of this section, each reference to "the effective date of state plan approval" means July 1, 2002.

(v) Exception to adopting the federal rule. The Title V operating permit requirements in 40 CFR 60.2805(a) are not adopted by reference. Each CISWI unit, regardless of whether it is a major or nonmajor unit, is subject to the air operating permit regulation, Chapter 173-401 WAC, beginning on July 1, 2002. See WAC 173-401-500 for the permit application requirements and deadlines.

(vi) Exception to adopting the federal rule. The following compliance dates apply:

(A) The final control plan (Increment 1) must be submitted no later than July 1, 2003. (See Increment 1 in Table 1.)

(B) Final compliance (Increment 2) must be achieved no later than July 1, 2005. (See Increment 2 in Table 1.)

(f) Federal plan. The federal plan found under 40 CFR 62 Subpart III is adopted by reference (as in effect on the date cited in SWCAA 400-025).

(6) **Small municipal waste combustion units.** Small Municipal waste combustion units constructed on or before August 30, 1999. (See SWCAA 400-115(1) for the requirements for a municipal waste combustion unit constructed after August 30, 1999, or reconstructed or modified after June 6, 2001.)

(a) Definition. "Municipal waste combustion unit" means any setting or equipment that combusts, liquid, or gasified municipal solid waste including, but not limited to, field-erected combustion units (with or without heat recovery), modular combustion units (starved-air or excess-air), boilers (for example, steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air-curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Two criteria further define municipal waste combustion units:

(i) Municipal waste combustion units do not include the following units:

(A) Pyrolysis or combustion units located at a plastics or rubber recycling unit as specified under the exemptions in (c)(viii) and (ix) of this subsection.

(B) Cement kilns that combust municipal solid waste as specified under the exemptions in (c)(x) of this subsection.

(C) Internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

(ii) The boundaries of a municipal waste combustion unit are defined as follows. The municipal waste combustion unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustion unit water system. The municipal waste combustion unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine-generator set. The municipal waste combustion unit boundary starts at the municipal solid waste pit or hopper and extends through three areas:

(A) The combustion unit flue gas system, which ends immediately after the heat recovery equipment or, if there is no heat recovery equipment, immediately after the combustion chamber.

(B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.

(C) The combustion unit water system, which starts at the feed water pump and ends at the piping that exits the steam drum or superheater.

(b) Applicability. This section applies to a municipal waste combustion unit that meets these three criteria:

(i) The municipal waste combustion unit has the capacity to combust at least 35 tons per day of municipal solid waste but no more than 250 tons per day of municipal solid waste or refuse-derived fuel.

(ii) The municipal waste combustion unit commenced construction on or before August 30, 1999.

(iii) The municipal waste combustion unit is not exempt under (c) of this section.

(c) Exempted units. The following municipal waste combustion units are exempt from the requirements of this section:

(i) Small municipal waste combustion units that combust less than 11 tons per day. Units are exempt from this section if four requirements are met:

(A) The municipal waste combustion unit is subject to a federally enforceable permit limiting the amount of municipal solid waste combusted to less than 11 tons per day.

(B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.

(C) The owner or operator of the unit sends a copy of the federally enforceable permit to the permitting agency.

(D) The owner or operator of the unit keeps daily records of the amount of municipal solid waste combusted.

(ii) Small power production units. Units are exempt from this section if four requirements are met:

(A) The unit qualifies as a small power production facility under Section 3 (17)(C) of the Federal Power Act (16 U.S.C. 796 (17)(C)).

(B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity.

(C) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.

(D) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.

(iii) Cogeneration units. Units are exempt from this section if four requirements are met:

(A) The unit qualifies as a small power production facility under Section 3 (18)(C) of the Federal Power Act (16 U.S.C. 796 (18)(C)).

(B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.

(D) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.

(iv) Municipal waste combustion units that combust only tires. Units are exempt from this section if three requirements are met:

(A) The municipal waste combustion unit combusts a single-item waste stream of tires and no other municipal waste (the unit can co-fire coal, fuel oil, natural gas, or other nonmunicipal solid waste).

(B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.

(C) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.

(v) Hazardous waste combustion units. Units are exempt from this section if the units have received a permit under Section 3005 of the Solid Waste Disposal Act.

(vi) Materials recovery units. Units are exempt from this section if the units combust waste mainly to recover metals. Primary and secondary smelters may qualify for the exemption.

(vii) Co-fired units. Units are exempt from this section if four requirements are met:

(A) The unit has a federally enforceable permit limiting municipal solid waste combustion to no more than 30 percent of total fuel input by weight.

(B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.

(C) The owner or operator submits a copy of the federally enforceable permit to the permitting agency.

(D) The owner or operator records the weights, each quarter, of municipal solid waste and of all other fuels combusted.

(viii) Plastics/rubber recycling units. Units are exempt from this section if four requirements are met:

(A) The pyrolysis/combustion unit is an integrated part of a plastics/rubber recycling unit as defined in 40 CFR 60.1940 (as in effect on the date cited in SWCAA 400-025).

(B) The owner or operator of the unit records the weight, each quarter, of plastics, rubber, and rubber tires processed.

(C) The owner or operator of the unit records the weight, each quarter, of feed stocks produced and marketed from chemical plants and petroleum refineries.

(D) The owner or operator of the unit keeps the name and address of the purchaser of the feed stocks.

(ix) Units that combust fuels made from products of plastics/rubber recycling plants. Units are exempt from this section if two requirements are met:

(A) The unit combusts gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquefied petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feed stocks produced by plastics/rubber recycling units.

(B) The unit does not combust any other municipal solid waste.

(x) Cement kilns. Cement kilns that combust municipal solid waste are exempt.

(xi) Air curtain incinerators. If an air curtain incinerator as defined under 40 CFR 60.1910 (as in effect on the date cited in SWCAA 400-025) combusts 100 percent yard waste, then those units must only meet the requirements under 40 CFR 60.1910 through 60.1930 (as in effect on the date cited in SWCAA 400-025).

(d) Exceptions.

(i) Physical or operational changes to an existing municipal waste combustion unit made primarily to comply with this section do not qualify as a modification or reconstruction, as those terms are defined in 40 CFR 60.1940 (as in effect on the date cited in SWCAA 400-025).

(ii) Changes to an existing municipal waste combustion unit made on or after June 6, 2001, that meet the definition of modification or reconstruction, as those terms are defined in 40 CFR 60.1940 (as in effect on the date cited in SWCAA 400-025), mean the unit is considered a new unit and subject to SWCAA 400-115(1), which adopts 40 CFR Part 60, Subpart AAAAA (as in effect on the date cited in SWCAA 400-025).

(e) Municipal waste combustion units are divided into two subcategories based on the aggregate capacity of the municipal waste combustion plant as follows:

(i) Class I units. Class I units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 CFR 60.1940 (as in effect on the date

cited in SWCAA 400-025) for the specification of which units are included in the aggregate capacity calculation.

(ii) Class II units. Class II units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 CFR 60.1940 (as in effect on the date cited in SWCAA 400-025) for the specification of which units are included in the aggregate capacity calculation.

(f) Compliance option 1.

(i) A municipal solid waste combustion unit may choose to reduce, by the final compliance date of June 1, 2005, the maximum combustion capacity of the unit to less than 35 tons per day of municipal solid waste. The owner or operator must submit a final control plan and the notifications of achievement of increments of progress as specified in 40 CFR 60.1610 (as in effect on the date cited in SWCAA 400-025).

(ii) The final control plan must, at a minimum, include two items:

(A) A description of the physical changes that will be made to accomplish the reduction.

(B) Calculations of the current maximum combustion capacity and the planned maximum combustion capacity after the reduction. Use the equations specified in 40 CFR 60.1935 (d) and (e) (as in effect on the date cited in SWCAA 400-025) to calculate the combustion capacity of a municipal waste combustion unit.

(iii) A permit restriction or a change in the method of operation does not qualify as a reduction in capacity. Use the equations specified in 40 CFR 60.1935 (d) and (e) (as in effect on the date cited in SWCAA 400-025) to calculate the combustion capacity of a municipal waste combustion unit.

(g) Compliance option 2. The municipal waste combustion unit must comply with 40 CFR 60.1585 through 60.1905, and 60.1935 (as in effect on the date cited in SWCAA 400-025).

(i) The rule contains these major components:

(A) Increments of progress towards compliance in 60.1585 through 60.1640;

(B) Good combustion practices operator training in 60.1645 through 60.1670;

(C) Good combustion practices operator certification in 60.1675 through 60.1685;

(D) Good combustion practices operating requirements in 60.1690 through 60.1695;

(E) Emission limits in 60.1700 through 60.1710;

(F) Continuous emission monitoring in 60.1715 through 60.1770;

(G) Stack testing in 60.1775 through 60.1800;

(H) Other monitoring requirements in 60.1805 through 60.1825;

(I) Recordkeeping reporting in 60.1830 through 60.1855;

(J) Reporting in 60.1860 through 60.1905;

(K) Equations in 60.1935; and

(L) Tables 2 through 8.

(ii) Exception to adopting the federal rule. For purposes of this section, each reference to the following is amended in the following manner:

(A) "State plan" in the federal rule means SWCAA 400-050(5);

(B) "You" in the federal rule means the owner or operator;

(C) "Administrator" includes the permitting agency;

(D) Table 1 in (h)(ii) of this subsection substitutes for Table 1 in the federal rule; and

(E) "The effective date of the state plan approval" in the federal rule means December 6, 2002.

(h) Compliance schedule.

(i) Small municipal waste combustion units must achieve final compliance or cease operation not later than December 1, 2005.

(ii) Small municipal waste combustion units must achieve compliance by May 6, 2005 for all Class II units, and by November 6, 2005 for all Class I units.

(iii) Class I units must comply with these additional requirements:

(A) The owner or operator must submit the dioxins/furans stack test results for at least one test conducted during or after 1990. The stack test must have been conducted according to the procedures specified under 40 CFR 60.1790 (as in effect on the date cited in SWCAA 400-025).

(B) Class I units that commenced construction after June 26, 1987, must comply with the dioxins/furans and mercury limits specified in Tables 2 and 3 in 40 CFR Part 60, Subpart BBBB (as in effect on the date cited in SWCAA 400-025) by the later of two dates:

(I) December 6, 2003; or

(II) One year following the issuance of an order of approval (revised construction permit or operation permit) if a permit modification is required.

(i) Air operating permit. Chapter 173-401 WAC, the air operating permit regulation, applicability begins on July 1, 2002. See WAC 173-401-500 for permit application requirements and deadlines.

(j) Federal plan. The federal plan found under 40 CFR 62 Subpart JJJ is adopted by reference (as in effect on the date cited in SWCAA 400-025).

(7) **Hospital/Medical/Infectious Waste Incinerators.** Hospital/medical/infectious waste incinerators constructed on or before December 1, 2008, must comply with the requirements in 40 CFR 62 Subpart HHH (as in effect on the date cited in SWCAA 400-025).

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-070 General Requirements for Certain Source Categories

(1) **Wigwam burners.** The use of wigwam ("tee-pee", "conical", or equivalent type) burners is prohibited effective January 1, 1994.

(2) **Hog fuel boilers.**

(a) Hog fuel boilers shall meet all provisions of SWCAA 400-040 and SWCAA 400-050(1) (~~(, except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any consecutive eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary for efficient operation of these units. Soot blowing and grate cleaning is to be scheduled for the same specific times each day. The boiler operator shall maintain a written schedule on file with the Agency, and provide updates as necessary)~~).

(b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.

(3) **Orchard heating.**

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) **Catalytic cracking units.** All new catalytic cracking units shall install BACT and meet all requirements applicable to a new "stationary source." As of January 1, 2002, there are no existing catalytic cracking units in SWCAA's jurisdiction.

(5) **Sulfuric acid plants.** No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H₂SO₄, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H₂SO₄.

(6) **Gasoline dispensing facilities.**

(a) All gasoline dispensing facilities shall meet all the provisions of SWCAA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors."

(b) Methyl tertiary-butyl ether (MTBE) may not be intentionally added to any gasoline, motor fuel, or clean fuel produced for sale or use in the state of Washington after December 31, 2003, and in no event may MTBE be knowingly mixed in gasoline above six-tenths of one percent by volume. [RCW 19.112.100]

(c) Each nozzle from which gasoline is dispensed shall have a maximum fuel flow rate not to exceed 10 gallons per minute. [40 CFR 80.22(j)]

(7) **Perchloroethylene dry cleaners.**

(a) New installations prohibited. Effective July 1, 2010, the installation of new perchloroethylene dry cleaning systems or reinstallation of existing perchloroethylene dry cleaning systems is prohibited.

(b) Applicability.

(i) This section applies to all dry cleaning systems that use perchloroethylene (PCE). Table 1 divides dry cleaning facilities into 3 source categories by the type of equipment they use and the volume of PCE purchased.

TABLE 1. PCE Dry Cleaner Source Categories

Dry cleaning facilities with:	Small area source purchases less than:	Large area source purchases between:	Major source purchases more than:
(1) Only Dry-to-Dry Machines	140 gallons PCE/yr	140-2,100 gallons PCE/yr	2,100 gallons PCE/yr
(2) Only Transfer Machines	200 gallons PCE/yr	200-1,800 gallons PCE/yr	1,800 gallons PCE/yr
(3) Both Dry-to-Dry and Transfer Machines	140 gallons PCE/yr	140-1,800 gallons PCE/yr	1,800 gallons PCE/yr

(ii) Major sources. In addition to the requirements in this section, a dry cleaning system that is considered a major source according to Table 1 must follow the federal requirements for major sources in 40 CFR Part 63, Subpart M (in effect on July 1, 2002).

(c) Operations and maintenance record.

(i) Each dry cleaning facility must keep an operations and maintenance record that is available upon request.

- (ii) The information in the operations and maintenance record must be kept on-site for five years.
- (iii) The operations and maintenance record must contain the following information:
 - (A) Inspection. The date and result of each inspection of the dry cleaning system. The inspection must note the condition of the system and the time any leaks were observed;
 - (B) Repair. The date, time, and result of each repair of the dry cleaning system;
 - (C) Refrigerated condenser information. If a refrigerated condenser is being used, record the following information:
 - (I) The air temperature at the inlet of the refrigerated condenser,
 - (II) The air temperature at the outlet of the refrigerated condenser,
 - (III) The difference between the inlet and outlet temperature readings, and
 - (IV) The date the temperature was taken;
 - (D) Carbon adsorber information. If a carbon adsorber is being used, record the following information:
 - (I) The concentration of PCE in the exhaust of the carbon adsorber, and
 - (II) The date the concentration was measured;
 - (E) A record of the volume of PCE purchased each month must be entered by the first of the following month;
 - (F) A record of the total amount of PCE purchased over the previous twelve months must be entered by the first of each month;
 - (G) All receipts of PCE purchases; and
 - (H) A record of any pollution prevention activities that have been accomplished.
- (d) General operations and maintenance requirements:
 - (i) Drain cartridge filters in their housing or other sealed container for at least twenty-four hours before discarding the cartridges.
 - (ii) Close the door of each dry cleaning machine except when transferring articles to or from the machine.
 - (iii) Store all PCE, and wastes containing PCE, in a closed container with no perceptible leaks.
 - (iv) Operate and maintain the dry cleaning system according to the manufacturer's specifications and recommendations.
 - (v) Keep a copy on-site of the design specifications and operating manuals for all dry cleaning equipment.
 - (vi) Keep a copy on-site of the design specifications and operating manuals for all emissions control devices.
 - (vii) Route the PCE gas-vapor stream from the dry cleaning system through the applicable equipment in Table 2:

TABLE 2. Minimum PCE Vapor Vent Control Requirements

Small area source	Large area source	Major source
Refrigerated condenser for all machines installed after September 21, 1993.	Refrigerated condenser for all machines.	Refrigerated condenser with a carbon adsorber for all machines installed after September 21, 1993.

(e) Inspection.

(i) The owner or operator must inspect the dry cleaning system at a minimum following the requirements in Table 3:

TABLE 3. Minimum Inspection Frequency

Small area source	Large area source	Major source
Once every 2 weeks.	Once every week.	Once every week.

(ii) An inspection must include an examination of these components for condition and perceptible leaks:

- (A) Hose and pipe connections, fittings, couplings, and valves;
- (B) Door gaskets and seatings;
- (C) Filter gaskets and seatings;
- (D) Pumps;
- (E) Solvent tanks and containers;
- (F) Water separators;
- (G) Muck cookers;
- (H) Stills;
- (I) Exhaust dampers; and
- (J) Cartridge filter housings.

(iii) The dry cleaning system must be inspected while it is operating.

(iv) The date and result of each inspection must be entered in the operations and maintenance record at the time of the inspection.

(f) Repair requirements:

(i) Leaks must be repaired within twenty-four hours of detection if repair parts are available.

(ii) If repair parts are unavailable, they must be ordered within 2 business days of detecting the leak.

(iii) Repair parts must be installed as soon as possible, and no later than 5 business days after arrival.

(iv) The date and time each leak was discovered must be entered in the operations and maintenance record.

(v) The date, time, and result of each repair must be entered in the operations and maintenance record at the time of the repair.

(g) Requirements for systems with refrigerated condensers. A dry cleaning system using a refrigerated condenser must meet all of the following requirements:

(i) Outlet air temperature requirements:

(A) Each week the air temperature sensor at the outlet of the refrigerated condenser must be checked.

(B) The air temperature at the outlet of the refrigerated condenser must be less than or equal to 45°F (7.2°C) during the cool-down period.

(C) The air temperature must be entered in the operations and maintenance record manual at the time it is checked.

(D) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a dry-to-dry machine, dryer or reclaimer at the outlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991;

(II) The air temperature sensor must be accurate to within 2°F (1.1°C);

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and

(IV) The air temperature sensor must be labeled "RC outlet."

(ii) Inlet air temperature requirements:

(A) Each week the air temperature sensor at the inlet of the refrigerated condenser installed on a washer must be checked.

(B) The inlet air temperature must be entered in the operations and maintenance record at the time it is checked.

(C) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a washer at the inlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991;

(II) The air temperature sensor must be accurate to within 2°F (1.1°C);

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and

(IV) The air temperature sensor must be labeled "RC inlet."

(iii) For a refrigerated condenser used on the washer unit of a transfer system, the following are additional requirements:

(A) Each week the difference between the air temperature at the inlet and outlet of the refrigerated condenser must be calculated.

(B) The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11.1°C).

(C) The difference between the inlet and outlet air temperature must be entered in the operations and maintenance record each time it is checked.

(iv) A converted machine with a refrigerated condenser must be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machine is open;

(v) The refrigerated condenser must not vent the air-PCE gas-vapor stream while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened; and

(vi) The refrigerated condenser in a transfer machine may not be coupled with any other equipment.

(h) Requirements for systems with carbon adsorbers. A dry cleaning system using a carbon adsorber must meet all of the following requirements:

(i) Each week the concentration of PCE in the exhaust of the carbon adsorber must be measured at the outlet of the carbon adsorber using a colorimetric detector tube.

(ii) The concentration of PCE must be recorded in the operations and maintenance record each time the concentration is checked.

(iii) If the dry cleaning system was constructed before December 9, 1991, monitoring must begin by September 23, 1996.

(iv) The colorimetric tube must meet these requirements:

(A) The colorimetric tube must be able to measure a concentration of 100 parts per million of PCE in air.

(B) The colorimetric tube must be accurate to within 25 parts per million.

(C) The concentration of PCE in the exhaust of the carbon adsorber must not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber.

(v) If the dry cleaning system does not have a permanently fixed colorimetric tube, a sampling port must be provided within the exhaust outlet of the carbon adsorber. The sampling port must meet all of these requirements:

(A) The sampling port must be easily accessible.

(B) The sampling port must be located eight stack or duct diameters downstream from a bend, expansion, contraction or outlet.

(C) The sampling port must be two stack or duct diameters upstream from a bend, expansion, contraction, inlet or outlet.

(8) **Abrasive blasting.**

(a) Abrasive blasting shall be performed inside a fully enclosed booth or structure designed to capture the blast grit, overspray, and removed material. Outdoor blasting of structures or items too large to be reasonably handled indoors shall employ control measures such as curtailment during windy periods, wet blasting, and/or enclosure of the area being blasted with tarps. Blasting operations shall comply with the general regulations found in SWCAA 400-040 at all times.

(b) Outdoor blasting shall be performed with either steel shot, wet blasting methods, or an abrasive material containing less than one percent (by mass) of material that would pass through a No. 200 sieve.

(c) All abrasive blasting of materials that contain, or have a coating that may contain, a substance that is identified as a toxic air pollutant in Chapter 173-460 WAC or a hazardous substance shall be analyzed prior to blast operations. If a toxic or hazardous material is present in the blast media or removed media, all material shall be handled and disposed of in accordance with applicable regulations.

(9) **Sewage sludge incinerators.**

(a) Standards for the incineration of sewage sludge found in 40 CFR 503, Subparts A (General Provisions) and E (Incineration) are adopted by reference (as in effect on the date cited in SWCAA 400-025).

(b) The federal plan found under 40 CFR 62 Subpart LLL is adopted by reference (as in effect on the date cited in SWCAA 400-025).

(10) **Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991.** A municipal solid waste landfill (MSW landfill) is an entire disposal facility in a contiguous geographical space where household waste is placed in or on the land. A MSW landfill may also receive other types of waste regulated under Subtitle D of the Federal Resource Conservation and Recovery Act including the following: Commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be either publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion. All references in this subsection to 40 CFR Part 60 rules mean those rules in effect on the date cited in SWCAA 400-025.

(a) Applicability. These rules apply to each MSW landfill constructed, reconstructed, or modified before May 30, 1991; and the MSW landfill accepted waste at any time since November 8, 1987 or the landfill has additional capacity for future waste deposition. (See SWCAA 400-115(1) for the requirements for MSW landfills constructed, reconstructed, or modified on or after May 30, 1991.) Terms in this subsection have the meaning given them in 40 CFR 60.751, except that every use of the word "administrator" in the federal rules referred to in this subsection includes the Agency.

(b) Exceptions. Any physical or operational change to an MSW landfill made solely to comply with these rules is not considered a modification or rebuilding.

(c) Standards for MSW landfill emissions:

(i) An MSW landfill having a design capacity less than 2.5 million megagrams or 2.5 million cubic meters must comply with the re-

requirements of 40 CFR 60.752(a) in addition to the applicable requirements specified in this section.

(ii) An MSW landfill having design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must comply with the requirements of 40 CFR 60.752(b) in addition to the applicable requirements specified in this section.

(d) Recordkeeping and reporting. An MSW landfill must follow the recordkeeping and reporting requirements in 40 CFR 60.757 (submittal of an initial design capacity report) and 40 CFR 60.758 (recordkeeping requirements), as applicable, except as provided for under (d)(i) and (ii).

(i) The initial design capacity report for the facility is due before September 20, 2001.

(ii) The initial nonmethane organic compound (NMOC) emissions rate report is due before September 20, 2001.

(e) Test methods and procedures:

(i) An MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must calculate the landfill nonmethane organic compound emission rates following the procedures listed in 40 CFR 60.754, as applicable, to determine whether the rate equals or exceeds 50 megagrams per year.

(ii) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b) (2) (ii) through the following procedures:

(A) The systems must follow the operational standards in 40 CFR 60.753.

(B) The systems must follow the compliance provisions in 40 CFR 60.755 (a) (1) through (a) (6) to determine whether the system is in compliance with 40 CFR 60.752 (b) (2) (ii).

(C) The system must follow the applicable monitoring provisions in 40 CFR 60.756.

(f) Conditions. Existing MSW landfills that meet the following conditions must install a gas collection and control system:

(i) The landfill accepted waste at any time since November 8, 1987, or the landfill has additional design capacity available for future waste deposition;

(ii) The landfill has a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exception values. Any density conversions shall be documented and submitted with the report; and

(iii) The landfill has an NMOC emission rate of 50 megagrams per year or greater.

(g) Change in conditions. After the adoption date of this rule, a landfill that meets all three conditions in (e) of this subsection must comply with all the requirements of this section within thirty months of the date when the conditions were met. This change will usually occur because the NMOC emission rate equaled or exceeded the rate of 50 megagrams per year.

(h) Gas collection and control systems:

(i) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b) (2) (ii).

(ii) The design plans must be prepared by a licensed professional engineer and submitted to the Agency within one year after the adoption date of this section.

(iii) The system must be installed within eighteen months after the submittal of the design plans.

(iv) The system must be operational within thirty months after the adoption date of this section.

(v) The emissions that are collected must be controlled in one of three ways:

(A) An open flare designed and operated according to 40 CFR 60.18;

(B) A control system designed and operated to reduce NMOC by 98 percent by weight; or

(C) An enclosed combustor designed and operated to reduce the outlet NMOC concentration to 20 parts per million as hexane by volume, dry basis corrected to three percent oxygen or less.

(i) Air operating permit:

(i) An MSW landfill that has a design capacity less than 2.5 million megagrams or 2.5 million cubic meters on January 7, 2000, is not subject to the air operating permit regulation, unless the landfill is subject to WAC 173-401 for some other reason. If the design capacity of an exempted MSW landfill subsequently increases to equal or exceed 2.5 million megagrams or 2.5 million cubic meters by a change that is not a modification or reconstruction, the landfill is subject to Chapter 173-401 WAC on the date the amended design capacity report is due.

(ii) An MSW landfill that has a design capacity equal to or greater than 2.5 million megagrams or 2.5 million cubic meters on January 7, 2000, is subject to Chapter 173-401 WAC beginning on the effective date of this section. (Note: Under 40 CFR 62.14352(e), an applicable MSW landfill must have submitted its application so that by April 6, 2001, the permitting agency was able to determine that it was timely and complete. Under 40 CFR 70.7(b), no "source" may operate after the time that it is required to submit a timely and complete application.)

(iii) When an MSW landfill is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit for the landfill if the landfill is not subject to Chapter 173-401 WAC for some other reason and if either of the following conditions are met:

(A) The landfill was never subject to the requirement for a control system under 40 CFR 62.14353; or

(B) The landfill meets the conditions for control system removal specified in 40 CFR 60.752 (b) (2) (v).

(11) **Used oil burners.**

(a) Applicability. The requirements of this section (~~do not~~) apply to all combustion sources except the following:

(i) Facilities operating in accordance with an air discharge permit or other regulatory order issued by the Agency;

(ii) Used oil burned in used oil fired space heaters (40 CFR 279.23) provided that:

(a) The space heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators,

(b) The space heater is designed to have a maximum heat output of not more than 0.5 million Btu per hour, and

(c) Combustion gases from the space heater are vented to the ambient air;

(iii) Ocean-going vessels (40 CFR 279.20 (a) (2)); and

(iv) Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles (40 CFR 279.20 (a) (3)).

(b) Requirements. No person shall burn as fuel used oil that exceeds any of the following specification levels:

- (i) Arsenic - 5 ppm maximum;
- (ii) Ash - 0.1 percent maximum;
- (iii) Cadmium - 2 ppm maximum;
- (iv) Chromium - 10 ppm maximum;
- (v) Lead - 100 ppm maximum;
- (vi) Polychlorinated biphenyls (PCB's) - 2 ppm maximum;
- (vii) Sulfur - 1.0 percent maximum;
- (viii) Flash point - 100°F minimum; and
- (ix) Total halogens - 1,000 ppm maximum.

(12) **Coffee roasters.**

(a) Applicability. The following equipment is subject to the provisions of SWCAA 400-109 and 400-110:

- (i) All batch process coffee roasters with a capacity of 10 pounds or greater of green coffee beans per batch;
- (ii) Batch process coffee roasters with a capacity of 10 pounds or less of green coffee beans per batch on a case-by-case basis;
- (iii) Continuous process coffee roasters regardless of capacity; and
- (iv) Coffee roasting processes involving decaffeination regardless of capacity.

(b) Requirements. Batch coffee roasters with a capacity of 10 pounds or greater of green coffee beans per batch shall install and operate an afterburner or equivalent control device that treats all roasting ((and cooling)) exhaust streams prior to discharge to the ambient air.

(13) **Natural gas fired water heaters.**

(a) Applicability. The requirements of this section apply to all natural gas fired water heaters with a rated heat input less than 400,000 Btu/hr. For the purposes of this subsection, the term "water heater" means a closed vessel in which water is heated by combustion of gaseous fuel and is withdrawn for use external to the vessel at pressures not exceeding 160 psig, including the apparatus by which heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210°F.

(b) Requirements.

(i) On or after January 1, 2010, no person shall offer for sale, or install, a water heater that emits NO_x at levels in excess of 55 ppmv at 3% O₂, dry (0.067 lb per million Btu of heat input).

(ii) On or after January 1, 2013, no person shall offer for sale, or install, a water heater that emits NO_x at levels in excess of 20 ppmv at 3% O₂, dry (0.024 lb per million Btu of heat input).

(14) **Rendering plants.**

(a) Applicability. The requirements of this section apply to any equipment or process used for the reduction of animal matter. For the purpose of this section, reduction is defined as any heated process (i.e., rendering, cooking, drying, dehydration, digesting, evaporating or protein concentrating). The requirements of this section shall not apply to any equipment or process used exclusively for the processing of food for human consumption.

(b) Requirements. All gases, vapors, and gas-entrained effluents emitted by reduction operations shall be captured and:

(i) Incinerated at temperatures of not less than 1,400 degrees F for a period of not less than 0.5 seconds; or

(ii) Processed in a manner determined by the Agency to be equal to or more effective than the method specified in section (i) above.

(15) **Outdoor wood-fired boilers.**

(a) Applicability. For the purposes of this subsection, the term "outdoor wood-fired boiler" means an outdoor wood-fired hydronic heater or outdoor wood-fired furnace that is an accessory outdoor structure, designed and intended, through the burning of wood, to heat the principal structure or any other site, building, or structure on the premises. The requirements of this subsection shall apply to units with rated heat inputs of 1,000,000 Btu/hr or less.

(b) No person shall sell, install, or operate an outdoor wood-fired boiler unless the affected unit meets the applicable requirements of WAC 173-433.

(c) Outdoor wood-fired boilers shall only be installed:

(i) For use outside urban growth areas as defined in chapter 36.70A RCW;

(ii) A minimum of fifty feet from the residence it is serving;

(iii) A minimum of two hundred feet from the nearest residence or commercial establishment that is not located on the same property as the outdoor wood-fired boiler; and

(iv) With a minimum chimney height of fifteen feet. If there is a residence that is not located on the same property within five hundred feet of the outdoor wood-fired boiler, the chimney must extend at least as high as the roof height of all such residences.

(d) Outdoor wood-fired boilers shall only be fired on clean dry wood, wood pellets made from clean wood, or fuels recommended by the manufacturer of the outdoor wood-fired boiler. The owner or operator of an outdoor wood-fired boiler shall follow manufacturer-recommended fuel loading times and amounts. In no case, shall a boiler be fired on any prohibited fuel cited in WAC 173-433.

(16) Cyclonic Burn Barrel Type Incinerators.

Use of cyclonic burn barrel type incinerators is prohibited effective January 1, 2022.

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

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

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-072 Small Unit Notification for Selected Source Categories

Purpose. The standards and requirements contained in this section are intended to be representative of BACT for the affected source categories. Submission of a small unit notification (SUN) pursuant to section 400-072(2) is intended to take the place of an air discharge permit application in regards to approval of new emission units. An air discharge permit application as described in SWCAA 400-109 is not required for an affected emission unit if the owner or operator submits proper notification to the Agency and maintains compliance with the emission standards and other requirements specified for the applicable source category. No SUN is required if a source is exempt under SWCAA 400-109. Emission units subject to the provisions of this section may be incorporated into a facility's Air Discharge Permit during subsequent permitting actions.

The provisions of this section do not apply to emission units that are (~~part of a major stationary source or major modification~~) subject to major New Source Review.

Registration. All emission units subject to the provisions of this section are also subject to registration pursuant to SWCAA 400-100 and periodic inspection by Agency representatives.

(1) **Exceptions.**

(a) The owner or operator of an emission unit meeting any of the applicability criteria listed below may voluntarily elect to file an air discharge permit application pursuant to SWCAA 400-109.

(b) If an emission unit subject to the provisions of this section is located at a "stationary source" that is otherwise required to be permitted pursuant to SWCAA 400-109, the Agency may require that the emission unit be included in the permit for the affected "stationary source".

(c) SWCAA may require any emission unit that fails to maintain ongoing compliance with the applicable requirements of this section to submit an air discharge permit application pursuant to SWCAA 400-109.

(2) **Agency notification.** An owner or operator who wishes to install and operate a new emission unit under the provisions of this section must file a formal notification with the Agency for each emission unit. Notification shall be performed using forms developed by the Agency for that purpose. The notification must include documentation sufficient to positively identify the affected emission unit, establish applicability under this section, and demonstrate compliance with applicable requirements.

A complete notification includes, but is not limited to, the following:

(a) Location of installation and/or operation;

(b) Identification of responsible party (owner or operator);

(c) Applicable processing fee;

(d) Purpose of installation and/or operation (e.g., replace an existing unit, expansion of facility, new facility, etc.). If intended as a replacement for an existing unit, the existing unit must be clearly identified in the notification to allow SWCAA to make necessary changes in the registration program;

(e) Equipment specifications (equipment type, make, model number, serial number, year of manufacture, rated capacity, exhaust stack configuration, fuel type, etc.);

(f) Control equipment specifications;

(g) Vendor performance guarantees; and

(h) Operational information (hours of operation, maximum product throughput, fuel type, fuel consumption, etc.).

(3) **Processing fee.** Each notification shall be accompanied by the payment of a processing fee as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098 for each piece of equipment subject to notification.

(4) **Effective date.** Emission units subject to the provisions of this section shall not be installed or operated until the Agency provides written confirmation that the affected emission units are capable of complying with applicable requirements.

(5) **Source categories.**

(a) **Coffee roasters.**

(i) **Applicability.** The provisions of this section apply to batch configuration coffee roasters with a capacity of less than 100 pounds of green coffee beans per batch.

(ii) **Emission limits and standards.**

(A) Visible emissions from the coffee roaster exhaust stack shall not exceed five percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9 (SWCAA 400, Appendix A).

(B) Operations that cause or contribute to odors that could unreasonably interfere with any other property owner's use and enjoyment

of their property shall use recognized good practice and procedures to reduce those odors to a reasonable minimum, consistent with the requirements of SWCAA 400-040(4).

(iii) **General requirements.**

(A) Each coffee roaster shall be equipped with an afterburner designed for a minimum residence time of 0.5 seconds, and capable of maintaining an operating temperature of not less than 1,200°F.

(B) Each coffee roaster shall have an operable temperature gauge capable of monitoring afterburner operating temperature on a continual basis.

(C) Each coffee roaster shall be exhausted to the afterburner whenever smoke or odors are generated by roasting and cooling activities.

(D) Afterburners shall be operated whenever the associated coffee roaster is in operation. The afterburner shall be operated and maintained in accordance with the manufacturer's specifications. Furthermore, the afterburner shall be operated in a manner that minimizes emissions.

(E) The exhaust point for each coffee roaster shall be a minimum of 200 feet from the nearest residential structure.

(F) Each coffee roaster and afterburner shall only be fired on natural gas or propane.

(G) Afterburner exhaust shall be discharged vertically at least four feet above the roof peak of the building containing the afterburner, and at a point higher than surrounding buildings. Any device that obstructs or prevents vertical discharge is prohibited.

(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.

(A) Afterburner operating temperature shall be recorded weekly;

(B) Quantity of coffee roasted shall be recorded weekly;

(C) Upset conditions that cause excess emissions shall be recorded for each occurrence; and

(D) All air quality related complaints, including odor complaints, received by the permittee and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.** None.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.

(B) All air quality related complaints, including odor complaints, received by the owner or operator shall be reported to SWCAA within 3 business days of receipt.

(C) The owner or operator of an affected coffee roaster shall report the following information to the Agency no later than March 15th for the preceding calendar year:

(I) Quantity of natural gas consumed by the roaster and afterburner;

(II) Quantity of coffee roasted; and

(III) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(b) **Small gas fired boilers/heaters.**

(i) **Applicability.** The provisions of this section apply to gas fired (natural gas/propane/LPG) boilers and heaters with individual rated heat inputs equal to or greater than 0.4 MMBtu/hr and equal to or less than 2.0 MMBtu/hr. For the purposes of this subsection, the term "boiler" means any combustion equipment designed to produce steam or to heat water that is not used exclusively to produce electricity for sale.

(ii) **Emission limits and standards.**

(A) Visible emissions from the boiler/heater exhaust stack shall not exceed zero percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9. (SWCAA 400, Appendix A).

(B) Each boiler/heater shall be equipped with combustion technology capable of maintaining NO_x and CO emissions at, or below, 30 ppmv and 50 ppmv, respectively (corrected to 3% O₂, dry, 1-hr avg). (~~EPA test methods from 40 CFR 60 (as in effect on the date cited in SWCAA 400-025) shall be used to determine compliance.~~)

(iii) **General requirements.**

(A) Each boiler/heater shall only be fired on natural gas, propane, or LPG.

(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.

(A) Quantity of fuel consumed by the boiler/heater shall be recorded for each calendar month;

(B) Maintenance activities for the boiler/heater shall be logged for each occurrence;

(C) Upset conditions that cause excess emissions shall be recorded for each occurrence; and

(D) All air quality related complaints received by the permittee and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.**

(A) Each boiler/heater shall undergo emission monitoring no later than 60 calendar days after commencing initial operation. Subsequent monitoring shall be conducted annually thereafter no later than the end of the month in which the original monitoring was conducted. All emission monitoring shall be conducted in accordance with the requirements of SWCAA 400-106(2) unless otherwise approved by the Agency.

(B) If emission monitoring results for a boiler/heater indicate that emission concentrations may exceed 30 ppmvd NO_x or 50 ppmvd CO, corrected to 3% O₂, the owner or operator shall either perform 60 minutes of additional monitoring to more accurately quantify CO and NO_x emissions, or initiate corrective action. Corrective action shall be initiated as soon as practical but no later than 3 business days after the potential exceedance is identified. Corrective action includes burner tuning, maintenance by service personnel, limitation of unit load, or other action taken to lower emission concentrations. Corrective action shall be pursued until observed emission concentrations no longer exceed 30 ppmvd NO_x or 50 ppmvd CO, corrected to 3% O₂.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.

(B) All air quality related complaints received by the owner or operator shall be reported to the Agency within 3 business days of receipt.

(C) Emission monitoring results for each boiler/heater shall be reported to the Agency within 15 calendar days of completion on forms provided by the Agency unless otherwise approved by the Agency.

(D) The owner or operator of an affected boiler/heater shall report the following information to the Agency no later than March 15th for the preceding calendar year:

(I) Quantity of fuel consumed; and

(II) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(c) **Emergency service internal combustion engines.**

(i) **Applicability.** The provisions of this section apply to emergency service internal combustion engines with a rating of 50 or more, but less than 1,000 horsepower (e.g., emergency generators, fire pumps, sewer lift stations, etc.).

(ii) **Emission limits and standards.**

(A) Visible emissions from diesel fired engine exhaust stacks shall not exceed ten percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9 (See SWCAA 400, Appendix A). This limitation shall not apply during periods of cold (~~start-up~~) startup.

(iii) **General requirements.**

(A) Liquid fueled engines shall only be fired on #2 diesel or biodiesel. Fuel sulfur content of liquid fuels shall not exceed 0.0015% by weight (15 ppmw). A fuel certification from the fuel supplier may be used to demonstrate compliance with this requirement.

(B) Gaseous fueled engines shall only be fired on natural gas or propane.

(C) Each compression ignition engine shall be EPA Tier certified and manufactured no earlier than January 1, 2008.

(D) Engine operation shall be limited to maintenance checks, readiness testing, and actual emergency use.

(E) Engine operation for maintenance checks and readiness testing shall not exceed 100 hours per year. Actual emergency use is unrestricted.

(F) Each engine shall be equipped with a nonresettable hour meter for the purpose of documenting hours of operation.

(G) Engine exhaust shall be discharged vertically. Any device that obstructs or prevents vertical discharge is prohibited.

(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.

(A) Total hours of operation for each engine shall be recorded annually;

(B) Hours of emergency use for each engine shall be recorded annually;

(C) Fuel sulfur certifications shall be recorded for each shipment of liquid fuel;

(D) Maintenance activities shall be recorded for each occurrence consistent with the provisions of 40 CFR 60.4214;

(E) Upset conditions that cause excess emissions shall be recorded for each occurrence; and

(F) All air quality related complaints received by the permittee and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.** None.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.

(B) All air quality related complaints received by the owner or operator shall be reported to SWCAA within three calendar days of receipt.

(C) The owner or operator of an affected emergency engine shall report the following information to the Agency no later than March 15th for the preceding calendar year:

(I) Hours of engine operation; and

(II) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(d) **((Petroleum)) Non-perchloroethylene dry cleaners.**

(i) **Applicability.** The provisions of this section apply to dry cleaning facilities that use ((petroleum)) a solvent other than perchloroethylene and have a total manufacturer's rated dryer capacity less than 38 kilograms (84 pounds). The total manufacturers' rated dryer capacity is the sum of the manufacturers' rated dryer capacity for each existing and proposed petroleum solvent dryer at the facility.

(ii) **Emission limits and standards.**

(A) VOC emissions from each dry cleaning facility shall not exceed 1.0 ton per year. Emissions shall be calculated using a mass balance approach assuming that all cleaning fluid utilized at the facility is emitted to the ambient air. Documented quantities of cleaning fluid shipped offsite as waste may be deducted from the amount of cleaning fluid purchased to calculate((~~d~~)) actual emissions.

(B) Operations which cause or contribute to odors that unreasonably interfere with any other property owner's use and enjoyment of their property shall use recognized good practice and procedures to reduce these odors to a reasonable minimum, consistent with the requirements of SWCAA 400-040(4).

(iii) **General requirements.**

(A) Each dry cleaning facility shall be operated in a business space zoned for commercial activity, located a minimum of 200 feet from the nearest residential structure.

(B) Dry cleaning machines shall use DF-2000 cleaning fluid or an equivalent solvent.

(C) Solvent or waste containing solvent shall be stored in closed solvent tanks or containers with no perceptible leaks.

(D) All cartridge filters shall be drained in their sealed housing or other enclosed container for 24 hours prior to disposal.

(E) Perceptible leaks shall be repaired within twenty-four hours unless repair parts must be ordered. If parts must be ordered to repair a leak, the parts shall be ordered within 2 business days of detecting the leak and repair parts shall be installed within 5 business days after receipt.

(F) Pollution control devices associated with each piece of dry cleaning equipment shall be operated whenever the equipment served by that control device is in operation. Control devices shall be operated and maintained in accordance with the manufacturer's specifications.

(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. Each required record shall include the date and the name of the person making the record entry.

(A) Each dry cleaning machine shall be visually inspected at least once per week for perceptible leaks. The results of each inspection shall be recorded in an inspection log and maintained on-site. The inspection shall include, but not be limited to the following:

(I) Hose connections, unions, couplings and valves;

(II) Machine door gaskets and seating;

(III) Filter gaskets and seating;

(IV) Pumps;

(V) Solvent tanks and containers;

(VI) Water separators;

(VII) Distillation units;

(VIII) Diverter valves; and

(IX) Filter housings.

(B) The amount of cleaning fluid (e.g., DF-2000) purchased, used, and disposed of shall be recorded monthly.

(C) Upset conditions that cause excess emissions shall be recorded for each occurrence; and

(D) All air quality related complaints, including odor complaints, received by the owner or operator and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.** None.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.

(B) All air quality related complaints, including odor complaints, received by the permittee shall be reported to SWCAA within 3 calendar days of receipt.

(C) The owner or operator of an affected petroleum dry cleaner shall report the following information to the Agency no later than March 15th for the preceding calendar year:

(I) Quantity of cleaning fluid (e.g., DF-2000) consumed; and

(II) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(e) **Rock (~~crushers and aggregate screens~~) Crushing Operations.**

(i) **Applicability.** The provisions of this section apply to individual rock crushers and aggregate screens proposed for installation at existing rock crushing operations subject to facilitywide emission limits established by SWCAA. The affected rock crushing operation, including the new rock crusher and/or aggregate screen, must continue to comply with existing emission and/or process limits subsequent to installation.

The provisions of this section do not apply to internal combustion engines associated with proposed rock crushers or aggregate screens. Such engines are subject to the requirements of SWCAA 400-045 or 400-109, as applicable.

(ii) **Emission limits and standards.**

(A) Visible emissions from rock crushing operations shall not exceed 0% opacity for more than three (3) minutes in any one hour period as determined in accordance with SWCAA Method 9 (SWCAA 400, Appendix A).

(iii) **General requirements.**

(A) Each rock crusher and aggregate screen shall be equipped with a high pressure water spray system for the control of fugitive PM emissions. Operating pressure in each spray system shall be maintained at 80 psig or greater. A functional pressure gauge shall be maintained onsite with a connection point provided for the purpose of demonstrating compliance with the minimum pressure requirement.

(B) Spray/fog nozzles in the high pressure water spray system shall be visually inspected a minimum of once per week when in operation to ensure proper function. Clogged or defective nozzles shall be replaced or repaired prior to subsequent operation.

(C) Material handling points including, but not limited to, conveyor transfer points, aggregate storage piles, and haul roads shall be watered at reasonable intervals as necessary to control fugitive dust emissions.

(D) Additional wet suppression measures shall be employed, as necessary, to control fugitive dust from haul roads, rock crushing, and material handling equipment in the event that process changes or weather patterns result in insufficient water application to control fugitive dust from plant operations.

(E) Each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart 000 "Standards of Performance for Nonmetallic Mineral Processing Plants" shall comply with the applicable requirements of that regulation (as in effect on the date cited in SWCAA 400-025).

(F) For portable rock crushing operations, the owner or operator shall notify the Agency in advance of relocating approved equipment and shall submit operational information (such as production quantities, hours of operation, location of nearest neighbor, etc.) sufficient to demonstrate that proposed operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards, and if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.

(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. Each required record shall include the date and the name of the person making the record entry.

(A) Visual inspection of spray/fog nozzles shall be recorded weekly;

(B) Maintenance, repair, or replacement of affected equipment shall be recorded for each occurrence;

(C) Quantity and size of crushed/screened material shall be recorded monthly;

(D) Relocation of rock crushing equipment shall be recorded for each occurrence.

(E) Upset conditions that cause excess emissions shall be recorded for each occurrence; and

(F) All air quality related complaints received by the owner or operator and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.** An initial emissions test shall be conducted for each rock crusher and/or aggregate screen subject to 40 CFR

60, Subpart 000 "Standards of Performance for Nonmetallic Mineral Processing Plants" that has not previously been tested. Testing shall be conducted within 90 calendar days of commencing operation. All emission testing shall be conducted in accordance with the requirements of that regulation (as in effect on the date cited in SWCAA 400-025).

(vi) **Reporting requirements.**

(A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.

(B) All air quality related complaints received by the owner or operator shall be reported to SWCAA within 3 business days of receipt.

(C) The owner or operator of an affected rock crusher or aggregate screen shall report the following information to the Agency no later than March 15th for the preceding calendar year:

(I) Quantity and size of crushed/screened material throughput;

(II) Air emissions of criteria air pollutants.

(D) Emission testing results for each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart 000 shall be reported to the Agency within 45 calendar days of test completion.

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

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-075 Emission Standards for Stationary Sources Emitting Hazardous Air Pollutants

(1) ~~((The))~~ National emission standards for hazardous air pollutants ~~((contained in))~~ have been promulgated by EPA.

(a) 40 CFR Part 61 and appendices are hereby adopted by reference (as in effect on the date cited in SWCAA 400-025). A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.

(b) Exceptions to 40 CFR Part 61 adoption by reference.

(i) The term "Administrator" in 40 CFR Part 61 shall mean the Administrator of EPA and the Executive Director of the Agency. ~~((A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.))~~

(ii) The following subparts of 40 CFR Part 61 are not adopted by reference:

(A) Subpart B, Radon Emissions from Underground Uranium Mines;

(B) Subpart H, Radionuclides other than Radon from Department of Energy Facilities;

(C) Subpart I, Radionuclide Emissions from Federal Facilities other than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H;

(D) Subpart K, Radionuclide Emissions from Elemental Phosphorus Plants;

(E) Subpart Q, Radon Emissions from Department of Energy Facilities;

(F) Subpart R, Radon Emissions from Phosphogypsum Stacks;

(G) Subpart T, Radon Emissions from the Disposal of Uranium Mill Tailings; and

(H) Subpart W, Radon Emissions from Operating Mill Tailings.

(2) The Agency may require that emission tests be conducted and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated

under 40 CFR Part 61, Part 62, Part 63, or Part 65, as applicable, in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Emission testing, monitoring, and analytical methods for sources of hazardous air pollutants shall conform with the requirements of 40 CFR Part 51, Part 60, Part 61, Part 63 and/or Part 65 (as in effect on the date cited in SWCAA 400-025).

(4) This section shall not apply to any "stationary source" operating pursuant to a waiver granted by EPA or an exemption granted by the President of the United States during the effective life of such waiver or exemption.

(5) Specific standards of performance referred to as Maximum Achievable Control Technology (MACT) have been promulgated by EPA.

(a) 40 CFR Part 63 and appendices are hereby adopted by reference (as in effect on the date cited in SWCAA 400-025). A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.

(b) Exceptions to 40 CFR Part 63 adoption by reference.

(i) The term "administrator" in 40 CFR Part 63 includes the Executive Director of the Agency.

(ii) The following subparts of 40 CFR Part 63 are not adopted by reference:

(A) Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j);

~~((A))~~ (B) Subpart C, List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List;

(C) Subpart D, Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants;

~~((B))~~ (D) Subpart E, Approval of State Programs and Delegation of Federal Authorities;

~~((C))~~ (E) Subpart M, National Perchloroethylene Emission Standards for Dry Cleaning Facilities - as it applies to non-Title V sources;

(F) Subpart LL, Primary Aluminum Reduction Plants NESHAP;

~~((D))~~ (G) Subpart ZZZZ, Stationary Reciprocating Internal Combustion Engines - as it applies to non-Title V sources;

~~((E))~~ (H) Subpart HHHHHH, Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources - as it applies to non-Title V sources;

~~((F))~~ (I) Subpart JJJJJJ, Industrial, Commercial, and Institutional Boilers Area Sources - as it applies to non-Title V sources;
and

~~((G))~~ (J) Subpart XXXXXX, Area Source Standards for Nine Metal Fabrication and Finishing Source Categories - as it applies to non-Title V sources.

(6) **Consolidated requirements for the synthetic organic chemical manufacturing industry.** (SOCMI) 40 CFR Part 65 is hereby adopted by reference (as in effect on the date cited in SWCAA 400-025).

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-081 Startup and Shutdown

(1) In ~~((promulgating technology-based emission standards and))~~ making control technology determinations (e.g., BACT, RACT, LAER, BART) the Agency shall consider any physical and operational con-

straints on the ability of a "stationary source" or source category to comply with the applicable technology based standard during startup or shutdown. Where the Agency determines that the "stationary source" or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with a technology based standard during startup or shutdown, the Agency shall include in the technology based standard appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the "stationary source" or source category during startup or shutdown conditions. No provision of this rule section shall be construed to authorize emissions in excess of SIP approved emission standards unless previously approved by EPA as a SIP amendment.

(2) In modeling the emissions of a "stationary source" for purposes of demonstrating attainment or maintenance of national ambient air quality standards, the Agency shall take into account any incremental increase in allowable emissions under startup or shutdown conditions authorized by an emission limitation or other operating parameter adopted under this rule section. The review of a major source nonattainment permit must also include a determination of additional emission offsets required for allowable emissions occurring during stationary source startup and shutdown.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-091 Voluntary Limits on Emissions

(1) Voluntary limits on emissions and limitations on potential to emit or process parameters or throughputs may be requested by the owner or operator of any source or "stationary source" by submittal of a complete air discharge permit application as provided in SWCAA 400-109. Confidential information shall be identified as set forth in SWCAA 400-270. Upon completion of review of the application, the Agency shall issue a regulatory order or air discharge permit limiting that source's or "stationary source's" potential to emit to an amount agreed to by the owner or operator and the Agency.

(2) A condition contained in an order or air discharge permit issued under this section shall limit operation to a level less than the "stationary source's" otherwise allowable annual emissions of that air contaminant, process parameters or throughputs under all applicable requirements of Chapter ((70.94)) 70A.15 RCW and the Federal Clean Air Act, including any standard or other requirement provided for in the Washington SIP.

(3) Any regulatory order or air discharge permit issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source or "stationary source" complies with any emission limit, process parameter, or throughput limitation established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of SWCAA 400-105.

(4) Any regulatory order or air discharge permit issued under this section shall be subject to the requirements of SWCAA 400-171.

(5) The terms and conditions of a regulatory order or air discharge permit issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington SIP. Any proposed change in a term or condition contained in an order

or air discharge permit issued under this section shall require revision or revocation of the order or air discharge permit prior to taking effect.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order or air discharge permit issued pursuant to this section shall be considered a violation of this section.

AMENDATORY SECTION (Amending WSR 17-11-078 filed 5/18/17, effective 6/18/17)

SWCAA 400-100 Registration Requirements

The registration program is intended to develop and maintain a current and accurate record of air contaminant sources. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify "source" compliance with applicable air pollution requirements.

(1) **Applicability.** All "sources" or emission units shall be registered with the Agency in accordance with this section as set forth in RCW ((70.94.151)) 70A.15.2200. A "source" or emission unit is subject to registration from the time it is approved by the Agency until the time at which it permanently ceases operation. Emission units that are part of a portable stationary source must register upon initiation of operation within the Agency's jurisdiction and every year thereafter.

(a) Registration requirements are not applicable to the following:

(a) (i) Emission units or activities exempted under SWCAA 400-101; and

(b) (ii) "Stationary sources" required to apply for, or to maintain, an operating permit under Chapter 173-401 WAC.

(b) Regardless of the exemptions provided above, the following "sources" must be registered with the Agency:

(i) Gasoline stations with an annual throughput of 200,000 gallons or more (highest annual throughput in last 3 calendar years) and

(ii) ((all)) Dry cleaners with VOC or TAP emissions ((shall be registered)).

(2) **General requirements.**

(a) The owner or operator of a "source" for which registration is required shall initially register affected emission units with the Agency. A unique identification number shall be assigned to each "source" and a separate registration fee shall be provided for each emission unit; provided that, an owner may request to register a process with a detailed inventory of air contaminant sources and emissions related to the process as a single unit. A registration fee shall not be collected for exempt emission units identified in SWCAA 400-101.

(b) The owner or operator of a registered "source" shall submit annual reports to the Agency. Each report shall contain information as may be required by the Agency concerning location, size and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. Relevant information may include air pollution requirements established by rule, regulatory order, air discharge permit or ordinance pursuant to Chapter ((70.94)) 70A.15 RCW. The owner, operator, or their designated representative shall sign the annual report for each

"source," and be responsible for the accuracy, completeness, and timely submittal of all required information.

(3) **Registration fees.** An annual registration fee shall be paid before the Agency may register any emission unit. Annual registration fees are based on the number of registered emission units and the quantity of "source" emissions during the previous calendar year. Collected registration fees are used by the Agency in the next fiscal year (July 1 through June 30). "Sources" or emission units that permanently shutdown prior to January 1 of the current registration period shall not be liable for registration fees. This provision does not apply to "temporary sources" or portable sources. Operation of equipment subject to registration without payment of applicable registration fees shall be considered a violation of this section. Annual registration fees shall be paid according to the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

Exceptions:

(a) An annual registration fee shall be charged to each gasoline transport tank as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(b) The registration fee for a (~~small operation~~) source may be waived or reduced provided sufficient demonstration of circumstances is presented, subject to the discretion of the Executive Director.

(c) "Stationary sources" subject to the Operating Permit Program, as defined in RCW (~~(70.94.030(17))~~) 70A.15.1030(17), are not subject to Registration and shall pay an operating permit fee in accordance with SWCAA 400-103.

(4) **Delinquent registration fees.** Annual registration fees that are unpaid after June 30 for the effective year shall be considered delinquent. Pursuant to RCW (~~(70.94.431(7))~~) 70A.15.3160(7), "sources" with delinquent registration fees may be subject to a penalty equal to three times the amount of the original fee owed. If registration fees for an emission unit are delinquent for two consecutive years or more, the Agency may revoke the affected emission unit's air discharge permit or Order of Approval.

(5) **Reporting requirements for transfer or permanent shutdown of registered emission units.**

(a) The registered owner or operator shall report the transfer of ownership or permanent shutdown of registered emission units to the Agency within 90 calendar days of shutdown or transfer. The report shall contain the following information:

- (i) Legal name of the registered owner or operator;
- (ii) Effective date of the shutdown or transfer;
- (iii) Comprehensive description of the affected emission units;

and

(iv) Name and telephone number of the registered owner's or operator's authorized representative.

(b) Any party that assumes ownership and/or operational control of registered emission units shall file a written report with the Agency within 90 calendar days of completing transfer of ownership and/or assuming operational control. The report shall contain the following information:

(i) Legal name of the company or individual involved in the transfer;

(ii) Effective date of the transfer;

(iii) Description of the affected emission units; and

(iv) Name and telephone number of the owner's or operator's authorized representative.

(c) In the case of a permanent shutdown, affected process and air pollution control equipment may remain in place and on site, but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g.; disconnection of power to equipment, mechanical positioning that inhibits processing, placing of padlocks on equipment to prevent operation).

(6) **Inspections.**

(a) Periodic onsite inspections of emission units and "sources" shall be allowed to verify compliance with applicable requirements, regulations, orders or rules governing the processes, equipment, or emissions from a "source" as set forth in RCW ((70.94.200)) 70A.15.2500.

(b) Agency personnel or representatives shall have the authority to enter at reasonable times upon any private or public property excepting non-multiple unit private dwellings housing two families or less for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants to the atmosphere.

(c) No person shall refuse entry or access to Agency personnel who present appropriate credentials and request entry for the purpose of inspection.

(d) No person shall obstruct, hamper or interfere with any such inspection.

AMENDATORY SECTION (Amending WSR 17-11-078 filed 5/18/17, effective 6/18/17)

SWCAA 400-103 Operating Permit Fees

(1) **Applicability.** The owner or operator of all "stationary sources" required to obtain an Operating Permit under 40 CFR Part 70, Chapter 173-401 WAC or RCW ((70.94.161)) 70A.15.2260, shall pay an annual fee as specified in this section, or the equivalent over some other time period as approved by the Executive Director, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the Operating Permit Program.

(2) **Fee applicable pollutants.** The following pollutants shall be considered fee applicable for the purposes of fee assessment.

(a) A volatile organic compound.

(b) Each pollutant regulated under Section 7411 or 7412 of the 1990 Federal Clean Air Act Amendments.

(c) Each pollutant for which a national primary ambient air quality standard (NAAQS) has been promulgated except that carbon monoxide shall be excluded from this reference. PM₁₀ emissions will be utilized for purposes of calculating particulate matter emissions when such data is provided by the "stationary source." Emission test data is required to demonstrate the PM₁₀ portion of total particulate matter emissions.

Fugitive pollutant emissions shall be included in determining the fee assessment for a "stationary source." Emissions of each fee applicable pollutant emitted in excess of 7,500 tons from a "stationary source" shall be excluded from fee assessment.

(3) **Program cost projections.** The Agency shall prepare an Operating Permit Program budget each year based on a projected workload evaluation. Only fee eligible activities as specified in SWCAA 400-103(6), Ecology's development and oversight costs, as provided in RCW ((70.94.162)) 70A.15.2270, and the program reserve fund shall be considered in the workload analysis. The Executive Director shall submit the proposed budget to the Board of Directors for approval. The

approved budget shall be used in the equations below to determine Operating Permit Program fees.

(4) **Three part fee assessment methodology.** Operating Permit Program fees shall be determined using a three-part fee assessment methodology as described in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

A permit program source or other individual may request to review the accuracy of the data used in determining applicable program fees for each fiscal year. Such request shall be submitted in writing on or before August 31. The request shall indicate clearly the data to be reviewed, the specific action that the source or petitioning individual is requesting be taken and may, if the source or individual desires, be accompanied by written documentation supporting the request for review. The request shall, in addition, state the name, address and telephone number of the person or persons to whom the Agency may direct inquiries regarding the request. Upon receipt of such a request, the Agency shall issue a written response to the requesting party and any other affected party on or before September 30. The Agency response shall state the results of the review and, if warranted, contain a revised fee statement.

(5) **Accountability.**

(a) The sum of the fees assessed by the Agency to all "stationary sources" required to obtain Operating Permits within the Agency's jurisdiction shall not exceed the cost of developing and administering the program and maintaining a program reserve fund. All fees collected from permit program "stationary sources" as provided in RCW ~~((70.94.162))~~ 70A.15.2270, shall be deposited in a dedicated air operating permit account. Such fees shall be used exclusively to support and administer the operating permit program. The purpose of the program reserve fund is to ensure that permit program costs are not funded by fees from "stationary sources" not participating in the operating permit program. The value of monies held in the program reserve fund shall not exceed 15 percent of the average permit program budget over the most recent three-year period.

(b) The Agency shall keep a record of all reasonable (direct and indirect) costs to develop and administer the Operating Permit Program as specified in 40 CFR Part 70. This information shall be used by the Agency to develop the Operating Permit Program budget specified in section (3) above. The information obtained from tracking revenues, time and expenditures shall not provide a basis for challenge to the amount of an individual "stationary source's" fee.

(c) In the event that the assessed fees exceed the cost of developing and administering the Operating Permit Program, including the program reserve fund, such excess fees shall be used to develop and administer the Operating Permit Program in the next subsequent year. The amount of the excess fees shall be deducted from the projected budget of the next subsequent year prior to fee assessment for the subsequent year.

(6) **Fee eligible activities.**

(a) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision or permit renewal;

(b) Inspections, testing and other data gathering activities necessary for development of a permit, permit revision or renewal;

(c) Acting on an application for a permit, permit revision or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, pre-

paring a draft permit and fact sheet and preparing a final permit, but excluding the costs of developing BACT, LAER, BART or RACT requirements for criteria and toxic air pollutants;

(d) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

(e) Modeling necessary to establish permit limits or to determine compliance with permit limits;

(f) Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;

(g) Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a "stationary source" is complying with permit conditions;

(h) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;

(i) The share attributable to permitted "stationary sources" for the development and maintenance of emissions inventories;

(j) The share attributable to permitted "stationary sources" of ambient air quality monitoring and associated recording and reporting activities;

(k) Training for permit administration and enforcement;

(l) Fee determination, assessment and collection, including the costs of necessary administrative dispute resolution and enforcement;

(m) Required fiscal audits, periodic performance audits and reporting activities;

(n) Tracking of time, revenues and expenditures and accounting activities;

(o) Administering the permit program including costs of clerical support, supervision and management;

(p) Provision of assistance to small business under jurisdiction of SWCAA as required under Section 507 of the Federal Clean Air Act; and

(q) Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.

(7) Activities not eligible for fee.

(a) New Source Review activity that does not include processing or preparing an operating permit;

(b) Development of BACT, LAER, BART, or RACT requirements for criteria and toxic air pollutants; and

(c) Acting on an application for a PSD permit.

(8) Schedules of payment. Fees shall be paid in accordance with the schedule of payment agreed upon in advance by the Control Officer and each operating permit "stationary source." An operating permit "stationary source" shall be allowed to pay its annual operating permit fees in one, two, or four installments. Each schedule of payment shall specify the terms and dates of payments.

(9) Late fee payments. Delinquent fees are subject to a late fee equal to three times the operating permit fee as provided under RCW (~~(70.94.431(7))~~) 70A.15.3160(7). The penalties authorized by this subsection are additional to and in no way prejudice SWCAA's ability to exercise other civil and criminal remedies, including authority to revoke a "stationary source's" operating permit for failure to pay all or part of its permit fee.

(10) **Transfer of ownership.** Transfer of ownership of a source shall not affect that "stationary source's" obligation to pay operating permit fees. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a "stationary source."

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-105 Records, Monitoring and Reporting

The owner or operator of each registered or Title V "source" shall maintain records of the type and quantity of emissions from the "source" and other information deemed necessary to determine whether the "source" is in compliance with applicable emission limitations, operating limitations, and control measures. "Sources" that are not subject to the registration requirements of SWCAA 400-100 because they are exempt under SWCAA 400-101 shall maintain records and other information necessary and sufficient to substantiate that their small quantity emissions are less than the applicable thresholds.

(1) **Emission inventory.** The owner(s) or operator(s) of all registered and Title V "sources" shall submit an inventory of emissions from the "source" each year to the Agency. The inventory shall include stack and fugitive emissions of particulate matter, PM₁₀, PM_{2.5}, sulfur dioxide, oxides of nitrogen, carbon monoxide, total reduced sulfur (TRS), ammonia, sulfuric acid mist, hydrogen sulfide, reduced sulfur compounds, fluorides, lead, VOCs, and toxic air pollutants identified in WAC 173-460. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

(a) Gasoline Stations. Emission reports shall be submitted to the Agency no later than January 31 of each year for the previous calendar year. Upon written request, the Executive Director may allow an extension of the January 31 emission submittal deadline on a case-by-case basis. Extension of the emission submittal deadline shall not exceed a maximum period of 60 calendar days.

~~((a))~~ (b) Small "sources." Emission reports shall be submitted to the Agency no later than March 15 of each year for the previous calendar year. Upon written request, the Executive Director may allow an extension of the March 15 emission submittal deadline on a case-by-case basis. Extension of the emission submittal deadline shall not exceed a maximum period of 60 calendar days.

~~((b))~~ (c) Large "sources." At a minimum, "sources" satisfying the criteria of 40 CFR 51, Subpart A will be submitted to EPA by the Agency for inclusion in the national emission database. Emission reports shall be submitted to the Agency no later than March 15 of each year for the previous calendar year. Upon request, the "sources" described below shall complete and return the emission inventory form supplied by the Agency for this purpose by March 15. An extension of the March 15 emission submittal deadline may be allowed by the Executive Director on a case-by-case basis provided the affected source makes a written request. Extension of the emission submittal deadline shall not exceed a maximum period of 60 calendar days.

(i) "Stationary sources" with the potential to emit over 100 tons of criteria pollutants per year, 10 tons of a single hazardous air pollutant per year or 25 tons of combined hazardous air pollutants per year are required to submit an emissions inventory. Only the hazardous air pollutants listed in Section 112 of the FCAA are considered for

the purpose of determining those "stationary sources" required to submit an emissions inventory under this section.

(ii) In ozone nonattainment or maintenance plan areas, those "stationary sources" with the potential to emit over 10.0 tons of VOCs per year or over 25.0 tons per year of NO_x are also required to submit emission inventories. "Stationary sources" subject to this section are also required to submit average daily emissions or process throughput data for NO_x and VOCs for ozone season in preparation for the SIP update.

(iii) "Stationary sources" with the potential to emit greater than 50 percent of the Title V permit thresholds as identified in (i) above.

(iv) "Synthetic minor" or Title V opt out "stationary sources."

~~((e))~~ (d) Greenhouse gases. The Agency may require that "sources" submit an inventory of greenhouse gas emissions. Affected "sources" shall be notified of the inventory requirement and submittal deadline in writing.

(2) **Monitoring.** The Agency shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants. As a part of this program, the Executive Director or an authorized representative may require any "source" under the jurisdiction of the Agency to conduct stack and/or ambient air monitoring and to report the results to the Agency.

(3) **Investigation of conditions.** Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from the Agency shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing one or two families.

(4) **Continuous monitoring and recording.** Owners and operators of the following "source categories" shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators:

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million Btu per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million Btu per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Agency by the owner(s) or operator(s).

(b) Sulfuric acid plants. Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluidized bed catalytic cracking units catalyst regenerators at petroleum refineries. Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue (~~(fuel-)~~)fired steam generators:

(i) Opacity, except where steam generator capacity is less than one hundred million Btu per hour heat input.

(ii) Continuous monitoring equipment. The requirements of SWCAA 400-105 (4) (e) do not apply to wood residue (~~(fuel-)~~)fired steam generators, but continuous monitoring equipment required by SWCAA 400-105 (4) (d) shall be subject to approval by the Agency.

(e) Owners and operators of those "sources" required to install continuous monitoring equipment under this section shall demonstrate to the Agency, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5 (as in effect on the date cited in SWCAA 400-025), and 40 CFR Part 60, Appendices B through F, as appropriate, as adopted by reference in SWCAA 400-115.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, the Agency determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures shall be established on an individual basis. Alternative monitoring and reporting procedures may include continuous monitoring of process/operational parameters as a surrogate to continuous emissions monitoring and/or stack tests conducted at a frequency sufficient to determine compliance with applicable regulations and permit requirements as well as to quantify emissions.

(g) Exemptions. This subsection (SWCAA 400-105(4)) does not apply to any "stationary source" pollutant emission that is:

(i) Required to be continuously monitored due to a standard or requirement contained in 40 CFR Parts 60, 61, 62, 63 or 75.

(ii) Not subject to an applicable emission standard.

(5) **Misrepresentation.** No person shall make any false material statement, representation or certification in any form, notice, or report required under Chapter (~~(70.94 or 70.120)~~) 70A.15 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.

(6) **Tampering.** No person shall render inaccurate any monitoring device or method required under Chapter (~~(70.94 or 70.120)~~) 70A.15 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

(7) **Requirements for Continuous Emission Monitoring Systems.** The Agency may require any continuous emission monitoring system (CEMS) installed pursuant to an air discharge permit, PSD permit, or agency regulation, and not subject to CEMS requirements imposed by 40 CFR Parts 60, 61, 62, 63, or 75, to meet the following requirements:

(a) Quality Assurance. The owner or operator shall install a continuous emission monitoring system that meets the performance specification in 40 CFR Part 60, Appendix B in effect at the time of its installation, and shall operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 CFR Part 60 (as in effect on the date cited in SWCAA 400-025), and the U.S. Environmental Protection Agency's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA) 340/1-86-010.

(b) Data Availability. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments, continuous monitor-

ing systems shall be in operation whenever the associated generating equipment is in operation.

(i) Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive ten second period and one cycle of data recording for each successive six minute period.

(ii) Continuous monitoring systems for measuring emissions other than opacity shall complete a minimum of one cycle of sampling, analyzing, and recording for each successive fifteen minute period.

(c) Data Recovery. The owner or operator shall recover valid hourly monitoring data for at least 95 percent of the hours that the associated generating equipment is operated during each calendar month except for periods of monitoring system downtime, provided that the owner or operator demonstrates that the downtime was not a result of inadequate design, operation, or maintenance, or any other reasonable preventable condition, and any necessary repairs to the monitoring system are conducted in a timely manner.

(d) Data Recording. Monitoring data commencing on the clock hour and containing at least forty-five minutes of monitoring data must be reduced to one hour averages. Monitoring data for opacity is to be reduced to six minute block averages unless otherwise specified in the order of approval, permit, or regulation. All monitoring data will be included in these averages except for data collected during calibration drift tests and cylinder gas audits, and for data collected subsequent to a failed quality assurance test or audit. After a failed quality assurance test or audit, no valid data is collected until the monitoring system passes a quality assurance test or audit.

(e) Data Retention. The owner or operator shall retain all monitoring data averages for at least five years, including copies of all reports submitted to the permitting authority and records of all repairs, adjustments, and maintenance performed on the monitoring system.

(f) Data Reporting. The owner or operator shall submit a report to SWCAA within thirty days after the end of each month in which data were recorded or as otherwise directed by the terms of the applicable air discharge permit, PSD permit, or regulation. The report required by this section may be combined with an excess emission report required by SWCAA 400-107. The report shall include the following information:

(i) The number of hours that the monitored emission unit operated during the month and the number of valid hours of monitoring data that the monitoring system recovered during the month;

(ii) The date, time period, and cause of each failure to meet the data recovery requirements of section (c) above and any actions taken to ensure adequate collection of such data;

(iii) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90 percent of the hours that the associated generating equipment was operated each day;

(iv) The results of all cylinder gas audits (CGA) and relative accuracy test audits (RATA) conducted during the month; and

(v) A certification of truth, accuracy, and completeness signed by an authorized representative of the owner or operator.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20]

SWCAA 400-106 Emission Testing and Monitoring at Air Contaminant Sources

(1) **Emission testing requirements.**

(a) **Requirement to test.** The Agency may conduct or require that emission testing be conducted of any "source" or emission unit within the jurisdiction of the Agency to determine compliance, evaluate control equipment performance, evaluate RACT or quantify emissions. Required testing may be periodic and ongoing. Periodic emission testing conducted more than three months prior to an established due date does not fulfil the affected testing requirement unless approved in advance by the Agency.

(b) **Test methods.** Any required emission testing shall be performed using appropriate sampling and analytical methods as approved in advance by the Agency including, but not limited to, approved EPA test methods from 40 CFR Parts 51, 60, 61, and 63 which are hereby adopted by reference (as in effect on the date cited in SWCAA 400-025), approved test methods from Ecology's Test Manual Procedures for Compliance Testing, Opacity Determination Method (SWCAA Method 9 - Appendix A to SWCAA 400), Oregon Department of Environmental Quality (DEQ) Method 8 "Sampling Particulate Emissions from Stationary Sources (High Volume Method)" hereby adopted by reference, or alternate procedures approved by both the Agency and EPA.

(c) **Accommodations for sampling.** The operator of a "source" shall provide the necessary platform and sampling ports for Agency personnel or others to perform a test of an emission unit. The Agency shall be allowed to obtain a sample from any emission unit. The operator of the "source" shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(d) **Notification/test plan submission.** The owner or operator of a "source" shall submit a test plan to the Agency in writing at least 10 business days prior to any required emissions test or as otherwise approved by the Agency. Agency personnel shall be informed at least 3 business days prior to testing so that they have an opportunity to be present during testing.

(e) **Test duration.** A minimum of 3 test runs, at least 1 hour in length, shall be performed at maximum achievable operating conditions unless otherwise approved in advance to establish that collected data is representative of normal operations. The results of the individual test runs shall be averaged together for the purpose of demonstrating compliance with applicable emission limits.

(f) **Test records.** A complete record of production related parameters including startups, shutdowns, and adjustments shall be kept during emissions testing to correlate operations with emissions and shall be recorded in the final test report.

(g) **Test reports.** Results of all required emission testing shall be submitted to the Agency within 45 calendar days of test completion or as specified in the applicable air discharge permit. Test reports shall be submitted in both printed and electronic formats. Measured concentrations for combustion and incineration emission units shall be corrected as provided in the applicable air discharge permit or non-road engine permit, or as specified in SWCAA 400-050(3). The Agency may reject test reports that do not contain the information listed below, and require resubmittal of a complete report. Test reports shall include the following information:

(i) A description of the emission unit including manufacturer, model number and design capacity of the equipment, and the location of the sample ports or test locations;

- (ii) Time and date of the test and identification and qualifications of the personnel involved;
 - (iii) A summary of results, reported in units and averaging periods consistent with the applicable emission standard or limit, or as specified in the applicable air discharge permit. Where applicable, results shall be reported both as measured and as corrected to the appropriate oxygen correction;
 - (iv) A summary of control system or equipment operating conditions;
 - (v) A summary of production related parameters;
 - (vi) A description of the test methods or procedures used including all field data, quality assurance/quality control procedures and documentation;
 - (vii) A description of the analytical procedures used including all laboratory data; quality assurance/quality control procedures and documentation;
 - (viii) Copies of field data and example calculations;
 - (ix) Chain of custody information;
 - (x) Calibration documentation;
 - (xi) Discussion of any abnormalities associated with the results;
- and
- (xii) A statement signed by the senior management official of the testing firm certifying the validity of the emission test report.
- (2) **Emission monitoring requirements for combustion sources.**
- (a) **Requirement to monitor.** The Agency may require in an air discharge permit or nonroad engine permit that emission monitoring be conducted for any "source" within the jurisdiction of the Agency to evaluate process equipment operation or control equipment performance.
 - (b) **Monitoring method.** Emission monitoring may be performed with a portable analyzer or EPA reference methods. Alternative methodologies may be used if approved by both EPA and SWCAA.
 - (i) For any portable analyzer used to perform emission monitoring pursuant to this section, the response of the analyzer to a calibration gas of known concentration shall be determined before sampling commences and after sampling has concluded. These "calibration error" measurements shall be conducted as close as practical to the time of the monitoring event, but in no case on a different day than the event. At a minimum, the calibration error procedure shall include a two point (zero/span gas) calibration error check using EPA Protocol 1 reference gases. Results of the sampling shall not be valid if the pre and post calibration error check results vary by more than 10 percent of the span value; and
 - (ii) Span gas concentrations shall be no less than 50 percent and no more than 200 percent of the emission concentration corresponding to the permitted emission limit. When actual emission concentrations are significantly less than the permitted emission limit, a lower concentration span gas may be used if it is more representative of measured concentrations. Ambient air may be used to zero CO and NO_x cells/analyzer(s) and span oxygen cells/analyzer.
 - (c) **Accommodations for sampling.** The owner or operator of a "source" shall provide the necessary platform and sampling ports for Agency personnel or others to perform monitoring of an emission unit.
 - (d) **Data collection.** Emission data shall be collected for at least five minutes following a "ramp-up" phase. The "ramp-up" phase ends when analyzer readings have stabilized (less than five percent per minute change in emission concentration value). Emission concen-

trations shall be recorded every 30 seconds during data collection. All emission data collected following the ramp-up phase(s) shall be reported to the Agency.

(e) **Monitoring records.** A complete record of production related parameters shall be kept during emission monitoring to correlate operations with emissions and shall be recorded in the final monitoring report. Typical production parameters include, but are not limited to, startups, shutdowns, unit load, fuel flow, operating temperature, etc.

(f) **Monitoring reports.** Results of all required emission monitoring shall be submitted to the Agency within 15 calendar days of completion or as specified in the applicable regulatory order or air discharge permit. Results shall be submitted on forms provided by the Agency or in an alternative format approved by the Agency. The report shall include the following information:

(i) A description of the emission unit including manufacturer, model number and facility designation;

(ii) Time and date of the emission monitoring;

(iii) Identification of the personnel involved;

(iv) A summary of results, reported in units consistent with the applicable emission standard or limit;

(v) A summary of control system or equipment operating conditions, including firing rate at time of monitoring;

(vi) A description of the evaluation methods or procedures used including all field data, quality assurance/quality control procedures and documentation; (~~and~~)

(vii) Calibration error check documentation, and

(viii) Copy of calibration gas certificates.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-107 Excess Emissions

(1) **Excess emission recordkeeping and reporting.** Excess emissions shall be reported to SWCAA as follows:

(a) Excess emissions that represent a potential threat to human health or safety shall be reported as soon as possible, but no later than 12 hours after discovery.

(b) Excess emissions which the owner or operator wishes to be considered as unavoidable, shall be reported to the Agency as soon as possible, but no later than 48 hours after discovery.

(c) All other excess emissions shall be reported within 30 calendar days after the end of the month during which the event is discovered, or for Air Operating Permit sources, as provided in WAC 173-401-615(3).

(d) Excess emission reports shall contain the following information:

(i) Identification of the emission unit(s) involved;

(ii) A brief description of the event including identification of known causes;

(iii) Date, time and duration of the event;

(iv) For exceedances of non-opacity emission limitations, an estimate of the quantity of excess emissions;

(v) Corrective action taken in response to the event; and

(vi) Preventive measures taken or planned to minimize future recurrence.

(e) For any excess emissions the owner or operator wishes to be considered as unavoidable, the excess emission report must include the following information in addition to that listed in subsection (d) above:

(i) Properly signed, contemporaneous records documenting the owner or operator's actions in response to the excess emissions event;

(ii) Information on whether installed emissions monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and

(iii) All additional information required by section (2) below supporting the claim that the excess emissions were unavoidable.

(2) **Unavoidable excess emissions.** Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute, rule, permit or regulatory order. (~~Unavoidable excess emissions are subject to injunctive relief but not penalty.~~) The decision that excess emissions are unavoidable is made by the permitting authority. Excess emissions determined by the permitting authority to be unavoidable are a violation subject to SWCAA 400-230 (3), (4) and (6), but not subject to civil penalty under SWCAA 400-230(2). In a federal enforcement action filed under 42 USC 7413 or 7604 the decision-making authority shall determine what weight, if any, to assign to the permitting authority's determination that an excess emissions event does or does not qualify as unavoidable under the criteria in subsections (c) (~~(7)~~) and (d) (~~(7, and (e))~~) below.

(a) **Burden of proof.** The owner or operator of a "source" shall have the burden of proving to the Agency or decision-making authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under this section.

(b) **Applicability.** This section does not apply to excess emissions that:

(i) Cause a monitored exceedance of any relevant ambient air quality standard;

(ii) Exceed emission standards promulgated under 40 CFR Parts 60, 61, 62, 63, 72, or a permitting authority's adoption by reference of such federal standards; and

(iii) Exceed emission limits and standards contained in a PSD permit issued solely by EPA.

(c) **Startup or shutdown.** Excess emissions due to an upset or malfunction during a startup or shutdown event shall be treated as an upset or malfunction under subsection (d) of this section. (~~conditions shall be considered unavoidable provided the "source" reports as required under section (1) and adequately demonstrates that:~~

~~(i) Excess emissions could not have been prevented through careful planning and design;~~

~~(ii) Startup or shutdown was done as expeditiously as practicable;~~

~~(iii) All emission monitoring systems were kept in operation unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;~~

~~(iv) The emissions were minimized consistent with safety and good air pollution control practice during the startup or shutdown period;~~

~~(v) If a bypass of control equipment occurs, that such bypass was necessary to prevent loss of life, personal injury, or severe property damage; and~~

~~(vi) Excess emissions that occur due to upsets or malfunctions during routine startup or shutdown are treated as upsets or malfunctions under section (e) below.~~

~~(d) **Maintenance.** Excess emissions due to scheduled maintenance shall be considered unavoidable if the "source" reports as required under section (1) and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.)~~

~~((e)) (d) **Upsets or malfunctions.** Excess emissions due to upsets or equipment malfunctions shall be considered unavoidable provided the "source" reports as required under section (1) and adequately demonstrates that:~~

~~(i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;~~

~~(ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;~~

~~(iii) The operator took immediate and appropriate corrective action in a manner consistent with safety and good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded;~~

~~(iv) Repairs were made in an expeditious fashion if the emitting equipment could not be shutdown during the malfunction or upset to prevent the loss of life, prevent personal injury or severe property damage, or to minimize overall emissions;~~

~~((iv)) (v) All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage; (and)~~

~~((v)) (vi) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible; and~~

~~(vii) All practicable steps were taken to minimize the impact of the excess emissions on ambient air quality.~~

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

AMENDATORY SECTION (Amending WSR 17-11-078 filed 5/18/17, effective 6/18/17)

SWCAA 400-109 Air Discharge Permit Applications

(1) **Purpose.** An air discharge permit application is the document used by the Agency to record and track requests from individual "stationary sources," registered and non-registered, for the purpose of obtaining information regarding proposed changes or activities at a "stationary source." Confidential information shall be identified as set forth in SWCAA 400-270.

(2) **Applicability.**

(a) An air discharge permit application shall be submitted for all new installations, modifications, changes, and alterations to process and emission control equipment consistent with the definition of "new source." The application must be submitted and an air dis-

charge permit must be issued or written confirmation of exempt status must be received before the proposed installations, modifications, changes, or alterations may ~~((begin-actual))~~ commence construction. Activities that typically require the submission of a permit application include, but are not limited to, the following:

- (i) New construction or installation;
- (ii) Change of existing air discharge permit conditions or terms (including Title V opt-out requests - SWCAA 400-091);
- (iii) Review of existing or installed equipment operating without prior approval;
- (iv) Modification, alteration or replacement of existing process or control equipment;
- (v) Relocation of existing equipment;
- (vi) Review of existing equipment with an expired or lapsed approval or registration;
- (vii) Review of case-by-case control technology determinations (e.g., RACT, BACT, MACT BART, LAER) or
- (viii) Administrative amendment of an existing air discharge permit.

(b) Submittal of an air discharge permit application shall not automatically impose review requirements pursuant to SWCAA 400-110.

(c) Stationary sources subject to the PSD program (WAC 173-400-700 through -750) shall submit a PSD application to Ecology for air pollutants subject to PSD permitting, and submit an air discharge permit application to SWCAA for air pollutants that are not subject to PSD permitting. A copy of the PSD application shall also be submitted to SWCAA.

(d) Air discharge permit applications for new major stationary sources and major modifications located in a designated nonattainment area that emit the air pollutant or precursors of the air pollutant for which the area is designated nonattainment, and meet the applicability criteria in SWCAA 400-820, shall include all information necessary to meet the requirements of SWCAA 400-800 through -860.

(e) Applicability determination. If the owner or operator of a "new source" is unable to determine the applicability of this section, a formal determination may be requested from the Agency. A formal determination requires the submission of project related documentation sufficient for the Agency to identify affected emission units and quantify potential emissions, and the payment of a fee as described in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098. This fee provides for up to 4 hours of staff time to review and/or consult with the owner or operator regarding the submitted documentation. If more than 4 hours of staff time are needed to make a determination, additional staff time will be invoiced to the owner or operator at the rate as described in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098. The Agency will provide written applicability determination to the owner or operator subsequent to reviewing the submitted documentation.

(f) Permit Extension. A permittee may request extension of a permit's eighteen-month construction period. To request an extension, the permittee must submit a complete application to the Agency at least 60 calendar days prior to permit expiration. The application shall clearly identify the justification for extension and include relevant supporting information. The permittee shall also pay a fee as described in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098. The Agency will process the application as described in SWCAA 400-110(9).

(3) **Exemptions.** The owner or operator of any "new source" that meets the exemption criteria specified below may provide written notification to SWCAA in lieu of a permit application. The Agency will review each notification, and provide written confirmation of exempt status to the owner or operator of the affected "new source" within 30 calendar days of receiving a complete notification. To be considered complete, written notification shall, at a minimum, contain the following information:

- Name and location of "stationary source";
- Description of primary processes at the "stationary source";
- Description of emission units at the "stationary source"; and
- Estimated air contaminant emissions from "stationary source" operations.

Exempt status is not effective until confirmed by the Agency, and actual construction of the "new source" shall not begin prior to that time. No further action is required from "stationary sources" deemed to be exempt. However, if the Agency determines that the "new source" does not meet the exemption criteria specified below, an air discharge permit application shall be submitted pursuant to this section.

(a) **Sources subject to SWCAA 400-072.** A "new source" (~~is exempt from~~) may choose to comply with the requirements of SWCAA 400-072 in lieu of this section if it meets ((the)) applicable category criteria contained in SWCAA 400-072 and SWCAA has confirmed compliance in writing prior to installation or operation.

(b) **Sources subject to SWCAA 400-036.** Portable stationary sources that meet the criteria provided in SWCAA 400-036(1) are exempt from the requirements of this section. Sources subject to SWCAA 400-036 must maintain compliance with all provisions of that section and applicable out of jurisdiction requirements in order to remain exempt.

(c) **Greenhouse gas emission sources.** Greenhouse gas emissions are exempt from new source review requirements except to the extent required under WAC 173-400-720 for major stationary sources. However, the owner or operator of a source or emission unit may request that the permitting authority impose emission limits and/or operational limitations for greenhouse gas (~~in any new air discharge permit~~) emissions as part of a permitting action.

(d) **Exempt emission thresholds.** A "new source" is exempt from this section if uncontrolled potential emissions from all emission units at the affected site or facility are less than all of the following exemption emission thresholds.

<u>Pollutant</u>	<u>Exemption Threshold</u>
NO _x , CO, SO ₂	1.0 tpy (individual pollutant)
PM ₁₀	0.75 tpy
PM _{2.5}	0.5 tpy
VOC	1.0 tpy
Lead	0.005 tpy
Ozone depleting substances	1.0 tpy (combined)
Toxic air pollutants	The lesser of 1.0 tpy (combined) or the individual SQER per WAC 173-460 (effective 8/21/98)

(e) **Exempt equipment and activities.**

(i) The equipment and/or activities listed below are exempt from this section:

(A) Relocation of a portable source that has an active air discharge permit from SWCAA allowing portable operation,

(B) Wastewater treatment plants with a design annual average capacity of less than 1 million gallons per day,

(C) Natural gas or propane fired water heaters with individual rated heat inputs of less than 400,000 Btu per hour. Standards for these units are contained in SWCAA 400-070,

~~((D)) (D) Emergency service internal combustion engines located at a facility where the aggregate power rating of all internal combustion engines is less than 200 horsepower. In determining the aggregate power rating of a facility, individual units with a rating of less than 50 horsepower shall not be considered,))~~

~~((E)) (E) Asphalt roofing and application equipment (not manufacturing or storage equipment),~~

~~((F)) (F) Fuel burning equipment unless waste-derived fuel is burned, which is used solely for a private dwelling serving less than five families,~~

~~((G)) (G) Application and handling of insecticide, pesticide or fertilizer for agricultural purposes,~~

~~((H)) (H) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents at commercial laundromats,~~

~~((I)) (I) Portable, manually operated welding, brazing or soldering equipment when used at locations other than the owner's principal place of business,~~

~~((J)) (J) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process (e.g., truck mounted equipment),~~

~~((K)) (K) Retail paint sales establishments (not including manufacturing),~~

~~((L)) (L) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing,~~

~~((M)) (M) Sewing equipment,~~

~~((N)) (N) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or other permanent structures provided operations are in compliance with the provisions of SWCAA 400-070(8),~~

~~((O)) (O) Chemical and physical laboratory operations or equipment, including fume hoods and vacuum producing devices provided the emissions do not exceed those listed in SWCAA 400-109 (3) ~~((e)) (e)~~ (d). This exemption applies to incidental fume hoods or laboratory equipment used by a "stationary source" to perform in-house analyses. This exemption does not apply to "stationary sources" whose primary activity is chemical or physical laboratory operations,~~

~~((P)) (P) Residential wood heaters (e.g., fireplaces and woodstoves),~~

~~((Q)) (Q) Office equipment, operations and supplies,~~

~~((R)) (R) Steam cleaning equipment used exclusively for that purpose,~~

~~((S)) (S) Refrigeration systems that are not in air pollution control service,~~

~~((T)) (T) Housekeeping activities and equipment,~~

~~((U))~~ (T) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks,

~~((V))~~ (U) Natural and forced air vents and stacks for bathroom/toilet facilities,

~~((W))~~ (V) Personal care activities,

~~((X))~~ (W) Lawn and landscaping activities,

~~((Y))~~ (X) Flares used to indicate danger to the public,

~~((Z))~~ (Y) Fire fighting and similar safety equipment and equipment used to train fire fighters. Burns conducted for fire fighting training purposes are regulated under SWCAA 425,

~~((AA))~~ (Z) Materials and equipment used by, and activities related to, operation of an infirmary provided that operation of an infirmary is not the primary business activity at the "stationary source" in question, ~~((and))~~

~~((AB))~~ (AA) Emergency service internal combustion engines individually rated at less than 50 horsepower, and

(AB) Emergency service internal combustion engines located at a facility where the aggregate power rating of all internal combustion engines is less than 200 horsepower. In determining the aggregate power rating of a facility, individual units with a rating of less than 50 horsepower shall not be considered,

(ii) The equipment and/or activities listed below are exempt from this section for the purposes of reviewing toxic air pollutant emissions:

(A) Emergency service internal combustion engines,

(B) Non-emergency internal combustion engines manufactured after January 1, 2008 in use at facilities with total engine capacity less than 500,000 horsepower-hours,

(C) Gasoline dispensing facilities regulated under SWCAA 491, and

(D) Asbestos projects as defined in SWCAA 476-030.

(4) **Fees.** Before the Agency may review a permit application or issue a permit, the applicant shall submit all applicable fees as detailed in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(5) **Final determination.**

(a) Each complete air discharge permit application shall result in the issuance of a final determination to approve or deny consistent with the requirements of SWCAA 400-110 or confirmation of exempt status by the Agency.

(b) The requirements of SEPA (State Environmental Policy Act) shall be complied with for each air discharge permit application. Air discharge permit applications for actions that are subject to SEPA review shall include a completed environmental checklist as provided in WAC 197-11 or a copy of another agency's SEPA determination for the same action. A list of actions exempt from SEPA is found in WAC 197-11-800.

(6) **Withdrawn or exempt applications.**

(a) An air discharge permit application may be withdrawn by the applicant at any time prior to issuance of an air discharge permit or regulatory order. The applicant must provide a written and signed request to the Agency indicating their desire to withdraw the application, and certification that the proposed equipment or modification will not be installed, constructed, or operated without prior review and approval from the Agency. The Agency shall provide written response to acknowledge withdrawal of the application.

(b) After review by the Agency, a permit application may be determined to be exempt from the requirements of SWCAA 400-110 if it meets the exemption criteria provided in SWCAA 400-109(3). The Agency shall provide written notification to the applicant for all applications that are determined to be exempt. Exempt status is not effective until confirmed by the Agency, and actual construction of the "new source" shall not begin prior to that time.

(c) For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees, if provided with the application, may be refunded upon request, provided that substantial time has not been expended by the Agency for review of the application.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-110 Application Review Process for Stationary Sources (New Source Review)

(1) **Applicability.**

(a) Air discharge permit applications submitted to the Agency pursuant to SWCAA 400-109 shall be reviewed and approved in accordance with the requirements of this section.

(b) Review of a modification shall be limited to the emission unit(s) proposed to be added to an existing "stationary source" or modified and the air contaminants whose emissions would increase as a result of the modification except that review of a "major modification" shall comply with the requirements of SWCAA 400-111, 400-112, 400-113, 400-800 through -860, and/or WAC 173-400-700 through -750.

(c) The requirements of this section are not applicable to:

(i) "Stationary sources" that meet the exemption criteria specified in SWCAA 400-109(3). The owner or operator of an exempt facility shall maintain sufficient documentation acceptable to the Agency to substantiate that the "stationary source" is entitled to exemption under this section;

(ii) Nonroad engines subject to the requirements of SWCAA 400-045 and 400-046; and

(iii) Portable stationary sources subject to the provisions of SWCAA 400-036.

(d) Review is not required for the following:

(i) A process change that does not result in the emission of a type of toxic air pollutant, as provided in Chapter 173-460 WAC (as in effect 8/21/98), not previously approved and individual toxic air pollutant emissions do not exceed the Small Quantity Emission Rates specified in WAC 173-460-150. The process change may not cause an existing emission limit to be exceeded; or

(ii) A raw material composition change that does not result in individual toxic air pollutant emissions that exceed the applicable Small Quantity Emission Rate specified in WAC 173-460-150. The material change may not cause an existing emission limit to be exceeded.

(2) **Application completeness determination.** Within 30 calendar days of receipt of an air discharge permit application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application as provided under RCW (~~(70.94.152)~~) 70A.15.2210.

(a) Each application shall provide information on the nature and amounts of emissions to be emitted by the proposed new source or increased as part of a modification. The application shall identify the location, design, construction, and operation the new source as necessary to enable the Agency to determine that the new source will meet applicable requirements.

(b) An application for a new major stationary source or major modification shall provide all information required for review pursuant to WAC 173-400-700 through -750 or SWCAA 400-800 through -860, as applicable.

(c) An application for a source subject to the Special Protection requirements for federal Class I areas in WAC 173-400-117(2) shall include all information required for review of the project under WAC 173-400-117(3).

(d) A completed SEPA checklist or relevant SEPA determination for the proposed action shall be submitted with each application, as provided in WAC 197-11. If a proposed action is exempt from SEPA, sufficient documentation shall be provided to confirm its exempt status.

(e) If an applicant fails to respond to Agency information requests within 60 calendar days, the Agency may presume the air discharge permit application is being withdrawn. The Agency will issue written notice of application withdrawal. No fees will be refunded if an application is withdrawn.

(3) Requirements.

(a) All review requirements shall be met, and an air discharge permit shall be issued by the Agency, prior to construction of any "new source," new emission unit, or modification.

(b) All review requirements shall be met, and an air discharge permit shall be issued by the Agency, prior to construction of any modification to a "stationary source" that requires an increase in an existing plantwide emissions cap or unit specific emission limit.

(c) Air discharge permit applications must demonstrate that all applicable emission standards have been or will be met by the proposed modification or "new source." Examples of applicable emissions standards include, but are not limited to: RACT, BACT, LAER, BART, MACT, NSPS, NESHAPS and applicable ambient air quality standards. Additional requirements for new and modified "stationary sources" and replacement or alteration of control equipment are addressed in SWCAA 400-111, 400-112, 400-113, 400-114, and 400-151. If the ambient impact of a proposed project could potentially exceed an applicable ambient air increment, the Agency may require that the applicant demonstrate compliance with available ambient air increments and Ambient Air Quality Standards (AAQS) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on the date cited in SWCAA 400-025). Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

(d) PSD applicability. Air discharge permit applications for "major stationary sources" or "major modifications" that meet the applicability criteria of WAC 173-400-720 shall demonstrate that all applicable requirements of WAC 173-400-700 through 750 have been met.

(e) Air discharge permit applications for "major stationary sources" or "major modifications" that are located within a designated nonattainment area and meet the applicability criteria of SWCAA 400-820 shall demonstrate that all applicable requirements of SWCAA 400-800 through -860 have been met.

(f) An applicant filing an air discharge application for a project described in WAC 173-400-117(2), Special Protection Require-

ments for Federal Class I Areas, must send a copy of the application to the responsible federal land manager and EPA.

(4) **Final determination.**

(a) Within 60 calendar days of receipt of a complete application, the Agency, Control Officer, or designated representative shall either issue a final decision approving or denying the application or initiate public notice on a proposed decision, followed as promptly as possible by a final decision. All actions taken under this subsection must meet the public involvement requirements of SWCAA 400-171. The Agency will promptly (~~mail~~) provide copies of each order approving or denying an air discharge permit application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board.

An owner or operator seeking to construct or modify a "stationary source" that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW (~~70.94.161~~) 70A.15.2260 and the application required by this section. An application designated for integrated review shall be processed in accordance with Chapter 173-401 WAC procedures and deadlines and must comply with SWCAA 400-171. A PSD permit application subject to WAC 173-400-700 through -750 shall comply with the public process requirements of those sections.

(b) An owner or operator who submits applications pursuant to both SWCAA 400-045 and 400-109 may elect to combine the applications into a single permit.

(c) Permits issued pursuant to this section become effective on the date of issuance unless otherwise specified.

(d) Permits issued pursuant to this section may supersede previously issued permits provided existing terms and conditions not affected by the permitting action or requested to be changed by the applicant are carried forward unchanged.

(e) Every final determination on an air discharge permit application that results in the issuance of an air discharge permit by the Agency shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Agency.

(~~(e)~~) (f) If the "new source" is a "major stationary source" or the proposed modification is a "major modification" as those terms are defined in SWCAA 400-810, the Agency shall submit any control technology determination(s) included in a final air discharge permit to the RACT/BACT/LAER clearinghouse maintained by EPA and submit a copy of the final permit to EPA.

(~~(f)~~) (g) If SWCAA is the lead SEPA agency for the proposed action and mitigation measures are required as a result of the SEPA review, applicable mitigation measures shall be included in the final determination.

(5) **Appeals.** An air discharge permit, any conditions contained in an air discharge permit, the denial of an air discharge permit application, or any other regulatory order issued by the Agency, may be appealed to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW and Chapter 371-08 WAC.

(6) **Portable sources.** The owner(s) or operator(s) of portable sources, as defined in SWCAA 400-030, shall be allowed to operate at temporary locations without filing an air discharge permit application for each location provided that:

(a) The affected emission units are registered with the Agency pursuant to SWCAA 400-100.

(b) The affected emission units have an air discharge permit as a portable "stationary source" issued by SWCAA.

(c) The owner(s) or operator(s) notifies the Agency of intent to operate at the new location prior to starting the operation. This rule section supersedes corresponding notification requirements contained in existing air discharge permits.

(d) The owner(s) or operator(s) supplies sufficient information including production quantities and hours of operation, to enable the Agency to determine that the operation will comply with applicable emission standards, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.

Portable sources that do not have a valid air discharge permit issued by SWCAA may operate within SWCAA jurisdiction as provided in SWCAA 400-036.

A portable source that does not operate within the jurisdiction of the Agency for a period of more than 5 years shall be removed from active registration unless the owner or operator demonstrates a need to maintain the registration. Any portable source removed from active registration shall submit a new permit application pursuant to SWCAA 400-109 and undergo review as a "new source" prior to operating again within the jurisdiction of the Agency.

(7) **Compliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order or an air discharge permit issued pursuant to this section shall be considered a violation of this section. Noncompliance with any term of a regulatory order or air discharge permit used to satisfy the criteria of SWCAA 400-036 shall be considered a violation of this section.

(8) **Expiration.** Approval to construct or modify a "stationary source" shall become invalid if construction is not commenced within eighteen months after the date of issuance of an air discharge permit, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date. On a permit specific basis, the Agency may specify an earlier date for commencement of construction in an air discharge permit.

(9) **Extension.** If construction has not commenced within eighteen months of permit issuance, the Agency may extend the ((eighteen-month)) start of construction period upon a satisfactory demonstration that an extension is justified. To obtain an extension the permittee must submit a ((written request to the Agency at least 60 calendar days prior to permit expiration. The request shall clearly identify the justification for an extension and include relevant supporting information)) complete application as described in SWCAA 400-109 (2)(f). The Agency will review all submitted information, and then approve or deny the ((request)) extension in writing. If the original permit action required a public comment period pursuant to SWCAA 400-171, the Agency shall provide an additional public comment period prior to approving an extension. An extension for a PSD permit must be approved by Ecology. The extension of a project that is either a major stationary source or a major modification, as those terms are defined in

SWCAA 400-810, shall also require determination of LAER as it exists at the time of the extension for the pollutants that were subject to LAER in the original approval.

(10) Revocation. The Agency may revoke a source's Order of Approval or air discharge permit if applicable registration fees are delinquent for 2 or more consecutive years.

~~((9))~~ (11) Change of conditions.

(a) The owner or operator may request, at any time, a change in existing approval/permit conditions. The Agency may approve the request provided that:

(i) The change will not cause an applicable emissions standard set by regulation or rule to be exceeded;

(ii) No ambient air quality standard or ambient air increment will be exceeded as a result of the change;

(iii) The change will not adversely impact the ability of the Agency to determine compliance with an emissions standard;

(iv) The revised approval conditions will continue to require BACT, as defined at the time of the original approval, for each approved "stationary source" except where the Federal Clean Air Act requires LAER (e.g., any change that meets the definition of a "new source" must complete a new BACT determination); and

(v) The revised approval conditions meet the requirements of SWCAA 400-110, 400-111, 400-112, 400-113, and 400-830(3) as applicable.

(b) Requests for a change in PSD permit conditions must be made directly to Ecology. The Agency does not have authority to issue or modify PSD permits.

(c) Actions taken under this subsection are subject to the public involvement provisions of SWCAA 400-171 as applicable.

(d) The criteria in 40 CFR 52.21 (r)(4), as adopted by reference in WAC 173-400-720 or SWCAA 400-830(3) as applicable, shall be considered when determining which new source review approvals are required.

(e) A request to change approval/permit conditions shall be filed as an air discharge permit application in accordance with SWCAA 400-109. The application shall meet the requirements of subsection (2) of this section, and be acted upon according to the timelines in subsections (3) and (4) of this section. The fee schedule found in SWCAA 400-109(4) shall apply to these requests.

~~((10))~~ (12) Reopening for cause.

(a) The Agency may, on its own initiative, reopen any order or permit issued pursuant to this section under the following circumstances:

~~((a))~~ (i) The order or permit contains a material mistake. Typographical errors are presumed to constitute a material mistake.

~~((b))~~ (ii) Inaccurate statements were made in establishing the emission standards and/or conditions of the order or permit.

~~((e))~~ (iii) The permit does not meet minimum federal standards.

(b) The Agency shall inform the permittee of its intent to reopen for cause and the reason for the action. Agency actions taken under this subsection are subject to the public involvement provisions of SWCAA 400-171 as applicable.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-111 Requirements for New Sources in a Maintenance Plan Area

For the purposes of this section, "major modification," "major stationary source," "net emissions increase," and "significant," shall have the same meaning as the definitions found in WAC 173-400-710.

"New sources" or modifications within a designated maintenance plan area, including "stationary sources" that emit VOC or NO_x in a designated ozone maintenance plan area, shall meet the following requirements:

(1) **Emission standards.** The proposed "new source" or modification shall:

(a) Comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for Source Categories, emission standards adopted under Chapter ((70.94)) 70A.15 RCW, and the applicable emission standards of the Agency; and

(b) Not cause any ambient air quality standard as provided in SWCAA 400-113(3) to be violated; and

(c) Not violate the requirements for reasonable further progress established by the Washington State Implementation Plan; and

(d) Minimize emissions to the extent that the "new source" or modification will not delay the attainment date for a nonattainment area, exceed emission levels or other requirements provided in a maintenance plan for an area that was previously identified as a nonattainment area, nor cause or contribute to a violation of any ambient air quality standard.

(2) **Control Technology Requirements - BACT/LAER.** Except as provided below, the owner or operator of the proposed "new source", "emission unit" or modification shall apply BACT for each pollutant. In the case of a modification, the requirement for BACT shall apply to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase. If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may require the application of LAER for the maintenance pollutant(s) and any pollutant for which the proposed "new source" or modification is major.

(3) **Source compliance.** The owner or operator of the proposed "new source", "emission unit" or modification shall certify that all "stationary sources" owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in Washington are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Washington Clean Air Act Chapter ((70.94)) 70A.15 RCW.

(4) **Alternative analysis.**

(a) Except as provided in subsection (c) of this section, the owner or operator of a proposed "major stationary source" or "major modification" shall conduct an alternatives analysis;

(b) This analysis shall include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed "stationary source" or modification that demonstrates that benefits of the proposed "stationary source" or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification;

(c) This analysis shall not be required for a "major stationary source" or "major modification" that is subject to this rule due to emissions of particulate matter in a designated TSP maintenance area.

(5) **Emission offsets and industrial growth allowances.** The owner or operator of a proposed new "major stationary source" or "major modification" shall provide emission offsets that satisfy the requirements of this section. Except as provided in subsection (a) of this section, the offset requirements of this section may be met in whole, or in part, by an allocation from an industrial growth allowance, if available. Industrial growth allowances for "stationary sources" in a maintenance plan area are identified in and governed by the Washington SIP and the maintenance plan for the applicable maintenance plan area. All growth allowance allocations for the maintenance plan areas within the Agency's jurisdiction shall be made in accordance with this section.

(a) Available growth allowances may be increased or decreased as provided in a revision to the maintenance plan submitted to and approved by EPA. If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may suspend the use of growth allowances, and require the proposed new "major stationary source" or "major modification" to provide offsets as described in subsection (c) below.

(b) The owner or operator of a proposed new "major stationary source" or "major modification" emitting VOCs, NO_x, or CO may obtain a portion of any remaining emissions in the respective growth allowance in accordance with the following process:

(i) Access is on a first-come-first-served basis, based on the date of a complete application and allowance allocation request;

(ii) Growth allowances shall be used to satisfy offset requirements at a ratio of 1 to 1 for new VOC and/or NO_x emissions.

(iii) No single "stationary source" may receive an emissions allocation of more than 50 percent of the available growth allowance, or up to 10.0 tons per year, whichever is greater. On a case-by-case basis, the SWCAA Board of Directors may approve an emissions allocation of greater than 50 percent upon consideration of the following:

(A) Information submitted by the "stationary source" to SWCAA justifying its request for exceeding the 50 percent emissions allocation, based on significant economic, employment, or other benefits to the maintenance plan area that will result from the proposed new "major stationary source" or "major modification";

(B) Information provided by SWCAA on other known new "major stationary sources" or "major modifications" seeking an emissions allocation from the same growth allowance; and

(C) Other relevant information submitted by the "stationary source" or SWCAA.

(iv) To avoid jeopardizing maintenance of the ozone standard during the interim years of the ozone maintenance plan, SWCAA may limit the quantity of VOC and NO_x growth allowances made available each year. SWCAA will track use of VOC and NO_x allocations from the growth allowances.

(v) The amount of the CO growth allowance that can be allocated is identified in the applicable CO maintenance plan, if any.

(c) If no emissions remain in the respective growth allowance, or the Agency has suspended the use of growth allowances, the owner or operator of the proposed "major stationary source" or "major modification" shall provide offsets.

(i) A demonstration shall be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the "new source" or modification. This demonstration may re-

quire that air quality modeling be conducted according to the procedures specified in 40 CFR Part 51, Appendix W, Guideline on Air Quality Models (as in effect on the date cited in SWCAA 400-025).

(ii) Offsets for VOCs or nitrogen oxides shall be within the same maintenance plan area as the proposed "stationary source." Offsets for particulate matter, PM₁₀, sulfur dioxide, carbon monoxide, nitrogen dioxide, lead, and other pollutants may be from inside or outside of the same maintenance plan area.

(iii) "New sources" or modifications shall meet the following offset requirements:

(A) Within a designated maintenance plan area, the offsets shall provide reductions that are equivalent or greater than the proposed increases. The offsets shall be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions;

(B) Outside a designated maintenance plan area, owners or operators of "new sources" or modifications which have a significant air quality impact on the maintenance plan area as provided in SWCAA 400-113(3) shall provide emission offsets which are sufficient to reduce impacts to levels below the significant air quality impact level within the maintenance plan area; and

(C) The emission reductions must provide for a net air quality benefit.

(I) New "major stationary sources" within an ozone maintenance plan area shall:

(a) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.

(b) Offset the new NO_x emissions at a ratio of 1.1 to 1, if the NO_x emissions exceed either 100 tons per year or 700 pounds per day.

(II) "Stationary sources" within an ozone maintenance plan area undergoing "major modifications" shall:

(a) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(b) Offset the entire NO_x emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(III) New "major stationary sources" within a carbon monoxide maintenance plan area shall:

(a) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.

(IV) "Stationary sources" within a carbon monoxide maintenance plan area undergoing "major modifications" shall:

(a) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.

(iv) Emission reductions shall be of the same type of pollutant as the emissions from the "new source" or modification. Sources of PM₁₀ shall be offset with particulate in the same size range.

(v) Emission reductions shall be contemporaneous, that is, the reductions shall take effect prior to the time of startup but not more than two years prior to the submittal of a complete application for the "new source" or modification. This time limitation may be extended through banking, as provided in SWCAA 400-130, 400-131 and 400-136 for banking activities approved after the effective date of this regula-

tion. In the case of replacement facilities, SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that emissions do not exceed the new emission limits.

(vi) Offsets for new "major stationary sources" or "major modifications" in a maintenance plan area shall meet the following requirements:

(A) The proposed new level of allowable emissions of the "stationary source" or emission unit providing the reduction must be less than the current level of actual emissions of that "stationary source" or emission unit. No emission reduction can be credited for actual emissions that exceed the current allowable emissions of the "stationary source" or emission unit providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.

(B) If the offsets are provided by another "stationary source," the reductions in emissions from that "stationary source" must be federally enforceable by the time the new or modified "stationary source" commences operation. The "new source" may not commence operation before the date such reductions are actually achieved. SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that the facilitywide emissions do not exceed the new emission limit.

(6) **PSD applicability.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification" for the purposes of the PSD program as described in WAC 173-400-700 through 173-400-750, the "new source" or modification shall meet the requirements of that program for all pollutants. For maintenance plan pollutants, the "new source" shall meet all PSD requirements in addition to the requirements of this section.

(7) **Toxics.** If the proposed "new source" or modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC (as in effect 8/21/98), the "new source" shall meet all applicable requirements of that regulation.

(8) **Visibility.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification," the "new source" shall meet all the visibility protection requirements of WAC 173-400-117.

(9) **Noncompliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-112 Requirements for New Sources in Nonattainment Areas

"New sources" or modifications within a designated nonattainment area shall meet the following requirements:

(1) **Emission standards.** The proposed "new source" or modification will comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for source categories, emission standards adopted under Chapter ((70-94)) 70A.15 RCW and the applicable emission standards of the Agency.

(2) **Control technology requirement.** The proposed "new source" or modification will employ BACT for all air contaminants not subject to

LAER that the "new source" will emit or for which the modification will cause an emissions increase. If the "new source" is a "major stationary source" or the proposed modification is a "major modification" it will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed "new source" is major or for which the existing source is major and the modification is significant.

(3) **Ambient air quality standards.** The proposed "new source" or modification will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the Washington SIP and will comply with SWCAA 400-113(3) for all air contaminants for which the area has not been designated nonattainment.

(4) **Noncompliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

(5) **Major new source review.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification" as those terms are defined in SWCAA 400-810, it shall meet the requirements of SWCAA 400-800 through 400-860.

(6) **Toxics.** If the proposed "new source" or modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC (as in effect 8/21/98), it shall meet all applicable requirements of that chapter.

(7) **Visibility.** If the proposed "new source" is a "major stationary source," or the proposed modification is a "major modification," it shall meet the special protection requirements for federal Class I areas found in WAC 173-400-117.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas

"New sources" or modifications in an area that is in attainment or unclassifiable shall meet the following requirements:

(1) **Emission standards.** The proposed "new source", "emission unit" or modification shall comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for source categories, emission standards adopted under Chapter ((70-94)) 70A.15 RCW and the applicable emission standards of the Agency.

(2) **Control technology requirement.** The proposed "new source" or modification shall employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the "new source" or modification.

(3) **Allowable impact levels.** Allowable emissions from the proposed "new source", "emission unit" or modification shall not delay the attainment date for an area not in attainment, nor cause or contribute to a violation of any ambient air quality standard. This requirement will be met if the projected impact of the allowable emissions from the proposed "new source" or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment or maintenance plan area does not exceed the following impact levels for the pollutant(s) for which the area has been designated nonattainment or maintenance:

<u>Pollutant</u>	<u>Annual Average</u>	<u>24-Hour Average</u>	<u>8-Hour Average</u>	<u>3-Hour Average</u>	<u>1-Hour Average</u>
CO	-	-	0.5 mg/m ³	-	2 mg/m ³
SO ₂	1.0 µg/m ³	5 µg/m ³	-	25 µg/m ³	30 µg/m ³
PM ₁₀	1.0 µg/m ³	5 µg/m ³	-	-	-
PM _{2.5}	0.3 µg/m ³	1.2 µg/m ³	-	-	-
NO ₂	1.0 µg/m ³	-	-	-	-

If the projected impact of the proposed "new source" or modification exceeds an applicable value from the table above, the owner or operator shall provide offsetting emission reductions sufficient to reduce the projected impact to below the allowable impact level. For a proposed "new source" or modification with a projected impact within a maintenance area, this offset requirement may be met in whole, or in part, by an allocation from an industrial growth allowance. Emission offsets and growth allowance allocations used to satisfy the requirements of this section shall comply with the provisions of SWCAA 400-840.

(4) **PSD applicability.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification", as those terms are defined in WAC 173-400-710, it shall meet all applicable requirements of WAC 173-400-700 through 173-400-750.

(5) **Toxics.** If the proposed "new source" or the proposed modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC (as in effect 8/21/98), it shall meet all applicable requirements of that chapter.

(6) **Visibility.** If the proposed "new source" is a "major stationary source," or the proposed modification is a "major modification," it shall meet the special protection requirements for federal Class I areas found in WAC 173-400-117.

(7) **Noncompliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

AMENDATORY SECTION (Amending WSR 03-21-045 filed 10/9/03, effective 11/9/03)

SWCAA 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source

(1) Any person proposing to replace or substantially alter the emission control technology installed on an existing "stationary source" or emission unit shall file an air discharge permit application with the Agency and shall be subject to the review process of SWCAA 400-110. If the replacement or substantial alteration meets the definition of "new source" or "modification" then the "new source" emissions standards of SWCAA 400-111, 400-112 or 400-113 shall apply. If the replacement or substantial alteration does not meet the definition of "new source" or "modification" then RACT or other requirements shall apply. Replacement or substantial alteration of control technology does not include routine maintenance, repair or parts replacement.

(2) For projects not otherwise reviewable under SWCAA 400-110, the Agency may:

- (a) Require that the owner or operator employ RACT and/or T-RACT for the affected emission unit;
- (b) Require that the owner or operator employ a level of emission control equivalent to the existing emission control technology;
- ~~((b))~~ (c) Prescribe reasonable operation and maintenance conditions for the control equipment; and
- ~~((e))~~ (d) Prescribe other requirements authorized by Chapter ~~((70.94))~~ 70A.15 RCW.
- (3) Within thirty calendar days of receipt of an air discharge permit application under this section the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty calendar days of receipt of a complete application under this section, the Agency shall either issue an air discharge permit or a proposed RACT determination for the proposed project.
- (4) Construction shall not commence on a project subject to review under this section until the Agency issues a final air discharge permit or other regulatory order. However, any air discharge permit application filed under this section shall be deemed to be approved without conditions if the Agency takes no action within thirty days of receipt of a complete application. The Agency may request clarification of information submitted in support of the application after the application has been determined to be complete.
- (5) An air discharge permit to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months from the date of issuance, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The Agency may specify an earlier date for commencement of construction in an air discharge permit.
- (6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-115 Standards of Performance for New Sources

(1) **Adoption by reference.** The standards of performance for "new sources" presented in 40 CFR Part 60 and appendices are hereby adopted by reference (as in effect on the date cited in SWCAA 400-025). The term "Administrator" in 40 CFR Part 60 shall mean the Administrator of EPA and the Control Officer of the Agency. Exceptions to this adoption by reference are listed in subsection (2). A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.

Pursuant to RCW 80.50.020(14), larger energy facilities subject to subparts D, Da, GG, J, K, Kb, Y, KKK, LLL, and QQQ are regulated by the Energy Facility Site Evaluation Council (EFSEC) under WAC 463-39-115.

(2) **Exceptions.** The following sections and subparts of 40 CFR 60 are not adopted by reference:

- (a) 40 CFR 60.5 Determination of construction or modification
- (b) 40 CFR 60.6 Review of plans
- (c) Subpart B Adoption and Submittal of State Plans for Designated Facilities (ref. 40 CFR 60.20 et seq.)
- (d) Subpart Ba Adoption and Submittal of State Plans for Designated Facilities (ref. 40 CFR 60.20a et seq.)
- ~~((d))~~ (e) Subpart C Emission guidelines and compliance times (ref. 40 CFR 60.30 et seq.)
- ~~((e))~~ (f) Subpart Cb Emissions guidelines and compliance times for large municipal waste combustors that are constructed on or before September 20, 1994 (ref. 40 CFR 60.30b et seq.)
- ~~((f))~~ (g) Subpart Cc Emission guidelines and compliance times for municipal solid waste landfills (ref. 40 CFR 60.30c et seq.)
- ~~((g))~~ (h) Subpart Cd Emissions guidelines and compliance times for sulfuric acid production units (ref. 40 CFR 60.30d et seq.)
- ~~((h))~~ (i) Subpart Ce Emission guidelines and compliance times for hospital/medical/infectious waste incinerators (ref. 40 CFR 60.30e et seq.)
- ~~((i))~~ (j) Subpart Cf Emission guidelines and compliance times for municipal solid waste landfills (ref. 40 CFR 60.30f et seq.)
- (k) Subpart BBBB Emission guidelines and compliance times for small municipal waste combustion units constructed on or before August 30, 1999 (ref. 40 CFR 60.1500 et seq.)

Note: These sources are regulated under SWCAA 400-050(4)

~~((j))~~ (l) Subpart DDDD Emissions guidelines and compliance times for commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999 (ref. 40 CFR 60.2500 et seq.)

Note: These sources are regulated under SWCAA 400-050(4)

- ~~((k))~~ (m) Subpart FFFF Emission guidelines and compliance times for other solid waste incineration units that commenced construction on or before December 9, 2004. (ref. 40 CFR 60.2980 et seq.)
- ~~((l))~~ (n) Subpart JJJJ Stationary Spark Ignition Internal Combustion Engines (ref. 40 CFR 60.4230 et seq.)
- ~~((m))~~ (o) Subpart MMMM Emission guidelines and compliance times for existing sewage sludge incineration units (ref. 40 CFR 60.5000 et seq.)
- ~~((n))~~ (p) Subpart TTTT Greenhouse Gas Emissions for Electric Generating Units (ref. 40 CFR 60.5508 et seq.)
- ~~((o))~~ (q) Subpart UUUU_a Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units (ref. 40 CFR 60.5700_a et seq.)

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank

(1) **Applicability.** The Agency shall maintain a bank for the purpose of administering emission reduction credits (ERCs) pursuant to the provisions of RCW ~~((70.94.850))~~ 70A.15.6230.

(2) **Conditions for ERC bank.**

(a) ERCs established under SWCAA 400-131 shall be available for said credit bank.

(b) ERCs shall not have been used, sold or transferred to another entity for use; e.g. ERCs cannot be banked or used by two "sources" at one time.

(c) ERCs established under SWCAA 400-131 or used under SWCAA 400-130 for a specific "source" shall be allocated privately and not be available for public allocation unless specifically requested by the owner(s) of the ERCs.

(3) Maintenance of the bank.

(a) The Agency shall maintain an emission inventory of all allowed and actual emissions (including any growth allowances identified in a maintenance plan) in each of the nonattainment or maintenance areas by pollutant or in the case of ozone, it shall be volatile organic compounds and oxides of nitrogen.

(b) The ERCs contained in the bank shall be discounted by 10 percent to allow for minor emission increases in nonattainment areas by minor "sources" each of which would emit less than one ton per year. Minor emitting "sources" shall be ineligible to receive or expend an emission reduction credit as identified in SWCAA 400-131 or 400-130. ERCs shall be discounted at the applicable ratio on a one-time basis at the time of deposit into the bank. ERCs shall not be discounted each time a transaction is completed. If reductions in emission beyond those identified in the Washington SIP are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating "sources," and if the plan must be revised, ERCs may be discounted by the Agency over and above the initial 10 percent without compensation to the holder after public involvement pursuant to SWCAA 400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach or maintain attainment status.

(c) The Agency shall not provide greater than 25 percent of the available emission credit in the bank to a single applicant. Any exceptions shall be considered on a case-by-case basis by the Board of Directors after a public notice at the next regularly scheduled meeting.

(d) When the Agency issues credits for a new or modified "stationary source," the amount of emission credits shall be removed from the bank and a regulatory order allocating the emission credits shall be issued. The applicant shall start a continuous program of construction or process modification within 18 months. If the applicant does not exercise the approval, the emission credit allocation shall expire and revert to the bank. If there is a six month delay in construction after the start of a continuous program to construct or modify a "stationary source" or emission unit the remaining amount of the emission reduction credit shall be reviewed by the Agency and if it is determined that the unused portion of the credit will not, in all likelihood be used in the next year, the Agency shall notify the applicant that the credit allocation has expired and shall revert to the bank. The applicant shall reapply, as needed, for use of the emission reduction credits when a continuous program of construction or modification begins.

(4) **Annual review.** The Agency shall review the content and administration of this section annually to ensure regulatory consistency and equity of impact as a portion of the Washington SIP review. The results of the review shall be reported to the Board with recommenda-

tions for correction if the Agency deems that such corrections are necessary to properly administer the emission credit bank.

(5) **Issuance and use of ERCs.** The Agency has established its policy and procedure for deposit of ERCs in SWCAA 400-131. The Agency has established its policy and procedure for use of ERCs in SWCAA 400-130.

(6) **Expiration of public credits.**

(a) Each "stationary source" which had credits assigned from the public bank by issuance of a regulatory order shall be approved for the total of previous emissions plus any additional amount approved under a regulatory order assigning public credits to that "stationary source" effective July 8, 1996.

(b) Emission reduction credits deposited into the public bank shall not be available to be assigned to any "stationary source" after July 8, 1996.

AMENDATORY SECTION (Amending WSR 03-21-045 filed 10/9/03, effective 11/9/03)

SWCAA 400-151 Retrofit Requirements for Visibility Protection

(1) The requirements of this section apply to any "existing stationary facility" as defined in SWCAA 400-030.

(2) SWCAA shall identify each "existing stationary facility" within its jurisdiction, which may reasonably be anticipated to cause or contribute to visibility impairment in any mandatory Class I federal area in Washington and any adjacent state.

(3) For each "existing stationary facility" identified under subsection (2) of this section, SWCAA shall determine Best Available Retrofit Technology (BART) for the air contaminant of concern and any additional air pollution control technologies that are to be required to reduce impairment from the "existing stationary facility."

(4) Each "existing stationary facility" shall apply BART as new technology for control of the air contaminant when it becomes reasonably available if:

(a) The "existing stationary facility" emits the air contaminant contributing to visibility impairment;

(b) Controls representing BART for that air contaminant have not previously been required under this section; and

(c) The impairment of visibility in any mandatory Class I federal area is reasonably attributable to the emissions of the air contaminant.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-171 Public Involvement

(1) **Public notice/application notice.**

(a) Notice shall be published on the SWCAA Internet website announcing the receipt of air discharge permit applications, nonroad engine permit applications and other proposed actions (e.g., open for cause, permit extension, etc.). Notice shall be published for a minimum of 15 calendar days. Publication of a notice on the SWCAA website at the time of application receipt is not required for any application or proposed action that automatically requires a public comment period pursuant to subsection (2) of this section. In the event that publication on the SWCAA Internet website does not occur for the prescribed time period, notice will be published for a minimum of one (1) day in a newspaper of general circulation in the area of the proposed action. When notice is published via newspaper, the Agency shall not issue a

final determination on the affected action for a minimum of 15 calendar days following the date of publication. Each notice shall, at a minimum, include the following information:

- (i) The name and address of the owner or operator and the affected facility;
- (ii) A brief description of the proposed action;
- (iii) Agency contact information;
- (iv) A statement that a public comment period will be provided upon request pursuant to SWCAA 400-171(3); and
- (v) The date by which a request for a public comment period is due.

(b) Requests for a public comment period shall be submitted to the Agency in writing via letter or fax. A request may be submitted via electronic mail provided the sender confirms receipt by the Agency via telephone or electronic receipt confirmation. A public comment period shall be provided pursuant to subsection (3) of this section for any application or proposed action that receives such a request. Any application or proposed action for which a public comment period is not provided may be processed without further public involvement.

(2) **Provision of public comment period.**

(a) A public comment period shall be provided pursuant to subsection (3) of this section before approving or denying any of the following:

- (i) Any use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 (as in effect on the date cited in SWCAA 400-025) as part of review under SWCAA 400-046, 400-110, or WAC 173-400-117;
- (ii) Any order or permit to determine RACT;
- (iii) Any order or permit to establish a compliance schedule pursuant to SWCAA 400-161 or a variance pursuant to SWCAA 400-180;
- (iv) Any order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation;
- (v) Any order or permit to authorize a bubble;
- (vi) Any order or permit used to establish a creditable emission reduction;
- (vii) An Order of Discontinuance as provided in SWCAA 400-230

(1) (g);

(viii) Any order or permit used to establish a "synthetic minor" or modification thereof;

(ix) Any extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area;

(x) Any application or other proposed action which has received a request for public notice pursuant to subsection (1) of this section; or

(xi) Any proposed action for which the Executive Director determines there is a substantial public interest including:

- Air discharge permit applications
- Nonroad engine permit applications
- Other actions of significance

(xii) Any order or permit to approve a new or modified source if the associated increase in emissions of any toxic air pollutant is greater than the applicable acceptable source impact level specified in WAC 173-460, as in effect 8/21/98.

(b) Any air discharge permit application designated for integrated review that includes a PSD permit application must comply with the public notice requirements of WAC 173-400-740.

(3) **Public comment period requirements.** A public comment period shall be provided only after all information required by the Agency has been submitted and after applicable preliminary determinations, if any, have been made.

(a) Availability for public inspection. The information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effect(s) on air quality, shall be available for public inspection in at least one location near the proposed project. Exemptions from this requirement include information protected from disclosure under any applicable law, including, but not limited to, RCW ((~~70.94.205~~)) 70A.15.2510 and SWCAA 400-270.

(b) Publication of comment period notice. Notice shall be given by prominent advertisement in the area of the proposed project. Notice for a public comment period shall include the following information:

(i) The name and address of the owner or operator and the affected facility;

(ii) A brief description of the proposal, including a description of the processes subject to permitting;

(iii) A description of the air pollutant emissions associated with the proposal;

(iv) Identification of Agency staff from whom interested persons may obtain additional information;

(v) The location of the documents made available for public inspection;

(vi) Identification of a 30 calendar day period for submitting written comment to the Agency;

(vii) A statement that a public hearing may be held if the Agency determines within a 30 calendar day period that significant public interest exists;

(viii) The length of the public comment period in the event of a public hearing; and

(ix) For projects subject to special protection requirements for federal Class I areas in WAC 173-400-117 (5)(c), the comment period notice shall explain the Agency's draft decision.

(c) EPA Notification. A copy of each comment period notice shall be sent to the EPA Region 10 Regional Administrator.

(d) Consideration of public comment. The Agency shall make no final decision on any application or other action for which a public comment period has been provided until the public comment period has ended and any comments received during the public comment period have been considered.

(e) Public hearings. Any person may request a public hearing within the thirty-day public comment period. Each request shall indicate the interest of the party filing it and why a hearing is warranted. The Agency may hold a public hearing if the Executive Director determines significant public interest exists. The Agency will determine the location, date, and time of the public hearing. If a public hearing is held, a minimum of 30 days notice will be provided to the public prior to the hearing date. The public comment period for the affected action shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) **Public involvement for integrated review with an operating permit.** Any air discharge permit application designated for integrated review with an application to issue or modify an operating permit

shall be processed in accordance with the operating permit program procedures and deadlines (Chapter 173-401 WAC).

(5) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, those procedures may be used in lieu of the provisions of this section (e.g., SEPA). This subsection does not apply to PSD permit applications processed by Ecology.

(6) **Public information.** All information is available for public inspection at the Agency, except information protected from disclosure under any applicable law, including, but not limited to, RCW ((70.94.205)) 70A.15.2510 and SWCAA 400-270. Such information includes copies of Notice of Construction applications, orders of approval, regulatory orders, and modifications thereof.

AMENDATORY SECTION (Amending WSR 03-21-045 filed 10/9/03, effective 11/9/03)

SWCAA 400-180 Variance

Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the Agency for a variance from provisions of SWCAA regulations governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW ((70.94.181)) 70A.15.2310.

(1) **Jurisdiction.** "Stationary sources" in any area over which the Agency has jurisdiction shall make application to the Agency. Variances to State rules shall require approval of Ecology prior to being issued by the Agency. The Board of Directors may grant a variance only after public involvement per SWCAA 400-171.

(2) **Full faith and credit.** Variances granted in compliance with state and federal laws by the Agency for "sources" under its jurisdiction shall be accepted as variances to this regulation.

(3) **EPA concurrence.** No variance or renewal shall be construed to set aside or delay any requirements of the Federal Clean Air Act except with the approval and written concurrence of the EPA.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-230 Regulatory Actions and Civil Penalties

(1) The Agency shall have the power to issue such orders as necessary to effectuate the purpose of Chapter 70A.15 RCW ((70.94)) and Chapter 43.21B RCW ((43.21B)) as provided in, but not limited to: RCW ((70.94.141)) 70A.15.2040, RCW ((70.94.152)) 70A.15.2210, RCW ((70.94.153)) 70A.15.2220, RCW ((70.94.332)) 70A.15.3010 and RCW 43.21B.300. For informational purposes, a list of specific regulatory orders issued by the Agency in the past is presented below.

(a) **Order of Approval.** An order issued by the Agency to provide approval for an air discharge permit or ERC application. Orders of Approval are also known as air discharge permits.

(b) **Order of Denial.** An order issued by the Agency in response to an air discharge permit application that is incomplete, not feasible, proposes inadequate control technology, or otherwise would result in violation of any ambient air quality regulation, control technology requirement, or applicable emission standard.

(c) **Order of Violation.** An order issued by the Agency to document specific regulation(s) alleged to be violated and establish the facts surrounding a violation.

(d) **Order of Prevention.** An order issued by the Agency to prevent installation or construction of an emission unit, performance of an activity, or actions that may otherwise endanger public health that are on site, in the process of being installed, or have been installed, constructed or operated without prior Agency review and approval, or actions being conducted in addition to a previous Agency approval without prior approval.

(e) **Consent Order.** An order issued by the Agency to establish emission limits, operation and maintenance limits or controls, monitoring or reporting requirements, testing requirements, or other limits or controls that are determined by the Agency to be necessary. Actions identified in a Consent Order may be necessary to demonstrate compliance with applicable regulations, provide measures whereby a "source" may take the necessary steps to achieve compliance, establish a schedule for activities, or provide other information that the Control Officer deems appropriate. Consent Orders are agreed to and signed by an appropriate officer of the company or "source" for which the Consent Order is prepared and the Control Officer, or designee, of the Agency. A Consent Order does not sanction noncompliance with applicable requirements.

(f) **Compliance Schedule Order.** An order issued by the Agency to a "source" to identify specific actions that must be implemented to establish, maintain, and/or demonstrate compliance with applicable regulations and identify the schedule by which these actions must be completed.

(g) **Order of Discontinuance.** An order issued by the Agency for any "source" that has permanently shutdown, has not maintained registration for affected emission units, or that continues to operate in violation of applicable regulations and requirements.

(h) **Corrective Action Order.** An order issued by the Agency to any "source" to provide measures to correct or rectify a situation that is an immediate or eminent threat to person(s) or the public or that may be in violation or have the potential of being in violation of federal, state and local regulations or may pose a threat to the public health, welfare or enjoyment of personal or public property.

(i) **Administrative Order.** An order issued by the Agency to provide for implementation of items not addressed above, that are identified by the Control Officer. An Administrative Order may contain emission limits, operating and maintenance limitations and actions, schedules, resolutions by the Board of Directors, provide for establishing attainment or nonattainment boundaries, establish working relationships with other regulatory agencies, establish authority for enforcement of identified actions, and other activities identified by the Agency.

(j) **Resolutions.** A document issued by the Agency as a means to record a Board of Directors decision, authorize or approve budget transactions, establish Agency policies, or take other actions as determined by the Agency.

(2) The Agency may take any of the following regulatory actions to enforce its regulations to meet the provisions of RCW 43.21B.300 which is incorporated herein by reference.

(a) **Notice of Violation.** At least thirty days prior to the commencement of any formal enforcement action under RCW ((~~70.94.430~~) 70A.15.3150 and ((~~70.94.431~~) RCW 70A.15.3160), the Agency shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this regulation, or the rule, regulation, regulatory order or permit requirement alleged to be

violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Agency may require that the alleged violator or violators appear before it for the purpose of providing the Agency information pertaining to the violation or the charges complained of. Every Notice of Violation shall offer to the alleged violator an opportunity to meet with the Agency prior to the commencement of enforcement action.

(b) **Civil penalties.**

(i) In addition to or as an alternate to any other penalty provided by law, any person (e.g., owner, owner's agent, contractor, operator) who violates any of the provisions of Chapter ((70.94)) 70A.15 RCW or any of the rules in force under such chapters may incur a civil penalty in an amount as set forth in RCW ((70.94.431)) 70A.15.3160. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order issued pursuant to this regulation shall be liable for a civil penalty as set forth by RCW ((70.94.431)) 70A.15.3160 for each day of continued noncompliance.

(ii) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal. The maximum penalty amounts established in RCW ((70.94.431)) 70A.15.3160 may be increased annually to account for inflation as determined by the State Office of the Economic and Revenue Forecast Council.

(iii) Each act of commission or omission that procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(iv) All penalties recovered under this section by the Agency, shall be paid into the treasury of the Agency and credited to its funds.

(v) To secure the penalty incurred under this section, the Agency shall have a lien on any equipment used or operated in violation of its regulations which shall be enforced as provided in RCW 60.36.050. The Agency shall also be authorized to utilize a collection agency for nonpayment of penalties and fees.

(vi) In addition to other penalties provided by this regulation, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) **Assurance of Discontinuance.** The Control Officer may accept an assurance of discontinuance as provided in RCW ((70.94.435)) 70A.15.3170 of any act or practice deemed in violation of this regulation as written and certified to by the "source." Any such assurance shall specify a time limit during which discontinuance or corrective action is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of its regulations or any order issued thereunder which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the Superior Court.

(4) **Restraining orders & injunctions.** Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of its regulations, the Control Officer, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) **Emergency episodes.** The Agency may issue such orders as authorized by SWCAA 435 whenever an air pollution episode forecast is declared.

(6) **Compliance Orders.** The Agency may issue a Compliance Order in conjunction with a Notice of Violation or when the Control Officer has reason to believe a regulation is being violated, or may be violated. The order shall require the recipient of the Notice of Violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated and completed. Compliance Orders are not subject to the public notice requirements of SWCAA 400-171.

NEW SECTION

SWCAA 400-235 Credible Evidence

For the purpose of establishing whether or not a person has violated or is in violation of any provision of Chapter 70A.15 RCW, any rule enacted pursuant to that chapter, or any permit or order issued thereunder, nothing in this regulation precludes the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

SWCAA 400-240 Criminal Penalties

Persons in violation of the Agency's regulations or Title 173 WAC may be subject to the provisions of RCW (~~(70.94.430)~~) 70A.15.3150.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

SWCAA 400-260 Conflict of Interest

All board members and officials acting or voting on decisions affecting air pollution sources, must comply with the Federal Clean Air Act (Section 128), as it pertains to conflict of interest (~~(7, and 40 CFR 103(d) which is incorporated by reference)~~).

NEW SECTION

SWCAA 400-265 Duty to Provide Information

The owner or operator of a "source" must furnish, within a time frame specified by the Agency, any information requested by the Agency in writing specific to the control, recovery or release of air contaminants into the atmosphere. The Executive Director may allow an extension of the submittal deadline on a case-by-case basis.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 03-21-045 filed 10/9/03, effective 11/9/03)

SWCAA 400-270 Confidentiality of Records and Information

(1) The owner or operator of a "source" (or the agent submitting the information) is responsible for clearly identifying information that is considered proprietary and confidential prior to submittal to the Agency. Information submitted to the Agency that has not been identified as confidential at the time of submittal may not be classified as confidential at a later date.

(2) Confidential information submitted to the Agency by an owner, operator or agent shall be stamped or clearly marked in red ink at the time of submittal. Such information considered to be confidential or proprietary by the owner or operator will be handled as such, and will be maintained by the Agency, to the extent that release of such information may provide unfair economic advantage or compromise processes, products, or formulations to competitors as provided under RCW ((70.94.205)) 70A.15.2510. Such information shall be released to the public only after:

(a) Legal opinion by the Agency's legal counsel, and

(b) Notice to the source of the intent to either release or deny the release of information.

(3) Records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Agency, related to processes or production unique to the owner or operator, or likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, shall be only for the confidential use of the Agency as provided in RCW ((70.94.205)) 70A.15.2510.

(4) Emissions data furnished to or obtained by the Agency shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the Agency.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

SWCAA 400-280 Powers of Agency

In addition to any other powers vested in the Agency, consistent with RCW ((70.94.141)) 70A.15.2040, the Agency shall have the power to:

(1) Adopt, amend, and repeal its own rules and regulations, implementing Chapter 70A.15 RCW ((70.94)) and consistent with it, after consideration at a public hearing held in accordance with Chapter 42.30 RCW ((42.30)). Rules and regulations shall also be adopted in accordance with the notice and adoption procedures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not in conflict with Chapter 42.30 RCW ((42.30)), and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with Chapter 34.08 RCW ((34.08)), except that rules shall not be published in the Washington Administrative Code. Judicial review of rules adopted by the Agency shall be in accordance with Part V of Chapter 34.05 RCW ((34.05)).

(2) Hold hearings relating to any aspect of or matter in the administration of Chapter 70A.15 RCW ((70.94)) not prohibited by the

provisions of Chapter 62, Laws of 1970 ex. sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate Chapter 70A.15 RCW (~~(70.94)~~) and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in Chapter 62, Laws of 1970 ex. sess.

(4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract, or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within the jurisdiction of the Agency.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of Chapter 70A.15 RCW (~~(70.94)~~).

(8) Encourage and conduct studies, investigations and research relating to air pollution and its causes, effects, prevention, abatement and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with Chapter 70A.15 RCW (~~(70.94)~~), ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of Chapter 70A.15 RCW (~~(70.94)~~).

except:

(13) SWCAA may not hold adjudicative proceedings pursuant to the Administrative Procedures Act (Chapter 34.05 RCW (~~(34.05)~~)). Such hearings shall be held by the Pollution Control Hearings Board as provided at RCW 43.21B.240.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-810 Major Stationary Source and Major Modification Definitions

The definitions in this section must be used in the major stationary source nonattainment area permitting requirements in SWCAA 400-800 through 400-860. If a term is defined differently in the federal program requirements for issuance, renewal and expiration of a Plant Wide Applicability Limit which are adopted by reference in SWCAA

400-850, then that definition is to be used for purposes of the Plant Wide Applicability Limit (PAL) program.

(1) **"Actual emissions"** means:

(a) The actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with (b) through (d) of this subsection. This definition does not apply when calculating whether a significant emissions increase has occurred, or for establishing a PAL under SWCAA 400-850. Instead, "projected actual emissions" and "baseline actual emissions" as defined in subsections (2) and (23) of this section apply for those purposes.

(b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24 month period which precedes the particular date and which is representative of normal source operation. The permitting authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(c) The permitting authority may presume that source specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(2) **"Baseline actual emissions"** means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with (a) through (d) of this subsection.

(a) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24 month period selected by the owner or operator within the 5 year period immediately preceding when the owner or operator begins actual construction of the project. The permitting authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(i) The average rate shall include emissions associated with startups, shutdowns, and malfunctions; and, for an emissions unit that is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or for an emissions unit that is located at a major stationary source that belongs to one of the listed source categories, the average rate shall include fugitive emissions (to the extent quantifiable).

(ii) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24 month period.

(iii) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24 month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24 month period can be used for each regulated NSR pollutant.

(iv) The average rate shall not be based on any consecutive 24 month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by (a)(ii) of this subsection.

(b) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24 month period selected by the owner or operator within the ten-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the permitting authority for a permit required either under SWCAA 400-800 through 400-860 or under a plan approved by the administrator, whichever is earlier, except that the 10 year period shall not include any period earlier than November 15, 1990.

(i) The average rate shall include emissions associated with startups, shutdowns, and malfunctions; and, for an emissions unit that is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or for an emissions unit that is located at a major stationary source that belongs to one of the listed source categories, the average rate shall include fugitive emissions (to the extent quantifiable).

(ii) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24 month period.

(iii) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24 month period. However, if an emission limitation is part of a maximum achievable control technology standard that the administrator proposed or promulgated under 40 CFR Part 63, the baseline actual emissions need only be adjusted if the state has taken credit for such emissions reductions in an attainment demonstration or maintenance plan as part of the demonstration of attainment or as reasonable further progress to attain the NAAQS.

(iv) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24 month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24 month period can be used for each regulated NSR pollutant.

(v) The average rate shall not be based on any consecutive 24 month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required under (b)(ii) and (iii) of this subsection.

(c) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit. In the latter case, fugitive emissions, to the extent quantifiable, shall be included only if the emissions unit is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or if the emissions unit is located at a major stationary source that belongs to one of the listed source categories.

(d) For a PAL for a major stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in (a) of this subsection, for other existing emissions units in accordance with the procedures contained in (b) of this subsection, and for a new

emissions unit in accordance with the procedures contained in (c) of this subsection, except that fugitive emissions (to the extent quantifiable) shall be included regardless of the source category.

(3) "**Best available control technology**" (BACT) means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the reviewing authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines if it is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 or 61. If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(4) "**Building, structure, facility, or installation**" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two-digit code) as described in the *Standard Industrial Classification Manual*, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

(5) "**Clean coal technology**" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

(6) "**Clean coal technology demonstration project**" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of two and one-half billion dollars for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The federal contribution for a qualifying project shall be at least twenty percent of the total cost of the demonstration project.

(7) "**Construction**" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

(8) "**Continuous emissions monitoring system**" (CEMS) means all of the equipment that may be required to meet the data acquisition and

availability requirements of this section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

(9) "**Continuous parameter monitoring system**" (CPMS) means all of the equipment necessary to meet the data acquisition and availability requirements of this section, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and to record average operational parameter value(s) on a continuous basis.

(10) "**Continuous emissions rate monitoring system**" (CERMS) means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

(11) "**Electric utility steam generating unit**" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(12) "**Emissions unit**" means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric steam generating unit. For purposes of this section, there are two types of emissions units:

(a) A new emissions unit is any emissions unit which is (or will be) newly constructed and which has existed for less than 2 years from the date such emissions unit first operated.

(b) An existing emissions unit is any emissions unit that is not a new emissions unit. A replacement unit, as defined in subsection (25) of this section is an existing emissions unit.

(13) "**Fugitive emissions**" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening. Fugitive emissions, to the extent quantifiable, are addressed as follows for the purposes of this section:

(a) In determining whether a stationary source or modification is major, fugitive emissions from an emissions unit are included only if the emissions unit is part of one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source, or the emissions unit is located at a stationary source that belongs to one of those source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source and that are not, by themselves, part of a listed source category.

(b) For purposes of determining the net emissions increase associated with a project, an increase or decrease in fugitive emissions is creditable only if it occurs at an emissions unit that is part of one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source, or if the emission unit is located at a major stationary source that belongs to one of the listed source categories. Fugitive emission increases or decreases are not creditable for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~ (15)(e) of this sec-

tion, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(c) For purposes of determining the projected actual emissions of an emissions unit after a project, fugitive emissions are included only if the emissions unit is part of one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source, or if the emission unit is located at a major stationary source that belongs to one of the listed source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(d) For purposes of determining the baseline actual emissions of an emissions unit, fugitive emissions are included only if the emissions unit is part of one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source, or if the emission unit is located at a major stationary source that belongs to one of the listed source categories, except that, for a PAL, fugitive emissions shall be included regardless of the source category. With the exception of PALs, fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(e) In calculating whether a project will cause a significant emissions increase, fugitive emissions are included only for those emissions units that are part of one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source, or for any emissions units that are located at a major stationary source that belongs to one of the listed source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(f) For purposes of monitoring and reporting emissions from a project after normal operations have been resumed, fugitive emissions are included only for those emissions units that are part of one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source, or for any emissions units that are located at a major stationary source that belongs to one of the listed source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(g) For all other purposes of this section, fugitive emissions are treated in the same manner as other, nonfugitive emissions. This includes, but is not limited to, the treatment of fugitive emissions for offsets (see SWCAA 400-840(7)) and for PALs (see SWCAA 400-850).

(14) "**Lowest achievable emission rate**" (LAER) means, for any source, the more stringent rate of emissions based on the following:

(a) The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of

stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

(b) The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

(15) **"Major stationary source"** means:

(a) Any stationary source of air pollutants that emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant, except that lower emissions thresholds apply in areas subject to sections 181-185B, sections 186 and 187, or sections 188-190 of the Federal Clean Air Act. In those areas the following thresholds apply:

(i) 50 tons per year of volatile organic compounds in any serious ozone nonattainment area;

(ii) 50 tons per year of volatile organic compounds in an area within an ozone transport region, except for any severe or extreme ozone nonattainment area;

(iii) 25 tons per year of volatile organic compounds in any severe ozone nonattainment area;

(iv) 10 tons per year of volatile organic compounds in any extreme ozone nonattainment area;

(v) 50 tons per year of carbon monoxide in any serious nonattainment area for carbon monoxide, where stationary sources contribute significantly to carbon monoxide levels in the area (as determined under rules issued by the administrator);

(vi) 70 tons per year of PM-10 in any serious nonattainment area for PM-10.

(b) For the purposes of applying the requirements of SWCAA 400-830 to stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, any stationary source which emits, or has the potential to emit, 100 tons per year or more of nitrogen oxides emissions, except that the emission thresholds in (b) (i) through (vi) of this subsection shall apply in areas subject to sections 181-185B of the Federal Clean Air Act.

(i) 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as marginal or moderate.

(ii) 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as a transitional, submarginal, or incomplete or no data area, when such area is located in an ozone transport region.

(iii) 100 tons per year or more of nitrogen oxides in any area designated under section 107(d) of the Federal Clean Air Act as attainment or unclassifiable for ozone that is located in an ozone transport region.

(iv) 50 tons per year or more of nitrogen oxides in any serious nonattainment area for ozone.

(v) 25 tons per year or more of nitrogen oxides in any severe nonattainment area for ozone.

(vi) 10 tons per year or more of nitrogen oxides in any extreme nonattainment area for ozone.

(c) Any physical change that would occur at a stationary source not qualifying under (a) and (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself.

(d) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

(e) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of subsection ~~((14))~~ (15) of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants - the term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

(16) **"Major modification"** means:

(a) Any physical change in or change in the method of operation of a major stationary source that would result in:

(i) A significant emissions increase of a regulated NSR pollutant; and

(ii) A significant net emissions increase of that pollutant from the major stationary source.

(b) Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.

(c) A physical change or change in the method of operation shall not include:

(i) Routine maintenance, repair and replacement;

(ii) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(iii) Use of an alternative fuel by reason of an order or rule section 125 of the Federal Clean Air Act;

(iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(v) Use of an alternative fuel or raw material by a stationary source which:

(A) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I or section 51.166; or

(B) The source is approved to use under any permit issued under regulations approved by the administrator implementing 40 CFR 51.165.

(vi) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or regulations approved pursuant to 40 CFR Part 51, Subpart I or 40 CFR 51.166;

(vii) Any change in ownership at a stationary source;

(viii) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(A) The state implementation plan for the state in which the project is located; and

(B) Other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

(d) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements for a PAL for that pollutant. Instead, the definitions in 40 CFR Part 51, Appendix S adopted by reference in SWCAA 400-850 shall apply.

(e) For the purpose of applying the requirements of SWCAA 400-830 (1)(i) to modifications at major stationary sources of nitrogen oxides located in ozone nonattainment areas or in ozone transport regions, whether or not subject to sections 181-185B, Part D, Title I of the Federal Clean Air Act, any significant net emissions increase of nitrogen oxides is considered significant for ozone.

(f) Any physical change in, or change in the method of operation of, a major stationary source of volatile organic compounds that results in any increase in emissions of volatile organic compounds from any discrete operation, emissions unit, or other pollutant emitting activity at the source shall be considered a significant net emissions increase and a major modification for ozone, if the major stationary source is located in an extreme ozone nonattainment area that is subject to sections 181-185B, Part D, Title I of the Federal Clean Air Act.

(g) Fugitive emissions shall not be included in determining for any of the purposes of this section whether a physical change in or

change in the method of operation of a major stationary source is a major modification, unless the source belongs to one of the source categories listed in subsection ~~((14))~~ (15) (e) of this section, the definition of major stationary source.

(17) **"Necessary preconstruction approvals or permits"** means those permits or orders of approval required under federal air quality control laws and regulations or under air quality control laws and regulations which are part of the applicable state implementation plan.

(18) **"Net emissions increase"** means:

(a) With respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

(i) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to SWCAA 400-820 (2) and (3); and

(ii) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. In determining the net emissions increase, baseline actual emissions for calculating increases and decreases shall be determined as provided in the definition of baseline actual emissions, except that subsection (2) (a) (iii) and (b) (iv) of this section, in the definition of baseline actual emissions, shall not apply.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs;

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than 1 year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit (ERC). Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC; and

(ii) The permitting authority has not relied on it in issuing a permit for the source under regulations approved pursuant to 40 CFR 51.165, which permit is in effect when the increase in actual emissions from the particular change occurs; and

(iii) As it pertains to an increase or decrease in fugitive emissions (to the extent quantifiable), it occurs at an emissions unit that is part of one of the source categories listed in subsection ~~((14))~~ (15) (e) of this section, the definition of major stationary source, or it occurs at an emissions unit that is located at a major stationary source that belongs to one of the listed source categories. Fugitive emission increases or decreases are not creditable for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~ (15) (e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level;

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emission or the old level of allowable emissions whichever is lower, exceeds the new level of actual emissions;

(ii) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins;

(iii) The permitting authority has not relied on it as part of an offsetting transaction under SWCAA 400-113(3) or 400-830 or in issuing any permit under regulations approved pursuant to 40 CFR Part 51, Subpart I or the state has not relied on it in demonstrating attainment or reasonable further progress;

(iv) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant.

(g) Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(h) Subsection (1)(b) of this section, in the definition of actual emissions, shall not apply for determining creditable increases and decreases or after a change.

(19) **"Nonattainment major new source review (NSR) program"** means the major source preconstruction permit program that has been approved by the administrator and incorporated into the plan to implement the requirements of 40 CFR 51.165, or a program that implements 40 CFR Part 51 Appendix S, sections I through VI. Any permit issued under either program is a major NSR permit.

(20) **"Pollution prevention"** means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal; it does not mean recycling (other than certain "in-process recycling" practices), energy recovery, treatment, or disposal.

(21) **"Predictive emissions monitoring system"** (PEMS) means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

(22) **"Prevention of significant deterioration (PSD) permit"** means any permit that is issued under the major source preconstruction permit program that has been approved by the administrator and incorporated into the plan to implement the requirements of 40 CFR 51.166, or under the program in 40 CFR 52.21.

(23) **"Project"** means a physical change in, or change in the method of operation of, an existing major stationary source.

(24) **"Projected actual emissions"** means:

(a) The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five years (12 month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(b) In determining the projected actual emissions before beginning actual construction, the owner or operator of the major stationary source:

(i) Shall consider all relevant information including, but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the state or federal regulatory authorities, and compliance plans under the approved plan; and

(ii) Shall include emissions associated with startups, shutdowns, and malfunctions; and, for an emissions unit that is part of one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source, or for an emissions unit that is located at a major stationary source that belongs to one of the listed source categories, shall include fugitive emissions (to the extent quantifiable); and

(iii) Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24 month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

(iv) In lieu of using the method set out in (b) of this subsection, the owner or operator may elect to use the emissions unit's potential to emit, in tons per year. For this purpose, if the emissions unit is part of one of the source categories listed in subsection ~~((14))~~ (15)(e) of this section, the definition of major stationary source or if the emissions unit is located at a major stationary source that belongs to one of the listed source categories, the unit's potential to emit shall include fugitive emissions (to the extent quantifiable).

(25) **"Regulated NSR pollutant"** means the following pollutants:

(a) (i) Nitrogen oxides or any volatile organic compounds;

(ii) Any pollutant for which a National Ambient Air Quality Standard has been promulgated;

(iii) Any pollutant that is identified under this subsection as a constituent or precursor of a general pollutant listed in (a) (i) or (ii) of this subsection, provided that such constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant. For purposes of NSR precursor pollutants are the following:

(A) Volatile organic compounds and nitrogen oxides are precursors to ozone in all ozone nonattainment areas.

(B) Sulfur dioxide and nitrogen oxides are precursors to PM-2.5 in all PM-2.5 nonattainment areas.

(b) PM-2.5 emissions and PM-10 emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM-2.5 in nonattainment major NSR permits. Compliance with emissions limitations for PM-2.5 issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations for PM-2.5 made prior to the effective date of SWCAA 400-800 through 400-850 made without accounting for condensable particulate

matter shall not be considered in violation of SWCAA 400-800 through 400-850.

(26) **"Replacement unit"** means:

(a) An emissions unit for which all the criteria listed below are met:

(i) The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15 (b)(1), or the emissions unit completely takes the place of an existing emissions unit.

(ii) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

(iii) The replacement does not alter the basic design parameters of the process unit. Basic design parameters are:

(A) Except as provided in (a)(iii)(C) of this subsection, for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on British thermal units content must be used for determining the basic design parameter(s) for a coal-fired electric utility steam generating unit.

(B) Except as provided in (a)(iii)(C) of this subsection, the basic design parameter(s) for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material of the process unit when selecting a basic design parameter.

(C) If the owner or operator believes the basic design parameter(s) in (a)(iii)(A) and (B) of this subsection is not appropriate for a specific industry or type of process unit, the owner or operator may propose to the reviewing authority an alternative basic design parameter(s) for the source's process unit(s). If the reviewing authority approves of the use of an alternative basic design parameter(s), the reviewing authority will issue a new permit or modify an existing permit that is legally enforceable that records such basic design parameter(s) and requires the owner or operator to comply with such parameter(s).

(D) The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter(s) specified in (a)(iii)(A) and (B) of this subsection.

(E) If design information is not available for a process unit, then the owner or operator shall determine the process unit's basic design parameter(s) using the maximum value achieved by the process unit in the five-year period immediately preceding the planned activity.

(F) Efficiency of a process unit is not a basic design parameter.

(iv) The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

(b) No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.

(27) "**Reviewing authority**" means the same as "permitting authority" as defined in SWCAA 400-030.

(28) "**Significant**" means:

(a) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

<i>Pollutant</i>	<i>Emission Rate</i>
Carbon monoxide	100 tpy
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Ozone	40 tpy of volatile organic compounds; or 40 tpy of nitrogen oxides
Lead	0.6 tpy
PM-10	15 tpy
PM-2.5	10 tpy of direct PM-2.5 emissions; or 40 tpy of nitrogen oxide emissions; or 40 tpy of sulfur dioxide emissions

(b) Notwithstanding the significant emissions rate for ozone, significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of volatile organic compounds that would result from any physical change in, or change in the method of operation of, a major stationary source located in a serious or severe ozone nonattainment area that is subject to sections 181-185B, of the Federal Clean Air Act, if such emissions increase of volatile organic compounds exceeds 25 tons per year.

(c) For the purposes of applying the requirements of SWCAA 400-830 (1)(i) to modifications at major stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, the significant emission rates and other requirements for volatile organic compounds in (a), (b), and (e) of this subsection, of the definition of significant, shall apply to nitrogen oxides emissions.

(d) Notwithstanding the significant emissions rate for carbon monoxide under (a) of this subsection, the definition of significant, significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of carbon monoxide that would result from any physical change in, or change in the method of operation of, a major stationary source in a serious nonattainment area for carbon monoxide if such increase equals or exceeds 50 tons per year, provided the administrator has determined that stationary sources contribute significantly to carbon monoxide levels in that area.

(e) Notwithstanding the significant emissions rates for ozone under (a) and (b) of this subsection, the definition of significant, any increase in actual emissions of volatile organic compounds from any emissions unit at a major stationary source of volatile organic compounds located in an extreme ozone nonattainment area that is subject to sections 181-185B of the Federal Clean Air Act shall be considered a significant net emissions increase.

(29) "**Significant emissions increase**" means, for a regulated NSR pollutant, an increase in emissions that is significant for that pollutant.

(30) "**Source**" and "stationary source" means any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.

(31) "**Temporary clean coal technology demonstration Project**" means a clean coal technology demonstration project that is operated for a period of five years or less, and which complies with the state implementation plan for the state in which the project is located and other requirements necessary to attain and maintain the National Ambient Air Quality Standards during the project and after it is terminated.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

**APPENDIX C
FEDERAL STANDARDS ADOPTED BY REFERENCE**

The following lists of affected subparts are provided for informational purposes only.

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) 40 CFR 60

Subpart A General Provisions (rel105f. 40 CFR 60.1 et seq.)

Subpart D Fossil Fuel-fired Steam Generators (~~((for Which Construction is Commenced After August 17, 1971, and Prior to September 19, 1978, Which Have a Heat Input Greater Than 73 Megawatts but not Greater Than 250 Megawatts))~~) (ref. 40 CFR 60.40 et seq.)

Subpart Da Electric Utility Steam Generating Units (~~((for Which Construction Commenced After September 18, 1978, Which Have a Heat Input Greater Than 73 Megawatts but not Greater Than 250 Megawatts))~~) (ref. 40 CFR 60.40a et seq.)

Subpart Db Industrial-Commercial-Institutional Steam Generating Units (~~((for Which Construction Commenced After June 19, 1984, and Prior to June 19, 1986, Which Have a Heat Input Greater Than 29 Megawatts but less Than 73 Megawatts))~~) (ref. 40 CFR 60.40b et seq.)

Subpart Dc Small Industrial-Commercial-Institutional Steam Generating Units (ref. 40 CFR 60.40c et seq.)

Subpart E Incinerators (ref. 40 CFR 60.50 et seq.)

Subpart Ea Municipal Waste Combustors for Which Construction Commenced After December 20, 1989 and on or Before September 20, 1994 (ref. 40 CFR 60.50a et seq.)

Subpart Eb Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification of Reconstruction is Commenced After June 19, 1996 (ref. 40 CFR 60.50b et seq.)

Subpart Ec Hospital/Medical/Infectious Waste Incinerators (~~((for Which Construction is Commenced After June 20, 1996))~~) (ref. 40 CFR 60.50c et seq.)

Subpart F Portland Cement Plants (ref. 40 CFR 60.60 et seq.)

Subpart G Nitric Acid Plants (ref. 40 CFR 60.70 et seq.)

Subpart Ga Nitric Acid Plants for Which Construction, Reconstruction, or modification Commenced After October 14, 2011 (ref. 40 CFR 60.70a et seq.)

Subpart H Sulfuric Acid Plants (ref. 40 CFR 60.80 et seq.)

Subpart I Hotmix Asphalt Facilities (ref. 40 CFR 60.90 et seq.)

Subpart J Petroleum Refineries (~~((Which Produce Less Than 25,000 Barrels per Day of Refined Products))~~) (ref. 40 CFR 60.100 et seq.)

Subpart Ja Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 (ref. 40 CFR 60.100a et seq.)

Subpart K ~~Storage Vessels for Petroleum Liquids ((Constructed) for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978, ((Which Have a Capacity Greater Than 40,000 Gallons))~~ (ref. 40 CFR 60.110 et seq.)

Subpart Ka Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 (ref. 40 CFR 60.110a et seq.)

Subpart Kb Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 (ref. 40 CFR 60.110b et seq.)

Subpart L Secondary Lead Smelters (ref. 40 CFR 60.120 et seq.)

Subpart M Secondary Brass and Bronze ((Ingot)) Production Plants (ref. 40 CFR 60.130 et seq.)

Subpart N ((~~Iron and Steel Plants~~)) Primary Emissions From Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 (ref. 40 CFR 60.140 et seq.)

Subpart Na Secondary Emissions From Basic Oxygen Process Steel-making Facilities for Which Construction is Commenced After January 20, 1983 (ref. 40 CFR 60.140 et seq.)

Subpart O Sewage Treatment Plants (ref. 40 CFR 60.150 et seq.)

Subpart P Primary Copper Smelters (ref. 40 CFR 60.160 et seq.)

Subpart Q Primary Zinc Smelters (ref. 40 CFR 60.170 et seq.)

Subpart R Primary Lead Smelters (ref. 40 CFR 60.180 et seq.)

Subpart S Primary Aluminum Reduction Plants (ref. 40 CFR 60.190 et seq.)

Subpart T Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants (ref. 40 CFR 60.200 et seq.)

Subpart U Phosphate Fertilizer Industry: Superphosphoric Acid Plants (ref. 40 CFR 60.210 et seq.)

Subpart V Phosphate Fertilizer Industry: Diammonium Phosphate Plants (ref. 40 CFR 60.220 et seq.)

Subpart W Phosphate Fertilizer Industry: Triple Superphosphate Plants (ref. 40 CFR 60.230 et seq.)

Subpart X Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities (ref. 40 CFR 60.240 et seq.)

Subpart Y Coal Preparation and Processing Plants (ref. 40 CFR 60.250 et seq.)

Subpart Z Ferroalloy Production Facilities (ref. 40 CFR 60.260 et seq.)

Subpart AA Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983 (ref. 40 CFR 60.270 et seq.)

Subpart AAa Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 (ref. 40 CFR 60.270a et seq.)

Subpart BB Kraft Pulp Mills (ref. 40 CFR 60.280 et seq.)

Subpart BBa Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 (ref. 40 CFR 60.280a et seq.)

Subpart CC Glass Manufacturing Plants (ref. 40 CFR 60.290 et seq.)

Subpart DD Grain Elevators (ref. 40 CFR 60.300 et seq.)

- Subpart EE (~~(Industrial)~~) Surface Coating(~~(*)~~) of Metal Furniture (ref. 40 CFR 60.310 et seq.)
- Subpart GG Stationary Gas Turbines (ref. 40 CFR 60.330 et seq.)
- Subpart HH Lime Manufacturing Plants (ref. 40 CFR 60.340 et seq.)
- Subpart KK Lead-Acid Battery Manufacturing Plants (ref. 40 CFR 60.370 et seq.)
- Subpart LL Metallic Mineral Processing Plants (ref. 40 CFR 60.380 et seq.)
- Subpart MM Automobile and Light Duty Truck Surface Coating Operations (ref. 40 CFR 60.390 et seq.)
- Subpart NN Phosphate Rock Plants (ref. 40 CFR 60.400 et seq.)
- Subpart PP Ammonium Sulfate Manufacture (ref. 40 CFR 60.420 et seq.)
- Subpart QQ Graphic Arts Industry: Publication Rotogravure Printing (ref. 40 CFR 60.430 et seq.)
- Subpart RR Pressure Sensitive Tape and Label Surface Coating Operations (ref. 40 CFR 60.440 et seq.)
- Subpart SS Industrial Surface Coating: Large Appliances (ref. 40 CFR 60.450 et seq.)
- Subpart TT (~~(Industrial Surface Coating*)~~) Metal Coil(~~(*)~~) Surface Coating (ref. 40 CFR 60.460 et seq.)
- Subpart UU Asphalt Processing and Asphalt Roofing Manufacture (ref. 40 CFR 60.470 et seq.)
- Subpart VV Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or before November 7, 2006 (ref. 40 CFR 60.480 et seq.)
- Subpart VVa Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 (ref. 40 CFR 60.480a et seq.)
- Subpart WW Beverage Can Surface Coating (~~(Operations)~~) Industry (ref. 40 CFR 60.490 et seq.)
- Subpart XX Bulk Gasoline Terminals (ref. 40 CFR 60.500 et seq.)
- Subpart AAA New Residential Wood Heaters (ref. 40 CFR 60.530 et seq.)
- Subpart BBB Rubber Tire Manufacturing Industry (ref. 40 CFR 60.540 et seq.)
- Subpart DDD VOC Emissions From the Polymer Manufacturing Industry (ref. 40 CFR 60.560 et seq.)
- Subpart FFF Flexible Vinyl and Urethane Coating and Printing (ref. 40 CFR 60.580 et seq.)
- Subpart GGG Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or before November 7, 2006 (ref. 40 CFR 60.590 et seq.)
- Subpart GGGa Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 (ref. 40 CFR 60.590a et seq.)
- Subpart HHH Synthetic Fiber Production Facilities (ref. 40 CFR 60.600 et seq.)
- Subpart III VOC Emissions From Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes (ref. 40 CFR 60.610 et seq.)
- Subpart JJJ Petroleum Dry Cleaners (ref. 40 CFR 60.620 et seq.)
- Subpart KKK Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification

Commenced After January 20, 1984, and on or Before August 23, 2011
(ref. 40 CFR 60.630 et seq.)

Subpart LLL (~~(Onshore Natural Gas Processing)~~) SO₂ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 (ref. 40 CFR 60.640 et seq.)

Subpart NNN VOC Emissions From Synthetic Organic Chemical Manufacturing Industry Distillation Operations (ref. 40 CFR 60.660 et seq.)

Subpart OOO Nonmetallic Mineral Processing Plants (ref. 40 CFR 60.670 et seq.)

Subpart PPP Wool Fiberglass Insulation Manufacturing Plants (ref. 40 CFR 60.680 et seq.)

Subpart QQQ VOC Emissions From Petroleum Refinery Wastewater (~~(Emissions)~~) Systems (ref. 40 CFR 60.690 et seq.)

Subpart RRR (~~(Volatile Organic Compound)~~) VOC Emissions From Synthetic Organic Chemical Manufacturing Industry (~~(SOCMI)~~) Reactor Processes (ref. 40 CFR 60.700 et seq.)

Subpart SSS Magnetic Tape Coating Facilities (ref. 40 CFR 60.710 et seq.)

Subpart TTT Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines (ref. 40 CFR 60.720 et seq.)

Subpart UUU Calciners and Dryers in Mineral Industries (ref. 40 CFR 60.730 et seq.)

Subpart VVV Polymeric Coating of Supporting Substrates Facilities (ref. 40 CFR 60.740 et seq.)

Subpart WWW Municipal Solid Waste Landfills that Commenced Construction, Reconstruction or Modification on or After May 30, 1991, but Before July 18, 2014 (ref. 40 CFR 60.750 et seq.)

(See SWCAA 400-070(8) for rules regulating MSW landfills constructed or modified before May 30, 1991)

Subpart XXX Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014 (ref. 40 CFR 60.760 et seq.)

Subpart AAAA Small Municipal Waste Combustion Units (~~(Constructed)~~) for Which Construction is Commenced After August 30, 1999, or (~~(Modified or Reconstructed)~~) for Which Modification or Reconstruction is Commenced After June 6, 2001 (ref. 40 CFR 60.1000 et seq.)

(See SWCAA 400-050(5) for rules regulating small municipal waste combustion units constructed on or before August 30, 1999)

Subpart CCCC Commercial and Industrial Solid Waste (~~(Incinerators Constructed After November 30, 1999; or Modified or Reconstructed on or After June 1, 2001)~~) Incineration Units (ref. 40 CFR 60.2000 et seq.)

(See SWCAA 400-050(4) for Rules Regulating Commercial and Industrial Solid Waste Incinerators Constructed on or Before November 30, 1999)

Subpart EEEE Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006. (ref. 40 CFR 60.2880 et seq.)

Subpart IIII Stationary Compression Ignition Internal Combustion Engines (ref. 40 CFR 60.4200 et seq.)

Subpart JJJJ Stationary Spark Ignition Internal Combustion Engines (ref. 40 CFR 60.4230 et seq.) Title V Sources Only

Subpart KKKK Stationary Combustion Turbines (ref. 40 CFR 60.4300 et seq.)

Subpart LLLL New Sewage Sludge Incineration Units (ref. 40 CFR 60.4760 et seq.)

Subpart OOOO Crude Oil and Natural Gas Production, Transmission and Distribution for Which Construction, Modification or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 (ref. 40 CFR 60.5360 et seq.)

Subpart OOOOa Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015 (ref. 40 CFR 60.5360a et seq.)

Subpart QQQQ New Residential Hydronic Heaters and Forced-air Furnaces (ref. 40 CFR 60.5472 et seq.)

Appendix A Test Methods (ref. 40 CFR 60, Appendix A)

Appendix B Performance Specifications (ref. 40 CFR 60, Appendix B)

Appendix C Determination of Emission Rate Change (ref. 40 CFR 60, Appendix C)

Appendix D Required Emission Inventory Information (ref. 40 CFR 60, Appendix D)

Appendix F Quality Assurance Procedures (ref. 40 CFR 60, Appendix F)

Appendix I Removable Label and Owner's Manual (ref. 40 CFR 60, Appendix I)

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) 40 CFR 61

Subpart A General Provisions (ref. 40 CFR 61.01 et seq.)

~~((Subpart B Radon Emissions from Underground Uranium Mines (ref. 40 CFR 61.20 et seq.))~~

Subpart C Beryllium (ref. 40 CFR 61.30 et seq.)

Subpart D Beryllium Rocket Motor Firing (ref. 40 CFR 61.40 et seq.)

Subpart E Mercury (ref. 40 CFR 61.50 et seq.)

Subpart F Vinyl Chloride (ref. 40 CFR 61.60 et seq.)

~~((Subpart H Emissions of Radionuclides Other Than Radon from Department of Energy Facilities (ref. 40 CFR 61.90 et seq.))~~

~~Subpart I Radionuclide Emissions from Federal Facilities Other Than Nuclear Regulatory Commission Licensees and not Covered by Subpart H (ref. 40 CFR 61.100 et seq.))~~

Subpart J Equipment Leaks (Fugitive Emission Sources) of Benzene (ref. 40 CFR 61.110 et seq.)

~~((Subpart K Radionuclide Emissions from Elemental Phosphorus Plants (ref. 40 CFR 61.120 et seq.))~~

Subpart L Benzene Emissions from Coke by Product Recovery Plants (ref. 40 CFR 61.130 et seq.)

Subpart M Asbestos (ref. 40 CFR 61.140 et seq.)

Subpart N Inorganic Arsenic Emissions from Glass Manufacturing Plants (ref. 40 CFR 61.160 et seq.)

Subpart O Inorganic Arsenic Emissions from Primary Copper Smelters (ref. 40 CFR 61.170 et seq.)

Subpart P Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities (ref. 40 CFR 61.180 et seq.)

~~((Subpart Q Radon Emissions from Department of Energy Facilities (ref. 40 CFR 61.190 et seq.))~~

~~Subpart R Radon Emissions from Phosphogypsum Stacks (ref. 40 CFR 61.200 et seq.)~~

~~Subpart T Radon Emissions from the Disposal of Uranium Mill Tailings (ref. 40 CFR 61.220 et seq.)~~

Subpart V Equipment Leaks (Fugitive Emission Sources) (ref. 40 CFR 61.240 et seq.)

~~((Subpart W Radon Emissions from Operating Mill Tailings (ref. 40 CFR 61.250 et seq.))~~

Subpart Y Benzene Emissions from Benzene Storage Vessels (ref. 40 CFR 61.270 et seq.)

Subpart BB Benzene Emissions from Benzene Transfer Operations (ref. 40 CFR 61.300 et seq.)

Subpart FF Benzene Waste Operations (ref. 40 CFR 61.340 et seq.)

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (MACT) 40 CFR 63

Subpart A General Provisions (ref. 40 CFR 63.1 et seq.)

~~((Subpart B Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections 112(G) and 112(J) (ref. 40 CFR 63.50 et seq.)~~

~~Subpart D Compliance Extensions for Early Reductions of Hazardous Air Pollutants (ref. 40 CFR 63.70 et seq.))~~

Subpart F Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (ref. 40 CFR 63.100 et seq.)

Subpart G Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (ref. 40 CFR 63.110 et seq.)

Subpart H Organic Hazardous Air Pollutants for Equipment Leaks (ref. 40 CFR 63.160 et seq.)

Subpart I Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (ref. 40 CFR 60.190 et seq.)

Subpart J Polyvinyl Chloride and Copolymers Production (ref. 40 CFR 60.210 et seq.)

Subpart L Coke Oven Batteries (ref. 40 CFR 63.300 et seq.)

Subpart M Perchloroethylene ((~~Air Emission Standards for~~) Dry Cleaning Facilities (~~((as it applies to major sources only))~~) (ref. 40 CFR 63.320 et seq.) Title V Sources Only

Subpart N Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing ((~~Operations~~) Tanks) (ref. 40 CFR 63.340 et seq.)

Subpart O Ethylene Oxide Emissions Standards for Sterilization Facilities (ref. 40 CFR 63.360 et seq.)

Subpart Q Industrial Process Cooling Towers (ref. 40 CFR 63.400 et seq.)

Subpart R Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (ref. 40 CFR 63.420 et seq.)

Subpart S Pulp and Paper Industry (ref. 40 CFR 63.440 et seq.)

Subpart T Halogenated Solvent Cleaning (ref. 40 CFR 63.460 et seq.)

Subpart U Group I Polymers and Resins (ref. 40 CFR 63.480 et seq.)

Subpart W Epoxy Resins Production and Non-Nylon Polyamides Production (ref. 40 CFR 63.520 et seq.)

Subpart X Secondary Lead Smelting (ref. 40 CFR 63.541 et seq.)

Subpart Y Marine Tank Vessel Loading Operations (ref. 40 CFR 63.560 et seq.)

Subpart AA Phosphoric Acid Manufacturing Plants (ref. 40 CFR 63.600 et seq.)

Subpart BB Phosphate Fertilizers Production Plants (ref. 40 CFR 63.620 et seq.)

Subpart CC Petroleum Refineries (ref. 40 CFR 63.640 et seq.)

Subpart DD Off-Site Waste and Recovery Operations (ref. 40 CFR 63.680 et seq.)

Subpart EE Magnetic Tape Manufacturing Operations (ref. 40 CFR 63.701 et seq.)

Subpart GG Aerospace Manufacturing and Rework Facilities (ref. 40 CFR 63.741 et seq.)

Subpart HH Oil and Natural Gas Production Facilities (ref. 40 CFR 63.760 et seq.)

Subpart II Shipbuilding and Ship Repair (Surface Coating) (ref. 40 CFR 63.780 et seq.)

Subpart JJ Wood Furniture Manufacturing Operations (ref. 40 CFR 63.800 et seq.)

Subpart KK Printing and Publishing Industry (ref. 40 CFR 63.820 et seq.)

Subpart LL Primary Aluminum Reduction Plants (ref. 40 CFR 63.840 et seq.)

Subpart MM Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-alone Semichemical Pulp Mills (ref. 40 CFR 63.860 et seq.)

Subpart NN Wool Fiberglass Manufacturing at Area Sources (ref. 40 CFR 63.880 et seq.)

Subpart OO Tanks - Level 1 (ref. 40 CFR 63.900 et seq.)

Subpart PP Containers (ref. 40 CFR 63.920 et seq.)

Subpart QQ Surface Impoundments (ref. 40 CFR 63.940 et seq.)

Subpart RR Individual Drain Systems (ref. 40 CFR 63.960 et seq.)

Subpart SS Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (ref. 40 CFR 63.980 et seq.)

Subpart TT Equipment Leaks - Control Level 1 (ref. 40 CFR 63.1000 et seq.)

Subpart UU Equipment Leaks - Control Level 2 (ref. 40 CFR 63.1019 et seq.)

Subpart VV Oil-Water Separators and Organic-Water Separators (ref. 40 CFR 63.1040 et seq.)

Subpart WW Storage Vessels (Tanks) - Control Level 2 (ref. 40 CFR 63.1060 et seq.)

Subpart XX Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (ref. 40 CFR 63.1080 et seq.)

Subpart YY Generic Maximum Achievable Control Technology Standards (ref. 40 CFR 63.1100 et seq.)

Subpart CCC Steel Pickling - HCL Process Facilities and Hydrochloric Acid Regeneration Plants (ref. 40 CFR 63.1155 et seq.)

Subpart DDD Mineral Wool Production (ref. 40 CFR 63.1175 et seq.)

Subpart EEE Hazardous Waste Combustors (ref. 40 CFR 63.1200 et seq.)

Subpart GGG Pharmaceuticals Production (ref. 40 CFR 63.1250 et seq.)

Subpart HHH Natural Gas Transmission and Storage Facilities (ref. 40 CFR 63.1270 et seq.)

Subpart III Flexible Polyurethane Foam Production (ref. 40 CFR 63.1290 et seq.)

Subpart JJJ Group IV Polymers and Resins (ref. 40 CFR 63.1310 et seq.)

Subpart LLL Portland Cement Manufacturing Industry (ref. 40 CFR 63.1340 et seq.)

Subpart MMM Pesticide Active Ingredient Production (ref. 40 CFR 63.1360 et seq.)

Subpart NNN Wool Fiberglass Manufacturing (ref. 40 CFR 63.1380 et seq.)

Subpart OOO Manufacture of Amino/Phenolic Resins (ref. 40 CFR 63.1400 et seq.)

Subpart PPP Polyether Polyols Production (ref. 40 CFR 63.1420 et seq.)

Subpart QQQ Primary Copper Smelting (ref. 40 CFR 63.1440 et seq.)

Subpart RRR Secondary Aluminum Production (ref. 40 CFR 63.1500 et seq.)

Subpart TTT Primary Lead Smelting (ref. 40 CFR 63.1541 et seq.)

Subpart UUU Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (ref. 40 CFR 63.1560 et seq.)

Subpart VVV Publicly Owned Treatment Works (ref. 40 CFR 63.1580 et seq.)

Subpart XXX Ferroalloys Production: Ferromanganese and Silicomanganese (ref. 40 CFR 63.1650 et seq.)

Subpart AAAA Municipal Solid Waste Landfills (ref. 40 CFR 63.1930 et seq.)

Subpart CCCC Manufacturing of Nutritional Yeast (ref. 40 CFR 63.2130 et seq.)

Subpart DDDD Plywood and Composite Wood Products (ref. 40 CFR 63.2230 et seq.)

Subpart EEEE Organic Liquids Distribution (Non-Gasoline) (ref. 40 CFR 63.2330 et seq.)

Subpart FFFF Miscellaneous Organic Chemical Manufacturing (ref. 40 CFR 63.2430 et seq.)

Subpart GGGG Solvent Extraction for Vegetable Oil Production (ref. 40 CFR 63.2830 et seq.)

Subpart HHHH Wet-Formed Fiberglass Mat Production (ref. 40 CFR 63.2980 et seq.)

Subpart IIII Surface Coating of Automobiles and Light-Duty Trucks (ref. 40 CFR 63.3080 et seq.)

Subpart JJJJ Paper and Other Web Coating (ref. 40 CFR 63.3280 et seq.)

Subpart KKKK Surface Coating of Metal Cans (ref. 40 CFR 63.3480 et seq.)

Subpart MMMM Surface Coating of Miscellaneous Metal Parts and Products (ref. 40 CFR 63.3880 et seq.)

Subpart NNNN Surface Coating of Large Appliances (ref. 40 CFR 63.4080 et seq.)

Subpart OOOO Printing, Coating, and Dyeing of Fabrics and Other Textiles (ref. 40 CFR 63.4280 et seq.)

Subpart PPPP Surface Coating of Plastic Parts and Products (ref. 40 CFR 63.4480 et seq.)

Subpart QQQQ Surface Coating of Wood Building Products (ref. 40 CFR 63.4680 et seq.)

Subpart RRRR Surface Coating of Metal Furniture (ref. 40 CFR 63.4880 et seq.)

Subpart SSSS Surface Coating of Metal Coil (ref. 40 CFR 63.5080 et seq.)

Subpart TTTT Leather Finishing Operations (ref. 40 CFR 63.5280 et seq.)

Subpart UUUU Cellulose Products Manufacturing (ref. 40 CFR 63.5480 et seq.)

Subpart VVVV Boat Manufacturing (ref. 40 CFR 63.5680 et seq.)

Subpart WWWW Reinforced Plastic Composites Production (ref. 40 CFR 63.5780 et seq.)

Subpart XXXX Rubber Tire Manufacturing (ref. 40 CFR 63.5980 et seq.)

Subpart YYYY Stationary Combustion Turbines (ref. 40 CFR 63.6080 et seq.)

Subpart ZZZZ Stationary Reciprocating Internal Combustion Engines (ref. 40 CFR 63.6580 et seq.) *Title V Sources Only*

Subpart AAAAA Lime Manufacturing Plants (ref. 40 CFR 63.7080 et seq.)

Subpart BBBB Semiconductor Manufacturing (ref. 40 CFR 63.7180 et seq.)

Subpart CCCC Coke Ovens: Pushing, Quenching, and Battery Stacks (ref. 40 CFR 63.7280 et seq.)

Subpart DDDD Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (ref. 40 CFR 63.7480 et seq.)

Subpart EEEE Iron and Steel Foundries (ref. 40 CFR 63.7680 et seq.)

Subpart FFFF Integrated Iron and Steel Manufacturing Facilities (ref. 40 CFR 63.7780 et seq.)

Subpart GGGG Site Remediation (ref. 40 CFR 63.7880 et seq.)

Subpart HHHH Miscellaneous Coating Manufacturing (ref. 40 CFR 63.7980 et seq.)

Subpart IIIII Mercury Emissions from Mercury Cell Chlor-Alkali Plants (ref. 40 CFR 63.8180 et seq.)

Subpart JJJJJ Brick and Structural Clay Products Manufacturing (ref. 40 CFR 63.8380 et seq.)

Subpart KKKKK Clay Ceramics Manufacturing (ref. 40 CFR 63.8530 et seq.)

Subpart LLLLL Asphalt Processing and Asphalt Roofing Manufacturing (ref. 40 CFR 63.8680 et seq.)

Subpart MMMMM Flexible Polyurethane Foam Fabrication Operations (ref. 40 CFR 63.8780 et seq.)

Subpart NNNNN Hydrochloric Acid Production (ref. 40 CFR 63.8980 et seq.)

Subpart PPPPP Engine Test Cells/Stands (ref. 40 CFR 63.9280 et seq.)

Subpart QQQQQ Friction Materials Manufacturing Facilities (ref. 40 CFR 63.9480 et seq.)

Subpart RRRRR Taconite Iron Ore Processing (ref. 40 CFR 63.9580 et seq.)

Subpart SSSSS Refractory Products Manufacturing (ref. 40 CFR 63.9780 et seq.)

Subpart TTTTT Primary Magnesium Refining (ref. 40 CFR 63.9880 et seq.)

Subpart UUUUU Coal and Oil Fired Electric Utility Steam Generating Units (ref. 40 CFR 63.9980 et seq.)

Subpart WWWW Hospital Ethylene Oxide Sterilizers (ref. 40 CFR 63.10382 et seq.)

Subpart YYYYY Area Sources: Electric Arc Furnace Steelmaking Facilities (ref. 40 CFR 63.10680 et seq.)

Subpart ZZZZZ Iron and Steel Foundries Area Sources (ref. 40 CFR 63.10880 et seq.)

Subpart BBBBBB Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities (ref. 40 CFR 63.11080 et seq.)

Subpart CCCCC Gasoline Dispensing Facilities (ref. 40 CFR 63.11110 et seq.)

Subpart DDDDD Polyvinyl Chloride and Copolymers Production Area Sources (ref. 40 CFR 63.11140 et seq.)

Subpart EEEEE Primary Copper Smelting Area Sources (ref. 40 CFR 63.11146 et seq.)

Subpart FFFFF Secondary Copper Smelting Area Sources (ref. 40 CFR 63.11153 et seq.)

Subpart GGGGG Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium (ref. 40 CFR 63.11160 et seq.)

Subpart HHHHH Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (ref. 40 CFR 63.11169 et seq.) *Title V Sources Only*

Subpart JJJJJ Industrial, Commercial, and Institutional Boilers Area Sources (ref. 40 CFR 63.11193 et seq.) *Title V Sources Only*

Subpart LLLLL Acrylic and Modacrylic Fibers Production Area Sources (ref. 40 CFR 63.11393 et seq.)

Subpart MMMMM Carbon Black Production Area Sources (ref. 40 CFR 63.11400 et seq.)

Subpart NNNNN Chemical Manufacturing Area Sources: Chromium Compounds (ref. 40 CFR 63.11407 et seq.)

Subpart OOOOO Flexible Polyurethane Foam Production and Fabrication Area Sources (ref. 40 CFR 63.11414 et seq.)

Subpart PTTTT Lead Acid Battery Manufacturing Area Sources (ref. 40 CFR 63.11421 et seq.)

Subpart QQQQQ Wood Preserving Area Sources (ref. 40 CFR 63.11428 et seq.)

Subpart RRRRR Clay Ceramics Manufacturing Area Sources (ref. 40 CFR 63.11435 et seq.)

Subpart SSSSS Glass Manufacturing Area Sources (ref. 40 CFR 63.11448 et seq.)

Subpart TTTTT Secondary Nonferrous Metals Processing Area Sources (ref. 40 CFR 63.11462 et seq.)

Subpart VVVVV Chemical Manufacturing Area Sources (ref. 40 CFR 63.11494 et seq.)

Subpart WWWWW Area Source Standards for Plating and Polishing Operations (ref. 40 CFR 63.11504 et seq.)

Subpart XXXXX Area Source Standards for Nine Metal Fabrication and Finishing Source Categories (ref. 40 CFR 63.11514 et seq.) *Title V Sources Only*

Subpart YYYYY Area Sources: Ferroalloys Production Facilities (ref. 40 CFR 63.11524 et seq.)

Subpart ZZZZZ Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries (ref. 40 CFR 63.11544 et seq.)

Subpart AAAAA Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing (ref. 40 CFR 63.11559 et seq.)

Subpart BBBBBB Area Sources: Chemical Preparations Industry (ref. 40 CFR 63.11579 et seq.)

Subpart CCCCC Area Sources: Paints and Allied Products Manufacturing (ref. 40 CFR 63.11599 et seq.)

Subpart DDDDD Area Sources: Prepared Feeds Manufacturing (ref. 40 CFR 63.11619 et seq.)

Subpart EEEEEEE Gold Mine Ore Processing and Production Area
Source Category (ref. 40 CFR 63.11640 et seq.)

Subpart HHHHHHH Polyvinyl Chloride and Copolymers Production
(ref. 40 CFR 63.11860 et seq.)

Appendix A Test Methods (ref. 40 CFR 63, Appendix A)

Appendix B Sources Defined for Early Reduction Provisions (ref.
40 CFR 63, Appendix B)

Appendix C Determination of the Fraction Biodegraded in a Biolog-
ical Treatment Unit (ref. 40 CFR 63, Appendix C)

Appendix D Alternative Validation procedure for EPA Waste and
Wastewater Methods (ref. 40 CFR 63, Appendix D)

Appendix E Monitoring Procedures for Nonthoroughly Mixed Open Bi-
ological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling
Conditions (ref. 40 CFR 63, Appendix E)

WSR 21-11-004
PROPOSED RULES
EMPLOYMENT SECURITY DEPARTMENT
[Filed May 7, 2021, 8:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-07-084.

Title of Rule and Other Identifying Information: Hours of availability and suitable work: Adjusting the hours unemployment claimants must be available for work in order to be eligible for unemployment benefits and updating factors used to determine suitable work.

Hearing Location(s): On June 22, 2021, at 9:00 a.m., Zoom, Meeting ID 883 4231 8970, Passcode 938418, Call in 253-215-8782. Join Zoom meeting <https://us02web.zoom.us/j/88342318970?pwd=SXR2eGFRMkh1WlVVbml2Rk02a1BiQT09>.

Date of Intended Adoption: June 25, 2021.

Submit Written Comments to: Joshua Dye, P.O. Box 9046, Olympia, WA 98507-9046, email rules@esd.wa.gov, fax 844-652-7096, by June 21, 2021.

Assistance for Persons with Disabilities: Contact Teresa Eckstein, phone 360-507-9890, fax 360-586-4600, TTY relay 711, email teckstein@es.wa.gov, by June 14, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Under current rules, unemployment claimants must be available for work during all the usual hours and days of the week customary for their occupation. This requirement can be unobtainable for some claimants who work in 24/7 professions, especially those claimants who have family caregiving responsibilities. Rule making is necessary to set a more obtainable standard.

Additionally, rule making is necessary to include shifts of employment as a factor used to determine suitable work, consistent with Unemployment Insurance Program Letter No. 41-98.

Reasons Supporting Proposal: Current availability requirements force many Washington workers to make difficult choices between providing care necessary for family members and being available for work during unattainable days and hours. Approximately forty percent of industries in Washington are classified as having customary hours of twenty-four hours a day, seven days a week. This forces claimants to be available morning, afternoons, and overnight, even if the claimant had not previously worked shifts during those time frames. Many claimants are unable to accept work different from previous work schedules due to obligations to provide care for a child or vulnerable adult, which precludes the claimant from receiving unemployment insurance (UI) benefits. By removing the requirement that claimants be available for "all of" the customary hours of the industry, claimants are provided flexibility to receive UI benefits while the claimant searches for new suitable employment and still meets obligations for providing care to family members.

Clarifying the definition of suitable work to include previous shifts of employment provides a level of protection for workers. The amended definition of suitable work removes hardships on claimants while protecting charged employers by preventing claimants from imposing undue restrictions on availability.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department (ESD). RCW 50.12.042 provides specific rule-making authority regarding the requirement that unemployment claimants be able to work,

available for work, and actively seek work. RCW 50.20.100 provides rule-making authority to determine what factors are used to determine suitable work.

Statute Being Implemented: RCW 20.12.042 [50.12.042].

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

Name of Proponent: ESD, governmental.

Name of Agency Personnel Responsible for Drafting: Scott Michael, Olympia, 360-890-3448; Implementation and Enforcement: Julie Lord, Olympia, 360-890-3635.

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

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Joshua Dye, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, email Rules@esd.wa.gov, <https://esd.wa.gov/newsroom/ui-rule-making/>.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. During a two-year span, the department denied 22,105 claims for claimants who were not available during the work hours and days usual for their type of work. Each claim, on average, represents \$7,285 in charged benefits to an employer. When considering the total denied claims spread across the state-wide employer base, the proposed rule would increase each employers' average charged benefits by \$130.48 per year. An increase of this size is unlikely to increase the tax liability for many employers.

May 7, 2021

Dan Zeitlin

Employment Security

Policy Director

OTS-1987.1

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

WAC 192-140-200 What happens if I certify that I am not able to or available for work? (1) Benefits will be denied or reduced (~~under RCW 50.20.130~~) in accordance with WAC 192-170-020 without requiring additional information or interview if you file a weekly claim that:

(a) States you were not available for work or were not able to work (~~on one or two days of a week or weeks being claimed~~) for at least forty hours during the week during the hours customary for your trade or occupation; and

(b) (~~The day or days to which this condition applies are normal working days in your regular occupation;~~ and

~~(c)~~) The information supplied clearly supports this finding.

~~((This reduction applies only to the day or days for which available information shows you are ineligible for benefits.~~

~~(2) Benefits will be denied under RCW 50.20.010 (1)(c) without requiring additional information or interview if you file a weekly claim that:~~

~~(a) States you were not available for work or were not able to work for three or more days of a week or weeks being claimed; and~~

~~(b) The days to which this condition applies are normal working days in your regular occupation; and~~

~~(c) The information supplied clearly supports this finding.~~

~~This denial applies only to the week or weeks for which you specifically indicate you are ineligible for benefits.~~

~~(3-))~~ (2) Benefits will be denied under RCW 50.20.010 (1) (c) without requiring additional information or interview if you file a weekly claim that indicates you are not able to work or not available for work because of a circumstance that is expected to continue beyond the immediate week or weeks claimed.

This denial will begin with the first week claimed in which the circumstance applies and continue until the circumstance no longer exists.

~~((4))~~ (3) Any denial of benefits under subsections ~~((2) and (3))~~ (1) and (2) of this section will be issued without delay. The department will not issue a written decision when benefits are reduced under subsection (1) of this section.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-200, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-140-200, filed 12/9/04, effective 1/9/05.]

OTS-1989.1

AMENDATORY SECTION (Amending WSR 10-11-046 [20-11-022], filed 5/12/10 [5/13/20], effective 6/12/10 [7/5/20])

WAC 192-170-010 Availability for work—RCW 50.20.010. (1) In general, the department will consider you available for work if you:

(a) Are willing to ~~((work))~~ accept suitable full-time, part-time, and ~~((accept))~~ temporary work during ~~((all of))~~ the usual hours and days of the week customary for your occupation.

(i) You are not required to ~~((be available for))~~ accept part-time or temporary work if it would substantially interfere with your return to your regular occupation.

(ii) The requirement to be ~~((available for))~~ willing to accept full-time work does not apply under the circumstances described in WAC 192-170-050 (1) (b) or 192-170-070;

(b) Are capable of accepting and reporting for any suitable work within the labor market in which you are seeking work;

(c) Do not impose conditions that substantially reduce or limit your opportunity to return to work at the earliest possible time;

(d) Are available for work for at least forty hours during the week during the hours customary for your trade or occupation; and

(e) Are physically present in your normal labor market area, unless you are actively seeking and willing to accept work outside your normal labor market.

(2) You are not considered available for work if you fail or refuse to seek work as required in a directive issued by the department under WAC 192-180-010.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-170-010, filed 5/12/10, effective 6/12/10.]

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 192-170-020 Benefit reductions due to only partial availability—RCW 50.20.130(1). (1) If you are available for at least forty hours during the week during the hours customary for your trade or occupation, benefits will not be reduced under RCW 50.20.130(1).

(2) If you are available for at least thirty-five but less than forty hours during the week during the hours customary for your trade or occupation, your weekly benefit amount will be reduced by one-seventh.

(3) If you are available for at least thirty but less than thirty-five hours during the week during the hours customary for your trade or occupation, your weekly benefit amount will be reduced by two-sevenths.

(4) If you are not available for at least thirty hours during the week during the hours customary for your trade or occupation, benefits will be denied under RCW 50.20.010 (1)(c).

[]

AMENDATORY SECTION (Amending WSR 02-08-072, filed 4/2/02, effective 5/3/02)

WAC 192-170-050 Suitable work factors—RCW 50.20.100 and 50.20.110. (1) **Physical fitness.** In determining whether work is suitable as defined by RCW 50.20.100 and 50.20.110, the department will consider whether you have a disability that prevents you from performing the essential functions of the job without a substantial risk to your health or safety.

(a) For purposes of this section, the term "disability" means a sensory, mental, or physical condition that:

(i) Is medically recognizable or diagnosable;

(ii) Exists as a record or history; and

(iii) Substantially limits the proper performance of your job.

(b) The department may determine in individual circumstances that less than full-time work is suitable if:

(i) The disability prevents you from working the number of hours that are customary to the occupation;

(ii) You are actively seeking work for the occupation and hours you have the ability to perform; and

(iii) The restriction on the number of hours you can work, the essential functions you can perform, and the occupations you are seeking does not substantially limit your employment prospects within your general area.

(c) To be considered available for suitable work, you must be available for employment in an occupation in keeping with your prior work experience, shifts of employment, education, or training. If such employment is not available in your general area, you must be willing to accept any employment which you have the physical or mental ability to perform.

(d) Disabilities resulting from pregnancy will be treated the same as other disabilities, except that the department will also consider the risk to your pregnancy when deciding whether work is suitable.

(e) The department will require verification from a physician of your disability, including:

(i) The restrictions on the tasks or work-related functions you can perform;

(ii) The restrictions on the number of hours you can work, if any;

(iii) The expected duration of the disability and resulting work restrictions; and

(iv) The types of tasks or work-related functions you are able to perform with this disability, if known by the physician.

(2) **Definitions.** For the purposes of this chapter:

(a) "General area" means an individual's labor market area and includes the geographic area within which an individual would customarily seek work in a given occupation.

(b) "Physician" means a person licensed to practice one or more of the following professions: Medicine and surgery (including, but not limited to, psychiatry); osteopathic medicine and surgery; chiropractic; naturopathic medicine; podiatry.

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010. WSR 02-08-072, § 192-170-050, filed 4/2/02, effective 5/3/02.]

AMENDATORY SECTION (Amending WSR 05-19-018, filed 9/9/05, effective 10/10/05)

WAC 192-170-070 What are the availability requirements for part-time eligible workers?—RCW 50.20.119. ~~((+1+))~~ If you are a part-time eligible worker as defined in RCW 50.20.119 ~~((, you may limit your availability for work to))~~:

(1) You must be willing to accept work of 17 or fewer hours per week. You may refuse any job of 18 or more hours per week.

(2) You must be available for work at least 17 hours per week during the usual hours and days of the week customary for your occupation. For example, if your occupation normally requires both day and evening hours of work, you must be available for work both day and evening hours.

(3) You must ~~((be available for work all days of the week that are usual for your occupation, even if you have not worked those days in the past. If you are not available for work on any day that is a usual day of work for your occupation, we will reduce your benefits~~

~~under RCW 50.20.130. For example, if your occupation usually works Monday through Friday, you must be available for work Monday through Friday, even if you have only worked weekends in the past)) not impose conditions on your availability that substantially reduce or limit your opportunity to return to work at the earliest possible time.~~

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.12.042. WSR 05-19-018, § 192-170-070, filed 9/9/05, effective 10/10/05.]

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

WAC 192-170-090 Incarceration. (1) If you were previously warned that your continued employment was in jeopardy because of poor attendance, and you engage in illegal activities where you are aware there is a clear possibility of arrest and detention, misconduct may be established under RCW 50.04.294 (2)(d) or (e).

(2) If you are jailed but later released without having been charged with or convicted of a crime, the separation is not considered misconduct except as provided in subsection (3) of this section.

(3) If your employer discharges you for absenteeism or job abandonment because you failed without good cause to notify the employer of your incarceration or anticipated release date, such failure may be considered misconduct.

~~((4) You will be considered unavailable for work during any days in which you are incarcerated unless those days are not part of your regular work week based on your occupation. Example: You are sentenced to a specific time in custody but allowed to serve your time on weekends. If weekends are not part of your regular work week, you will be considered available for work.))~~

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-170-090, filed 5/12/10, effective 6/12/10.]

OTS-1988.1

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

WAC 192-200-005 Disqualification of students—RCW 50.20.095.

(1) **General rule.** If you are registered in a course of study that provides scholastic instruction of twelve or more credit hours per week, you are disqualified from receiving benefits or credit for your waiting week.

(2) **Period of disqualification.** The disqualification starts with the week the instruction begins or the week you left employment to return to school, whichever is earlier. The disqualification ends at midnight on Saturday of the week prior to the first full week in which you are no longer registered for twelve or more hours of instruction. You must certify to the department that you are not currently regis-

tered for twelve or more credit hours and will not be registered for twelve or more credit hours for at least sixty days. If you begin classes within sixty days, all benefits paid since the date of your certification will be considered an overpayment. This overpayment is subject to recovery under RCW 50.20.190. If you are registered for classes that begin more than sixty days in the future, you will not be disqualified under this subsection.

(3) **Disqualification not applicable.** The disqualification does not apply if you:

(a) Are in approved training under RCW 50.20.043;

(b) Are in an approved self-employment assistance program under RCW 50.20.250; or

(c) Show by a preponderance of the evidence that ~~((your student status does not significantly interfere with your actual availability for work when you apply))~~ you meet the availability requirements in chapter 192-170 WAC.

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

(a) "School" includes primary schools, secondary schools, and institutions of higher education as defined in RCW 50.44.037;

(b) "Scholastic instruction" includes all teaching or opportunity for learning subjects other than those of a strictly vocational nature. Subjects of a vocational nature are those embraced in the definition of "training" contained in WAC 192-200-010.

(c) "Twelve or more hours per week" means 12 or more credit hours per week or its equivalent.

(5) **Students.** Students who claim benefits are subject to all of the provisions of Title 50 RCW including:

(a) RCW 50.20.050 dealing with those who leave work voluntarily without good cause;

(b) RCW 50.20.010 (1)(c) requiring claimants to be able and available for and actively seeking work; and

(c) RCW 50.20.240 requiring claimants to provide evidence of their job search activities as requested by the department.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-200-005, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010, 50.20.250(7) and 50.20.012. WSR 07-23-129, § 192-200-005, filed 11/21/07, effective 1/1/08. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-200-005, filed 12/9/04, effective 1/9/05.]

WSR 21-11-043

PROPOSED RULES

SKAGIT VALLEY COLLEGE

[Filed May 13, 2021, 10:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-20-095.

Title of Rule and Other Identifying Information: Chapter 132D-150 WAC, Code of student conduct.

Hearing Location(s): On June 22, 2021, at 1:00-1:30 p.m., <https://skagitvalleycollege.zoom.us/j/86487190806?pwd=V2hxNU5jWE5ZQ2V5bjBTTGpySDR3dz09> or by phone 1-253-215-8782, Meeting ID 864 8719 0806, Passcode 563228.

Date of Intended Adoption: June 22, 2021.

Submit Written Comments to: Sandy Jordan, 2405 East College Way, Mount Vernon, WA 98273, email Sandy.Jordan@skagit.edu, by June 17, 2021.

Assistance for Persons with Disabilities: Contact Sandy Jordan, phone 360-416-7923, TTY 360-416-7718, email Sandy.Jordan@skagit.edu, by June 17, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To bring chapter 132D-150 WAC, Code of student conduct, into compliance with Title IX federal law changes that went into effect August 14, 2020.

Reasons Supporting Proposal: On May 19, 2020, the Federal Register printed amendments to Title IX regulations (85 F.R. 30575). The new regulations address the grievance process for formal complaints of sexual harassment and became effective August 14, 2020. This required emergency updates to the college's code of student conduct to be compliant with federal regulations and Skagit Valley College is now in the permanent rule change process.

Statutory Authority for Adoption: RCW 28B-50-140 [28B.50.140].

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

Name of Proponent: Skagit Valley College, public.

Name of Agency Personnel Responsible for Drafting and Implementation: Sandy Jordan, 2405 East College Way, Mount Vernon, WA 98273, 360-416-7923; and Enforcement: Claire Peinado, 2405 East College Way, Mount Vernon, WA 98273, 360-416-7961.

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 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: On May 19, 2020, the Federal Register printed amendments to Title IX regulations (85 F.R. 30575) that became effective August 14, 2020.

May 12, 2021
Lisa Radeleff
Rules Coordinator

OTS-2506.1

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-010 Authority. The board of trustees, acting pursuant to RCW 28B.50.140(14), delegates to the president of the college the authority to administer disciplinary action. Administration of the disciplinary procedures is the responsibility of the vice president for student ~~((affairs))~~ services or designee. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-010, filed 2/2/16, effective 3/4/16.]

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-020 Statement of jurisdiction. (1) The code of student conduct shall apply to student conduct that occurs:

(a) On college premises ~~((, to conduct that occurs))~~;

(b) At or in connection with college sponsored activities ~~((,))~~;

or

(c) To off-campus conduct that in the judgment of the college adversely affects the college community or the pursuit of its objectives.

(2) Jurisdiction extends to, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, on-line education, practicums, supervised work experiences or any other college-sanctioned social or club activities.

(3) Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment.

(4) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-020, filed 2/2/16, effective 3/4/16.]

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-030 Definitions. The following definitions shall apply for purpose of this student conduct code:

(1) "Student conduct officer" is a college administrator designated by the president or vice president for student services to be responsible for implementing and enforcing the student conduct code. The president or vice president for student services is authorized to reassign any and all of the student conduct officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(2) "Conduct review officer" is the vice president for student services or other college administrator designated by the president to be responsible for receiving and for reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code. The president is authorized to reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(3) "The president" is the president of the college. The president is authorized to delegate any of (~~his or her~~) their responsibilities as set forth in this chapter as may be reasonably necessary, and reassign any and all duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(4) "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(5) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ten instructional days or an expulsion are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.

(6) "Respondent" is the student against whom disciplinary action is initiated.

(7) "Service" is the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) By sending the document via first class mail to the party's last known address; or

(c) By sending the document by email via Skagit Valley College's online student conduct software. It is the responsibility of each student to regularly check their official Skagit Valley College email address.

Service is deemed complete upon hand delivery of the document or upon the date the document is emailed and deposited in the mail.

(8) "Filing" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) By sending the document by email and first class mail to the specified college official's office and college email address.

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official.

(9) "College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.

(10) "Student" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students."

(11) "Business day" means a weekday, excluding weekends and college holidays.

(12) "Calendar day" means days on the calendar including weekends and holidays.

(13) "Sexual misconduct" has the meaning ascribed to this term in WAC 132D-150-050.

Note: "Day" refers to calendar days unless otherwise specified.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-030, filed 2/2/16, effective 3/4/16.]

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-090 Initiation of disciplinary action. (1) All disciplinary actions will be initiated by the student conduct officer. If that officer is the subject of a complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.

(2) The student conduct officer shall initiate disciplinary action by serving the respondent with written notice directing him or her to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting. At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting after proper service of notice, the student conduct officer may take disciplinary action based upon the available information.

(3) The student conduct officer, prior to taking disciplinary action in a case involving allegations of sexual misconduct, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(4) Within ten business days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or

argument presented by the respondent, the student conduct officer shall serve the respondent with a written decision setting forth the facts and conclusions supporting his or her decision, the specific student conduct code provisions found to have been violated, the discipline imposed, if any, and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal.

~~((4))~~ (5) The student conduct officer may take any of the following disciplinary actions:

- (a) Exonerate the respondent and terminate the proceedings.
- (b) Impose a disciplinary sanction(s), as described in WAC 132D-150-070.
- (c) Refer the matter directly to the student conduct committee for such disciplinary action as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the student conduct committee, with a copy served on the respondent.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-090, filed 2/2/16, effective 3/4/16.]

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-110 Appeal from disciplinary action. (1) The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within ten business days of service of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.

(2) The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(3) The parties to an appeal shall be the respondent and the conduct review officer.

(4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a disciplinary sanction by a preponderance of the evidence.

(6) Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.

(7) The student conduct committee shall hear appeals from:

(a) The imposition of disciplinary suspensions in excess of ten instructional days;

(b) Dismissals; and

(c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president.

(8) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Written reprimands; and

(d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(9) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final action and are not subject to appeal.

(10) In cases involving allegations of sexual misconduct, the complainant has the right to appeal the following actions by the student conduct officer following the same procedures as set forth above for the respondent:

(a) The dismissal of a sexual misconduct complaint; or

(b) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.

(11) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to intervene as a party to the appeal.

(12) Except as otherwise specified in this chapter, a complainant who timely appeals a disciplinary decision or who intervenes as a party to the respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-110, filed 2/2/16, effective 3/4/16.]

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-150 Brief adjudicative proceedings—Initial hearing. (1) Brief adjudicative proceedings shall be conducted by a conduct review officer. The conduct review officer shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(2) The parties to a brief adjudicative proceeding are the respondent, the student conduct officer, and in cases involving sexual misconduct, the complainant. Before taking action, the conduct review officer shall conduct an informal hearing and provide each party:

(a) An opportunity to be informed of the agency's view of the matter; and

(b) An opportunity to explain the party's view of the matter.

(3) The conduct review officer shall serve an initial decision upon both the parties within ten business days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within (~~twenty-one~~) ten calendar days of service of the initial decision, the initial decision shall be deemed the final decision.

(4) In cases involving allegations of sexual misconduct, the conduct review officer, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary

sanctions and/or conditions imposed upon the respondent for the complainant's protection. The notice will also inform the complainant of their appeal rights.

(5) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-150, filed 2/2/16, effective 3/4/16.]

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-170 Brief adjudicative proceedings—Review of an initial decision. (1) An initial decision is subject to review by the president, provided the respondent files a written request for review with the conduct review officer within twenty-one days of service of the initial decision.

(2) The president shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(3) During the review, the president shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty days of the initial decision or of the request for review, whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the president does not make a disposition of the matter within twenty days after the request is submitted.

(5) If the president upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

(6) In cases involving allegations of sexual misconduct, the president on the same date as the final decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complainant of their appeal rights.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-170, filed 2/2/16, effective 3/4/16.]

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-230 Appeal—Student conduct committee. (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, and by the model rules of procedure, chapter 10-08 WAC. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

(2) The student conduct committee chair shall serve all parties with written notice of the hearing no less than seven days in advance of the hearing date (~~(, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045)~~). The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause shown.

(3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.

(4) Upon request filed at least five days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.

(5) The committee chair may provide to the committee members in advance of the hearing copies of:

(a) The conduct officer's notification of imposition of discipline, or referral to the committee; and

(b) The notice of appeal, or any response to referral, by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(7) The student conduct officer, upon request, shall provide reasonable assistance to the respondent in obtaining relevant and admissible evidence that is within the college's control.

(8) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(9) Each party may be accompanied at the hearing by a nonattorney assistant of his/her choice. (~~(A respondent may elect to be represented by an attorney at his or her)~~) The respondent in all appeals before the committee, or a complainant in an appeal involving allegations of sexual misconduct before the committee, may elect to be represented by an attorney at their own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attor-

ney general. If the respondent and/or the complainant is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-230, filed 2/2/16, effective 3/4/16.]

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-250 Student conduct committee hearings—Presentations of evidence. (1) Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either:

- (a) Proceed with the hearing and issuance of its decision; or
- (b) Serve a decision of default in accordance with RCW 34.05.440.

(2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(3) The chair shall cause the hearing to be recorded by a method that he/she selects, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to any party upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by any party. Other recording shall also be permitted, in accordance with WAC 10-08-190.

(4) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.

(5) The student conduct officer, unless represented by an assistant attorney general, shall present the case for imposing disciplinary sanctions.

(6) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

(7) In cases involving allegations of sexual misconduct, no party shall directly question or cross examine one another. Attorneys for the parties are also prohibited from questioning the opposing party absent express permission from the committee chair. Subject to this exception, all cross-examination questions shall be directed to the committee chair, who in their discretion shall pose the questions on the party's behalf.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-250, filed 2/2/16, effective 3/4/16.]

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-270 Student conduct committee—Initial decision. (1) At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments in whatever form it

wishes to receive them. The committee also may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.

(2) Within twenty days following the later of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

(3) The committee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions, if any, as authorized in the student code. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction(s) or conditions as authorized herein.

(4) The committee chair shall cause copies of the initial decision to be served on the parties and their legal counsel of record. The committee chair shall also promptly transmit a copy of the decision and the record of the committee's proceedings to the president.

(5) In cases involving allegations of sexual misconduct, the chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties. The notice will also inform the complainant of their appeal rights.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-270, filed 2/2/16, effective 3/4/16.]

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-290 Appeal from student conduct committee initial decision. (1) A (~~respondent~~) party who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal the committee's initial decision to the president by filing a notice of appeal with the president's office within (~~twenty-one~~) ten days of service of the committee's initial decision. Failure to file a timely appeal constitutes a waiver of the right and the initial decision shall be deemed final.

(2) The notice of appeal must identify the specific findings of fact and/or conclusions of law in the initial decision that are challenged and must contain argument why the appeal should be granted. If necessary to aid review, the president may ask for additional briefing

from the parties on issues raised on appeal. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the notice of appeal.

(3) The president shall provide a written decision to all parties within (~~forty-five~~) twenty days after receipt of the notice of appeal. The president's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.

(4) In cases involving allegations of sexual misconduct, the conduct review officer, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection. The notice will also inform the complainant of their appeal rights.

(5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-290, filed 2/2/16, effective 3/4/16.]

AMENDATORY SECTION (Amending WSR 16-04-102, filed 2/2/16, effective 3/4/16)

WAC 132D-150-310 Summary suspension. (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

(2) The student conduct officer may impose a summary suspension if there is probable cause to believe that the respondent:

- (a) Has violated any provision of the code of conduct; and
- (b) Presents an immediate danger to the health, safety, or welfare of members of the college community; or
- (c) Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of Summary Suspension" and shall include:

- (a) The reasons for imposing the summary suspension, including a description of the conduct giving rise to the summary suspension and reference to the provisions of the student conduct code or the law allegedly violated;
- (b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and
- (c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has

been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.

(5) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.

(a) During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(b) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

(c) If the (~~student~~) respondent fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.

(d) As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.

(e) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices who may be bound or protected by it.

(6) In cases involving allegations of sexual misconduct, the complainant shall be notified that a summary suspension has been imposed in the same day that the summary suspension notice is served on the respondent. The college will also provide the complainant with timely notice of any subsequent changes to the summary suspension order.

[Statutory Authority: RCW 28B.50.150. WSR 16-04-102, § 132D-150-310, filed 2/2/16, effective 3/4/16.]

NEW SECTION

WAC 132D-150-500 Order of precedence. This supplemental procedure applies to allegations of sexual harassment subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R. Part 106. To the extent these supplemental hearing procedures conflict with the Skagit Valley College's standard disciplinary procedures, WAC 132D-150-010 through 132D-150-410, these supplemental procedures shall take precedence.

[]

NEW SECTION

WAC 132D-150-510 Prohibited conduct under Title IX. Pursuant to RCW 28B.50.140(13) and Title IX of the Education Amendments Act of 1972, 20 U.S.C. Sec. 1681, the college may impose disciplinary sanc-

tions against a student who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sexual harassment."

For purposes of this supplemental procedure, "sexual harassment" encompasses the following conduct:

(1) **Quid pro quo harassment.** A college employee conditioning the provision of an aid, benefit, or service of Skagit Valley College on an individual's participation in unwelcome sexual conduct.

(2) **Hostile environment.** Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's educational programs or activities, or employment.

(3) **Sexual assault.** Sexual assault includes the following conduct:

(a) **Nonconsensual sexual intercourse.** Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(b) **Nonconsensual sexual contact.** Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(c) **Incest.** Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen.

(d) **Statutory rape.** Consensual sexual intercourse between someone who is eighteen years of age or older and someone who is under the age of sixteen.

(4) **Domestic violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(5) **Dating violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(b) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship;

(ii) The type of relationship; and

(iii) The frequency of interaction between the persons involved in the relationship.

(6) **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their

safety or the safety of others, or suffer substantial emotional distress.

[]

NEW SECTION

WAC 132D-150-520 Title IX jurisdiction. (1) This supplemental procedure applies only if the alleged misconduct:

- (a) Occurred in the United States;
- (b) Occurred during a Skagit Valley College educational program or activity; and
- (c) Meets the definition of sexual harassment as that term is defined in this supplemental procedure.

(2) For purposes of this supplemental procedure, an "educational program or activity" is defined as locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by the college.

(3) Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of subsection (1)(a) through (c) of this section have not been met. Dismissal under this supplemental procedure does not prohibit the college from pursuing other disciplinary action based on allegations that the respondent violated other provisions of the college's student conduct code, WAC 132D-150-010 through 132D-150-410.

(4) If the student conduct officer determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the student conduct officer will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

[]

NEW SECTION

WAC 132D-150-530 Initiation of discipline. (1) Upon receiving the Title IX investigation report from the Title IX coordinator, the student conduct officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the respondent for engaging in prohibited conduct under Title IX.

(2) If the student conduct officer determines that there are sufficient grounds to proceed under these supplemental procedures, the student conduct officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the chair of the student conduct committee and serving the notice on the respondent and the complainant, and their respective advisors. The notice must:

- (a) Set forth the basis for Title IX jurisdiction;
- (b) Identify the alleged Title IX violation(s);
- (c) Set forth the facts underlying the allegation(s);

(d) Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s); and

(e) Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:

(i) The advisors will be responsible for questioning all witnesses on the party's behalf;

(ii) An advisor may be an attorney; and

(iii) The college will appoint the party an advisor of the college's choosing at no cost to the party, if the party fails to do so.

(3) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

[]

NEW SECTION

WAC 132D-150-540 Prehearing procedure. (1) Upon receiving the disciplinary notice, the chair of the student conduct committee will send a hearing notice to all parties, in compliance with WAC 132D-150-230. In no event will the hearing date be set less than ten days after the Title IX coordinator provided the final investigation report to the parties.

(2) A party may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five days before the hearing, the attorney files a notice of appearance with the committee chair with copies to all parties and the student conduct officer.

(3) In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the college intends to offer the evidence at the hearing.

[]

NEW SECTION

WAC 132D-150-550 Rights of parties. (1) The college's student conduct procedures, WAC 132D-150-010 through 132D-150-410, and this supplemental procedure shall apply equally to all parties.

(2) The college bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.

(3) The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.

(4) During the hearing, each party shall be represented by an advisor. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX coordinator will appoint an advisor of Skagit Valley College's choosing on the party's behalf at no expense to the party.

[]

NEW SECTION

WAC 132D-150-560 Evidence. The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

(1) **Relevance:** The committee chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.

(2) **Relevance** means that information elicited by the question makes facts in dispute more or less likely to be true.

(3) Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

(a) Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or

(b) Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.

(4) **Cross-examination required:** If a party or witness does not submit to cross-examination during the live hearing, the committee must not rely on any statement by that party or witness in reaching a determination of responsibility.

(5) **No negative inference:** The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

(6) **Privileged evidence:** The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:

(a) Spousal/domestic partner privilege;

(b) Attorney-client and attorney work product privileges;

(c) Privileges applicable to members of the clergy and priests;

(d) Privileges applicable to medical providers, mental health therapists, and counselors;

(e) Privileges applicable to sexual assault and domestic violence advocates; and

(f) Other legal privileges identified in RCW 5.60.060.

[]

NEW SECTION

WAC 132D-150-570 Initial order. (1) In addition to complying with WAC 132D-150-270, the student conduct committee will be responsible for conferring and drafting an initial order that:

(a) Identifies the allegations of sexual harassment;

(b) Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;

(c) Makes findings of fact supporting the determination of responsibility;

(d) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;

(e) Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;

(f) Describes any disciplinary sanction or conditions imposed against the respondent, if any;

(g) Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to the college's education programs or activities; and

(h) Describes the process for appealing the initial order to the college president.

(2) The committee chair will serve the initial order on the parties simultaneously.

[]

NEW SECTION

WAC 132D-150-580 Appeals. The parties shall have the right to appeal from the initial order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to appeal will be subject to the same procedures and time frames set forth in WAC 132D-150-290.

(1) The president or their delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).

(2) President's office shall serve the final decision on the parties simultaneously.

[]

WSR 21-11-046
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 13, 2021, 11:20 a.m.]

Supplemental Notice to WSR 20-23-050.

Preproposal statement of inquiry was filed as WSR 20-12-095.

Title of Rule and Other Identifying Information: The department is proposing amendments to WAC 388-482-0005 How does being a student of higher education affect my eligibility for Washington basic food program?

Hearing Location(s): On June 22, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington Street S.E., Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or held virtually. Due to the COVID-19 pandemic, hearing may be held virtually, see DSHS website for most up-to-date information.

Date of Intended Adoption: Not earlier than June 23, 2021.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., June 22, 2021.

Assistance for Persons with Disabilities: Contact Katherine I. Vasquez, DSHS rules coordinator, phone 360-664-6097, fax 360-664-6185, TTY 711 relay service, email katherine.vasquez@dshs.wa.gov, by June 9, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The original proposed amendments to WAC 388-482-0005 clarify language regarding student eligibility for basic food. This supplemental proposal to amend WAC 388-482-0005 expands Supplemental Nutrition Assistance Program (SNAP) eligibility for higher education students due to the indefinite conditions of the coronavirus (COVID-19) pandemic as provided under Section 702 of the Consolidated Appropriation Act, 2021 (H.R. 133), signed into law on December 27, 2020.

These amendments are currently in place under emergency rule since February 1, 2021, under WSR 21-04-110.

Reasons Supporting Proposal: These amendments more accurately align rule language with that of federal regulation related to student eligibility for SNAP.

Statutory Authority for Adoption: RCW 43.20A.760, 74.04.500, 74.04.510, 74.08A.120.

Rule is necessary because of federal law, 7 C.F.R. 273.5 and Section 702 of the H.R. 133.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Ivette Dones-Figueroa, P.O. Box 45470, Olympia, WA 98504, 360-725-4651.

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 amendment is 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 34.05.328 (5) (b) (vii).

Explanation of exemptions: These amendments do not impact small business, they only impact DSHS clients.

May 13, 2021
Katherine I. Vasquez
Rules Coordinator

SHS-4832.4

AMENDATORY SECTION (Amending WSR 20-05-047, filed 2/13/20, effective 3/15/20)

WAC 388-482-0005 How does being a student of higher education affect my eligibility for the Washington basic food program? (1)
(~~((For basic food, we consider you a student of higher education))~~) If you are enrolled at least half-time in an institution of higher education, you are ineligible for basic food unless you qualify for an exemption in subsection (4) of this section.

(2) You are considered a student of higher education for basic food purposes if you are:

(a) ~~((Age eighteen through forty-nine;~~
~~(b) Physically and mentally able to work (we determine if you are unable to work);~~
~~(e))~~) Enrolled in an institution of higher education at least half-time as defined by the institution; and
~~((d))~~) (b) Enrolled in coursework considered to be higher education.

~~((2))~~) (3) An institution of higher education is:

(a) Any educational institution that requires a high school diploma or high school equivalency certificate;
(b) A business, trade, or vocational school that requires a high school diploma or high school equivalency; or
(c) A two-year or four-year college or university that offers a degree but does not require a high school diploma or high school equivalency.

~~((3))~~) (4) If you are a student of higher education, you must also meet at least one of the following ((conditions)) exemptions to be eligible for basic food:

(a) You are age seventeen or younger;
(b) You are age fifty or older;
(c) You are physically or mentally unable to work (we determine if you are unable to work);

(d) You have paid employment and work an average of at least twenty hours per week each month;

~~((b))~~) (e) You are self-employed, work, and earn at least the amount you would earn working an average of twenty hours per week at the federal minimum wage each month; or

~~((e))~~ (f) You were participating in a state or federal work study program during the regular school year.

(i) To qualify under this ~~((condition))~~ exemption, you must:

(A) Have approval for work study at the time of application for basic food;

(B) Have work study that is approved for the school term; and

(C) Anticipate actually working during that time.

(ii) The work study exemption begins:

(A) The month in which the school term starts; or

(B) The month work study is approved, whichever is later.

(iii) Once begun, the work study exemption shall continue until:

(A) The end of the month in which the school term ends; or

(B) We find out you refused a work study assignment.

(g) Starting January 16, 2021, you are determined eligible to participate in state or federal work study by your institution of higher education during the regular school year. Requirements under subsections (4)(f)(i)-(iii) of this section are suspended until the COVID-19 federal public health emergency ends as described under subsection (5) of this section.

~~((d))~~ (h) You are responsible for more than half the care of a dependent person in your assistance unit (AU) who is age five or younger;

~~((e))~~ (i) You are responsible for more than half the care of a dependent person in your AU who is between age six and eleven, if we have determined that there is not adequate child care available during the school year to allow you to:

(i) Attend class and satisfy the twenty-hour work requirement; or

(ii) Take part in a work study program.

~~((f))~~ (j) You are a single parent responsible for the care of your natural, step, or adopted child who is eleven or younger;

~~((g))~~ (k) You are an adult who has the parental responsibility of a child who is age eleven or younger if none of the following people live in the home:

(i) The child's parents; or

(ii) Your spouse.

~~((h))~~ (l) You participate in the WorkFirst program under WAC 388-310-0200;

~~((i))~~ (m) You receive TANF or SFA benefits;

~~((j))~~ (n) You attend an institution of higher education through:

(i) The Workforce Investment Act (WIA);

(ii) The basic food employment and training program under chapter 388-444 WAC;

(iii) An approved state or local employment and training program; or

(iv) Section 236 of the Trade Act of 1974.

(o) Starting January 16, 2021, you have an expected family contribution (EFC) of zero dollars in the current academic year as determined by part F of Title IV of the Higher Education Act of 1965.

~~((4))~~ (5) The conditions in subsection (4)(g) and (o) of this section will continue as follows:

(a) For initial applications, until thirty days after the COVID-19 federal public health emergency ends.

(b) For recertifications, no earlier than your first recertification thirty days after COVID-19 federal public health emergency ends.

(6) If you are a student of higher education, your status as a student:

- (a) Begins the first day of the school term; and
 - (b) Continues through vacations. This includes the summer break if you plan to return to school for the next term.
- ((~~5~~)) (7) We do not consider you a student of higher education if you:
- (a) Graduate;
 - (b) Are suspended or expelled;
 - (c) Drop out; or
 - (d) Do not intend to register for the next normal school term other than summer school.

[Statutory Authority: RCW 43.20A.760, 74.04.500, 74.04.510, and 74.08A.120. WSR 20-05-047, § 388-482-0005, filed 2/13/20, effective 3/15/20. Statutory Authority: RCW 74.04.500, 74.04.510, and 74.08A.120. WSR 18-19-025, § 388-482-0005, filed 9/12/18, effective 10/13/18. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.250, and 2013 c 39. WSR 13-24-043, § 388-482-0005, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090 and 7 C.F.R. § 273.5. WSR 13-13-004, § 388-482-0005, filed 6/6/13, effective 7/7/13. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510. WSR 03-22-037, § 388-482-0005, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 99-16-024, § 388-482-0005, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-482-0005, filed 7/31/98, effective 9/1/98.]

WSR 21-11-060
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 14, 2021, 10:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-07-128.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-412-0025 How do I receive my benefits?

Hearing Location(s): On June 22, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington Street S.E., Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or held virtually. Due to the COVID-19 pandemic, hearing may be held virtually, see DSHS website for most up-to-date information.

Date of Intended Adoption: Not earlier than June 23, 2021.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., June 22, 2021.

Assistance for Persons with Disabilities: Contact Katherine Vasquez, DSHS rules coordinator, phone 360-664-6097, fax 360-664-6185, TTY 711 relay service, email katherine.vasquez@dshs.wa.gov, by June 8, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to WAC 388-412-0025 support the department's processes and procedures when suspending electronic benefit transfer (EBT) benefits for incarcerated individuals, and recoupment of unused benefits on EBT cards.

Reasons Supporting Proposal: The proposed amendments to WAC 388-412-0025 will align rule language with that of current federal regulations.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Rule is necessary because of federal law, 7 C.F.R. 274.2(i).

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Patrick Budde, P.O. Box 45470, Olympia, WA 98504-5470, 360-764-0068.

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 amendment is exempt as allowed under RCW 34.05.328 (5)(b)(iii) which states in part, "This section does not apply to ... rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes ..."

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

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

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

May 14, 2021
Katherine I. Vasquez
Rules Coordinator

SHS-4864.1

AMENDATORY SECTION (Amending WSR 12-14-052, filed 6/28/12, effective 8/1/12)

- WAC 388-412-0025 How do I receive my benefits?** (1) You can choose to get your cash benefits by:
- (a) Electronic benefit transfer (EBT), which is a direct deposit into a DSHS account that you access with a debit card called the Washington EBT Quest card;
 - (b) Electronic funds transfer (EFT), which is a direct deposit into your own bank account;
 - (c) A warrant (check) to an approved authorized representative (AREP);
 - (d) A warrant (check) to a payee who is not approved for direct deposit; or
 - (e) A warrant (check) to you if you get:
 - (i) Diversion cash assistance (DCA) that is not paid directly to a vendor;
 - (ii) Ongoing additional requirements (OAR) that cannot be paid directly to a vendor; or
 - (iii) Clothing and personal incidentals (CPI) payments.
- (2) We send your **basic food** benefits to you by EBT.
- (3) EBT accounts:
- (a) We set up an EBT account for the head of household of each assistance unit (AU) that receives benefits by EBT.
 - (b) You use a Quest debit card to access your benefits in your EBT account. You select a personal identification number (PIN) that you must enter when using this card.
 - (c) You must use your cash and basic food benefits from your EBT account. We cannot transfer cash to your bank account or change cash or basic food benefits to checks.
 - (d) Unused EBT benefits: If you do not use your EBT account within three hundred sixty-five days, we cancel the cash and basic food benefits on your account.
- (4) **Suspended EBT benefits:**
- (a) We suspend access to benefits from your EBT account if:
 - (i) You are a single-person household; and
 - (ii) We are notified that you are incarcerated over thirty days.
 - (b) You must contact the department upon release to activate your EBT account for use within forty-eight hours.
- (5) **Unused EBT benefits:**
- (a) If you do not use your EBT account within two-hundred seventy-four days, we cancel the cash and basic food on your account; or
 - (b) Benefits on your account will be canceled upon verification you and all members of your household are deceased.
- (6) **Replacing benefits:**
- (a) Replacing basic food benefits:
 - (i) We **can replace** cancelled benefits we deposited **less than three hundred sixty-five days** from the date you ask for us to replace your benefits.
 - (ii) We **cannot replace** cancelled benefits deposited **three hundred sixty-five or more days** from the date you ask us to replace your benefits.

(b) **Replacing cash benefits:** We **can replace** cancelled cash benefits for you or another member of your assistance unit. Cash benefits are not transferable to someone outside of your assistance unit.

(c) **Replacing cash warrants:**

(i) If we issued you cash benefits as a warrant we can replace these benefits for you or a member of your assistance unit. Cash benefits are not transferable to someone outside of your assistance unit.

(ii) If we issued the benefits as a warrant one hundred sixty or fewer days ago, your local office can replace the warrant.

(iii) If we issued the benefits as a warrant more than one hundred sixty days ago, the Office of Accounting Services (OAS) can replace the warrant. We will contact OAS with the request.

((+5+)) (7) **Correcting your EBT balance:** When you make a purchase with your EBT card a system error can occur where the purchase amount is not deducted from your EBT account. When the error is discovered the following will happen:

(a) You will be notified in writing of the system error before the money is removed from your account; and

(b) You will have ninety days to request an administrative hearing. If you ask for an administrative hearing within ten calendar days, the money will not be removed from your EBT account unless:

(i) You withdraw your administrative hearing request in writing;

(ii) You do not follow through with the administrative hearing process; or

(iii) The administrative law judge tells us in writing to remove the money.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. WSR 12-14-052, § 388-412-0025, filed 6/28/12, effective 8/1/12. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.005, 74.08.090, 74.08A.020, 7 C.F.R. 274.12 and Quest operating rules. WSR 09-21-071, § 388-412-0025, filed 10/16/09, effective 11/16/09. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.515, 74.08.090, and 7 C.F.R. 274.12. WSR 07-04-029, § 388-412-0025, filed 1/29/07, effective 3/1/07. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. WSR 05-17-089, § 388-412-0025, filed 8/12/05, effective 9/12/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. WSR 03-22-038, § 388-412-0025, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.510 and 74.08.090. WSR 02-18-105, § 388-412-0025, filed 9/3/02, effective 10/4/02; WSR 01-18-054, § 388-412-0025, filed 8/30/01, effective 9/30/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-412-0025, filed 7/31/98, effective 9/1/98.]

WSR 21-11-068
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 17, 2021, 10:04 a.m.]

Supplemental Notice to WSR 21-08-072.

Preproposal statement of inquiry was filed as WSR 20-13-047.

Title of Rule and Other Identifying Information: The department is proposing additional amendments to WAC 388-454-0006 The department makes background checks on adults who are acting in place of a parent without court-ordered custody.

Hearing Location(s): On June 22, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or virtually. Due to the COVID[-19] pandemic, rule hearings may be virtual. Please see DSHS website for the most current information.

Date of Intended Adoption: Not earlier than June 23, 2021.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., June 22, 2021.

Assistance for Persons with Disabilities: Contact Katherine Vasquez, DSHS rules coordinator, phone 360-664-6097, fax 360-664-6185, TTY 711 relay service, email vasquki@dshs.wa.gov, by June 15, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Additional proposed amendments add language around how pardons, vacated convictions, and certificates of rehabilitation are treated for purposes of background checks conducted as part of the temporary assistance for needy families (TANF) and state family assistance (SFA) in loco parentis eligibility process.

Reasons Supporting Proposal: The additional proposed language is in response to comments received during the rule-making process from an external advocacy organization. This organization requested clarity in rule for how pardons, vacated convictions and certificates of rehabilitation are handled for these specific types of background checks.

Statutory Authority for Adoption: RCW 43.43.832, 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.12.290.

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: Melissa Kenney, P.O. Box 45470, Olympia, WA 98504-5470, 360-764-3272.

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 amendment is 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 34.05.328 (5)(b)(vii).

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

May 14, 2021
Katherine I. Vasquez
Rules Coordinator

SHS-4834.5

AMENDATORY SECTION (Amending WSR 16-24-037, filed 11/30/16, effective 1/1/17)

WAC 388-454-0006 The department makes background checks on adults who are acting in place of a parent without court-ordered custody. (1) We check your background when you ask for temporary assistance for needy families (TANF) or state family assistance (SFA) benefits for a child who:

(a) Is not related to you; and
(b) Lives with you but you do not have a court order that gives you legal custody of the child.

(2) A child who is not related to you cannot receive TANF/SFA benefits while living with you until we have completed a background check and the results of the background check meet the criteria in subsection (3) through (5) of this section.

(3) A child who is not related to you cannot receive benefits while living with you if:

(a) You have been convicted of a crime listed in WAC ~~((388-06A-0170))~~ 110-04-0100 (1) (a) through (e); or
(b) You have been convicted of a crime listed in WAC ~~((388-06A-0180))~~ 110-04-0110 (1) through (3) within the last five years; or

(c) You have a pending criminal charge for a disqualifying crime listed in WAC 110-04-0130 (1) (a) through (b); or

(d) You are determined by the department to not have the character, suitability, and competence necessary to receive benefits for a child not related to you, as described in subsection (4) and (5) of this section.

(4) We review your background when you have been convicted of a crime listed in WAC ~~((388-06A-0180))~~ 110-04-0110 (1) through (3), more than five years ago to determine your character, suitability, and competence to receive benefits for a child not related to you. We consider the following factors:

(a) The amount of time that has passed since you were convicted;
(b) The seriousness of the crime that led to the conviction;
(c) The number and types of convictions in your background; and
(d) Your age at the time of the conviction.

(5) When you have a conviction for a crime other than those listed in WAC ~~((388-06A-0170))~~ 110-04-0100 (1) (a) through (e), or ~~((388-06A-0180))~~ 110-04-0110 (1) through (3) or have a founded finding of child abuse or neglect, as defined in WAC 110-03-0020, we review your background as described in subsection (4) of this section.

(6) If you disclose to us that you have received a certificate of parental improvement, as described in WAC 110-05-0001, and we verify

it, then the related founded finding of child abuse or neglect, or dependency finding will not be considered in our determination under this section.

(7) Expunged ((~~or~~)), sealed, or vacated conviction records do not count against you. Convictions for which you received a pardon or certificate of rehabilitation are reviewed in accordance with subsection (4) of this section.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090. WSR 16-24-037, § 388-454-0006, filed 11/30/16, effective 1/1/17. Statutory Authority: RCW 13.32A.080, 13.32A.082, 74.04.050, 74.08.090, 74.12.290, 74.12.450, 74.12.460. WSR 02-01-011, § 388-454-0006, filed 12/7/01, effective 1/7/02.]

WSR 21-11-075

PROPOSED RULES

CHARTER SCHOOL COMMISSION

[Filed May 17, 2021, 3:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-07-145.

Title of Rule and Other Identifying Information: General administrative and procedural rule changes in chapters 108-30 and 108-40 WAC. Changes are proposed to WAC 108-30-020, 108-30-030, 108-40-070, and 108-40-090.

Hearing Location(s): On Thursday, June 24, 2021, at 2:00 p.m., Zoom <https://zoom.us/j/3607255511>, dial 646-558-8656, Meeting ID 360 725 5511.

Date of Intended Adoption: August 19, 2021.

Submit Written Comments to: Amanda Martinez, 1068 Washington Street S.E., Olympia, WA 98501, email amanda.martinez@k12.wa.us, by Thursday, June 24, 2021.

Assistance for Persons with Disabilities: Contact Amanda Martinez, phone 360-725-5511, TTY 800-833-6388, email amanda.martinez@k12.wa.us, by August 1, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission proposes to update procedural and administrative rule changes in order to clarify existing language and timelines and provide more detailed information about standards set out by the commission in adopted policies. The changes in existing rules include:

- Changes to a term from "school specific goals" to "mission specific goals";
- The updating of the process to better assist the charter public schools in navigating a renewal charter application and contract;
- Updated timeline associated with the updated renewal process;
- Updating terminology to align with state standards from "achievement index" to "school improvement framework"; and
- To update performance ratings for the organizational and financial performance frameworks to include an "approaching standard" rating.

Reasons Supporting Proposal: The changes are proposed as above to update language to align with currently used terminology. The commission has determined that an update of the renewal process should occur to align with the commission adopted policy and feedback from the inaugural process by schools and stakeholders, as the current process does not provide a streamlined timeline and order that is most relevant and meaningful for the evaluation of performance of a charter school in its fourth year of operation.

Statutory Authority for Adoption: Chapter 34.05 RCW; RCW 28A.710.100, 28A.710.170, 28A.710.190.

Statute Being Implemented: RCW 28A.710.170, 28A.710.190.

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

Name of Proponent: Charter school commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Amanda Martinez, 1068 Washington Street S.E., Olympia, WA 98501, 360-725-5511.

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 commission is not an agency that is required to perform an 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(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

May 17, 2021
Amanda Martinez
Chief of Staff
Executive Assistant

OTS-3033.1

AMENDATORY SECTION (Amending WSR 15-10-070, filed 5/1/15, effective 6/1/15)

WAC 108-30-020 Performance framework. (1) "Performance framework" means the standards that will be used by the commission to evaluate the performance of each charter school. The performance framework will be a source of information used by the commission to make decisions involving corrective action, renewal, modification, revocation, and/or termination of a charter school.

(2) The performance framework evaluates charter school performance and compliance in the areas of academic, financial, organizational, legal and mission specific performance and compliance. The commission will develop and post performance framework guidance for charter schools on the commission website.

(3) Academic performance and compliance. Academic performance and compliance measures whether the charter school meets or is making sufficient progress towards academic performance expectations. Academic performance and compliance includes, but is not limited to:

(a) Student achievement. Evaluation of student achievement includes evaluation of student academic proficiency in English language arts, science, and mathematics; evaluation of student achievement gaps in both proficiency and growth. In addition to overall data, this information must be disaggregated by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(b) Comparative performance. Comparative performance is evaluated by comparing charter school students' performance on required state and federal assessments to performance of students in traditional public schools and charter schools with similar demographics. This is a comparison of overall student performance in English language arts (reading and writing), math, and science, as well as any other subjects that will in the future be tested. To the extent data is available comparison schools may include, but are not limited to, district-of-residence schools and peer or comparable schools whether charter or noncharter. As additional data for comparisons become available, the comparative performance evaluation will be adjusted. In addition to aggregate data, when available, this information must be disaggregated

by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(c) Student progress. Student progress is evaluated using the school's median student growth percentile in reading and mathematics. As additional growth-related data become available, this evaluation will be adjusted. In addition to aggregate data, when available, this information must be disaggregated by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(d) Post secondary readiness (high school evaluation). Evaluation of post secondary readiness includes overall graduation rates in accordance with the state of Washington reporting requirements; comparison of charter school to district-of-residence graduation rates; comparison of charter school to peer or similar school graduation rates; and enrollment in post secondary institutions. As additional comparison data such as dual credit accrual, industry certification, 11th grade assessments, or others, become available, this evaluation will be adjusted. In addition to aggregate data, this information must be disaggregated by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(e) State and federal accountability. Evaluation of the charter school's compliance with state and federal accountability rules, regulations, and laws and whether the school has met the targets set forth by the state accountability system including, but not limited to, provision of basic education, instruction in the essential academic learning requirements, statewide student assessments, performance improvement goals. In addition to overall data, this information must be disaggregated by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(f) (~~Mission~~) School specific accountability. Evaluation of whether the charter school has met (~~mission~~) school specific goals identified in its contract.

(4) Financial performance and compliance. Financial performance and compliance measures the financial health and viability of a charter school. Financial performance and compliance includes, but is not limited to:

(a) Near term indicators. Evaluation of financial performance and compliance includes evaluation of charter school's assets and liabilities, available cash; actual enrollment as compared to enrollment projection and associated budget; loan and grant status.

(b) Sustainability indicators. Evaluation of sustainability indicators includes evaluation of net income and revenue; debt to asset ratio; cash flow; debt service ratio.

(c) Audit and accounting indicators. Evaluation of audit and accounting indicators includes evaluation of the charter school's compliance with generally accepted accounting principles; audit results and findings, if any.

(5) Organizational performance and compliance. Organizational performance and compliance measures compliance with specific terms and provisions of the charter contract and state and federal legal requirements. Organizational performance and compliance includes, but is not limited to:

(a) Education program. Evaluation of the education program includes evaluation of the charter school's education program in terms

of compliance with specific performance expectations set forth in the charter contract; compliance with requirements of local education agencies and public schools under those federal laws and regulations including, but not limited to, compliance with the Individuals With Disabilities Education Act, the Rehabilitation Act, the Federal Educational Rights Privacy Act, the Elementary And Secondary Education Act, McKinney-Vento Act, and any other applicable education laws or regulations.

(b) Charter school law compliance. Evaluation of charter school law compliance includes evaluation of the charter school's compliance with chapter 28A.710 RCW. This includes review of policies and practices related to admissions, waiting lists, recruitment, security and privacy.

(c) Safety and welfare compliance. Evaluation of student and employee compliance includes evaluation of the charter school's compliance with laws concerning employment of faculty and staff including, but not limited to, certification requirements and background checks; evaluation of student and employee disciplinary policies and procedures and application of associated legal and constitutional protections; evaluation of compliance with health and safety laws and regulations.

(d) Board performance and stewardship. Evaluation of board performance and stewardship will include evaluation of compliance with all applicable laws, rules, and terms of the charter contract as well as willingness and skill in identifying issues with management of the school and taking corrective action and in implementing any corrective actions imposed by the commission.

(e) Student involvement and retention. Evaluation of student involvement and retention will include evaluation of attendance and re-current enrollment.

(f) Mission specific accountability. Evaluation of whether the charter school has met mission specific goals identified in its contract including, but not limited to, proactive public engagement in student recruitment and demonstrated execution of a mission appropriate enrollment plan.

(6) Other. The commission may also include additional rigorous, valid, and reliable indicators to augment evaluations of the charter school's performance.

[Statutory Authority: RCW 28A.710.070. WSR 15-10-070, § 108-30-020, filed 5/1/15, effective 6/1/15; WSR 13-18-017, § 108-30-020, filed 8/23/13, effective 9/23/13.]

AMENDATORY SECTION (Amending WSR 13-18-017, filed 8/23/13, effective 9/23/13)

WAC 108-30-030 Rating categories. Unless otherwise deemed appropriate, academic measures will be rated using the following categories: Exceeds standard; meets standard; does not meet standard; falls far below standard. Financial and organizational measures will be rated using the following categories: Meets standard (~~(\oplus)~~); approaching standard; does not meet standard. Each of these ratings will be defined in relation to the measure being evaluated.

[Statutory Authority: RCW 28A.710.070. WSR 13-18-017, § 108-30-030, filed 8/23/13, effective 9/23/13.]

OTS-3052.1

AMENDATORY SECTION (Amending WSR 17-08-011, filed 3/24/17, effective 4/24/17)

WAC 108-40-070 Renewal process. (1) No later than six months before the expiration of the charter school contract, the commission will issue a written performance report addressing the information outlined in WAC 108-40-080. The performance report will be sent to the school and posted on the commission's website.

(2) The school may submit a response to the performance report that corrects or clarifies information contained in the report. If the school is subject to the ineligibility presumptions enumerated in WAC 108-40-090, then the school must rebut those presumptions by demonstrating exceptional circumstances that justify renewal in the response to the performance report. If the school submits a response, it must be received by the commission within thirty days of issuance of the performance report.

(3) In conjunction with the performance report, the commission will issue renewal application guidance. The renewal application guidance will, at a minimum, provide the charter school with an opportunity to:

(a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;

(b) Describe improvements undertaken or planned for the school;
and

(c) Detail the school's plans for the next charter contract term. The renewal application guidance will also contain the criteria that will guide the commission's renewal decisions.

(4) For those renewal applications deemed eligible for renewal consideration, individuals designated by the commission may conduct a school site visit (renewal inspection) during the renewal applicant school's final school year under the existing charter contract. The renewal inspection may serve as one of the mechanisms for the commission to evaluate and document the charter school's performance and representations to inform the commission's renewal decision. The renewal inspection will include a review of the school's performance and satisfaction of its obligations under the charter contract, with specific focus on any concerns identified in the performance report. Within fourteen days following the renewal inspection, a renewal inspection report will be issued. The school will have ten days to submit a written response to the renewal inspection report.

(5) Those renewal applications deemed ineligible for renewal consideration may appeal this determination in accordance with the procedures outlined in WAC 108-40-100.

(6) Interested parties, including members of the public, may submit written comments to the commission regarding the potential renewal of a school's charter contract. The deadline for submitting comments will be posted on the commission's website.

~~(7) No later than ((May 1st, one school year before the expiration of the charter school contract)) thirty days after receiving a performance report, the charter school must notify the commission in writing of its decision to either:~~

~~(a) Apply for renewal of the contract; or~~

~~(b) Cease operation at the expiration of the contract term.~~

~~((2)) (8) If the school has decided to cease operation at the expiration of the contract term, a termination protocol shall be implemented.~~

~~((3)) (9) If the school is requesting renewal under the existing contract, ((it must submit a renewal application before the final school year begins.)) the renewal application must be submitted no later than ((June)) September 1st and must be received by the commission by 5:00 p.m.; if ((June)) September 1st falls on a weekend, the renewal application must be received by the commission no later than 5:00 p.m. on the Monday following ((June)) September 1st.~~

~~((4) Within ninety days of receiving a renewal application, the commission will issue a written performance report addressing the information outlined in WAC 108-40-080. The performance report will be sent to the school seeking renewal and posted on the commission's web site.~~

~~(5) The school may submit a response to the performance report that corrects or clarifies information contained in the report. If the school is subject to the ineligibility presumptions enumerated in WAC 108-40-090, then the school must rebut those presumptions by demonstrating exceptional circumstances that justify renewal in the response to the performance report. If the school submits a response, it must be received by the commission within thirty days of issuance of the performance report.~~

~~(6) In conjunction with the performance report, the commission will issue renewal application guidance. The renewal application guidance will, at a minimum, provide the charter school with an opportunity to:~~

~~(a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;~~

~~(b) Describe improvements undertaken or planned for the school; and~~

~~(c) Detail the school's plans for the next charter contract term. The renewal application guidance will also contain the criteria that will guide the commission's renewal decisions.~~

~~(7) For those renewal applications deemed eligible for renewal consideration, individuals designated by the commission may conduct a school site visit (renewal inspection) during the renewal applicant school's final school year under the existing charter contract. The renewal inspection may serve as one of the mechanisms for the commission to evaluate and document the charter school's performance and representations to inform the commission's renewal decision. The renewal inspection will include a review of the school's performance and satisfaction of its obligations under the charter contract, with specific focus on any concerns identified in the performance report. Within fourteen days following the renewal inspection, a renewal inspection report will be issued. The school will have ten days to submit a written response to the renewal inspection report.~~

~~(8) Those renewal applications deemed ineligible for renewal consideration may appeal this determination in accordance with the procedures outlined in WAC 108-40-100.~~

~~(9) Interested parties, including members of the public, may submit written comments to the commission regarding the potential renewal of a school's charter contract. The deadline for submitting comments will be posted on the commission's web site.)~~

(10) For applications deemed eligible for renewal consideration, commission staff will review renewal applications, the renewal inspection report, and other relevant information, and make a recommendation, based on the renewal criteria, to approve, deny, or conditionally approve the renewal application. This recommendation will be provided to the school and commissioners. This recommendation shall serve as notice of the prospect of and reasons for nonrenewal. Within twenty days of issuance of this recommendation, the school may request an opportunity to respond to the recommendation in accordance with the procedures outlined in WAC 108-40-100; failure to make such a request shall constitute a waiver of the school's right to respond.

(11) The commission will pass a resolution approving, denying, or conditionally approving the renewal application. Renewal may be for a term of up to five years. This term may be shorter depending on the school's performance, demonstrated capacities and particular circumstances.

(12) Upon approval of a school's renewal application, the school must execute a new charter contract (~~within ninety days of the approval decision~~) before the expiration of the existing charter contract. The charter contract must include specific conditions that the commission determines are required for necessary improvements to the school; provided, however, if approval of the renewal application is conditional, the renewal conditions must be included in the charter contract.

(13) If circumstances warrant it, the commission may alter time frames within these rules.

[Statutory Authority: RCW 28A.710.070, 28A.710.180, 28A.710.190, and 28A.710.200. WSR 17-08-011, § 108-40-070, filed 3/24/17, effective 4/24/17; WSR 14-12-065, § 108-40-070, filed 6/2/14, effective 7/3/14.]

AMENDATORY SECTION (Amending WSR 17-08-011, filed 3/24/17, effective 4/24/17)

WAC 108-40-090 Renewal decision and presumptions. (1) In making charter contract renewal decisions, the commission will:

(a) Ground its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence that forms the basis for its decision. Specific criteria guiding the commission's renewal decisions will be set out in the commission's renewal application guidance.

(2) Schools are presumed to be ineligible for renewal if they have:

(a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;

(b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management;

(d) Substantially violated any material provision of law from which the charter school is not exempt;

(e) Fallen in the bottom quartile of schools on the state board of education's Washington (~~achievement index~~) school improvement framework at the time of the renewal application; and

(f) Are subject to an active corrective action plan for the failures or violations listed in (a) through (f) of this subsection.

(3) The presumption of ineligibility can be rebutted if the school demonstrates exceptional circumstances that the authorizer finds justifiable. The school must satisfy this burden in its application and response to the performance report.

(4) A decision to renew, conditionally renew, or nonrenew a school's charter contract will be memorialized in a resolution that sets forth the action taken, the reasons for the decision, and assurances of compliance with the commission's procedural requirements. A report of action, with the resolution attached, must be submitted to the renewal applicant and the state board of education within ten days of the decision.

[Statutory Authority: RCW 28A.710.070, 28A.710.180, 28A.710.190, and 28A.710.200. WSR 17-08-011, § 108-40-090, filed 3/24/17, effective 4/24/17; WSR 14-12-065, § 108-40-090, filed 6/2/14, effective 7/3/14.]

WSR 21-11-076

PROPOSED RULES

CHARTER SCHOOL COMMISSION

[Filed May 17, 2021, 3:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-07-146.

Title of Rule and Other Identifying Information: Replication, expansion and exceptions to uniform entry qualifications; new WAC 108-60-010, 108-60-020, and 108-60-030.

Hearing Location(s): On Thursday, June 24, 2021, at 2:00 p.m., Zoom <https://zoom.us/j/3607255511>, dial 646-558-8656, Meeting ID 360 725 5511.

Date of Intended Adoption: August 19, 2021.

Submit Written Comments to: Amanda Martinez, 1068 Washington Street S.E., Olympia, WA 98501, email amanda.martinez@k12.wa.us, by Thursday, June 24, 2021.

Assistance for Persons with Disabilities: Contact Amanda Martinez, phone 360-725-5511, TTY 800-833-6388, email amanda.martinez@k12.wa.us, by August 1, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission proposes to adopt rules regarding the standards and expectations set for a charter public school in Washington state wanting to implement transitional kindergarten and/or early entrance to kindergarten.

Reasons Supporting Proposal: The new rules are proposed as above to align with commission adopted policy and feedback by schools and stakeholders, as no current rules capture this topic.

Statutory Authority for Adoption: Chapter 34.05 RCW; RCW 28A.710.070, 28A.710.100, 28A.710.170.

Statute Being Implemented: RCW 28A.710.070, 28A.710.100, 28A.710.170.

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

Name of Proponent: Charter school commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Amanda Martinez, 1068 Washington Street S.E., Olympia, WA 98501, 360-725-5511.

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 commission is not an agency that is required to perform an 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(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

May 17, 2021
Amanda Martinez
Chief of Staff
Executive Assistant

OTS-3055.2

Chapter 108-60 WAC

REPLICATION, EXPANSION AND EXCEPTIONS TO UNIFORM ENTRY QUALIFICATIONS

NEW SECTION**WAC 108-60-010 Exceptions to uniform entry qualifications.** (1)

The uniform entry age qualifications of age five through twenty-one for students to access kindergarten through twelfth grade apply to charter public schools. A school that wants to adopt an age exception policy to the uniform age qualifications to allow four year olds to enroll, must apply to the commission for approval of the school's age exception policy and process, and have the age exception policy and process approved in writing by the commission. A school may apply for approval of an age exception policy and process for early entrance to kindergarten, transitional kindergarten, or both. Each application has separate requirements and is considered separately.

(2) Early entrance to kindergarten is intended to serve four year old students who turn age five by December 31st of the year of enrollment, are ready to succeed in earlier entry to kindergarten and will enroll in first grade the following year.

(3) Transitional kindergarten is intended to serve four year old students who have not had access to high-quality early learning experiences and who need additional preparation to be successful in kindergarten the following year.

(4) A school that is approved for an age exception policy and process must not screen or evaluate a student for the exception until after the student is enrolled. Charter public schools may not screen or evaluate students for eligibility as part of their enrollment process as this violates the Charter School Act. Schools must enroll transitional kindergarten and early entry kindergarten students in the same manner as any other charter public school student. Screening or evaluation for eligibility for early entry kindergarten or transitional kindergarten must be completed after enrollment.

(5) When the screening or evaluation for eligibility for early entry kindergarten or transitional kindergarten is completed, some students may not meet the required criteria to obtain public funding. A school cannot accept public funding for a student that has been enrolled under the school's age exception policy if that student does not meet the criteria for early entry kindergarten or transitional kindergarten. The school will remain responsible for educating these students even if public funding cannot be accepted, and the school may not revoke the enrollment of these students on this basis.

[]

NEW SECTION

WAC 108-60-020 Application process for early entry to kindergarten. (1) Information regarding the application process shall be made available on the commission's web page. At a minimum, the information will include: Application materials and the application evalua-

tion rubric. General questions regarding the application process may be directed to the commission's staff.

(2) Criteria for a school's application for early entry to kindergarten will be evaluated on the rubric criteria as meets standard, approaching standard, does not meet standard. The evaluation rubric criteria includes the following components: Enrollment policy and financial plan and budget. The commission may modify the criteria and such modifications will be posted on the commission's website.

(3) Commission staff will review the application submitted and other relevant information. The commission staff will make a recommendation to the commission to approve, approve the application with conditions, or deny. The commission is responsible for making the final decision on an application.

(4) If the commission approves a charter public school's application for an early entry to kindergarten age exception process, a written amendment to the charter contract for the school must be executed. Any subsequent changes in a school's early entry to kindergarten age exception process or substantive changes to the age exception policy, must be approved by the commission in writing.

(5) If the commission denies a school's application, the decision is final. A school whose application is denied, may reapply no earlier than the following school year.

[]

NEW SECTION

WAC 108-60-030 Application process for transitional kindergarten. (1) Information regarding the application process shall be made available on the commission's web page. At a minimum, the information will include: Application materials and the application evaluation rubric. General questions regarding the application process may be directed to the commission's staff.

(2) Criteria for an application for transitional kindergarten will be evaluated on the rubric criteria as meets standard, approaching standard, does not meet standard. The evaluation rubric criteria includes the following components: Educational need and anticipated student population; family and community demand and engagement; community outreach; student recruitment; education program; curriculum; student assessments; special education; school calendar and daily schedule; school leadership and staffing; staff recruitment and professional development; contractual relationships; board involvement and approval; financial plan and budget. The commission may modify the criteria and such modifications will be posted on the commission's website.

(3) Commission staff will review the application submitted and other relevant information. The commission staff will make a recommendation to the commission to approve, approve the application with conditions, or deny. The commission is responsible for making the final decision on an application.

(4) If the commission approves a charter public school's application for transitional kindergarten, a written amendment to the charter contract for the school must be executed. Any subsequent changes in a school's transitional kindergarten age exception process or substan-

tive changes to the age exception policy, must be approved by the commission in writing.

(5) If the commission denies a school's application, the decision is final. A school whose application is denied, may reapply no earlier than the following school year.

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WSR 21-11-082
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed May 18, 2021, 10:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-21-154.

Title of Rule and Other Identifying Information: Proposed changes to the elevator rules and fees under chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances.

Hearing Location(s): On June 29, 2021, at 9:00 a.m., virtual and telephonic hearing only. Please join on your computer or mobile app (Microsoft Teams) by visiting https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_ZDU3M2MzMzMtM2Q2Ni00NjY4LWF1YjgtMGE3MjJlMjc3ZWJh%40thread.v%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252211d0e217-264e-400a-8ba0-57dcc127d72d%2522%252c%25220id%2522%253a%2522acb1df6f-3588-43aa-b503-63aebce21ddc%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=f0fc37c0-59c2-465f-a293-ela942bd2365&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true&promptSuccess=true; or calling (audio only) 1-253-372-2181, Phone Conference ID 677 306 348# (pound sign must be entered); or on June 30, 2021, at 9:00 a.m. Please join on your computer or mobile app (Microsoft Teams) by clicking here to join the meeting or visiting https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_YjFjOGZhODQtNWVmYy00ODY4LWIxMzYtMWUwZGNIYzU4MzYy%40thread.v%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252211d0e217-264e-400a-8ba0-57dcc127d72d%2522%252c%25220id%2522%253a%2522acb1df6f-3588-43aa-b503-63aebce21ddc%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=364d149a-eb4a-4253-814f-2283bd3d0697&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true&promptSuccess=true; or calling (audio only) 1-253-372-2181, Phone Conference ID 232 782 37# (pound sign must be entered). The virtual/telephonic hearing starts at 9:00 a.m. and will continue until all oral comments are received.

Date of Intended Adoption: August 31, 2021.

Submit Written Comments to: Alicia Curry, Department of Labor and Industries (L&I), P.O. Box 44400, Olympia, WA 98504-4400, email Alicia.Curry@Lni.wa.gov, fax 360-902-5292, by June 30, 2021.

Assistance for Persons with Disabilities: Contact Alicia Curry, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, by June 14, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to propose amendments to the state's elevator rules and fees under chapter 296-96 WAC.

L&I has reviewed the elevator rules to address requests from stakeholders held over from a past 2018 rule-making process and to further update and clarify existing rules. Washington's elevator stakeholders were invited to participate in the review, submit proposals for changes to the rules, and provide recommendations to L&I regarding possible rule changes. A technical advisory committee (TAC) of industry experts and the elevator safety advisory committee (ESAC) reviewed the proposals and provided recommendations to L&I on adoption

of the rules. This rule making proposes amendments based on the review and stakeholder recommendations to improve public safety.

L&I has also evaluated the elevator program's budget and projected revenue and a fee increase is needed to support operating expenses for inspections of conveyances and other elevator program public safety activities.

Proposed amendments to this chapter will:

- Increase fees by the fiscal growth factor of 5.08 percent for fiscal year 2020.
- Update rules for uniformity with national safety codes and standards that are recognized and used to regulate the conveyance industry. For example:
 - American Society of Mechanical Engineers (ASME) A90.1-2015 Safety Code for Belt Manlifts;
 - ASME A18.1-2017 Safety Standards for Platform Lifts and Stairway Chair Lifts - OSG Exemption; and
 - ASME A17.1-2016/CSA B44-13 Safety Code for Elevators, Escalators, Dumbwaiters, Residential Elevators, and Special Purpose Personnel Elevators.
- Make exceptions to the national safety codes and standards. For example:
 - Excluding all references to qualified elevator inspector (QEI) certification in ASME A17.1-2016/CSA B44-13, ASME A18.1-2017 and American Society of Safety Engineers/ American National Standards Institute (ASSE/ANSI) A10.4-2016, as Washington state elevator inspectors are not required to be QEI certified;
 - Requiring the installation of a stop switch that is accessible from the landing on existing elevators; and
 - Disallowing alternative Category 5 testing methodologies for conveyances in the state of Washington.
- Amend rules to bring the rules up-to-date and improve public safety. For example:
 - Allow L&I to charge for portions of an hour for elevator services, such as technical services and consultations, and accident investigations to account for the actual time and cost of services;
 - Allow for reduced guard railing heights on car tops on existing elevators based upon existing instruction conditions to provide an alternative method of compliance;
 - Allow an access door to the motor brake for equipment installed in the hoistway for private residential elevators; and
 - Require posting of an overhead sign in the hoistway when guardrail clearances are less than allowed by code.
- Amend the elevator licensing and continuing education requirements. For example:
 - Clarifies the minimum passing scores on the Washington state written examination for elevator contractors and elevator mechanics to obtain a license;
 - Removes "special purpose elevators" from the (04) elevator mechanic licensing category, as the (04) license does not encompass this type of work; and
 - Clarifies that certificates of completion for continuing education courses for elevator mechanics must be signed or marked to receive educational credit from L&I.

- Amend rules to reflect L&I's existing processes and practices. For example:
 - Clarifies a permit application needs to be sent to L&I, along with plans for new installations and major alterations prior to the start of construction and permit issuance; and
 - Allow L&I to request additional information and safety testing results for plan review exceptions for new residential incline chairlifts to ensure code compliance and testing standards are met.
- Amend language requested by stakeholders. For example:
 - Clarifying the allowance of driving machines in the hoistway for machine room-less elevators;
 - Clarifying the requirements for machine rooms and main line disconnects;
 - Requiring car safeties for belt manlifts to be tested at one hundred percent of its rated load;
 - Replacing five-year safety testing with annual safety testing for belt manlifts;
 - Creating a new section to clarify the additional documentation that must be onsite and the items needed for maintenance and test logs;
 - Updating requirements for electric manlifts; and
 - Clarifying the governor overspeed safety testing requirements for residential stairway chairlifts and inclined commercial stairway chair lifts.
- Amend rules for clarity, to streamline the rules, and for ease of use. For example:
 - Corrects the safety code installation dates for the adopted standards;
 - Clarifies the requirements for keys and key boxes for operation and maintenance of elevators;
 - Clarifies the fee for processing of permit applications;
 - Adds standard application material lifts to Part D of the chapter to clarify provisions for older lifts; and
 - Clarifies the connection requirements for pit drains to sewers.
- Repeal rules that are obsolete, to eliminate redundancy, and simplify the rules.
- Amend rules for general housekeeping, such as punctuation, typographical and reference corrections, uniformity with code dimensions, formatting of section headers and numbers, removal of obsolete language, etc.

Reasons Supporting Proposal: This rule making proposes changes based on recommendations from L&I, TAC, and ESAC identified during the 2019 rule development process, as well as other changes needed for the improvement of public safety. A fee increase enables the elevator program to continue providing quality and timely services to customers to protect structures, workers, and the public from conveyance incidents.

Statutory Authority for Adoption: Chapter 70.87 RCW.

Statute Being Implemented: Chapter 70.87 RCW.

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

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Gerald Brown, Program Manager, Tumwater, Washington, 360-902-6456; Implementation

and Enforcement: Steve Reinmuth, Assistant Director, Tumwater, Washington, 360-902-6348.

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

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Alicia Curry, L&I, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov.

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

Is exempt under RCW 19.85.025(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; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

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. Most of the proposed rule changes are exempt from the small business economic impact analysis [statement] (SBEIS) requirements under RCW 19.85.025. Those changes that are not exempt from the SBEIS requirement include: requiring the installation of an accessible stop switch from the elevator landing for existing elevators, disallowing alternative testing, removing special purpose elevators from the (04) elevator mechanic licensing category, requirements for a signature on continuing education certificates, changes to the plan approval exceptions for residential incline chairlifts, fee increases for technical services and consultations and accident investigations, requiring an access door to the elevator motor brake in private residence elevators, allowing the installation of a slightly reduced railing height in existing elevators based upon existing construction conditions, and requiring the posting of an overhead sign when guardrail clearances are less than allowed by code. To calculate costs, L&I identified the businesses who are potentially affected by the proposed rule and the estimated costs of compliance. The estimated average compliance cost per active conveyance owned would be \$6.24 to \$9.36 annually. For owners of more than one conveyance, the cost per owner was estimated by multiplying the estimated cost per conveyance by the number of conveyances owned. Owners with nine or fewer conveyances (ninety-seven percent) are estimated to incur less than \$84.28 in annual cost, while owners with more than one hundred conveyances can incur as much as \$3,211.86 per year. For the 99.24% of owners that own twenty-five or fewer conveyances, the annual cost would be \$234 or less. The industry affiliation for all these businesses is unknown so L&I is not able to calculate the minor cost threshold for these industries. However, given the magnitude of this average cost, L&I believes it is unlikely it will exceed the minor cost threshold by any of the above criteria (one percent of annual payroll, or the greater of

three-tenths of one percent of annual revenue or one hundred dollars). For the companies that have more than twenty-five conveyances, they have minor cost thresholds (one percent of annual payroll) greater than \$3,211, the largest possible cost to any affected businesses. This clearly indicates the average per-business cost of these proposed rule amendments is far below the threshold for businesses in any of the affected industries identified in the SBEIS as potentially impacted by the rule. As such, L&I is exempt from conducting an SBEIS for this rule making.

May 18, 2021
Joel Sacks
Director

OTS-1560.4

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-00650 Adopted standards.

ELEVATOR CODES AND SUPPLEMENTS ADOPTED				
TYPE OF CONVEYANCE	CODE AND SUPPLEMENTS	DATE INSTALLED		COMMENTS
		FROM	TO	
Elevators, Dumbwaiters, Escalators	American Standard Safety Code (ASA) A17.1, 1960	11/1/1963	12/29/1967	Adopted Standard
NATIONAL ELEVATOR CODES AND SUPPLEMENTS ADOPTED				
TYPE OF CONVEYANCE	CODE AND SUPPLEMENTS	DATE INSTALLED		COMMENTS
		FROM	TO	
Moving Walks	American Standard Safety Code (ASA) A17.1.13, 1962	11/1/1963	12/29/1967	Adopted Standard
Elevators, Dumbwaiters, Escalators, and Moving Walks	U.S.A. Standards USAS A17.1-1965 Supplements A17.1a-1967 A17.1b-1968 A17.1c-1969	12/30/1967	2/24/1972	Adopted Standard USAS 1965 includes revision and consolidation of A17.1-1960, A17.1a-1963, & A17.1.13-1962. Adopted code and supplements, excluding Appendix E & ANSI A17.1-1970.
Elevators, Dumbwaiters, Escalators, and Moving Walks	American National Standards Institute A17.1-1971	2/25/1972	6/30/1982	Adopted Standard as amended and revised through 1971.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1-1971; A17.1a-1972	2/25/1972	6/30/1982	Adopted Supplement
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1-1981	7/1/1982	1/9/1986	Adopted Standard
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1a-1982	3/1/1984	1/9/1986	Adopted Supplement
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1b-1983	12/1/1984	1/9/1986	Adopted Supplement, except portable escalators covered by Part VIII A17.1b-1983.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1-1984	1/10/1986	12/31/1988	Adopted Standard Except Part XIX. After 11/1/1988 Part II, Rule 211.3b was replaced by WAC 296-81-275.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1a-1985	1/10/1986	12/31/1988	Adopted Supplement
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1b-1985 A17.1c-1986 A17.1d-1986 A17.1e-1987	12/6/1987	12/31/1988	Adopted Supplement

NATIONAL ELEVATOR CODES AND SUPPLEMENTS ADOPTED				
TYPE OF CONVEYANCE	CODE AND SUPPLEMENTS	DATE INSTALLED		COMMENTS
		FROM	TO	
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1-1987	1/1/1989	12/31/1992	Adopted Standard Except Part XIX and Part II, Rule 211.3b. WAC 296-81-275 replaced Part II, Rule 211.3b.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ASME A17.1-1990	1/1/1993	2/28/1995	Adopted Standard Except Part XIX and Part V, Section 513. Chapter 296-94 WAC replaced Part V, Section 513.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ASME A17.1-1993	3/1/1995	6/30/1998	Adopted Standard Except Part XIX and Part V, Section 513. Chapter 296-94 WAC replaced Part V, Section 513.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ASME A17.1-1996	6/30/1998	6/30/2004	Adopted Standard Except Part V, Section 513.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ASME A17.1-2000 A17.1a-2002 A17.1b-2003	7/1/2004	1/1/2008	Adopted Standards and Addenda Except Rules 2.4.12.2, 8.6.5.8 and Sections 5.4, 7.4, 7.5, 7.6, 7.9, 7.10, 8.10.1.1.3 and 8.11.1.1.
Safety Standards for Platform Lifts and Stairway Chairlifts	ASME A18.1-1999 A18.1a-2001 A18.1b-2001	7/1/2004	1/1/2008	Adopted Standards and Addenda.
Safety Code for Elevators, Escalators, Dumbwaiters, Residential Elevators, Special Purpose	ASME A17.1-2004 A17.1a-2005	1/1/2008	1/1/2014	Adopted Standards and Addenda Except Rules 2.4.7.2, marked car top clearance space, 8.6.5.8, Maintenance of safety bulkhead, 5.4, Private residence incline elevators, 7.4 & 7.5 & 7.9 & 7.10 Material lifts, 8.10.1.1.3 and 8.11.1.1, QEI-1 inspector.
Safety Code for Platform Lifts and Stairway Chairlifts	ASME A18.1-2005	1/1/2008	((1/1/2014)) 9/30/2018	
Safety Code for Belt Manlifts	ASME A90.1-2003	1/1/2008	((1/1/2014)) 9/30/2018	
Safety Code for Personnel Hoists, Retroactive	ANSI A10.4-2004	1/1/2008	((1/1/2014)) 9/30/2018	
Safety Code for Elevators, Escalators, Dumbwaiters, Residential Elevators, Special Purpose	ASME A17.1-2010	1/1/2014	((8/31/2018)) 9/30/2018	
Standard for Elevator Suspension, Compensation, and Governor Systems	ASME A17.6-2010	1/1/2014	Current	
Safety Code for Platform Lifts and Stairway Chairlifts	ASME A18.1-2011	1/1/2014	((8/31/2018)) 9/30/2018	
Safety Code for Belt Manlifts	ASME A90.1-2009	1/1/2014	((8/31/2018)) 9/30/2018	
Safety Code for Personnel Hoists	ANSI A10.4-2007	1/1/2014	((8/31/2018)) 9/30/2018	
Safety Code for Elevators, Escalators, Dumbwaiters, Residential Elevators, and Special Purpose	ASME A17.1-2016/CSA B44-16	((9/1/2018)) 10/1/2018	Current	
Guide for Inspection of Elevators, Escalators, and Moving Walks	ASME A17.2-2017	((9/1/2018)) 10/1/2018	Current	
Safety Code for Existing Elevators and Escalators	ASME A17.3-2015	((9/1/2018)) 10/1/2018	Current	
Safety Standards for Platform Lifts and Stairway Chair Lifts	ASME A18.1-2017	((9/1/2018)) 10/1/2018	Current	
Safety Code for Belt Manlifts	ASME A90.1-2015	((9/1/2018)) 10/1/2018	Current	
Safety Code for Personnel Hoists	ASSE/ANSI A10.4-2016	((9/1/2018)) 10/1/2018	Current	
Safety Code for Material Hoists	ASSE/ANSI A10.5-2013	((9/1/2018)) 10/1/2018	Current	

Note: Copies of codes and supplements can be obtained from the following: The American Society of Mechanical Engineers (ASME), Order Department 150 Clove Road, 6th Floor, Little Falls, New Jersey 07424-2138 or by visiting www.asme.org. The American Society of Safety Engineers (ASSE) 1800 East Oakton Street, Des Plaines, IL 60018-2187 or by visiting www.asse.org.

Comments: Codes adopted by this chapter will be identified with the applicable ASME/ANSI code reference number contained within the rules or as excluded or amended in WAC 296-96-00675.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-00650, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-00650, filed 11/27/13, effective 1/1/14; WSR 08-23-085, § 296-96-00650, filed 11/18/08, effective 12/19/08; WSR 07-24-041, § 296-96-00650, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-00650, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-00650, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 19-15-118, filed 7/23/19, effective 9/1/19)

WAC 296-96-00675 Amendments to adopted standards. (1) Exclude all references to QEI certification in ASME A17.1/CSA B44, ASME A18.1, and ANSI/ASSE A10.4 from code adoption.

(2) ASME A17.1/CSA B44, Section 1.2 Purpose and Exceptions amended as follows: The purpose of this code is to provide for the safety of life and limb, and to promote the public welfare. Compliance with these rules shall be achieved by:

(a) Conformance with the requirements in ASME A17.1/CSA B44 as amended by this chapter; or

(b) Conformance with a combination of requirements in ASME A17.1/CSA B44, this chapter, and ASME A17.7/CSA B44.7 with the following ASME A17.7/CSA B44.7 inclusions:

(i) All system or component certifications performed by an Accredited Elevator/Escalator Certification Organization (AECO) under ASME A17.7/CSA B44.7 shall be approved by the department before any such system or component is allowed to be permitted or installed in the state of Washington.

(ii) The applicant shall provide the certificate of certification for the device or system evaluated by an AECO.

(iii) The department has the final authority regarding acceptance of any item in ASME A17.7/CSA B44.7. The department may remove approval if a design has changed or unforeseen or undisclosed information is obtained.

(iv) The department will post the specific ASME A17.7/CSA B44.7 AECO certificate including exceptions agreed upon. At that time the certificate and exceptions become part of the adopted rule in the state of Washington and not subject to a variance process. The installer shall include the certificate and exceptions and all required information on each conveyance installed utilizing the ASME A17.7/CSA B44.7 method in the Maintenance Control Program documentation.

(v) The department may charge an additional fee for each item in review based upon the variance fee table.

(c) Additions or modifications to adopted standards and/or this chapter shall require approval from the department.

(3) ASME A17.1/CSA B44, Section 5.8, Marine Elevators. This section only applies to elevators installed on board a marine vessel flying the Washington state flag and under one hundred gross metric tons.

(4) ASME A17.1/CSA B44, Section 5.11, Wind Turbine Elevator is not adopted.

(5) Periodic tests and inspections. Pursuant to requirements 8.6.1.7 and 8.11.1.3, the department adopts ASME A17.1/CSA B44, Appendix N for the frequency of periodic tests. Pursuant to RCW 70.87.120 (2) (a) periodic inspections shall be performed annually.

(6) ASME A17.1/CSA B44 requirement 8.11.1.1.2 is not adopted. The department shall be permitted to witness periodic tests when the department deems necessary.

(7) ~~((a))~~ ASME A17.1-2016/CSA B44-16, 8.6.11.1 Firefighters' Emergency Operation is amended as follows: All elevators provided with firefighters' emergency operation shall be subjected quarterly, by authorized personnel, to Phase I recall by use of the keyed switch, and a minimum of one-floor operation on Phase II. Deficiencies shall be corrected. A record of findings shall be available to elevator personnel and the authority having jurisdiction.

~~((b))~~ (8) Append ASME A17.1-2016/CSA B44-16, 8.6.4.19.6 as follows: At least once each year, the fire alarm initiating devices associated with elevator recall and shunt trip initiating devices shall be tested to ensure they are still properly interfaced with the elevator control.

This test applies to electric and hydraulic elevators.

(9) ASME A17.3 requirement 3.10.3 is modified as follows: Where the car top stop switch located in the inspection control station is not accessible from the landing, a separate car top stop switch shall be provided as required by ASME A17.1/CSA B44, 2.26.1.4.2(a).

(10) The department will not allow the 8.6.11.10 "Category 5 Tests Without Load Via Alternative Test Methodologies" portion of ASME A17.1 to be followed in Washington. Standard testing as outlined in ASME A17.1 shall be followed.

[Statutory Authority: Chapter 70.87 RCW. WSR 19-15-118, § 296-96-00675, filed 7/23/19, effective 9/1/19; WSR 18-18-070, § 296-96-00675, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-068, filed 8/31/18, effective 10/1/18)

WAC 296-96-00904 License requirements for elevator contractors.

(1) Any sole proprietor, firm or corporation wishing to engage in the business of installation, alteration, service, replacement of maintenance of equipment covered by this chapter within the state of Washington shall apply for a license with the department of labor and industries.

The entities above shall obtain and maintain a valid specialty or general contractor registration under chapter 18.27 RCW to engage in the business of conveyance work.

(2) The potential licensee shall complete and submit a department-approved application. As part of the application the following shall be provided:

(a) The employee who is the licensed elevator contractor's primary point of contact.

(b) The number of years the applicant has been engaged in the business of installing, constructing, altering, replacing, maintaining, removing, dismantling and/or servicing conveyances.

(c) Documentation that at least one licensed elevator mechanic is employed by the applicant.

(3) The person representing the company, firm or corporation who is applying for the elevator contractor's license shall be considered the company's primary point of contact and shall:

(a) Provide acceptable proof to the department that shows that the person representing the company, firm, or corporation has five years of work experience in performing conveyance work as verified by current and previous state of Washington elevator licenses; or

(b) Pass a written examination administered by the department on chapter 70.87 RCW and this chapter with a minimum score of seventy percent.

(c) Failure to pass the examination will require the submittal of a new application.

(4) Pay the fees specified in WAC 296-96-00922.

(5) The department may deny application or renewal of a license under this section if the applicant owes outstanding final judgments to the department.

(6) If the primary point of contact identified in subsection (2)(a) of this section separates employment, his/her relationship or designation is terminated, or death of the designated individual occurs, the elevator contractor shall, within ninety days, designate a new individual who has met the requirement noted above to serve as the elevator contractor's primary point of contact. The elevator contractor shall inform the department of the change in writing or the contractor's license will be automatically suspended.

(7) Where unique or product-specific procedures or methods are required to inspect or test equipment, such procedures, or methods shall be:

(a) Provided in the maintenance control program.

(b) Provided by the manufacturer or installer or their license may be suspended.

(c) Available to owners for their use or used by their qualified service provider.

(d) Accessible on-site to elevator personnel (see also ASME A17.1-8.6.1.2.1(f)).

(e) Where special tools or devices are necessary for maintenance and testing of conveyances, they shall remain on-site for the life of the conveyance.

(8) Contractor licenses may be revoked for failure to comply with this subsection.

Legal maintenance contracts notwithstanding, all elevator companies and other approved maintenance providers (see RCW 70.87.270) who continuously demonstrate noncompliance with the maintenance, examination, testing, documentation, and performance of work outlined in ASME A17.1/CSA B44 and this chapter shall:

(a) Be notified in writing by the department outlining the reason or reasons for noncompliance;

(b) Respond to the department inquiry within fifteen days;

(c) Outline a solution(s) agreeable to the department within thirty days;

(i) Otherwise the elevator company's license may be suspended until such a time as they can demonstrate compliance; and

(ii) Other approved maintenance providers shall cease maintenance, examination, and testing until such a time as they can demonstrate compliance. Continuous demonstrations of maintenance, examina-

tion, and testing noncompliance shall result in approval being revoked.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-068, § 296-96-00904, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-00904, filed 11/27/13, effective 1/1/14; WSR 07-24-041, § 296-96-00904, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-00904, filed 5/28/04, effective 6/30/04.]

AMENDATORY SECTION (Amending WSR 19-24-086, filed 12/3/19, effective 12/3/19)

WAC 296-96-00906 License requirements for elevator mechanics.

(1) Any person wishing to engage in the installation, alteration, service, replacement or maintenance of equipment covered by this chapter within the state of Washington shall apply for a license with the department of labor and industries.

(2) Applicants for a category (01) license as identified under WAC 296-96-00910 shall demonstrate at least one of the following qualifications in order to obtain a license without an exam:

(a) Successfully completed an apprenticeship training program for elevator mechanics and have passed the final examination required by such program; or

(b) Performed at least five thousand four hundred hours of acceptable work experience in construction, installation, maintenance, service or repair of elevators or other conveyances subject to this chapter, as verified by current and prior employers, and have passed a nationally recognized elevator mechanic's examination, such as that administered by the National Elevator Industry Education Program or as approved by the department; or

(c) Possess an elevator mechanic's license from another state that has standards substantially equal to those established in this chapter.

(3) Any person wishing to obtain a category (01) license coming from another state without licensing may obtain a license with examination by paying the required fee and submitting an application with documentation demonstrating the applicant has worked as an elevator mechanic without supervision for at least five thousand four hundred hours.

(4) Conditions for temporary elevator mechanics: In the event an elevator contractor encounters a verifiable shortage of licensed mechanics, an elevator contractor may request that the department issue temporary elevator mechanic licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Each license shall recite that it is valid for one year to the holder as long as he or she is employed by the licensed elevator contractor that certified the individual as qualified.

As part of the initial licensing process the applicant shall ~~(+)~~ have seventy-five percent of both education and training hours to obtain a license (see WAC 296-96-00908).

(5) Conditions for emergency elevator mechanics: If the governor should declare a state of emergency due to a disaster, or an act of God, or other extenuating circumstances and the number of persons in the state holding valid licenses is insufficient to cope with the emergency, an elevator contractor may request emergency elevator mechanic licenses for persons who are not licensed to perform work subject to this chapter but are certified by the elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Each such license shall be valid for a period of thirty days and renewable as long as the emergency exists.

(6) The department may deny renewal or application, or suspend an individual's license if they have an outstanding final judgment.

(7) Qualify for licensing:

(a) For conveyance work covered by all categories identified in WAC 296-96-00910 except personnel hoists (04), material lifts (05), residential conveyances (06), residential inclined elevators (07) and temporary licenses (09), the applicant shall comply with the applicable mechanic licensing requirements as follows:

(i) Test.

(A) The applicant shall provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than three years' work experience in the elevator industry under the general direction of a licensed elevator mechanic performing conveyance work in the same category as verified by current and previous employers licensed to do business in this state or as an employee of a public agency;

Acceptable proof may include department-approved forms documenting years of experience, affidavits, letters from previous employers, declarations of experience, education credits, copies of contractor registration information, etc. Additional documentation may be requested by the department to verify the information provided on the application; and

(B) Pass an examination administered by the department on chapter 70.87 RCW and this chapter with a minimum passing score of eighty percent; or

(ii) National exam/education.

(A) Have obtained a certificate of completion and successfully passed the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or

(B) Have obtained a certificate of completion of an apprenticeship program for an elevator mechanic, having standards substantially equal to those of chapter 70.87 RCW and this chapter, and registered with the Washington state apprenticeship and training council under chapter 49.04 RCW; or

(iii) Reciprocity. The applicant shall provide acceptable proof to the department that shows that the applicant is holding a valid license from a state having entered into a reciprocal agreement with the department and having standards substantially equal to those of chapter 70.87 RCW and this chapter.

(b) For conveyance work performed on personnel hoists as identified in WAC 296-96-00910(4):

(i) Test. The applicant shall provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC

296-96-00910) of not less than one year's work experience in the elevator industry or not less than three years (for the purpose of this category one year will be equivalent to seven hundred hours) documented experience and education credits in conveyance work under the general direction of a licensed elevator mechanic as described in category (04) performing conveyance work in the same category as verified by current and previous employers licensed to do business in this state; and

(ii) Pass an examination administered by the department on chapter 70.87 RCW, A10.4 and this chapter with a minimum passing score of eighty percent.

(iii) Reciprocity. The applicant shall provide acceptable proof to the department that shows the applicant is holding a valid license from a state having entered into a reciprocal agreement with the department and having standards substantially equal to those of chapter 70.87 RCW and this chapter.

(c) For conveyance work performed on material lifts as identified in WAC 296-96-00910(5):

(i) Test. The applicant and the licensed elevator contractor/ employer shall comply with the provisions of RCW 70.87.245; and

(ii) The applicant shall pass an examination administered by the department on chapter 70.87 RCW and this chapter with a minimum passing score of eighty percent;

(d) For residential conveyance work covered by category (06) as identified in WAC 296-96-00910:

(i) Test. The applicant shall provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than two years' work experience in the elevator industry performing conveyance work as verified by current and previous employers licensed to do business in this state; and

(ii) Pass an examination administered by the department on chapter 70.87 RCW and this chapter with a minimum passing score of eighty percent.

(e) For residential inclined conveyance work covered by category (07) as identified in WAC 296-96-00910;

(i) Test. The applicant shall provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than one year's work experience in the elevator industry or not less than three years' documented experience and education credits in conveyance work as described in category (01) performing conveyance work as verified by current and previous employers licensed to do business in this state; and

(ii) Pass an examination administered by the department on chapter 70.87 RCW and this chapter with a minimum passing score of eighty percent.

(f) For temporary mechanic licenses as identified in WAC 296-96-00910 category (09) the applicant shall provide acceptable proof from a licensed elevator contractor that attests that the individual is competent to perform work under chapter 70.87 RCW and this chapter.

(8) Complete and submit a department-approved application.

An applicant who is required to take an examination under the provisions of this section may not perform the duties of a licensed elevator mechanic until the applicant has been notified by the department that he/she has passed the examination.

(9) Pay the fees specified in WAC 296-96-00922.

(10) The department may deny application of a license under this section if the applicant owes outstanding final judgments to the department or does not meet the minimum criteria established in the elevator laws and rules.

[Statutory Authority: Chapter 70.87 RCW. WSR 19-24-086, § 296-96-00906, filed 12/3/19, effective 12/3/19; WSR 18-18-068, § 296-96-00906, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-00906, filed 11/27/13, effective 1/1/14; WSR 07-24-041, § 296-96-00906, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-00906, filed 5/28/04, effective 6/30/04.]

AMENDATORY SECTION (Amending WSR 18-18-068, filed 8/31/18, effective 10/1/18)

WAC 296-96-00910 Elevator mechanic license categories. The following are the licensing categories for qualified elevator mechanics or temporary elevator mechanics:

(1) **Category (01):** A general elevator mechanic license encompasses the installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of all types of elevators and other conveyances in any location covered under chapter 70.87 RCW and this chapter.

(2) **Category (02):** This license is limited to the installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of the following commercial and residential conveyances:

(a) Residential conveyances:

(i) Wheelchair lifts*;

(ii) Dumbwaiters;

(iii) Incline chairlifts*; and

(iv) Residential elevators.

*License is not required to remove these.

(b) Commercial conveyances:

(i) Wheelchair lifts;

(ii) Dumbwaiters;

(iii) Incline chairlifts; and

(iv) LULA elevators.

(3) **Category (03):** This license is limited to the installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of the following conveyances in industrial sites and grain terminals:

(a) Electric and hand-powered manlifts;

(b) Special purpose elevators; and

(c) Belt manlifts.

(4) **Category (04):** This license is limited to the installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of the following conveyances:

(a) Temporary personnel hoists; and

(b) Temporary material hoists(~~(; and~~

~~(c) Special purpose elevators)).~~

(5) **Category (05):** This license is limited to the installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of material lifts.

(6) **Category (06):**

(a) This license is limited to the installation, alteration, maintenance, inspection, relocation, decommission, and repair of the following conveyances:

- (i) Residential wheelchair lifts;
- (ii) Residential dumbwaiters; and
- (iii) Residential incline chairlifts.

(b) Work experience on conveyances in (a)(i), (ii), and (iii) of this subsection may not be all inclusively applied toward the category (02) license requirements.

Note: Maintenance work performed by the owner or at the direction of the owner is exempted from licensing requirements if the owner resides in the residence at which the conveyance is located and the conveyance is not accessible to the public. Such exempt work does not count toward work experience for licensure.

(7) **Category (07):** This license is limited to the installation, alteration, maintenance, inspection, relocation, decommission, and repair of residential inclined elevators.

Note: Maintenance work performed by the owner or at the direction of the owner is exempted from licensing requirements if the owner resides in the residence at which the conveyance is located and the conveyance is not accessible to the public. Such exempt work does not count toward work experience for licensure.

(8) **Category (08):** This license is limited to maintenance and nonalteration repair and replacement of all conveyances and is further limited to employees of public agencies to obtain and maintain the license. This work should not count towards other licenses.

(9) **Category (09):** A temporary license is limited to the installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of conveyances in the category for which the license is sought. The license shall be issued pursuant to the conditions of RCW 70.87.250.

(10) **Category (10):** An emergency license is limited to the installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of conveyances by elevator mechanics that are certified by an elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision and is further limited for use during a state of emergency.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-068, § 296-96-00910, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-00910, filed 11/27/13, effective 1/1/14; WSR 07-24-041, § 296-96-00910, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-00910, filed 5/28/04, effective 6/30/04.]

AMENDATORY SECTION (Amending WSR 19-24-086, filed 12/3/19, effective 12/3/19)

WAC 296-96-00912 License renewal requirements. (1) An elevator contractor or elevator mechanic license issued pursuant to this chapter shall be valid for a period of two years and may be renewed by submission of a renewal application to the department, payment of a

renewal fee as specified in WAC 296-96-00922 and proof of compliance with the requirements of this chapter.

(a) Elevator contractor licenses expire on the calendar date two years from issuance.

Upon applying for renewal the elevator contractor shall verify the primary point of contact information is correct.

(b) Elevator mechanic licenses expire on the licensee's birth date in the calendar year two years from the year of application. It is noted that the initial license term may be valid for a longer or shorter period of time depending on when the licensee's birthday falls compared to the date on which the initial license was issued.

(i) If a license is issued in an even-numbered year, the license will expire on the license holder's birth date in the next even-numbered year.

(ii) If a license is issued in an odd-numbered year, the license will expire on the license holder's birth date in the next odd-numbered year.

(c) Renewal of an elevator mechanic license shall be conditioned upon completion of not less than eight hours of instruction within one year immediately preceding a license renewal application and submission of a certificate of completion for the course. Continuing education courses and instructors shall be approved by the department.

(2) Temporary elevator mechanics (category (09)). A temporary elevator mechanic license may be renewed at the discretion of the department. Examples include, but are not limited to, abnormally high rate of construction or natural disaster.

(a) The renewal period is one year from the date of issuance.

(b) As part of the renewal process the applicant shall:

(i) Complete and submit a department-approved application.

(ii) Pay the fees specified in WAC 296-96-00922.

(iii) Have seventy-five percent of both education and training hours to obtain a license (see WAC 296-96-00908).

Note: The department may require the applicant demonstrate more than seventy-five percent of education hours if multiple temporary licenses are requested.

(3) The department may deny renewals of licenses under this section if the applicant owes outstanding final judgments to the department. Final judgment also includes any penalties assessed against an individual or firm owed the department because of an unappealed civil penalty or any outstanding fees due under chapter 70.87 RCW and this chapter.

(4) Renewals will be considered timely when the renewal application is received on or prior to the expiration date of the license.

(5) Renewals are considered late if the renewal applications are received after the expiration date of the license but no later than ninety days after the expiration of the licenses. If the application is not received within ninety days from license expiration, the licensee must reapply and pass the competency examination.

(6) A mechanic licensed in the state of Washington may take a withdrawal if they are no longer working for a company licensed in the state or no longer performing work that requires a license. A mechanic holding a valid license that wishes to withdraw their license shall submit their request, in writing, to the department of labor and industries elevator section prior to the license expiration date. To cancel a withdrawal request and be reinstated, the mechanic shall submit their request in writing, reapply, complete the required continuing education, and pay the renewal licensing fee.

[Statutory Authority: Chapter 70.87 RCW. WSR 19-24-086, § 296-96-00912, filed 12/3/19, effective 12/3/19; WSR 18-18-068, § 296-96-00912, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-00912, filed 11/27/13, effective 1/1/14. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-00912, filed 5/28/04, effective 6/30/04.]

AMENDATORY SECTION (Amending WSR 18-18-068, filed 8/31/18, effective 10/1/18)

WAC 296-96-00916 Continuing education course provider requirements. (1) The department approves continuing education course providers.

(2) The department will review and approve courses.

(a) All providers seeking course approval shall submit the required information to the department on a form provided by the department.

(b) The courses shall be taught by instructors through continuing education providers; courses may include, but are not limited to, association seminars and labor training programs.

(c) All instructors shall be approved by the department and are exempt from the requirements of WAC 296-96-00912 (2)(b)(ii) regarding his or her application for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal and the instructor shall have taught two or more courses in the year preceding the renewal.

(d) All training courses shall conform to and be based upon current standards and requirements governing the operation, construction, installation, alteration, inspection and repair of elevators and other conveyances.

(e) All course approval requests shall include:

(i) A general description of the course, including its scope, the instructional materials to be used and the instructional methods to be followed;

(ii) A detailed course outline;

(iii) A sample copy of the certificate that will be provided to the attendee. The certificate shall note the name of the course, the number of hours as approved by the department, a course number if one has been assigned by the provider, the date the education was completed and the instructor's signature and the student's signature. The certificate must state that it is not valid without the signatures of the instructor and the student.

(iv) The name and qualifications of the course instructor(s);

(v) The locations where the course will be taught;

(vi) The days and hours the course will be offered; and

(vii) The specific fees associated with the course, as well as, the total cost of the course.

(f) Training courses will be approved for a two-year period.

(g) It is the responsibility of the provider to annually review and update its courses and to notify the department of any changes.

(h) The department may withdraw its approval of any training course if it determines the provider is no longer in compliance with

the requirements of this chapter. If the department withdraws its approval of a training course, it will give the provider written notification of the withdrawal, specifying the reasons for its decision.

(i) Approved training providers shall keep uniform records, for a period of ten years, of attendance of licensees and these records shall be available for inspection by the department at its request. The provider shall submit a list of names of the attendees to the department on or before thirty days after the date of the course being held. Approved training providers are responsible for the security of all attendance records and certificates of completion. Falsifying or knowingly allowing another to falsify attendance records or certificates of completion constitutes grounds for suspension or revocation of the approval required under this section.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-068, § 296-96-00916, filed 8/31/18, effective 10/1/18. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-00916, filed 5/28/04, effective 6/30/04.]

AMENDATORY SECTION (Amending WSR 19-24-086, filed 12/3/19, effective 12/3/19)

WAC 296-96-00922 Licensing fees. The following are the department's elevator license fees:

Type of Fee	Period Covered by Fee	Dollar Amount of Fee
Elevator contractor/mechanic application fee (not required for renewal of valid license)	Per application	\$(66.80) <u>70.10</u>
Elevator contractor/mechanic examination fee	Per application	\$(201.30) <u>211.50***</u>
Reciprocity application fee	Per application*	\$(66.80) <u>70.10</u>
Elevator mechanic license	2 years	\$(134.10) <u>140.90</u>
Elevator contractor license	2 years	\$(134.10) <u>140.90</u>
Temporary elevator mechanic license application fee (not required for renewal)	Per application	\$(66.80) <u>70.10</u>
Temporary elevator mechanic license	1 year	\$(134.10) <u>140.90</u>
Emergency elevator mechanic license	30 days	\$(33.20) <u>34.80</u>

Type of Fee	Period Covered by Fee	Dollar Amount of Fee
Elevator mechanic/ contractor timely renewal fee	2 years	\$((134.10)) <u>140.90</u>
Elevator mechanic/ contractor late renewal fee	2 years	\$((268.60)) <u>282.20</u>
Temporary elevator mechanic timely renewal fee	1 year	\$((134.10)) <u>140.90</u>
Temporary elevator mechanic late renewal fee	1 year	\$((268.60)) <u>282.20</u>
Training provider application/ renewal fee	2 years	\$((134.10)) <u>140.90</u>
Continuing education course fee by approved training provider	1 year**	Not applicable
Replacement of any licenses		\$((19.90)) <u>20.90</u>
Refund processing fee		\$((40.00)) <u>42.00</u>

* Reciprocity application is only allowed for applicants who are applying for licensing based upon possession of a valid license that was obtained in state(s) with which the department has a reciprocity.

** This fee is paid directly to the continuing education training course provider approved by the department.

***This fee may be collected by an outside vendor for some exams and may differ from the fee shown above.

[Statutory Authority: Chapter 70.87 RCW. WSR 19-24-086, § 296-96-00922, filed 12/3/19, effective 12/3/19. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-00922, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-068, § 296-96-00922, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-00922, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-00922, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-00922, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-00922, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-00922, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-00922, filed 5/28/04, effective 6/30/04.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01005 Obtaining permits. (1) See WAC 296-96-01000 for the permit process.

(2) Construction and alteration permits are valid for one year from the date of issue. However, permits may be renewed if:

(a) Application for a renewal permit is submitted before the current permit expires;

(b) The department approves the request for a renewal permit; and

(c) A renewal fee of \$((60.60)) 63.60 is paid to the department for each permit renewed;

(3) If the permit has expired the applicant shall reapply for a new permit.

(4) See WAC 296-96-01006 for work requiring a permit.

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01005, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01005, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01005, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01005, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01005, filed 5/22/07, effective 6/30/07. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-01005, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. WSR 03-12-045, § 296-96-01005, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01005, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01010 Installation and alteration permit fees. Permit fees are based on the total cost of the conveyance or alteration and the labor to install or alter the conveyance. The following permit fees apply to the construction, alteration, or relocation of all conveyances except personnel and material hoists (see WAC 296-96-01025):

TOTAL COST OF INSTALLATION OR ALTERATION	FEE
\$0 to and including \$1,000	\$((66.80)) <u>70.10</u>
\$1,001 to and including \$5,000	\$((100.30)) <u>105.40</u>
\$5,001 to and including \$7,000	\$((167.60)) <u>176.10</u>
\$7,001 to and including \$10,000	\$((201.30)) <u>211.50</u>
\$10,001 to and including \$15,000	\$((268.60)) <u>282.20</u>
OVER \$15,000 for installation only*	\$((376.00)) <u>395.10 plus</u>

TOTAL COST OF INSTALLATION OR ALTERATION	FEE
OVER \$15,000 for alteration only*.....	\$((268.60) <u>282.20</u>)
*Each additional \$1,000 or fraction thereof.....	\$((9.20) <u>9.60</u>)

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01010, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01010, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01010, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01010, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01010, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01010, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01010, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01010, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-01010, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01010, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01010, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01010, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01025 Permit fees for personnel and material hoists.

The fee for each personnel hoist or material hoist installation is \$((~~268.60~~) 282.20).

See WAC 296-96-01035(2) for requirements for jumps.

Note: An operating certificate is also required for these types of conveyances.

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01025, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01025, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01025, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01025, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR

07-24-041, § 296-96-01025, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01025, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01025, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01027 Permit fee refunds. The initial installation permit fees are refundable minus a processing fee if the installation work has not been performed. No refunds will be issued for expired permits. All requests for refunds shall be submitted in writing to the elevator section and shall identify the specific permits and the reasons for which the refunds are requested.

The processing fee for each refund is \$(~~40.00~~) 42.00.

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01027, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01027, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01027, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01027, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01027, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01027, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01027, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01027, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-01027, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01027, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01027, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01027, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01030 Plan approval. Prior to the start of construction and the issuance of a permit, the applicant shall submit to the department for approval a permit application and plans for new installations or major alterations. To be approved, the plan shall comply with the latest adopted applicable standard and applicable Washington Administrative Code (WAC). In addition, the plans shall include all information necessary to determine whether each installation/alteration complies with all applicable codes. The permit holder shall keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved plan shall be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for (~~reviewing the plans~~) processing the applications are \$(~~33.20~~) 34.80 for each installation/major alteration.

Exception: Residential incline chair lifts will not require plan review. Equipment shall be listed and labeled by a product testing laboratory which is accredited by the department and plans supplied by the manufacturer shall be on-site. If the equipment is not listed and labeled as per RCW 19.28.010 it shall be field evaluated or replaced with equipment that is listed and labeled by a product testing laboratory which is accredited by the department. The department may request additional information as deemed necessary to determine if lifts comply with current codes and testing standards. Governor overspeed safety testing shall be verified by manufacturer's documentation (see A18.1 Requirement 9.9.3). The test results certified by a nationally recognized testing laboratory (NRTL). Certification shall be provided at time of application.

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01030, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01030, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01030, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01030, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01030, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01030, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01030, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01030, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. WSR 03-12-045, § 296-96-01030, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01030, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01030, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01030, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01035 Inspection fees. The initial inspection of construction, alteration or relocation of a conveyance is included with the permit fee. Once the department has approved the initial installation of the conveyance, a temporary 30-day operating certificate will be issued. Prior to the expiration of the 30-day temporary operating certificate, the application for an annual operating certificate and the appropriate fees shall be paid to the department. Once the department has received the appropriate fees and application the owner will be issued the first annual operating certificate. The owner or owner's representative will receive an invoice from the department for renewal. The owner is required to renew the annual operating certificate yearly.

The following inspections require an additional inspection fee:

(1) **Reinspection.** If a conveyance does not pass an initial inspection and an additional inspection is required, the fee for each reinspection of a conveyance is \$((~~134.10~~)) 140.90 per conveyance plus \$((~~65.10~~)) 68.40 per hour for each hour in addition to the first hour. The department may waive reinspection fees.

(2) **Inspecting increases in the height (jumping) of personnel and material hoists.**

The fee for inspecting an increase in the height (jumping) of each personnel hoist or material hoist is \$((~~134.10~~)) 140.90 plus \$((~~66.80~~)) 70.10 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

The permit holder may be allowed to operate a hoist prior to the jump inspection if:

(a) The electrical limits will not allow the lift to operate above the previously inspected landing; and

(b) The state elevator inspector is contacted, agrees and can schedule an inspection within 3 days.

(3) **Variance inspections.**

(a) The fee for an on-site variance inspection is \$((~~201.30~~)) 211.50 per conveyance plus \$((~~66.80~~)) 70.10 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(b) The fee for a variance that does not require an on-site inspection is \$((~~66.80~~)) 70.10 per conveyance. The individual requesting the variance shall provide the department with pictures, documentation, or other information necessary for the department to review the variance. The department may conduct an on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site variance inspection is performed, the fees in (a) of this subsection will apply.

(4) **"Red tag" status fee.** The annual fee for a conveyance in "Red tag" status is \$((~~33.20~~)) 34.80.

Note: The department shall be provided with written approval from the building official, indicating that the conveyance is not required for building occupancy, when applying to have the conveyance placed in voluntary red tag status.

(5) **Decommission inspection.** The fee for performing a decommission inspection is \$((~~66.80~~)) 70.10. Once the decommission inspection has been performed and approved, the conveyance will no longer require annual inspections until such time that the conveyance is brought back into service. Prior to operating the conveyance, a new inspection and annual operating permit shall be obtained.

(6) **Voluntary inspections by request.** The owner or potential purchaser of a building within the department's jurisdiction may request a voluntary inspection of a conveyance. The fee for this inspection will be \$((~~134.10~~)) 140.90 per conveyance and \$((~~66.80~~)) 70.10 per hour for each hour in addition to 2 hours plus the standard per diem and mileage allowance granted to department inspectors. The owner/potential purchaser requesting the voluntary inspection will not be subject to any penalties based on the inspector's findings.

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01035, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01035, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01035, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01035, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01035, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01035, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01035, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01035, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-01035, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01035, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01035, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01035, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01040 Construction-use inspection fee. (1) The fee for the inspecting and testing of elevators used for construction is \$ ((~~107.20~~)) 112.60, in addition to any other fees required in this chapter. This fee purchases a 30-day temporary use permit that may be renewed at the department's discretion.

(2) When this temporary use permit is purchased, a notice declaring that the equipment has not received final approval from the department shall be conspicuously posted in the elevator.

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01040, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01040,

filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01040, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01040, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01040, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01040, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01040, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01040, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01040, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01040, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01045 Residential elevator inspection and fees. (1)

Chapter 70.87 RCW requires the department to inspect all new, altered or relocated conveyances operated exclusively for single-family use in private residences. Prior to installation, a licensed elevator contractor shall complete a permit application as described in WAC 296-96-01005 and pay the appropriate fee listed in WAC 296-96-01010.

(2) Chapter 70.87 RCW allows the department to inspect conveyances operated exclusively for single-family use in private residences when the department is investigating an accident or an alleged or apparent violation of the statute or these rules.

(3) No annual inspection and operating certificate is required for a private residence conveyance operated exclusively for single-family use unless the owner requests it. When an owner requests an inspection and an annual operating certificate, the following fee shall be paid prior to an inspection:

TYPE OF CONVEYANCE	FEE
Each inclined stairway chair lift in private residence	\$((31.20)) <u>32.70</u>
Each inclined wheel chair lift in a private residence	\$((31.20)) <u>32.70</u>
Each vertical wheel chair lift in a private residence	\$((39.30)) <u>41.30</u>
Each dumbwaiter in a private residence	\$((31.20)) <u>32.70</u>
Each inclined elevator at a private residence ..	\$((11.50)) <u>117.10</u>
Each private residence elevator	\$((71.80)) <u>75.40</u>

TYPE OF CONVEYANCE	FEE
Duplication of a lost, damaged or stolen operating permit	\$((13.10)) <u>13.70</u>

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01045, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01045, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01045, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01045, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01045, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01045, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01045, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01045, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01045, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01045, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01045, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01055 Technical services and consultations. A person, firm, corporation, or governmental agency may request elevator field technical services from the department by paying a fee of \$((~~80.30~~)) 84.30 per hour or any portion thereof (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation, and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01055, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01055, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01055, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01055, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.27, 18.106, 43.22,

and 70.87 RCW. WSR 07-11-128, § 296-96-01055, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01055, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01055, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. WSR 03-12-045, § 296-96-01055, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01055, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01055, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01055, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01057 Accident investigations. The department shall investigate an injury-related accident reported by the owner or owner's duly authorized agent. The department may charge at a rate of \$((~~80.30~~)) 84.30 per hour or portion thereof (including travel time) plus the standard per diem and mileage allowance granted to department inspectors.

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01057, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01057, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01057, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01057, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01057, filed 11/30/07, effective 1/1/08.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01060 Inspections after normal business hours. An inspection outside of normal business hours and business days (i.e., Monday through Friday excluding holidays; 7:00 a.m. to 5:00 p.m.) may be requested under the following conditions:

- (1) An inspector is available; and
- (2) The inspection is authorized by the department.
- (3) The minimum fee for an after-hours inspection is \$((~~100.30~~)) 105.40 and \$((~~100.30~~)) 105.40 per hour for each hour in addition to

the first hour plus the standard per diem and mileage allowance granted to department inspectors.

(4) This fee is in addition to any other fees required for the project.

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01060, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01060, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01060, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01060, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01060, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01060, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01060, filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01060, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01060, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01060, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-96-01065 Annual operating permit fees. An annual operating certificate will be issued to the building owner upon payment of the appropriate fee. The owner of record shall be invoiced by the department. If a change of ownership has occurred, it is the new owner's responsibility to ensure the department has the corrected information. Below is the fee structure table:

TYPE OF CONVEYANCE	FEE
Each hydraulic elevator	\$((134.10)) <u>140.90</u>
Each roped-hydraulic elevator	\$((167.60)) <u>176.10</u>
plus for each hoistway opening in excess of two	\$((13.10)) <u>13.70</u>
Each cable elevator	\$((167.60)) <u>176.10</u>
plus for each hoistway opening in excess of two	\$((13.10)) <u>13.70</u>
Each cable elevator traveling more than 25 feet without an opening—for each 25 foot traveled	\$((13.10)) <u>13.70</u>

TYPE OF CONVEYANCE	FEE
Each limited-use/limited-application (—LULA) elevator	\$((134.10)) <u>140.90</u>
Each escalator	\$((111.40)) <u>117.00</u>
Each dumbwaiter in other than a private residence	\$((71.80)) <u>75.40</u>
Each material lift	\$((134.10)) <u>140.90</u>
Each incline elevator in other than a private residence	\$((144.20)) <u>151.50</u>
Each belt manlift	\$((134.10)) <u>140.90</u>
Each stair lift in other than a private residence	\$((71.80)) <u>75.40</u>
Each wheel chair lift in other than a private residence	\$((71.80)) <u>75.40</u>
Each personnel hoist	\$((134.10)) <u>140.90</u>
Each grain elevator personnel lift	\$((111.40)) <u>117.00</u>
Each material hoist	\$((134.10)) <u>140.90</u>
Each special purpose elevator	\$((134.10)) <u>140.90</u>
Each private residence elevator installed in other than a private residence	\$((134.10)) <u>140.90</u>
Each casket lift	\$((111.40)) <u>117.00</u>
Each sidewalk freight elevator	\$((111.40)) <u>117.00</u>
Each hand-powered manlift or freight elevator	\$((75.50)) <u>79.30</u>
Each boat launching elevator	\$((111.40)) <u>117.00</u>
Each auto parking elevator	\$((111.40)) <u>117.00</u>
Each moving walk	\$((111.40)) <u>117.00</u>
Duplication of a damaged, lost or stolen operating permit	\$((13.10)) <u>13.70</u>

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-96-01065, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-01065, filed 8/31/18, effective 10/1/18. Statutory Authority: Chapter 70.87 RCW and 2013 2nd sp.s. c 4. WSR 14-06-041, § 296-96-01065, filed 2/26/14, effective 4/1/14. Statutory Authority: Chapter 70.87 RCW and 2011 1st sp.s. c 50. WSR 12-06-065, § 296-96-01065, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapter 70.87 RCW. WSR 07-24-041, § 296-96-01065, filed 11/30/07, effective 1/1/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-96-01065, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-96-01065, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-96-01065,

filed 5/24/05, effective 6/30/05. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-96-01065, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-96-01065, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-01065, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-02410 Alterations. (1) Where there is an associated seismic or ADA requirement to the equipment or system being altered, the equipment shall also be brought into compliance with the applicable seismic and/or ADA requirements during the alteration.

(2) Machine room, control room, machinery space, and control space illumination shall be required to meet the minimum illumination levels as required by the latest adopted code.

(3) Where a new jack assembly or hydraulic pump unit is installed, a seismic (overspeed) valve shall be installed according to ASME A17.1/CSA B44, Section 8.4.11.

(4) When new elevator equipment is installed in a machine or control room, receptacles shall comply with current adopted edition of NFPA 70 (see Art. 620.23).

(5) When new equipment is installed in the elevator pit, illumination levels shall be required to meet the minimum illumination levels required by the current adopted edition of ASME A17.1/CSA B44. Receptacles in the pit area shall be of the GFCI type (see NFPA 70, Art. 620.24).

(6) Where the main line disconnect is being replaced or relocated, and the machine room or hoistway is sprinklered, or in the process of being sprinklered, a shunt-trip device shall be installed.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-02410, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-02410, filed 11/27/13, effective 1/1/14; WSR 07-24-041, § 296-96-02410, filed 11/30/07, effective 1/1/08.]

Section 4 Machine Space in Hoistways

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-02452 Access to machines, overhead sheaves, shackles, and hitch supports. When the machine space is provided inside the hoistway, maintainable items on the machine, overhead sheaves, shackles, and hitch supports shall not be located more than (~~six feet six inches~~) 78 in. from the horizontal plane of the car top.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-02452, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-02452, filed 11/27/13, effective 1/1/14.]

Section ((4)) 5
Main Line Disconnects and Shunt-Trip Breakers

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-02460 Location. (1) The main line disconnect(s) shall be located per NFPA 70, Article 620.51(c) and:

(a) Inside the machine room door on the strike side of the machine or control room door;

(b) Not more than (~~twenty-four inches~~) 24 in. from the door to the operating handle; and

(c) Be at a height not less than (~~thirty-six inches~~) 36 in. nor more than (~~sixty-six inches~~) 66 in. above the finish floor as measured centerline to the disconnect handle.

(2) For multicar machine rooms the switches shall be grouped together as close as possible to that location.

(3) For machine rooms with double swing doors, the doors shall swing out and the switch(es) shall be located on the wall adjacent to the hinge side of the active door panel.

(4) Shunt-trip breakers, where provided, shall be located in the elevator machine room or control room.

(5) Where shunt-trip breakers are also being used as a main line disconnect, they shall comply with subsections (1) through (3) of this section.

EXCEPTION: Special purpose, residential elevators, and residential inclined elevators are exempt from this section. For LULAs, the main disconnect and car light disconnect shall be located adjacent to the controller when not located in a dedicated machine room. When a machine room is provided it shall comply with this section.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-02460, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-02460, filed 11/27/13, effective 1/1/14; WSR 07-24-041, § 296-96-02460, filed 11/30/07, effective 1/1/08.]

Section ((5)) 6
Additional Machine/Control Room Requirements

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-02465 Machine rooms, control rooms, and control spaces. (1) The lighting control switch shall be located inside the machine room or control room within (~~(twenty-four inches)~~) 24 in. of the lock jamb side of the access door.

For machine rooms and control rooms with double swing doors, the doors shall swing out and the switch(es) shall be located on the wall adjacent to the hinge side of the active door panel.

(2) Elevator machine room, control room, and control space access doors shall be provided with a sign that reads "Elevator Equipment Room/Authorized Personnel Only! Storage of equipment not pertaining to the elevator is prohibited." The sign shall be located approximately 60 in. above floor level. Lettering shall not be less than 0.375 in. in height and shall contrast with the background. Where double doors are provided, the sign is only required to be provided on the active door panel.

EXCEPTION: Residential conveyances, LULAs and special purpose elevators are exempted from these requirements.

(3) The temperature and humidity shall comply with ASME A17.1/CSA B44. Where no manufacturer's temperature range is available, the room or space shall be kept between 13°C (55°F) and 38°C (100°F).

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-02465, filed 8/31/18, effective 10/1/18; WSR 07-24-041, § 296-96-02465, filed 11/30/07, effective 1/1/08.]

Section 7
Fire Service, Sprinklers, Sprinkler Pipes, Shunt Trip

((Car(s)))

Section ((6)) 8
Correction Facility Elevators

Section 9
Additional Requirements

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-02530 Handrails. Handrails are not required. Where handrails are provided in elevator cars, ~~((their configuration))~~ they shall comply with ((ADAAG or ICC A117.1)) the following:

- (1) Be securely attached to the wall;
- (2) Be located at a height between 32 in. and 38 in. from the top of the handrail to the floor; and
- (3) Be constructed with smooth surfaces and no sharp corners; and
- (4) Be configured with a gripping surface as required by ANSI/ICC A117.1 for handrails.

~~((Note:))~~ Residential conveyances are excluded from this requirement.

Exception:

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-02530, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-02530, filed 11/27/13, effective 1/1/14; WSR 07-24-041, § 296-96-02530, filed 11/30/07, effective 1/1/08.]

Section 10
Hoistway and Pit

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-02552 Location of equipment in hoistway. Elevator equipment shall be permitted to be located within the hoistway subject to the requirements in ASME A17.1/CSA B44 and the following:

(1) Where an elevator cannot be prevented from movement electrically and mechanically prior to entering the ~~((hoistway or))~~ pit area ~~((, the following restrictions shall apply:~~

~~(a)) motor controllers, motion controllers, drives, hydraulic control valves, hydraulic reservoirs (tank), ((and)) hydraulic pump motors, and driving machines shall not be located in the ((hoistway or)) pit.~~

~~((b) Driving machines shall not be located in the pit.))~~

(2) ~~((The ability to activate the))~~ Where a means is used to secure the elevator electrically and mechanically prior to entering the pit, the means shall be designed such that the activation can be performed without full bodily entry into the ~~((hoistway or))~~ pit.

~~((3) Elevator controls and machinery other than driving machines, hydraulic cylinder, piston, governor, and their components shall be located in a room dedicated exclusively to elevator equipment.~~

~~(4) Drive sheaves, deflector sheaves, machine parts and supports are permitted to project into the hoistway.))~~

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-02552, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-02552, filed 11/27/13, effective 1/1/14.]

Section 11
Outside Hoistway

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-02580 Inspection keys ((required on-site)). ~~((The keys for Group 2 Authorized Personnel (see ASME A17.1/CSA B44 8.1.3) shall be located in a locked key retainer box in the elevator lobby at the designated level above the hall buttons, or located by machine room doors at no more than six feet above the floor, provided access~~

~~to the key box doesn't require passage through locked doors. If in order to meet this requirement the box would be located in an unsecured location (such as the outside portion of a condo), other arrangements shall be accommodated with the written permission of the department.~~

~~The key retainer box shall be:~~

- ~~• Readily accessible to authorized personnel;~~
- ~~• Clearly labeled "ELEVATOR";~~
- ~~• Securely mounted;~~
- ~~• Equipped with a 1-inch mortise cylinder cam lock with keyway set to a #39504 Fort type key;~~

~~Further:~~

- ~~• Keys for access to elevator machine rooms and for operating elevator equipment shall be tagged and kept in the key box.~~
- ~~• The box shall contain all keys associated with the Group 2 Security and applicable to the elevator(s) (see ASME A17.1/CSA B44, Req. 8.1.3).~~

~~• Mechanical hoistway access devices shall be located in the key box or machine room.) (1) All keys necessary for the operation and maintenance of the elevator(s) shall be provided and kept on-site in a key retainer box.~~

~~(2) The key retainer box shall be:~~

- ~~(a) Located in the elevator lobby at the designated level above the hall buttons or located by the machine room door at a height not more than 72 in. above the floor. Access to the key box shall not require passage through locked doors;~~
- ~~(b) Readily accessible to inspection personnel;~~
- ~~(c) Clearly labeled "ELEVATOR";~~
- ~~(d) Securely mounted;~~
- ~~(e) Equipped with a 1-inch mortise cylinder cam lock with keyway set to a #39504 barrel type key;~~
- ~~(f) Keys for access to the elevator machine rooms and for operating elevator equipment shall be labeled as to their function and kept in the key box;~~
- ~~(g) Mechanical hoistway access devices shall be located in the key box. Where the key cannot fit into the key box, it may be located in the machine/control room;~~
- ~~(h) Where the box cannot be located as indicated in (a) of this subsection, it shall be permitted to be in an unsecured location (such as the outside portion of a condominium). Other arrangements shall be accommodated with the written permission of the department;~~
- ~~(i) No persons except the building owner and inspectors shall have access to the key box; and~~
- ~~(j) All other keys kept elsewhere on-site shall be segregated into groups and secured as required by ASME A17.1/CSA B44, Section 8.1.~~

~~((Note:)) The cities of Seattle and Spokane may designate their own options for keys and lockbox arrangement via their rule processes.~~

Exceptions:

~~Residential elevators are exempt from this section.~~

~~((EXCEPTION: Residential elevators are exempt from this section.))~~

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-02580, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-02580, filed 11/27/13, effective 1/1/14; WSR 07-24-041, § 296-96-02580, filed 11/30/07, effective 1/1/08.]

Section 12
Accessibility Equipment

(~~Accessibility Equipment~~)

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-02605 Private residence inclined stairway chairlifts.

(1) Battery operated private residence inclined stairway chairlifts are not required to be permanently wired or installed on an individual branch circuit as required by ~~((NEC))~~ NEPA 70 620.51 (A) Exception 2. These conveyances shall be permitted to use a cord and plug that will act as the equipment disconnecting means. The circuit, which is used for the equipment, shall have overcurrent protection that will protect the circuit and the equipment. The circuit shall have sufficient capacity to support the additional load of the stairway chairlift. Units that are operated by line voltage shall comply with NEC 620.51 (A) Exception 2.

(2) ~~((A free passage width of not less than seventeen inches shall be provided. If the chair can be folded when not in use the distance can be measured from the folded chair. When in use there must be a minimum of two inches between any body part and the nearest obstruction.))~~ Governor overspeed safety testing shall be verified by manufacturer's documentation (see A18.1 Requirement 9.9.3). Safeties shall be manually tripped at rated speed with no load on the chair (see A18.1 Section 10.4).

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-02605, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-02605, filed 11/27/13, effective 1/1/14; WSR 07-24-041, § 296-96-02605, filed 11/30/07, effective 1/1/08.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-02640 ((Incline)) Inclined commercial stairway chairlifts. Governor overspeed safety testing shall be verified by ~~((manufacturer))~~ manufacturer's submitted documentation ~~((and manually tripped at rated speed with no load))~~ at time of permit (see A18.1 Re-

quirement 9.9.3). Safeties shall be manually tripped at rated speed with no load on the chair (see A18.1 Section 10.4).

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-02640, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-02640, filed 11/27/13, effective 1/1/14.]

NEW SECTION

WAC 296-96-02650 Additional required on-site documentation. (1)

Wiring diagrams.

- (2) A log identifying applicable tests.
- (3) Manufacturer's operational instructions that include the operation of the manual lowering device.
- (4) Maintenance logs shall include the following tasks:
 - (a) Stair chair lifts:
 - (i) Platform lifts:
 - (A) Operating control devices;
 - (B) Seat, arm rests, and foot rest;
 - (C) Rated load and data plate; and
 - (D) Ride.
 - (ii) Machine:
 - (A) Enclosure;
 - (B) Drive machine brake;
 - (C) Suspension means;
 - (D) Disconnecting means;
 - (E) Numbering of equipment;
 - (F) Gears and bearings;
 - (G) Winding drum;
 - (H) Suspension fastenings;
 - (I) Slack-rope devices; and
 - (J) Overspeed governor.
 - (iii) Runway:
 - (A) Normal terminal stopping devices;
 - (B) Final terminal stopping devices;
 - (C) Head room;
 - (D) Guiding members;
 - (E) Construction;
 - (F) Clearances;
 - (G) Traveling cables and junction boxes;
 - (H) Guide rail fastenings and equipment; and
 - (I) Equipment exposure to weather.
 - (b) Inclined platform lifts:
 - (i) Platform:
 - (A) Stop switch;
 - (B) Operating control devices;
 - (C) Floor;
 - (D) Lighting;
 - (E) Emergency signal;
 - (F) Signs and operating device symbols;
 - (G) Rated load and data plates;
 - (H) Ride; and
 - (I) Arms and retractable ramps.
 - (ii) Machine:
 - (A) Enclosure;

- (B) Guarding of exposed auxiliary equipment;
 - (C) Drive machine brake;
 - (D) Gears and bearings;
 - (E) Winding drum;
 - (F) Belt or chain drive;
 - (G) Secondary and deflector sheaves;
 - (H) Suspension fastenings;
 - (I) Slack-rope devices;
 - (J) Safety device;
 - (K) Overspeed governor;
 - (L) Disconnecting means;
 - (M) Numbering of equipment; and
 - (N) Controller.
- (iii) Runway:
- (A) Normal terminal stopping devices;
 - (B) Final terminal stopping devices;
 - (C) Head room;
 - (D) Slack rope devices;
 - (E) Safeties and guiding members;
 - (F) Construction;
 - (G) Clearances;
 - (H) Guide rail fastenings and equipment;
 - (I) Suspension means; and
 - (J) Equipment exposure to weather.
- (c) Vertical platform lifts:
- (i) Platform:
- (A) Stop switch;
 - (B) Operating control devices;
 - (C) Lighting and auxiliary lighting;
 - (D) Emergency signaling device;
 - (E) Gates and retractable ramps;
 - (F) Enclosure;
 - (G) Signs and operating device symbols;
 - (H) Rated load and data plate; and
 - (I) Ride.
- (ii) Machine:
- (A) Enclosure;
 - (B) Drive machine brake;
 - (C) Gears and bearings;
 - (D) Winding drum;
 - (E) Belt or chain drive machine;
 - (F) Secondary or deflector sheaves;
 - (G) Suspension fastenings;
 - (H) Slack rope device;
 - (I) Overspeed governors;
 - (J) Hydraulic power unit;
 - (K) Control valves; and
 - (L) Hydraulic cylinders and supply piping.
- (iii) Runways:
- (A) Normal terminal stopping device;
 - (B) Final terminal stopping device;
 - (C) Head room;
 - (D) Slack rope device;
 - (E) Safeties and guiding members;
 - (F) Construction;
 - (G) Clearances;
 - (H) Traveling cables;

- (I) Door and gate equipment;
- (J) Suspension fastenings;
- (K) Suspension means; and
- (L) Equipment exposure to weather.
- (iv) Outside runway:
 - (A) Doors and gates;
 - (B) Door locking devices; and
 - (C) Enclosure.

[]

Section 13 Private Residence Elevators

NEW SECTION

WAC 296-96-02700 Machine room requirements. (1) Main line disconnects and car light disconnects shall be located adjacent to the controller when not located in a dedicated machine room. When located in a dedicated room, commercial machine room requirements shall be followed. Main line disconnects shall comply with WAC 296-96-02460.

(2) Access to the motor brake shall have:

- (a) A lockable door that is a minimum of 6" x 6" or 36 sq. in.
- (b) A "STOP" switch shall be located within reach of the access door.
- (c) A light switch and GFCI receptacle shall be located within reach of the access door.

[]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-05000 Scope. The requirements in this part are intended to cover those stand-alone standard application (~~vertical~~) material lifts. Where Type-A or Type-B material lifts are installed, they shall comply with ASME A17.1/CSA B44, Part 7.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-05000, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-05020 Hoistway enclosure. Generally, local codes and ordinances govern hoistway enclosure construction. When not in conflict with a local code requirement, the enclosure shall:

- (1) Be built to a height of (~~(7-feet)~~) 84 in. above each floor, landing and adjacent stairway tread;
- (2) Extend (adjacent to the counterweights) the full height of the floor and 8 (~~(inches)~~) in. beyond the counterweight raceway;
- (3) Be constructed of either solid material or material with openings that will reject a (~~(2-inch)~~) 2 in. diameter ball;
- (4) Be supported and braced so that it does not deflect more than 1 inch when subjected to a force of 100 lbs. applied perpendicular at any point;
- (5) A full height hoistway enclosure is required only on the side(s) of the material lift for which the car is not equipped with a gate or enclosure.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-05020, filed 8/31/18, effective 10/1/18; WSR 07-24-041, § 296-96-05020, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-05020, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-05030 Hoistway gates and doors. Enclosure gates (doors) shall be constructed according to the following standards:

- (1) The gate shall guard the full width of each opening on every landing.
- (2) It shall be built in one of the following styles:
 - (a) Vertically sliding;
 - (b) Biparting;
 - (c) Counter-balanced;
 - (d) Horizontally swinging; or
 - (e) Horizontally sliding.
- (3) Be constructed of either solid material or material with openings that will reject a (~~(2-inch)~~) 2 in. diameter ball.
- (4) Be constructed with a distance of not more than (~~(2-1/2-inches)~~) 2.5 in. between a hoistway gate or hoistway door face and a landing sill edge.
- (5) Be designed and guided to withstand (without being broken, permanently deformed, or displaced from its guides or tracks) a 100 pound lateral pressure applied near its center.
- (6) Be equipped with labeled and listed electrical interlock(s) that prevents the operation of the lift when the doors or gates are open.
- (7) Be constructed with balanced type vertically sliding gates that extend no more than 2 (~~(inches)~~) in. vertically from the landing threshold and no less than 66 (~~(inches)~~) in. above it.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-05030, filed 8/31/18, effective 10/1/18. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-05030, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-05030, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-05070 Car enclosures. (1) Lift cars shall have their sides enclosed with solid panels or openwork that will reject a two-inch diameter ball. On the car sides where there is no gate (door), the enclosure shall extend to a height of at least (~~forty-eight inches~~) 48 in. from the floor or to a height necessary to enclose the materials that are being moved, whichever is greater. On the car side next to the counterweight runway, the enclosure shall extend vertically to the car top or underside of the car crosshead and horizontally to at least (~~six inches~~) 6 in. on each side of the runway.

(2) Standard application material lifts in unenclosed hoistways shall have a car gate that is constructed of the same material as the car enclosure.

(3) The gate, if required or supplied, shall be the same height as the sidewalls of the car enclosure and shall be provided with a latching device and electrical contact to prevent the operation of the motor and brake if open more than two inches.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-05070, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-05070, filed 11/27/13, effective 1/1/14. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-05070, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-05070, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-05090 Car and counterweight guides. Car and counterweight guide rails shall be fastened so they will not deflect more than (~~1/8~~) 0.125 in. They shall also be strong enough to withstand, without deformation, the application of a car safety when the car is carrying its rated load and traveling at its rated speed.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-05090, filed 8/31/18, effective 10/1/18. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-05090, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-05140 Car safeties. Car safeties shall be used on all material lifts that are suspended by wire ropes or chains. They shall be able to stop and sustain a car carrying ~~((125))~~ 100 percent of its rated load. This shall be demonstrated during the acceptance inspection and test procedure with an overspeed or gravity drop test, minimum two safeties at a time. On lifts driven by rack and pinion machines:

(1) Car safeties shall be able to stop and sustain a car carrying ~~((125))~~ 100 percent of its rated load.

(2) Car safeties will consist of a freely rotating safety pinion, an overspeed governor, and a safety device which may be mounted on the car.

(3) The rotating pinion driving an overspeed governor will travel on a stationary rack, which is vertically mounted in the hoistway.

(4) The governor will actuate the safety device when the downward speed of the car reaches the tripping speed and will bring the car to a gradual stop.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-05140, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-05140, filed 11/27/13, effective 1/1/14; WSR 07-24-041, § 296-96-05140, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-05140, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-05190 Pits. The following requirements shall apply to lift pits ((shall)):

(1) Have noncombustible floors;

(2) Be designed to prevent the entry of groundwater into the pit;

(3) Have floors that are substantially level;

(4) ~~((Have))~~ Where provided, drains ~~((that are))~~ shall not be directly connected to sewers;

(5) Provide safe and convenient access to the pit;

(6) ~~((Provide))~~ Have an approved access ladder for pits deeper than ~~((3-feet))~~ 36 in.; and

(7) Have nonperforated metal guards installed on the open sides of the counterweights where spring, solid or oil type buffers are attached. These guards shall:

(a) Extend from a point not more than 12 ~~((inches))~~ in. above the pit floor to a point at least ~~((7-feet))~~ 84 in. but not more than ~~((8-feet))~~ 96 in. above the floor;

(b) Be fastened to a properly reinforced and braced metal frame which will be at least equal in strength and stiffness to No. 14 U.S. gauge sheet steel; and

(c) Be omitted on the pit side where compensating chains or ropes are attached to the counterweight.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-05190, filed 8/31/18, effective 10/1/18. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-05190, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-05210 Signage. Each lift shall have the following two signs:

(1) A "CAPACITY" sign permanently fastened in the lift car and on each landing. This sign shall indicate the rated load of the lift in pounds and be made of metal with ((~~2-inch~~)) 2 in. high black letters on a yellow background.

(2) A "NO RIDERS" sign conspicuously and permanently fastened on the landing side of all hoistway gates (doors) and in the enclosure of each car. This sign shall be made of metal with ((~~2-inch~~)) 2 in. high black letters on a red background.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-05210, filed 8/31/18, effective 10/1/18. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-05210, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-07150 Guide rails, track supports and fastenings.

(1) Guides, guide rails, guide rail brackets, and their fastenings and supports shall, at the point of support, deflect ((~~1/8-inch~~)) 0.125 in. or less while resisting horizontal forces encountered during loading. When horizontal force is measured at a mid-point between brackets, guide rails shall deflect ((~~1/4-inch~~)) 0.25 in. or less in any direction.

(2) Fixed, suspended cable guides may be used as a guide member(s). When used, the deflection is to be specified by the manufacturer and approved by a structural engineer licensed in the state of Washington.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-07150, filed 8/31/18, effective 10/1/18; WSR 07-24-041, § 296-96-07150, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-07150, filed 12/22/00, effective 1/22/01.]

**(~~Special Purpose Personnel Elevators~~)
Electric Manlifts**

NOTE: New installations shall comply with ASME A17.1/CSA B44, Section 5.7.

Hand Powered Elevators

NOTE: New installations shall comply with ASME A17.1/CSA B44, Section 4.3.

Casket Lifts

NOTE: These conveyances are intended to be used only in mortuaries where moving caskets is necessary. The installation of new lifts for this purpose shall comply with ASME A17.1/CSA B44, Part 7 or chapter 296-96 WAC Part C, Section 1.

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-18020 Car and platform enclosures. All boat launching elevator cars or platforms shall be enclosed to a height of at least (~~6 feet~~) 72 in. from the floor on all sides where there are no hoistway doors or gates. Enclosures may be built as solid panels or open work which will reject a 2 in. diameter ball.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-18020, filed 8/31/18, effective 10/1/18. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-18020, filed 12/22/00, effective 1/22/01.]

PART D - REGULATIONS FOR EXISTING ELEVATORS, STANDARD APPLICATION MATERIAL LIFTS, DUMBWAITERS, AND ESCALATORS

NOTE: This part provides the minimum requirements for existing conveyances. Application of Part D rules apply where a conveyance was not provided, or required to be provided, with a device or system when originally installed or altered. Where Part D does not cover a particular device or system, refer to ASME A17.3.

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-23117 Car top guard railings ((for traction elevators)). A standard railing shall be installed on the top of all ((traction elevators where the perpendicular distance between the edges of the car top and the adjacent hoistway enclosure exceeds 12 in. horizontal clearance. The railing shall be substantially constructed of metal and shall consist of a top rail, intermediate rail and post. The top rail shall have a smooth surface and the upper surface shall be located at a vertical height of 42 in. The intermediate rail shall be located approximately halfway between the top rail and the car top. There shall be a minimum of 6 in. of clearance above the top rail when the car is at its furthest point of travel. If the vertical clearance from the car top to the hoistway enclosure, including gravity-stopping distance, is less than 48 in. away, the top handrail height may be reduced to 42 in. plus or minus 3 in. If the clearances will not allow a 39 in. handrail, do not install the top of car railing, instead provide signage required by WAC 296-96-23119)) elevators in compliance with ASME A17.1/CSA B44, 2.14.1.7. Where existing conditions do not permit the railing to be installed according to clearances of 2.14.1.7.2, the following shall apply:

(1) The top railing shall be installed at a height of not less than 1070 mm (42 in.) nor more than 1100 mm (43 in.) from the car top.

(2) Where overhead conditions prevent the top railing from being located between 1070 mm (42 in.) and 1100 mm (43 in.), the railing shall be permitted to be lowered to a height that will still provide the minimum 100 mm (4 in.) vertical clearance to the nearest overhead object. In such cases the top railing shall be provided with red and white stripes 50 mm (2 in.) in width.

(3) The stripes are only required on the side(s) where the top rail is below 900 mm (35 in.).

(4) Where required, the stripes shall extend the entire length of the top rail.

(5) Where overhead conditions prevent the railing from complying with the vertical height and/or the clearances in 2.14.1.7.2 (a) or (b), provide signage as required by WAC 296-96-23119(2).

(6) Toeboards are not required.

((EXEMPTION:)) This requirement does not apply to electric manlifts or residential elevators.

Exception:

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-23117, filed 8/31/18, effective 10/1/18; WSR 07-24-041, § 296-96-23117, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-23117, filed 5/28/04, effective 6/30/04.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-23119 Low overhead signs. (1) Elevators that do not have a minimum of 24 in. clearance from the crosshead, or any equipment mounted on the crosshead, to the lowest member of the overhead structure in the hoistway when the car has reached its maximum upward movement shall be provided with caution signage. A sign shall be located near the top of car inspection station. An additional sign shall be posted on the hoistway wall. This sign shall be visible when accessing the car top. The sign shall consist of alternating 4 in. diagonal red and white stripes and shall clearly state "danger low clearance" in lettering not less than 4 in. in height.

(2) Where required by WAC 296-96-23117(5), a sign shall be provided that reads "Caution: Low Clearances Above Guardrail."

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-23119, filed 8/31/18, effective 10/1/18; WSR 07-24-041, § 296-96-23119, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, 2002 c 98, 2003 c 143 and 2004 c 66. WSR 04-12-047, § 296-96-23119, filed 5/28/04, effective 6/30/04.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-23126 Guarding of equipment. (1) Where feasible, gears, sprockets, sheaves, cables, tapes, belts and chains shall be fitted with suitable guards to prevent accidental contact.

(2) Openings in machine room floors above the hoistway must be guarded to prevent tools and materials from falling into the hoistway below.

(3) Open grating in machine room floors shall reject a ball ((1/2)) 0.5 in. in diameter.

(4) Ventilation grids where exposed to the hoistway below shall be firmly fastened to prevent accidental removal and shall be fitted with ((1/2)) 0.5 in. wire mesh ((under)) securely attached to the grid.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-23126, filed 8/31/18, effective 10/1/18. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-23126, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-23130 Pit access. Access ladders shall be installed in elevator pits ((3-ft.)) 36 in. or deeper. Where constraints prohibit the installation of a pit ladder conforming to ASME A17.1/CSA B44, 2.2.4.2, a retractable ladder shall be permitted to be installed in accordance with 2.2.4.2.7 and 2.2.4.2.8 of ASME A17.1/CSA B44.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-23130, filed 8/31/18, effective 10/1/18. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-23130, filed 12/22/00, effective 1/22/01.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-23132 Pit illumination and receptacles. (1) Light fixtures shall be installed in all pits.

(a) Installations prior to 7/1/2004 require a permanent lighting fixture producing at least 5 foot-candles as measured in the working areas at the pit floor.

(b) A light switch shall be installed and shall be accessible from the pit access door.

(2) A permanent GFCI 15-20 amp duplex receptacle shall be provided in all pits.

(3) Where more than one elevator shares a common pit, a GFCI 15-20 amp duplex receptacle shall be located in the area below each elevator and above when traction machines are located in top of the hoistway.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-23132, filed 8/31/18, effective 10/1/18; WSR 07-24-041, § 296-96-23132, filed 11/30/07, effective 1/1/08. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. WSR 01-02-026, § 296-96-23132, filed 12/22/00, effective 1/22/01.]

Subpart II

~~((Machinery and Equipment for Electric)
(Existing Elevators))~~

Machinery and Equipment for Existing Electric Elevators

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-23200 Scope. This subpart ((II, Machinery and Equipment for Electric Elevators,)) is a minimum standard for all existing electric elevators. It applies to other equipment only as referenced in the applicable subpart.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-23200, filed 8/31/18, effective 10/1/18. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter

70.87 RCW. WSR 01-02-026, § 296-96-23200, filed 12/22/00, effective 1/22/01.]

(~~[Section 3]~~
~~[Absence of Safety Bulkheads]~~)
Subpart III
Absence of Safety Bulkheads

Subpart ((III)) IV
Alterations, Repairs, Maintenance, and Testing

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-23605 Examination of standard application material lifts, special purpose ((lifts)) elevators, electric manlifts, and ((hand elevators)) hand-powered manlifts. (1) Examination standard application material lifts, special purpose lifts, electric manlifts and hand elevators shall conform to the following:

(a) Annual examination requirements for electrical elevators. Service providers((^L)) shall furnish documentation to include the following components or systems that shall be examined if installed.

(b) Inside car:

- (i) (~~Door reopening device;~~
- ~~(ii))~~ Stop switches;
- ~~((iii))~~ (ii) Operating control devices((^{*}));
- ~~((iv))~~ (iii) Car lighting and auxiliary lighting((^{*}))*;
- ~~((v))~~ (iv) Car emergency signal;
- ~~((vi))~~ (v) Car door or gate;
- ~~((vii) Door closing force;~~
- ~~(viii))~~ (vi) Ventilation((^{*}));
- ~~((ix))~~ (vii) Restricted opening of car or hoistway doors;
- ~~((x))~~ (viii) Car ride((^{*}); and
- ~~(xi))~~;
- (ix) Stopping accuracy((^{*}));
- (x) Car enclosure;
- (xi) Emergency exits;
- (xii) Signs and operating device symbols; and
- (xiii) Equipment exposure to weather*.

(c) Machine room/control room:

- (i) Guarding of equipment;
 - (ii) Stop switch;
 - (iii) Disconnecting means and control;
 - (iv) Controller wiring, fuses, grounding, etc.;
 - (v) Machinery supports and fastenings;
 - (vi) Drive machine brakes;
 - (vii) Traction drive machines;
 - (viii) Gears, bearings, and flexible connections;
 - (ix) Winding drum machine;
 - (x) Absorption of regenerated power;
 - (xi) Traction sheaves;
 - (xii) Secondary and deflector sheaves;
 - (xiii) Rope fastenings;
 - (xiv) Operating devices;
 - (xv) Code data plate((*))*;
 - (xvi) (~~(AC drives from a DC source;~~
 - ~~(xvii))~~ Slack rope devices;
 - ~~((xviii))~~ (xvii) Wiring diagrams; (~~and~~
 - ~~(xix))~~ (xviii) Rope retainers or restraints;
 - (xix) Equipment exposure to weather*; and
 - (xx) Fire extinguisher*.
- (d) Top-of-car:
- (i) Top-of-car stop switch;
 - (ii) Car top light and outlet;
 - (iii) Top-of-car operating device and/or working platforms;
 - (iv) Car, overhead, and deflector sheaves;
 - (v) Crosshead data plate((**));
 - (vi) Traveling cables and junction boxes;
 - (vii) Door and gate equipment;
 - (viii) Car frame and stiles;
 - (ix) Guide rails fastening and equipment;
 - (x) Governor rope;
 - (xi) Governor releasing carrier;
 - (xii) Fastening and hitch plate;
 - (xiii) Suspension means;
 - (xiv) Compensation means;
 - (xv) Working areas on the car top((+)):
 - (A) Means to prevent unexpected movement.
 - (B) Unexpected car movement device.
 - (C) Operating instructions for unexpected car movement device.
 - (D) Operating instructions for egress and reentry procedure((+)).
 - (xvi) Machinery supports and fastenings;
 - (xvii) Guarding of exposed auxiliary equipment;
 - (xviii) Rope retainers and snag guards;
 - (xix) Position restraints;
 - (xx) Top emergency exit;
 - (xxi) Hoistway construction*; and
 - (xxii) Equipment exposure to weather*.
- (e) Outside hoistway:
- (i) Car platform guard;
 - (ii) Hoistway doors;
 - (iii) (~~(Vision panels*;~~
 - ~~(iv))~~ Hoistway door locking devices;
 - ~~((v))~~ (iv) Access to hoistway;
 - ~~((vi))~~ (v) Emergency and access hoistway openings;
 - ~~((vii))~~ (vi) Separate counterweight hoistway;
 - (vii) Elevator parking devices; and

(viii) Equipment exposure to weather*.

(f) Pit:

(i) Pit access, lighting, stop switch and condition;

(ii) Bottom clearance and runby;

(iii) Traveling cables;

(iv) Compensating chains, ropes, and sheaves;

(v) Car frame and platform;

~~(vi) ((Working areas in the pit;~~~~(A) Means to prevent unexpected movement.~~~~(B) Unexpected car movement device.~~~~(C) Operating instructions for unexpected car movement device.~~~~(D) Operating instructions for egress and reentry procedure;~~~~(vii)) Machinery supports and fastenings;~~~~((viii)) (vii) Guarding of exposed auxiliary equipment; ((and~~~~(ix) Pit inspection operation))~~(viii) Equipment exposure to weather*; and(ix) Buffers.**Note:** (*) ~~((May be combined with other items on the log.~~~~(**)) A visual component that must be reported to the owner.~~

(2) Annual examination requirements for hydraulic elevators.

Service providers shall furnish documentation to include the following components or systems that shall be examined if installed.

(a) Inside the car:

~~(i) ((Door reopening device;~~~~(ii)) Stop switches;~~~~((iii)) (ii) Operating control devices((*);~~~~((iv)) (iii) Car lighting and auxiliary lighting;~~~~((v)) (iv) Car emergency signal;~~~~((vi)) (v) Car door or gate;~~~~((vii) Door closing force;~~~~(viii)) (vi) Emergency exit;~~~~((ix)) (vii) Ventilation((*);~~~~((x)) (viii) Signs and operating device symbols;~~~~((xi)) (ix) Restricted opening of car or hoistway doors;~~~~((xii)) (x) Car ride((*) and~~~~(xiii))~~;(xi) Stopping accuracy((*);(xii) Car enclosure; and(xiii) Equipment exposure to weather.

(b) Machine room/control room:

(i) Stop switch;

(ii) Disconnecting means and control;

(iii) Controller wiring, fuses, grounding, etc.;

(iv) Hydraulic power unit;

(v) Tanks*((*) and) ;

(vi) Wiring diagrams ;

(vii) Code data plate*;(viii) Equipment exposure to weather*; and(ix) Fire extinguisher*.

(c) Top-of-car:

(i) Top-of-car stop switch;

(ii) Car top light and outlet;

(iii) Top-of-car operating device and working platforms;

(iv) Top emergency exit;

(v) Traveling cables and junction boxes;

(vi) Door and gate equipment;

(vii) Car frame and stiles;

- (viii) Guide rails fastening and equipment;
- (ix) Governor rope;
- (x) Wire rope fastening and hitch plate;
- (xi) Suspension rope;
- (xii) Slack rope device;
- (xiii) Traveling sheave;
- (xiv) Crosshead data plate* (~~(*) and~~);
- (xv) Guarding of equipment; and
- (xvi) Equipment exposure to weather*.
- (d) Outside hoistway:
 - (i) Car platform guard;
 - (ii) Hoistway doors;
 - (iii) (~~(Vision panels*;~~
 - ~~(iv))~~ Hoistway door locking devices;
 - ~~((v))~~ (iv) Access to hoistway; and
 - ~~((vi) Emergency doors in blind hoistways;))~~ (v) Equipment exposure to weather*.
- (e) Pit:
 - (i) Pit access, lighting, stop switch, and condition;
 - (ii) Bottom clearance and runby;
 - (iii) Plunger and cylinder;
 - (iv) Traveling cables;
 - (v) Car frame and platform;
 - (vi) Supply piping;
 - (vii) Governor rope tension device;
 - (viii) Machinery supports and fastenings;
 - (ix) Guarding of exposed auxiliary equipment; and
 - (x) Equipment exposure to weather*.

Note: (*) ~~(May be combined with other items on the log.~~
 (**)) A visual component that must be report to the owner.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-23605, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-23605, filed 11/27/13, effective 1/1/14.]

Subpart ((IV)) V
Lifts for ((~~Physically Handicapped~~)) Persons with Disabilities

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-23701 ((~~Periodic examinations~~)) Maintenance and tests on commercial accessibility lifts. (1) ((A)) One- and five-year inspection test tags in accordance with ASME A18.1, Section 10.3, shall be attached and visible. A full-load safety test shall be performed with weights on all commercial accessibility equipment.

(2) The owner shall ensure that the accessibility lifts are routinely examined and maintained in accordance with ASME A18.1, Section ~~((10.2))~~ 11 and with this subpart.

(3) Documentation of tests, examinations and maintenance shall be readily accessible on-site.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-23701, filed 8/31/18, effective 10/1/18; WSR 13-24-066, § 296-96-23701, filed 11/27/13, effective 1/1/14.]

Subpart ((V)) VI
Standard Application Material Lifts

~~((Subpart VI
Alterations, Repairs, Maintenance, and Testing))~~

Subpart ((VIII)) VII
Inclined Private Residence Elevators

Subpart ((IX)) VIII
Private Residence Inclined Conveyances for Transporting Only Property

Subpart ((X)) IX
Material Hoists

Subpart ((XI)) X
Belt Manlifts

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24401 Applicable requirements. (1) ((Belt)) Existing belted manlifts shall comply with the ((code under which the unit was installed).

(2) ~~Where a unit was installed when no code was available (pre-1949), the unit shall, as a minimum, comply with the oldest adopted standard (i.e., ASME A90.1-2003).~~

(3-)) current adopted edition of ASME A90.1 standard and this section.

(2) Appendix I and II records shall be kept in a secure location within the building and be readily accessible to maintenance personnel and inspectors.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24401, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24457 Up-limit stop devices. (1) Two separate automatic stop devices shall be provided to cut off the power and apply the brake when a loaded step passes the upper terminal landing. One of these devices shall consist of a switch mechanically operated by the belt or ((step)) step roller. The second device shall consist of any of the following:

(a) A roller switch located above but not in line with the first switch;

(b) A photocell and light source (an "electric eye"); or

(c) A switch activated by a lever, bar, rod, or plate.

(i) If a plate is used, it shall be positioned above the head pulley so it barely clears a passing step.

(ii) If a bar is used, the bar shall be of the "breakaway" type.

(2) The stop device shall stop the lift before a loaded step reaches a point 24 in. above the top terminal landing.

(3) Once the lift has stopped, the automatic stop device shall be manually reset. Therefore, this device shall be located on the top landing where the person resetting the device has a clear view of both the "up" and "down" runs of the lift; and it shall be impossible to reset from a step.

(4) ~~((Electric))~~ Stop devices shall ~~((meet the following requirements:~~

~~(a) All electric switches that directly open the main motor circuit shall be multiple type switches;~~

~~(b) Photoelectric devices shall be designed and installed so that failure of the light source, the light sensitive element or any vacuum tube used in the circuit will result in shutting off the power to the driving motor;~~

~~(c) In areas where flammable vapors or dust may be present, all electrical installations shall be in accordance with the NEC requirements for those installations; and~~

~~(d) All controller contacts carrying main motor current shall be copper to carbon types unless the circuit is simultaneously broken at two or more points or the contacts are immersed in oil))~~ comply with the requirements found in the current adopted edition of ASME A90.1.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24457, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24480 ((Five-year test)) Additional annual testing requirements. ~~((A five-year test of the belt manlifts shall be conducted, and the test shall be administered under the following conditions:))~~ (1) Qualified people will conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category of the conveyance being tested;

(b) The representative of a firm that manufactured the particular belt manlift who holds a current temporary mechanic's license in this state; or

(c) The representative of a firm that manufactured the particular belt manlift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category of the conveyance being tested.

(2) ~~((The up capacity of the belt manlift shall be tested with 200 lbs. on each horizontal step. During the up-run portion of the test the belt manlift shall not show appreciable slip of the belt when standing or running at rated speed.~~

~~(3) The down capacity of the belt manlift shall be tested with 200 lbs. on each horizontal step. During the down-run portion of the test the belt manlift shall not show appreciable slip of the belt when standing or running at the rated speed. The brake shall stop and hold the belt with test load within a maximum of 24 in. of travel.~~

~~(4) After the five-year test has been performed))~~ A tag indicating the date of the test and name of the company performing the test shall be attached in a visible area of the drive motor machine. The

tag shall have all applicable ASME A90.1(~~(r)~~) Section 8.1 test descriptions and code references.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24480, filed 8/31/18, effective 10/1/18.]

**Subpart (~~XII~~
Special Purpose Elevators
~~—(Formerly Known as) XI~~
Electric Manlifts(~~)~~)**

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24500 Scope. (1) These requirements apply to (~~special purpose personnel elevators~~) electric manlifts installed prior to January 1, 1999, in facilities in which agricultural products are stored, food products are processed, goods are manufactured, energy is generated, or similar industrial or agricultural processes are performed.

(2) Where a special purpose personnel elevator was installed after January 1, 1999, the conveyance shall comply with the requirements for a special purpose elevator found in the edition of ASME A17.1 or A17.1/B44 Section 5.7 that was in effect at the time.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24500, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24516 Maintenance requirements. (1) Examinations, in compliance with WAC 296-96-23605, are to be performed and documented in the maintenance and testing records.

Test tag(s) shall be attached to a wall inside the cab (car enclosure).

(2) Owners of electric manlifts are responsible for ensuring that:

(a) (~~Elevators~~) Manlifts and their parts are maintained in a safe condition;

(b) All devices and safeguards required by these regulations are maintained in good working order; and

(c) Maintenance(~~, examinations,~~) and safety tests (~~be~~) are performed and documented to the (~~applicable~~) requirements found in ASME A17.1 Section 8.6 as applicable to the sections of WAC 296-96-24519 through 296-96-24560.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24516, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24528 Car doors and gates. (1) All ((elevators)) electric manlifts shall have car doors, except on fully enclosed hoistways equipped with hoistway gates and enclosed from the top of the hoistway opening to the ceiling on the landing side.

~~((1))~~ (2) Car doors shall be:

(a) Constructed of solid or perforated material capable of resisting a 75 lb. thrust without deflecting 1/4 in. If perforated material is used, it shall reject a 1 in. diameter ball.

(b) Biparting or otherwise horizontally swung provided the door swings within the elevator car.

~~((2) Interlocks or a combination consisting of mechanical locks and electric contacts shall be provided on car gates on elevators in unenclosed hoistways unless a safe means of self-evacuation is provided. Such means shall be approved by the department.)~~ (c) All car doors or gates equipped with an electric contact.

(d) An electrical and mechanical interlock provided when a safe means of self-evacuation (a ladder) is not provided.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24528, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24537 Suspension means. (1) There shall be at least 2 hoisting ropes. Each rope shall be:

~~((1))~~ (a) Made of a good grade of elevator traction wire rope;

~~((2))~~ (b) At least 3/8 in. in diameter and possessing a safety factor of 5;

~~((3))~~ (c) Fastened by babbitted tapered elevator sockets or other acceptable methods. If cable clamps are used, a minimum of 3 fist grip or equivalent clamps shall be provided. U-shaped clamps shall not be acceptable.

(2) The car platform shall not be more than 6 in. above the top landing when the counterweight buffer is fully compressed. The counterweight shall be a minimum of 150 mm (6 in.) from the deflector sheave when the car buffer is fully compressed.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24537, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24543 Car safeties. All cars suspended or operated from overhead machinery shall be equipped with an approved car safety capable of stopping and holding the car while carrying its rated load.

(1) Car safeties shall be mechanically operated and not be affected by any interruptions in the electrical circuit.

(2) Car safeties and governor controlled safeties shall operate automatically and the control circuit shall be interrupted in the event the safeties set.

(3) All ~~((special purpose elevators))~~ electric manlifts shall be equipped with an overspeed governor that shall not exceed 175 ft./min. and shall deenergize the brake control and motor drive circuits simultaneously when the car safety mechanism is activated.

(4) Winding drum type machines shall have a manual-reset slack rope device that interrupts the drive motor and brake circuits.

~~((5) Separate safety tags shall be used to distinguish the no-load annual safety test and the five-year full load test.))~~

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24543, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24553 Drive machines. (1) ~~((Elevator machines))~~ Electric manlifts shall be driven by approved-type units.

(a) On direct drive or approved worm gear driven type, a mechanically actuated, electrically released brake shall be installed on the driving unit.

(b) On V belt driven types, a minimum of 4 belts, 1/2 in. minimum size, shall be used to transmit power from the motor to the drive shaft and a mechanically activated, electrically released brake shall be installed on the final drive shaft.

(c) All winding drum machine type elevators shall be equipped with top and bottom final limit switches.

(2) Wherever practical, ~~((elevator))~~ drive machines shall be installed on the top side of the supporting structure.

(3) All components of the driving mechanism and parts subject to stress involved in suspending the load or related equipment shall be designed to withstand 8 times the total weight to be suspended, including load, counterweight, car and cables.

(4) Gears shall be made of steel or equivalent material. Cast iron gears are prohibited.

(5) A working platform, with railings complying with the applicable requirements adopted according to chapter 49.17 RCW, shall be provided to allow for safely working on equipment.

(6) A light with a switch shall be located near the elevator driving machine or the machinery space.

(7) A means to lockout/tagout the ~~((elevator))~~ manlift equipment shall be provided and located near the driving machine or machine space.

(8) The ~~((elevator))~~ manlift machinery shall be protected from the weather.

(9) All sheaves shall be appropriately guarded per the requirements adopted according to chapter 49.17 RCW.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24553, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24560 Additional applicable requirements. (1) Car speeds shall not exceed 125 ft./min.

(2) Alterations shall conform with the applicable requirements in WAC 296-96-24519 through 296-96-24557.

(3) Electric manlift controls and disconnects shall be accessible and labeled.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24560, filed 8/31/18, effective 10/1/18.]

**Subpart ((XIII
Hand Elevators
(Previously Called) XII
Hand-Powered Manlifts (→))**

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24600 Scope. This section covers ((elevators)) hand-powered manlifts that have the capacity of 1 person and are installed in a facility prior to January 1, 1999, in which agricultural products are stored, food products are processed, goods are manufactured, energy is generated, or similar industrial or agricultural processes are performed.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24600, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24611 Maintenance and test requirements. (1) Maintenance and tests shall comply with the applicable requirements found in ASME A17.1/CSA B44, Section 8.6.

(a) Test tag(s) shall be attached to the inside of the car.

(b) (~~Hand elevators~~) Manlifts with wooden rails shall be safety tested with no load annually. There is not a full load testing requirement.

(2) Qualified people shall conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category for the conveyance being tested;

(b) The representative of a firm that manufactured the particular conveyance and who holds a current temporary mechanic's license in this state; or

(c) The representative of a firm that manufactured the particular conveyance who is working under the direct supervision of an elevator mechanic licensed in the appropriate category for the conveyance being tested.

(3) Examinations, in compliance with WAC 296-96-23605, are to be performed and documented in the maintenance and testing records.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24611, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24630 Habitable space beneath the car and counterweight. There shall not be habitable space below an elevator hoistway or counterweight shaft unless the floor above the space can withstand (~~the impact of a freely~~) an impact 125 percent greater than the impact generated by a free falling car with rated load or counterweight falling from the full height of the hoistway.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24630, filed 8/31/18, effective 10/1/18.]

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-24670 Hoistway requirements. (1) Escape ladders shall be installed and shall extend the full length of the hoistway.

(a) Ladders shall be installed in a manner to provide access to an emergency exit and shall be located in a position so that in an emergency a person can safely transfer from the car platform to the ladder.

Note: Transfer is considered safe when a person can maintain 3 points of contact while making the transfer.

(b) An "IMPAIRED CLEARANCE" sign shall be posted at the bottom of a ladder when the face of the ladder is less than 30 in. from any structure.

(2) The minimum clearance between a car side and the hoistway enclosure is 1 in.

(3) The clearance between a car platform and a landing sill shall be at least 1/2 in. but not more than 1 1/2 in.

(4) Adequate lighting shall be installed and operating in the path of travel.

Note: For the purpose of this section, adequate lighting shall be 5 fc.

[Statutory Authority: Chapter 70.87 RCW. WSR 18-18-070, § 296-96-24670, filed 8/31/18, effective 10/1/18.]

Subpart ((XIV)) XIII
Casket Lifts

Note: As a minimum, all such lifts currently installed shall comply with this section. These conveyances are intended to be used only in mortuaries where moving of caskets is necessary. New casket lifts shall comply with either ASME A17.1/CSA B44 Part 7 or with this chapter, Part C1.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-96-02470	Fireman's service for groups of four or more.
WAC 296-96-02471	Emergency personnel lock box.
WAC 296-96-11080	Five-year test.
WAC 296-96-20005	Applicable codes and standards.
WAC 296-96-23118	Car top railings for hydraulic elevators.
WAC 296-96-23303	Hydraulic elevators without safety bulkheads.
WAC 296-96-24416	Landings.
WAC 296-96-24419	Landing guards and cones.
WAC 296-96-24422	Guarding of entrances and exits.
WAC 296-96-24425	Guarding of floor openings.
WAC 296-96-24428	Guarding of floor landings.
WAC 296-96-24431	Bottom landings.
WAC 296-96-24434	Top clearances.
WAC 296-96-24437	Emergency exit ladders.
WAC 296-96-24440	Lighting.
WAC 296-96-24445	Drive machines.
WAC 296-96-24448	Operating speed.
WAC 296-96-24451	Step requirements.
WAC 296-96-24454	Handholds.
WAC 296-96-24460	Emergency stop devices.
WAC 296-96-24466	Warning signs.
WAC 296-96-24470	Restricted use of manlifts.
WAC 296-96-24478	Inspection requirements.

WSR 21-11-101

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed May 19, 2021, 9:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-19-020.

Title of Rule and Other Identifying Information: WAC 192-180-010
Job search requirements—Directives—RCW 50.20.010 (1)(c) and
50.20.240.

Hearing Location(s): On June 22, 2021, at 9:00 a.m., Zoom, Meeting ID 883 4231 8970, Passcode 938418, Call in 253-215-8782. Join Zoom meeting <https://us02web.zoom.us/j/88342318970?pwd=SXR2eGFRMkh1WlVVbmI2Rk02a1BiQT09>.

Date of Intended Adoption: June 25, 2021.

Submit Written Comments to: Joshua Dye, P.O. Box 9046, Olympia, WA 98507-9046, email rules@esd.wa.gov, fax 844-652-7096, by June 21, 2021.

Assistance for Persons with Disabilities: Contact Teresa Eckstein, phone 360-507-9890, fax 360-586-4600, TTY relay 711, email teckstein@es.wa.gov [teckstein@esd.wa.gov] by June 14, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In order to be eligible to receive unemployment benefits, an unemployed individual must, among other requirements, be actively seeking work. RCW 50.20.010 (1)(c). RCW 50.20.240 (1)(b) requires individuals to make contacts with at least three employers per week or at least three documented in-person job search activities at the local reemployment center per week, or as otherwise directed by the department to meet the intent of rigorous reemployment efforts. The proposed amendments to WAC 192-180-010 provide additional options for claimants to meet the job search requirement by expanding the list of actions that constitute job search contacts and activities. The proposed amended rule also clarifies that an in-person job search activity can take place virtually or remotely.

Reasons Supporting Proposal: Washington's economy has profoundly changed due to the continued COVID-19 pandemic and the emergency measures taken to prevent its spread. And even before the pandemic started, new technologies and business practices had significantly changed the way that people look for and find new work. Washington's unemployed workers need more options and flexibility in how they search for work in order to adapt to this dynamic situation. Furthermore, as the state considers long-term pandemic response plans, requiring physical proximity between claimants and WorkSource staff unnecessarily increases safety risks for both claimants and staff, especially when claimants can receive support for their job search activities remotely or virtually.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010, 50.20.240.

Statute Being Implemented: RCW 50.20.010 (1)(c) and 50.20.240.

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

Name of Proponent: Employment security department, governmental.

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

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

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Joshua Dye, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, email Rules@esd.wa.gov, <https://esd.wa.gov/newsroom/ui-rule-making/>.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed job search requirement changes do not expand a claimant's eligibility for benefits. As such, the proposed rule change will not create an additional tax liability for employers.

May 19, 2021
Dan Zeitlin
Employment Security
Policy Director

OTS-2412.1

AMENDATORY SECTION (Amending WSR 20-10-056, filed 4/30/20, effective 7/5/20)

WAC 192-180-010 Job search requirements—Directives—RCW

50.20.010 (1) (c) and 50.20.240. (1) **Do I have to look for work?** You must be actively seeking work unless you are:

(a) Attached to an employer as defined in WAC 192-180-005(1);

(b) Participating in a training program approved by the commissioner; or

(c) An active registered electrical apprentice in an approved electrical apprenticeship program under chapter 49.04 RCW and chapter 296-05 WAC.

(2) **When should I start my job search?** You must look for work every week that you file a claim for benefits, unless you are exempt under subsection (1) of this section.

(3) **What are my weekly job search requirements?**

(a) At a minimum, you must:

(i) Make job search contacts with at least three employers each week; (~~(e)~~)

(ii) Participate in three approved in-person job search activities through the WorkSource office or the equivalent public employment agency in the state in which you reside(~~(r)~~); i or

(iii) Do any combination of employer contacts or in-person job search activities for a total of three.

(b) Based on your individual circumstances, such as your occupation, experience, or labor market area, the department may issue you a directive requiring more than three employer contacts or job search activities each week.

(c) If you are a member of a referral union you must be registered with your union, eligible for and actively seeking dispatch, and comply with your union's dispatch or referral requirements (see WAC 192-210-120). Your benefits may be denied for any weeks in which you fail to meet these requirements and you may be directed to seek work outside of your union.

(4) **What is a "job search contact"?** A job search contact is ((a contact with an employer to inquire about or apply for a job. You must use job search methods that are customary for your occupation and labor market area including, but not limited to, in-person, telephone, internet, or telefax contacts. The work applied for must be suitable (see RCW 50.20.100 and 50.20.110) unless you choose to look for work in a lower skill area. A contact does not count if it is made with an employer whom you know is not hiring, or if the department decides the contact is designed in whole or in part to avoid meeting the job search requirements. Simply posting your resume online (for example, Simplyhired.com or Craigslist) does not constitute a job search contact for purposes of this section; in addition to posting your resume, an application or contact with an employer for a job must be submitted to count as one of the required weekly job search contacts)) one of the following activities:

(a) Contacting an employer to inquire about a job, unless you know the employer is not hiring;

(b) Submitting an application for a job with an employer, unless you know the employer is not hiring;

(c) Taking an exam required as part of the application process for a new job;

(d) Interviewing for a job;

(e) Taking a civil service exam;

(f) Adding a resume to an online job board;

(g) Creating a user profile on a professional networking site;

(h) Participating in work-related networking events, such as a job fair;

(i) Participating in a public speaking class;

(j) Registering for work with a temporary work agency, placement firm, or educational institution with job placement offices; and

(k) Other approved activities listed on the department's website at the time the weekly claim was filed.

(5) **What is an "in-person job search activity"?** ((This))

(a) An in-person job search activity is an activity provided or monitored through the WorkSource office or the equivalent public employment agency in the state in which you reside that will assist you in your reemployment efforts. It includes ((, but is not limited to,)):

(i) Job search workshops((,));

(ii) Training classes((,));

(iii) Creating a reemployment plan;

(iv) Creating an application cover letter or resume;

(v) Obtaining and using labor market and career information;

(vi) Participating in reemployment services and eligibility assessment (RESEA) activities;

(vii) Participating in skills assessment for occupational matching;

(viii) Establishing an online account with your local WorkSource office; or

(ix) Other facilitated services provided or monitored by WorkSource staff or other affiliated agencies and approved by the local WorkSource office.

(b) For claimants residing in Washington state, an in-person job search activity must be documented in the department's computer system to qualify. For interstate claimants, the activity must be documented by the equivalent public employment agency in the state in which you reside.

(c) You do not need to physically visit a WorkSource office or the equivalent public employment agency in the state in which you reside in order for the activity to count as an in-person job search activity. Job search activities that are provided or monitored remotely or virtually also count as a valid in-person job search activity.

(6) **What is a directive?** A directive is a written notice from the department telling you that specific methods of job search are required in order to meet the job search requirements. A written directive need not have been issued to deny benefits for failure to meet the job search requirements in subsection (3) of this section, unless the directive is required under WAC 192-180-012.

(7) **When is a directive issued?** The department can issue a directive to clarify or to increase the job search requirements you must meet. Examples include, but are not limited to, cases in which you need to:

- (a) Increase the number of employer contacts each week;
- (b) Change your method of looking for work;
- (c) Expand the geographic area in which you look for work;
- (d) Look for work in a secondary occupation; or
- (e) Accurately record your job search activities as required by WAC 192-180-015.

(8) **When is the directive effective?** The directive is effective when it is given in writing by the department. It stays in effect until a new written directive is given; the directive is rescinded in writing; your benefit year ends; or you receive final payment on any extension of benefits related to that benefit year, whichever is later.

[Statutory Authority: RCW 50.12.010, 50.20.010, 50.20.230, 50.20.240, and 50.12.040. WSR 20-10-056, § 192-180-010, filed 4/30/20, effective 7/5/20. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-01-051, § 192-180-010, filed 12/13/16, effective 1/13/17. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-180-010, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 07-22-055, § 192-180-010, filed 11/1/07, effective 12/2/07. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-180-010, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 99-13-002, § 192-180-010, filed 6/3/99, effective 7/4/99.]

WSR 21-11-103
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 19, 2021, 9:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-02-082.

Title of Rule and Other Identifying Information: 2021 North of Falcon coastal commercial salmon seasons. The department is considering amendments to WAC 220-354-250 Willapa Bay salmon fall fishery, and 220-354-290 Grays Harbor salmon fall fishery.

Hearing Location(s): On June 22, 2021, at 9:00 a.m., Zoom webinar. Register for this webinar <https://us02web.zoom.us/join/84481111111>. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: June 30, 2021.

Submit Written Comments to: 2021 North of Falcon - Coastal Commercial Fisheries Rule Making [contact agency for link], P.O. Box 43152, Olympia, WA 98501, email 24111@PublicInput.com, fax 360-902-2155, phone transcription 855-925-2801, project code 9711, by June 22, 2021.

Assistance for Persons with Disabilities: Title VI/ADA coordinator, phone 360-902-2349, TTY 711, TTY 360-902-2207, email Title6@dfw.wa.gov, <https://wdfw.wa.gov/accessibility/requests-accommodation>, by June 22, 2021.

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 2021, and provide the season schedule for the 2021 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 2021-22 salmon seasons for Washington state, developed through the broader North of Falcon process pursuant to the fish and wildlife commission's North of Falcon Policy C-3608 for 2019-2023. As such, while these rules regulate only commercial fisheries, the seasons specified in these proposed rules are part of implementing Willapa Bay-wide commercial and recreational fisheries in a coordinated manner pursuant to the Willapa Bay Salmon Management Policy C-3622. As such, the proposed commercial fishery for 2021-22 is structured in a manner intended to consider and provide both commercial and recreational fishing opportunities in Willapa Bay and Grays Harbor, while ensuring conservation requirements and management objectives in federal and state laws and regulations, state/tribal harvest management agreements, and fish and wildlife commission policies are met.

Even though drafted as amendments to preceding rules, these new amendments function as a coordinated and unitary fishery package for the 2021-22 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 sal-

mon fall fishery in their entirety. The Washington department of fish and wildlife (WDFW) is proposing specific revisions to these rules to describe the seasons and dates for these fisheries for 2021, however, 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 degrees N. latitude.

The North of Falcon process typically begins in January and consists of government-to-government meetings involving the National Marine Fisheries Service (NMFS), treaty tribes, and WDFW representatives. Separate meetings are held with stakeholders—both at a 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, but other protected species as well, such as southern resident killer whales.

Ocean fishery seasons are developed through the Pacific Fishery Management Council process, which is concurrent with and part of the broader North of Falcon process, with meetings in early March and early April. Ocean fishery options are also analyzed and considered in light of potential ESA-listed species impacts and state/tribal harvest agreements and are also reviewed for consistency with the Pacific Salmon Treaty.

Stakeholder meetings specific to the Willapa Bay and Grays Harbor fisheries were held in February, March, and April. The comprehensive North of Falcon meeting schedule and the meeting agendas, handouts, and audio recordings of the public meetings are available on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon/public-meetings>.

Even though the governor has amended the "Stay Home, Stay Healthy" Proclamation, the prohibition on gatherings with anyone outside of an individual's household members and the social distancing requirements remain in effect. As such, WDFW anticipates that those requirements are likely to remain in place through the time of scheduled public hearing on this rule making; therefore, we have indicated that the hearing will occur via webinar.

Instructions regarding how the public may participate in the public hearing webinar will be posted on the agency's website at <https://wdfw.wa.gov/fishing/management/north-falcon> as soon as they become available.

Members of the public who would like to submit written comments online may do so at 2021 North of Falcon - Coastal Commercial Fisheries Rule Making [contact agency for link].

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 or Kim Figlar-Barnes, 48 Devonshire Road, Montesano, WA 98563, 360-249-1213 or 360-249-4628; Implementation: Kyle Adicks, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2664; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

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

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

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

Is exempt under RCW 19.85.025(4). This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses.

Explanation of exemptions: The department is exempt from the requirements of chapter 19.85 RCW because, while WDFW considers commercial fishers to be a "small business," the commercial fishing rules proposed for 2021-22 do not affect these small businesses by imposing new direct costs of regulatory compliance. These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited-participation salmon fisheries, and legal gear requirements for those fisheries. There are no new anticipated professional services required to comply. Based on the department's analysis, the proposed rules do not require any new or additional equipment, supplies, labor, or administrative costs.

Specific to WAC 220-354-250 for the Willapa Bay salmon fall fishery, in the past, WDFW has produced a small business economic impact statement (SBEIS) to address new gear restrictions in the fishery that likely resulted in small businesses incurring new direct regulatory compliance costs (e.g., purchase of new tangle nets not previously required). However, we believe that an SBEIS is not necessary for this rule making as the gear restrictions in the proposed rule have not changed since they went into effect in 2016 and this proposed rule does not impose any new costs on small businesses.

May 19, 2021
Annie Szvetcz
Rules Coordinator

OTS-3043.2

AMENDATORY SECTION (Amending WSR 20-14-051, filed 6/25/20, effective 7/26/20)

WAC 220-354-250 Willapa Bay salmon fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for coho salmon, chum salmon, and Chinook salmon:

Area	Time	Date(s)	Maximum Mesh Size
((2U	6:00 a.m. through 6:00 p.m.	9/8	4.25"
2N	6:00 a.m. through 6:00 p.m.	9/9	4.25"
2T	6:00 a.m. through 6:00 p.m.	9/11	4.25"
2N, 2M, 2T, 2U	6:00 a.m. through 6:00 p.m.	9/14, 9/17	6.5"
2N, 2M, 2T, 2U	6:00 a.m. through 6:00 p.m.	9/21, 9/24	6.5"
2N, 2M, 2T, 2U	7:00 a.m. through 7:00 p.m.	9/28, 10/1	6.5"
2N, 2M, 2T, 2U	7:00 a.m. through 7:00 p.m.	10/5, 10/8	6.5"
2N, 2M, 2U	7:00 a.m. through 7:00 p.m.	10/12	6.5"
2N, 2M	7:00 a.m. through 7:00 p.m.	10/15	6.5"))
<u>2N</u>	<u>6:00 a.m. through 6:00 p.m.</u>	<u>8/20</u>	<u>4.25"</u>
<u>2N, 2M</u>	<u>6:00 a.m. through 6:00 p.m.</u>	<u>8/27</u>	<u>4.25"</u>
<u>2N, 2M</u>	<u>6:00 a.m. through 6:00 p.m.</u>	<u>9/3</u>	<u>4.25"</u>
<u>2N, 2M</u>	<u>6:00 a.m. through 6:00 p.m.</u>	<u>9/10</u>	<u>4.25"</u>
<u>2N</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>9/12, 9/14</u>	<u>4.25"</u>
<u>2M</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>9/14</u>	<u>4.25"</u>
<u>2N, 2M, 2T, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>9/16</u>	<u>4.25"</u>
<u>2N, 2T, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>9/18</u>	<u>4.25"</u>
<u>2N, 2M, 2T, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>9/21, 9/24</u>	<u>6.5"</u>
<u>2N, 2T, 2U, 2R</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>9/22</u>	<u>6.5"</u>
<u>2N, 2T</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>9/25</u>	<u>6.5"</u>
<u>2N, 2M, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>9/28, 10/1</u>	<u>6.5"</u>
<u>2N, 2R, 2T, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>9/29</u>	<u>6.5"</u>
<u>2T</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>10/1</u>	<u>6.5"</u>
<u>2N, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>10/2</u>	<u>6.5"</u>
<u>2N, 2M, 2R, 2T, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>10/5</u>	<u>6.5"</u>
<u>2N, 2M, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>10/7</u>	<u>6.5"</u>
<u>2N, 2M, 2R, 2T, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>10/12</u>	<u>6.5"</u>
<u>2N, 2T, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>10/14</u>	<u>6.5"</u>
<u>2N, 2M, 2R, 2T, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>10/19</u>	<u>6.5"</u>
<u>2N, 2T, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>11/1</u>	<u>6.5"</u>
<u>2N, 2M, 2T, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>11/8</u>	<u>6.5"</u>
<u>2N, 2M, 2U</u>	<u>7:00 a.m. through 7:00 p.m.</u>	<u>11/15</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 feet in length.

(c) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line.

(d) It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Willapa Bay, provided the net is properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a

minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

(e) From 12:01 a.m. (~~(September 8)~~) August 20 through 11:59 p.m. (~~(October)~~) November 15, (~~(2020)~~) 2021: Mesh size must not exceed six and one-half inches stretched, except mesh size must not exceed four and one-quarter inches stretched in Area (~~(2U)~~) 2N on (~~(September 8)~~) August 20, 27, September 3, 10, 12, 14, 16, and 18, Area (~~(2N)~~) 2M on August 27, September (9) 3, 10, 14, and 16, and Areas 2T and 2U on September (~~(11, 2020)~~) 16 and 18, 2021.

Other:

(3) Recovery boxes and soak time limits described in this section are required from 12:01 a.m. (~~(September 8)~~) August 20 through 11:59 p.m. (~~(October)~~) November 15, (~~(2020)~~) 2021:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2M, 2N, 2R, 2T, and 2U.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(b) From 12:01 a.m. (~~(September 8)~~) August 20 through 11:59 p.m. (~~(October)~~) November 15, (~~(2020)~~) 2021, 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 a.m. (~~(September 8)~~) August 20 through 11:59 p.m. (~~(October)~~) November 15, (~~(2020)~~) 2021, 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 (8)~~ 16, (~~(2020)~~) 2021, through 11:59 p.m., ~~September 30, (2020)~~ 2021.

(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 (~~(31, 2020)~~) 6, 2021.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-051 (Order 20-103), § 220-354-250, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 19-15-053 (Order 19-127), § 220-354-250, filed 7/12/19, effective 8/12/19; WSR 18-15-070, § 220-354-250, filed 7/17/18, effective 8/17/18. Statutory Authority: RCW 77.04.090 and 77.04.130. WSR 18-11-052 (Order 18-92), § 220-354-250, filed 5/10/18, effective 6/10/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 17-17-012, § 220-354-250, filed 8/4/17, effective 9/4/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-354-250, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.12.045, 77.12.047, and 77.04.055. WSR 16-15-029 (Order 16-176), § 220-40-027, filed 7/12/16, effective 8/12/16; WSR 15-18-029 (Order 15-281), § 220-40-027, filed 8/25/15,

effective 9/8/15; WSR 14-15-052 (Order 14-173), § 220-40-027, filed 7/11/14, effective 8/11/14. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 13-17-001 (Order 13-184), § 220-40-027, filed 8/7/13, effective 8/12/13; WSR 12-11-093, § 220-40-027, filed 5/18/12, effective 6/18/12; WSR 11-14-003 (Order 11-91), § 220-40-027, filed 6/22/11, effective 7/23/11; WSR 10-12-061 (Order 09-108), § 220-40-027, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-16-125 (Order 09-109), § 220-40-027, filed 8/4/09, effective 9/4/09; WSR 08-15-003 (Order 08-166), § 220-40-027, filed 7/3/08, effective 8/3/08. Statutory Authority: RCW 77.04.020, 77.12.047, and 77.65.200. WSR 07-17-010, § 220-40-027, filed 8/3/07, effective 9/3/07. Statutory Authority: RCW 77.12.047. WSR 05-17-006 (Order 05-167), § 220-40-027, filed 8/3/05, effective 9/3/05; WSR 04-16-013 (Order 04-183), § 220-40-027, filed 7/22/04, effective 8/22/04; WSR 03-18-004 (Order 03-208), § 220-40-027, filed 8/20/03, effective 9/20/03; WSR 02-16-021 (Order 02-173), § 220-40-027, filed 7/26/02, effective 8/26/02; WSR 01-13-055 (Order 01-104), § 220-40-027, filed 6/15/01, effective 7/16/01; WSR 00-23-065 (Order 00-240), § 220-40-027, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080. WSR 99-24-104 (Order 99-206), § 220-40-027, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 98-15-081 (Order 98-122), § 220-40-027, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. WSR 97-15-148 (Order 97-123), § 220-40-027, filed 7/23/97, effective 8/23/97; WSR 96-13-035 (Order 96-77), § 220-40-027, 6/11/96, effective 7/12/96; WSR 95-13-065 (Order 95-76), § 220-40-027, filed 6/19/95, effective 7/20/95; WSR 94-16-017 (Order 94-61), § 220-40-027, filed 7/21/94, effective 8/21/94; WSR 93-14-042 (Order 93-54), § 220-40-027, filed 6/29/93, effective 7/30/93; WSR 90-18-023 (Order 90-77), § 220-40-027, filed 8/24/90, effective 9/24/90; WSR 89-16-056 (Order 89-71), § 220-40-027, filed 7/28/89, effective 8/28/89.]

OTS-3042.1

AMENDATORY SECTION (Amending WSR 20-14-051, filed 6/25/20, effective 7/26/20)

WAC 220-354-290 Grays Harbor salmon fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for Chinook, coho, and chum salmon, and shad as provided in this section and in the times and area identified in the chart below.

Time:	Areas:
((7:00 a.m. through 7:00 p.m. October 21;	Area 2A and Area 2D
7:00 a.m. through 7:00 p.m. October 26;	

Time:	Areas:
7:00 a.m. through 7:00 p.m. October 27;	
AND	
7:00 a.m. through 7:00 p.m. October 28;))	
<u>7:00 a.m. through 7:00 p.m. October 25;</u>	<u>Area 2A and Area 2D</u>
<u>7:00 a.m. through 7:00 p.m. October 26;</u>	
<u>7:00 a.m. through 7:00 p.m. October 27;</u>	
<u>Noon through 11:59 p.m. November 2;</u>	
AND	
<u>7:00 a.m. through 7:00 p.m. November 3;</u>	
AND	
<u>Noon October 17 through noon October 20;</u>	<u>Area 2C</u>
AND	
<u>6:00 a.m. October 24 through 6:00 a.m. October 26.</u>	

Gear :

(2) Gillnet gear restrictions - All areas:

(a) It is permissible to have on board a commercial vessel more than one net, provided that the length of any one net does not exceed one thousand five hundred feet in length. Nets not specifically authorized for use in this fishery may be aboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches in diameter or greater.

(b) Areas 2A and 2D from October 1 through November 30: Gillnet gear only.

(i) Drift gillnet gear only. It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed six and one-half inch maximum.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

(c) Area 2C from October 1 through November 30: Gillnet gear only.

(i) Drift gillnet gear only. It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed nine inches.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on

the cork line. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

Other:

(3) Recovery boxes and soak times:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Areas 2A, 2C, and 2D.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked and any time a fish is being held in accordance with (b) and (c) of this subsection. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river or fresh bay water into each chamber.

(b) When fishing in Grays Harbor Areas 2A and 2D, all steelhead and wild (unmarked) Chinook must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(c) When fishing in Grays Harbor Area 2C, all steelhead must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(d) All fish placed in recovery boxes must remain until they are not lethargic and not bleeding and must be released to the river or bay prior to landing or docking.

(e) For Areas 2A and 2D, soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Retention of any species other than coho, chum, hatchery Chinook marked by a healed scar at the site of the adipose fin, or shad is prohibited in Areas 2A and 2D from October 1 through November 30.

(5) Retention of any species other than Chinook, chum, coho or shad, is prohibited in Area 2C from October 1 through November 30.

(6) Quick reporting is required for original receivers. According to WAC 220-352-320, reports must be made by 10:00 a.m. the day following landing, unless otherwise specified in an electronic fish receiving ticket reporting agreement (see WAC 220-352-035(3)).

(7) Report all encounters of green sturgeon to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or email at harborfishtickets@dfw.wa.gov. Fishers may have wholesale fish buyers use the "buyer only" portion of the fish ticket and include encounters with each day's quick reporting.

(8) Do NOT remove tags from white or green sturgeon. Please obtain available information from tags without removing tags. Submit tag information to:

Washington Department of Fish and Wildlife
48 Devonshire Rd.
Montesano, WA 98563.

(9) (a) Fishers must take department observers, if requested, by department staff when participating in these openings.

(b) Fishers also must provide notice of intent to participate by contacting Quick Reporting by phone, fax or email. Notice of intent must be given prior to ~~((12:00))~~ 5:00 p.m. on October ~~((9))~~ 11, 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.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-051 (Order 20-103), § 220-354-290, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 19-15-054 (Order 19-129), § 220-354-290, filed 7/12/19, effective 8/12/19; WSR 18-17-071 (Order 18-191), § 220-354-290, filed 8/10/18, effective 9/10/18. Statutory Authority: RCW 77.04.090 and 77.04.130. WSR 18-11-052 (Order 18-92), § 220-354-290, filed 5/10/18, effective 6/10/18. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-354-290, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 17-19-007 (Order 17-234), § 220-354-290, filed 9/7/17, effective 10/8/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-354-290, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 16-19-010 (Order 16-239), § 220-36-023, filed 9/8/16, effective 10/9/16; WSR 15-19-086 (Order 15-343), § 220-36-023, filed 9/16/15, effective 10/11/15; WSR 14-20-023 (Order 14-268), § 220-36-023, filed 9/19/14, effective 10/20/14. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 13-19-027 (Order 13-227), § 220-36-023, filed 9/9/13, effective 10/10/13; WSR 12-11-093, § 220-36-023, filed 5/18/12, effective 6/18/12; WSR 11-14-003 (Order 11-91), § 220-36-023, filed 6/22/11, effective 7/23/11; WSR 10-12-061 (Order 09-108), § 220-36-023, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-16-125 (Order 09-109), § 220-36-023, filed 8/4/09, effective 9/4/09; WSR 08-15-003 (Order 08-166), § 220-36-023, filed 7/3/08, effective 8/3/08. Statutory Authority: RCW 77.04.020, 77.12.047, and 77.65.200. WSR 07-17-010, § 220-36-023, filed 8/3/07, effective 9/3/07. Statutory Authority: RCW 77.12.047. WSR 05-17-006 (Order 05-167), § 220-36-023, filed 8/3/05, effective 9/3/05; WSR 04-16-013 (Order 04-183), § 220-36-023, filed 7/22/04, effective 8/22/04; WSR

03-18-004 (Order 03-208), § 220-36-023, filed 8/20/03, effective 9/20/03; WSR 01-13-055 (Order 01-104), § 220-36-023, filed 6/15/01, effective 7/16/01; WSR 00-23-065 (Order 00-240), § 220-36-023, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080. WSR 99-24-104 (Order 99-206), § 220-36-023, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 98-15-081 (Order 98-122), § 220-36-023, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. WSR 97-15-148 (Order 97-123), § 220-36-023, filed 7/23/97, effective 8/23/97; WSR 96-13-035 (Order 96-77), § 220-36-023, filed 6/11/96, effective 7/12/96; WSR 95-13-065 (Order 95-76), § 220-36-023, filed 6/19/95, effective 7/20/95; WSR 94-13-014 (Order 94-46), § 220-36-023, filed 6/3/94, effective 7/4/94; WSR 93-14-042 (Order 93-54), § 220-36-023, filed 6/29/93, effective 7/30/93; WSR 90-18-023 (Order 90-77), § 220-36-023, filed 8/24/90, effective 9/24/90; WSR 89-16-056 (Order 89-71), § 220-36-023, filed 7/28/89, effective 8/28/89.]

WSR 21-11-105
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed May 19, 2021, 10:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-03-092.

Title of Rule and Other Identifying Information: The state board of education (SBE) has proposed amendments to chapter 180-111 WAC regarding emergency waiver of certain requirements.

Hearing Location(s): On June 22, 2021, at 3:00 p.m., online using Zoom at <https://us02web.zoom.us/j/83966922389> or telephone by dialing US +1-253-215-8782 with Webinar ID 839 6692 2389. Members of the public are encouraged to participate online due to COVID-19 health precautions.

Date of Intended Adoption: July 15, 2021.

Submit Written Comments to: Parker Teed, 600 Washington Street S.E., Olympia, WA 98504, email rulescoordinatorSBE@k12.wa.us, fax 360-586-2357, by June 22, 2021.

Assistance for Persons with Disabilities: Contact Parker Teed, phone 360-742-4037, fax 360-586-2357, TTY 360-664-3631, email rulescoordinatorSBE@k12.wa.us, by June 22, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SBE proposes changes to chapter 180-111 WAC to establish an emergency waiver program to allow school districts and other local education agencies to waive certain graduation requirements on an individual student basis and to allow private schools a waiver of certain requirements. The purpose of this emergency waiver program is to help prevent students from being unduly impacted by unforeseen disruptions to coursework and assessment resulting from an emergency or disaster, as defined in RCW 39.52.010.

Reasons Supporting Proposal: SBE is amending chapter 180-111 WAC to make changes as necessary to implement recently passed legislation, HB 1121 (chapter 7, Laws of 2021) and HB 1131 (chapter 8, Laws of 2021). These proposed rules apply to the graduating classes of 2020, 2021, and 2022 because of disruptions due to the coronavirus emergency. The proposed rules also establish the emergency waiver program for applicable future emergencies.

Statutory Authority for Adoption: RCW 28A.195.010, 28A.230.090, 28A.150.220(7).

Statute Being Implemented: RCW 28A.195.010, 28A.230.090, 28A.150.220.

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

Name of Proponent: SBE, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Randy Spaulding, 600 Washington Street S.E., Olympia, WA 98504, 360-725-6024.

A school district fiscal impact statement has been prepared RCW 28A.305.135.

SCHOOL DISTRICT FISCAL IMPACT STATEMENT

WSR 21-03-092.

Title of Rule: Emergency waiver of certain requirements.

Agency: SDF - school district fiscal impact - SPI.

Part I: Estimates: No fiscal impact.

These rules do not have a fiscal impact. The office of superintendent of public instruction (OSPI) solicited feedback from approximately twenty-seven of a combination of district business managers and ESD fiscal officers and provided approximately seven days for response. No expected costs due to this rule change were received.

For that reason, OSPI's conclusion is that these rules will not create a fiscal impact to local districts.

Estimated Cash Receipts To: No estimated cash receipts.

Estimated Expenditures From: No estimated expenditures.

Estimated Capital Impact: No estimated capital impact.

Agency Preparation: T.J. Kelly, phone 360-725-6301, May 18, 2021.

Agency Approval: T.J. Kelly, phone 360-725-6301, May 18, 2021.

Part II: Narrative Explanation:

II. A - Brief Description Of What the Measure Does That Has Fiscal Impact:

II. B - Cash Receipts Impact: None.

II. C - Expenditures:

Part III: Expenditure Detail:

III. A - Expenditures by Object or Purpose: None.

Part IV: Capital Budget Impact: None.

A copy of the statement may be obtained by contacting Mr. Thomas Kelly, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6301, fax 360-586-2357, TTY 360-664-3631, email Thomas.Kelly@k12.wa.us.

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

May 18, 2021
Randy Spaulding
Executive Director

OTS-2954.5

Chapter 180-111 WAC

EMERGENCY WAIVER OF CERTAIN REQUIREMENTS ((IN RESPONSE TO NOVEL CORONAVIRUS))

AMENDATORY SECTION (Amending WSR 21-01-077, filed 12/10/20, effective 1/10/21)

WAC 180-111-010 Authority and purpose. (~~((1) The authority for this chapter is sections 10 through 12, chapter 7, Laws of 2020 (EHB 2965) which authorizes the state board of education to administer an emergency waiver program.~~

~~(2)) The purpose of this chapter is ((:~~

~~(a)) to establish an emergency waiver program to ((grant local education agencies and private schools flexibility so that students in the graduating class of 2020 or earlier who were on track to graduate before the gubernatorial declaration of emergency of February 29, 2020, the proclamation of statewide school closures on March 13, 2020, and any subsequent amendments to these proclamations, are not negatively impacted by measures taken by the local education agency or private school in response to the novel coronavirus (COVID-19); and~~

~~(b) To allow flexibility from instructional hour or school day requirements for the 2019-20 school year for private schools that close due to the novel coronavirus.~~

~~(3) This chapter expires July 31, 2020)) allow school districts as defined in WAC 180-111-020, and private schools, to waive certain graduation requirements on an individual student basis and emergency waiver of certain requirements for private schools in WAC 180-111-060. The intent is to help prevent students from being unduly impacted by unforeseen disruptions to coursework and assessments resulting from an "emergency or disaster" as defined in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official.~~

[Statutory Authority: 2020 c 7 § 10-12 and RCW 28A.195.010, 28A.230.090, 28A.150.220(7). WSR 21-01-077, § 180-111-010, filed 12/10/20, effective 1/10/21.]

AMENDATORY SECTION (Amending WSR 21-01-077, filed 12/10/20, effective 1/10/21)

WAC 180-111-020 Definitions. The definitions in this section apply throughout this chapter.

~~(1) ("Good faith effort" means the local education agency or private school considered and implemented options, determined appropriate by the local education agency or private school, to support individual students in meeting credit requirements. Options for helping students meet credit requirements or waive credit requirements include, but are not limited to:~~

~~(a) Recommendations provided by the office of the superintendent of public instruction in its published guidance on supporting seniors during long-term school closures, as outlined in Bulletin Number 022-20 issued on March 20, 2020, and Bulletin Number 024-20 issued on March 23, 2020, and any related subsequent bulletins.~~

~~(b) Awarding or waiving of credits through existing authority of local education agencies and private schools:~~

~~(i) Local graduation requirements under WAC 180-51-020 may be waived at local discretion without approval of the state board of education.~~

~~(ii) Local education agencies and private schools that have implemented state credit requirements under WAC 180-51-068 (the twenty-four-credit graduation requirement framework) have the authority to award a two-credit waiver of flexible credits for individual student circumstances.~~

~~(iii) Students may be excused from physical education, provided they demonstrate competency/mastery in the knowledge portion of the~~

required one and one-half credits, as articulated in WAC ~~180-51-056 (1)(e), 180-51-067(6), and 180-51-068(6).~~

~~(iv) Per WAC 180-51-056 (1)(e)(ii), 180-51-067 (4)(b), and 180-51-068 (4)(b)(i) and (ii), the noncredit requirement of Washington state history can be waived for students who either have completed a state history course in another state, or for eleventh or twelfth grade students who have not completed the course because of previous residence in another state.~~

~~(v) Credits may be awarded based on the student's demonstrated proficiency/competency of the state's learning standards under WAC 180-51-050.~~

~~(2) "Local education agency" means a school district, charter school established under chapter 28A.710 RCW, or tribal compact school operated according to the terms of state-tribal education compacts authorized under chapter 28A.715 RCW. References within this chapter to local education agency shall also apply to community and technical college colleges per WAC 180-51-015.~~

~~(3) "On track to graduate" means the individual student's earned credits and current or planned enrollment as of the gubernatorial declaration of emergency of February 29, 2020, would have been sufficient, as determined by the student's local education agency or private school, for the student to meet the applicable state minimum graduation requirements (as defined in WAC 180-51-056, 180-51-067, and 180-51-068) by the end of the 2019-20 school year as defined by RCW 28A.150.203.)~~ "Demonstrated postsecondary preparation" means the student has demonstrated skills and knowledge indicating preparation for the next steps identified in their high school and beyond plan under RCW 28A.230.090 and for success in postsecondary education, gainful employment, and civic engagement.

(a) The school district shall review the individual student's completed and planned coursework and other information applicable to the individual student and determine if the student has demonstrated postsecondary preparation.

(b) This individual student review may include, but is not limited to, whether the following considerations apply to that student:

(i) The student has completed a graduation pathway option in accordance with RCW 28A.655.250 and WAC 180-51-230.

(ii) The student has completed activities consistent with the criteria for "career prep" or has participated in an approved "career launch" program through career connect Washington.

(iii) The student has completed a preparatory career and technical education course or a course that meets the preparatory standards as defined in RCW 28A.700.030.

(iv) The student has developed and practiced leadership and employability skills through a job, volunteer position, or a career and technical student organization that would enable them to advance in their chosen career field and has obtained external validation from an employer, tribal elder, CTE business or industry advisory committee member, or other community member that can attest to the student's preparation for their next steps.

(v) The student is a participant in a recognized apprenticeship preparation program or registered apprenticeship program or has signed an apprenticeship agreement with an employer.

(vi) The student has earned college credit in a core subject area.

(vii) The student has earned an industry recognized credential.

(viii) The student has completed minimum college admission standards for four-year institutions of higher education, in accordance with RCW 28B.77.020 (7) (a).

(ix) The student placed into a college-level math or English course at an institution of higher education.

(x) The student completed a summer bridge program or a senior transition course (bridge to college).

(xi) The student has completed an admission to a higher education institution or career preparation program.

(xii) The student received an award of a scholarship for higher education.

(2) "Eligible student" means:

(a) The student was reasonably expected to graduate as defined in subsection (5) of this section;

(b) The student has demonstrated postsecondary preparation as defined in subsection (1) of this section; and

(c) The student experienced a significant disruption to their ability to complete graduation requirements due to the emergency, which could include, but is not limited to: Inability for the student to access the school building or other education facility due to closure or, if online learning is a part of the school program, the student did not have a reliable internet connection or sufficient technology within their household, had to support their family by working during the emergency, had to care for family members during the emergency, illness of the student or student's household member, or other circumstances due to the emergency that directly compromised the student's ability to complete the credit requirements or a graduation pathway option.

(3) "Emergency" means the same as the definition for "emergency or disaster" in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official.

(4) "Good faith effort" means the school district considered and implemented options, determined appropriate by the school district, to support each individual student in meeting credit and pathway requirements.

(a) For each student who is being considered for the emergency waiver, school districts shall provide individual student advising to help each student determine: What supports they need to be successful; how they might meet the graduation requirements, including the feasibility of summer or a partial or full additional year of high school enrollment; and whether the emergency waiver is appropriate for the individual student.

(b) Options for supporting students to meet credit and course-based graduation pathway requirements include, but are not limited to:

(i) Provision of additional academic supports to aid student completion.

(ii) Awarding credits based on the student's demonstrated proficiency/mastery of the state's learning standards under WAC 180-51-050, 180-51-051, and 392-410-300, including credits, grades, and courses transcribed on the high school transcript.

(iii) Awarding credit through expanded learning opportunities, dual credit programs, work-based learning (WAC 392-410-315), traditional online, summer learning, CTE course equivalencies, and other local credit options for awarding credit outside of school.

(c) Options for supporting students to meet the exam-based graduation pathway requirement include, but are not limited to: Efforts to ensure students are aware of, and can access, online or by other al-

ternative access options, the SAT, ACT, ASVAB, AP, IB, Cambridge International, and state assessments (if applicable). School districts are encouraged to reduce or eliminate any cost to students in using these options.

(5) "Reasonably expected to graduate" means the individual student's earned credits and current or planned enrollment would have been sufficient, as determined by the school district, for the student to meet the applicable state minimum graduation requirements for the student's graduation year cohort (as defined in WAC 180-51-056, 180-51-067, 180-51-068, and 180-51-210) by August 31st of the school year when the emergency waiver is granted if not for the impact of the emergency.

(6) "School district" means any school district, charter school established under chapter 28A.710 RCW, tribal compact school operated according to the terms of state-tribal education compacts authorized under chapter 28A.715 RCW, state schools established under chapter 72.40 RCW, and community and technical colleges granting high school diplomas.

[Statutory Authority: 2020 c 7 § 10-12 and RCW 28A.195.010, 28A.230.090, 28A.150.220(7). WSR 21-01-077, § 180-111-020, filed 12/10/20, effective 1/10/21.]

AMENDATORY SECTION (Amending WSR 21-01-077, filed 12/10/20, effective 1/10/21)

WAC 180-111-030 Application and approval process for public school districts. (1) ~~((Beginning no later than April 15, 2020,))~~ The state board of education ((shall)) will make an application available to ((local education agencies)) school districts seeking ((this waiver. A local education agency)) the emergency waiver of certain graduation requirements. A school district may apply to the state board of education for the authority to waive pathway and credit-based graduation requirements for individual students. The state board of education will accept applications through a deadline to be determined by the state board of education.

(2) ~~((In order))~~ To be granted the emergency waiver authority, the ((local education agency must certify the following:

~~(a) The local education agency has considered equity in applying for the waiver and will consider equity in administering the waiver. This may include, but is not limited to, an equity analysis, community outreach, or other means to assess and mitigate potential disparate impacts of this waiver.~~

~~(b) The local education agency will grant waivers on an individual student basis to eligible students in accordance with WAC 180-111-040.~~

~~(c) Prior to granting a waiver, the local education agency will make a good faith effort, as defined in WAC 180-111-020, to help individual students address credit deficiencies and meet core course requirements.~~

~~(d) The local education agency will administer the waiver in accordance with program rules as outlined))~~ school district must certify it will administer the emergency waiver in accordance with program rules as stated in this chapter.

(3) The application must be certified by the school district superintendent or equivalent personnel with authority to sign on behalf of the ~~((local education agency))~~ school district.

(4) The SBE will develop an application and process for granting school districts emergency waiver authority in a subsequent emergency that will include:

(a) For local emergencies: The school districts will apply to the state board of education and will state the nature and duration of the emergency and how it impacts students' ability to meet requirements. The district may request specific credit and graduation pathway option flexibility based on the nature of the emergency. If the state board of education approves the district application, the board will grant the school district authority through a formal action in a public board meeting.

(b) For state or national emergencies: The state board of education will adopt rules that address the specific circumstances surrounding each new emergency, any applicable eligibility criteria, and limitations on the number and type of credits that can be waived.

(5) The state board of education may approve applications that meet the criteria ~~((outlined))~~ stated in subsections (2) and (3) of this section. The board may delegate this authority to its executive director for efficiency per RCW 28A.305.130(7).

~~((5))~~ (6) The state board of education ~~((shall))~~ will promptly post on its public website ~~((the information collected on the application,))~~ a list of all approved applications ~~((received, and the decision to approve or deny each application))~~.

[Statutory Authority: 2020 c 7 § 10-12 and RCW 28A.195.010, 28A.230.090, 28A.150.220(7). WSR 21-01-077, § 180-111-030, filed 12/10/20, effective 1/10/21.]

AMENDATORY SECTION (Amending WSR 21-01-077, filed 12/10/20, effective 1/10/21)

WAC 180-111-040 School district implementation of the emergency waiver of ((credit-based)) certain graduation requirements. (1) Before granting any emergency waivers, the school district board or equivalent governing body shall adopt by resolution a plan that describes the school district's process for granting and declining emergency waivers for students. The plan must include:

(a) A process for school district staff to initiate an emergency waiver and a process for students to request an emergency waiver if not initiated by the district;

(b) A school district process if an initial decision is made to decline an emergency waiver for an individual student, for further review and recommendations by a panel with at least one school counselor and educators with expertise in trauma-informed instruction and culturally responsive education, and if appropriate, special education, instruction for multilingual/English language learners, and a migrant graduation specialist or migrant student advocate;

(c) A process for students to appeal within the school district a decision to not grant an emergency waiver; and

(d) Culturally responsive ways, based on the school district's local community, to communicate with students and families about the

emergency waiver and the process to request, appeal, or decline the emergency waiver.

(2) Beginning from the date of approval of its emergency waiver application, in accordance with WAC 180-111-030, ((through July 31, 2020, in accordance with the establishing legislation, a local education agency)) a school district may waive ((subject area credit)) certain graduation requirements ((outlined in subsection (2) of this section for individual students)) on an individual student basis to eligible students in accordance with this section and subject to any specific limitations for particular graduation cohorts of students or specific emergency declarations specified in this chapter or in the board's approval of a school district emergency waiver application. The emergency waiver may be granted after completing all of the following requirements:

(a) ((The local education agency)) Before use of this emergency waiver for graduation credit requirements, school districts shall consider using their existing authority to waive credits through the following ways:

(i) Local graduation requirements under WAC 180-51-020 may be waived at local discretion without approval of the state board of education.

(ii) Two-credit waiver of flexible credits may be granted for individual student circumstances, in accordance with WAC 180-51-068(13) and 180-51-210(2).

(iii) Students may be excused from physical education in accordance with the applicable requirements in WAC 180-51-067(6), 180-51-068(6), and 180-51-210 (4) (f).

(iv) The noncredit requirement of Washington state history may be waived in accordance with WAC 180-51-067 (4) (b), 180-51-068 (4) (b) (i) and (ii), and 180-51-210 (4) (d) (iv) (A) and (B).

(b) The school district shall review the individual student's completed and planned coursework and determine that the student was ((on track)) reasonably expected to graduate((r)) as defined in WAC 180-111-020 and that the student has demonstrated postsecondary preparation as defined in WAC 180-111-020.

(((b) The local education agency)) (c) The school district shall demonstrate a good faith effort, as defined in WAC 180-111-020, to help the individual student ((meet credit-based graduation requirements through other options)) complete coursework, address credit deficiencies, and meet core course and graduation pathway option requirements through other options that align with their high school and beyond plan. The school district shall document the steps taken to demonstrate this good faith effort in the individual student record.

(((c) The local education agency)) (d) The school district shall consult with the individual student, and make a reasonable effort to consult with a parent or guardian of the student, and shall make a reasonable effort to provide information about this emergency waiver in the preferred languages of the student, and of the parent or guardian of the student if applicable. The information ((shall)) must include, but is not limited to:

(i) ((What is being waived for the individual student;)) In the consideration of whether emergency waiver(s) are appropriate for an individual student, and if so what emergency waiver(s), the school district shall advise the student to waive only those credit(s) that are least applicable to the student's postsecondary plans as articulated in the student's high school and beyond plan;

(ii) The potential benefits and limitations that could result from receiving the emergency waiver including impacts on ((high school graduation and)) postsecondary plans ((+)) and, if applicable to their high school and beyond plan, the recommendation to contact the student's intended postsecondary institutions or apprenticeship provider regarding potential impacts; and

(iii) The option for the individual student to decline the emergency waiver and for the student to be provided with the opportunity to earn the credits needed or meet their intended pathway option to complete graduation requirements ((through)) which may include continued enrollment beyond the planned graduation date.

~~((2) Waived credit graduation requirements:~~

~~(a) Waived credit graduation requirements are limited to credits a student would have had the opportunity to earn by the end of the 2019-20 school year including:~~

~~(i) Courses and other credit-earning opportunities the student was enrolled in as of February 29, 2020; and~~

~~(ii) Credits that the student planned to complete by the end of the 2019-20 school year as defined in RCW 28A.150.203 for terms not yet started as of February 29, 2020, that were scheduled to occur during the period of school closure due to the novel coronavirus. These planned credits must be indicated on the student's high school and beyond plan, in course registration records, or in the student's credit attainment or recovery plan.~~

~~(b) Waived graduation requirement credits may include both core credit graduation requirements and flexible credit graduation requirements, as defined in WAC 180-51-210.~~

~~(3) This waiver may apply to individual students participating in the international baccalaureate diploma programme as defined in RCW 28A.230.122 to enable these students to earn a Washington high school diploma.~~

~~(4) Schools operating under the waiver defined in WAC 180-18-055 may waive graduation requirements in a manner consistent with this section.~~

~~(5) Each local education agency shall maintain a record of courses and requirements waived as part of the individual student record and shall report to the state board of education in a manner determined by the state board of education.~~

~~(6) The local education agency shall consider equity in administering the emergency waiver under this section. This consideration should be designed to identify and mitigate potential disparate impacts of the emergency waiver and to determine if any changes to the local education agency's approach in administering the emergency waiver are needed before the conclusion of the 2019-20 school year.)~~ (3) The school district shall ensure equity in administering the emergency waiver. The school district shall disaggregate emergency waiver data by student groups as referenced in RCW 28A.300.042(3) and shall conduct further disaggregation of student groups if data are available to do so. If disproportionality is found, the school district shall take appropriate actions to ensure equitable administration. This consideration must further be designed to identify and mitigate potential disparate impacts of the emergency waiver and to determine if any changes to the school district's approach in administering the emergency waiver, including supports under WAC 180-111-020(4) to help students meet the requirements, are needed before the conclusion of the school year.

(4) The school district shall:

(a) Maintain a record of the following in the individual student record: Actions taken under the good faith effort to help the student meet the graduation requirements, courses (including the term and amount of credit) and requirements waived, and how the student demonstrated postsecondary preparation;

(b) Include a notation of waived credits and graduation pathway on the student's high school transcript in accordance with RCW 28A.230.125;

(c) Keep a record of the number of emergency waivers requested and not granted;

(d) Report on administration of the emergency waiver to the state board of education in a manner determined by the state board of education; and

(e) Report student level emergency waiver data to the office of the superintendent of public instruction in a manner determined by the superintendent of public instruction in consultation with the state board of education.

[Statutory Authority: 2020 c 7 § 10-12 and RCW 28A.195.010, 28A.230.090, 28A.150.220(7). WSR 21-01-077, § 180-111-040, filed 12/10/20, effective 1/10/21.]

AMENDATORY SECTION (Amending WSR 21-01-077, filed 12/10/20, effective 1/10/21)

WAC 180-111-050 Emergency waiver ((for private schools) of certain graduation requirements in response to novel coronavirus. ~~((1) This section applies to private schools approved to operate in Washington for the 2019-20 school year under chapter 180-90 WAC.~~

~~(2) Private schools may waive credit-based graduation requirements for individual students who were on track to graduate, as defined in WAC 180-111-020, in a manner consistent with the provisions of WAC 180-111-040.~~

~~(3) Private schools that have implemented an online education program consistent with the provisions of RCW 28A.195.090 that provide the remaining curriculum will be considered to have the instructional hour requirements met. Private schools have discretion to determine whether the curriculum has been adequately satisfied.~~

~~(4) The state board of education waives the instructional hours and days requirement under RCW 28A.195.010 for the 2019-20 school year. The number of hours or days offered after February 29, 2020, will not be considered for continued approval of private schools.~~

~~(5) Each private school shall notify the state board of education in a format provided by the board whether the private school is waiving requirements under this section.)~~ This section is for the novel coronavirus emergency, in response to the gubernatorial declaration of emergency on February 29, 2020. It applies to the classes of 2020 through 2022 beginning in the 2020-21 school year. The state board of education will consider what, if any, flexibility should be provided to subsequent classes of students no later than its May 2022 board meeting. Beginning from the date of approval of a school district's emergency waiver application, in accordance with WAC 180-111-040:

(1) Waived credit graduation requirements are limited to the student's classes impacted by the novel coronavirus disruption. The school district shall prioritize student completion of core coursework

and coursework related to the student's high school and beyond plan under RCW 28A.230.090. School districts may waive credits for eligible students in the classes of 2020 to 2022. In addition to existing waiver authorities as described in WAC 180-111-040 (2) (a), school districts may waive up to two additional credits under this emergency waiver, provided that students graduate with no fewer than a total of twenty credits. The terms "core" and "flexible" credits used in this subsection are defined in WAC 180-51-210.

(2) For the class of 2020, 2021, and 2022: The emergency waiver may be applied to core credits or flexible credits, provided that no more than one credit in each core subject area is waived.

(3) A student's graduation pathway requirement may be waived for eligible students in the classes of 2020 to 2022 after a school district has made a good faith effort to help the student meet their pathway requirement, as defined in WAC 180-111-020.

(4) The graduation pathway requirement may also be waived for a student so that the student may earn a diploma before their planned graduation year, provided that:

(a) The student may not be granted an emergency waiver of credit requirements; and

(b) The student must meet all other state graduation requirements including credit requirements under WAC 180-51-210.

(5) This emergency waiver may apply to individual students participating in the international baccalaureate diploma programme as defined in RCW 28A.230.122 to enable these students to earn a Washington high school diploma.

(6) Schools operating under the waiver defined in WAC 180-18-055 may waive graduation requirements in a manner consistent with this section.

[Statutory Authority: 2020 c 7 § 10-12 and RCW 28A.195.010, 28A.230.090, 28A.150.220(7). WSR 21-01-077, § 180-111-050, filed 12/10/20, effective 1/10/21.]

NEW SECTION

WAC 180-111-060 Emergency waiver of certain requirements in response to novel coronavirus for private schools. (1) This section applies to private schools approved to operate in Washington under chapter 180-90 WAC.

(2) In response to emergencies as defined in WAC 180-111-020 that impact a private school or the public school district in which a private school is located, private schools may waive credit-based graduation requirements for individual students who have demonstrated post-secondary preparation as defined in WAC 180-111-020, in a manner consistent with the provisions of WAC 180-111-040 and rules adopted to address specific emergencies. Private schools are exempt from the reporting requirements listed in WAC 180-111-040 (4) (d) and (e).

(3) Private schools that have implemented an online education program consistent with the provisions of RCW 28A.195.090 will be considered to have met the instructional hour requirements. Private schools have discretion to determine whether the curriculum has been adequately satisfied.

(4) Each private school shall notify the state board of education in a format provided by the board whether the private school is waiving requirements under this section.

(5) For the 2020 to 2022 school years, the state board of education will maintain a private school's status as an approved private school if:

(a) Due to a significant disruption caused by the novel coronavirus, the school is unable to fulfill the requirements of RCW 28A.195.010 of a full school year of one hundred eighty days or are unable to fulfill the annual average total instructional hours requirements.

(b) For the 2021-22 school year, approved private schools may operate an online education program consistent with the provisions of RCW 28A.195.090 for all of their students and will not be subject to rescission of approval based on a failure to have students enrolled in the school's physical facilities provided that:

(i) Prior to the use of this waiver of the requirement that students are enrolled in and attending the school's physical facility, the school will notify the state board of education; the process and form of the notification will be established by the state board of education; and

(ii) The school maintains a physical address for the education of students in Washington and plans to resume classroom instruction when it is safe to do so based on lifting state and local emergency declarations restricting the delivery of educational services or based on a determination of the school's governing body.

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WSR 21-11-106

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed May 19, 2021, 10:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-07-151.

Title of Rule and Other Identifying Information: The state board of education (SBE) has proposed amendments to chapter 180-16 WAC regarding state support of public schools. The board adopted rules on chapter 180-16 WAC that required the board to revisit rules on instructional hours by its regularly scheduled July 2021 board meeting and these proposed permanent rules are that review.

Hearing Location(s): On June 22, 2021, at 1:00 p.m., online using Zoom at <https://us02web.zoom.us/j/83966922389> or telephone by dialing US +1-253-215-8782 with Webinar ID 839 6692 2389. Members of the public are encouraged to participate online due to COVID-19 health precautions.

Date of Intended Adoption: July 15, 2021.

Submit Written Comments to: Parker Teed, 600 Washington Street S.E., Olympia, WA 98504, email rulescoordinatorSBE@k12.wa.us, fax 360-586-2357, by June 22, 2021.

Assistance for Persons with Disabilities: Contact Parker Teed, phone 360-742-4037, fax 360-586-2357, TTY 360-664-3631, email rulescoordinatorSBE@k12.wa.us, by June 22, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SBE is revisiting the definition of instructional hours by clarifying the definition of instructional hours to address modalities for delivery of instruction including in-person method of delivery and other methods of delivery. SBE also proposes changes to chapter 180-16 WAC to align rule to current policy or practice, improve readability of the rule, or make other changes identified during the review of the WAC chapter and through public feedback.

- School districts shall establish a continuity of operations plan to ensure districts can continue operations while being responsive to disruptions caused by an emergency. Requirements of the continuity of operations plan are defined in the proposed rule.
- The proposed rules for WAC 180-16-200 clarify that "in-person" instruction, as defined in RCW 28A.232.010, is the default method of delivery and that other modalities are allowable under these exceptions:
 - The first exception is for modalities other than in-person as allowable under funding allocation models (chapters 392-121 WAC, 28A.232, and 28A.250 RCW).
 - The second exception allows a district to offer the opportunity for individual students, under district and student agreement, to engage in instructional hours delivered through modalities other than in-person instruction due to health or safety needs of the student.
 - The third exception allows a district to count modalities other than in-person to allow for continued operation and delivery of basic education services during an emergency.
- Other policy changes as identified during this review.

Reasons Supporting Proposal: Due to the dynamic and uncertain nature of the COVID-19 pandemic, local education agencies need to be responsive to state and local public health measures such as social dis-

tancing, school closures, limiting capacity of buildings, and other suggested ways of limiting community spread of COVID-19. Safe continued operations and delivery of services during the pandemic and future emergencies is vital to ensuring each student continuous access to the program of basic education during disruption to normal operations. Due to this pandemic and the need to prepare for continuity of delivery of services during future emergencies, the SBE is proposing these rules including the continuity of operations plan and any other policy changes identified during this review.

Statutory Authority for Adoption: RCW 28A.150.220(7).

Statute Being Implemented: RCW 28A.150.220, 28A.150.250, and 28A.150.260.

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

Name of Proponent: SBE, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Randy Spaulding, 600 Washington Street S.E., Olympia, WA 98504, 360-725-6024.

A school district fiscal impact statement has been prepared RCW 28A.305.135.

SCHOOL DISTRICT FISCAL IMPACT STATEMENT

WSR 21-07-151.

Title of Rule: Instructional hours and school reopening plans.

Agency: SDF - school district fiscal impact - SPI.

Part I: Estimates: No fiscal impact. These rules do not have a fiscal impact. The office of superintendent of public instruction (OSPI) solicited feedback from approximately twenty-seven of a combination of district business managers and ESD fiscal officers and provided approximately seven days for response. No expected costs due to this rule change were received.

For that reason, OSPI's conclusion is that these rules will not create a fiscal impact to local districts.

Estimated Cash Receipts to: No estimated cash receipts.

Estimated Expenditures From: No estimated expenditures.

Estimated Capital Impact: No estimated capital impact.

Agency Preparation: T.J. Kelly, phone 360-725-6301, May 18, 2021.

Agency Approval: T.J. Kelly, phone 360-725-6301, May 18, 2021.

Part II: Narrative Explanation:

II. A - Brief Description Of What the Measure Does That Has Fiscal Impact:

II. B - Cash Receipts Impact: None.

II. C - Expenditures:

Part III: Expenditure Detail:

III. A - Expenditures by Object or Purpose: None.

Part IV: Capital Budget Impact: None.

A copy of the statement may be obtained by contacting Mr. Thomas Kelly, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6301, fax 360-586-2357, TTY 360-664-3631, email Thomas.Kelly@k12.wa.us.

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 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.

May 18, 2021
Randy Spaulding
Executive Director

OTS-3075.1

AMENDATORY SECTION (Amending WSR 21-05-015, filed 2/5/21, effective 3/8/21)

WAC 180-16-195 Annual reporting and review process. (1) **Annual school district reports.** A review of each school district's kindergarten through twelfth grade program shall be conducted annually for the purpose of determining compliance or noncompliance with basic education program approval requirements. On or before September 15th of each school year, each school district superintendent shall complete and return the program assurance form distributed by the state board of education. The form shall be designed to elicit data necessary to make a determination of a school district's compliance or noncompliance with basic education program approval requirements. (~~For the 2020-21 school year, local education agencies shall submit a copy of the reopening schools plan to the state board of education and superintendent of public instruction two weeks before school begins and no later than September 15, 2020.~~) The form shall be submitted electronically and signed by:

- (a) The school board president or chairperson, and
- (b) The superintendent of the school district.

(2) **State board staff review.**

(a) State board of education staff shall review each school district's program assurance form, may conduct on-site visits of selected school districts, as needed and subject to funding support, and shall prepare recommendations and reports for presentation to the state board of education: Provided, that, if a school district's initial program assurance form does not establish compliance with the basic education program approval requirements, the district shall be provided the opportunity to explain the deficiency or deficiencies.

(b) School districts may use the personnel and services of the educational service district to assist the school district and schools in the district that are out of compliance with basic education program approval requirements.

(3) **Annual certification of compliance or noncompliance—Withholding of funds for noncompliance.**

(a) At the November meeting of the state board of education, or at such other meeting as the board shall designate, the board shall

certify by motion each school district as being in compliance or non-compliance with the basic education program approval requirements.

(b) A certification of compliance shall be effective for the then current school year subject to any subsequent ad hoc review and determination of noncompliance as may be deemed necessary by the state board of education or advisable by the superintendent of public instruction. In addition, a certification of compliance shall be effective tentatively for the succeeding school year until such time as the state board takes its annual action certifying compliance or noncompliance with the program approval requirements.

(c) A certification of noncompliance shall be effective until program compliance is assured by the school district to the satisfaction of state board of education staff, subject to review by the state board.

(d) Upon the certification of noncompliance of a school district, state board of education staff shall notify the superintendent of public instruction and the school district of a certification of noncompliance immediately after the board meeting at which certification occurred.

(e) A withholding of basic education allocation funding from a school district shall not occur for noncompliance if the school district has remediated the noncompliance situation within sixty school business days from the time the district receives notice of the noncompliance from the state board of education. The state board of education may extend the sixty days timeline only if the district demonstrates by clear and convincing evidence to the satisfaction of the state board of education that sixty days is not reasonable to make the necessary corrections. For the purposes of this section, a school business day shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

(f) At the discretion of the state board of education, after notification by the state board of education to a school district regarding an existing noncompliance, the state board of education may recommend (~~(withholding of)~~) the superintendent of public instruction withhold funds or may enter into a compliance agreement with the school district that shall include, but not be limited to, the following criteria:

(i) A deadline for school district remediation of the noncompliance(s).

(ii) A listing of all the noncompliance areas and the necessary terms that must be satisfied in each area in order for the school district to gain compliance status. This listing also shall specify additional deadlines for the accomplishment of the stated terms if different from the final deadline as specified in subsection (1) of this section.

(iii) A closing statement specifying that a school district's failure to remediate a noncompliance by the determined deadline may result, at the state board of education's or its designee's discretion, in the recommendation to the superintendent of public instruction of withholding of the school district's basic education allocation funding by the superintendent of public instruction.

(iv) The date and the signatures of the superintendent of the school district, the chair of the school district's board of directors, and the chair of the state board of education, or his/her designee.

nee, to the agreement. A copy of the completed compliance agreement shall be sent to the chairperson of the school district's board of directors and the school district superintendent.

(g) In the event a school district fails to sign a compliance agreement within five school business days from the date of issuance or does not satisfy all of the terms of the signed compliance agreement within the designated amount of time, the state board of education may recommend to the superintendent of public instruction withholding state funds for the basic education allocation until program compliance is assured.

(h) Any school district may appeal to the state board of education the decision of noncompliance by the state board of education. Such appeal shall be limited to the interpretation and application of these rules by the state board of education. Such appeal shall not stay the withholding of any state funds pursuant to this section or completion of the compliance agreement.

(4) The provisions of subsection (3)(g) of this section shall not apply if the noncompliance is related to the school district's fiscal condition and results in the implementation of a financial plan under RCW 28A.505.140(3).

(5) Each school district shall develop, maintain and, if necessary, implement a continuity of operations plan under WAC 180-16-200 and 180-16-212 for delivering the program of basic education during disruptions to basic education delivery resulting from an "emergency or disaster" as defined in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official.

[Statutory Authority: RCW 28A.150.220(7). WSR 21-05-015, § 180-16-195, filed 2/5/21, effective 3/8/21. Statutory Authority: RCW 28A.150.220 and 28A.150.250. WSR 18-24-090, § 180-16-195, filed 12/3/18, effective 1/3/19. Statutory Authority: RCW 28A.150.220, 28A.150.250, and 28A.150.260. WSR 11-17-044, § 180-16-195, filed 8/11/11, effective 9/11/11. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, 28A.305.130(6). WSR 02-18-056, § 180-16-195, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.150.250, 28A.150.260 and 28A.15.220 [28A.150.220]. WSR 99-10-091, § 180-16-195, filed 5/4/99, effective 6/4/99. Statutory Authority: RCW 28A.58.754(6). WSR 84-11-043 (Order 2-84), § 180-16-195, filed 5/17/84. Statutory Authority: RCW 28A.04.120. WSR 83-13-002 (Order 3-83), § 180-16-195, filed 6/2/83. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. WSR 79-10-033 (Order 10-79), § 180-16-195, filed 9/12/79. Statutory Authority: RCW 28A.41.130 and 28A.58.754. WSR 78-06-097 (Order 3-78), § 180-16-195, filed 6/5/78.]

AMENDATORY SECTION (Amending WSR 21-05-015, filed 2/5/21, effective 3/8/21)

WAC 180-16-200 Total instructional hour requirement. (1) Kindergarten total instructional hour requirement - (~~Four hundred fifty hours annual minimum, increased to~~) An annual minimum one thousand instructional hours according to an implementation schedule under RCW 28A.150.315.

(2) Grades 1-12 total instructional hour requirement - District-wide annual average of ~~((one thousand hours, increased beginning in the 2015-16 school year to))~~ at least:

(a) ~~((At least))~~ A district-wide average of one thousand eighty instructional hours for students enrolled in grades nine through twelve and a district-wide annual average of one thousand instructional hours in grades one through eight; or

(b) A district-wide annual average of one thousand twenty-seven instructional hours in grades one through twelve.

(3) For nonhigh school districts, a district-wide annual average of one thousand instructional hours in such grades as are offered by the district.

(4) ~~((For the 2020-21 school year, "instructional hours" as defined in RCW 28A.150.205 are not limited to in-person educational services. Local education agencies may count as instructional hours towards the minimum district-wide annual average those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff that are delivered through learning modalities which may include, but are not limited to, distance learning, hybrid classrooms, rotating schedules, or other methods that allow for delivery of basic education services during the COVID-19 epidemic. The following are applicable to the 2020-21 school year:))~~

~~(a) Nothing in this section supersedes applicable statutory or office of superintendent of public instruction funding allocation requirements;~~

~~(b) Days in which instructional hours are offered shall count as school days for the purpose of meeting the minimum one hundred eighty-day school year requirement;~~

~~(c) Local education agencies must implement a system consistent with OSPI attendance rules; and~~

~~(d) The state board of education will revisit this rule no later than its regularly scheduled July 2021 board meeting.)~~ Instructional hours are defined in RCW 28A.150.205.

(a) Instructional hours are delivered "in-person," as defined in RCW 28A.232.010 (1)(b), except as provided in RCW 28A.232.010 (4)(b).

(b) School districts may deliver instructional hours through learning modalities other than in-person instruction which may include, but are not limited to, distance learning, hybrid classrooms, rotating schedules, or other methods that allow for delivery of basic education services under the following:

(i) Funding allocation models established by the legislature or the superintendent of public instruction in chapter 392-121 WAC, chapters 28A.232 and 28A.250 RCW that allow for modalities other than in-person instruction;

(ii) Districts may provide the opportunity for individual students to engage in the program of basic education through modalities other than in-person instruction if so agreed upon by the district and the student due to health or safety needs of the student;

(iii) During implementation of the school district's continuity of operations plan under WAC 180-16-212; and

(iv) Under any other applicable law that would allow for modalities other than in-person instruction to be delivered.

(5) Nothing in this section supersedes other applicable law.

[Statutory Authority: RCW 28A.150.220(7). WSR 21-05-015, § 180-16-200, filed 2/5/21, effective 3/8/21. Statutory Authority: 2014 c 217 and

RCW 28A.230.090. WSR 14-19-032, § 180-16-200, filed 9/8/14, effective 10/9/14. Statutory Authority: Chapter 28A.630 RCW. WSR 01-24-092, § 180-16-200, filed 12/4/01, effective 1/4/02. Statutory Authority: Chapter 28A.630 RCW and 1995 c 208. WSR 95-20-086, § 180-16-200, filed 10/4/95, effective 11/4/95. Statutory Authority: RCW 28A.410.010. WSR 94-03-104 (Order 5-94), § 180-16-200, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 28A.150.220, 28A.320.200, 28A.150.260 and 1992 c 141. WSR 92-17-053, § 180-16-200, filed 8/17/92, effective 9/17/92. Statutory Authority: RCW 28A.150.220 and [28A.150.]260. WSR 92-05-047, § 180-16-200, filed 2/13/92, effective 3/15/92. Statutory Authority: RCW 28A.04.127 and 28A.41.140. WSR 86-21-020 (Order 15-86), § 180-16-200, filed 10/7/86. Statutory Authority: RCW 28A.58.754(6). WSR 84-11-043 (Order 2-84), § 180-16-200, filed 5/17/84. Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758, and 1979 ex.s. c 250. WSR 79-10-033 (Order 10-79), § 180-16-200, filed 9/12/79. Statutory Authority: RCW 28A.41.130 and 28A.58.754. WSR 78-06-097 (Order 3-78), § 180-16-200, filed 6/5/78.]

NEW SECTION

WAC 180-16-212 Continuity of operations plan. By the beginning of the 2021-22 school year, each school district shall develop, maintain and, if necessary, implement a continuity of operations plan that ensures delivery of basic education services during disruptions to basic education delivery resulting from an "emergency or disaster" as defined in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official.

(1) The continuity of operations plan shall describe the following:

(a) The process for the school district to decide how to transition to modalities other than in-person instruction if needed in the event of an emergency or disaster in order to ensure equitable delivery of the program of basic education to all students;

(b) The roles of school district staff responsible for executing the continuity of operations plan during an emergency;

(c) The process for the school district to decide how to transition to offering each student in-person instruction when the disruptions to basic education delivery due to the emergency have ended; and

(d) The schedule for routine review of the continuity of operations plan by the district.

(2) The following apply during implementation of the continuity of operations plan:

(a) Days in which instructional hours are offered shall count as school days for the purpose of meeting the requirements of RCW 28A.150.220; and

(b) Nothing in this section supersedes other applicable law.

(3) Each school district that implements its continuity of operations plan shall notify the state board of education and the office of superintendent of public instruction within five days of the decision to implement the continuity of operations plan by email and postal mail of the following:

(a) Date that the disruptions to basic education delivery began or will begin if there is an impending emergency situation and the estimated duration of the emergency or disaster;

(b) Documentation of the emergency or disaster, such as a declaration of emergency, and information that describes the disruption to basic education delivery due to the emergency;

(c) Contact information for school district staff who are responsible for executing the continuity of operations plan; and

(d) Further information or assurances upon request, at the discretion of the state board of education or the office of superintendent of public instruction staff.

(4) At the discretion of state board of education staff, each school district's compliance with the requirements of the program of basic education is subject to review under WAC 180-16-195.

(5) This continuity of operations plan may be used as a component of the comprehensive emergency management plan under RCW 38.52.030.

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WSR 21-11-109
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 19, 2021, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-02-078 on January 5, 2021.

Title of Rule and Other Identifying Information: 2021 North of Falcon Puget Sound commercial salmon seasons, the department is considering amendments to: WAC 220-354-080 Puget Sound salmon—Closed Areas, 220-354-120 Puget Sound salmon—Purse seine—Open periods, 220-354-160 Puget Sound salmon—Gillnet—Open periods, 220-354-180 Puget Sound salmon—Reef net—Open periods, and 220-354-210 Puget Sound salmon—Beach seine—Open periods.

Hearing Location(s): On June 22, 2021, at 9:00 a.m., Zoom webinar. Register for this webinar <https://us02web.zoom.us/join/8559252801>. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: June 30, 2021.

Submit Written Comments to: 2021 North of Falcon - Puget Sound Commercial Fisheries Rule Making [contact agency for link], P.O. Box 43152, Olympia, WA 98501-3200, email 24112@PublicInput.com, fax 360-902-2155, phone transcription 855-925-2801, project code 9739, by June 22, 2021.

Assistance for Persons with Disabilities: Contact Title VI/ADA coordinator, phone 360-902-2349, TTY 711, TTY 360-902-2207, email Title6@dfw.wa.gov, <https://wdfw.wa.gov/accessibility/requests-accommodation>, by June 22, 2021.

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 2021, and provide the season schedule for the 2021 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 2021-22 salmon seasons for Washington state developed through the broader North of Falcon process pursuant to the fish and wildlife commission's North of Falcon Policy C-3608 for 2019-2023. As such, the seasons specified in these proposed rules are structured in a coordinated manner intended to provide commercial and recreational fishing opportunities in Puget Sound while ensuring conservation requirements and management objectives in federal and state laws and regulations, state/tribal harvest management agreements, and fish and wildlife commission policies are met. Even though drafted as amendments to preceding rules, these new amendments function as a coordinated and unitary fishery package for the 2021-22 fishery season, and thus substantively replace prior years' fisheries in Puget Sound. Comments should be considered and provided with that understanding.

The intent of this rule-making package, once adopted, is to replace and supersede the language in these WAC in their entirety: WAC 220-354-080 Puget Sound salmon—Closed Areas, 220-354-120 Puget Sound salmon—Purse seine—Open periods, 220-354-160 Puget Sound salmon—Gillnet—Open periods, 220-354-180 Puget Sound salmon—Reef net—Open periods, and 220-354-210 Puget Sound salmon—Beach seine—Open periods.

The Washington department of fish and wildlife (WDFW) is proposing specific revisions to these rules to describe the seasons and dates for these fisheries for 2021, 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 degrees N. latitude.

The North of Falcon process typically begins in January and consists of government-to-government meetings involving the National Marine Fisheries Service (NMFS), treaty tribes, and WDFW representatives. Separate meetings are held with stakeholders—both at a 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, but other protected species as well, such as southern resident killer whales.

Ocean fishery seasons are developed through the Pacific Fishery Management Council process, which is concurrent with and part of the broader North of Falcon process, with meetings in early March and early April. Ocean fishery options are also analyzed and considered in light of potential ESA-listed species impacts and state/tribal harvest agreements and are also reviewed for consistency with the Pacific Salmon Treaty.

Stakeholder meetings specific to the Puget Sound fisheries were held in February and March. The comprehensive North of Falcon meeting schedule and the meeting agendas, handouts, and audio recordings of the public meetings are available on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon/public-meetings>.

Even though the governor has amended the "Stay Home, Stay Healthy" Proclamation, the prohibition on gatherings with anyone outside of an individual's household members and the social distancing requirements remain in effect. As such, WDFW anticipates that those requirements are likely to remain in place through the time of scheduled public hearing on this rule making; therefore, we have indicated that the hearing will occur via webinar.

Instructions regarding how the public may participate in the public hearing webinar will be posted on the agency's website at <https://wdfw.wa.gov/fishing/management/north-falcon> as soon as they become available.

Members of the public who would like to submit written comments online may do so at 2021 North of Falcon - Puget Sound Commercial Fisheries Rule Making [contact agency for link].

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: David Low, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2717; Imple-

mentation: 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 changes do not affect hydraulics.

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

Is exempt under RCW 19.85.025(4). This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses.

Explanation of exemptions: The department is exempt from the requirements of chapter 19.85 RCW because, while WDFW considers commercial fishers to be a "small business," the commercial fishing rules proposed for 2020-21 do not affect these small businesses by imposing new direct costs of regulatory compliance. These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited-participation salmon fisheries, and legal gear requirements for those fisheries. There are no new anticipated professional services required to comply. Based on the department's analysis, the proposed rules do not require any new or additional equipment, supplies, labor, or administrative costs.

May 19, 2021
Annie Szvetcz
Rules Coordinator

OTS-3050.2

AMENDATORY SECTION (Amending WSR 20-14-050, filed 6/25/20, effective 7/26/20)

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 F1R4s4M"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 F1W6s57ft7MHorn(B1(2)30s, 48°27'27.6"N, 122°42'59.3"W) on the westernmost point of Burrows Island, thence to the southwesternmost 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 southwesternmost point of Fidalgo Head (48°29'31.2"N, 122°42'10.6"W) northerly to Shannon Point (48°30'32.8"N, 122°41'2.5"W).

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker (48°25'14.2"N, 122°40'04.5"W) northerly to Biz Point (48°26'33.1"N, 122°40'42.3"W).

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville (48°25'17.1"N, 122°48'50.7"W) northerly to Lopez Pass (48°28'42.1"N, 122°49'10.7"W), and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land (48°28'52"N, 122°49'5"W) northerly to Fauntleroy Point (48°31'28.4"N, 122°47'18.8"W), and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-354-310.

Area 7B -

(1) That portion south and east of a line from William Point on Samish Island (48°34'55.2"N, 122°33'38.2"W) to Saddlebag Island (48°32'7.2"W, 122°33'32.6"N) to 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 ((2020)) 2021.

(4) Additional chum seasonal closure: That portion of Bellingham Bay referred to as the Whatcom Creek Zone is closed east of a line projected 186 degrees true from the Bellingham Breakwater north entrance light 4 (Light List No. 19280 Fl(1)R6s17m5M, 48°45'26.3"N, 122°30'41.5"W) at the west entrance to Squalicum Harbor, to landfall at Post Point (48°42'47.4"N, 122°31'0.5"W).

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek (48°36'51.6"N, 122°26'27.8"W) 237 degrees true to the fishing boundary marker on Samish Island (48°34'33.1"N, 122°31'49.3"W).

Area 8 -

(1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island (48°16'12.6"N, 122°27'52.8"W) to a white monument on the easterly point of Ika Island (48°21'40.1"N, 122°29'52.8"W), thence across the Skagit River to the terminus of the jetty with McGlinn Island (48°22'18.3"N, 122°30'18.3"W).

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point (48°15'1.3"N, 122°31'47.2"W).

Area 8A -

(1) Those waters easterly of a line projected from Mission Beach (48°3'19.3"N, 122°17'23.1"W) to Gedney Island Light 1 (Light List No. 18480 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 (~~the Washington state ferry Mukilteo terminal~~) 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 (~~all freshwater streams~~) 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.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-050 (Order 20-98), § 220-354-080, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047. WSR 19-15-051 (Order 19-140), § 220-354-080, filed 7/12/19, effective 8/12/19. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 18-18-078 (Order 18-221), § 220-354-080, filed 9/4/18, effective 10/5/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047. WSR 17-17-100 (Order 17-205), amended and recodified as § 220-354-080, filed 8/18/17, effective 9/18/17; WSR 16-18-067, § 220-47-307, filed 9/2/16, effective 10/3/16; WSR 15-17-034 (Order 15-254), § 220-47-307, filed 8/11/15, effective 9/11/15; WSR 14-14-011 (Order 14-144), § 220-47-307, filed 6/19/14, effective 7/20/14. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 13-15-148 (Order 13-144), § 220-47-307, filed 7/23/13, effective 8/23/13; WSR 12-15-034 (Order 12-131), § 220-47-307, filed 7/12/12, effective 8/12/12; WSR 11-16-016 (Order 11-165), § 220-47-307, filed 7/22/11, effective 8/22/11; WSR 10-14-129 (Order 10-137), § 220-47-307, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-15-054 (Order

09-108), § 220-47-307, filed 7/9/09, effective 8/9/09; WSR 08-15-031 (Order 08-167), § 220-47-307, filed 7/8/08, effective 8/8/08. Statutory Authority: RCW 77.12.047. WSR 04-16-125 (Order 04-202), § 220-47-307, filed 8/4/04, effective 9/4/04; WSR 03-18-005 (Order 03-210), § 220-47-307, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080. WSR 99-24-011 (Order 99-202), § 220-47-307, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 98-15-081 (Order 98-122), § 220-47-307, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. WSR 97-16-030 (Order 97-124), § 220-47-307, filed 7/29/97, effective 8/29/97; WSR 96-15-101 (Order 96-81), § 220-47-307, filed 7/22/96, effective 8/22/96; WSR 95-13-056 (Order 95-75), § 220-47-307, filed 6/16/95, effective 7/17/95; WSR 94-15-001 (Order 94-62), § 220-47-307, filed 7/6/94, effective 8/6/94; WSR 92-15-105 (Order 92-47), § 220-47-307, filed 7/20/92, effective 8/20/92; WSR 91-18-024 (Order 91-72), § 220-47-307, filed 8/27/91, effective 9/27/91; WSR 90-13-025 (Order 90-49), § 220-47-307, filed 6/11/90, effective 7/12/90; WSR 88-14-133 (Order 88-48), § 220-47-307, filed 7/6/88; WSR 85-13-032 (Order 85-60), § 220-47-307, filed 6/12/85; WSR 84-13-078 (Order 84-53), § 220-47-307, filed 6/21/84; WSR 83-14-020 (Order 83-57), § 220-47-307, filed 6/28/83; WSR 82-15-040 (Order 82-83), § 220-47-307, filed 7/15/82; WSR 81-18-017 (Order 81-101), § 220-47-307, filed 8/25/81; WSR 80-10-058 (Order 80-83), § 220-47-307, filed 8/6/80.]

AMENDATORY SECTION (Amending WSR 20-14-050, filed 6/25/20, effective 7/26/20)

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	- 10/10, 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
	((7AM- 5PM	- 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7))
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, 7C:	6AM - 8PM	- ((8/19)) 8/18, 8/25, 8/26, ((9/2)) 9/1
	7AM - 7PM	- ((9/7, 9/9, 9/11)) 9/6, 9/8, 9/10
7B:	7AM - 7PM	- ((9/14, 9/16, 9/18)) 9/13, 9/15, 9/17
	7AM ((9/20)) 9/19	- 6PM ((10/24)) 10/23
	7AM - 6PM	- ((10/28)) 10/27

AREA	TIME	DATE
	7AM - ((5PM)) 6PM	- ((11/4)) <u>11/3</u>
	7AM - 5PM	- ((11/11)) <u>11/10</u>
	7AM - 5PM	- ((11/18)) <u>11/17</u>
	7AM - 5PM	- ((11/25)) <u>11/24</u>
	((7AM- 5PM))	- 12/2)

Note: The Whatcom Creek Zone: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squilicum Harbor is CLOSED.

8:	Closed	
8A:	Closed	
8D:	Closed	
10, 11:	7AM - ((6PM)) 7PM	- ((10/15, 10/20, 10/26)) <u>8/17, 8/19, 8/24, 8/26,</u> <u>8/31, 9/2</u>
	((7AM- 5PM))	- <u>11/3, 11/5</u>) <u>Additional</u> <u>October dates</u> <u>(determined per</u> <u>agreement with tribal</u> <u>co-managers in-season</u> <u>if harvestable surplus</u> <u>of salmon increase).</u>
12, 12B:	7AM - 6PM	- ((10/15,)) <u>10/20,</u> <u>((10/26)) 10/25</u>
	7AM - 5PM	- 11/3(, 11/5, 11/9, 11/17))
12C:	7AM - 5PM	- ((11/3, 11/5, 11/9, 11/17)) <u>Additional</u> <u>November dates</u> <u>(determined per</u> <u>agreement with tribal</u> <u>co-managers in-season</u> <u>if harvestable surplus</u> <u>of salmon increase).</u>

Note: In Area 10 during any open period occurring in August or September, it is unlawful to fail to brail or use a brailing bunt when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

(2) It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

(a) Chinook salmon - At all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October 20 in Area 7B.

(b) Coho salmon - At all times in Areas 7, 7A, 10, 11, 12, 12B, and 12C, and prior to September 1 in Area 7B.

(c) Chum salmon - Prior to October 1 in Areas 7 and 7A, and at all times in 8A.

(d) All other saltwater and freshwater areas - Closed.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-050 (Order 20-98), § 220-354-120, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047. WSR 19-15-051 (Order 19-140), § 220-354-120, filed 7/12/19, effective 8/12/19; WSR 18-14-013 (Order 18-131), § 220-354-120, filed 6/22/18, effective 7/23/18; WSR 17-17-100 (Order 17-205), amended and recodified as § 220-354-120, filed 8/18/17, effective 9/18/17; WSR 16-18-067, § 220-47-311, filed 9/2/16, effective 10/3/16; WSR 15-17-034 (Order 15-254), § 220-47-311, filed 8/11/15, effective 9/11/15; WSR 14-14-011 (Order 14-144), § 220-47-311, filed 6/19/14, effective 7/20/14. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 13-15-148 (Order 13-144), §

220-47-311, filed 7/23/13, effective 8/23/13; WSR 12-15-034 (Order 12-131), § 220-47-311, filed 7/12/12, effective 8/12/12; WSR 11-16-016 (Order 11-165), § 220-47-311, filed 7/22/11, effective 8/22/11; WSR 10-14-129 (Order 10-137), § 220-47-311, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-15-054 (Order 09-108), § 220-47-311, filed 7/9/09, effective 8/9/09; WSR 08-15-031 (Order 08-167), § 220-47-311, filed 7/8/08, effective 8/8/08; WSR 07-20-006, § 220-47-311, filed 9/20/07, effective 10/21/07. Statutory Authority: RCW 77.12.047. WSR 06-16-045 (Order 06-173), § 220-47-311, filed 7/26/06, effective 8/26/06; WSR 05-17-002 (Order 05-166), § 220-47-311, filed 8/3/05, effective 9/3/05; WSR 04-16-125 (Order 04-202), § 220-47-311, filed 8/4/04, effective 9/4/04; WSR 03-18-005 (Order 03-210), § 220-47-311, filed 8/20/03, effective 9/20/03; WSR 02-16-004 (Order 02-167), § 220-47-311, filed 7/25/02, effective 8/25/02; WSR 01-13-056 (Order 01-106), § 220-47-311, filed 6/15/01, effective 7/16/01; WSR 00-18-023 (Order 00-172), § 220-47-311, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. WSR 99-24-011 (Order 99-202), § 220-47-311, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 98-15-081 (Order 98-122), § 220-47-311, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. WSR 97-16-030 (Order 97-124), § 220-47-311, filed 7/29/97, effective 8/29/97; WSR 96-15-101 (Order 96-81), § 220-47-311, filed 7/22/96, effective 8/22/96; WSR 95-13-056 (Order 95-75), § 220-47-311, filed 6/16/95, effective 7/17/95; WSR 94-15-001 (Order 94-62), § 220-47-311, filed 7/6/94, effective 8/6/94; WSR 93-14-041 (Order 93-55), § 220-47-311, filed 6/29/93, effective 7/30/93; WSR 92-15-105 (Order 92-47), § 220-47-311, filed 7/20/92, effective 8/20/92; WSR 91-18-024 (Order 91-72), § 220-47-311, filed 8/27/91, effective 9/27/91; WSR 90-13-025 (Order 90-49), § 220-47-311, filed 6/11/90, effective 7/12/90; WSR 89-13-004 (Order 89-44), § 220-47-311, filed 6/8/89; WSR 88-14-133 (Order 88-48), § 220-47-311, filed 7/6/88; WSR 87-15-059 (Order 87-72), § 220-47-311, filed 7/14/87; WSR 86-13-038 (Order 86-46), § 220-47-311, filed 6/12/86; WSR 85-13-032 (Order 85-60), § 220-47-311, filed 6/12/85; WSR 84-13-078 (Order 84-53), § 220-47-311, filed 6/21/84; WSR 83-14-020 (Order 83-57), § 220-47-311, filed 6/28/83; WSR 82-15-040 (Order 82-83), § 220-47-311, filed 7/15/82; WSR 81-18-017 (Order 81-101), § 220-47-311, filed 8/25/81; WSR 80-10-058 (Order 80-83), § 220-47-311, filed 8/6/80; WSR 78-05-018 (Order 78-16), § 220-47-311, filed 4/13/78; Order 77-66, § 220-47-311, filed 8/5/77; Order 77-14, § 220-47-311, filed 4/15/77; Order 76-41, § 220-47-311, filed 6/4/76; Order 1251, § 220-47-311, filed 8/18/75; Order 1210, § 220-47-311, filed 5/26/75; Order 1143, § 220-47-311, filed 8/8/74; Order 1125, § 220-47-311, filed 6/6/74; Order 1066, § 220-47-311, filed 7/19/73; Order 1057, § 220-47-311, filed 5/22/73; Order 988, § 220-47-311, filed 4/28/72.]

AMENDATORY SECTION (Amending WSR 20-14-050, filed 6/25/20, effective 7/26/20)

WAC 220-354-160 Puget Sound salmon—Gillnet—Open periods. It is unlawful to take, fish for, or possess salmon taken with gillnet gear for commercial purposes from Puget Sound, except in the following des-

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)) 9/27, 9/28, 9/29, 9/30, 10/1, ((10/2)) 10/4, 10/5, 10/6, 10/7, 10/8, ((10/9)) 10/11, 10/12, 10/13, 10/14, 10/15, ((10/16)) 10/18, 10/19, 10/20, 10/21, 10/22, ((10/23)) 10/25, 10/26, 10/27, 10/28, 10/29((-10/30))	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 12. In Area 6D, any Chinook or chum salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM - Midnight ((use of recovery box required))	10/10, 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	6 1/4"
	((7AM - Midnight	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	6-1/4"))

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, 7C:	7PM - 8AM	NIGHTLY 8/15, 8/16, 8/17((-8/18; 8/19, 8/23, 8/24, 8/25, 8/26))	7"
	<u>7PM</u> - <u>8AM</u>	<u>NIGHTLY 8/22, 8/23, 8/24</u>	<u>5"</u>
	7AM ((8/30)) 8/29	7AM ((9/4)) 9/3	5"
	7AM ((9/6)) 9/5	7AM ((9/11)) 9/10	5"
7B:	7AM ((9/13)) 9/12	7AM ((9/18)) 9/17	5"
	7AM ((9/20)) 9/19	Midnight ((10/31)) 10/23	5"
	7AM ((10/27))	((4PM-10/28)) 7PM	DAILY 10/26, 10/27, 11/2, 11/3, 11/9, 11/10, 11/16, 11/17, 11/23, 11/24, 11/30, 12/1
	7AM ((11/3))	4PM ((11/4))	DAILY 10/28, 11/2, 11/4, 11/11, 11/18, 11/25
	((6AM 11/10	4PM 11/11	6-1/4"
	6AM 11/17	4PM 11/18	6-1/4"
	7AM 11/24	4PM 11/25	6-1/4"
	7AM 12/1	4PM 12/2)	

Note: In Area 7C the minimum mesh size is 7" through ~~((9/12))~~ 9/11.

Note: The Whatcom Creek Zone: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squilicum Harbor is CLOSED.

8:	5AM - 11PM	Closed	5"
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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	Closed	5"
	6PM - 8AM	Closed	5"
	6PM - 8AM	Closed	5"
	6PM - 8AM	Closed	5"
	5PM - 9AM	Closed	5"
	5PM - 9AM	Closed	5"

AREA	TIME	DATE(S)	MINIMUM MESH
	5PM - 9AM	Closed	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 - 7PM ((40/31)) ((8/16))	10/30	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:	((5PM)) 7AM	-	((9AM)) 7PM	((NIGHTLY) 10/13, 10/18, 10/22, 10/27, 10/29, 11/1) 8/16, 8/18, 8/23, 8/25, 8/30, 9/1	((6 1/4")) 5"
	5PM	-	7AM	((11/4)) Closed	6 1/4"
	5PM	-	9AM	Additional October dates (determined per agreement with tribal co-managers in-season if harvestable surplus of salmon increase).	6 1/4"

Note: Areas 10 pink directed purse seine and 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). Purse seines must brail. 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.

12A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM	-	7PM	Dates determined per agreement with tribal co-managers in-season if Summer Chum Salmon Conservation Initiative goals are met allowing for openings of gillnet gear.	5"
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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	((10/13, 10/19, 10/22, 10/27, 10/29)) 10/18, 10/21, 10/26, 10/28	6 1/4"
	7AM	-	7PM	((11/2)) 11/1, 11/4	6 1/4"
	6AM	-	6PM	((11/10, 11/12, 11/16, 11/18)) Additional November dates (determined per agreement with tribal co-managers in-season if harvestable surplus of salmon increase).	6 1/4"
12C:	6AM	-	6PM	((11/10, 11/12, 11/16))	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.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-050 (Order 20-98), § 220-354-160, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047. WSR 19-15-051 (Order 19-140), § 220-354-160, filed 7/12/19, effective 8/12/19; WSR 18-14-013 (Order 18-131), § 220-354-160, filed 6/22/18, effective 7/23/18; WSR 17-17-100 (Order 17-205), amended and recodified as § 220-354-160, filed 8/18/17, effective 9/18/17; WSR 16-18-067, § 220-47-411, filed 9/2/16, effective 10/3/16; WSR 15-17-034 (Order 15-254), § 220-47-411, filed 8/11/15, effective 9/11/15; WSR 14-14-011 (Order 14-144), § 220-47-411, filed 6/19/14, effective 7/20/14. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 13-15-148 (Order 13-144), § 220-47-411, filed 7/23/13, effective 8/23/13; WSR 12-15-034 (Order 12-131), § 220-47-411, filed 7/12/12, effective 8/12/12; WSR 11-16-016 (Order 11-165), § 220-47-411, filed 7/22/11, effective 8/22/11; WSR 10-14-129 (Order 10-137), § 220-47-411, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-15-054 (Order 09-108), § 220-47-411, filed 7/9/09, effective

8/9/09; WSR 08-15-031 (Order 08-167), § 220-47-411, filed 7/8/08, effective 8/8/08; WSR 07-20-006, § 220-47-411, filed 9/20/07, effective 10/21/07. Statutory Authority: RCW 77.12.047. WSR 06-16-045 (Order 06-173), § 220-47-411, filed 7/26/06, effective 8/26/06; WSR 05-17-002 (Order 05-166), § 220-47-411, filed 8/3/05, effective 9/3/05; WSR 04-16-125 (Order 04-202), § 220-47-411, filed 8/4/04, effective 9/4/04; WSR 03-16-101 (Order 03-179), § 220-47-411, filed 8/6/03, effective 9/6/03; WSR 02-16-004 (Order 02-167), § 220-47-411, filed 7/25/02, effective 8/25/02; WSR 01-13-056 (Order 01-106), § 220-47-411, filed 6/15/01, effective 7/16/01; WSR 00-18-023 (Order 00-172), § 220-47-411, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. WSR 99-24-011 (Order 99-202), § 220-47-411, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 98-15-081 (Order 98-122), § 220-47-411, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. WSR 97-16-030 (Order 97-124), § 220-47-411, filed 7/29/97, effective 8/29/97; WSR 96-15-101 (Order 96-81), § 220-47-411, filed 7/22/96, effective 8/22/96; WSR 95-13-056 (Order 95-75), § 220-47-411, filed 6/16/95, effective 7/17/95; WSR 94-15-001 (Order 94-62), § 220-47-411, filed 7/6/94, effective 8/6/94; WSR 93-14-041 (Order 93-55), § 220-47-411, filed 6/29/93, effective 7/30/93; WSR 92-15-105 (Order 92-47), § 220-47-411, filed 7/20/92, effective 8/20/92; WSR 91-18-024 (Order 91-72), § 220-47-411, filed 8/27/91, effective 9/27/91; WSR 90-13-025 (Order 90-49), § 220-47-411, filed 6/11/90, effective 7/12/90; WSR 89-13-004 (Order 89-44), § 220-47-411, filed 6/8/89; WSR 88-14-133 (Order 88-48), § 220-47-411, filed 7/6/88; WSR 87-15-059 (Order 87-72), § 220-47-411, filed 7/14/87; WSR 86-13-038 (Order 86-46), § 220-47-411, filed 6/12/86; WSR 85-13-032 (Order 85-60), § 220-47-411, filed 6/12/85; WSR 84-13-078 (Order 84-53), § 220-47-411, filed 6/21/84; WSR 83-14-020 (Order 83-57), § 220-47-411, filed 6/28/83; WSR 82-15-040 (Order 82-83), § 220-47-411, filed 7/15/82; WSR 81-18-017 (Order 81-101), § 220-47-411, filed 8/25/81; WSR 80-10-058 (Order 80-83), § 220-47-411, filed 8/6/80; WSR 78-05-018 (Order 78-16), § 220-47-411, filed 4/13/78; Order 77-66, § 220-47-411, filed 8/5/77; Order 77-14, § 220-47-411, filed 4/15/77; Order 76-41, § 220-47-411, filed 6/4/76; Order 1251, § 220-47-411, filed 8/18/75; Order 1210, § 220-47-411, filed 5/26/75; Order 1143, § 220-47-411, filed 8/8/74; Order 1125, § 220-47-411, filed 6/6/74; Order 1066, § 220-47-411, filed 7/19/73; Order 1057, § 220-47-411, filed 5/22/73; Order 988, § 220-47-411, filed 4/28/72.]

AMENDATORY SECTION (Amending WSR 20-14-050, filed 6/25/20, effective 7/26/20)

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	(9/20-11/7) 9/19 - 11/6

(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, 600 Capitol Way N, Olympia, WA 98501-1091.

(4) All other saltwater and freshwater areas - Closed.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-050 (Order 20-98), § 220-354-180, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047. WSR 19-15-051 (Order 19-140), § 220-354-180, filed 7/12/19, effective 8/12/19; WSR 18-14-013 (Order 18-131), § 220-354-180, filed 6/22/18, effective 7/23/18; WSR 17-17-100 (Order 17-205), amended and recodified as § 220-354-180, filed 8/18/17, effective 9/18/17; WSR 16-18-067, § 220-47-401, filed 9/2/16, effective 10/3/16; WSR 15-17-034 (Order 15-254), § 220-47-401, filed 8/11/15, effective 9/11/15; WSR 14-14-011 (Order 14-144), § 220-47-401, filed 6/19/14, effective 7/20/14. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 12-15-034 (Order 12-131), § 220-47-401, filed 7/12/12, effective 8/12/12; WSR 11-16-016 (Order 11-165), § 220-47-401, filed 7/22/11, effective 8/22/11; WSR 10-14-129 (Order 10-137), § 220-47-401, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-15-054 (Order 09-108), § 220-47-401, filed 7/9/09, effective 8/9/09; WSR 08-15-031 (Order 08-167), § 220-47-401, filed 7/8/08, effective 8/8/08; WSR 07-20-006, § 220-47-401, filed 9/20/07, effective 10/21/07. Statutory Authority: RCW 77.12.047. WSR 06-16-045 (Order 06-173), § 220-47-401, filed 7/26/06, effective 8/26/06; WSR 05-17-002 (Order 05-166), § 220-47-401, filed 8/3/05, effective 9/3/05; WSR 04-16-125 (Order 04-202), § 220-47-401, filed 8/4/04, effective 9/4/04; WSR 03-18-005 (Order 03-210), § 220-47-401, filed 8/20/03, effective 9/20/03; WSR 02-16-004 (Order 02-167), § 220-47-401, filed 7/25/02, effective 8/25/02; WSR 01-13-056 (Order 01-106), § 220-47-401, filed 6/15/01, effective 7/16/01; WSR 00-18-023 (Order 00-172), § 220-47-401, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. WSR 99-24-011 (Order 99-202), § 220-47-401, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 98-15-081 (Order 98-122), § 220-47-401, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. WSR 97-16-030 (Order 97-124), § 220-47-401, filed 7/29/97, effective 8/29/97; WSR 96-15-101 (Order 96-81), § 220-47-401, filed 7/22/96, effective 8/22/96; WSR 95-13-056 (Order 95-75), § 220-47-401, filed 6/16/95, effective 7/17/95; WSR 94-15-001 (Order 94-62), § 220-47-401, filed 7/6/94, effective 8/6/94; WSR 93-14-041 (Order 93-55), § 220-47-401, filed 6/29/93, effective 7/30/93; WSR 92-15-105 (Order 92-47), § 220-47-401, filed 7/20/92, effective 8/20/92; WSR 91-18-024 (Order 91-72), § 220-47-401, filed 8/27/91, effective 9/27/91; WSR 90-13-025 (Order 90-49), § 220-47-401, filed 6/11/90, effective 7/12/90; WSR 89-13-004 (Order 89-44), § 220-47-401, filed 6/8/89; WSR 88-14-133 (Order 88-48), § 220-47-401, filed 7/6/88; WSR 87-15-059 (Order 87-72), § 220-47-401, filed 7/14/87; WSR 86-13-038 (Order 86-46), § 220-47-401, filed 6/12/86; WSR 81-18-017 (Order 81-101), § 220-47-401, filed 8/25/81; WSR 80-10-058 (Order 80-83), § 220-47-401, filed 8/6/80; WSR

78-05-018 (Order 78-16), § 220-47-401, filed 4/13/78; Order 77-66, § 220-47-401, filed 8/5/77; Order 77-14, § 220-47-401, filed 4/15/77; Order 76-41, § 220-47-401, filed 6/4/76; Order 1210, § 220-47-401, filed 5/26/75; Order 1143, § 220-47-401, filed 8/8/74; Order 1125, § 220-47-401, filed 6/6/74; Order 1066, § 220-47-401, filed 7/19/73; Order 1057, § 220-47-401, filed 5/22/73; Order 988, § 220-47-401, filed 4/28/72.]

AMENDATORY SECTION (Amending WSR 20-14-050, filed 6/25/20, effective 7/26/20)

WAC 220-354-210 Puget Sound salmon—Beach seine—Open periods.

(1) It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas:

AREA	TIME	DATE(S)
12A:	7AM - 7PM	((8/18, 8/19, 8/20)) 8/23, 8/24, 8/25, 8/26, ((8/27, 8/28)) 8/30, 8/31, 9/1, 9/2, 9/3, ((9/4)) 9/6, 9/7, 9/8, 9/9, 9/10, ((9/11)) 9/13, 9/14, 9/15, 9/16, 9/17, ((9/18)) 9/20, 9/21, 9/22, 9/23, 9/24, ((9/25)) 9/27, 9/28, 9/29, 9/30, 10/1((-10/2)))
12C, Hoodport Hatchery Zone:	7AM - 7PM	((7/27)) 7/22, 7/29, ((8/3)) 8/5, ((8/10)) 8/12, ((8/17)) 8/19, ((8/24)) 8/26, ((8/31)) 9/2 <u>Additional July and August dates (determined per agreement with tribal co-managers in-season if harvestable surplus of salmon increase).</u> 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.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-050 (Order 20-98), § 220-354-210, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047. WSR 19-15-051 (Order 19-140), § 220-354-210, filed 7/12/19, effective 8/12/19; WSR 18-14-013 (Order 18-131), § 220-354-210, filed 6/22/18, effective 7/23/18; WSR 17-17-100 (Order 17-205), amended and recodified as § 220-354-210, filed 8/18/17, effective 9/18/17; WSR 16-18-067, § 220-47-428, filed 9/2/16, effective 10/3/16; WSR 15-17-034 (Order 15-254), § 220-47-428, filed 8/11/15, effective 9/11/15; WSR 14-14-011 (Order 14-144), § 220-47-428, filed 6/19/14, effective 7/20/14. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 13-15-148 (Order 13-144), § 220-47-428, filed 7/23/13, effective 8/23/13; WSR 12-15-034 (Order 12-131), § 220-47-428, filed 7/12/12, effective 8/12/12; WSR 11-16-016 (Order 11-165), § 220-47-428, filed 7/22/11, effective 8/22/11; WSR

10-14-129 (Order 10-137), § 220-47-428, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-15-054 (Order 09-108), § 220-47-428, filed 7/9/09, effective 8/9/09. Statutory Authority: RCW 77.12.047. WSR 05-17-002 (Order 05-166), § 220-47-428, filed 8/3/05, effective 9/3/05; WSR 04-16-125 (Order 04-202), § 220-47-428, filed 8/4/04, effective 9/4/04; WSR 03-18-005 (Order 03-210), § 220-47-428, filed 8/20/03, effective 9/20/03; WSR 02-16-004 (Order 02-167), § 220-47-428, filed 7/25/02, effective 8/25/02; WSR 01-13-056 (Order 01-106), § 220-47-428, filed 6/15/01, effective 7/16/01; WSR 00-18-023 (Order 00-172), § 220-47-428, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. WSR 99-24-011 (Order 99-202), § 220-47-428, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 98-15-081 (Order 98-122), § 220-47-428, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. WSR 97-16-030 (Order 97-124), § 220-47-428, filed 7/29/97, effective 8/29/97; WSR 96-15-101 (Order 96-81), § 220-47-428, filed 7/22/96, effective 8/22/96.]

WSR 21-11-110
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 19, 2021, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-07-111.

Title of Rule and Other Identifying Information: WAC 392-550-040
Truancy, in alternative learning experience (ALE).

Hearing Location(s): On June 24, 2021, at 10:00 a.m., webinar via Zoom (call-in option will be available). Due to the public health emergency related to the COVID-19 virus pandemic, this public hearing will take place by webinar via Zoom (with a call-in option). There will be no physical location for the hearing. For information on registering and participating, please visit the office of the superintendent of public instruction's (OSPI) website at <https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity>. For questions, please email kristin.murphy@k12.wa.us.

Date of Intended Adoption: June 28, 2021.

Submit Written Comments to: Anissa Sharratt, OSPI, Alternative Learning Department, P.O. Box 47200, Olympia, WA 98504, email Anissa.Sharratt@k12.wa.us, by June 24, 2021.

Assistance for Persons with Disabilities: Contact Kristin Murphy, phone 360-725-6133, fax 360-754-4201, TTY 360-664-3631, email Kristin.murphy@k12.wa.us, by June 17, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule making is to include permanent rule language reflecting (1) OSPI's emergency adjustments to the effective date of WAC 392-550-040, and (2) a change in statutory language as a result of HB [ESHB] 1113.

Reasons Supporting Proposal: OSPI filed an emergency rule in February 2021 delaying the effective date of WAC 392-550-040 Truancy, in ALE, until the beginning of the 2021-22 school year. The emergency rule was due to the ongoing COVID-19 pandemic, and the requirement of many school districts to shift their instructional models, either completely or partially, in order to ensure the safety of their students, staff, and communities.

In addition, the legislature passed HB [ESHB] 1113 during the 2021 session which changed the term community truancy board to community engagement board.

Statutory Authority for Adoption: Chapter 28A.232 RCW; RCW 28A.232.030.

Statute Being Implemented: Chapter 28A.232 RCW; RCW 28A.232.030.

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Anissa Sharratt, OSPI, 600 Washington Street S.E., Olympia, 360-725-4954.

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 19.85.030.

Explanation of exemptions: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed

amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

May 19, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction

OTS-2791.3

AMENDATORY SECTION (Amending WSR 20-15-062, filed 7/10/20, effective 8/10/20)

WAC 392-550-040 Truancy. (1) This section provides the process for determining truancy, required interventions, and a threshold for filing a truancy petition for students enrolled in alternative learning experience courses. Beginning (~~(January 1, 2021)~~) with the 2021-22 school year, this process should be used in place of the thresholds provided in RCW 28A.225.030. All other requirements of compulsory attendance outlined in chapter 28A.225 RCW apply.

(2) If a child required to attend school under RCW 28A.225.010 fails to meet the contact requirements of an alternative learning experience under this chapter without valid justification, the school district or charter school in which the child is enrolled must perform the following procedures:

(a) (i) The school district or charter school must inform the child's parent by a notice through direct personal contact whenever the child has failed to make weekly contact without valid justification.

(ii) The notice must inform the parent of the potential consequences of additional missed weekly contacts.

(iii) The school district or charter school must ensure that this notification is in a language the parents understand, which may require language assistance for parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(b) (i) After the second consecutive week of missed contact without valid justification or third cumulative week of missed contact without valid justification, the school district or charter school must schedule a conference with the parent and child to discuss the missed contact, administer a screener, and develop a data-based intervention plan to reduce the child's missed contacts.

(ii) The purpose of the conference is to understand the underlying reasons for the missed contact and to develop an intervention plan to address them.

(iii) In middle school and high school, the conference must include the application of the Washington assessment of the risks and needs of students (WARNS), or other screener that identifies barriers to attendance, by a school district's designee under RCW 28A.225.026.

(iv) The conference may take place in-person, by phone, or through interactive video communication.

(v) The conference must take place within one calendar week.

(vi) If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. The parent must be notified of the steps to be taken to eliminate the child's missed weekly contacts.

(3) (a) (i) If the actions performed under subsection (2) of this section are not successful in substantially reducing an enrolled student's missed weekly contacts without valid justification, the school district or charter school must file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010 by the parent, the child, or the parent and the child.

(ii) The petition must be filed no later than the fifth consecutive or sixth cumulative missed weekly contact without valid justification. The petition may be filed earlier and it may include the student's previous history of unexcused absences.

(b) A petition filed under this section must include the supporting documentation as provided in RCW 28A.225.030(1).

(c) For nonresident students, the petition must be filed in the county juvenile court that is most accessible for the student and parent. When determining the appropriate county court in which to file a truancy petition for nonresident students, the following must be considered:

(i) Proximity to the student or parents' primary place of residence;

(ii) The guidance from the juvenile court closest to the student or parents' primary place of residence; and

(iii) Preference stated by the student or parent, if communication with the parent(s) has been established.

(4) The petition must follow the requirements of RCW 28A.225.035.

(5) (a) Pursuant to RCW 28A.225.035, the petition must be stayed and the child and the child's parents must be referred to a community (~~truancy~~) engagement board or other coordinated means of intervention.

(b) The school district or charter school offering alternative learning experience course(s), or program designee, is responsible for coordinating with the juvenile court to determine whether a community (~~truancy~~) engagement board is the best intervention for the child or if another coordinated means of intervention will be more likely to support the student to return to school.

[Statutory Authority: Chapter 28A.232 RCW and RCW 28A.232.030. WSR 20-15-062, § 392-550-040, filed 7/10/20, effective 8/10/20.]

WSR 21-11-114
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 19, 2021, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-02-079 filed January 5, 2021.

Title of Rule and Other Identifying Information: The department is considering amendments to current recreational fishing rules resulting from stakeholder recommendations made during North of Falcon meetings: WAC 220-220-160 Two-pole endorsement, 220-312-020 Freshwater exceptions to statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, 220-312-050 Freshwater exceptions to statewide rules—Eastside, 220-312-060 Freshwater exceptions to statewide rules—Columbia River, 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits, and 220-313-070 Coastal salmon—Saltwater seasons and daily limits.

Hearing Location(s): On June 22, 2021, at 9:00 a.m., Zoom webinar. Register for this webinar https://us02web.zoom.us/webinar/register/WN_VaVjG8BOSq2sxdVAwPochQ. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: June 30, 2021.

Submit Written Comments to: 2021 North of Falcon - Recreational Fisheries Rule Making, P.O. Box 43152, Olympia, WA 98501, email 24113@PublicInput.com, fax 360-902-2155, phone transcription 855-925-2801, project code 5109, by June 22, 2021.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 711, TTY 360-902-2207, email Title6@dfw.wa.gov, <https://wdfw.wa.gov/accessibility/requests-accommodation>, by June 22, 2021.

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 2021, and provide the season schedule for the 2021 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 2021-22 salmon seasons for Washington state developed through the broader North of Falcon process pursuant to the fish and wildlife commission's North of Falcon Policy C-3608 for 2019-2023. As such, the seasons specified in these proposed rules are structured in a coordinated manner intended to provide commercial and recreational fishing opportunities while ensuring conservation requirements and management objectives in federal and state laws and regulations, state/tribal harvest management agreements, and fish and wildlife commission policies are met. Even though drafted as amendments to preceding rules, these new amendments function as a coordinated and unitary fishery package for the 2020-21 fishery season, and thus substantively replace prior years' recreational salmon fisheries. Comments should be considered and provided with that understanding.

The intent of this rule-making package, once adopted, is to replace and supersede the language in these WAC in their entirety: WAC 220-220-160 Two-pole endorsement, 220-312-020 Freshwater exceptions to

statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, 220-312-050 Freshwater exceptions to statewide rules—Eastside, 220-312-060 Freshwater exceptions to statewide rules—Columbia River, 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits, and 220-313-070 Coastal salmon—Saltwater seasons and daily limits.

The Washington department of fish and wildlife (WDFW) is proposing *specific revisions* to these rules to describe the seasons and dates for these fisheries for 2021. 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 degrees N. latitude.

The North of Falcon process typically begins in January and consists of government-to-government meetings involving the National Marine Fisheries Service (NMFS), treaty tribes, and WDFW representatives. Separate meetings are held with stakeholders—both at a statewide and regional level—to review preseason run size forecasts, NMFS guidance relative to allowable impacts for species listed under the Endangered Species Act (ESA), which includes salmon, but other protected species as well, such as southern resident killer whales.

Ocean fishery seasons are developed through the Pacific Fishery Management Council process, which is concurrent with and part of the broader North of Falcon process, with meetings in early March and early April. Ocean fishery options are also analyzed and considered in light of potential ESA-listed species impacts and state/tribal harvest agreements and are also reviewed for consistency with the Pacific Salmon Treaty.

Stakeholder meetings specific to the Puget Sound fisheries were held in February, March, and early April. The comprehensive North of Falcon meeting schedule and the meeting agendas, handouts, and audio recordings of the public meetings are available on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon/public-meetings>.

Even though the governor has amended the "Stay Home, Stay Healthy" Proclamation, the prohibition on gatherings with anyone outside of an individual's household members and the social distancing requirements have remained in effect. As such, WDFW anticipates that those requirements are likely to remain in place through the time of scheduled public hearing on this rule making; therefore, we have indicated that the hearing will occur via webinar.

Instructions regarding how the public may participate in the public hearing for the rule proposal webinar will be posted on the agency's website at <https://wdfw.wa.gov/fishing/management/north-falcon> as soon as they become available.

Members of the public who would like to submit written comments on this rule proposal online can visit: 2021 North of Falcon - Recreational Fisheries Rule Making [contact agency for link].

Statutory Authority for Adoption: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.32.470 ,77.04.012, 77.04.013, 77.04.055, and 77.12.047.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Henderson, 1111 Washington Street, Olympia, WA 98501, 360-902-2684; Implementation: Kyle Adicks, 1111 Washington Street, Olympia, WA 98501, 360-902-2664; and Enforcement: Chief Steve Bear, 1111 Washington Street, Olympia, WA 98501, 360-902-2373.

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

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

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

Is exempt under RCW 19.85.025(4). This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses.

Explanation of exemptions: The department is exempt from the requirements of chapter 19.85 RCW because the proposed recreational fishing rules do not regulate small businesses; rather, the department's proposed fishing rules open fishing seasons, and provide fishing opportunity, that would otherwise be closed. In doing so, the proposed rules regulate individuals who undertake recreational fishing activities. The proposed statewide recreational rules simply govern the time, place and manner for individuals who want to enjoy the recreational fishing opportunities provided. While recreational fisheries contribute to statewide or local economies, and while those economic effects are part of the department's consideration in opening fisheries, the economic effect of different possible recreational fishery packages does not constitute the direct imposition of any regulatory compliance costs on small businesses that supply recreational fishers, or that benefit from the state's decision to open such fisheries.

May 19, 2021
Annie Szvetcz
Rules Coordinator

OTS-3037.1

AMENDATORY SECTION (Amending WSR 20-14-052, filed 6/25/20, effective 7/26/20)

WAC 220-220-160 Two-pole endorsement. Anglers who possess a valid two-pole endorsement may fish with two lines in all lakes and ponds open to fishing, with the following exceptions:

Water Body	County
Para-juvenile Lake	Adams
Headgate Pond	Asotin
Columbia Park Pond	Benton
Blackbird Island Pond	Chelan
Aldwell Lake	Clallam

Water Body	County	
Beaver Lake	Clallam	
Carrie Blake Pond	Clallam	
Dickey Lake	Clallam	
Lake Pleasant	Clallam	
Lincoln Pond	Clallam	
Sutherland Lake	Clallam	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River.
Big Four Lake	Columbia	
Dayton Pond	Columbia	
Blue Lake	Cowlitz	
Castle Lake	Cowlitz	
Coldwater Lake	Cowlitz	
Lewis River Power Canal	Cowlitz	Includes old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse.
Merrill Lake	Cowlitz	
Silver Lake	Cowlitz	
Pit Lake	Douglas	
Ping Pond	Grant	
Mill Creek Pond	Grays Harbor	
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano.
Vance Creek Pond #1	Grays Harbor	
Gibbs Lake	Jefferson	
Horseshoe Lake	Jefferson	
Teal Lake	Jefferson	
Lake Sammamish	King	
Lake Union	King	
Lake Washington	King	Including that portion of Sammamish River from 68th Ave. NE bridge downstream.
Lake Washington Ship Canal	King	(Including Lake Union, Portage Bay, and Salmon Bay) Waters east of a north-south line 400' west of the Chittenden Locks to the Montlake Bridge.
Mill Pond	King	Auburn.
Old Fishing Hole Pond	King	Kent.
Portage Bay	King	
Salmon Bay	King	
Swans Mill Pond	King	
Koeneman Lake	Kitsap	Formerly Fern Lake.
Kachess Lake	Kittitas	
Keechelus Lake	Kittitas	
Kiwanis Pond	Kittitas	
Naneum Pond	Kittitas	
Cowlitz Falls Reservoir	Lewis	
Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam.
Packwood Lake	Lewis	
Scanewa Lake	Lewis	Cowlitz Falls Reservoir.
Walupt Lake	Lewis	

Water Body	County	
Willame Lake	Lewis	
Cady Lake	Mason	
Cushman Reservoir	Mason	
Prices Lake	Mason	
Stump Lake	Mason	
Silvernail Lake	Okanogan	
Cases Pond	Pacific	
South Bend Mill Pond	Pacific	
Bradley Lake	Pierce	
De Coursey Pond	Pierce	
Ohop Lake	Pierce	
Tanwax Lake	Pierce	
Wapato Lake	Pierce	
Granite Lakes	Skagit	Near Marblemount.
Northern State Hospital Pond	Skagit	
Vogler Lake	Skagit	
Drano Lake	Skamania	January 1 through April 30 and July 1 through September 30.
Swift Reservoir	Skamania	From dam to Eagle Cliff Bridge.
Fortson Mill Pond #2	Snohomish	
Jennings Park Pond	Snohomish	
Monte Cristo Lake	Snohomish	
North Gissburg Pond	Snohomish	
Spada Lake	Snohomish	
Bear Lake	Spokane	
North Silver Lake	Spokane	
Lucky Duck Pond	Stevens	
Long's Pond	Thurston	
Munn Lake	Thurston	
Jefferson Park Pond	Walla Walla	
Lions Park Pond	Walla Walla	College Place.
Diablo Lake	Whatcom	
Gorge Lake	Whatcom	
Lake Whatcom	Whatcom	
Ross Lake	Whatcom	
Squalicum Lake	Whatcom	
Garfield Juvenile Pond	Whitman	
Clear Lake	Yakima	
Leech Lake	Yakima	White Pass area.
Mud Lake	Yakima	
Myron Lake	Yakima	
Sarge Hubbard Park Pond	Yakima	
Yakima Sportsmen's Park Ponds	Yakima	

Anglers who possess a valid two-pole endorsement may fish with two lines in the following river sections:

River	County	Section
Chehalis	Grays Harbor	From Highway 101 Bridge in Aberdeen to South Elma Bridge (Wakefield Road): August 1 through December 31.

River	County	Section
Columbia		<p>Camas Slough: August 1 through December 31.</p> <p>From Highway 730 at Washington/Oregon to Old Hanford townsite powerline crossing: Year-round, except for sturgeon.</p> <p>From powerline crossing to Vernita Bridge: February 1 through October 15, except for sturgeon.</p> <p>From Vernita Bridge to Priest Rapids Dam: Year-round, except for sturgeon.</p> <p>From Priest Rapids Dam to Wanapum Dam: July 1 through October 15.</p> <p>From Wanapum Dam to Wells Dam: July 1 through October 15.</p> <p>From Wells Dam to Highway 173 Bridge at Brewster: July 16 through September (+5) 30.</p> <p>From Highway 173 Bridge at Brewster to ((Chief Joseph Dam: July 16 through September)) <u>the Corps of Engineers safety marker on the Douglas County shore to the rock jetty at the upstream shoreline of Foster Creek: July 1 through October 15.</u></p>
Cowlitz	Lewis	From the boundary markers at the mouth upstream to 400' or posted markers below the Barrier Dam.
Lewis	Clark/Cowlitz	From 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 upstream to the mouth of Johnson Creek.
Naselle	Pacific/Wahkiakum	From Highway 101 Bridge to the mouth of the South Fork: August 1 through January 31.
Okanogan	Okanogan	From the mouth to Highway 97 Bridge immediately upstream of the mouth: July 1 through ((August 31)) <u>October 15.</u>
Pend Oreille	Pend Oreille	
Palouse	Whitman	Mouth to base of Palouse Falls: June 16 through August 31.
Spokane	Spokane and Stevens	Lower Spokane River from mouth (SR 25 bridge) to 400' below Little Falls Dam.

River	County	Section
Willapa	Pacific	From the city of South Bend boat launch to the 2nd bridge on Camp One Road: August 1 through January 31.
Wind	Skamania	Salmon and steelhead: Mouth (boundary line/markers) to the Highway 14 Bridge: March 16 through June 30.
Yakima	Yakima	From Highway 240 Bridge to 400' below Prosser Dam: March 1 through October 31.

Anglers who possess a valid two-pole endorsement may fish for salmon with two lines in the following marine areas:

Description	Marine Area
Willapa	2-1. When permissible in WAC 220-313-070.
Port Susan and Port Gardner	Tulip Terminal Area: May 1 through September 30.
Seattle/Bremerton Area	Sinclair Inlet: July 1 through September 30.
Hood Canal	12: South of Ayock only, excluding Hoodsport Hatchery zone: July 1 through September 30.
South Puget Sound	13.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-052 (Order 20-97), § 220-220-160, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 18-15-065 (Order 18-163), § 220-220-160, filed 7/16/18, effective 8/16/18; WSR 17-16-109 (Order 17-147), § 220-220-160, filed 7/28/17, effective 8/28/17; WSR 17-05-112 (Order 17-04), amended and recodified as § 220-220-160, filed 2/15/17, effective 3/18/17; WSR 16-17-008 (Order 16-201), § 220-55-220, filed 8/4/16, effective 9/4/16; WSR 16-14-038 (Order 16-158), § 220-55-220, filed 6/28/16, effective 7/29/16. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 16-06-073 (Order 16-30), § 220-55-220, filed 2/26/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 15-13-081 (Order 15-177), § 220-55-220, filed 6/12/15, effective 7/13/15. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 15-06-065 and 15-06-006 (Order 15-033), § 220-55-220, filed 3/4/15 and 2/20/15, effective 7/1/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 14-16-027 (Order 14-185), § 220-55-220, filed 7/25/14, effective 8/25/14; WSR 13-20-021 (Order 13-210), § 220-55-220, filed 9/23/13, effective 10/24/13. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 13-11-125 (Order 13-105), § 220-55-220, filed 5/21/13, effective 6/21/13. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 12-18-006 (Order 12-190), § 220-55-220, filed 8/23/12, effective 9/23/12. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 12-05-082 (Order 12-17), § 220-55-220, filed 2/16/12, effective 3/18/12. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 11-16-103 (Order 11-184), § 220-55-220, filed 8/3/11, effective 9/3/11. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-55-220, filed 3/19/10, effective 5/1/10.]

OTS-3046.2

AMENDATORY SECTION (Amending WSR 20-14-052, filed 6/25/20, effective 7/26/20)

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.
 - (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: Open October 1 through December 31.
- (i) Daily limit 6; up to 1 may be an adult.
- (ii) Release Chinook and wild coho.
- (10) **Bogachiel Hatchery Pond, South (Clallam County)**: Open the fourth Saturday in April through October 31.
- (11) **Bogachiel River (Clallam County)**:
 - (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (b) It is unlawful to use anything other than one 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~~) July 31:
 - (I) Daily limit (~~6~~) 4; up to 2 adults may be retained.
 - (II) Release wild adult Chinook and wild adult coho.
 - (B) Open September (~~1~~) 16 through November 30:
 - (I) Daily limit 3; up to 1 adult may be retained.
 - (II) Release wild adult coho.
 - (d) From Highway 101 Bridge to Olympic National Park boundary:
 - (i) Open the Saturday before Memorial Day through April 30.
 - (ii) It is unlawful to use bait.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release wild rainbow trout.
 - (B) Cutthroat trout: Minimum length 14 inches.
- (12) **Calawah River (Clallam County)**:
 - (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (b) It is unlawful to use anything other than one 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~~) July 31:
 - (I) Daily limit (~~6~~) 4; up to 2 adults may be retained.
 - (II) Release wild adult Chinook and wild adult coho.
 - (B) Open September (~~1~~) 16 through November 30:
 - (I) Daily limit 3; up to 1 adult may be retained.
 - (II) Release wild adult coho.

- (d) From the Highway 101 Bridge to the forks:
- (i) Open the Saturday before Memorial Day through April 30.
- (ii) It is unlawful to use bait.
- (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release wild rainbow trout.
 - (B) Cutthroat trout: Minimum length 14 inches.
- (13) **Calawah River, North Fork (Clallam County):**
 - (a) It is unlawful to use anything other than one 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 ((River)) 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 ((~~South Elma Bridge (Wakefield Road)~~)) Highway 107 bridge 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)) 23:
 - (I) Daily limit 6.
 - (II) Release adult salmon.
 - (B) September ((16)) 24 through September 30: Closed.
 - (C) Open October 1 through ((~~December 31~~)) November 30:
 - (I) Daily limit 6; up to 1 may be an adult.
 - (II) Release Chinook.
 - (D) Open December 1 through December 31:
 - (I) Daily limit 6; up to 1 may be an adult.
 - (II) Release Chinook and wild coho.

(b) From Highway 107 Bridge to South Elma Bridge (Wakefield Road) ~~((to the confluence with Black River))~~ including all channels, sloughs, and interconnected waterways:

(i) All species: Single-point barbless hooks are required August 1 through November 30.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: ~~((Open October 1 through December 31.~~

~~(A) Daily limit 6; up to 1 may be an adult.~~

~~(B) Release Chinook.))~~ (A) Open August 1 through September 23:

(I) Daily limit 6.

(II) Release adult salmon.

(B) September 24 through September 30: Closed.

(C) Open October 1 through December 31:

(I) Daily limit 6; up to 1 may be an adult.

(II) Release Chinook and wild coho.

(c) From South Elma Bridge (Wakefield Road) to the confluence of Black River ~~((to the high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek (south of Pe Ell))):~~

(i) All species August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31.

(A) Daily limit 6; up to 1 may be an adult.

(B) Release Chinook and wild coho.

(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 ~~((, including all forks) upstream))~~):

(i) Open the Saturday before Memorial Day through April 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon: Open October 1 through December 31.

(A) Daily limit 6; up to 1 may be an adult.

(B) Release Chinook and wild coho.

(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 September 30 and December 1 through April 15.
 - (ii) Bait is allowed September 1 through February 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release wild rainbow trout.
 - (B) Cutthroat trout: Minimum length 14 inches.
 - (iv) Salmon:
 - (A) Open September 1 through September 30.
 - (B) Daily limit 3; up to 1 may be an adult.
 - (C) Release wild coho.
 - (d) From the Snahapish River upstream:
 - (i) Open the Saturday before Memorial Day through September 30.
 - (ii) It is unlawful to use bait.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release wild rainbow trout.
 - (B) Cutthroat trout: Minimum length 14 inches.
- (23) **Cloquallum Creek (Grays Harbor County):** From the mouth to the outlet at Stump Lake:
- (a) Open the Saturday before Memorial Day through the last day in February.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (24) **Copalis River (Grays Harbor County):**
- (a) From the mouth to Carlisle Bridge:
 - (i) Open the Saturday before Memorial Day through last day in February.
 - (ii) It is permissible to retain hatchery steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon:
 - (A) Open October 1 through December 31.
 - (B) Daily limit 6; up to 1 may be an adult.
 - (C) Release Chinook.
 - (b) From Carlisle Bridge upstream:
 - (i) Open the Saturday before Memorial Day through the last day in February.
 - (ii) Game fish: Statewide minimum length/daily limit, except:
Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (25) **Crim Creek (Lewis County) (Chehalis River tributary):** Closed waters.
- (26) **Damon Lake (Grays Harbor County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (27) **Deep Creek (Clallam County) (tributary to the straits):**
- (a) Open December 1 through January 31.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (28) **Dickey Lake (Clallam County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (29) **Dickey River (Clallam County):**
- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (b) It is unlawful to use anything other than one 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 July 31 and September 16 through April 30.
 - (ii) It is unlawful to use bait the Saturday before Memorial Day through ((August)) July 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)) July 31:
 - (I) Daily limit ((6)) 4; up to 2 may be adults.
 - (II) Release wild adult Chinook and wild adult coho.
 - (B) Open September ((1)) 16 through November 30:
 - (I) Daily limit 3; up to 1 may be an adult.
 - (II) Release wild adult coho.
 - (d) From the confluence of the East and West forks upstream (for both forks):
 - (i) Open the Saturday before Memorial Day through April 30.
 - (ii) It is unlawful to use bait.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release wild rainbow trout.
 - (B) Cutthroat trout: Minimum length 14 inches.
- (30) **Duck Lake (Grays Harbor County):**

- (a) Game fish: Statewide minimum length/daily limit, except:
Crappie: No limit and no minimum length.
- (b) Grass carp: No limit for anglers and bow and arrow fishing.
- (31) **Dungeness River (Clallam County)**: From the mouth to the forks at Dungeness Forks Campground:
- (a) Open October 16 through January 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (c) Salmon:
- (i) Open October 16 through November 30.
- (ii) Daily limit 4 coho only.
- (iii) Release wild coho.
- (32) **East Twin River (Clallam County)**:
- (a) Selective gear rules.
- (b) Release all fish.
- (33) **Elk Creek (Lewis County) (Chehalis River tributary)**: Open the Saturday before Memorial Day through September 30 and January 1 through March 31.
- (34) **Elk Lake (Clallam County)**:
- (a) Open the Saturday before Memorial Day through October 15.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 2; minimum length 14 inches.
- (ii) Release kokanee.
- (35) **Elk River (Grays Harbor County)**:
- (a) From the mouth (Highway 105 Bridge) to the confluence of the middle branch:
- (i) Open the Saturday before Memorial Day through the last day in February.
- (ii) August 16 through November 30: Single-point barbless hooks are required.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon: Open October 1 through December 31.
- (A) Daily limit 6; up to 1 may be an adult.
- (B) Release Chinook and wild coho.
- (b) From confluence of the middle branch upstream:
- (i) Open the Saturday before Memorial Day through the last day in February.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (36) **Elwha River and all tributaries (Clallam County)**: Closed waters.
- (37) **Failor Lake (Grays Harbor County)**: Open the fourth Saturday in April through September 15.
- (38) **Fork Creek (Pacific County) (Willapa River tributary)**:
- (a) From Forks Creek Hatchery rack upstream 500 feet at fishing boundary sign:
- (i) Open only for anglers with lower extremity disabilities who must permanently use a medically prescribed assistive device every time for mobility as defined in WAC 220-413-150 and possess a designated harvester companion card.
- (ii) Night closure.
- (iii) From October 1 through November 30:
- (A) Single-point barbless hooks required.
- (B) Stationary gear restriction.

(iv) Open the Saturday before Memorial Day through July 15 and October 1 through March 31.

(v) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vi) Salmon: Open October 1 through January 31:

(A) Daily limit 6; up to 2 may be adults.

(B) Release wild Chinook and wild coho.

(b) From the fishing boundary sign 500 feet above Forks Creek Hatchery rack upstream to the source:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(39) **Goodman Creek (Jefferson County), outside Olympic National**

Park:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(40) **Gray Wolf River (Clallam County):**

(a) From the confluence with the Dungeness to the bridge at river mile 1.0: Closed waters.

(b) From the bridge at river mile 1.0, upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(41) **Hoh River (Jefferson County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one 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: Open September 16 through November 30: Daily limit ((6)) 2; up to ((2)) 1 adult((s)) may be retained ((~~of which only 1 may be a Chinook~~)). Release wild coho.

(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 ((~~September 16~~)) 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: Open October 16 through November 30: Daily limit ((6)) 2; up to ((2)) 1 adult((s)) may be retained ((~~of which only 1 may be a Chinook~~)). Release wild coho.

(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 required.

(ii) Open the Saturday before Memorial Day through the last day of February:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31.

(A) Daily limit 6; up to 1 may be an adult.

(B) Release Chinook and wild coho.

(b) From Dekay Road Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day of February.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(45) Hoquiam River, East Fork (Grays Harbor County):

(a) From the mouth to the confluence of Berryman Creek:

(i) August 16 through November 30: Single-point barbless hooks are required.

- (ii) Open the Saturday before Memorial Day through the last day of February.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon: Open October 1 through December 31.
 - (A) Daily limit 6; up to 1 may be an adult.
 - (B) Release Chinook and wild coho.
- (b) From the confluence of Berryman Creek upstream:
 - (i) Open the Saturday before Memorial Day through the last day of February.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) Selective gear rules.
 - (46) **Humptulips River (Grays Harbor County):**
 - (a) From the mouth (Jessie Slough) to the Highway 101 Bridge, including all channels, sloughs, and interconnected waterways:
 - (i) 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:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release wild Chinook and wild coho.
 - (B) Open October 1 through October 31:
 - (I) Daily limit 6; up to 1 may be an adult.
 - (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:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Release wild Chinook and wild coho.
 - (B) Open October 1 through October 31:
 - (I) Daily limit 6; up to 1 may be an adult.
 - (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 October 1 through December 31:
 - (ii) Daily limit 6; up to 1 may be an adult.
 - (iii) Release Chinook.
- (50) **Johns River (Grays Harbor County)**: From the mouth (Highway 105 Bridge) to Ballon Creek:
- (a) August 16 through November 30: Single-point barbless hooks are required.
 - (b) Open the Saturday before Memorial Day through the last day in February.
 - (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (d) Salmon: Open October 1 through December 31.
 - (i) Daily limit 6; up to 1 may be an adult.
 - (ii) Release Chinook and wild coho.
- (51) **Kalaloch Creek (Jefferson County), outside Olympic National Park**:
- (a) Open the Saturday before Memorial Day through the last day in February:
 - (b) Selective gear rules.
 - (c) Game fish: State wide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (52) **Lena Lake, Lower (Jefferson County)**: The inlet stream from the mouth upstream to the footbridge (about 100 feet): Closed waters.
- (53) **Lincoln Pond (Clallam County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (54) **Little Hoko River (Clallam County)**:
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (55) **Loomis Lake (Pacific County)**: Open the fourth Saturday in April through October 31.
- (56) **Lyre River (Clallam County)**:

- (a) From the mouth to falls near river mile 3:
 - (i) Open the Saturday before Memorial Day through January 31.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (b) From the falls to the Olympic National Park boundary:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (57) **Matheny Creek (Jefferson County) (Queets River tributary), outside the Olympic National Park:**
 - (a) Open the Saturday before Memorial Day through September 30.
 - (b) It is unlawful to use bait.
 - (c) It is unlawful to use anything other than one barbless hook.
 - (d) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release wild rainbow trout.
 - (ii) Cutthroat trout: Minimum length 14 inches.
- (58) **McDonald Creek (Clallam County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (59) **Moclips River (Grays Harbor County):**
 - (a) From the mouth to the Quinault Indian Reservation boundary.
 - (b) Open the Saturday before Memorial Day through the last day in February.
 - (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (d) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.
 - (e) Salmon:
 - (i) Open October 1 through December 31.
 - (ii) Daily limit 6; up to 1 may be an adult.
 - (iii) Release Chinook.
- (60) **Morse Creek (Clallam County):** From the mouth to Port Angeles Dam:
 - (a) Open from December 1 through January 31.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (61) **Mosquito Creek (Jefferson County):** From outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge:
 - (a) Open the Saturday before Memorial Day through the last day in February.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (62) **Naselle River (Pacific/Wahkiakum counties):**
 - (a) From the Highway 101 Bridge to the South Fork:
 - (i) 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 adults may be retained.

(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 adults may be retained.

(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) August 16 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear restrictions.

(v) Open the Saturday before Memorial Day through July 31 and August 16 through April 15.

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon:

(A) Open October 16 through January 31.

(B) Daily limit 6; up to 2 adults may be retained.

(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 adults may be retained.

(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 adults may be retained.

(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 adults may be retained.

(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: Anti-snagging rule and night closure.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(64) **Nemah River, Middle (Pacific County):**

(a) From the mouth upstream to the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road:

(i) Open the Saturday before Memorial Day through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iv) Salmon:

(A) Open September 1 through September 30.

(B) Daily limit 6; up to 2 adults may be retained.

(C) Release wild Chinook and wild coho.

(b) From the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road upstream:

(i) Open the Saturday before Memorial Day through March 31:

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) 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 September 30.

(B) Daily limit 6; up to 2 adults may be retained.

(C) Release wild Chinook and wild coho.

(b) From the bridge on Nemah Valley Road upstream to approximately 1.66 miles to the Hancock property line:

(i) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) August 16 through November 30:

(A) Anti-snagging rule.

(B) Night closure.

(iv) From December 1 through March 31: Selective gear rules.

(c) From the Hancock property line upstream to the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge):

(i) Open only for salmon for anglers that possess a senior's license from August 1 through September 15:

(A) Salmon: Daily limit 6; up to 2 adults may be retained.

(B) Release wild Chinook and wild coho.

(ii) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) August 16 through November 30:

- (A) Anti-snagging rule.
- (B) Night closure.
- (v) December 1 through March 31: Selective gear rules.
- (d) From the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge) upstream to the Nemah Hatchery Dam: Closed waters.
- (e) From the Nemah Hatchery Dam upstream to N-700 Road (46° 28.58N, 123° 48.54W):
 - (i) Open the Saturday before Memorial Day through March 31.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) August 16 through November 30:
 - (A) Night closure.
 - (B) Anti-snagging rule.
 - (iv) December 1 through March 31: Selective gear rules.
- (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 September 30.
 - (ii) Daily limit 6; up to 2 adults may be retained.
 - (iii) Release wild Chinook and wild coho.
- (67) **Newaukum River, including South Fork (Lewis County):**
 - (a) From the mouth to Leonard Road near Onalaska:
 - (i) Open the Saturday before Memorial Day through March 31:
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) August 16 through November 30:
 - (A) Night closure.
 - (B) Single-point barbless hooks are required.
 - (iv) Salmon: Open October 16 through December 31.
 - (A) Daily limit 6; up to 1 may be an adult.
 - (B) Release Chinook and wild coho.
 - (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.
- (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.
- (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) 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 August 31 through October 12)~~) August 1 through September 15. Also closed Mondays and Tuesdays September 16 through September 30 and Mondays October 1 through October 20.

(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)~~) July 31:

(A) Daily limit (~~(6)~~) 4; up to 2 adults may be retained.

(B) Release sockeye, wild adult Chinook and wild adult coho.

(ii) Open September (~~(1)~~) 16 through November 30:

(A) Daily limit 6; up to (~~(4)~~) 3 adults may be retained, of which only 1 may be a wild Chinook.

(B) Release sockeye and wild adult coho.

(79) Quinault River (Grays Harbor County): From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

(a) Open the Saturday before Memorial Day through April 15.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

- (d) It is unlawful to use bait the Saturday before Memorial Day through September 30 and February 16 through April 15.
- (e) Game fish: Statewide minimum length/daily limit, except:
- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.
- (f) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.
- (g) Salmon:
- (i) Open July 1 through September 30: Daily limit 6 jack salmon only.
- (ii) Open October 1 through November 30:
- (A) Daily limit 6; only 2 adults may be retained.
- (B) Release sockeye and chum.
- (80) **Rocky Brook (Jefferson County) (Dosewallips River tributary):** From the mouth upstream: Closed waters.
- (81) **Salmon Creek (Pacific County) (tributary of Naselle River):**
- (a) Open the Saturday before Memorial Day through the last day in February.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (82) **Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:**
- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) It is unlawful to use anything other than one barbless hook.
- (c) It is unlawful to use bait the Saturday before Memorial Day through August 31.
- (d) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.
- (e) Game fish: Statewide minimum length/daily limit, except:
- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.
- (iii) 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 September 30:
- (ii) Daily limit 6; up to 2 may be adults and only 1 of the adults may be a Chinook.
- (iii) Release wild coho.
- (83) **Salt Creek (Clallam County):** From the mouth to the bridge on Highway 112:
- (a) Selective gear rules.
- (b) 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) 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.
- (iii) Salmon: Open October 1 through December 31.
- (A) Daily limit 6; up to 1 may be an adult.
- (B) Release Chinook and wild coho.
- (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: Open October 1 through December 31.
- (A) Daily limit 6; up to 1 may be an adult.
- (B) Release Chinook and wild coho.
- (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: Open October 16 through December 31.

(i) Daily limit 6; up to 1 may be an adult.

(ii) Release Chinook and wild coho.

(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.

(b) From the Highway 101 Bridge upstream:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except:

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(92) **Snahapish River (Jefferson County) (Clearwater River tributary)**:

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(93) **Snow Creek and all tributaries (Jefferson County)**: Closed waters.

(94) **Sol Duc River (Clallam County)**:

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one 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))~~ July 31 and February 16 through April 30.

(ii) Game fish: Open year-round; except closed August 1 through September 15: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:

(A) Open February 1 through ~~((August))~~ July 31:

(I) Daily limit ~~((6))~~ 4; up to 2 adults may be retained.

(II) Release sockeye, wild adult Chinook and wild adult coho.

(B) Open September ~~((1))~~ 16 through November 30:

(I) Daily limit 6; up to ~~((4))~~ 3 adults may be retained, of which only 1 may be a wild Chinook.

(II) Release sockeye and wild adult coho.

(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 July 31 and September 16 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 July 31 and September 16 through October 31.

(ii) It is unlawful to use bait.

~~((iii))~~ (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 September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(97) **Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation**: Open the Saturday before Memorial Day through the last day in February.

(98) **Soules Pond (Pacific County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(99) **South Bend Mill Pond (Pacific County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(100) **Stevens Creek (Grays Harbor County):** From the mouth to the Highway 101 Bridge:

(a) From the WDFW hatchery outlet downstream to the cable crossing: Closed waters.

(b) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(101) **Sutherland Lake (Clallam County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches and maximum length 18 inches.

(102) **Thrash Creek (Pacific/Lewis County):** Closed waters.

(103) **Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one 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: Open October 1 through December 31.

(A) Daily limit 6; up to 1 may be an adult.

(B) Release Chinook and wild coho.

(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:

(A) Open August 1 through January 31.

(B) Daily limit 6; up to 2 adults may be retained.

(C) Release wild Chinook and wild coho.

(b) From the WDFW access site at the mouth of Ward/Wilson creeks to the second bridge on Camp One Road:

(i) August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open August 1 through January 31.

(B) Daily limit 6; up to 2 adults may be retained.

(C) Release wild Chinook and wild coho.

(c) From the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles):

(i) August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(D) It is unlawful to fish from a floating device.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open August 1 through January 31.

(B) Daily limit 6; up to 2 adults may be retained.

(C) Release wild Chinook and wild coho.

(d) From the mouth of Mill Creek to the Highway 6 bridge (approximately 2 miles below the mouth of Trap Creek):

(i) August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open August 1 through January 31.

- (B) Daily limit 6; up to 2 adults may be retained.
- (C) Release wild Chinook and wild coho.
- (e) From Highway 6 Bridge (approximately 2 miles below the mouth of Trap Creek) to Fork Creek:
 - (i) August 16 through November 30:
 - (A) Night closure.
 - (B) Single-point barbless hooks are required.
 - (C) Stationary gear restriction.
 - (ii) Open the Saturday before Memorial Day through March 31:
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon:
 - (A) Open August 16 through January 31.
 - (B) Daily limit 6; up to 2 adults may be retained.
 - (C) 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:
 - (A) Open October 1 through January 31.
 - (B) Daily limit 6; up to 2 adults may be retained.
 - (C) 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 bridge on Pehl Road:
 - (i) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed waters.
 - (ii) 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:
 - (A) Open August 1 through September 30:
 - (B) Daily limit 6; up to 2 adults may be retained.
 - (C) Release wild Chinook and wild coho.
 - (c) From Pehl Road upstream:
 - (i) Open the Saturday before Memorial Day through the last day in February.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(111) **Wirkkala 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: Open October 1 through December 31.

(A) Daily limit 6; up to 1 may be an adult.

(B) Release Chinook and wild coho.

(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) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31.

(A) Daily limit 6; up to 1 may be an adult.

(B) Release Chinook and wild coho.

(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.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-052 (Order 20-97), § 220-312-020, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 20-03-130 (Order 20-09), § 220-312-020, filed 1/17/20, effective 2/17/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 19-15-050 (Order 19-139), § 220-312-020, filed 7/12/19, effective 8/12/19. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.04.130. WSR 19-03-003 (Order 19-01), § 220-312-020, filed 1/2/19, effective 2/2/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 18-15-065 (Order 18-163), § 220-312-020, filed 7/16/18, effective 8/16/18. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 18-06-045 (Order 18-30), § 220-312-020, filed 3/1/18, effective 4/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-19-008 (Order 17-229), § 220-312-020, filed 9/7/17, effective 10/8/17; WSR 17-05-112 (Order 17-04), amended and recodified as § 220-312-020, filed 2/15/17, effective 3/18/17; WSR 16-14-045 (Order 16-160), § 220-310-180, filed 6/28/16, effective 7/29/16. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 16-06-073 (Order 16-30), § 220-310-180, filed 2/26/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 15-17-010 (Order 15-245), § 220-310-180, filed 8/6/15, effective 9/6/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 14-16-027 (Order 14-185), § 220-310-180, filed 7/25/14, effective 8/25/14. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 14-04-120 (Order 14-26), § 220-310-180, filed 2/4/14, effective 3/7/14.]

OTS-3039.3

AMENDATORY SECTION (Amending WSR 20-14-052, filed 6/25/20, effective 7/26/20)

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 the fourth Saturday in April through October 31.
- (b) Landlocked salmon rules.
- (9) **Cedar Creek and tributaries (tributary of N.F. Lewis) (Clark County):**
- (a) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters.
- (b) Selective gear rules, except: Use of barbed hooks is allowed.
- (c) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
- (d) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 2; minimum length 14 inches.
- (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (e) Salmon:
- (i) Open November 1 through December 31.
- (ii) Daily limit 6; up to (~~2 may be~~) 3 adults, of which 2 may be Chinook.
- (iii) (~~Only~~) Release all salmon except hatchery Chinook and hatchery coho (may be retained).

- (10) **Chinook River (Pacific County)**: From the Highway 101 Bridge upstream:
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (11) **Cispus River (Lewis County)**: From the mouth to the falls, not including the North Fork:
- (a) Open year-round, except closed to all angling within posted "Closed Waters" signs around the adult fish release site.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.
 - (c) Salmon:
 - (i) Daily limit 6; up to 2 may be adults.
 - (ii) Only hatchery Chinook and hatchery coho may be retained.
- (12) **Cispus River, North Fork (Lewis County)**: Selective gear rules.
- (13) **Coal Creek (Cowlitz County)**:
- (a) From the mouth to 400 feet below the falls:
 - (i) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (ii) Selective gear rules, except: Use of barbed hooks is allowed.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (iv) Salmon:
 - (A) Open November 1 through December 31.
 - (B) Daily limit 6; up to 2 may be adults.
 - (C) Only hatchery Chinook and hatchery coho may be retained.
 - (b) From 400 feet below the falls to the falls: Closed waters.
- (14) **Coldwater Lake (Cowlitz County)**:
- (a) The Coldwater Lake inlet and outlet streams: Closed waters.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (15) **Cougar Creek (tributary to Yale Reservoir) (Cowlitz County)**:
- (a) Selective gear rules.
 - (b) Open the Saturday before Memorial Day through August 31.
- (16) **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) July 1 through September 30: Night closure for salmon and steelhead fishing.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead:

(I) Open July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(II) August 1 through August 31: Closed.

(III) Open September 1 through September 30: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(IV) Open October 1 through June 30: Daily limit 3 hatchery steelhead, minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Daily limit 6; up to ((2)) 3 may be adults.

(II) Only hatchery coho may be retained.

(b) From the Lexington Bridge to the mouth of Mill Creek:

(i) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open: Closed waters.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: 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 ((2)) 3 may be adults.

(II) Only hatchery coho may be retained.

(c) From the mouth of Mill Creek to 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam:

(i) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam: Closed waters.

(ii) Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities **and** who have a designated harvester companion card: Closed waters.

(iii) It is unlawful to fish from a floating device.

(iv) April 1 through November 30:

(A) Anti-snagging rule.

(B) Night closure.

(v) May 1 through June 15: It is unlawful to fish from the south side of the river.

(vi) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: 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 ((2)) 3 may be adults.

(II) Only hatchery coho may be retained.

(d) From 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam to Mayfield Dam.

(i) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam: Closed waters.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Daily limit 6; up to ((2)) 3 may be adults.

(II) Only hatchery coho may be retained.

(e) From the posted PUD sign on Peters Road to the Forest Road 1270 (old Jody's Bridge):

(i) Closed to all angling within posted "Closed Waters" signs around the adult fish release site.

(ii) September 1 through October 31: Anti-snagging rule and night closure.

(iii) Open year-round.

(iv) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(v) Salmon:

(A) Open year-round.

(B) Daily limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(f) From Forest Road 1270 (old Jody's Bridge) upstream and tributaries.

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(19) **Deep River (Wahkiakum County):**

(a) Open year-round.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Daily limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained.

(20) **Delameter Creek (Cowlitz County):**

(a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(21) **Drano Lake (Skamania County)**: In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:

(a) Closed on Wednesdays beginning the second Wednesday in April through June 30.

(b) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.

(c) March 16 through October 31: Night closure.

(d) August 1 through December 31: Anti-snagging rule.

(e) May 1 through June 30 and October 1 through December 31:

(i) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(ii) Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(f) April 16 through June 30: The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing.

(g) Open year-round.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Bass: No limit and no size restriction.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restriction.

(D) Release trout.

(E) Steelhead: From January 1 through March 15; daily limit 2 hatchery steelhead; minimum length 20 inches.

(ii) Salmon and steelhead: Open March 16 through December 31:

(A) March 16 through June 30: Daily limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each. Release all other salmon.

(B) July 1 through July 31:

(I) Daily limit 2 hatchery Chinook. 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) ((September 1 through October 31: Release all salmon.~~

~~(ii))~~ August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

~~((iii))~~ (ii) Open the Saturday before Memorial Day through March 15.

~~((iv))~~ (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.

~~((v))~~ (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.

~~((vi))~~ (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) ((September 1 through October 31: Release all salmon.~~

~~(ii))~~ August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

~~((iii))~~ (ii) Open the Saturday before Memorial Day through March 15.

~~((iv))~~ (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.

~~((v))~~ (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.

~~((vi))~~ (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) Open August 1 through November 30.

(B) Daily limit 6; up to ((±)) 3 may be ((~~an~~)) adults, of which 1 may be a Chinook.

(C) Only hatchery Chinook and hatchery coho may be retained.

(b) From Miner's Creek upstream:

(i) Selective gear rules, except: Use of barbed hooks is allowed.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(34) **Green River tributaries (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(35) **Grizzly Lake (Skamania County):** Closed waters.

(36) **Hamilton Creek (Skamania County):**

(a) Tributaries downstream from the Highway 14 Bridge: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(37) **Horsethief Lake (Klickitat County):** Open the fourth Saturday in April through October 31.

(38) **Indian Heaven Wilderness Lakes (Skamania County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 8 inches.

(39) **Johnson Creek (Lewis County) (Cowlitz River tributary):** Selective gear rules.

(40) **Kalama River (Cowlitz County):**

(a) From the mouth to the railroad bridge below Interstate 5:

- (i) July 1 through October 31: Night closure.
- (ii) Game fish: Open year-round.
- (A) Statewide minimum length/daily limit, except:
- (B) Trout: Daily limit 2; minimum length 14 inches.
- (iii) Steelhead:
 - (A) Open July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.
 - (B) August 1 through August 31: Closed.
 - (C) Open September 1 through September 30: Daily limit 1 hatchery steelhead; minimum length 20 inches.
 - (D) Open October 1 through June 30: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon:
 - (A) Open January 1 through July 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (B) Open August 1 through December 31:
 - (I) Daily limit 6; up to 3 may be adults (~~(, of which only 2 may be coho)~~).
 - (II) Only hatchery Chinook and hatchery coho may be retained.
- (b) From the railroad bridge below Interstate 5 to Modrow Bridge:
 - (i) From Modrow Bridge downstream to the markers approximately 1,000 feet below the temporary rack when the rack is installed below Modrow Bridge: Closed waters.
 - (ii) April 1 through October 31:
 - (A) Night closure.
 - (B) Anti-snagging rule.
 - (iii) Game fish: Open year-round.
 - (A) Statewide minimum length/daily limit, except:
 - (B) Trout: Daily limit 2; minimum length 14 inches.
 - (C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (iv) Salmon:
 - (A) Open January 1 through July 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (B) Open August 1 through December 31:
 - (I) Daily limit 6; up to 3 may be adults (~~(, of which only 2 may be coho)~~).
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (c) From the Modrow Bridge to the natural gas pipeline crossing:
 - (i) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (ii) April 1 through October 31:
 - (A) Night closure.
 - (B) Anti-snagging rule.
- (iii) Game fish: Open year-round.
 - (A) Statewide minimum length/daily limit, except:
 - (B) Trout: Daily limit 2; minimum length 14 inches.
 - (C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon:
 - (A) Open January 1 through July 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (B) Open August 1 through December 31:
 - (I) Daily limit 6; up to 3 may be adults (~~(, of which only 2 may be coho)~~).
 - (II) Only hatchery Chinook and hatchery coho may be retained.

(I) Daily limit 6; up to 3 may be adults (~~(, of which only 2 may be coho)~~).

(II) Only hatchery Chinook and hatchery coho may be retained.

(d) From the natural gas pipeline crossing to the deadline at the intake to the lower salmon hatchery:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) April 1 through October 31:

(A) Night closure.

(B) Anti-snagging rule.

(iii) Open September 1 through October 31 for fly fishing only, except: Use of barbed hooks is allowed.

(iv) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults (~~(, of which only 2 may be coho)~~).

(II) Only hatchery Chinook and hatchery coho may be retained.

(e) From the Fallert Creek hatchery intake 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 (~~(, of which only 2 may be coho)~~).

(II) Only hatchery Chinook and hatchery coho may be retained.

(f) From 1,000 feet below to 1,000 feet above the fishway at 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:

(A) Open Saturday before Memorial Day through June 30: Daily limit 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:

(A) Open Saturday before Memorial Day through July 31: Daily limit 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 Fishery Hill Bridge to 400 feet above #5 fishway, tributaries except Bird, Blockhouse, Bowman, Spring, Outlet creeks and the Little Klickitat River, and the waters from the boundary markers above Klickitat Salmon Hatchery to the boundary markers below the hatchery.

(c) From 400 feet above #5 fishway to the boundary markers below Klickitat Salmon Hatchery:

(i) Open the Saturday before Memorial Day through November 30:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(iii) Salmon:

(A) Saturday before Memorial Day through July 31:

(I) Daily limit 6 fish; no more than 2 adults may be retained.

(II) Release wild Chinook.

(B) August 1 through November 30: Daily limit 6 fish; no more than 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) July 1 through September 30: Night closure for salmon and steelhead fishing.

(ii) Game fish:

(A) Open year-round.

(B) Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(iii) Steelhead:

(A) July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(B) August 1 through August 31: Closed.

(C) Open September 1 through September 30: Daily limit 1 hatchery steelhead; minimum length 20 inches.

- (D) Open October 1 through June 30: Daily limit 3 steelhead; minimum length 20 inches.
- (iv) Salmon:
- (A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; up to 1 may be an adult.
- (B) Open August 1 through September 30:
- (I) Daily limit 6; up to (~~(2 may be)~~) 3 adults, of which 2 may be Chinook.
- (II) Only hatchery Chinook and hatchery coho may be retained.
- (C) Open October 1 through (~~(October 15)~~) December 31:
- (I) Daily limit 6; up to (~~(2 may be)~~) 3 adults, of which 2 may be Chinook.
- (II) Only Chinook and hatchery coho may be retained.
- ~~((D) Open October 16 through December 31:~~
- ~~(I) Daily limit 6; up to 2 may be adults.~~
- ~~(II) Only Chinook may be retained.)~~
- (b) From the mouth of the East Fork Lewis River to Johnson Creek.
- (i) Game fish:
- (A) Open year-round.
- (B) Statewide minimum length/daily limit, except:
- (I) Trout: Daily limit 2; minimum length 14 inches.
- (II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (ii) Salmon:
- (A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; up to 1 may be an adult.
- (B) Open August 1 through September 30:
- (I) Daily limit 6; up to (~~(2 may be)~~) 3 adults, of which 2 may be Chinook.
- (II) Only hatchery Chinook and hatchery coho may be retained.
- (C) Open October 1 through (~~(October 15)~~) December 31:
- (I) Daily limit 6; up to (~~(2 may be)~~) 3 adults, of which 2 may be Chinook.
- (II) Only Chinook and hatchery coho may be retained.
- ~~((D) Open October 16 through December 31:~~
- ~~(I) Daily limit 6; up to 2 may be adults.~~
- ~~(II) Only Chinook may be retained.)~~
- (c) From Johnson Creek to Colvin Creek:
- (i) May 1 through May 31: Closed waters.
- (ii) Those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder: Closed waters.
- (iii) June 1 through November 30 and April 1 through April 30: Anti-snagging rule and night closure.
- (iv) Game fish:
- (A) Open June 1 through April 30.
- (B) Statewide minimum length/daily limit, except:
- (I) Trout: Daily limit 2; minimum length 14 inches.
- (II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (v) Salmon:
- (A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; up to 1 may be an adult.
- (B) Open August 1 through September 30:
- (I) Daily limit 6; up to (~~(2 may be)~~) 3 adults, of which 2 may be Chinook.
- (II) Only hatchery Chinook and hatchery coho may be retained.
- (C) Open October 1 through (~~(October 15)~~) December 31:

- (I) Daily limit 6; up to (~~(2 may be)~~) 3 adults, of which 2 may be Chinook.
- (II) Only Chinook and hatchery coho may be retained.
- ~~((D) Open October 16 through December 31:~~
- ~~(I) Daily limit 6; up to 2 may be adults.~~
- ~~(II) Only Chinook may be retained.)~~
- (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 (~~(2 may be)~~) 3 adults, of which 2 may be Chinook.
- (II) Only hatchery Chinook and hatchery coho may be retained.
- (C) Open October 1 through October (~~(15)~~) 31:
- (I) Daily limit 6; up to (~~(2 may be)~~) 3 adults, of which 2 may be Chinook.
- (II) Only Chinook and hatchery coho may be retained.
- (D) Open (~~(October 16 through October 31 and)~~) December 16 through December 31:
- (I) Daily limit 6; up to (~~(2 may be)~~) 3 adults, of which 2 may be Chinook.
- (II) Only Chinook and hatchery coho may be retained.
- (e) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed waters.
- (f) From the cable crossing 1,300 (~~(feet)~~) 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 and including Muddy River, including tributaries:
- (i) Selective gear rules.
- (ii) Open the Saturday before Memorial Day through July 15.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Trout: Daily limit 10; minimum length 8 inches.
- (B) Release wild trout.
- (j) From above Muddy River to the lower falls and tributaries:
- (i) Selective gear rules.
- (ii) Release all fish.
- (45) **Lewis River, East Fork (Clark/Skamania counties):**
- (a) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls: Closed waters.

- (b) From 400 feet below to 400 feet above Moulton Falls: Closed waters.
- (c) From 400 feet below Horseshoe Falls upstream, including tributaries above Horseshoe Falls: Closed waters.
- (d) From the mouth to 400 feet below Horseshoe Falls:
- (i) Open the Saturday before Memorial Day through July 15 and September 16 through March 15.
- (ii) Selective gear rules, except: Use of barbed hooks is allowed.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (iv) Salmon:
- (A) Open September 16 through December 31.
- (B) Daily limit 6; up to 2 may be adults.
- (C) Only hatchery Chinook and hatchery coho may be retained.
- (e) Tributaries from the mouth to 400 feet below Horseshoe Falls:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (46) **Little Klickitat River (Klickitat County)**: Within Goldendale city limits:
- (a) Open the fourth Saturday in April through the Friday before Memorial Day to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (b) Open the Saturday before Memorial Day through October 31 to all anglers.
- (c) Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; no minimum length.
- (47) **Little Washougal River (Clark County)**:
- (a) Selective gear rules, except: Use of barbed hooks is allowed.
- (b) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 2; minimum length 14 inches.
- (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (c) Salmon:
- (i) Open August 1 through October 31.
- (ii) Daily limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (48) **Little White Salmon River (Skamania County)**:
- (a) From the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery: Closed waters.
- (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; minimum length 8 inches.
- (49) **Love Lake (Clark County)**: Closed waters.
- (50) **Mayfield Lake (Reservoir) (Lewis County)**:
- (a) Open from the Mayfield Dam to Onion Rock Bridge.
- (b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed waters.
- (c) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 10; minimum length 8 inches.
- (ii) Release wild rainbow trout and wild cutthroat trout.
- (iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(v) Channel catfish: Daily limit 10; no size restriction.

(vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(d) Salmon:

(i) Open September 1 through December 31:

(ii) Daily limit 6; minimum length 12 inches.

(iii) 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 (~~1 may be an~~) 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.
 - ~~((vii))~~ (viii) Salmon:
 - (A) Open August 1 through December 31.
 - (B) Daily limit 6; up to ~~((1 may be an))~~ 3 adults may be retained, of which 1 may be a 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 (~~1 may be an~~) 3 adults may be retained, of which 1 may be a 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 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.
 - (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.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-052 (Order 20-97), § 220-312-030, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 20-03-130 (Order 20-09), § 220-312-030, filed 1/17/20, effective 2/17/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 19-15-050 (Order 19-139), § 220-312-030, filed 7/12/19, effective 8/12/19; WSR 18-15-065 (Order 18-163), § 220-312-030, filed 7/16/18, effective 8/16/18. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 18-06-045 (Order 18-30), § 220-312-030, filed 3/1/18, effective 4/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-17-029, § 220-312-030, filed 8/8/17, effective 9/8/17; WSR 17-05-112 (Order 17-04), recodified as § 220-312-030, filed 2/15/17, effective 3/18/17; WSR 16-14-038 (Order 16-158), § 220-310-185, filed 6/28/16, effective 7/29/16. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 16-06-073 (Order 16-30), § 220-310-185, filed 2/26/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 15-13-081 (Order 15-177), § 220-310-185, filed 6/12/15, effective 7/13/15. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 15-06-065 and 15-06-006 (Order 15-033), § 220-310-185, filed 3/4/15 and 2/20/15, effective 7/1/15. Statutory

Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 14-16-027 (Order 14-185), § 220-310-185, filed 7/25/14, effective 8/25/14. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 14-04-120 (Order 14-26), § 220-310-185, filed 2/4/14, effective 3/7/14.]

OTS-3045.3

AMENDATORY SECTION (Amending WSR 20-14-052, filed 6/25/20, effective 7/26/20)

- 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.
- (11) **Baker River (Skagit/Whatcom County)**: From the mouth to the Lower Baker Dam: Closed waters.
- (12) **Ballinger Lake (Snohomish County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (13) **Beaver Lake (Skagit County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (14) **Beecher, Lake (Snohomish County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (15) **Benson Lake (Mason County)**: Open the fourth Saturday in April through October 31.
- (16) **Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds**:
- (a) Open July 1 through October 31.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (17) **Big Beef Creek (Kitsap County)**:
- (a) From Seabeck Highway Bridge to Lake Symington:
- (i) Open the Saturday before Memorial Day through August 31.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (v) From August 1 through August 31: Closed waters within 100 feet of the Seabeck Highway N.W. Bridge.

(b) From Lake Symington upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(18) **Big Lake (Skagit County):**

(a) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(b) Landlocked salmon rules.

(19) **Big Mission Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(20) **Big Quilcene River (Jefferson County):**

(a) From the mouth to Rodgers Street: Open the Saturday before Memorial Day through August 15((-)):

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From Rodgers Street to the Highway 101 Bridge:

(i) From the Saturday before Memorial Day through August 15: Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) From August 16 through October 31:

(A) Night closure.

(B) Anti-snagging rules.

(v) Salmon:

(A) Open August 16 through October 31.

(B) Daily limit 4 coho only; minimum length 12 inches.

(c) From the Highway 101 Bridge to the weir at Quilcene National Fish Hatchery: Closed waters.

(d) From the weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(21) **Big Soos Creek (King County):** From the mouth to the hatchery rack:

(a) Open the Saturday before Memorial Day through August 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(22) **Black Lake (Thurston County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(23) **Blackjack Creek (Kitsap County):**

(a) Open Saturday before Memorial Day through August 31.

(b) Selective gear rules.

((b)) (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(24) **Blacksmith Pond (Mason County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(25) **Boise Creek (King County) (White River tributary)**: From the mouth to the Highway 410 crossing: Closed waters.

(26) **Bosworth Lake (Snohomish County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(27) **Boulder River (Snohomish County) (N.F. Stillaguamish River tributary)**: From the mouth to Boulder Falls:

(a) Open September 16 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(28) **Bradley Lake (Pierce County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(29) **Buck Lake (Kitsap County)**: Open the fourth Saturday in April through October 31.

(30) **Buffington Pond (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(31) **Burley Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(32) **Cady Lake (Mason County)**:

(a) Fly fishing only.

(b) Release all fish.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(33) **Cain Lake (Whatcom County)**: Open the fourth Saturday in April through October 31.

(34) **Calligan Lake (King County)**: It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(35) **Campbell Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(36) **Campbell Lake (Skagit County)**: Grass carp: No daily limit for anglers and bow and arrow fishing allowed.

(37) **Canyon Creek (Snohomish County) (S.F. Stillaguamish River)**:

(a) From the mouth to the forks (North Fork and South Fork) ((-)):

(i) Open September 16 through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the forks (North Fork and South Fork) upstream: Closed waters.

(38) **Capitol Lake (Thurston County)**: Closed waters.

(39) **Carbon River (Pierce County)**:

(a) From the mouth to Voight Creek:

(i) From September 1 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(C) Barbless hooks required.

(ii) Open September 1 through November 30.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Open December 1 through January 15:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Open September 1 through ((October 15)) November 30.

(B) Daily limit 6; up to 2 may be adults, minimum length 12 inches.

(C) Release wild Chinook and chum.

(b) From Voight Creek to the Highway 162 Bridge:

(i) Open from December 1 through January 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(40) **Carney Lake (Pierce County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Salmon: Landlocked salmon rules.

(41) **Carpenter Lake (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(42) **Cascade Creek (San Juan County)**:

- (a) From the mouth to Mountain Lake.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (43) **Cascade Lake (San Juan County)**: Open the fourth Saturday in April through October 31.
- (44) **Cascade River (Skagit County)**:
 - (a) From the mouth to the Rockport-Cascade Road Bridge:
 - (i) Open (~~(June)~~) July 1 through July 15: (~~(Thursday)~~) Tuesdays through (~~(Sundays)) 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 (~~(November 30)~~) October 15: (~~(Thursdays)) Tuesdays through (~~(Sundays)) Saturdays only(~~(-))~~~~~~:
 - (A) Anti-snagging rules and night closure.
 - (B) Salmon: Daily limit 4 coho.
 - (I) Release all other salmon.
 - (II) Minimum length 12 inches.
 - (~~(-B))~~) (C) Game fish: Statewide length/daily limit, except:
 - (I) Cutthroat trout and wild rainbow: Minimum length 14 inches.
 - (II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
 - (iii) Open December 1 through January 31:
 - (A) Game fish: Statewide length/daily limit, except:
 - (I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
 - (B) Salmon: Closed.
 - (b) From the Rockport-Cascade Road Bridge upstream:
 - (i) Open June 1 through January 31.
 - (ii) Selective gear rules.
 - (iii) Release all fish except hatchery steelhead.
 - (45) **Cass Pond (King County)**: Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (46) **Cavanaugh Lake (Skagit County)**: Chumming is permissible.
- (47) **Cedar River (King County)**:
 - (a) From the mouth to Landsburg Road:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Night closure.

- (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (v) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) From Landsburg Bridge upstream to the falls: Closed waters.
- (48) Chain Lake (Snohomish County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iv) Channel catfish: Daily limit 10; no size restriction.
 - (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (49) Chambers Creek (Pierce County):**
 - (a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam:
 - (i) Selective gear rules, except bait is permissible September 1 through October 15.
 - (ii) Open the Saturday before Memorial Day through November 15 for game fish.
 - (iii) Night closure.
 - (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (v) Salmon:
 - (A) Open July 1 through November 15:
 - (B) Daily limit 6; up to 4 may be adults; minimum length 12 inches.
 - (C) 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: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (50) Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):**
 - (a) Selective gear rules.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release cutthroat trout and wild rainbow trout.
 - (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iv) Channel catfish: Daily limit 10; no size restriction.
 - (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (51) Channel Creek (Whatcom County) (Baker River tributary):** Open the Saturday before Memorial Day through August 31.
- (52) Chaplain Creek (Snohomish County) (Sultan River tributary):** Waters adjacent to the water filtration plant, from the inlet to the

beaver pond (Grass Lake) below the water filtration plant gate to the waterfall approximately .4 miles upstream: Closed waters.

(53) **Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River)**: From the mouth to Cherry Creek Falls: Selective gear rules.

(54) **Chico Creek (Kitsap County)**:

(a) Open Saturday before Memorial Day through August 31.

(b) Selective gear rules.

~~((b))~~ (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.

~~((58))~~ (59) **Clear Lake (Pierce County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

~~((59))~~ (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.

~~((60))~~ (61) **Clear Lake (Thurston County)**: Open the fourth Saturday in April through October 31.

~~((61))~~ (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.

~~((62))~~ (63) **Clover Creek (Pierce County)**: From the mouth upstream to Steilacoom Lake: Closed waters.

~~((63))~~ (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.

~~((64))~~ (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.

~~((65))~~ (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.

~~((66))~~ (67) **County Line Ponds (Skagit County):** Closed waters.

~~((67))~~ (68) **Crabapple Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((68))~~ (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.

~~((69))~~ (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.

~~((70))~~ (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.

~~((71))~~ (72) **Crescent Lake (Pierce County):** Open the fourth Saturday in April through October 31.

~~((72))~~ (73) **Crocker Lake (Jefferson County):** Game fish: Statewide minimum length/daily limit, except: Closed to trout fishing.

~~((73))~~ (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.

~~((74))~~ (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.

~~((75))~~ (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 harvest-er companion card only.

~~((76))~~ (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.

~~((77))~~ (78) **Deer Creek (Snohomish/Skagit counties) (Tributary to the N.F. Stillaguamish) and all tributaries**: Closed waters.

~~((78))~~ (79) **Deer Lake (Island County)**: Open the fourth Saturday in April through October 31.

~~((79))~~ (80) **Deer Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((80))~~ (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 (~~may be retained~~).

(iii) Release coho.

~~((81))~~ (82) **Devereaux Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((82))~~ (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:

(A) Release cutthroat trout and wild rainbow trout.

(B) No steelhead retention.

(b) From Dewatto-Holly Road Bridge upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((83))~~ (84) **Dogfish Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((84))~~ (85) **Don Lake (also known as "Clara Lake") (Mason County)**: Open the fourth Saturday in April through October 31.

~~((85))~~ (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.

~~((86))~~ **(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.

~~((87))~~ **(88) Echo Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((88))~~ **(89) Eglon Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((89))~~ **(90) Elson Creek (Thurston County):** Closed waters.

~~((90))~~ **(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.

~~((91))~~ **(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.

~~((92))~~ **(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.

~~((93))~~ (94) **Erie Lake (Skagit County)**: Open the fourth Saturday in April through October 31.

~~((94))~~ (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.

~~((95))~~ (96) **Fazon Lake (Whatcom County)**: It is unlawful to fish from any floating device from the first Friday in October through January 27.

~~((96))~~ (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.

~~((97))~~ (98) **Finney Creek (Skagit County)**: From the mouth up to the USFS 17 road bridge: Closed waters.

~~((98))~~ (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.

~~((99))~~ (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.

~~((100))~~ (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.

~~((101))~~ (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.

~~((102))~~ (103) **Geneva Lake (King County)**: Open the fourth Saturday in April through October 31.

~~((103))~~ (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.

~~((104))~~ (105) **Gissberg Pond, North (Snohomish County)**: Open for juvenile anglers only.

~~((105))~~ (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.

~~((106))~~ (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.

~~((107))~~ (108) **Goodwin Lake (Snohomish County)**: Chumming is permissible.

~~((108))~~ (109) **Goss Lake (Island County)**: Open the fourth Saturday in April through October 31.

~~((109))~~ (110) **Gorst Creek (Kitsap County)**:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

~~((b))~~ (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((110))~~ (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.

~~((111))~~ (112) **Granite Lakes (near Marblemount) (Skagit County)**: Game fish: Statewide minimum length/daily limit, except: Release Grayling.

~~((112))~~ (113) **Grass Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((113))~~ (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 31.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:
- (A) Anti-snagging rules.
 - (B) Night closure.
 - (C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.
 - (I) Release Chinook.
 - (II) Salmon minimum length 12 inches.
 - (III) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:
- (A) Anti-snagging rules.
 - (B) Night closure.
 - (C) Salmon: Daily limit 6 salmon of which no more than 3 adults may be retained. Release Chinook.
 - (D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (b) From Tukwila International Boulevard/Old Highway 99 to the South 212th Street Bridge:
- (i) Open for game fish the Saturday before Memorial Day through July 31.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) In years ending in odd numbers: Open for salmon and game fish August 20 through December 31:
- (A) Anti-snagging rules.
 - (B) Night closure.
 - (C) Salmon: Daily limit 6 (~~(salmon of which no more than)~~); up to 3 may be any combination of adult coho ((and adult)), chum, or adult Chinook. ((Only 1 Chinook may be retained.)) 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 adults may be retained, of which one may be a Chinook.
 - (D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (c) From the South 212th Street Bridge to the Highway 18 East-bound Bridge:
- (i) Open for game fish the Saturday before Memorial Day through August 15.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) In years ending in odd numbers, open for game fish and salmon September 16 through December 31:
- (A) Anti-snagging rules.
 - (B) Night closure.

(C) Salmon: Daily limit 6 (~~(salmon of which no more than)~~); 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) (~~Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.~~) 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.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Open for game fish and salmon November 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6; up to 3 may be any combination of adult coho and adult chum. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(f) From Tacoma Municipal Watershed Boundary Marker (1.3 miles downstream of Tacoma Headworks Dam) to Friday Creek: Closed waters.

~~((114))~~ **(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.

~~((115))~~ **(116) Grovers Creek (Kitsap County)**:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

~~((b))~~ (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((116))~~ **(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.

~~((117))~~ **(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.

~~((118))~~ **(119) Harvey Creek (Snohomish County)**: Closed waters.

~~((119))~~ **(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.

~~((120))~~ **(121) Heart Lake (near Anacortes) (Skagit County):** Open the fourth Saturday in April through October 31.

~~((121))~~ **(122) Heins Lake (Kitsap County):** Closed waters.

~~((122))~~ **(123) Hicks Lake (Thurston County):** Open the fourth Saturday in April through October 31.

~~((123))~~ **(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.

~~((124))~~ **(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.

~~((125))~~ **(126) Horseshoe Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

~~((126))~~ **(127) Howard Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((127))~~ **(128) Howell Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((128))~~ **(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.

~~((129))~~ **(130) Illahee Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cut-throat trout and wild rainbow trout: Minimum length 14 inches.

~~((130))~~ **(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.

~~((131))~~ **(132) Issaquah Creek (King County):** Open the Saturday before Memorial Day through August 31.

~~((132))~~ (133) **Jackson Lake (Pierce County)**: Open the fourth Saturday in April through October 31.

~~((133))~~ (134) **Jennings Park Pond (Snohomish County)**: Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

~~((134))~~ (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.

~~((135))~~ (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.

~~((136))~~ (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.

~~((137))~~ (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.

~~((138))~~ (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.

~~((139))~~ (140) **Kendall Creek (Whatcom County) (N.F. Nooksack tributary)**: From the mouth through the hatchery to the hatchery boundary fence: Closed waters.

~~((140))~~ (141) **Kennedy Creek (Mason County)**:

(a) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through ~~((the last day in February))~~ September 30.

(ii) ~~((October 1 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~((iii))~~) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((iv))~~ (iii) Salmon: Closed.

~~((A) Open October 1 through November 30.~~

~~(B) Daily limit 6; no more than 2 adults may be retained.~~

~~(C) Release wild coho.))~~

(b) From Highway 101 Bridge upstream:

(i) Open the Saturday before Memorial Day through ~~((October 31))~~
September 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:
Release cutthroat trout and wild rainbow trout.

~~((iv) October 1 through October 31: Night closure.~~

~~(141))~~ (142) Ki Lake (Snohomish County): Open the fourth Saturday in April through October 31.

~~((142))~~ (143) Kings Lake Bog (King County): Closed waters.

~~((143))~~ (144) Kitsap Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((144))~~ (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.

~~((145))~~ (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.

~~((146))~~ (147) Langlois Lake (King County): Open the fourth Saturday in April through October 31.

~~((147))~~ (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.

~~((148))~~ (149) LeBar Creek (Mason County): From the mouth to the falls at river mile 1: Closed waters.

~~((149))~~ (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.

~~((150))~~ (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.

~~((151))~~ **(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.

~~((152))~~ **(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.

~~((153))~~ **(154) Little Scandia Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((154))~~ **(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.

~~((155))~~ **(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.

~~((156))~~ **(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.

~~((157))~~ **(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.

- ((158)) **(159) Maggie Lake (Mason County):** Open the fourth Saturday in April through October 31.
- ((159)) **(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.
- ((160)) **(161) Margaret Lake (King County):** Open the fourth Saturday in April through October 31.
- ((161)) **(162) Martha Lake (Alderwood Manor) (Snohomish County):** Open the fourth Saturday in April through October 31.
- ((162)) **(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.
- ((163)) **(164) Mashel River (Pierce County):** Closed waters.
- ((164)) **(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.
- ((165)) **(166) McAllister Creek (Thurston County):**
- (a) Open the Saturday before Memorial Day through November ~~(30)~~ 15.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (c) Salmon:
 - (i) Open July 1 through November 15.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Release chum, wild coho, and wild Chinook.
- ((166)) **(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.
- ((167)) **(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.
- ((168)) **(169) Melbourne Lake (Mason County):** Open the fourth Saturday in April through October 31.
- ((169)) **(170) Mill Creek (Mason County):**
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((170))~~ (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.

~~((171))~~ (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.

~~((172))~~ (173) **Minter Creek (Pierce/Kitsap counties)**: From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

(a) Open for salmon September ~~((16))~~ 1 through December 31.

(b) Night closure.

(c) Anti-snagging rule.

(d) Daily limit 6; up to 4 ~~((adults))~~ may be ~~((retained))~~ adults, of which only 2 may be coho or Chinook. Release wild coho ~~((and wild Chinook))~~.

(e) Game fish: Closed.

~~((173))~~ (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.

~~((174))~~ (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.

~~((175))~~ (176) **Monte Cristo Lake (Snohomish County)**:

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) Release all fish except hatchery steelhead.

~~((176))~~ (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.

~~((177))~~ **(178) Mud Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((178))~~ **(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.

~~((179))~~ **(180) Nisqually River (Pierce County):**

(a) From the mouth to Military Tank Crossing Bridge:

(i) Anti-snagging rules.

(ii) Night closure.

(iii) Barbless hooks are required.

(iv) Open July 1 through November 15. ~~((During the months of August and October))~~ From August 22 through September 6 and from October 1 through November 15: Closed Sundays and Mondays.

(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 ~~((may be retained))~~.

(B) Release chum, wild coho, and wild Chinook.

(b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:

(i) Open July 1 through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((180))~~ **(181) Nisqually River tributaries downstream of Alder Dam not otherwise listed (Pierce County):**

(a) Open July 1 through October 31.

(b) Selective gear rules.

~~((b))~~ (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((181))~~ **(182) Nooksack River (Whatcom County):**

(a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From the Saturday before Memorial Day through ~~((November 30))~~ December 31:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open ~~((September))~~ August 1 through September 30:

(I) Daily limit 2; plus 2 additional pinks or hatchery coho or 1 of each.

(II) Release chum and wild Chinook.

(B) Open October 1 through December 31:

(I) Daily limit 2; plus 2 additional pinks or hatchery coho or 1 of each.

(II) Release chum.

(b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:

(i) Open from October 1 through January 31.

(ii) October 1 through ~~((November 30))~~ December 31:

- (A) Anti-snagging rules.
- (B) Night closure.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon:
 - (A) Open October 1 through December 31:
 - (B) Daily limit 2; plus 2 additional pinks or hatchery coho or 1 of each.
 - (C) Release chum.
- ~~((182))~~ **(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 upstream side of Kendall Hatchery:
 - (i) Open the Saturday before Memorial Day through February 15.
 - (ii) The Saturday before Memorial Day through ~~((April 30 and July 1 through November 30))~~ 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) Salmon:
 - (A) Open October 1 through November 30.
 - (B) Daily limit 2; plus 2 additional hatchery coho.
 - (C) Release chum.
 - (c) From the yellow marker at the upstream side of Kendall Hatchery to Maple Creek:
 - (i) Open the Saturday before Memorial Day through February 15.
 - (ii) From the Saturday before Memorial Day through ~~((November 30))~~ 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) Salmon:
 - (A) Open October 1 through November 30.
 - (B) Daily limit 2; plus 2 additional hatchery coho.
 - (C) Release chum.
 - (d) From Maple Creek to Nooksack Falls:
 - (i) Open the Saturday before Memorial Day through January 31.
 - (ii) Selective gear rules.
 - (iii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.
 - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - ~~((183))~~ **(184) Nooksack River, Middle Fork (Whatcom County):** From the mouth to the city of Bellingham diversion dam:
 - (a) November 1 through January 31: It is unlawful to use motors.
 - (b) Open the Saturday before Memorial Day through January 31.
 - (c) Selective gear rules.
 - (d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - ~~((184))~~ **(185) Nooksack River, South Fork (Skagit/Whatcom counties):**

- (a) From the mouth to Skookum Creek:
 - (i) Open October 1 through January 31.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) Only one single-point hook allowed.
 - (iv) From October 1 through November 30: Night closure.
 - (v) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (vi) Salmon:
 - (A) Open October 1 through October 15:
 - (I) Daily limit 2; plus 4 additional hatchery coho.
 - (II) Release chum and wild Chinook.
 - (B) Open October 16 through December 31:
 - (I) Daily limit 2; plus 4 additional hatchery coho.
 - (II) Release chum.
- (b) From Skookum Creek upstream to Wanlick Creek: Closed waters.
- (c) Upstream from and including Wanlick Creek, including all tributaries:
 - (i) Open the Saturday before Memorial Day through October 31 for fly fishing only.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- ~~((185))~~ **(186) North Lake (King County):** Open the fourth Saturday in April through October 31.
- ~~((186))~~ **(187) Northern State Hospital Pond (Skagit County):** Open for juvenile anglers only.
- ~~((187))~~ **(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.
- ~~((188))~~ **(189) Olalla Creek (Kitsap County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- ~~((189))~~ **(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.
- ~~((190))~~ **(191) Osborne Lake (Mason County):** Open the fourth Saturday in April through October 31.
- ~~((191))~~ **(192) Padden Lake (Whatcom County):** Open the fourth Saturday in April through October 31.
- ~~((192))~~ **(193) Panther Lake (Kitsap/Mason counties):** Open the fourth Saturday in April through October 31.
- ~~((193))~~ **(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.

~~((194))~~ (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.

~~((195))~~ (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.

~~((196))~~ (197) Phillips Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((197))~~ (198) Pilchuck Creek (Snohomish County):

(a) From the mouth to the Highway 9 Bridge:

(i) Open September ~~((1))~~ 16 through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the Highway 9 Bridge to Pilchuck Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From the Saturday before Memorial Day through November 30; selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((198))~~ (199) Pilchuck River (Snohomish County):

(a) From the mouth to 500 feet downstream from the Snohomish City diversion dam:

(i) Open from December 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 500 feet downstream from the Snohomish City diversion dam upstream: Closed waters.

~~((199))~~ (200) Pine Lake (King County): Open the fourth Saturday in April through October 31.

~~((200))~~ (201) Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

~~((201))~~ (202) Pipers Creek (King County) and tributaries: Closed waters.

~~((202))~~ (203) Portage Creek (Snohomish County): Closed waters.

~~((203))~~ (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.

~~((204))~~ (205) Puyallup River (Pierce County):

(a) From the 11th Street Bridge to 400 feet downstream of Clarks Creek:

(i) From August 16 through August 31 all waters closed Sundays.

(ii) From September 1 through September 30 all waters closed Sundays, Mondays, and Tuesdays.

(iii) August 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

(iv) Open for game fish August 16 through November 30. Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon: Open August 16 through November 30.

(A) Daily limit 6; up to 4 may be adults, of which only 2 may be coho or Chinook.

(B) 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 (~~(15)~~) 16 through August 31 all waters closed Sundays.

(ii) From September 1 through September 30 all waters closed Sundays, Mondays, and Tuesdays.

(iii) August (~~(15)~~) 16 through (~~(December 31)~~) November 30:

(A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

(iv) Game fish: Open (~~(for game fish)~~) August (~~(15)~~) 16 through (~~(December 31)~~.

~~(v) Game fish)~~ November 30: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(~~(vi)~~) (v) Salmon: Open August (~~(15)~~) 16 through (~~(September)~~) November 30.

(A) Daily limit 6; up to (~~(2)~~) 4 may be adults (~~(may be retained)~~), of which 2 may be coho or Chinook.

(B) Release chum and wild Chinook.

(~~(b)~~) (d) From East Main Bridge to Carbon River:

(i) August (~~(15)~~) 16 through (~~(December 31)~~) November 30:

(A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

(ii) Game fish:

(A) Open August (~~(15)~~) 16 through (~~(December 31)~~) November 30.

(B) Statewide minimum length/daily limit except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:

(A) Open August (~~(15)~~) 16 through (~~(September)~~) November 30.

(B) Daily limit 6; up to (~~(2)~~) 4 may be adults (~~(may be retained)~~), of which only 2 may be coho or Chinook.

(C) Release chum and wild Chinook.

(~~(e)~~) (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.

(~~(205)~~) (206) Raging River (King County): From the mouth to the Highway 18 Bridge:

(a) Open the Saturday before Memorial Day through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(~~(206)~~) (207) Rapjohn Lake (Pierce County): Open the fourth Saturday in April through October 31.

(~~(207)~~) (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.

~~((208))~~ **(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.

~~((209))~~ **(210) Riley Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((210))~~ **(211) Robbins Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((211))~~ **(212) Rocky Creek (Mason County):**

- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat and wild rainbow trout.

~~((212))~~ **(213) Roesiger Lake (Snohomish County):** Game fish: statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

~~((213))~~ **(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.

~~((214))~~ **(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.

~~((215))~~ **(216) Ruby Creek (Whatcom County):** Closed waters.

~~((216))~~ **(217) Ruby Creek tributaries (Whatcom County):** Open July 1 through October 31.

~~((217))~~ **(218) Salmon Creek and all forks (Jefferson/Clallam counties):** Closed waters.

~~((218))~~ **(219) Salmonberry Creek (Kitsap County):**

- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((219))~~ **(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.

~~((220))~~ **(221) Samish River (Skagit County):**

(a) From the mouth to the Thomas Road Bridge:

- (i) Open the Saturday before Memorial Day through September 13 and October 1 through November 30.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) August 1 through November 30:
 - (A) Night closure.
 - (B) It is unlawful to use anything other than one single-point hook.
- ~~(iv) ((December 1 through December 31: Selective gear rules.~~
- ~~(v))~~ Salmon:
 - (A) Open August 1 through September 13.
 - (B) Daily limit 2; anglers may only retain fish hooked inside the mouth.
 - (C) Release chum and wild coho.
 - (b) From Thomas Road Bridge to the I-5 Bridge:
 - (i) Open the Saturday before Memorial Day through July 31 and October 1 through November 30.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) August 1 through November 30:
 - (A) Night closure.
 - (B) It is unlawful to use anything other than one single-point hook.
 - ~~((iv) December 1 through December 31: Selective gear rules.)~~
 - (c) From the I-5 Bridge to the Old Highway 99 Bridge:
 - (i) Open the Saturday before Memorial Day through August 30.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (d) From the Old Highway 99 Bridge to the Samish hatchery salmon rack: Closed waters.
 - (e) 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.
 - ~~((221))~~ **(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.
 - ~~((Open for salmon from October 1 through November 30.~~
 - ~~(i))~~ Salmon: ~~((Daily limit 4 coho only.~~
 - ~~(ii) Release Chinook and sockeye))~~ Closed.

- ((222)) **(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.
- ((223)) **(224) Sandyshore Lake (Jefferson County):** Open the fourth Saturday in April through October 31.
- ((224)) **(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.
- ((225)) **(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.
- ((226)) **(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.
- ((227)) **(228) Serene Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- ((228)) **(229) Shady Lake (King County):** Open the fourth Saturday in April through October 31.
- ((229)) **(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: Kokanee: Minimum length 8 inches.
- ((230)) **(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.
- ((231)) **(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.
- ((232)) **(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.

~~((233))~~ (234) **Shoe Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((234))~~ (235) **Silent Lake (Jefferson County)**: Open the fourth Saturday in April through October 31.

~~((235))~~ (236) **Silver Lake (Pierce County)**: Open the fourth Saturday in April through October 31.

~~((236))~~ (237) **Silver Lake (Whatcom County)**: Open the fourth Saturday in April through October 31.

~~((237))~~ (238) **Sixteen Lake (Skagit County)**: Open the fourth Saturday in April through October 31.

~~((238))~~ (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) March 1 through August ~~((31))~~ 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) August 14 through October 15: Night closure.

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iv))~~ (v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

~~((v))~~ (vi) Salmon:

(A) Open August 14 through August 31: Daily limit 4 pink salmon only. Release all other salmon.

~~(B)~~ Open September 1 through October ~~((31-~~

~~(B))~~ 15:

(I) Daily limit 2 salmon, plus 2 additional pinks.

(II) Release Chinook and chum.

(b) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

(i) Open June 1 through January 31.

(ii) August 14 through October 15: Night closure.

(iii) June 1 through August ~~((31-))~~ 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.

~~((iii))~~ (iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iv))~~ (v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

~~((v))~~ (vi) Salmon:

(A) Open August 14 through August 31: Daily limit 4 pink salmon only. Release all other salmon.

~~(B)~~ Open September 1 through October ~~((31-~~

~~(A-))~~ 15:

(I) Daily limit 2 salmon, plus 2 additional pink salmon.

~~((B-))~~ (II) Release Chinook and chum.

(c) From Gilligan Creek to The Dalles Bridge at Concrete:

(i) Open June 1 through January 31.

(ii) June 1 through August 31:

(A) Selective gear rules.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

~~((C-))~~ (iii) June 1 through October 15: Night closure.

~~((iii-))~~ (iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iv-))~~ (v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

~~((v-))~~ (vi) Salmon: Open September 1 through October ~~((31-))~~ 15:

(A) Daily limit 2 salmon, plus 2 additional pink salmon.

(B) Release Chinook and chum.

(d) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(i) Open June 1 through January 31.

(ii) June 1 through August 31: Closed waters between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.

(iii) June 1 through August 31:

(A) ~~((Night closure-~~

~~(B-))~~ Selective gear rules.

~~((C-))~~ (B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) June 1 through October 15: Night closure.

(v) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((v-))~~ (vi) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

~~((vi-))~~ (vii) Salmon: Open September 1 through October ~~((31-))~~

15:

(A) Daily limit 2 salmon, plus 2 additional pink salmon.

(B) Release Chinook and chum.

(e) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):

(i) Open June 1 through January 31:

(A) June 1 through July 15; anti-snagging rules.

(B) June 1 through July 15 and September 1 through October 15; night closure.

(C) July 16 through August 31: Selective gear rules and it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(ii) Salmon:

(A) Open ~~((June))~~ July 1 through July 15: Daily limit 4 hatchery Chinook only; up to 2 may be adults.

(B) Open September 1 through October ~~((31))~~ 15:

(I) Daily limit 2 ~~((+))~~, plus 2 additional pink salmon.

(II) Release Chinook and chum.

(f) From Cascade River Road to the Gorge Powerhouse:

(i) Open June 1 through January 31.

(ii) Selective gear rules.

- (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iv) Release all fish except hatchery steelhead.
- ~~((239))~~ **(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.
- ~~((240))~~ **(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.
- ~~((241))~~ **(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.
- ~~((242))~~ **(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.
- ~~((243))~~ **(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 through January 31.
 - (ii) From August 1 through November 30:
 - (A) Anti-snagging rules.
 - (B) Night closure.
 - (iii) From November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.
 - (iv) Salmon:
 - (A) Open the Saturday before Memorial Day through July 31: Daily limit 4 hatchery Chinook; up to 2 may be adults.
 - (B) Open August 30 through September 19: Daily limit 4 pink and hatchery coho only.
 - (c) From the mouth of the Wallace River to the forks:
 - (i) Open the Saturday before Memorial Day through February 15.
 - (ii) August 1 through November 30:
 - (A) Anti-snagging rules.
 - (B) Night closure.

(iii) From the Saturday before Memorial Day through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

~~((244))~~ (iv) Salmon: Open August 30 through September 19: Daily limit 4, pink and hatchery coho only.

(245) Skykomish River, North Fork (Snohomish County):

(a) From the mouth to 1,000 feet downstream of Bear Creek Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) Release all fish except hatchery steelhead.

(b) From 1000 feet downstream of Bear Creek Falls to Deer Falls and all tributaries: Closed waters.

~~((245))~~ **(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 through January 31.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 600 feet downstream of Sunset Falls fishway to Sunset Falls: Closed waters.

(c) From Sunset Falls to the source:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) All tributaries and their tributaries above Sunset Falls:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Selective gear rules.

~~((246))~~ **(247) Snohomish River (Snohomish County):**

(a) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

(i) Sturgeon catch and release is permissible year-round.

(ii) August 1 through November 30:

(A) Anti-snagging rules; except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure.

(iii) Open the Saturday before Memorial Day through January 31.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon: Open August 23 through September 19: Daily limit 4, pink and hatchery coho only.

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers and all channels:

(i) Open the Saturday before Memorial Day through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((247))~~ (iv) Salmon: Open August 23 through September 19: Daily limit 4, pink and hatchery coho only.

(248) Snoqualmie River (King County):

(a) From the mouth to Snoqualmie Falls:

(i) From the Saturday before Memorial Day through November 30: Selective gear rules.

(ii) From September 1 through November 30: Night closure.

(iii) From the mouth to the boat ramp at the Plum access: Open the Saturday before Memorial Day through January 31.

(iv) From the boat ramp at the Plum access to the falls: Open the Saturday before Memorial Day through February 15.

(v) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Snoqualmie Falls upstream, including the North Fork, South Fork, all tributaries except Middle Fork and tributaries to the Middle Fork:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open the Saturday before Memorial Day through October 31.

(iv) Open November 1 through the Friday before Memorial Day: Release all fish.

(c) Middle Fork from the mouth to the source, including all tributaries:

(i) Open year-round.

(ii) Selective gear rules.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish.

~~((248))~~ (249) South Prairie Creek (Pierce County): From the mouth to the city of Buckley diversion dam: Closed waters.

~~((249))~~ (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.

~~((250))~~ (251) Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

~~((251))~~ (252) Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Open year-round.

~~((252))~~ (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.

~~((253))~~ **(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.

~~((254))~~ **(255) Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):**

(a) Open September 16 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((255))~~ **(256) Steel Lake (King County):** Open the fourth Saturday in April through October 31.

~~((256))~~ **(257) Stetattle Creek (Whatcom County):** From the mouth to Bucket Creek: Closed waters.

~~((257))~~ **(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.

~~((258))~~ **(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.

~~((259))~~ **(260) Steves Lake (Stevens Lake) (Mason County):** Open the fourth Saturday in April through October 31.

~~((260))~~ **(261) Stickney Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((261))~~ **(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 ~~((1))~~ 16 through November 15 ~~((-))~~ :

(A) Selective gear rules.

(B) Night closure.

(C) Release all fish except hatchery steelhead.

(iii) Open from December 1 through January 31. Game fish: State-wide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Closed.

~~((A) Open September 1 through November 15.~~

~~(B) Daily limit 2 coho salmon only.~~

~~(262))~~ **(263) Stillaguamish River, North Fork (Snohomish County):**

(a) From the North Fork mouth to the mouth of French Creek:

(i) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(ii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(iii) Open the September 16 through November 30:

(A) Fly fishing only.

(B) From September 16 through November 30; night closure.

(C) Release all fish except hatchery steelhead.

(iv) Open from December 1 through January 31. Game fish: State-wide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) From September 16 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(ii) Open September 16 through November 30:

(A) Fly fishing only.

(B) Release all fish except hatchery steelhead.

(iii) Open from December 1 through February 15. Game fish: State-wide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From Swede Heaven Bridge to North Forks Falls approximately one mile upstream of Cascade Creek:

(i) Open September 16 through November 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((263))~~ **(264) Stillaguamish River, South Fork (Snohomish County):**

(a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:

(i) Open September 16 through January 31.

(ii) From September 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 400 feet below the Granite Falls Fishway to the Mountain Loop Highway Bridge above Granite Falls: Closed waters.

(c) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:

(i) Open Saturday before Memorial Day through November 30.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

~~((264))~~ **(265) Stitch Lake (Snohomish County):** Game fish: State-wide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((265))~~ (266) **Storm Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

~~((266))~~ (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.

~~((267))~~ (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 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((268))~~ (269) **Sultan River; North Fork (Snohomish County)**: Closed waters.

~~((269))~~ (270) **Sultan River; South Fork (Snohomish County)**: Closed waters.

~~((270))~~ (271) **Summit Lake (Thurston County)**: Open the fourth Saturday in April through October 31.

~~((271))~~ (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.

~~((272))~~ (273) **Susan Lake (Thurston County)**:

(a) Selective gear rules.

(b) Release all fish.

~~((273))~~ (274) **Swan's Mill Pond (Stossel Creek) (King County)**: Open the Saturday before Memorial Day through October 31.

~~((274))~~ (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.

~~((275))~~ **(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.

~~((276))~~ **(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: Selective gear rules.

~~((277))~~ **(278) Tanwax Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

~~((278))~~ **(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.

~~((279))~~ **(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.

~~((280))~~ **(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.

~~((281))~~ **(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.

~~((282))~~ **(283) Tenas Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((283))~~ **(284) Tennant Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.

~~((284))~~ **(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.

~~((285))~~ **(286) Thornton Creek (Whatcom County):** Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

~~((286))~~ **(287) Thornton Lake, lower (Whatcom County):** Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

~~((287))~~ **(288) Tiger Lake (Kitsap/Mason counties):** Open the fourth Saturday in April through October 31.

~~((288))~~ **(289) Toad Lake (Whatcom County)**: Open the fourth Saturday in April through October 31.

~~((289))~~ **(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.

~~((290))~~ **(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 through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the USGS trolley cable just below the confluence of the North Fork and South Forks to the forks: Closed waters.

~~((291))~~ **(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.

~~((292))~~ **(293) Tolt River, South Fork (King County)**: From the mouth upstream to the dam: Closed waters.

~~((293))~~ **(294) U Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((294))~~ **(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.

~~((295))~~ **(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.

~~((296))~~ **(297) Vogler Lake (Skagit County)**:

(a) Fly fishing only.

(b) Release all fish.

~~((297))~~ (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.

~~((298))~~ (300) Walker Lake (King County): Open the fourth Saturday in April through October 31.

~~((299))~~ (301) Wallace River (Snohomish County):

(a) From the mouth to 363rd Ave. S.E./Reece Rd:

(i) Open from the Saturday before Memorial Day through February 15.

(ii) From the Saturday before Memorial Day through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon:

(A) Open (~~(September 16)~~) October 1 through November 30.

(B) Daily limit (~~(4)~~) 2 hatchery coho only.

(b) From 363rd Avenue S.E./Reece Road to 200 feet downstream of the water intake of the salmon hatchery:

(i) Open September 16 through February 15.

(ii) September 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon:

(A) Open (~~(September 16)~~) October 1 through November 30.

(B) Daily limit (~~(4)~~) 2 hatchery coho only.

(c) From 200 feet downstream of the water intake to 200 feet upstream of the water intake: Closed waters when the hatchery weir is in operation.

(d) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:

(i) Open November 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((300))~~ (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.

~~((301))~~ **(303) Wapato Lake (Pierce County):** Open to juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

~~((302))~~ **(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: Closed.

~~((i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.~~

~~(ii) Daily limit 4 coho only.~~

~~(303))~~ **(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.

~~((304))~~ **(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.

(c) From the footbridge below Dupont Street in Bellingham to the stone bridge at Whatcom Falls Park:

(i) August 1 through October 31:

(A) Anti-snagging rules.

(B) Night closure.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Open the fourth Saturday in April through October 31 for juvenile anglers only.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: No minimum length.

~~((305))~~ **(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.

~~((306))~~ **(308) Whatcom, Lake, tributaries (Whatcom County):**

Closed waters.

~~((307))~~ **(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.

~~((308))~~ **(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.

~~((309))~~ **(311) Wildcat Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((310))~~ **(312) Wildcat Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

~~((311))~~ **(313) Wilderness Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules.

~~((312))~~ **(314) Wilkeson Creek (Pierce County) (South Prairie Creek tributary):** From the mouth to the confluence with Gale Creek: Closed waters.

~~((313))~~ **(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.

~~((314))~~ **(316) Wood Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((315))~~ (317) **Woodland Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cut-throat trout and wild rainbow trout: Minimum length 14 inches.

~~((316))~~ (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.

~~((317))~~ (319) **Wooten Lake (Mason County):** Open the fourth Saturday in April through October 31.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-052 (Order 20-97), § 220-312-040, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 20-03-130 (Order 20-09), § 220-312-040, filed 1/17/20, effective 2/17/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 19-15-050 (Order 19-139), § 220-312-040, filed 7/12/19, effective 8/12/19; WSR 18-15-065 (Order 18-163), § 220-312-040, filed 7/16/18, effective 8/16/18. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 18-06-045 (Order 18-30), § 220-312-040, filed 3/1/18, effective 4/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-16-109 (Order 17-147), § 220-312-040, filed 7/28/17, effective 8/28/17; WSR 17-05-112 (Order 17-04), amended and recodified as § 220-312-040, filed 2/15/17, effective 3/18/17; WSR 16-17-008 (Order 16-201), § 220-310-190, filed 8/4/16, effective 9/4/16; WSR 16-14-038 (Order 16-158), § 220-310-190, filed 6/28/16, effective 7/29/16. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 16-06-073 (Order 16-30), § 220-310-190, filed 2/26/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 15-13-081 (Order 15-177), § 220-310-190, filed 6/12/15, effective 7/13/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 14-16-027 (Order 14-185), § 220-310-190, filed 7/25/14, effective 8/25/14. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 14-04-120 (Order 14-26), § 220-310-190, filed 2/4/14, effective 3/7/14.]

OTS-3040.2

AMENDATORY SECTION (Amending WSR 20-14-052, filed 6/25/20, effective 7/26/20)

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) **Billy's Acclimation Pond (Yakima County):** Game fish: Statewide minimum length/daily limit, except:

- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (28) **Blackbird Island Pond (Chelan County)**: Open July 1 through September 30 for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (29) **Black Canyon Creek (tributary to Methow River) (Okanogan County)**: Closed waters.
- (30) **Black Lake (Chelan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (31) **Black Lake (Okanogan County)**: Selective gear rules.
- (32) **Black Lake (Stevens County)**: Open the fourth Saturday in April through October 31.
- (33) **Blue Lake (Columbia County)**: It is unlawful to fish from any floating device.
- (34) **Blue Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (35) **Blue Lake (near Sinlahekin) (Okanogan County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (d) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (36) **Blue Lake (near Wannacut Lake) (Okanogan County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.
- (37) **Bobcat Creek and Ponds (Adams County)**: Open the fourth Saturday in April through September 30.
- (38) **Bonaparte Creek (Okanogan County)**: From the mouth to the falls approximately river mile 1.0: Closed waters.
- (39) **Bonaparte Lake (Okanogan County)**:
- (a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (40) **Boulder Creek and tributaries (Okanogan County)**: From the mouth to the barrier falls at river mile 1.0: Closed waters.
- (41) **Box Canyon Creek and tributaries (Kittitas County)**: From mouth (Kachess Reservoir) upstream approximately 2 miles to the 20 foot high waterfall, including that portion of the creek that flows through the dry lake bed: Closed waters.
- (42) **Browns Lake (Pend Oreille County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Fly fishing only.

- (c) It is unlawful to fish from a floating device equipped with a motor.
- (43) **Bumping Lake (Reservoir) (Yakima County)**: Chumming is permissible.
- (44) **Buckskin Creek and tributaries (Yakima County)**: From the mouth to the west boundary of Suntides Golf Course: Closed waters.
- (45) **Bumping River (Yakima County)**:
- (a) It is permissible to fish up to the base of Bumping Dam.
- (b) From the mouth to Bumping Reservoir; selective gear rules.
- (46) **Burke Lake (Grant County)**: Open March 1 through September 30.
- (47) **Buttermilk Creek (tributary to Twisp River) (Okanogan County), including tributaries**:
- (a) Open the Saturday before Memorial Day through August 15.
- (b) Release all fish.
- (c) Selective gear rules.
- (48) **Buzzard Lake (Okanogan County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (49) **Caldwell Lake (Pend Oreille County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (50) **Caliche Lakes, Upper (Grant County)**: Open March 1 through September 30.
- (51) **Calispell Creek (Calispell River) (Pend Oreille County)**: From the mouth to Calispell Lake: Open year-round.
- (52) **Campbell Lake (Okanogan County)**:
- (a) Selective gear rules.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (53) **Carl's Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.
- (54) **Cascade Lake (Grant County)**: Open March 1 through September 30.
- (55) **Cattail Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (56) **Cedar Creek (tributary to Early Winters Creek) (Okanogan County)**:
- (a) From the mouth to Cedar Falls:
- (i) Open the Saturday before Memorial Day through August 15.
- (ii) Selective gear rules.
- (iii) Release all fish.
- (b) From Cedar Falls upstream including tributaries: Selective gear rules.
- (57) **Cedar Lake (Stevens County)**: Open the fourth Saturday in April through October 31.
- (58) **Chain Lake (Pend Oreille County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Release kokanee.

- (59) **Chapman Lake (Spokane County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Chumming is permissible.
- (60) **Chelan Hatchery Creek (Chelan County):** Closed waters.
- (61) **Chelan Lake (Chelan County):**
 (a) Game fish: Statewide minimum length/daily limit, except:
 (i) Release wild cutthroat trout.
 (ii) Lake trout: No limit and no size restriction.
 (b) Salmon: Daily limit 1; minimum length 15 inches.
 (c) No catch record card required.
- (62) **Chelan Lake tributaries (Chelan County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.
- (63) **Chelan River (Chelan County):** From the railroad bridge to the Chelan PUD safety barrier below the power house:
 (a) 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 ((4)) 16 through October ((31)) 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.
- (64) **Chewuch River (Okanogan County):**
 (a) From the mouth to Eight Mile Creek:
 (i) Open the Saturday before Memorial Day through August 15.
 (ii) Selective gear rules.
 (iii) Release all fish.
 (b) From the mouth to Pasayten Wilderness boundary falls: Whitefish:
 (i) Open December 1 through the last day in February for whitefish only.
 (ii) Whitefish gear rules.
- (65) **Chiwaukum Creek (Chelan County):**
 (a) From the mouth to Fool Hen Creek, including Fool Hen Creek and tributaries: Closed waters.
 (b) From Fool Hen Creek upstream and tributaries: Selective gear rules.
- (66) **Chiwawa River (Chelan County):**
 (a) From the mouth to Buck Creek and tributaries not including Buck Creek: Closed waters.
 (b) From Buck Creek upstream and tributaries (including Buck Creek): Selective gear rules.
- (67) **Chopaka Lake (Okanogan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Fly fishing only.
 (c) It is unlawful to fish from a floating device equipped with a motor.
 (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (68) **Chumstick Creek (Chelan County):** Closed waters.
- (69) **Clear Lake (Chelan County):**
 (a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(70) **Clear Lake (Spokane County)**: Open the fourth Saturday in April through October 31.

(71) **Cle Elum Lake (Reservoir) (Kittitas County)**: Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 9 inches and maximum length 15 inches.

(72) **Cle Elum River (Kittitas County)**:

(a) From the mouth to Cle Elum Dam:

(i) Open year-round.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release rainbow trout and cutthroat trout.

(iv) It is permissible to fish up to the base of Cle Elum Dam.

(v) Whitefish:

(A) Open December 1 through last day in February for whitefish only.

(B) Whitefish gear rules.

(b) From above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules.

(73) **Cliff Lake (Grant County)**: Open March 1 through September 30.

(74) **Coffee Pot Lake (Lincoln County)**:

(a) Open March 1 through September 30.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Crappie: Daily limit 10; minimum length 9 inches.

(75) **Columbia Basin Hatchery Creek (Grant County)**:

(a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.

(b) Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(76) **Columbia Park Pond (Benton County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(77) **Colville River (Stevens County)**: From the mouth to bridge at the town of Valley including Meyers Falls Reservoir: Open year-round.

(78) **Conconully Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.

(79) **Conconully Reservoir (Okanogan County)**: Open the fourth Saturday in April through October 31.

(80) **Conger Pond (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

(81) **Conner Lake (Okanogan County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(82) **Cooper River (Kittitas County)**: From the mouth to Cooper Lake: Selective gear rules.

(83) **Coot Lake (Grant County)**: Open the fourth Saturday in April through September 30.

(84) **Corral Creek (Benton County)**: Selective gear rules.

(85) **Cougar Lake (Pasayten Wilderness) (Okanogan County)**: Selective gear rules.

(86) **Cougar Lake (near Winthrop) (Okanogan County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 2; minimum length 14 inches.

(87) **Cowiche Creek (Yakima County):** Selective gear rules.

(88) **Coyote Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.

(89) **Crab Creek (Adams/Grant/Lincoln counties):**

(a) From the mouth to Morgan Lake Road: Open the Saturday before Memorial Day through September 30.

(b) From Morgan Lake Road to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

(c) From the confluence of the Moses Lake outlets to Sand Dunes Road including tributaries:

(i) Open year-round.

(ii) 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.

(90) **Crawfish Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.

(91) **Crescent Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(92) **Crystal Lake (Grant County):** Open March 1 through September 30.

(93) **Cub Creek (tributary to Chewuch River) (Okanogan County):**
From mouth upstream to West Chewuch Road Bridge: Closed waters.

(94) **Cup Lake (Grant County):** Open March 1 through September 30.

(95) **Curl Lake (Columbia County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) It is unlawful to fish from any floating device.

(96) **Davis Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(97) **Davis Lake (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 2; minimum length 14 inches.

(98) **Dayton Pond (Columbia County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(99) **Deadman Lake (Adams County):** Open the fourth Saturday in April through September 30.

(100) Deep Creek (tributary to Bumping Lake) (Yakima County):

From the mouth to the waterfall approximately 0.33 mile above the second bridge crossing on USFS Road 1808 (approximately 3.7 miles from the junction of USFS Roads 1800 and 1808): Closed waters.

(101) Deep Lake (Grant County): Open the fourth Saturday in April through September 30.

(102) Deep Lake (Stevens County): Open the fourth Saturday in April through October 31.

(103) Deer Lake (Columbia County):

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

(104) Deer (Deer Springs) Lake (Lincoln County): Open the fourth Saturday in April through September 30.

(105) Deer Lake (Stevens County):

(a) Open March 1 through November 30.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(106) Delaney Springs (Grant County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(107) De Roux Creek (Kittitas County): From the mouth to the USFS trail 1392 (De Roux Creek Trail) stream crossing (approximately 1 river mile): Closed waters.

(108) Dog Creek (tributary to Chewuch) (Okanogan County): From mouth upstream to falls approximately 1.5 miles: Closed waters.

(109) Domerie Creek (Kittitas County): Selective gear rules.

(110) Downs Lake (Lincoln/Spokane counties):

(a) Open March 1 through September 30.

(b) Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(111) Dry Falls Lake (Grant County):

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(112) Dune Lake (Grant County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(113) Dusty Lake (Grant County):

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(114) Eagle Creek (tributary to Twisp River) (Okanogan County):

From mouth upstream to the falls approximately 0.5 miles: Closed waters.

(115) Early Winters Creek (tributary to Methow River) (Okanogan County):

(a) From the mouth upstream to Forest Road 300: Closed waters.

(b) From Forest Road 300 upstream; including tributaries except Cedar Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(116) **Eightmile Creek (tributary to Chewuch River) (Okanogan County)**: From the mouth upstream to Forest Road 5130 Bridge: Closed waters.

(117) **Elbow Lake (Stevens County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(118) **Ell Lake (Okanogan County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(119) **Eloika Lake (Spokane County)**: Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(120) **Empire Lake (Ferry County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(121) **Entiat River (Chelan County)**:

(a) From mouth (railroad bridge) to the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery):

(i) 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))~~ (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.

(122) **Ephrata Lake (Grant County)**: Closed waters.

(123) **Esquatzel Coulee (Franklin County)**: Open year-round.

(124) **Esquatzel Coulee, West Branch (Franklin County)**: Open year-round.

(125) **Falls Creek (tributary to Chewuch River) (Okanogan County)**: From mouth upstream to the falls approximately .15 miles: Closed waters.

(126) **Fan Lake (Pend Oreille County)**:

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(127) **Ferry Lake (Ferry County)**: It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(128) **Fiorito Lakes (Kittitas County)**: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(129) **Fish Lake (Chelan County)**: Game fish: Statewide minimum length/daily limit, except: Yellow perch: Daily limit 25.

(130) **Fish Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.

(131) **Fish Lake (Spokane County)**:

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(132) **Fishhook Pond (Walla Walla County)**: It is unlawful to fish from a floating device.

(133) **Fishtrap Lake (Lincoln/Spokane counties)**: Open the fourth Saturday in April through September 30.

(134) **Forde Lake (Okanogan County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(135) **Fourth of July Lake (Adams/Lincoln counties)**:

(a) Open the Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(136) **Frank's Pond (Chelan County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Open to juvenile anglers only.

(137) **Frater Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

(138) **Frenchman Hills Wasteway and Drains (Grant County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(139) **Gadwall Lake (Grant County)**: Open the fourth Saturday in April through September 30.

(140) **Garfield Juvenile Pond (Whitman County)**: Open to juvenile anglers only.

(141) **Goat Creek (tributary to Methow River) (Okanogan County)**: Closed waters.

(142) **Gold Creek, Gold Creek Pond and outlet channel (tributary to Keechelus Lake)**: Including that portion of Gold Creek that flows through the dry Keechelus Reservoir lakebed: Closed waters.

(143) **Gold Creek (tributary to Methow River) (Okanogan County)**: Closed waters.

(144) **Goose Creek (Lincoln County), within the city limits of Wilbur**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(145) **Goose Lake, Lower (Grant County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: It is unlawful to retain more than 5 fish over 6 inches in length.

(146) **Grande Ronde River (Asotin County)**:

(a) From the mouth to County Road Bridge, about 2.5 miles upstream:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Selective gear rules.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead:

- (A) Open January 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.
- (B) August 1 through December 31; release steelhead.
- (b) From the County Road Bridge upstream to the Oregon state line:
- (i) Open year-round for game fish other than trout and steelhead.
- (ii) From August 1 through April 15: Barbless hooks required.
- (iii) Trout: Open from the Saturday before Memorial Day through October 31.
- (iv) Steelhead: Open August 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.
- (c) All tributaries: Closed waters.
- (147) Green Lakes (Lower and Upper) (Okanogan County):**
- (a) Selective gear rules.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 2; minimum length 14 inches.
- (ii) Eastern brook trout count as part of trout daily limit.
- (148) Grimes Lake (Douglas County):**
- (a) Open June 1 through August 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Game fish: Statewide minimum length/daily limit, except:
- Trout: Daily limit 1; minimum length 18 inches.
- (149) Halfmoon Lake (Adams County):** Open the fourth Saturday in April through September 30.
- (150) Hampton Lakes (Lower and Upper) (Grant County):** Open the fourth Saturday in April through September 30.
- (151) H and H Reservoir Number One (Pascal's Pond) (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (152) Harris Lake (Grant County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except:
- Trout: Daily limit 1; minimum length 18 inches.
- (153) Hatch Lake (Stevens County):** Open the Friday after Thanksgiving through March 31.
- (154) Hays Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.
- (155) Headgate Pond (Asotin County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (156) Hen Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (157) Hog Canyon Creek (Spokane County):** From the mouth to Scroggie Road: Closed waters.
- (158) Hog Canyon Lake (Spokane County):** Open the Friday after Thanksgiving through March 31.
- (159) Homestead Lake (Grant County):**
- (a) Selective gear rules.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except:
- Trout: Daily limit 1; minimum length 18 inches.

- (160) **Hourglass Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (161) **Hutchinson Lake (Adams County)**: Open the fourth Saturday in April through September 30.
- (162) **I-82 Ponds, 1 through 7 (Yakima County)**: It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (163) **Icicle River and tributaries (Creek) (Chelan County)**:
- (a) From the mouth upstream 800 feet to posted signs: Closed waters.
- (b) From posted signs 800 feet upstream of the mouth to 500 feet below Leavenworth National Fish Hatchery: Closed waters.
- (c) From 500 feet below Leavenworth National Fish Hatchery to shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort: Closed waters.
- (d) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation District footbridge (approximately 750 feet upstream of the "Snow Lakes Trailhead" parking lot): Closed waters.
- (e) From the Icicle Irrigation Peshastin District footbridge upstream, and tributaries: Selective gear rules.
- (164) **Indian Creek (Yakima County)**: From the mouth to the waterfall approximately six miles upstream including that portion that flows through the dry lake bed of Rimrock Reservoir: Closed waters.
- (165) **Ingalls Creek (Chelan County)**: From the mouth to Alpine Lakes Wilderness boundary and tributaries: Closed waters.
- (166) **Jameson Lake (Douglas County)**: Open the fourth Saturday in April through October 31.
- (167) **Jasmine Creek (Okanogan County)**:
- (a) Open year-round to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (b) Game fish: Statewide minimum length/daily limit, except: Steelhead: Closed to fishing.
- (168) **Jefferson Park Pond (Walla Walla County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (169) **Jolanda, Lake (Chelan County)**: Closed waters.
- (170) **Kachess Lake (Reservoir) (Kittitas County)**:
- (a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (b) Chumming is permissible.
- (171) **Kachess River (Kittitas County)**:
- (a) From Kachess Lake (Reservoir) upstream to the waterfall approximately 0.5 miles above Mineral Creek: Closed waters.
- (b) It is permissible to fish up to the base of Kachess Dam.
- (c) From the mouth to Kachess Dam: Selective gear rules.
- (172) **Keechelus Lake (Reservoir) (Kittitas County)**:
- (a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (b) Chumming is permissible.
- (173) **Kettle Creek (tributary to American River) (Yakima County)**: Closed waters.
- (174) **Kettle River (Stevens County)**: From Barstow Bridge upstream:
- (a) Selective gear rules, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:
Trout: Minimum length 14 inches.

(d) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(175) **Kings Lake and tributaries (Pend Oreille County):** Closed waters.

(176) **Kiwanis Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(177) **Lake Creek (Okanogan County):**

(a) From the mouth to Black Lake: Closed waters.

(b) From Black Lake to Three Prong Creek: Closed waters.

(178) **Ledbetter Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(179) **Ledking Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(180) **Leech Lake (Yakima County):**

(a) Fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except:
Rainbow trout: Daily limit 1; minimum length 18 inches.

(181) **Lemna Lake (Grant County):** Open the fourth Saturday in April through September 30.

(182) **Lenice Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.

(183) **Lenore Lake (Grant County):**

(a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed waters.

(b) Open March 1 through November 30.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.

(184) **Libby Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(185) **Liberty Lake (Spokane County):** Open March 1 through October 31.

(186) **Lilly Lake (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.

(187) **Lions Park Pond (Walla Walla County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(188) **Little Bridge Creek (tributary of Twisp River) (Okanogan County):**

- (a) Open the Saturday before Memorial Day through August 15.
- (b) Release all fish.
- (c) Selective gear rules.

(189) **Little Falls Reservoir (Spokane River) (Lincoln County):**

From Little Falls Dam to Long Lake Dam: Landlocked salmon rules.

(190) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(191) **Little Naches River including tributaries (Yakima County):** Selective gear rules.

(192) **Little Pend Oreille River and tributaries (Stevens County):** Selective gear rules.

(193) **Little Spokane River and tributaries (Spokane County):**

(a) From the inlet of Chain Lake upstream 0.25 mile to the rail-road crossing culvert: Closed waters.

(b) From the SR 291 Bridge upstream:

(i) Open Saturday before Memorial Day through October 31.

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(194) **Little Twin Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Eastern brook trout count as part of trout daily limit.

(195) **Little Twin Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(196) **Little Wenatchee River (Chelan County):**

(a) From the mouth to USFS road 6700 Bridge and tributaries: Closed waters.

(b) From the USFS road 6700 Bridge upstream including tributaries: Selective gear rules.

(197) **Long Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to use flies containing lead.

(d) It is unlawful to fish from a floating device equipped with a motor.

(198) **Long Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(199) **Long Lake (Lake Spokane) (Spokane County):** From Long Lake Dam to Nine Mile Dam, including Little Spokane River from the mouth to the SR 291 Bridge: Landlocked salmon rules.

(200) **Loon Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(201) **Lost Lake (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 2; minimum length 14 inches.

(202) **Lost Lake (Okanogan County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(203) **Lost River (tributary to Methow River) (Okanogan County):**

(a) From the mouth to the mouth of Monument Creek: Closed waters.

(b) From the mouth of Monument Creek including tributaries upstream to Deception Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Minimum length 14 inches; daily limit 2.

(B) Dolly Varden/bull trout may be retained as part of trout daily limit.

(204) **Lyman Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(205) **Mad River (Chelan County):**

(a) From the mouth to Windy Creek, including Windy Creek and tributaries except Tillicum Creek: Closed waters.

(b) From Windy Creek upstream and tributaries: Selective gear rules.

(206) **Manastash Creek (Kittitas County):** Selective gear rules.

(207) **Marshall Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(208) **Martha Lake (Grant County):** Open March 1 through September 30.

(209) **Mary Ann Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(210) **Mattoon Lake (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(211) **McCabe Pond (Kittitas County):** It is unlawful to fish from any floating device equipped with a motor.

(212) **McDowell Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

(213) **McManaman Lake (Adams County):** Open the fourth Saturday in April through September 30.

(214) **Medical Lake (Spokane County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 2; minimum length 14 inches.

(215) **Medical Lake, West (Spokane County):** Open the fourth Saturday in April through September 30.

(216) **Mercer Creek (Kittitas County):** Selective gear rules.

(217) **Merry Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(218) Methow River (Okanogan County):

- (a) From mouth to County Road 1535 (Burma Road) Bridge: Closed waters.
- (b) Tributaries from mouth to County Road 1535 (Burma Road) Bridge except Black Canyon Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.
- (c) From County Road 1535 (Burma Road) Bridge to Gold Creek:
 - (i) Open the Saturday before Memorial Day through September 15.
 - (ii) Selective gear rules.
 - (iii) Release all fish.
- (d) All tributaries from the County Road 1535 (Burma Road) to Gold Creek except Gold Creek:
 - (i) Selective gear rules.
 - (ii) Release all fish, except: Eastern brook trout: No minimum length/daily limit.
- (e) From Gold Creek to Foghorn Dam:
 - (i) Open the Saturday before Memorial Day through September 30.
 - (ii) Selective gear rules.
 - (iii) Release all fish.
 - (iv) Whitefish:
 - (A) Open December 1 through the last day in February for whitefish only.
 - (B) Whitefish gear rules.
- (f) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River, Chewuch River, Libby Creek, and Beaver Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.
- (g) From Foghorn Dam to Weeman Bridge including tributaries:
 - (i) Open the Saturday before Memorial Day through August 15:
 - (A) Release all fish.
 - (B) Selective gear rules.
 - (ii) Whitefish:
 - (A) Open December 1 through the last day in February for Whitefish only.
 - (B) Whitefish gear rules.
- (h) From Weeman Bridge to the falls above Brush Creek: Whitefish:
 - (i) Open December 1 through the last day in February for whitefish only.
 - (ii) Whitefish gear rules.
- (i) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, Early Winters Creek, and Wolf Creek((-)):
 - (i) Selective gear rules.
 - (ii) Release all fish.

(219) Mill Creek (tributary to the Walla Walla River) (Walla Walla County):

- (a) From the mouth to Bennington Dam, including tributaries: Closed waters.
- (b) From Bennington Dam upstream excluding tributaries: Selective gear rules.
- (c) All tributaries upstream of Bennington Dam: Closed waters.

(220) Mineral Creek (tributary to upper Kachess River) (Kittitas County): From the mouth to the Wilderness Boundary: Closed waters.

- (221) **Molson Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(222) **Monument Creek (Okanogan County), including tributaries:** Selective gear rules.

(223) **Morgan Lake (Adams County):** Open the fourth Saturday in April through September 30.

(224) **Moses Lake (Grant County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: Daily limit 5; minimum length 8 inches.

(c) Yellow perch: Daily limit 25.

(225) **Mud Lake (Yakima County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(226) **Mudgett Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(227) **Muskegon Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 2; minimum length 14 inches.

(228) **Myron Lake (Yakima County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 2; minimum length 14 inches.

(229) **Mystic Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(230) **Naches River (Yakima/Kittitas counties):**

(a) From the mouth to Little Naches River:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) Whitefish: December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(231) **Naneum Creek and tributaries (Kittitas County):** Selective gear rules.

(232) **Naneum Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(233) **Napeequa River (Chelan County):** From mouth to Twin Lakes Creek (including Twin Lakes Creek and all tributaries): Closed waters.

(234) **Nason Creek (Chelan County):**

(a) From the mouth to Gaynor Falls and tributaries except White-pine Creek: Closed waters.

(b) From Gaynor Falls (approximately 0.7 miles upstream of White-pine Creek) upstream and tributaries: Selective gear rules.

(235) **Nile Creek and tributaries (Yakima County)**: Selective gear rules.

(236) **No Name Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

(237) **North Creek (tributary to Twisp River) (Okanogan County)**: From the mouth upstream to Twisp River Road Bridge: Closed waters.

(238) **North Elton Pond (Yakima County)**:

(a) Open the Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(239) **North Potholes Reserve Ponds (Grant County)**: Open March 1 through the day before waterfowl season begins.

(240) **Nunnally Lake (Grant County)**:

(a) The outlet stream of Nunnally Lake is closed waters.

(b) Open March 1 through November 30((+)).

(c) Selective gear rules.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(241) **Oak Creek and tributaries (Yakima County)**: Selective gear rules.

(242) **Okanogan River (Okanogan County)**:

(a) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(i) ~~((Open year-round.))~~ Salmon: Open July 1 through October 15:

(A) Daily limit 6; up to 2 adult Chinook may be retained.

(B) Release sockeye, 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) Release trout.

(B) Steelhead: Closed to fishing.

(b) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:

(i) ~~((Open year-round.))~~ Salmon: Open July 1 through September 15:

(A) Daily limit 6; up to 2 adult hatchery Chinook may be re-

tained.

(B) Release sockeye, 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) Release trout.

(B) Steelhead: Closed to fishing.

(c) From the highway bridge at Malott upstream:

(i) From Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam: Closed waters.

(ii) ~~((Open the Saturday before Memorial Day through September 15.))~~ Salmon: Open July 1 through September 15:

(A) Daily limit 6; up to 2 adult hatchery Chinook may be re-

tained.

(B) Release sockeye, coho, and wild adult Chinook.

(iii) July 1 through September 15: Anti-snagging rule and night closure.

(iv) Game fish: Open the Saturday before Memorial Day through September 15. Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

(d) All Okanogan River tributaries, except Salmon Creek, Jasmine Creek, Bonaparte Creek, and the Similkameen River:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

(243) **Osoyoos Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(244) **Palouse River (Whitman County)**: From the mouth to the base of Palouse Falls:

(a) Open year-round for game fish except trout and steelhead.

(b) Trout: Open the Saturday before Memorial Day through October 31.

(c) Steelhead:

(i) Open August 1 through April 15.

(ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement, except for steelhead.

(245) **Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek and Hog Canyon Creek**: Open year-round.

(246) **Pampa Pond (Whitman County)**:

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

(247) **Park Lake (Grant County)**: Open the fourth Saturday in April through September 30.

(248) **Parker Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

(249) **Pataha Creek (Garfield County)**:

(a) Within the city limits of Pomeroy: Open to juvenile anglers, senior angler, and anglers with a disability who possess a designated harvester companion card only.

(b) From the city limits of Pomeroy upstream: Selective gear rules.

(250) **Pearrygin Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.

(251) **Pend Oreille River (Pend Oreille County)**:

(a) Open year-round.

(b) Game fish: Statewide lake rules.

(c) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed waters.

(252) **Perch Lake (Grant County)**: Open the fourth Saturday in April through September 30.

- (253) **Peshastin Creek and all tributaries except Ingalls Creek (Chelan County):** Closed waters.
- (254) **Petit Lake (Pend Oreille County):**
(a) Open the fourth Saturday in April through October 31.
(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (255) **Phalon Lake (Stevens County):** Closed waters.
- (256) **Phillips Lake (Stevens County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (257) **Pierre Lake (Stevens County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (258) **Pillar Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (259) **Ping Pond (Oasis Park Pond) (Grant County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (260) **Pit Lake (Douglas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (261) **Poacher Lake (Grant County):** Open the fourth Saturday before April through September 30.
- (262) **Potholes Reservoir (Grant County):** Game fish: Statewide minimum length/daily limit, except:
(a) Crappie: Minimum length 9 inches.
(b) Crappie and bluegill: Combined limit of 25 fish.
(c) Yellow perch: Daily limit 25 fish.
- (263) **Potter's Pond (Stevens County):** Open the fourth Saturday in April through October 31.
- (264) **Powerline Lake (Franklin County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (265) **Quail Lake (Adams County):**
(a) Fly fishing only.
(b) It is unlawful to fish from any floating device equipped with a motor.
(c) Release all fish.
- (266) **Quarry Pond (Walla Walla County):** It is unlawful to fish from any floating device.
- (267) **Quincy Lake (Grant County):** Open March 1 through September 30.
- (268) **Rainbow Lake (Columbia County):**
(a) Open March 1 through November 30.
(b) It is unlawful to fish from any floating device.
- (269) **Rat Lake (Okanogan County):**
(a) Selective gear rules.
(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (270) **Rattlesnake Creek and tributaries (Yakima County):**
(a) Selective gear rules.
(b) Release all fish.
- (271) **Red Rock Creek (Grant County):** Open the Saturday before Memorial Day through September 30.
- (272) **Reflection Pond (Okanogan County):**
(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(273) **Renner Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(274) **Rigley Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 2, minimum length 14 inches.

(275) **Rimrock Lake (Reservoir) (Yakima County):** Chumming is permissible.

(276) **Ringold Springs Hatchery Creek (Franklin County):** Closed waters.

(277) **Roaring Creek (Entiat River tributary) (Chelan County):** Closed waters.

(278) **Rock Creek (Adams/Whitman counties):**

(a) From the mouth to the bridge on Jordan Knott Road at Revere:

(i) Selective gear rules.

(ii) Release all fish.

(b) From the bridge on Jordan Knott Road upstream: Open year-round.

(279) **Rocky Ford Creek and Ponds (Grant County):**

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Release all fish.

(280) **Rocky Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(281) **Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):** Columbia River from Grand Coulee Dam to U.S. Canadian border including Hawk Creek downstream of the falls at Hawk Creek Campground, Spokane River from 400 feet downstream of Little Falls Dam, Kettle River 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.

(282) **Round Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.

(283) **Royal Lake (Adams County)**: Closed waters.

(284) **Royal Slough (including Marsh Unit IV impoundments) (Adams County)**: Closed waters.

(285) **Rufus Woods Lake (Douglas/Okanogan counties)**:

(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed waters.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2.

(c) Sturgeon: Closed to fishing.

(d) A nonmember fishing permit issued by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods.

(e) A Colville tribal member identification card satisfies the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods.

(286) **Sacheen Lake (Pend Oreille County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(287) **Saddle Mountain Lake (Grant County)**: Closed waters.

(288) **Sago Lake (Grant County)**: Open the fourth Saturday in April through September 30.

(289) **Salmon Creek (Okanogan County)**:

(a) From the mouth to Conconully Reservoir:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout other than eastern brook trout.

(B) Steelhead: Closed to fishing.

(b) From Conconully Reservoir upstream including tributaries: Selective gear rules.

(290) **San Poil River (Ferry County)**:

(a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Open June 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:

(I) Kokanee: Daily limit 2.

(II) Trout: Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(III) Walleye: Daily limit 16; no size restrictions.

(IV) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(B) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round(⇄):

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(iii) Carp: Open year-round.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Kokanee: Unlawful to fish for or retain.

(B) Trout: Unlawful to fish for or retain.

(C) Open June 1 through January 31 for walleye and smallmouth bass:

(I) Walleye: Daily limit 16; no size restrictions.

(II) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round; unlawful to fish for carp with bow and arrow.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation upstream to the northern reservation boundary are managed under the regulatory authority of the Colville Confederated Tribes.

(291) **Sand Hollow Creek (Grant County) including tributaries:** From the mouth (State Route 243) upstream: Open the Saturday before Memorial Day through September 30.

(292) **Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(293) **Schallow Pond (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(294) **Sedge Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(295) **Shellneck Creek (Yakima County):** Closed waters.

(296) **Sherman Creek (Ferry County) and tributaries:** From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed waters.

(297) **Shiner Lake (Adams County):** Open the fourth Saturday in April through September 30.

(298) **Shoveler Lake (Grant County):** Open the fourth Saturday in April through September 30.

(299) **Silver Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(300) **Silver Nail Lake (Okanogan County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(301) **Similkameen River (Okanogan County):**

(a) From Enloe Dam downstream 400 feet: Closed waters.

(b) From the mouth to Enloe Dam:

(i) Open July 1 through September 15(~~(+)~~).

(ii) Salmon: Daily limit 6; up to 2 adult hatchery Chinook may be retained. Release sockeye, coho, and wild adult Chinook:

~~(A)~~ Anti-snagging rule.

~~((+iii))~~ (B) Night closure.

~~((+iv))~~ (v) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

~~((+v))~~ (vi) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(c) From Enloe Dam to the Canadian border, including tributaries, except Sinlahekin Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(302) **Sinlahekin Creek (Okanogan County):** From Palmer Lake to Cecile Creek Bridge:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(303) **Skookum Lake, North (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(304) **Skookum Lake, South (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(305) **Snake River:**

(a) Tributaries except Palouse River, Tucannon River, Asotin Creek, and Grande Ronde River: Closed waters.

(b) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.

(c) Within 400 feet of the base of any dam: Closed waters.

(d) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery: Closed waters.

(e) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam: Closed waters.

(f) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank: Closed waters.

(g) Game fish: Open year-round; statewide minimum length/daily limit, except:

- (i) Trout: Open the Saturday before Memorial Day through October 31.
- (ii) Steelhead:
- (A) Open the Saturday before Memorial Day through July 31; daily limit 2, barbless hooks required.
- (B) Open August 1 through March 31; Daily limit 3 hatchery steelhead; barbless hooks required.
- (306) **Snipe Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (307) **Snipes Creek (Benton County)**: Selective gear rules.
- (308) **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.
- (309) **Spectacle Lake (Okanogan County)**: Open April 1 through September 30.
- ~~((309))~~ (310) **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))~~ (311) **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))~~ (312) **Spring Creek (Benton County)**: Selective gear rules.
- ~~((312))~~ (313) **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))~~ (314) **Spring Lake (Columbia County)**: It is unlawful to fish from any floating device.
- ~~((314))~~ (315) **Spring Lakes (Upper and Lower) (Grant County)**: Open March 1 through September 30.
- ~~((315))~~ (316) **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))~~ (317) **Spruce Creek (tributary to South Fork Tieton River) (Yakima County)**: Closed waters.
- ~~((317))~~ (318) **Starvation Lake (Stevens County)**: Open the fourth Saturday in April through October 31.
- ~~((318))~~ (319) **Starzman Lakes (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((319))~~ **(320) 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))~~ **(321) Stratford/Brook Lake (Grant County):** Open March 1 through September 30.

~~((321))~~ **(322) Sugarloaf Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((322))~~ **(323) Sullivan Creek and tributaries (Pend Oreille County):**

(a) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout.

(b) Selective gear rules.

~~((323))~~ **(324) Sullivan Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((324))~~ **(325) Summit Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((325))~~ **(326) Summit Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((326))~~ **(327) 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))~~ **(328) Swauk Creek and tributaries (Kittitas County):** Selective gear rules.

~~((328))~~ **(329) Taneum Creek and tributaries (Kittitas County):** Selective gear rules.

~~((329))~~ **(330) Teal Lakes (North and South) (Grant/Adams counties):** Open the fourth Saturday in April through September 30.

~~((330))~~ **(331) Teanaway River (Kittitas County), and tributaries except North Fork:** Selective gear rules.

~~((331))~~ **(332) 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))~~ **(333) 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))~~ **(334) Thirtymile Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to falls (approximately 700 feet): Closed waters.

~~((334))~~ **(335) Tieton River (Yakima County):**

(a) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(b) Selective gear rules apply.

~~((335))~~ **(336) 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))~~ **(337) Tieton River, South Fork (Yakima County):** From the bridge on USFS Road 1200 to bridge on USFS road 1070: Closed waters.

~~((337))~~ **(338) 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))~~ **(339) 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))~~ **(340) Trout Lake (Ferry County):** Open the fourth Saturday in April through October 31.

~~((340))~~ **(341) 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))~~ **(342) Tucquala Lake (Kittitas County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Statewide stream rules apply.

~~((342))~~ **(343) Twentymile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to falls (approximately 0.75 miles): Closed waters.

~~((343))~~ **(344) Twin Lakes, tributaries, and Twin Lakes Creek (outlet stream) to the confluence with the Napeequa River (Chelan County):** Closed waters.

~~((344))~~ **(345) 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))~~ **(346) Twisp River, North Fork (Okanogan County):** From mouth to falls including tributaries: Closed waters.

~~((346))~~ **(347) Umtanum Creek (Kittitas County):** Selective gear rules.

~~((347))~~ **(348) Union Creek (Yakima County):** From the mouth to the falls: Closed waters.

~~((348))~~ **(349) 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))~~ **(350) 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))~~ **(351) 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))~~ **(352) Wannacut Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((352))~~ **(353) Wapato Lake (Chelan County):** Open the fourth Saturday in April through October 31.

~~((353))~~ **(354) 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))~~ **(355) Warden Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((355))~~ **(356) Warden Lake, South (Grant County):** Open the fourth Saturday in April through September 30.

~~((356))~~ **(357) 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))~~ **(358) 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))~~ **(359) Watson Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

~~((359))~~ **(360) Wenaha River tributaries:**

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

~~((360))~~ **(361) Wenas Creek (Yakima County):** From the mouth to Wenas Lake, including tributaries: Selective gear rules.

~~((361))~~ **(362) Wenatchee Lake (Chelan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release trout.

(ii) Steelhead: Closed to fishing.

~~((362))~~ **(363) Wenatchee River (Chelan County):**

(a) From the mouth to the Icicle Road Bridge: ~~((Closed waters.))~~

(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))~~ **(364) Whitepine Creek (Chelan County):** From the mouth to Whitepine Creek Falls (1 mile upstream of mouth) and tributaries: Closed waters.

~~((364))~~ **(365) White River (Chelan County):** From the mouth to White River Falls and tributaries, except Napeequa River: Closed waters.

~~((365))~~ **(366) Widgeon Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((366))~~ **(367) Williams Lake (Spokane County):** Open the fourth Saturday in April through September 30.

~~((367))~~ **(368) Williams Lake (Stevens County):** Open the Friday after Thanksgiving through March 31.

~~((368))~~ **(369) Wilson Creek (Kittitas County):** From BNSF railroad bridge upstream: Selective gear rules.

~~((369))~~ **(370) Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve):** Open March 1 through September 30.

~~((370))~~ **(371) Wolf Creek (Methow River tributary) (Okanogan County):** Closed waters.

~~((371))~~ **(372) Yakima River (Yakima County):**

(a) Downstream of Highway 240 Bridge, Columbia River rules apply.

(b) From the Highway 240 Bridge to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.

(i) From 200 feet downstream of the USBR Chandler ((Powerhouse/
Spillway)) Powerhouse to 200 feet upstream of the Chandler Powerhouse:
September 1 through October 31: Closed waters.

(ii) Chumming is permissible.

(iii) Game fish: Statewide minimum size/daily limit, except: Re-
lease trout.

(iv) Barbless hooks required for steelhead.

(c) From the Grant Avenue bridge in Prosser downstream approxi-
mately 1.25 miles to the downstream side of the westbound I-82 Bridge:
Open March 1 through October 31.

(i) Chumming is permissible.

(ii) Fishing from a floating device is prohibited September 1
through October 31.

(iii) Game fish: Statewide minimum size/daily limit, except: Re-
lease trout.

(iv) Barbless hooks required for steelhead.

(d) From Grant Avenue Bridge to Prosser Dam: Closed waters.

(e) From Prosser Dam to Highway 223 Bridge:

(i) Open March 1 through October 31.

(ii) Game fish: Statewide minimum size/daily limit, except: Re-
lease trout.

(iii) Barbless hooks required for steelhead.

(f) From Highway 223 Bridge to 3,500 feet below Roza Dam:

(i) From Yakima Avenue-Terrace Heights Bridge upstream 400 feet:
Closed waters.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:
Trout: Minimum length 14 inches.

(iv) Whitefish:

(A) Open December 1 through the last day in February for white-
fish only.

(B) Whitefish gear rules.

(g) From 3,500 feet below Roza Dam to Roza Dam: Closed waters.

(h) From Roza Dam to 400 feet below Easton Dam; including the
portion of Wilson Creek from the mouth upstream to the BNSF railroad
bridge: Open year-round.

(i) It is permissible to fish from floating devices equipped with
motors only from the U.S. Bureau of Reclamation restricted area signs
at Roza Dam upstream to the boat launch ramp on the Roza Access Area
(approximately 1.3 river miles).

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:
Release trout.

(iv) Whitefish: December 1 through the last day in February:
Whitefish gear rules.

(i) From Easton Dam to the base of Keechelus Dam including Easton
Lake:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Re-
lease rainbow and cutthroat trout.

((+372+)) **(373) Yakima Sportsmen's Park Ponds (Yakima County):**
Open to juvenile anglers, senior anglers, and anglers with a disabili-
ty who possess a designated harvester companion card only.

((+373+)) **(374) 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.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-052 (Order 20-97), § 220-312-050, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 20-03-130 (Order 20-09), § 220-312-050, filed 1/17/20, effective 2/17/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 19-15-050 (Order 19-139), § 220-312-050, filed 7/12/19, effective 8/12/19. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.04.130. WSR 19-03-003 (Order 19-01), § 220-312-050, filed 1/2/19, effective 2/2/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 18-15-065 (Order 18-163), § 220-312-050, filed 7/16/18, effective 8/16/18. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 18-06-045 (Order 18-30), § 220-312-050, filed 3/1/18, effective 4/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-17-029, § 220-312-050, filed 8/8/17, effective 9/8/17; WSR 17-05-112 (Order 17-04), recodified as § 220-312-050, filed 2/15/17, effective 3/18/17; WSR 16-23-002 (Order 16-280), § 220-310-195, filed 11/2/16, effective 12/3/16. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 16-06-073 (Order 16-30), § 220-310-195, filed 2/26/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 15-13-081 (Order 15-177), § 220-310-195, filed 6/12/15, effective 7/13/15. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 15-06-065 and 15-06-006 (Order 15-033), § 220-310-195, filed 3/4/15 and 2/20/15, effective 7/1/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 14-16-027 (Order 14-185), § 220-310-195, filed 7/25/14, effective 8/25/14. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 14-04-120 (Order 14-26), § 220-310-195, filed 2/4/14, effective 3/7/14.]

OTS-3041.3

AMENDATORY SECTION (Amending WSR 20-14-052, filed 6/25/20, effective 7/26/20)

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:

(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 Chief Joseph Dam.

(2) **Rules by river section:**

(a) Fishing from the north jetty is permissible when Marine Area 1 or Buoy 10 areas are open for salmon, and the limit and minimum size restrictions follow the most liberal regulations if both areas are open. Only single point barbless hooks may be used for salmon and steelhead.

(b) **From a true north-south line through Buoy 10 to the Megler Astoria Bridge:**

(i) The Youngs Bay Control Zone is defined as those waters southerly of a line originating on the Oregon shore at the east end of the seawall at the Warrenton Fiber log yard (approximately river mile 10.1) northeasterly through green navigation buoys 29, 31, 33, and 35A to the center of the Astoria-Megler Bridge abutment adjacent to, and north of the ship channel, and continuing southerly in line with the center of the Megler Bridge span to the Oregon shore.

(ii) The Youngs Bay Control Zone is closed to recreational angling from August 1 through September 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(iv) Salmon and steelhead:

(A) April 1 through (~~August 13~~) July 31: Closed.

(B) Open August (~~14~~) 1 through August (~~27~~) 10:

(I) Daily limit (~~4~~) 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) Open August (~~28~~) 11 through September (~~22~~) 6:

(I) Daily limit (~~4~~) 2; of which 1 may be a Chinook.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

(D) Open September (~~23~~) 7 through September 30:

(I) Daily limit (~~4~~) 3.

(II) Release all salmon and steelhead except ~~((Chinook and))~~ hatchery coho.

(III) ~~((Chinook minimum length 24 inches.~~

~~(IV))~~ Coho minimum length 16 inches.

(E) Open October 1 through October 31:

(I) Daily limit 6; up to ~~((4))~~ 3 adult salmon may be retained.

(II) Release all salmon and steelhead except ~~((Chinook and))~~ hatchery coho.

(III) Coho minimum length ~~((16))~~ 12 inches.

(F) Open November 1 through December 31:

(I) Daily limit 6; up to ~~((4))~~ 3 adult salmon or 1 adult salmon and 2 hatchery steelhead may be retained.

(II) Release all salmon except ~~((Chinook and))~~ hatchery coho.

(III) Coho minimum length ~~((16))~~ 12 inches.

(G) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult salmon, or ~~((4))~~ 2 hatchery steelhead, ~~((and 1 adult salmon))~~ 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 ~~((2 salmon or 1 salmon and))~~ 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.

(C) Open July 1 through July 5:

(I) Daily limit 6; up to 2 may be adults, of which up to 1 may be a sockeye and up to 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(D) Open July 6 through July 31:

(I) Daily limit 6; up to 2 may be adults, of which up to 1 may be a sockeye and up to 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery jack Chinook.

(E) Open August 1 through August ~~((13))~~ 10: ~~((Closed.~~

~~(D))~~ (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.

(F) Open August ~~((14))~~ 11 through ~~((August 27))~~ September 6:

(I) Daily limit ~~((4))~~ 2; of which 1 may be a Chinook.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

~~((E))~~ (G) Open ~~((August 28))~~ September 7 through September ~~((22))~~ 30:

(I) Daily limit ~~((4))~~ 3.

(II) Release all salmon and steelhead except hatchery coho.

(III) Coho minimum length 16 inches.

~~((F))~~ (H) Open ~~((September 23))~~ October 1 through ~~((September 30))~~ October 31:

(I) Daily limit ~~((4))~~ 6; up to 3 adult salmon may be retained.

(II) Release all salmon and steelhead except ~~((Chinook and))~~ hatchery coho.

~~((III))~~ ~~((Chinook minimum length 24 inches.~~

~~((IV))~~ Coho minimum length ~~((16))~~ 12 inches.

~~((G) Open October 1 through October 31:~~

~~((I) Daily limit 6; up to 1 adult salmon may be retained.~~

~~((II) Release all salmon and steelhead except Chinook and hatchery coho.~~

~~((III) Coho minimum length 16 inches.~~

~~((H))~~ (I) Open November 1 through December 31:

(I) Daily limit 6; up to ~~((4))~~ 3 adult salmon or 1 adult salmon and 2 hatchery steelhead may be retained.

(II) Release all salmon except ~~((Chinook and))~~ hatchery coho.

(III) Coho minimum length ~~((16))~~ 12 inches.

~~((I))~~ (J) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult salmon, or ~~((4))~~ 2 hatchery steelhead ~~((and 1 adult salmon))~~ 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:

(i) 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.

(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 ~~((adult salmon or 2))~~ hatchery steelhead ~~((or 1 of each))~~ may be retained.

(II) Release all salmon except ~~((sockeye and))~~ hatchery jack Chinook.

(C) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.

(II) Release all salmon ~~((other than sockeye))~~ except hatchery jack Chinook.

~~((D))~~ ~~((August 1 through August 13: Closed.~~

~~((E))~~ Open July 1 through July 5:

(I) Daily limit 6; up to 2 adult salmon of which up to 1 may be a sockeye and up to 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(E) Open July 6 through July 31:

- (I) Daily limit 6; up to 2 adults of which 1 may be a sockeye and 1 hatchery steelhead may be retained.
- (II) Release all salmon except sockeye and hatchery jack Chinook.
- (F) Open August ((14)) 1 through ((August 27)) September 9:
- (I) Daily limit ((1)) 6; up to 2 may be adults of which 1 may be a Chinook may be retained.
- (II) Release all salmon and steelhead except Chinook and hatchery coho.
- ~~((III) Chinook minimum length 24 inches.~~
- ~~(IV) Coho minimum length 16 inches.~~
- ~~(F) August 28 through September 22: Closed.))~~
- (G) Open September ((23)) 10 through October 31:
- (I) Daily limit 6; up to ((1)) 2 adult salmon may be retained.
- (II) Release all salmon and steelhead except ((Chinook and)) hatchery coho.
- (H) Open November 1 through December 31:
- (I) Daily limit 6; up to ((1)) 2 adult salmon or ((1)) 2 hatchery steelhead or 1 of each may be retained.
- (II) Release all salmon except ((Chinook and)) hatchery coho.
- (I) Open January 1 through March 31:
- (I) Daily limit 6; up to 2 adult salmon or ((1)) 2 hatchery steelhead ((and 1 adult salmon)) 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.
- (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 adult salmon or))~~ 2 hatchery steelhead ~~((or 1 of each))~~ may be retained.
- (II) Release all salmon except ~~((sockeye and))~~ hatchery jack Chinook.
- (C) Open June 16 through ~~((July 31))~~ June 30:
- (I) Daily limit ((2)) 6; ~~((up to 2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.
- (II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.
- (D) Open July 1 through July 5:
- (I) Daily limit 6; up to 2 adult salmon of which 1 may be a sockeye and 1 hatchery steelhead may be retained.
- (II) Release all salmon except sockeye and hatchery Chinook.
- (E) Open July 6 through July 31:
- (I) Daily limit 6; up to 2 adults of which 1 may be a sockeye and 1 hatchery steelhead may be retained.
- (II) Release all salmon except sockeye and hatchery jack Chinook.
- (F) Open August 1 through ((August 31)) September 9:

(I) Daily limit 6; up to ~~((4))~~ 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) September 1 through September 22: Closed.~~

~~(F))~~ (G) Open September ~~((23))~~ 10 through October 31:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon may be retained.

(II) Release all salmon and steelhead except ~~((Chinook and))~~ hatchery coho.

~~((G))~~ (H) Open November 1 through December 31:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon or ~~((4))~~ 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except ~~((Chinook and))~~ hatchery coho.

~~((H))~~ (I) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult salmon or ~~((4))~~ 2 hatchery steelhead ~~((and 1 adult salmon))~~ 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 adult salmon or))~~ 2 hatchery steelhead ~~((or 1 of each))~~ may be retained.

(II) Release all salmon except ~~((sockeye and))~~ hatchery jack Chinook.

(C) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 steelhead may be retained.

(II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.

(D) Open July 1 through July 5:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(E) Open July 6 through July 31:

(I) Daily limit 6; up to 2 adults of which 1 may be a sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery jack Chinook.

(F) Open August 1 through ~~((August 31))~~ September 9:

(I) Daily limit 6; up to ~~((4))~~ 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) September 1 through September 22: Closed.~~

~~(F))~~ (G) Open September ~~((23))~~ 10 through October 31:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon may be retained.

(II) Release all salmon and steelhead except ~~((Chinook and))~~ hatchery coho.

~~((G))~~ (H) Open November 1 through December 31:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon or ~~((4))~~ 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except ~~((Chinook and))~~ hatchery coho.

~~((H))~~ (I) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult salmon or ~~((4))~~ 2 hatchery steelhead ~~((and 1 adult salmon))~~ 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 adult salmon or))~~ 2 hatchery steelhead ~~((or 1 of each))~~ may be retained.

(II) Release all salmon except ~~((sockeye and))~~ hatchery jack Chinook.

(C) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.

(II) Release all salmon ~~((other than sockeye))~~ except hatchery jack Chinook.

~~(D) ((August 1 through August 6: Closed.~~

~~(E))~~ Open July 1 through July 5:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(E) Open July 6 through July 31:

(I) Daily limit 6; up to 2 adults of which 1 may be a sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery jack Chinook.

(F) Open August ((7)) 1 through ~~((September 6))~~ October 31:

~~((Fridays through Sundays only.))~~

(I) Daily limit 6; up to ((4)) 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

~~((III) Mondays through Thursdays: Closed.~~

~~(F) September 7 through September 22: Closed.~~

~~(G) Open September 23 through October 31:~~

~~(I) Daily limit 6; up to 1 adult salmon may be retained.~~

~~(II) Release all salmon and steelhead except Chinook and hatchery coho.~~

~~(H))~~ (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 ((Chinook and)) hatchery coho.
- ~~((I))~~ (H) Open January 1 through March 31:
- (I) Daily limit 6; up to 2 adult salmon or ((±)) 2 hatchery steelhead ~~((and 1 adult salmon))~~ 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 ((2)) 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.
- (II) Release all salmon except ((sockeye)) hatchery jack Chinook.
- (C) ~~((August 1 through August 6: Closed.~~
- ~~(D))~~ Open July 1 through July 5:
- (I) Daily limit 6; up to 2 adult salmon of which 1 may be a sockeye and 1 hatchery steelhead may be retained.
- (II) Release all salmon except sockeye and hatchery Chinook.
- (D) Open July 6 through July 31:
- (I) Daily limit 6; up to 2 adults of which 1 may be a sockeye and 1 hatchery steelhead may be retained.
- (II) Release all salmon except sockeye and hatchery jack Chinook.
- (E) Open August ((7)) 1 through ~~((September 6))~~ October 31:
(~~((Fridays through Sundays only.))~~)
- (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.
- ~~((III) Mondays through Thursdays: Closed.~~
- ~~(E) September 7 through September 22: Closed.~~
- ~~(F) Open September 23 through October 31:~~
- ~~(I) Daily limit 6; up to 1 adult salmon may be retained.~~
- ~~(II) Release all salmon and steelhead except Chinook and hatchery coho.~~
- ~~(G))~~ (F) 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 ((Chinook and)) hatchery coho.
- ~~((H))~~ (G) 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) From August 1 through December 31: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(iv) Open for salmon when the adjacent mainstem Columbia or Washougal rivers are open for salmon.

(v) The limit for salmon is the same as the most liberal regulation of either area, except anglers may only retain hatchery Chinook and hatchery coho; release all other salmon.

(j) From a line between the upstream end of Sand Island (near Rooster Rock) on the Columbia River, to the boundary marker on the Oregon shore, downstream to a line between the lower end of Sand Island and the boundary marker on the Oregon shore:

(i) January 1 through April 30: Closed waters.

(ii) Game fish:

(A) Open May 1 through December 31.

(B) Statewide minimum size/daily limit, except: Release all trout.

(iii) Salmon and steelhead:

(A) May 1 through June 15: Closed.

(B) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.

(II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.

(C) ~~((August 1 through August 6: Closed.~~

~~(D) Open August 7 through September 6: Fridays through Sundays only.~~

~~(I) Daily limit 6; up to 1 adult salmon may be retained.~~

~~(II) Release all salmon and steelhead except Chinook and hatchery coho.~~

~~(III) Mondays through Thursdays: Closed.~~

~~(E) September 7 through September 22: Closed.~~

~~(F))~~ Open July 1 through July 5:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(D) Open July 6 through July 31:

(I) Daily limit 6; up to 2 adults of which 1 may be a sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery jack Chinook.

(E) Open ~~((September 23))~~ August 1 through October 31:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

~~((G))~~ (F) Open November 1 through December 31:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon or ~~((4))~~ 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except ~~((Chinook and))~~ hatchery coho.

(G) 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 ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.
 - (II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.
 - (C) ~~((August 1 through August 6: Closed.~~
 - ~~(D) August 7 through September 6: Fridays through Sundays only.~~
 - ~~(I) Daily limit 6; up to 1 adult salmon may be retained.~~
 - ~~(II) Release all salmon and steelhead except Chinook and hatchery coho.~~
 - ~~(III) Mondays through Thursdays: Closed.~~
 - ~~(E) September 7 through September 22: Closed.~~
 - ~~(F))~~ Open July 1 through July 5:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be a sockeye and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except sockeye and hatchery Chinook.
 - (D) Open July 6 through July 31:
 - (I) Daily limit 6; up to 2 adults of which 1 may be a sockeye and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except sockeye and hatchery jack Chinook.
 - (E) Open ~~((September 23))~~ August 1 through October 31:
 - (I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be a Chinook may be retained.
 - (II) Release all salmon and steelhead except Chinook and hatchery coho.
 - ~~((G))~~ (F) Open November 1 through December 31:
 - (I) Daily limit 6; up to ~~((4))~~ 2 adult salmon or ~~((4))~~ 2 hatchery steelhead or 1 of each may be retained.
 - (II) Release all salmon except ~~((Chinook and))~~ hatchery coho.
 - ~~((H))~~ (G) Open January 1 through March 31:
 - (I) Daily limit ~~((4))~~ 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 ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.
 - (II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.
 - (C) ~~((August 1 through August 6: Closed.~~
 - ~~(D) Open August 7 through September 6: Fridays through Sundays only.~~
 - ~~(I) Daily limit 6; up to 1 adult salmon may be retained.~~
 - ~~(II) Release all salmon and steelhead except Chinook and hatchery coho.~~

~~(III) Mondays through Thursdays: Closed.~~

~~(E) September 7 through September 22: Closed.~~

~~(F)) Open July 1 through July 5:~~

~~(I) Daily limit 6; up to 2 adult salmon of which 1 may be a sock-eye and 1 hatchery steelhead may be retained.~~

~~(II) Release all salmon except sockeye and hatchery Chinook.~~

~~(D) Open July 6 through July 31:~~

~~(I) Daily limit 6; up to 2 adults of which 1 may be a sockeye and 1 hatchery steelhead may be retained.~~

~~(II) Release all salmon except sockeye and hatchery jack Chinook.~~

~~(E) Open ((September 23)) August 1 through October 31:~~

~~(I) Daily limit 6; up to ((4)) 2 adult salmon of which 1 may be a Chinook may be retained.~~

~~(II) Release all salmon and steelhead except Chinook and hatchery coho.~~

~~((G)) (F) November 1 through December 31: Closed.~~

~~((H)) (G) Open January 1 through March 31:~~

~~(I) Daily limit ((4)) 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 ((2)) 6; up to ((2 salmon or 1 salmon and)) 1 hatchery steelhead may be retained.~~

~~(II) Release all salmon except ((soekeye)) hatchery jack Chinook.~~

~~(C) ((August 1 through August 6: Closed.~~

~~(D) Open August 7 through September 6: Fridays through Sundays only.~~

~~(I) Daily limit 6; up to 1 adult salmon may be retained.~~

~~(II) Release all salmon and steelhead except Chinook and hatchery coho.~~

~~(III) Mondays through Thursdays: Closed.~~

~~(E) September 7 through September 22: Closed.~~

~~(F)) Open July 1 through July 5:~~

~~(I) Daily limit 6; up to 2 adult salmon of which 1 may be a sock-eye and 1 hatchery steelhead may be retained.~~

~~(II) Release all salmon except sockeye and hatchery Chinook.~~

~~(D) Open July 6 through July 31:~~

~~(I) Daily limit 6; up to 2 adults of which 1 may be a sockeye and 1 hatchery steelhead may be retained.~~

~~(II) Release all salmon except sockeye and hatchery jack Chinook.~~

~~(E) Open ((September 23)) August 1 through October 31:~~

(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.

~~((G))~~ (F) 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 ~~((Chinook and))~~ hatchery coho.

~~((H))~~ (G) 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 ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.

(II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.

(C) ~~((August 1 through August 6: Closed.~~

~~(D) Open August 7 through September 6: Fridays through Sundays only.~~

~~(I) Daily limit 6; up to 1 adult salmon may be retained.~~

~~(II) Release all salmon and steelhead except Chinook and hatchery coho.~~

~~(III) Mondays through Thursdays: Closed.~~

~~(E) September 7 through September 22: Closed.~~

~~(F))~~ Open July 1 through July 5:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(D) Open July 6 through July 31:

(I) Daily limit 6; up to 2 adults of which 1 may be a sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery jack Chinook.

(E) Open ~~((September 23))~~ August 1 through October 31:

(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.

~~((G))~~ (F) 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 ~~((and steelhead))~~ except ~~((Chinook and))~~ hatchery coho.

~~((H))~~ (G) Open January 1 through March 31:

(I) Daily limit ~~((4))~~ 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) ((Release wild coho.~~

~~(F))~~ April 1 through June 15: Closed.

~~((G))~~ (E) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.

(II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.

(G) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

~~(H) Open August 1 through ((September 8))~~ October 15:

(I) Daily limit 6; up to ((4)) 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

~~(I) ((September 9 through September 22: Closed.~~

~~(J))~~ Open ~~((September 23))~~ October 16 through October 31:

(I) Daily limit 6; up to ((4)) 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

~~((K))~~ (J) Open November 1 through December 31:

(I) Daily limit 6; up to ((4)) 2 adult salmon of which 1 may be a Chinook or ((4)) 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except Chinook and hatchery coho.

~~((L))~~ (K) Open January 1 through March 31:

(I) Daily limit ~~((4))~~ 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 ~~((July 31))~~ June 30:

(I) Daily limit ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.

(II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.

(G) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a sock-eye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(H) Open August 1 through ~~((September 8))~~ October 15:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

~~((H) September 9 through September 22: Closed.))~~

(I) Open ~~((September 23))~~ October 16 through October 31:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(J) Open November 1 through December 31:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be a Chinook or ~~((4))~~ 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except Chinook and coho.

(K) Open January 1 through March 31:

(I) Daily limit ~~((4))~~ 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 ~~((July 31))~~ June 30:

(I) Daily limit ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.

(II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.

(D) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a sock-eye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(E) Open August 1 through ~~((September 8))~~ October 15:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

~~((E) September 9 through September 22: Closed.))~~

(F) Open ~~((September 23))~~ October 16 through October 31:

- (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.
- (G) Open November 1 through December 31:
- (I) Daily limit 6; up to ((±)) 2 adult salmon of which 1 may be a Chinook or ((±)) 2 hatchery steelhead or 1 of each may be retained.
- (II) Release all salmon except Chinook and coho.
- (H) 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 (~~July 31~~) June 30:
- (I) Daily limit ((2)) 6; up to ((~~2 salmon or 1 salmon and~~)) 1 hatchery steelhead may be retained.
- (II) Release all salmon except ((~~sockeye~~)) hatchery jack Chinook.
- (D) Open July 1 through July 31:
- (I) Daily limit 6; up to 2 adult salmon of which 1 may be a sockeye and 1 hatchery steelhead may be retained.
- (II) Release all salmon except sockeye and hatchery Chinook.
- (E) Open August 1 through (~~September 8~~) October 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. (~~((E) September 9 through September 22: Closed.))~~
- (F) Open (~~September 23~~) October 16 through October 31:
- (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.
- (G) Open November 1 through December 31:
- (I) Daily limit 6; up to ((±)) 2 adult salmon of which 1 may be a Chinook or ((±)) 2 hatchery steelhead or 1 of each may be retained.
- (II) Release all salmon except Chinook and coho.
- (H) 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 (~~July 31~~) June 30:
- (I) Daily limit ((2)) 6; up to ((~~2 salmon or 1 salmon and~~)) 1 hatchery steelhead may be retained.

(II) Release all salmon except (~~(sockeye)~~) hatchery jack Chinook.

(D) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be a sock-eye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(E) Open August 1 through (~~(September 8)~~) October 15:

(I) Daily limit 6; up to (~~(4)~~) 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(~~(E) September 9 through September 22: Closed.~~)

(F) Open (~~(September 23)~~) October 16 through October 31:

(I) Daily limit 6; up to (~~(4)~~) 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(G) Open November 1 through December 31:

(I) Daily limit 6; up to (~~(4)~~) 2 adult salmon of which 1 may be a Chinook or (~~(4)~~) 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except Chinook and coho.

(H) Open January 1 through March 31:

(I) Daily limit (~~(4)~~) 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 the west end of the grain silo at Rufus, Oregon 2.4 miles downstream of John Day Dam:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through (~~(July 31)~~) June 30:

(I) Daily limit (~~(2)~~) 6; up to (~~(2 salmon or 1 salmon and)~~) 1 hatchery steelhead may be retained.

(II) Release all salmon except (~~(sockeye)~~) hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(D) Open August 1 through (~~(September 8)~~) August 31:

(I) Daily limit 6; up to (~~(4)~~) 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon (~~(and steelhead)~~) except Chinook and coho.

(~~(D)~~) (E) September (~~(9)~~) 1 through (~~(September 22)~~) October 15: (~~Closed.~~

~~(E)~~) (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) Open (~~(September 23)~~) October 16 through December 31:

(I) Daily limit 6; up to (~~(4)~~) 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(~~(F)~~) (G) January 1 through June 15: Closed.

(y) **From the west end of the grain silo at Rufus, Oregon 2.4 miles downstream of John Day Dam to markers approximately 3,000 feet downstream of John Day Dam:**

- (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
- (ii) Salmon and steelhead:
 - (A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 - (B) Open June 16 through ~~((July 31))~~ June 30:
 - (I) Daily limit ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.
 - (II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.
 - (C) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be sockeye and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except sockeye and hatchery Chinook.
 - (D) Open August 1 through ~~((September 8))~~ August 31:
 - (I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.
 - (II) Release all salmon ~~((and steelhead))~~ except Chinook and coho.
 - ~~((D))~~ September 9 through September 22: Closed.
 - (E) September 1 through October 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) Open ~~((September 23))~~ October 16 through December 31:
 - (I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be a Chinook may be retained.
 - (II) Release all salmon and steelhead except Chinook and coho.
 - ~~((F))~~ (G) January 1 through June 15: Closed.
- (z) **From markers approximately 3,000 feet downstream of John Day Dam to 400 feet below the fishway entrance:**
 - (i) It is unlawful to fish from a floating device.
 - (ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.
 - (iii) Salmon and steelhead:
 - (A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 - (B) Open June 16 through ~~((July 31))~~ June 30:
 - (I) Daily limit ~~((2 salmon or 1 salmon and))~~ 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.
 - (C) Open ~~((August))~~ July 1 through ~~((September 8))~~ July 31:
 - (I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be sockeye and 1 hatchery steelhead may be retained.
 - (II) Release all salmon ~~((and steelhead))~~ except sockeye and hatchery Chinook ~~((and coho))~~.
 - (D) ~~((September 9 through September 22: Closed.~~
 - ~~((E))~~ Open ~~((September 23))~~ August 1 through ~~((December))~~ August 31:
 - (I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.
 - (II) Release all salmon ~~((and steelhead))~~ except Chinook and coho.

~~((F))~~ (E) September 1 through October 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) Open October 16 through December 31:

(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.

(G) January 1 through June 15: Closed.

(aa) **From 400 feet below the John Day Dam fishway entrance to the upstream line of John Day Dam:** Closed waters.

(bb) **From John Day Dam to a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundation:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through ~~(July 31)~~ June 30:

(I) Daily limit ~~((2))~~ 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.

(II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.

(C) Open ~~((August))~~ July 1 through ~~((August))~~ July 31:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon ~~((or))~~ of which 1 may be a sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook ~~((and coho))~~.

(D) Open ~~((September))~~ August 1 through ~~((September 8))~~ August 31:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon ~~((and steelhead))~~ except Chinook and coho.

(E) September ~~((9))~~ 1 through ~~((September 22: Closed.~~

~~(F) Open September 23 through December 31)~~ October 15:

(I) Daily limit 6; up to ~~((4))~~ 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) Open October 16 through December 31:

(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.

(G) January 1 through June 15: Closed.

(cc) **From a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundation to the Interstate 82/Highway 395 Bridge:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit ((2)) 6; up to ((2 salmon or 1 salmon and)) 1 hatchery steelhead may be retained.

(II) Release all salmon except ((sockeye)) hatchery jack Chinook.

(C) Open ((August)) July 1 through ((August)) July 31:

(I) Daily limit 6; up to ((4)) 2 adult salmon ((or)) of which 1 may be sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook ((and coho)).

(D) Open ((September)) August 1 through ((September 8)) August 31:

(I) Daily limit 6; up to ((4)) 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon ((and steelhead)) except Chinook and coho.

(E) September ((9)) 1 through ((September 22: Closed.

~~(F) Open September 23 through December 31))~~ October 15:

(I) Daily limit 6; up to ((4)) 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) Open October 16 through December 31:

(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.

(G) January 1 through June 15: Closed.

(dd) From the Interstate 82/Highway 395 Bridge to a red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through ((July 31)) June 30:

(I) Daily limit ((2)) 6; up to ((2 salmon or 1 salmon and)) 1 hatchery steelhead may be retained.

(II) Release all salmon except ((sockeye)) hatchery jack Chinook.

(C) Open ((August)) July 1 through ((August)) July 31:

(I) Daily limit 6; up to ((4)) 2 adult salmon ((or)) of which 1 may be sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook ((and coho)).

(D) Open ((September)) August 1 through ((September 8)) August 31:

(I) Daily limit 6; up to ((4)) 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon ((and steelhead)) except Chinook and coho.

(E) September ((9)) 1 through ((September 22: Closed.

~~(F) Open September 23 through December 31))~~ October 15:

(I) Daily limit 6; up to ((4)) 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) Open October 16 through December 31:

(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.

(G) January 1 through June 15: Closed.

(ee) **From a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore to the upstream line of McNary Dam:** Closed waters.

(ff) **From McNary Dam to Highway 730 at Washington/Oregon border:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit ((2)) 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.

(II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.

(C) Open ~~((August))~~ July 1 through ~~((August))~~ July 31:

(I) Daily limit 6; up to ((4)) 2 adult salmon ~~((or))~~ of which 1 may be sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook ~~((and coho))~~.

(D) Open ~~((September))~~ August 1 through ~~((September 8))~~ August 31:

(I) Daily limit 6; up to ((4)) 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon ~~((and steelhead))~~ except Chinook and coho.

(E) September ((9)) 1 through ~~((September 22: Closed.~~

~~(F) Open September 23 through December 31))~~ October 15:

(I) Daily limit 6; up to ((4)) 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) Open October 16 through December 31:

(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.

(G) January 1 through June 15: Closed.

(gg) **From Highway 730 at Washington/Oregon border to the Highway 395 Bridge at Pasco:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit ((2)) 6; up to ~~((2 salmon or 1 salmon and))~~ 1 hatchery steelhead may be retained.

(II) Release all salmon except ~~((sockeye))~~ hatchery jack Chinook.

(C) Open ~~((August))~~ July 1 through ~~((August))~~ July 31:

(I) Daily limit 6; up to ((4)) 2 adult salmon ~~((or))~~ of which 1 may be sockeye and 1 hatchery steelhead may be retained.

(II) Release all salmon except sockeye and hatchery Chinook ~~((and coho))~~.

(D) Open ~~((September))~~ August 1 through ~~((September 8))~~ August 31:

(I) Daily limit 6; up to ((1)) 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 ((9)) 1 through ((September 22: Closed.

~~(F) Open September 23 through December 31))~~ October 15:

(I) Daily limit 6; up to ((1)) 2 adult salmon of which 1 may be a Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and coho.

(F) Open October 16 through December 31:

(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.

(G) January 1 through June 15: Closed.

(hh) **From the Highway 395 Bridge at Pasco to the Interstate 182**

Bridge:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon: ((A)) Open August 16 through October 31: Daily limit 6; up to 2 adult salmon may be retained. Release all salmon except Chinook and coho.

((B) November 1 through August 15: Closed.))

(ii) **Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park:** Closed waters.

(jj) **From the Interstate 182 Bridge to WDFW markers 1/4 mile downstream from the Ringold wasteway outlet:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

((A) Open October 1 through March 31: Daily limit 1 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

~~(B) April 1 through September 30: Closed.))~~

(iii) Salmon:

(A) Open ((June 16)) July 1 through ((July 31)) August 15:

(I) Daily limit ((2)) 6 salmon; up to 2 may be adults.

(II) Release ((all salmon except sockeye)) wild adult Chinook.

(B) ((August 1 through August 15: Closed.

~~(C))~~ Open August 16 through October 31:

(I) Daily limit 6; up to 2 ((adult salmon may be retained)) may be adults.

((D) November 1 through June 15: Closed.)) (II) Release all salmon other than Chinook and coho.

(kk) **West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River:**

(i) September 1 through November 30: Closed waters.

(ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iii) Steelhead: Closed to fishing for or retaining.

(iv) Salmon:

(A) Open July 1 through August 15:

(B) Daily limit 6 salmon; up to 2 may be adults.

(C) Release wild adult Chinook.

(v) Open August 16 through August 31:

(A) Daily limit 6; up to 2 adult salmon may be retained.

(B) Release all salmon except Chinook and coho.

(ll) From WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Ringold Springs Hatchery Creek:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

~~((A) Open October 1 through March 31: Daily limit 1 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.~~

~~(B) April 1 through April 15: Fishing is allowed only from the bank and only on the hatchery side of the river. Daily limit 1 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.~~

~~(C) April 16 through September 30: Closed.))~~

(iii) Salmon:

~~(A) ((Open June 16 through July 31:~~

~~(I) Daily limit 2 salmon.~~

~~(II) Release all salmon except sockeye.~~

~~(B) August 1 through August 15: Closed.~~

~~(C) Open August 16 through October 31: Daily limit 6; up to 2 adult salmon may be retained.~~

~~(D) November 1 through June 15: Closed.))~~ Open July 1 through August 15:

(I) Daily limit 6 salmon; up to 2 may be adults.

(II) Release wild adult Chinook.

(B) Open August 16 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon other than Chinook and coho.

(mm) Between the markers located 100 feet upstream and 100 feet downstream of the Ringold Springs Hatchery Creek, and extending 100 feet towards the middle of the river: Closed waters.

(nn) From WDFW markers 1/2 mile upstream from Ringold Springs Hatchery Creek to the Old Hanford townsite powerline crossing:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

~~((A) Open October 1 through March 31: Daily limit 1 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.~~

~~(B) April 1 through September 30: Closed.))~~

(iii) Salmon:

~~(A) ((Open June 16 through July 31:~~

~~(I) Daily limit 2 salmon.~~

~~(II) Release all salmon except sockeye.~~

~~(B) August 1 through August 15: Closed.~~

~~(C) Open August 16 through October 31: Daily limit 6; up to 2 adult salmon may be retained.~~

~~(D) November 1 through June 15: Closed.))~~ Open July 1 through August 15:

(I) Daily limit 6 salmon; up to 2 may be adults.

(II) Release wild adult Chinook.

(B) Open August 16 through October 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon other than Chinook and coho.

(oo) From the Old Hanford townsite powerline crossing to Vernita Bridge (Highway 24):

(i) Open February 1 through October 15.

(ii) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(iii) Steelhead: Closed to fishing for or retaining.

(iv) Salmon:

(A) (~~Open June 16 through July 31:~~

~~(I) Daily limit 2 salmon.~~

~~(II) Release all salmon except sockeye.~~

~~(B) August 1 through August 15: Closed.~~

~~(C) Open August 16 through October 15: Daily limit 6; up to 2 adult salmon may be retained.~~

~~(D) October 16 through June 15: Closed.)~~) Open July 1 through August 15:

(I) Daily limit 6 salmon; up to 2 may be adults.

(II) Release wild adult Chinook.

(B) Open August 16 through October 15:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon other than Chinook and coho.

(pp) From Vernita Bridge (Highway 24) to 400 feet downstream of the Priest Rapids Hatchery outlet channel (Jackson Creek):

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon:

(A) (~~Open June 16 through July 31:~~

~~(I) Daily limit 2 salmon.~~

~~(II) Release all salmon except sockeye.~~

~~(B) August 1 through August 15: Closed.~~

~~(C) Open August 16 through October 15: Daily Limit 6; up to 2 adult salmon may be retained.~~

~~(D) October 16 through June 15: Closed.)~~) Open July 1 through August 15:

(I) Daily limit 6 salmon; up to 2 may be adults.

(II) Release wild adult Chinook.

(B) Open August 16 through October 15:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon other than Chinook and coho.

(qq) From the marker 400 feet downstream of the mouth of the Priest Rapids Hatchery outlet channel (Jackson Creek) to boundary markers 650 feet below the fish ladders at Priest Rapids Dam:

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon:

(A) (~~Open June 16 through July 31:~~

~~(I) Daily limit 2 salmon.~~

~~(II) Release all salmon except sockeye.~~

~~(B) August 1 through August 15: Closed.~~

~~(C) Open August 16 through October 15: Daily limit 6; up to 2 adult salmon may be retained.~~

~~(D) October 16 through June 15: Closed.)~~) Open July 1 through August 15:

(I) Daily limit 6 salmon; up to 2 may be adults.

(II) Release wild adult Chinook.

(B) Open August 16 through October 15:

(I) Daily limit 6; up to 2 may be adults.

(II) Release all salmon other than Chinook and coho.

(rr) **At Priest Rapids Hatchery outlet channel (Jackson Creek) extending to midstream of the Columbia River between boundary markers located 400 feet downstream of outlet channel to 100 feet upstream:** Closed waters.

(ss) **From boundary markers 650 feet below the fish ladders at Priest Rapids Dam to the upstream line of the dam:** Closed waters.

(tt) **From Priest Rapids Dam to a line from boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of west fish ladder at Wanapum Dam:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon:

(A) Open July 1 through August 31:

(I) Daily limit ((~~2 sockeye only~~)) 6; up to 2 adult hatchery Chinook and up to 2 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.

(uu) **From a line from boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder to the Wanapum Dam:** Closed waters.

(vv) **From the Wanapum Dam to boundary markers 400 feet downstream of the fish ladders at Rock Island Dam:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed 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 2 sockeye ((~~only~~)).

(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.

(ww) **From the boundary markers 400 feet downstream of the fish ladders at Rock Island Dam to the upstream line of the dam:** Closed waters.

(xx) **From the upstream line of Rock Island Dam to boundary markers 400 feet downstream of the Rocky Reach Dam fish ladders:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon: Open July 1 through ((~~August 31~~)) October 15:

(A) Daily limit ((~~2 sockeye only~~)) 6; up to 2 adult hatchery Chinook and up to 2 sockeye.

(B) Release coho and wild adult Chinook.

(yy) **From boundary markers 400 feet downstream of the Rocky Reach Dam fish ladders to the upstream line of Rocky Reach Dam:** Closed waters.

(zz) **From the upstream line of Rocky Reach Dam to boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side):**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon: Open July 1 through ((~~August 31~~)) October 15:

(A) Daily limit ((2 sockeye only)) 6; up to 2 adult hatchery Chinook and up to 2 sockeye.

(B) Release coho and wild adult Chinook.

(aaa) From the boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side) to the upstream line of Wells Dam: Closed waters.

(bbb) From Wells Dam to Highway 173 Bridge at Brewster:

(i) Game fish: Statewide minimum size/daily limit, except: Hatchery trout: Open July 16 through August 15. Minimum size 12 inches. Daily limit 10. Barbless hooks required.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon: Open July 16 through September ((15)) 30:

(A) Daily limit ((2 sockeye only)) 6; up to 2 adult hatchery Chinook and up to 2 sockeye.

(B) Release coho and wild adult Chinook.

(ccc) From Highway 173 Bridge at Brewster to the Highway 17

Bridge:

(i) Game fish: Statewide minimum size/daily limit, except: Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(ii) Steelhead: Closed to fishing for or retaining.

(iii) Salmon: Open July ((16)) 1 through ((September)) October 15:

(A) Daily limit ((2 sockeye only)) 6; up to 2 adult hatchery Chinook and up to 2 sockeye.

(B) Release coho and wild adult Chinook.

(ddd) From the Highway 17 Bridge to the Corps of Engineers safety marker on the Douglas County shore to the rock jetty at the upstream shoreline of Foster Creek:

(i) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge: Closed waters.

(ii) From the Douglas County shore from Chief Joseph Dam to the rock jetty at the upstream shoreline of Foster Creek: Closed waters.

(iii) It is unlawful to fish from a floating device downstream of Chief Joseph Dam from the boundary marker to the Corps of Engineers safety zone marker.

(iv) Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(v) Steelhead: Closed to fishing for or retaining.

(vi) Salmon: Open July 1 through September 15:

(A) Daily limit 6; up to 2 adult hatchery Chinook and up to 2 sockeye.

(B) Release coho and wild adult Chinook.

(eee) Above Chief Joseph Dam: See Rufus Woods Lake in WAC 220-312-050.

(fff) Above Grand Coulee Dam: See Lake Roosevelt in WAC 220-312-050.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-052 (Order 20-97), § 220-312-060, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 19-15-050 (Order 19-139), § 220-312-060, filed 7/12/19, effective 8/12/19. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.04.130. WSR 19-03-003 (Order 19-01), § 220-312-060, filed 1/2/19, effective 2/2/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 18-15-065 (Order 18-163), § 220-312-060, filed 7/16/18, effective

8/16/18. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 18-06-045 (Order 18-30), § 220-312-060, filed 3/1/18, effective 4/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-17-029, § 220-312-060, filed 8/8/17, effective 9/8/17; WSR 17-05-112 (Order 17-04), recodified as § 220-312-060, filed 2/15/17, effective 3/18/17; WSR 16-14-038 (Order 16-158), § 220-310-200, filed 6/28/16, effective 7/29/16. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 16-06-073 (Order 16-30), § 220-310-200, filed 2/26/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 15-13-081 (Order 15-177), § 220-310-200, filed 6/12/15, effective 7/13/15. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 15-06-065 and 15-06-006 (Order 15-033), § 220-310-200, filed 3/4/15 and 2/20/15, effective 7/1/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 14-16-027 (Order 14-185), § 220-310-200, filed 7/25/14, effective 8/25/14. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 14-04-120 (Order 14-26), § 220-310-200, filed 2/4/14, effective 3/7/14.]

OTS-3044.1

AMENDATORY SECTION (Amending WSR 20-14-052, filed 6/25/20, effective 7/26/20)

WAC 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits. (1) It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-313-010. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters under WAC 220-313-070.

(2) **Catch Record Card Area 5:**

- (a) May 1 through June 30: Closed.
- (b) Open July 1 through August 15:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum, wild Chinook and wild coho.
- (c) Open August 16 through September 30:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum, Chinook and wild coho.
- (d) October 1 through last day in February: Closed.
- (e) Open March 1 through April 30:
 - (i) Daily limit 2 salmon.
 - (ii) Release ((wild)) coho and wild Chinook.

(3) **Catch Record Card Area 6:**

- (a) May 1 through June 30: Closed.
- (b) ((Open July 1 through August 15:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum, wild Chinook and wild coho.
 - (iii) Release all Chinook)) Waters east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook((-)):

(i) Open July 1 through August 15.

(ii) Daily limit 2 salmon.

(iii) Release chum, Chinook and wild coho.

(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.~~)

(i) Open July 1 through August 15.

(ii) Daily limit 2 salmon.

(iii) Release chum, wild Chinook and wild coho.

(d) Open August 16 through September 30:

(i) Daily limit 2 salmon.

(ii) Release chum, Chinook and wild coho.

(e) October 1 through April 30: Closed except in Dungeness Bay as described in this section.

(f) 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((~~7~~)).

(ii) Daily limit 2 hatchery coho only.

(4) Catch Record Card Area 7:

(a) May 1 through June 30: Closed.

(b) Open July 1 through July 31:

(i) Daily limit 2 salmon; up to 1 may be a hatchery Chinook.

(ii) Release chum, wild coho, and wild Chinook.

(iii) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7).

(c) Open August 1 through ((~~August 15~~)) September 30:

(i) Daily limit 2 salmon.

(ii) Release chum ((~~and~~)), Chinook, and wild coho.

(d) ((~~Open August 16 through August 31~~)):

~~(i) Daily limit 2 salmon; up to 1 may be a Chinook.~~

~~(ii) Release chum and wild Chinook.~~

~~(e) Open September 1 through September 30:~~

~~(i) Daily limit 2 salmon.~~

~~(ii) Release chum and Chinook.~~

~~(f))~~ October 1 through April 30: Closed.

((~~g~~)) (e) Closed to salmon fishing in Samish Bay area described in WAC 220-313-020(7).

((~~h~~)) (f) 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; up to 2 may be Chinook salmon.

(iii) October 1 through April 30: Closed.

(5) Catch Record Card Area 8-1:

(a) May 1 through ((~~April 30~~)) July 31: Closed.

(b) Open August 1 through September 19:

(i) Daily limit 2 salmon.

(ii) Release Chinook and chum.

(c) September 20 through April 30: Closed.

(6) Catch Record Card Area 8-2:

(a) May 1 through ((~~April 30~~)) August 13: 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 ~~((29))~~ 28 through September 7; only from Friday through 11:59 a.m. the following Monday of each week ~~((7, May 29 through September 7):~~

~~((A))~~. Daily limit 2 salmon.

~~((B) Release coho.)~~

(ii) Open September ~~((12))~~ 11 through September ~~((27))~~ 26; only from Saturdays through Sundays of each week. ~~((A))~~ Daily limit 2 salmon.

~~((B) Release coho.)~~ (c) Waters from the Mukilteo fishing pier west south west of the Clinton Ferry Dock. Open August 14 through September 19:

(i) Daily limit 2 salmon.

(ii) Release Chinook, chum, and wild coho.

(7) **Catch Record Card Area 9:**

(a) May 1 through July 15: Closed.

(b) Open July 16 through August 15:

(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 16 through September 30:

(i) Daily limit 2 salmon.

(ii) Release Chinook, chum, and wild coho.

(d) October 1 through April 30: Closed.

(e) 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))~~ June 15: Closed.

(b) Open June ~~((1))~~ 16 through July 15:

(i) Daily limit 2 salmon.

(ii) Release Chinook and chum.

(c) Open July 16 through August 31:

(i) Daily limit 2 salmon; up to 1 may be a hatchery Chinook salmon.

(ii) Release chum and wild Chinook.

(d) Open September 1 through ~~((September 15))~~ October 31:

(i) Daily limit 2 salmon.

(ii) Release Chinook and chum.

~~((Open September 16 through November 15: Release Chinook.~~

~~((f) November 16))~~ November 1 through December 31: Closed.

~~((g))~~ (f) Open January 1 through March 31.

(i) Daily limit ~~((1))~~ 2 salmon.

(ii) Release wild Chinook.

(g) April 1 through April 30: Closed.

(h) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed July 1 through August 31.

(i) West Elliot Bay: Waters of Elliott Bay between a line from West Point to Alki Point and a line from Duwamish Head to Pier 91.

(i) May 1 through ~~((May 31))~~ June 15: Closed.

(ii) Open June ~~((1))~~ 16 through June 30:

(A) Daily limit 2 salmon.

(B) Release chum, and Chinook.

(iii) July 1 through August ~~((31))~~ 19: Closed.

(iv) Open ~~((September 1 through November 15))~~ August 20 through August 31:

(A) Daily limit 2 salmon.

(B) Release Chinook and chum.

(v) Open September 1 through October 31:

(A) Daily limit 2 salmon.

(B) Release Chinook and chum.

~~((vi))~~ November ((16)) 1 through December 31: Closed.

~~((vii))~~ (vii) Open January 1 through March 31 ((-)):

(A) Daily limit ~~((4))~~ 2 salmon.

(B) Release wild Chinook.

(viii) April 1 through April 30: Closed.

(j) East Elliot Bay: Waters of Elliott Bay between a line from Duwamish Head to Pier 91 up to the mouth of the Duwamish River including Harbor Island (Duwamish Waterways).

(i) May 1 through May 31: Closed.

(ii) Open June 1 through June 30 ~~((-))~~:

(A) Daily limit 2.

(B) Release chum and Chinook.

(iii) July 1 through ~~((July 30))~~ August 19: Closed.

(iv) Open ~~((July 31 through 11:59 a.m. August 3.))~~ August 20 through August 31:

(A) Daily limit 2 salmon.

(B) Release Chinook and chum.

~~((v))~~ ~~((Closed 12:00 p.m. August 3 through August 31.))~~

~~((vi))~~ Open September 1 through ~~((November 15))~~ October 31:

(A) Daily limit of 2 salmon.

(B) Release Chinook and chum.

~~((vii))~~ (vi) November ((16)) 1 through December 31: Closed.

~~((viii))~~ (vii) Open January 1 through March 31.

(A) Daily limit ~~((4))~~ 2 salmon.

(B) Release wild Chinook.

(viii) April 1 through April 30: Closed.

(k) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White:

(i) Open ~~((July 1 through July 31.))~~ June 16 through July 15:

(A) Daily limit ~~((3))~~ 2 salmon.

(B) Release ~~((wild))~~ Chinook and ~~((wild coho))~~ chum.

(ii) Open ~~((August 1 through September 15))~~ July 16 through September 30:

(A) Daily limit 3 salmon.

(B) Release chum and wild Chinook ~~((, wild coho, and chum))~~.

(iii) ~~((November 16 through December 31: Closed.))~~

~~((iv))~~ Open October 1 through October 31:

(A) Daily limit 2 salmon.

(B) Release Chinook and chum.

(iv) November 1 through December 31: Closed.

(v) Open January 1 through March 31.

(A) Daily limit ~~((4))~~ 2 salmon.

(B) Release wild Chinook.

(vi) April 1 through April 30: Closed.

(l) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point: Fly fishing only, lead core lines prohibited, and catch and release from January 1 through January 31. April 1 through April 30: Closed.

(m) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Watterman Pier, Bremerton Boardwalk, and Illahee State Park Pier, open year-round:

(i) ~~((Open September 16 through July 31: Daily limit 2 salmon; up to 1 may be a Chinook salmon.~~

~~(ii) Open August 1 through September 15:~~

~~(A-)) Daily limit 2 salmon; up to 1 may be a Chinook salmon.~~

~~((B-)) (ii) Release chum.~~

(n) Duwamish Waterway downstream from an east-west line projected through southernmost tip of Harbor Island to a line extending from Jack Block Park through the northernmost tip of Harbor Island extending to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), from July 1 through October 31 night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.

(o) Free-flowing freshwaters are closed downstream of the mouth at Gorst Creek, Blackjack Creek, Chico Creek, Curley Creek, Grovers Creek from July 1 through ~~((September 30))~~ December 31.

(9) **Catch Record Card Area 11:**

(a) May 1 through June ~~((30))~~ 15: Closed.

(b) Open ~~((July 1))~~ June 16 through September 30:

(i) Daily limit 2 salmon; up to 1 may be a hatchery Chinook.

(ii) Release wild Chinook.

(c) Open October 1 through October 31:

(i) Daily limit 2 salmon.

(ii) Release Chinook and chum.

(d) Open November 1 through ~~((April 30))~~ December 31:

(i) Daily limit 2 salmon.

(ii) Release coho, chum, and wild Chinook.

(e) January 1 through April 30: Closed.

~~((e-))~~ (f) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock: June 1 through July 31 and April 1 through April 30: Closed.

~~((f-))~~ (g) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock:

(i) Open year-round.

(ii) Daily limit 2 salmon; up to 1 may be a Chinook salmon.

(iii) Release chum.

(10) **Catch Record Card Area 12:**

(a) May 1 through June 30: Closed.

(b) Open July 1 through September 30:

(i) Daily limit 4 salmon.

(ii) Release chum and wild Chinook.

(c) Open October 1 through October 15:

(i) Daily limit 4 salmon.

(ii) Release chum and Chinook.

(d) Open October 16 through November 30:

(i) Daily limit 4 salmon.

(ii) Release Chinook.

(e) December 1 through April 30: Closed.

(f) In waters south of Ayock Point including waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspport Salmon Hatchery:

(i) May 1 through June 30: Closed.

(ii) Open July 1 through September 30:

(A) Daily limit 4 salmon.

(B) Release chum and wild Chinook.

(iii) Open October 1 through October 15:

- (A) Daily limit 4 salmon.
- (B) Release chum and Chinook.
- (iv) Open October 16 through November 30:
 - (A) Daily limit 4 salmon.
 - (B) Release Chinook.
- (v) December 1 through April 30: Closed.
- (vi) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.
- (vii) It is unlawful to fish from any Hoodspport Salmon Hatchery structure except persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the ADA-access site at the Hoodspport Salmon Hatchery, as long as persons follow all applicable department rules.
- (g) In waters north of Ayock Point except waters north of a true east line from the mouth of Turner Creek to the Toandos Peninsula:
 - (i) May 1 through (~~August 31~~) July 10: Closed.
 - (ii) Open (~~September 1~~) July 11 through September 30:
 - (A) Daily limit 4 salmon.
 - (B) Release chum and Chinook.
 - (iii) Open October 1 through October 15:
 - (A) Daily limit 4 salmon.
 - (B) Release chum and Chinook.
 - (iv) Open October 16 through November 30:
 - (A) Daily limit 4 salmon.
 - (B) Release Chinook.
 - (v) December 1 through April 30: Closed.
- ~~(h) ((Waters north of a true east line from the mouth of Turner Creek to the Toandos Peninsula:

 - (i) May 1 through July 31: Closed.
 - (ii) Open August 1 through August 31:
 - (iii) Daily limit of 4 coho.
 - (iv) Open September 1 through September 30:
 - (A) Daily limit 4 salmon.
 - (B) Release chum and Chinook.
 - (v) Open October 1 through October 15:
 - (A) Daily limit 4 salmon.
 - (B) Release chum and Chinook.
 - (vi) Open October 16 through November 30:
 - (A) Daily limit 4 salmon.
 - (B) Release Chinook.
 - (vii) December 1 through April 30: Closed.~~
- ~~(i))~~ September 16 through December 31: Waters north of a line true east from Broad Spit: Closed.
- ~~((j))~~ (i) July 1 through October 15: Free-flowing freshwater is closed to all fishing downstream of the mouth of the Dewatto, Dosewal-lips, 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.

(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 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(~~(, open year round)~~):

(i) Open May 1 through June 30:

(A) Daily limit 2 salmon; up to 1 may be a Chinook salmon.

(B) 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:

(A) Daily limit 2 salmon; up to 1 may be a Chinook salmon.

(B) 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.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-052 (Order 20-97), § 220-313-060, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 19-15-050 (Order 19-139), § 220-313-060, filed 7/12/19, effective 8/12/19; WSR 18-15-065 (Order 18-163), § 220-313-060, filed 7/16/18, effective 8/16/18; WSR 17-16-109 (Order 17-147), § 220-313-060, filed 7/28/17, effective 8/28/17; WSR 17-05-112 (Order 17-04), amended and recodified as § 220-313-060, filed 2/15/17, effective 3/18/17; WSR 16-17-008 (Order 16-201), § 232-28-621, filed 8/4/16, effective 9/4/16; WSR 15-13-081 (Order 15-177), § 232-28-621, filed 6/12/15, effective 7/13/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 14-16-027 (Order 14-185), § 232-28-621, filed 7/25/14, effective 8/25/14; WSR 13-20-021 (Order 13-210), § 232-28-621, filed 9/23/13, effective 10/24/13. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 12-18-006 (Order 12-190), § 232-28-621, filed 8/23/12, effective 9/23/12; WSR 11-21-038 (Order 11-273), § 232-28-621, filed 10/11/11, effective 11/11/11; WSR 10-12-062 (Order 10-137), § 232-28-621, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-15-035 (Order 09-133), § 232-28-621, filed 7/8/09, effective 8/8/09; WSR 08-15-002 (Order 08-165), § 232-28-621, filed 7/3/08, effective 8/3/08; WSR 07-16-056, § 232-28-621, filed 7/26/07, effective 8/26/07. Statutory Authority: RCW 77.12.047. WSR 06-16-096 (Order 06-174), § 232-28-621, filed 7/31/06, effective 8/31/06; WSR 05-17-007 (Order 05-168), § 232-28-621, filed 8/3/05, effective 9/3/05; WSR 04-16-006 (Order

04-182), § 232-28-621, filed 7/22/04, effective 8/22/04; WSR 03-16-109 (Order 03-182), § 232-28-621, filed 8/6/03, effective 9/6/03; WSR 03-05-057 (Order 03-24), § 232-28-621, filed 2/14/03, effective 5/1/03; WSR 02-15-097 (Order 02-158), § 232-28-621, filed 7/16/02, effective 8/16/02; WSR 02-08-048 (Order 02-53), § 232-28-621, filed 3/29/02, effective 5/1/02; WSR 01-14-001 (Order 01-107), § 232-28-621, filed 6/21/01, effective 7/22/01. Statutory Authority: 2000 c 107 § 7. WSR 00-16-091 (Order 00-134), amended and recodified as § 232-28-621, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080. WSR 00-01-103 (Order 99-215), § 220-56-191, filed 12/16/99, effective 1/16/00. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-15-081 (Order 99-102), § 220-56-191, filed 7/20/99, effective 8/20/99; WSR 98-15-081 (Order 98-122), § 220-56-191, filed 7/15/98, effective 8/15/98; WSR 98-06-031, § 220-56-191, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040. WSR 97-18-035, § 220-56-191, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. WSR 96-11-078 (Order 96-44), § 220-56-191, filed 5/13/96, effective 6/13/96; WSR 95-12-027 (Order 95-46), § 220-56-191, filed 5/31/95, effective 7/1/95; WSR 94-14-069, § 220-56-191, filed 7/1/94, effective 8/1/94; WSR 93-14-043 (Order 93-36), § 220-56-191, filed 6/29/93, effective 7/30/93.]

OTS-3038.1

AMENDATORY SECTION (Amending WSR 20-22-101, filed 11/3/20, effective 12/4/20)

WAC 220-313-070 Coastal salmon—Saltwater seasons and daily limits. It is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities and the sizes provided for in WAC 220-313-010, and for the species designated in this section. An area is open when a daily limit is provided:

(1) **Willapa Bay (Catch Record Card Area 2-1):**

(a) Open concurrent with Area 2 as specified in WAC 220-313-075; otherwise closed, except as described in (b) of this subsection.

(b) Open August 1 through January 31:

(i) Daily limit 6 salmon; up to 2 may be adult salmon.

(ii) Release wild Chinook and wild coho.

(iii) Beginning August 1, the Willapa Bay Control Zone is open.

The Willapa Bay Control Zone area is defined as waters east of a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) due west to 46°39.20'N, 124°5.3'W then due north to the westerly most landfall on Cape Shoalwater (46°44.66'N, 124°5.3'W) and west from a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) through green marker 11 to landfall.

(iv) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(v) Waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green) then, northeasterly to the power transmission pole located at 46°43.19'N, 123°50.83'W are closed August 1 through September 30.

(2) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):(a) May 1 through July 31: Closed.

(b) Humptulips North Bay Fishery is defined as northerly of a line running from the south end of the eastern jetty at Ocean Shores Marina, then to a fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) then to the Tripod Station located at 46°59.12'N, 124°00.72'W on Brackenridge Bluff. (~~(i) May 1 through July 31: Closed.~~

~~(ii))~~ Open August 1 through September ~~((15))~~ 23:

~~((A))~~ (i) Daily limit 1 salmon.

~~((B))~~ (ii) Release wild Chinook and wild coho.

~~((b))~~ (c) East Grays Harbor Fishery is defined as easterly of a projected line from the mouth of Johns River (Highway 105 bridge) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green).

(i) Open (~~(September 23))~~ October 1 through November 30:

(A) Daily limit 1 salmon.

(B) Release Chinook.

(ii) Waters south of a line running from the south end of the eastern jetty at Ocean Shores Marina to the fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) and waters west of a line running from the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green) to the mouth of Johns River (Highway 105 Bridge): Closed.

~~((e))~~ (d) Notwithstanding the provisions of this subsection, the Westport Boat Basin and Ocean Shores Boat Basin are open only August 16 through January 31:

(i) Daily limit 6 salmon; up to 4 may be adult salmon.

(ii) Release Chinook.

(iii) Night closure and anti-snagging rule in effect.

(3) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line): Open concurrent with Area 2 as specified in WAC 220-313-075.

(4) 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—Criminal wildlife penalty assessment.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 20-22-101 (Order 20-242), § 220-313-070, filed 11/3/20, effective 12/4/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-052 (Order 20-97), § 220-313-070, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 19-15-050 (Order 19-139), § 220-313-070, filed 7/12/19, effective 8/12/19; WSR 18-15-065 (Order 18-163), § 220-313-070, filed 7/16/18, effective 8/16/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 17-19-009 (Order 17-230), § 220-313-070, filed 9/7/17, effective 10/8/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-313-070, filed 2/15/17, effective 3/18/17; WSR 16-14-038 (Order

16-158), § 232-28-620, filed 6/28/16, effective 7/29/16; WSR 15-13-081 (Order 15-177), § 232-28-620, filed 6/12/15, effective 7/13/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 14-16-027 (Order 14-185), § 232-28-620, filed 7/25/14, effective 8/25/14; WSR 13-20-021 (Order 13-210), § 232-28-620, filed 9/23/13, effective 10/24/13. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 12-18-006 (Order 12-190), § 232-28-620, filed 8/23/12, effective 9/23/12; WSR 11-21-038 (Order 11-273), § 232-28-620, filed 10/11/11, effective 11/11/11; WSR 10-12-061 (Order 09-108), § 232-28-620, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-15-035 (Order 09-133), § 232-28-620, filed 7/8/09, effective 8/8/09; WSR 08-15-002 (Order 08-165), § 232-28-620, filed 7/3/08, effective 8/3/08; WSR 07-16-056, § 232-28-620, filed 7/26/07, effective 8/26/07. Statutory Authority: RCW 77.12.047. WSR 06-16-096 (Order 06-174), § 232-28-620, filed 7/31/06, effective 8/31/06; WSR 05-17-007 (Order 05-168), § 232-28-620, filed 8/3/05, effective 9/3/05; WSR 04-16-006 (Order 04-182), § 232-28-620, filed 7/22/04, effective 8/22/04; WSR 03-16-109 (Order 03-182), § 232-28-620, filed 8/6/03, effective 9/6/03; WSR 02-15-097 (Order 02-158), § 232-28-620, filed 7/16/02, effective 8/16/02; WSR 01-14-001 (Order 01-107), § 232-28-620, filed 6/21/01, effective 7/22/01. Statutory Authority: 2000 c 107 § 7. WSR 00-16-091 (Order 00-134), amended and recodified as § 232-28-620, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-15-081 (Order 99-102), § 220-56-190, filed 7/20/99, effective 8/20/99; WSR 98-15-081 (Order 98-122), § 220-56-190, filed 7/15/98, effective 8/15/98; WSR 97-18-035, § 220-56-190, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. WSR 96-11-078 (Order 96-44), § 220-56-190, filed 5/13/96, effective 6/13/96; WSR 95-12-027 (Order 95-46), § 220-56-190, filed 5/31/95, effective 7/1/95; WSR 94-14-069, § 220-56-190, filed 7/1/94, effective 8/1/94; WSR 93-14-043 (Order 93-36), § 220-56-190, filed 6/29/93, effective 7/30/93; WSR 91-08-054 (Order 91-13), § 220-56-190, filed 4/2/91, effective 5/3/91; WSR 90-06-026, § 220-56-190, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-190, filed 3/16/89; WSR 87-09-066 (Order 87-16), § 220-56-190, filed 4/21/87; WSR 86-09-020 (Order 86-08), § 220-56-190, filed 4/9/86; WSR 85-09-017 (Order 85-20), § 220-56-190, filed 4/9/85; WSR 84-09-026 (Order 84-22), § 220-56-190, filed 4/11/84; WSR 83-07-043 (Order 83-16), § 220-56-190, filed 3/17/83; WSR 82-13-040 (Order 82-61), § 220-56-190, filed 6/9/82; WSR 82-07-047 (Order 82-19), § 220-56-190, filed 3/18/82; WSR 80-03-064 (Order 80-12), § 220-56-190, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-064.]