

WSR 22-05-007
PERMANENT RULES
DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed February 3, 2022, 1:15 p.m., effective March 6, 2022]

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

Purpose: The adopted rules make the following changes to the working connections and seasonal child care subsidy programs:

Rates: Authorize child care payments to providers at the 85th percentile of Washington state's market rate; establish monthly rate authorizations and increase the nonstandard hours bonus for family home child cares; increase base rates for licensed exempt family, friend, and neighbor child care providers and increase their field trip reimbursement rates.

Eligibility and copayments: Expand eligibility for student parents by including full-time community college attendance as an approved activity for eligibility; authorize initial 12-month eligibility periods for consumers and clarify that benefits start when applications are complete and child care is authorized; lower the eligibility income threshold, eliminate copayments for parents who are age 21 or younger and attend high school or are completing a high school equivalency certificate, and clarify benefits are based on their student activity schedules; reduce copayments to align with the 2021 Fair Start for Kids Act; eliminate requirement that overpayments resulting from department administrative errors must be repaid; and, for self-employed consumers, better clarify what is considered self-employment, related eligibility requirements, how the department verifies and calculates self-employment income, and how total child care hours allowed will be determined.

Provider requirements: Clarify billing requirements providers must comply with to receive payment; clarify providers' record retention requirements; eliminate requirement that the department of children, youth, and families must establish provider overpayments for errors resulting from department administrative errors; and modify time periods in which family homes must produce requested documents and correct payments.

Citation of Rules Affected by this Order: New WAC 110-15-0036; repealing WAC 110-15-0090; and amending WAC 110-15-0003, 110-15-0005, 110-15-0025, 110-15-0031, 110-15-0034, 110-15-0045, 110-15-0050, 110-15-0075, 110-15-0085, 110-15-0095, 110-15-0109, 110-15-0110, 110-15-0125, 110-15-0190, 110-15-0200, 110-15-0205, 110-15-0240, 110-15-0247, 110-15-0249, 110-15-0267, 110-15-0271, 110-15-0275, 110-15-2210, 110-15-3570, 110-15-3640, 110-15-3750, 110-15-3770, 110-15-3840, and 110-15-3850.

Statutory Authority for Adoption: RCW 43.216.055 and 43.216.065.

Adopted under notice filed as WSR 22-01-206 on December 21, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 6, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 17, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 1, Repealed 0.

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

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

Date Adopted: February 3, 2022.

Brenda Villarreal
Rules Coordinator

OTS-3144.13

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0003 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Able" means being physically and mentally capable of caring for a child in a responsible manner.

"Administrative error" means an error made by DCYF ((~~or~~ DSHS)) through no fault of the consumer or provider.

"Approved activity" means an activity that a consumer is required to participate in at application and reapplication to be eligible to collect benefits.

"Authorization" means the transaction created by ((DSHS)) DCYF which allows the provider to claim payment during a certification period. The transaction may be adjusted based on the family need.

"Available" means being free to provide care when not participating in an approved activity under WAC 110-15-0040, 110-15-0045, or 110-15-0050 during the time child care is needed.

"Benefit" means a regular payment made by a government agency on behalf of a person eligible to receive it.

"Calendar year" means those dates between and including January 1st and December 31st.

"Capacity" means the maximum number of children the licensee is authorized to have in care at any given time.

"Collective bargaining agreement" or **"CBA"** means the most recent agreement that has been negotiated and entered into between the exclusive bargaining representative for all licensed and license-exempt family child care providers as defined in chapter 41.56 RCW.

"Consumer" means the person eligible to receive:

- (a) WCCC benefits as described in part II of this chapter; or
- (b) SCC benefits as described in part III of this chapter.

"Copayment" means the amount of money the consumer is responsible to pay the child care provider each month toward the cost of child care, whether provided under a voucher or contract.

"Days" means calendar days unless otherwise specified.

"DCYF" means the department of children, youth, and families.

"DSHS" means the department of social and health services.

"Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record including, but not limited to, a digital signature, symbol, or process executed by a person with the intent to sign the record.

"Eligibility" means that a consumer has met all of the requirements of:

- (a) Part II of this chapter to receive WCCC program subsidies; or
- (b) Part III of this chapter to receive SCC program subsidies.

"Eligibility period" means the months for which households are eligible to receive WCCC or SCC program subsidies.

"Employment" or **"work"** means engaging in any legal, income generating activity that is taxable under the U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the U.S. This includes unsubsidized employment, as verified by ((DSHS)) DCYF, and subsidized employment, such as:

- (a) Working in a federal or state paid work study program; or
- (b) VISTA volunteers, AmeriCorps, JobCorps, and Washington Service Corps (WSC) if the income is taxed.

"Existing child care provider" means a licensed or certified provider who received a state subsidy payment between July 1, 2015, and June 30, 2016.

"Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefits to ((~~himself or herself~~)) themselves or another person. See RCW 74.04.004.

"Homeless" means homeless as defined by the McKinney-Vento Homeless Assistance Act of 1987 without a fixed, regular, and adequate nighttime residence.

"In-home/relative provider" or **"family, friends, and neighbors (FFN) provider"** means an individual who is exempt from child care licensing standards and is approved for working connections child care (WCCC) payment under WAC 110-15-0125.

"In loco parentis" means the adult caring for an eligible child in the absence of the biological, adoptive, or step-parents, and who is not a relative, court-ordered guardian, or custodian, and is responsible for exercising day-to-day care and control of the child.

"Living in the household" means people who reside at the same physical address.

"Lump-sum payment" means a single payment that is not anticipated to continue.

"Newly eligible consumer" means a consumer that has at least one full calendar month break in benefit eligibility.

"Night shift" means employment for a minimum of six hours between the hours of 8 p.m. and 8 a.m.

"Nonschool age child" means a child who is six years of age or younger and is not enrolled in public or private school.

"Overpayment" means a payment or benefits received by a provider or consumer that exceeds the amount the provider or consumer is approved for or eligible to receive.

"Parental control" means a child is living with a biological or adoptive parent, stepparent, legal guardian verifiable by a legal or court document, adult sibling or step-sibling, nephew or niece, aunt, great-aunt, uncle, great-uncle, grandparent or great-grandparent, or

an approved in loco parentis custodian responsible for exercising day-to-day care and control of the child.

"Preschool age child" means a child age (~~(thirty)~~) 30 months through six years of age who is not attending kindergarten or elementary school.

"Private school" means a private school approved by the state under chapter 28A.195 RCW.

"Program violation" means a failure to adhere to program requirements, which results in an overpayment.

"Sanction" means deterrent action imposed by the department to address a program violation finding.

"SCC" means the seasonal child care program, which is a child care subsidy program described in part III of this chapter that assists eligible families who are seasonally employed in agriculturally related work outside of the consumer's home to pay for licensed or certified child care.

"School age child" means a child who is between five years of age through (~~(twelve)~~) 12 years of age and who is attending public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

"Seasonally available agricultural related work" means work that is directly related to the cultivation, production, harvesting, or processing of fruit trees or crops.

"Second tier eligibility" means an increased income limit for eligible families who reapply before the end of their current eligibility period.

"Self-employment" means engaging in (~~(any)~~) a legal, income-generating activity earned directly from an individual's trade or business that is taxable under the U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the U.S. (~~(as verified by Washington state business license, or a tribal, county, or city business or occupation license, as applicable, and a uniform business identification (UBI) number for approved self-employment activities that occur outside of the home. Incorporated businesses are not considered self-employment enterprises.)~~)

"Sign" means placing a name or legal mark on a document by physically writing or using an electronic signature.

"State median income (SMI)" means an annual income figure representing the point at which there are as many families earning more than that amount as there are earning less than that amount. The Census Bureau publishes median family income figures for each state each year, depending on family size.

"TANF" means temporary assistance for needy families, a cash assistance program administered by DSHS.

"Technical assistance" means a strategy that is focused on the resolution of a specific concern or need. This may be in writing or by phone call.

"To the extent of available funds" means one or more of the following:

- (a) Limited or closed enrollment;
- (b) Subject to a priority list for new enrollees pursuant to applicable state and federal law and as described in WAC 110-15-2210; or
- (c) Subject to a waiting list.

"Unintentional" means not done willfully or on purpose.

"Waiting list" means a list of applicants or reapplicants eligible to receive subsidy benefits when funding becomes available.

"WCCC" means the working connections child care program, a child care subsidy program described in part II of this chapter that assists eligible families to pay for child care.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0003, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0003, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0003, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-013, § 170-290-0003, filed 5/26/17, effective 6/26/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0003, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0003, filed 4/15/16, effective 5/16/16; WSR 14-12-050, § 170-290-0003, filed 5/30/14, effective 6/30/14; WSR 12-11-025, § 170-290-0003, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-0003, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0003, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0005 Eligibility. (1) **Consumers.** At application and reapplication, to be eligible for WCCC, ~~((the))~~ consumers must:

- (a) Have parental control of one or more eligible children;
- (b) Live in the state of Washington;
- (c) Participate in an approved activity or meet the eligibility special circumstances requirements under WAC 110-15-0020, 110-15-0023, or 110-15-0024;
- (d) Have countable income at or below ~~((two hundred percent of the federal poverty guidelines (FPG) and have resources under one million dollars per WAC 110-15-0022))~~ 60 percent of the SMI at initial application or at or below 65 percent of the SMI at reapplication;
- (e) Not have assets that exceed \$1,000,000; and
- ~~((e))~~ (f) Have an agreed payment arrangement with any provider to whom any outstanding WCCC copayment is owed.

(2) Parents currently attending high school or who are age 21 or younger and completing a high school equivalency certificate are eligible for WCCC if their income does not exceed 85 percent of the SMI at the time of application.

(3) **Children.** To be eligible for WCCC, ~~((a child))~~ children must:

- (a) Belong to one of the following groups as defined in WAC 388-424-0001:
 - (i) A U.S. citizen;
 - (ii) A U.S. national;
 - (iii) A qualified alien; or
 - (iv) A nonqualified alien who meets the Washington state residency requirements as listed in WAC 388-468-0005.
- (b) Legally reside in Washington state, which will be determined by applying the criteria of WAC 388-424-0001 or 388-468-0005; and
- (c) Be less than ~~((thirteen))~~ 13 years of age on the first day of eligibility; or

- (d) Be less than (~~nineteen~~) 19 years of age, and:
 (i) Have a verified special need, according to WAC 110-15-0020;

or

- (ii) Be under court supervision.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0005, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0005, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0005, filed 11/3/17, effective 12/4/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0005, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0005, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0005, filed 10/5/12, effective 11/5/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0005, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0005, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0005, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0005, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0005, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0025 Consumers' rights. When (~~a consumer applies~~) consumers apply for or receive(~~s~~) WCCC benefits, (~~the consumer has~~) they have the right to:

- (1) Be free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations, and policies;
- (2) Have WCCC eligibility determined within (~~thirty~~) 30 days from the application date per WAC (~~170-290-0095~~) 110-15-0095;
- (3) Be informed, in writing, of (~~the consumer's~~) their legal rights and responsibilities related to WCCC benefits;
- (4) Receive a written notice at least (~~ten~~) 10 days before (~~DSHS~~) DCYF makes changes to lower or stop benefits except as stated in WAC (~~170-290-0115~~) 110-15-0115;
- (5) Ask for an administrative hearing under WAC 110-15-0280 if (~~the consumer does not agree~~) they disagree with (~~DSHS~~) DCYF about a decision (~~per WAC 170-290-0280~~);
- (6) Ask a supervisor or administrator to review a decision or action affecting (~~the consumer's~~) their benefits without affecting (~~the~~) their right to an administrative hearing;
- (7) Have an interpreter or translator service provided by (~~DSHS~~) DCYF within a reasonable amount of time and at no cost to (~~the consumer~~) them;
- (8) Choose a provider as long as the provider meets the requirements in WAC (~~170-290-0125~~) 110-15-0125;

(9) Ask the fraud early detection (FRED) investigator from the DSHS office of fraud and accountability (OFA) to come back at another time. ~~((A)) Consumers~~ ~~((does))~~ do not have to let an investigator into ~~((the consumer's))~~ their homes. ~~((This))~~ These requests will not affect ~~((the consumer's))~~ their eligibility for benefits. ~~((If the))~~ Consumers' ~~((refuses))~~ refusal to ~~((cooperate))~~ provide ~~((the))~~ information ~~((requested) with the investigator, it))~~ to an OFA investigators request could affect ~~((the consumer's))~~ their eligibility for benefits;

(10) Access ~~((to the consumer's child))~~ their children at all times while the ~~((child is))~~ children are in child care;

(11) Terminate child care without cause and without notice to ~~((the))~~ providers. Notice must be given to ~~((DSHS))~~ DCYF within five days of termination;

(12) Not be charged by the consumer's licensed, certified, or license-exempt provider, or be made to pay for the difference between the provider's private rate and the state maximum rate, when the provider's private rate for child care is higher than the maximum state rate;

(13) Not be charged by ~~((the consumer's))~~ their licensed or certified providers, or otherwise be made to pay for:

(a) The difference between ~~((the provider's))~~ providers' registration fees and the state's maximum registration fee, when the ~~((provider's))~~ providers' registration fees ~~((is))~~ are higher;

(b) Any day when ~~((the consumer's child is))~~ their children are absent;

(c) Vacation days when ~~((the))~~ their providers' choose ~~((s))~~ to close;

(d) A higher amount than the state allows for field trips. If the consumers request ~~((s))~~, and ~~((the))~~ providers ~~((has))~~ have a written policy in place, ~~((the))~~ consumers may voluntarily pay the difference between the amount that the state allows and the actual cost of the field trip ~~((cost))~~;

(e) A preschool tuition fee in addition to regular child care services; or

(f) Child care services after the final day of care, when ~~((the))~~ their providers stop ~~((s))~~ caring for ~~((the consumer's))~~ their children.

[WSR 18-14-078, recodified as § 110-15-0025, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0025, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0025, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0025, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0025, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0025, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0025, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0025, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0031 Notification of changes. (1) Consumers applying for or receiving WCCC benefits must:

(a) Notify ((~~DSHS~~)) DCYF within five days of:

(i) Starting care with a provider; or

(ii) Any change in providers, including changes in providers' locations.

(b) Notify ((~~DSHS~~)) DCYF within ((~~ten~~)) 10 days((~~7~~)) of:

(i) Changes of the address or telephone number of the consumer's in-home/relative provider;

(ii) Changes of the consumer's home address or telephone number;

(iii) Changes that increase the number of hours of authorized care; or

(iv) When the consumer's countable income increases and exceeds ((~~eighty-five~~)) 85 percent of ((~~state median income; or~~

~~(v) When the consumer's countable resources exceed one million dollars)) SMI.~~

(c) The effective date of the change is:

(i) The date of the change when the consumer reports timely and provides required verification within the requested time frame;

(ii) The date the change is reported when the consumer does not report timely and provides required verification within the requested time frame; or

(iii) The date the verification is received when it is not returned within the requested time frame.

(d) When required changes are timely reported, an overpayment will not be established.

(e) When required changes are not timely reported, an overpayment may be established as provided in WAC 110-15-0271.

(2) When a consumer reports a change that will decrease their copayment, the date of change for the copayment is described in WAC 110-15-0085.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0031, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0031, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0031, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0031, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0031, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0031, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2010 c 273. WSR 11-01-090, § 170-290-0031, filed 12/14/10, effective 1/14/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0031, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0031, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0031, filed 3/29/04 and 4/7/04, effective 5/28/04.]

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0034 Providers' responsibilities. Child care providers who accept child care subsidies must do the following:

(1) Licensed or certified child care providers who accept child care subsidies must comply with all child care licensing or certification requirements contained in this chapter, chapter 43.216 RCW and chapters 110-06, 110-300, (~~(110-300A, 110-300B)~~) 110-300D, 110-300E, and (~~(110-305)~~) 110-301 WAC.

(2) In-home/relative child care providers must comply with the requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06 and 110-16 WAC.

(3) In-home/relative child care providers must not submit an invoice for more than six children for the same hours of care.

(4) All child care providers must use DCYF's electronic attendance recordkeeping system or a DCYF-approved electronic attendance recordkeeping system as required by WAC 110-15-0126. Providers must limit attendance system access to authorized individuals and for authorized purposes, and maintain physical and environmental security controls.

(a) Providers using DCYF's electronic recordkeeping system must submit monthly attendance records prior to claiming payment. Providers using a DCYF-approved electronic recordkeeping system must finalize attendance records prior to claiming payment.

(b) Providers must not edit attendance records after making a claim for payment.

(5) All child care providers must complete and maintain accurate daily attendance records. If requested by DCYF or (~~(DSHS)~~) the state auditor, the provider must provide to the requesting agency the following records:

(a) Attendance records must be provided to DCYF (~~(or DSHS)~~) within (~~(twenty-eight)~~) 45 calendar days of the date of a written request from either department; and

(b) Attendance records must be provided to the state auditor's office within 30 calendar days from the date of a written request.

(6) Pursuant to WAC 110-15-0268, the attendance records delivered to DCYF (~~(or DSHS)~~) may be used to determine whether a provider overpayment has been made and may result in the establishment of an overpayment and in an immediate suspension of the provider's subsidy payment.

(~~(+6)~~) (7) All child care providers must maintain and provide receipts for billed field trip/quality enhancement fees as follows. If requested by DCYF (~~(or DSHS)~~), the provider must provide the following receipts for billed field trip/quality enhancement fees:

(a) Receipts from the previous (~~(twelve)~~) 12 months must be available immediately for review upon request by DCYF;

(b) Receipts from one to five years old must be provided within (~~(twenty-eight)~~) 28 days of the date of a written request from either department.

(~~(+7)~~) (8) All child care providers must:

(a) Retain all records required by this chapter for a minimum of five years;

(b) Provide to the department records from the previous 12 months immediately upon the department's written request; and

(c) Provide to the department any records between 12 months and five years old within two weeks of the department's written request.

(9) All child care providers must collect copayments directly from the consumer or the consumer's third-party payor, and report to DCYF if the consumer has not paid a copayment to the provider within the previous ~~((sixty))~~ 60 days.

~~((8))~~ (10) All child care providers must follow the billing procedures required by DCYF.

~~((9))~~ (11) Child care providers who accept child care subsidies must not:

(a) Claim a payment in any month a child has not attended at least one day within the authorization period in that month; however, in the event a ~~((ten-day))~~ 10-day notice terminating a provider's authorization extends into the following month, the provider may claim a payment for any remaining days of the ~~((ten))~~ 10 calendar day notice in that following month; or

(b) Claim an invoice for payment later than ~~((six))~~ three months after the month of service, or the date of the invoice, whichever is later ~~((; or~~

~~((c) Charge consumers the difference between the provider's customary rate and the maximum allowed state rate)).~~

~~((10))~~ (12) Licensed and certified providers must not charge consumers for:

(a) Registration fees in excess of what is paid by subsidy program rules;

(b) Days for which the child is scheduled and authorized for care but absent;

(c) Handling fees to process consumer copayments, child care services payments, or paperwork;

(d) Fees for materials, supplies, or equipment required to meet licensing rules and regulations; or

(e) Child care or fees related to subsidy billing invoices that are in dispute between the provider and the state.

~~((11))~~ (13) Providers who care for children in states bordering Washington state must verify they are in compliance with their state's licensing regulations and notify DCYF within ~~((ten))~~ 10 days of any suspension, revocation, or changes to their license.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0034, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-15-0034, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-15-0034, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0034, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0034, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0034, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0034, filed 5/8/12, effective 6/8/12.]

NEW SECTION

WAC 110-15-0036 Billing requirements. (1) Licensed providers may claim child care subsidy or fee payments as described in this subsection.

(a) Authorized units of care.

(i) A half-day unit of care is equal to less than five hours of care per day that is authorized and provided by a child care center.

(ii) A full-day unit of care is between five and 10 hours of care per day that is authorized and provided by a child care center.

(iii) A monthly unit of care authorized and provided by a family home child care.

(b) For children who need overtime care for more than 10 hours of care per day, DCYF will pay for any additional care at the maximum state child care subsidy rate, up to 16 hours if:

(i) The child was in care during any day covered by the child care authorization; or

(ii) The child was scheduled for at least one day of overtime care; and

(iii) The center has a written policy to charge private paying families a higher rate to care for children more than 10 hours in a day.

(c) Providers may claim absent days for the 10-day period after DCYF notifies them of unplanned terminations of eligibility regardless of attendance if the child was authorized and scheduled for care and attended at least one day within the authorization period in the month the absence occurs.

(d) DCYF will pay for the following holidays, if claimed on the actual holiday or within the calendar year the holiday occurs:

(i) New Year's Day, January 1;

(ii) Martin Luther King Jr. Day, third Monday in January;

(iii) Presidents Day, third Monday in February;

(iv) Memorial Day, last Monday in May;

(v) Juneteenth, June 19;

(vi) Independence Day, July 4;

(vii) Labor Day, first Monday in September;

(viii) Veterans Day, November 11;

(ix) Thanksgiving Thursday, the fourth Thursday in November;

(x) Native American Heritage Day, the fourth Friday in November;

and

(xi) Christmas Day, December 25.

(e) Providers may claim payments for a maximum of five professional training days each year.

(f) Pursuant to WAC 110-15-0247 and subject to available funding, DCYF will pay up to \$30.00 per child for a field trip or quality enhancement fee. In addition to the requirements described in WAC 110-15-0247, to be eligible to receive the field trip or quality enhancement fees, providers must maintain a written policy that allows the provider to charge private-paying families the fees described in this subsection.

(g) Providers may claim payment for a maximum \$50 registration fee per year as described in WAC 110-15-0245. In addition to the requirements described in WAC 110-15-0245, to be eligible to receive the registration fee, providers must maintain a written policy that allows them to charge private-paying families the fee described in this subsection.

(h) Providers may claim payment for a special needs rate that is paid in addition to the state child care daily rate and is invoiced for the number of hours of care scheduled.

(2) Providers may not claim subsidy payments for days the provider is closed for reasons unrelated to professional training days or holidays as described in this section.

(3) Providers may charge families who receive subsidy payments for services not covered under the WCCC program. Providers are authorized to charge families for services not covered under the WCCC program only they maintain written policies that allow them to charge private-paying families for the same services. Services covered under this subsection include the following:

- (a) Additional child care for personal reasons, such as personal appointments not covered under the authorization.
- (b) Optional programs not covered by the field trip or quality enhancement fee.
- (c) A field trip or quality enhancement that exceeds the \$30 maximum reimbursed by child care subsidy programs.
- (d) Optional meal programs offered to families who do not provide lunch for their child.
- (e) Transportation to and from school or activities.
- (f) Late pick-up of the child after operating hours.
- (g) Late fee for child care copayment.
- (h) Nonsufficient funds (NSF) fees charged by the bank when bank funds are not available.

[]

AMENDATORY SECTION (Amending WSR 21-09-030, filed 4/12/21, effective 5/13/21)

WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst. (1) Applicants and consumers not participating in WorkFirst activities may be eligible for WCCC benefits for the following approved activities:

- (a) Employment;
- (b) Self-employment; ((~~or~~))
- (c) Supplemental nutrition assistance program employment and training (SNAP E&T); or
- (d) The following education programs:
 - (i) High school or ((a general educational development (GED) program)) working towards a high school equivalency certificate for consumers under ((~~twenty-two~~)) 22 years of age;
 - (ii) Part-time enrollment in a vocational education, adult basic education (ABE), high school equivalency certificate for consumers 22 years of age and older, or English as a second language (ESL) program ((~~that is~~)) combined with an average of ((~~twenty~~)) 20 or more employment hours per week or ((~~sixteen~~)) 16 more work-study hours per week; or
 - (iii) ((A vocational education program for consumers who are single parents enrolled full time and in good standing. For the purposes of this section, a "vocational education program" means a course of study at an accredited institute of postsecondary education leading to a specific occupational degree or certificate not resulting in a bachelor's or advanced degree; "enrolled full time" means a consumer is attending a college or vocational school)) For full-time students of a community, technical, or tribal college, enrollment in:
 - (A) A vocational education program that leads to a degree or certificate in a specific occupation;
 - (B) An associate degree program; or
 - (C) A registered apprenticeship program.

(iv) "Full-time student" for the purpose of this subsection means a consumer attends a community, technical, or tribal college and meets its definition of full-time student (and "good standing" means the consumer is enrolled in a college or vocational school and is compliant with its rules, policies, enrollment, and academic requirements;

~~(iv) Supplemental nutrition assistance program employment & training (SNAP E&T); or~~

~~(v) Adult basic education (ABE) and English as a second language (ESL) for consumers who are at least twenty-two years old).~~

~~((d))~~ (e) Applicants and consumers who meet the requirements of (c) of this subsection are eligible to receive subsidy payment for up to ~~(ten)~~ 10 hours per week of study time for approved classes.

(2) Applicants and consumers who are eligible for WCCC benefits under the terms of this section are eligible to receive subsidy payment for:

(a) Transportation time between the child care location and the consumer's place of employment or approved activity(~~(-~~

~~(3) Applicants and consumers who are eligible under the terms of this section are eligible to receive subsidy payment for)); and~~

(b) Up to eight hours of sleep time before or after a night shift.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 21-09-030, § 110-15-0045, filed 4/12/21, effective 5/13/21. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0045, filed 3/26/19, effective 4/26/19. WSR 18-14-078, redefined as § 110-15-0045, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0045, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0045, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0045, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0045, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0045, filed 10/28/09, effective 12/1/09. WSR 08-08-047, redefined as § 170-290-0045, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.12.340. WSR 06-12-094, § 388-290-0045, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0045, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0045, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0045, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0050 Additional requirements for self-employed WCCC consumers. Eligible self-employed WCCC consumers may be eligible, pursuant to WAC 110-15-0190, for up to 16 hours per day of child care for approved self-employment, education, training, and travel hours.

(1) (~~(Self-employment generally.)~~) To be considered self-employed, ~~((a))~~ WCCC consumers must:

(a) Earn income directly from the ~~((consumer's))~~ consumers' own trades or businesses, and not from wages paid by ~~((an))~~ employers;

(b) Be responsible to pay the ~~((consumer's))~~ consumers' own self-employment Social Security, applicable state business and occupation taxes, and federal withholding taxes; and

~~(c) ((Have a work schedule, activities or services that are not controlled in an employee-employer relationship;~~

~~(d))~~ Participate directly in the production of goods or delivery of services that generate the ((consumer's)) consumers' incomes.

(2) (~~(Home-based business.)~~) Income received from corporations:

(a) Consumers who only receive income from their ownership or part ownership in a corporation are not considered self-employed. DCYF counts income or payment received from their corporation as unearned income.

(b) DCYF authorizes child care hours based on wages or self-employment income reported on tax documents.

~~(3) Authorized child care ((must not occur in the home of a consumer who operates a))~~ for children of consumers operating home-based ((business)) businesses must not occur in the consumers' homes.

~~((3) Self-employed consumers receiving TANF. If a)~~ (4) Consumers ((receives)) receiving TANF ((and is)) who are also self-employed ((, he or she)) may be eligible for WCCC benefits ((as determined by the following)) if:

(a) ~~((The consumer must))~~ They have ((an)) approved self-employment plans in the ((consumer's)) consumers' individual responsibility plans as outlined in chapter 388-310 WAC;

(b) The number of activity hours of ~~((WCCC))~~ child care benefits ~~((a))~~ consumers receive ~~((s))~~ for self-employment is equal to the number of hours in the ~~((consumer's))~~ consumers' approved plans; and

(c) Income from self-employment while the ((consumer is)) consumers are receiving TANF is determined by WAC 388-450-0085.

~~((4))~~ (5) Self-employed consumers not receiving TANF. ((If a consumer does not receive TANF and requests WCCC benefits for the consumer's self-employment, the consumer may be eligible for WCCC benefits for up to sixteen hours in a twenty-four-hour period.))

(a) ~~((A))~~ Consumers who ((does)) do not receive TANF cash assistance and request ((s)) WCCC benefits for self-employment must provide ((DSHS)) DCYF with ((the consumer's)):

(i) ~~((Washington state business license or a tribal, county, or city business or occupation license, as applicable;~~

~~(ii) Uniform business identification (UBI) number for the state of Washington, or, for self-employment in bordering states, the registration or filing number;~~

~~(iii) Completed self-employment plan that is written, signed, dated, and includes, but is not limited to, a description of the self-employment business, proposed days and hours of work activity, including time needed for transportation, and the location of work activity;~~

~~(iv) Projected profit and loss statement for a new business that has yet reported taxable income; and~~

~~(v) Federal self-employment tax or state tax reporting forms for the most current reporting year for an established business.))~~ Statements of the days, hours, and locations of the consumers' work activity;

(ii) For new businesses that are not required to report taxable income, the projected profit and loss statements or statements of anticipated income after expenses;

(iii) For established businesses, state or federal self-employment tax returns or state tax transcripts and forms, including all schedules, for the most current reporting year; and

(iv) Projected profit and loss statements with supporting verifications if self-employment income is expected to be lower than recorded on provided federal or state tax documents.

(b) Consumers with new businesses that do not have federal or state tax documents may be required to provide verification of Washington state tribal, county, or city business or occupation licenses.

(6) Determining approved activity hours for new businesses.

(a) DCYF considers "new businesses" to be businesses that have not had a required federal tax filing.

(b) At application and reapplication, DCYF determines the number of ((WCCC)) activity hours ((a self-employed)) consumers ((is)) are eligible to receive ((during the first six consecutive months of a new business is)) based on schedules the ((consumer's report of how many hours are needed, up to sixteen hours per day)) consumers provide.

((A)) (c) Consumers ((is)) may be eligible to receive these ((starting)) new-business WCCC benefits only once during ((the consumer's)) consumers' lifetimes.

((e)) (7) Determining approved activity hours for existing businesses.

(a) DCYF considers "existing businesses" to be businesses that have been established long enough to file a quarterly state tax return or annual federal tax return, whichever occurs first.

(b) At application and reapplication, ((DSHS)) DCYF determines the number of ((care)) activity hours ((the)) consumers ((is)) are eligible to receive ((after receiving WCCC self-employment starting-business benefits as provided in (b) of this subsection)) by:

(i) Dividing ((the consumer's)) consumers' net monthly self-employment incomes ((, after allowable expenses or the standard one hundred dollar deduction,)) by the federal or state minimum wage, whichever is lower, to determine the average monthly hours ((of care needed by the consumer)) approved for self-employment activity; and

(ii) Adding ((the consumer's)) any additional approved employment, education, training, or travel hours to the total approved self-employment activity hours.

((d) If both parents in a two-parent family are self-employed at the same or a different business, each parent must provide a self-employment plan and self-employment income verification. If the requested verification is not provided, WAC 110-15-0012 applies to determining eligibility.

((e)) (8) Self-employment income ((is calculated by subtracting either a standard one hundred dollar deduction or allowable business expenses from the consumer's)) calculation:

(a) For existing businesses, DCYF:

(i) Counts the net income reported on the federal tax return; or

(ii) Uses the state tax return and may:

(A) Subtract the documented business expenses from the reported gross income; or

(B) Subtracts a \$100 deduction per month from consumers' gross monthly self-employment income.

((The following expenses are not allowable:

(i) Federal, state, and local income taxes;

~~(ii) Money set aside for retirement purposes;~~
~~(iii) Personal work-related expenses (including travel to and from work);~~
~~(iv) Net losses from previous periods;~~
~~(v) Depreciation; or~~
~~(vi) Any amount greater than the payment from a boarder for lodging and meals.)~~

(b) For existing businesses that have income reductions not reflected on their provided federal or state tax filings, DCYF subtracts the documented business expenses from the reported gross income on the projected profit and loss statements to estimate the monthly income after expenses.

(c) For new businesses, DCYF uses the consumers' projected hours dedicated to their self-employment activity multiplied by federal minimum wage or projected profit and loss statements to estimate their monthly incomes.

(d) DCYF may ask for additional information to verify income or expenses.

(9) Both parents or guardians in two-parent or guardian families must separately meet the eligibility requirements for child care.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0050, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0050, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0050, filed 11/3/17, effective 12/4/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0050, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0050, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0050, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0050, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0050, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0050, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0050, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0050, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 21-01-180, filed 12/21/20, effective 1/21/21)

WAC 110-15-0075 Determining income eligibility and copayment amounts. (1) DCYF takes the following steps to determine ~~((a consumer's))~~ consumers' eligibility and copayments, ~~((whether))~~ when care is provided under a WCCC voucher or contract:

(a) Determine ~~((the consumer's))~~ their family size ~~((under))~~ as described in WAC 110-15-0015(+); and

(b) Determine ~~((the consumer's))~~ their countable income ~~((under))~~ as described in WAC 110-15-0065(+).

(2) DCYF calculates ~~((the consumer's))~~ consumers' copayments as follows:

(IF A CONSUMER'S INCOME IS:	THEN THE CONSUMER'S COPAYMENT IS:
(a) At or below 82% of the federal poverty guidelines (FPG):	\$15
(b) Above 82% of the FPG up to 137.5% of the FPG:	\$65
(c) Above 137.5% of the FPG through 200% of the FPG:	The dollar amount equal to subtracting 137.5% of the FPG from countable income; multiplying by 50%, then adding \$65, up to a maximum of \$115.)

<u>If the household's income is:</u>	<u>Then the household's maximum monthly copayment is:</u>
<u>At or below twenty percent of the SMI</u>	<u>Waived</u>
<u>Above twenty percent and at or below thirty-six percent of the SMI</u>	<u>\$65</u>
<u>Above thirty-six percent and at or below fifty percent of the SMI</u>	<u>\$90</u>
<u>Above fifty percent and at or below sixty percent of the SMI</u>	<u>\$115</u>
<u>At reapplication, above sixty percent and at or below sixty-five percent of the SMI</u>	<u>\$215</u>

(3) DCYF does not prorate ~~((the))~~ copayments when ~~((a))~~ consumers ~~((uses))~~ use care for only part of a month.

(4) ~~((The FPG is updated every year. The WCCC eligibility level is updated at the same time every year to remain current with the FPG.))~~ For parents age 21 years or younger who attend high school or are working towards completing a high school equivalency certificate, copayments are not required.

[Statutory Authority: RCW 43.215.060, 43.215.070 and chapter 43.215 RCW. WSR 21-01-180, § 110-15-0075, filed 12/21/20, effective 1/21/21. WSR 18-14-078, recodified as § 110-15-0075, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0075, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0075, filed 10/5/12, effective 11/5/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0075, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0075, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0075, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0075, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-067, § 388-290-0075, filed 6/27/02, effective 8/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts

98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0075, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

- WAC 110-15-0085 Change in copayment.** (1) ((A consumer's)) Consumers' copayments may change when:
- (a) ((The consumer's)) Their monthly income decreases;
 - (b) ((The consumer's)) Their family size increases and causes the copayment to decrease;
 - (c) ((DSHS)) DCYF makes an error in ((the consumer's)) their copayment computation;
 - (d) ((The consumer)) They did not report all income, activity and household information at the time of application, reapplication, or when reporting a change in circumstances;
 - (e) ((The consumer is)) They are no longer eligible for the minimum copayment ((under WAC 110-15-0090));
 - (f) DCYF ((or DSHS)) makes a system-level change in benefits due to a change in law or program funding; or
 - (g) ((The consumer is)) They are approved for a new eligibility period.
- (2) Copayment changes are effective on the first day of the month after a change is reported and required verification is timely received.
- (3) Copayment changes are effective on the first day of the month following the month the verification is received when the required verification is not timely received.
- (4) A consumer's copayment will not be increased during a current eligibility period.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0085, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0085, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0085, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0085, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0085, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0085, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0085, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0085, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0085, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-067, § 388-290-0085, filed 6/27/02, effective 8/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0085, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0095 When WCCC benefits start. (1) WCCC benefits for ~~((an))~~ eligible consumers begin when the following conditions are met:

(a) ~~((The consumer has))~~ They have completed the required WCCC application and verification process within ~~((thirty))~~ 30 days of the date ~~((DSHS))~~ DCYF received ~~((the consumer's))~~ their application for WCCC benefits; and

(b) ~~((The consumer is working or participating in an approved activity.))~~ For newly eligible consumers, when their children are authorized to receive child care with eligible providers.

(2) ~~((If a))~~ Initial authorization eligibility periods are for 12 months.

(3) Consumers who fail ~~((s))~~ to complete the initial application within ~~((thirty))~~ 30 days from the application date ~~((, the consumer))~~ must restart the application process.

~~((3))~~ The consumer's (4) Newly eligible consumers who do not begin child care during their 12-month authorization periods must re-start the application process.

(5) Consumers' application dates ~~((is whichever of the following is))~~ are the earlier of:

(a) The date ~~((the consumer's))~~ their application is entered into ~~((DSHS's))~~ DCYF's automated system; or

(b) The date ~~((the consumer's))~~ their application is date stamped as received.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0095, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0095, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0095, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0095, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0095, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0095, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0095, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0095, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0095, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0095, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0109 Reapplication. (1) ~~((To request))~~ For WCCC benefits to be continued ~~((uninterrupted beyond the consumer's current))~~ without interruption into the new eligibility period, ((the)) consum-

ers must reapply for WCCC benefits ~~((with DSHS))~~ on or before the end date of ~~((the))~~ their current eligibility period.

(2) Determination of ~~((the consumer's))~~ consumers' eligibility to receive uninterrupted WCCC benefits beyond ~~((the consumer's))~~ their current eligibility period will be made pursuant to the eligibility rules contained in this chapter.

(3) ~~((A))~~ Consumers who ~~((reapplies))~~ reapply on or before the end date of ~~((the))~~ their current WCCC eligibility period may receive continued uninterrupted benefits through second tier eligibility if ~~((the consumer's households' has))~~ their household's countable monthly income is greater than ~~((two hundred percent but less than two hundred twenty percent of the federal poverty guidelines (FPG))~~ 60 percent but less than or equal to 65 percent of the SMI.

~~((a))~~ If ~~((the))~~ their household's total countable monthly income is ~~((equal to or))~~ greater than ~~((two hundred twenty percent FPG))~~ 65 percent of the SMI, the reapplication will be denied.

~~((b) The copayment for a second tier eligible consumer will be determined at two hundred percent of the FPG of countable household income.))~~

(4) ~~((If a))~~ For consumers who submit~~((s))~~ a reapplication after the last day of the current eligibility period and meet~~((s))~~ all WCCC eligibility requirements, ~~((the consumer's))~~ benefits will begin:

(a) On the date ~~((the consumer's))~~ their reapplication is entered into ~~((DSHS's))~~ DCYF's automated system or the date ~~((the consumer's))~~ their reapplication is date-stamped as received by ~~((DSHS))~~ DCYF, whichever date is earlier;

(b) When ~~((the consumer is))~~ they are working or participating in an approved activity; and

(c) ~~((The consumer's child is))~~ Their children are receiving care from an approved provider.

(5) Newly eligible households must begin care within 12 months of the eligibility determination date. Households that do not begin care within 12 months must reapply in order to qualify for WCCC benefits.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0109, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0109, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0109, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0109, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0109, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0109, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0110 Termination of and redetermining eligibility for benefits. (1) ~~((A consumer's))~~ Consumers' eligibility for WCCC benefits is terminated if ~~((the consumer))~~ they fail~~((s))~~ to:

(a) Comply with the requirements of WAC 110-15-0030;

(b) Complete the WorkFirst orientation process when approved for TANF; or

(c) Cooperate with the child care subsidy audit process and investigations involving the DSHS office of fraud and accountability (OFA).

(2) ~~((A consumer's))~~ Consumers' eligibility for WCCC benefits is terminated if ~~((the consumer:~~

~~(a) Has))~~ they have or anticipate ~~((s))~~ sustained countable income at or above ~~((eighty-five))~~ 85 percent of the ~~((state median income~~

~~()) SMI ((); or~~
~~(b) Has resources that exceed one million dollars)).~~

(3) ~~((A))~~ Consumers whose eligibility for WCCC benefits has been terminated may be eligible to receive WCCC benefits again, beginning on the date ~~((the consumer))~~ they:

(a) Meet ~~((s))~~ all WCCC eligibility requirements;

(b) ~~((Complies))~~ Comply with the copayment requirements contained in WAC 110-15-0030; and

(c) Cooperate ~~((s))~~ with the child care subsidy audit process and the DSHS office of fraud and accountability (OFA).

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0110, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0110, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0110, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0110, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0110, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0110, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0110, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0110, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0110, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 19-01-111, filed 12/18/18, effective 1/18/19)

WAC 110-15-0125 Approved child care providers. (1) In-home/relative providers. To be approved to receive benefits under the WCCC program, ~~((an))~~ in-home/relative providers must comply with the applicable requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06 and 110-16 WAC.

(2) Licensed providers.

(a) To be approved to receive payment under the WCCC program, ~~((a))~~ licensed providers must comply with the requirements of this chapter, chapter 43.216 RCW, and chapters 110-06, 110-300, ~~((110-300A, 110-300B, and 110-305))~~ 110-300E, and 110-301 WAC.

(b) ~~((A))~~ Providers who care ~~((s))~~ for ~~((a child))~~ children who ~~((is a))~~ are Washington residents in ~~((a))~~ states that border ~~((s))~~ Washington must:

(i) Be licensed to provide care in the bordering state;

(ii) Comply with the bordering state's licensing and background check regulations as required under 45 C.F.R. 98.42 and 45 C.F.R. 98.43;

(A) DCYF must be able to verify that the licensing state's background check requirements are comparable to Washington state; or

(B) Receive the background check results, including child abuse and neglect histories, for all individuals who have, or may have, unsupervised access to children in care.

(iii) Comply with the electronic attendance requirements contained in WAC 110-15-0126.

(c) ~~((The lesser of the following will be paid to a qualified, licensed child care provider in a state that borders Washington:~~

~~(i) The provider's private pay rate for that child; or~~

~~(ii) The DCYF maximum WCCC subsidy daily rate for the DCYF region where the child resides.)~~ Providers in states that border Washington who care for children who are Washington residents will be paid WCCC subsidy rates listed in WAC 110-15-0200 or 110-15-0205 for the DCYF regions in which the children reside.

(d) ~~((A))~~ Licensed providers in ~~((a))~~ states that border ~~((s))~~ Washington that receives WCCC subsidy payment to care for ~~((a child))~~ children who ~~((is a))~~ are Washington residents ~~((is))~~ are not required or eligible to participate in the early achievers program or to receive quality improvement awards, tiered reimbursements, or other awards and incentives associated with the early achievers program.

(3) Certified providers. To be approved to receive payment under the WCCC program, ~~((a))~~ certified providers must comply with the certification requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06, 110-300, ~~((110-300A, 110-300B, and 110-305))~~ 110-300E, and 110-301 WAC. Certified providers include:

(a) Tribal child care facilities that meet the requirements of tribal law;

(b) Child care facilities on a military installation;

(c) Child care facilities operated on public school property by a school district; ~~((and))~~

(d) Seasonal day camps that contract with DCYF to provide subsidized child care; and

(e) Outdoor nature-based programs.

(4) Early achievers program requirements for licensed and certified child care providers that receive their first WCCC payment on or after July 1, 2016:

(a) ~~((A))~~ Licensed or certified child care providers that first receive ~~((s a))~~ WCCC subsidy payments on or after July 1, 2016, for providing nonschool age child care must complete the following activities to be eligible to receive additional WCCC payments:

(i) Enroll in the early achievers program within ~~((thirty))~~ 30 days of receiving the first WCCC subsidy payment. ~~((A))~~ Licensed or certified provider that fail ~~((s))~~ to meet this requirement will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care;

(ii) Complete level 2 activities in the early achievers program within ~~((twelve))~~ 12 months of enrollment. ~~((A))~~ Licensed or certified providers that fail ~~((s))~~ to meet this requirement will lose DCYF approval to receive DCYF subsidy payments for providing nonschool age child care;

(iii) Rate at a level 3 or higher in the early achievers program within ~~((thirty))~~ 30 months of enrollment. ~~((A))~~ Licensed or certified providers that fail ~~((s))~~ to meet this requirement within ~~((thirty))~~ 30

months of enrollment in the early achievers program((7)) must complete remedial activities with DCYF and rate at a level 3 or higher within six months of beginning remedial activities. ((A)) Licensed or certified providers that fail((s)) to rate at a level 3 or higher within six months of beginning remedial activities will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care; and

(iv) Renew their facility rating every three years and maintain a rating level 3 or higher. If ((a)) licensed or certified providers fail((s)) to renew their facility ratings or maintain a rating level 3 or higher, the licensed or certified providers will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(b) Licensed and certified providers must comply with the provisions for participation as outlined in the early achievers operating guidelines. Failure to comply with these guidelines may result in a licensed or certified provider's loss of DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(5) Early achievers program requirements for licensed and certified child care providers that received a WCCC payment on or between July 1, 2015, and June 30, 2016:

(a) ((A)) Licensed or certified child care providers that received ((a)) WCCC subsidy payments on or between July 1, 2015, and June 30, 2016, for providing nonschool age child care, must complete the following activities to be eligible to receive additional WCCC subsidy payments:

(i) Enroll in the early achievers program by August 1, 2016. ((A)) Licensed or certified providers that fail((s)) to meet this requirement will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care;

(ii) Complete level 2 activities in the early achievers program by August 1, 2017. ((A)) Providers who failed to meet this requirement will lose DCYF approval to receive WCCC subsidy payments for nonschool age child care; and

(iii) Rate at a level 3 or higher in the early achievers program by December 31, 2019. ((A)) Licensed or certified providers that fail((s)) to meet this requirement by December 31, 2019, must complete remedial activities with DCYF and rate at a level 3 or higher by June 30, 2020. ((A)) Licensed or certified providers that fail((s)) to receive a rating by December 31, 2019, or fails to rate at a level 3 or higher by June 30, 2020, after completing remedial activities will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(b) Licensed and certified providers must renew their facility rating every three years and maintain a rating level 3 or higher. If ((a)) licensed or certified providers fail((s)) to renew their facility rating or maintain a rating level 3 or higher, licensed or certified providers will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(6) If ((a)) licensed or certified child care providers receiving WCCC subsidy payment for providing nonschool age has successfully completed all level 2 activities and is waiting to be rated, ((~~the licensed or certified provider~~)) they may continue to receive WCCC subsidy payments pending the successful completion of the level 3 rating activity.

(7) DCYF-contracted seasonal day camps have a contract with ((~~DEL~~)) DCYF to provide subsidized child care.

[Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-15-0125, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-15-0125, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0125, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0125, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0125, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0125, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0125, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0125, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0125, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 20-08-077, filed 3/26/20, effective 4/26/20)

WAC 110-15-0190 WCCC benefit calculations. (1) DCYF determines the amount of care ((a)) consumers may receive ((is determined by DCYF)) at application or reapplication. Once the care is authorized, the amount will not be reduced during the eligibility period unless:

- (a) ((The)) Consumers request ((s the)) reductions;
- (b) The care is for ((a)) school-aged ((child as described in subsection (3) of this section; or)) children;
- (c) The authorization was for additional care needed for less than the entire length of the authorization period;
- (d) The care was authorized by child protective services (CPS) or child welfare services (CWS) and is part of children's case plans under WAC 110-15-4510; or
- (e) Incorrect information was given at application or reapplication.

(2) For parents age 21 years or younger who are attending high school or working towards completing a high school equivalency certificate, DCYF will authorize care based only on their student activity schedules.

(3) To determine the amount of weekly hours of care needed, DCYF reviews the child care scheduled with providers, and:

- (a) ((The consumer's)) Consumers' participation in approved activities and the number of hours ((the child)) their children attend ((s)) school, including home school, which will reduce the amount of care needed ((-)); or
- (b) ((In a two parent household,)) The days and times that approved activities overlap in a two parent or guardian household, and only authorize care during those overlapping times. ((The)) Consumers ((is)) are eligible for full-time care if overlapping care totals ((one hundred ten)) 110 hours in one month.
- (c) ((DCYF will not consider the schedule of a)) Parents or guardians in ((a)) two parent or guardian households who ((is)) are not able to care for ((the child)) their children under WAC

110-15-0020 are considered by DCYF to be unavailable for care, regardless of their schedules.

(3) Licensed or certified center child care is authorized as follows:

(a) Full-time care ((for a family using licensed providers)) is authorized when ((the)) consumers participate((s)) in approved activities at least ((one hundred ten)) 110 hours per month(~~(+ (a))~~).

(b) Twenty-three full-day units per month will be authorized when ((the child is)) children are in care five or more hours per day.

((b)) (c) Thirty half-day units per month will be authorized when ((the child is)) children are in care less than five hours per day.

((e)) (d) Forty-six half-day units per month will be authorized during the months of June, July, and August for ((a)) school-aged ((child)) children who ((is)) are in care for five or more hours per day.

(4) Licensed family home child care is authorized as the following monthly units of care:

(a) **Full-time monthly unit** of care, equal to 22 full day units, is authorized when:

(i) WCCC or SCC consumers participate in approved activities at least 110 hours per month or full-time care is determined to be appropriate and included in a CPS or CWS case plan; and

(ii) Their children have scheduled care with a single provider at least 110 hours per month.

(b) **Part-time monthly unit** of care, equal to the actual anticipated full- and half-day units of care needed averaged over a 12-month period, is authorized when the care scheduled with providers is less than 110 hours per month.

(c) **Full-time partial-day monthly unit** is authorized when school-age children attend care in a licensed family home and meets the criteria in subsection (5) of this section.

(d) **Part-time partial-day monthly unit** is authorized when school-age children attend care in a licensed family home before and after school and do not meet the criteria for a full-time partial-day monthly unit.

(5) **Additional monthly units** of care may be authorized when:

(a) Consumers request an authorization for additional care;

(b) The need for care is verified;

(c) The care is needed to supplement an existing monthly unit for unexpected care needed for an approved activity limited to the time frame needed, not to exceed three months;

(d) For actual anticipated overtime when the overtime is included when determining eligibility for child care; or

(e) For sleep time.

(6) Full-time partial-day monthly unit. A single partial-day monthly unit ((per month will be)) equal to 17 partial days and five full days is authorized for ((a)) school-age ((child)) children attending a licensed family home child care when ((the child is)) consumers have at least 110 hours of approved activity per month, and their children are:

(a) Authorized for care with only one provider; ((and))

(b) ((Eligible for full-time authorization, but is)) Scheduled for care of 110 hours or more in July and August;

(c) In care less than five hours on a typical school day; and

((e) Expected to need)) (d) Need care before and after school.

~~((d) Only one monthly unit may be authorized per child per month.~~

~~(5) Supervisor approval is required for additional days of care that exceeds twenty-three full days, thirty half days, or one partial-day monthly unit per month.~~

~~(6-)) (7) When determining part-time care for families using licensed providers when their activity or amount of care needed is less than 110 hours per month:~~

~~(a) A full-day unit is calculated for each day of care of at least five hours;~~

~~(b) A half-day unit will be calculated for each day of care that is less than five hours; and~~

~~(c) A partial-day unit is calculated for each day of care in a licensed family home when:~~

~~(i) Their children are in care before and after school; and~~

~~(ii) The total care for the day is less than five hours.~~

~~(8) Full-time care for ((a-family)) families using in-home/relative providers ((family, friends and neighbors-)) is authorized when ((the)) consumers participate((s)) in approved activities at least ((one hundred ten)) 110 hours per month:~~

~~(a) Two hundred thirty hours of care ((will-be)) are authorized when ((the child is)) their children are in care five or more hours per day;~~

~~(b) One hundred fifteen hours of care ((will-be)) is authorized when ((the child is)) their children are in care less than five hours per day;~~

~~(c) One hundred fifteen hours of care ((will-be)) is authorized during the school year for ((a)) school-aged ((child)) children who ((is)) are in care less than five hours per day and ((the provider will-be)) their providers are authorized for contingency hours each month, up to a maximum of ((two hundred thirty)) 230 hours;~~

~~(d) Two hundred thirty hours of care ((will-be)) is authorized during the school year for ((a)) school-aged ((child)) children who ((is)) are in care five or more hours in a day; and~~

~~(e) Supervisor approval is required for hours of care that exceed ((two hundred thirty)) 230 hours per month.~~

~~((7-)) (9) Care cannot exceed ((sixteen)) 16 hours per day, per child.~~

~~((8) When determining part-time care for a family using licensed providers and the activity is less than one hundred ten hours per month:~~

~~(a) A full-day unit will be authorized for each day of care that exceeds five hours;~~

~~(b) A half-day unit will be authorized for each day of care that is less than five hours; and~~

~~(c) A half-day unit will be authorized for each day of care for a school-aged child, not to exceed thirty half days.~~

~~(9-)) (10) When determining part-time care for ((a-family)) families using in-home/relative providers:~~

~~(a) Under the provisions of subsection (2) of this section, DCYF ((will)) authorizes the number of hours of care needed per month when the activity is less than ((one hundred ten)) 110 hours per month; and~~

~~(b) The total number of authorized hours and contingency hours claimed cannot exceed ((two hundred thirty)) 230 hours per month.~~

~~((10-)) (11) DCYF determines the allocation of hours or units for families with multiple providers based upon the information received from the parents or guardians.~~

~~((11))~~ (12) DCYF may authorize more than the state rate and up to the provider's private pay rate if:

(a) The parent or guardian is a WorkFirst participant; and

(b) Appropriate child care, at the state rate, is not available within a reasonable distance from the approved activity site. "Appropriate" means licensed or certified child care under WAC 110-15-0125, or an approved in-home/relative provider under WAC 110-16-0010. "Reasonable distance" is determined by comparing distances other local families must travel to access appropriate child care.

~~((12))~~ (13) Other fees DCYF may authorize to a provider are:

(a) Registration fees;

(b) Field trip fees;

(c) Nonstandard hours bonus;

(d) Overtime care to ~~((a))~~ licensed providers when care is expected to exceed ~~((ten))~~ 10 hours in a day when consumers are eligible and authorized; and

(e) Special needs rates for a child.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 20-08-077, § 110-15-0190, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0190, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0190, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-057, § 170-290-0190, filed 11/9/17, effective 12/10/17; WSR 17-18-009, § 170-290-0190, filed 8/24/17, effective 9/24/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0190, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0190, filed 4/15/16, effective 5/16/16; WSR 13-22-040, § 170-290-0190, filed 10/31/13, effective 12/1/13. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0190, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0190, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0190, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.12.340. WSR 06-12-094, § 388-290-0190, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0190, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0190, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0190, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0190, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 20-15-161, filed 7/22/20, effective 8/22/20)

WAC 110-15-0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps. (1) Base

rate. (~~DCYF pays the lesser of the following~~) Effective July 1, 2021, the child care subsidy rates paid to ((a)) licensed or certified child care centers or DCYF contracted seasonal day camps are:

~~((a) The provider's private pay rate for that child; or
(b) The maximum child care subsidy daily rate for that child as listed in the following table, effective July 1, 2020:))~~

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	(\$36.27) \$41.40	(\$34.32) \$37.50	(\$31.64) \$34.20	(\$30.00) \$33.75
	Half-Day	(\$18.14) \$20.70	(\$17.16) \$18.75	(\$15.82) \$17.10	(\$15.00) \$16.88
Spokane County	Full-Day	(\$49.45) \$59.09	(\$42.32) \$47.73	(\$38.32) \$44.95	(\$27.91) \$34.99
	Half-Day	(\$24.73) \$29.55	(\$21.16) \$23.87	(\$19.16) \$22.48	(\$13.95) \$17.50
Region 2	Full-Day	(\$44.14) \$48.00	(\$34.32) \$36.59	(\$32.82) \$36.50	(\$23.86) \$27.36
	Half-Day	(\$22.07) \$24.00	(\$17.16) \$18.30	(\$16.41) \$18.25	(\$11.93) \$13.68
Region 3	Full-Day	(\$66.86) \$76.36	(\$55.41) \$68.41	(\$48.59) \$57.66	(\$34.77) \$43.64
	Half-Day	(\$33.43) \$38.18	(\$27.70) \$34.21	(\$24.30) \$28.83	(\$17.39) \$21.82
Region 4	Full-Day	(\$84.32) \$95.73	(\$69.09) \$79.55	(\$63.73) \$71.82	(\$39.23) \$45.00
	Half-Day	(\$42.16) \$47.87	(\$34.55) \$39.78	(\$31.86) \$35.91	(\$19.61) \$22.50
Region 5	Full-Day	(\$56.55) \$62.55	(\$46.77) \$54.14	(\$41.91) \$48.08	(\$28.18) \$35.00
	Half-Day	(\$28.27) \$31.28	(\$23.39) \$27.07	(\$20.95) \$24.04	(\$14.09) \$17.50
Region 6	Full-Day	(\$50.36) \$57.00	(\$44.59) \$51.00	(\$40.18) \$47.00	(\$29.41) \$35.91
	Half-Day	(\$25.18) \$28.50	(\$22.30) \$25.50	(\$20.09) \$23.50	(\$14.70) \$17.96

~~((i))~~ (a) Centers in Clark County are paid Region 3 rates.

~~((ii))~~ (b) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) WAC 110-300-0005 and 110-300-0356 allow providers to care for children from birth up to and including the end of their eligibility period after their ~~(thirteenth)~~ 13th birthday.

(3) ~~(The)~~ Providers must obtain ~~((a))~~ child-specific and time-limited exceptions from DCYF to provide care for ~~((a-child))~~ children outside the age listed on the center's license.

(4) If ~~((a))~~ providers ~~(is)~~ are granted an exception to care for a child who is ~~(thirteen)~~ 13 years old or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section, and the five through ~~(twelve)~~ 12 year age range column is used for comparison; and

(b) The ~~((child))~~ children must meet the special needs requirement ~~((as))~~ described in WAC 110-15-0220.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 20-15-161, § 110-15-0200, filed 7/22/20, effective 8/22/20; WSR 19-12-058, § 110-15-0200, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0200, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1. WSR 17-21-077, § 170-290-0200, filed 10/16/17, effective 11/16/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0200, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0200, filed 4/15/16, effective 5/16/16; WSR 14-24-070, § 170-290-0200, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0200, filed 9/29/14, effective 10/30/14; WSR 14-12-050, § 170-290-0200, filed 5/30/14, effective 6/30/14; WSR 13-21-113, § 170-290-0200, filed 10/22/13, effective 11/22/13. Statutory Authority:

Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0200, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0200, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0200, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0200, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0200, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0200, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0200, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0200, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 20-15-161, filed 7/22/20, effective 8/22/20)

WAC 110-15-0205 Daily child care rates—Licensed or certified family home child care providers. (1) (~~Base rate. DCYF pays the lesser of the following to a licensed or certified family home child care provider:~~

- ~~(a) The provider's private pay rate for that child; or~~
- ~~(b) The maximum.)~~ **Monthly unit.** DCYF authorizes care as monthly

units as described in WAC 110-15-0190, the calculation of which is based on the full-day, partial-day, and half-day rates in subsection (2) of this section.

(2) Effective July 1, 2021, DCYF calculates licensed or certified family home providers' monthly units based on the following child care subsidy ((daily)) rates ((for that child as listed in the following table effective July 1, 2020)):

	Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1 Full-Day	(\$34.32) \$40.00	(\$34.32) \$40.00	(\$29.41) \$35.00	(\$29.41) \$32.00	(\$27.45) \$30.00
Half-Day	(\$17.16) \$20.00	(\$17.16) \$20.00	(\$14.70) \$17.50	(\$14.70) \$16.00	(\$13.73) \$15.00
Partial-Day	\$30.00	\$30.00	\$26.25	\$24.00	\$22.50
Spokane County Full-Day	(\$39.23) \$42.00	(\$39.23) \$42.00	(\$32.36) \$40.00	(\$31.18) \$37.00	(\$29.41) \$36.00
Half-Day	(\$19.61) \$21.00	(\$19.61) \$21.00	(\$16.18) \$20.00	(\$15.59) \$18.50	(\$14.70) \$18.00
Partial-Day	\$31.50	\$31.50	\$30.00	\$27.75	\$27.00
Region 2 Full-Day	(\$38.23) \$45.00	(\$38.23) \$45.00	(\$34.32) \$37.50	(\$30.86) \$35.00	(\$29.41) \$32.00
Half-Day	(\$19.11) \$22.50	(\$19.11) \$22.50	(\$17.16) \$18.75	(\$15.43) \$17.50	(\$14.70) \$16.00
Partial-Day	\$33.75	\$33.75	\$28.13	\$26.25	\$24.00
Region 3 Full-Day	(\$49.00) \$55.00	(\$49.00) \$55.00	(\$44.14) \$48.86	(\$39.27) \$48.00	(\$34.32) \$40.00
Half-Day	(\$24.50) \$27.50	(\$24.50) \$27.50	(\$22.07) \$24.43	(\$19.64) \$24.00	(\$17.16) \$20.00
Partial-Day	\$41.25	\$41.25	\$36.65	\$36.00	\$30.00
Region 4 Full-Day	(\$58.82) \$68.18	(\$58.82) \$68.18	(\$55.68) \$63.64	(\$49.00) \$59.09	(\$34.32) \$40.00
Half-Day	(\$29.41) \$34.09	(\$29.41) \$34.09	(\$27.84) \$31.82	(\$24.50) \$29.55	(\$17.16) \$20.00
Partial-Day	\$51.14	\$51.14	\$47.73	\$44.32	\$30.00
Region 5 Full-Day	(\$44.14) \$48.86	(\$44.14) \$48.86	(\$39.23) \$42.00	(\$34.32) \$39.09	(\$31.36) \$35.71
Half-Day	(\$22.07) \$24.43	(\$22.07) \$24.43	(\$19.61) \$21.00	(\$17.16) \$19.55	(\$15.68) \$17.86
Partial-Day	\$36.65	\$36.65	\$31.50	\$29.32	\$26.78

	Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 6 Full-Day	(\$37.86) \$45.00	(\$37.86) \$45.00	(\$34.32) \$43.18	(\$31.36) \$38.00	(\$28.95) \$32.50
Half-Day	(\$18.93) \$22.50	(\$18.93) \$22.50	(\$17.16) \$21.59	(\$15.68) \$19.00	(\$14.48) \$16.25
Partial-Day	\$33.75	\$33.75	\$32.39	\$28.50	\$24.38

~~((2) Effective July 1, 2019,)~~ (3) The monthly unit for family home providers in all regions and for all ages will ~~((receive))~~ include a partial-day rate that is ~~((seventy-five))~~ 75 percent of the full-day rate when:

~~((The family home))~~ Providers provide ~~((s))~~ child care services for ~~((the))~~ a child during a morning session and an afternoon session. A morning session begins at any time after 12:00 a.m. and ends before 12:00 p.m. An afternoon session begins at any time after 12:00 p.m. and ends before 12:00 a.m.;

~~((The))~~ The child is absent from care in order to attend school or preschool; and

~~((The))~~ Family home providers ~~((is))~~ are not entitled to payment at the full-day rate.

~~((d))~~ A child care provider is not entitled to two partial-day rates totaling one hundred fifty percent of the daily rate.

~~((3))~~ A single partial-day monthly unit will be authorized for a school-age child who attends a licensed family home child care and is:

~~((a))~~ Eligible for a full-time authorization and in care for less than five hours on a typical school day;

~~((b))~~ Authorized for care with only one provider; and

~~((c))~~ Expected to need care before and after school.

Partial-Day Monthly Rates

	July-August 2020	September 2020 -June 2021
Region 1	\$603.90	\$487.24
Spokane	\$647.02	\$522.03
Region 2	\$647.02	\$522.03
Region 3	\$755.04	\$609.18
Region 4	\$755.04	\$609.18
Region 5	\$689.92	\$556.64
Region 6	\$636.90	\$513.86

~~((4))~~ The monthly unit will be prorated for partial months of authorization.

~~((5))~~ (4) Monthly units for school age children will be adjusted for the months of July and August based on the consumers' approved activities and the children's schedules for care during the summer.

(5) School age children will be authorized for 22 full days in July and August when:

(a) They are authorized for a full-time, full-time partial-day, monthly unit; or

(b) They are authorized for a part-time, part-time partial-day, monthly unit;

(c) Are scheduled for child care with a single provider at least 110 hours per month; and

(d) The consumer participates in an approved activity at least 110 hours per month.

(6) Monthly units will be prorated for partial months of authorization.

(7) The monthly unit amount is averaged over all months of authorized care. Supplemental payments will not be made for calendar months with more than the average number of care days.

(8) Supplemental authorization for payment may be requested by consumers for unexpected hours of care needed for allowable activities or changes in their schedules.

(9) WAC 110-300-0005 and 110-300-0355 allow providers to care for children from birth up to and including the end of their eligibility period after their (~~thirteenth~~) 13th birthday.

~~((6) The)~~ (10) Providers must obtain a child-specific and time-limited exception from DCYF to provide care for ((a child)) children outside the age listed on ((the family home child care)) their licenses.

~~((7) If a)~~ (11) For providers ((is)) who are granted an exception to care for a child who is ((thirteen)) 13 years of age or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section and the five through ~~((twelve))~~ 12 year age range column is used for comparison; and

(b) The child must meet the special needs requirement as described in WAC 110-15-0220.

~~((8))~~ (12) DCYF pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection ~~((9))~~ (13) of this section).

~~((9))~~ (13) DCYF cannot pay family home child care providers to provide care for children in their care if the provider is:

(a) The child's biological, adoptive or step-parent;

(b) The child's ~~((legal))~~ guardian or the guardian's spouse or live-in partner; or

(c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 20-15-161, § 110-15-0205, filed 7/22/20, effective 8/22/20; WSR 20-08-077, § 110-15-0205, filed 3/26/20, effective 4/26/20; WSR 19-12-058, § 110-15-0205, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0205, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0205, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0205, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0205, filed 4/15/16, effective 5/16/16; WSR 14-24-070, § 170-290-0205, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0205, filed 9/29/14, effective 10/30/14; WSR 14-12-050, § 170-290-0205, filed 5/30/14, effective 6/30/14; WSR 13-21-113, § 170-290-0205, filed 10/22/13, effective 11/22/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0205, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0205, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0205, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0205, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR

05-20-051, § 388-290-0205, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0205, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0205, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0205, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0240 Child care subsidy rates—In-home/relative providers. (1) **Base rate.** When ((a)) consumers employ((s-an)) in-home/relative providers, DCYF pays ((the lesser of the following to an eligible in-home/relative provider for child care:

- (a) ~~The provider's private pay rate for that child; or~~
- (b) ~~The maximum child care subsidy rate of two dollars and fifty-five cents))~~ \$2.65 per hour per child. Beginning July 1, ((2020)) 2022, the maximum child care subsidy rate is ((two dollars and sixty-five cents)) \$3.00 per hour per child.

(2) DCYF may pay above the maximum hourly rate for children who have special needs pursuant to WAC 110-15-0235.

(3) DCYF makes the WCCC payment directly to ((a consumer's)) consumers' eligible providers.

(4) When applicable, DCYF pays the employer's share of the following:

- (a) Social Security and medicare taxes (FICA) up to the wage limit;
- (b) Federal Unemployment Taxes (FUTA); and
- (c) State unemployment taxes (SUTA).

(5) ((If-an)) For in-home/relative providers who receive((s)) less than the wage base limit per family in a calendar year, DCYF refunds all withheld taxes to ((the provider)) them.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0240, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0240, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0240, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0240, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 14-24-070, § 170-290-0240, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0240, filed 9/29/14, effective 10/30/14; WSR 13-21-113, § 170-290-0240, filed 10/22/13, effective 11/22/13. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0240, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0240, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0240, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0240, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, §

388-290-0240, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0240, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0247 Field trip/quality enhancement fees. (1)

~~((DSHS))~~ As funding allows, DCYF pays licensed or certified family home child care providers and in-home/relative providers a monthly field trip/quality enhancement fee up to ~~((thirty dollars))~~ \$30 per child or the ~~((provider's))~~ providers' actual cost for the field trip, ~~((whichever is less, only))~~ if the fee is required of all parents and guardians whose children are in ~~((the provider's))~~ their care. ~~((DEL-licensed))~~ DCYF-licensed or certified child care centers and school-age centers are not eligible to receive the field trip/quality enhancement fee.

(2) The field trip/quality enhancement fee is to cover the ~~((pre-vider's))~~ providers' actual expenses for:

- (a) Admission;
- (b) Enrichment programs and/or ongoing lessons;
- (c) Public transportation or mileage reimbursement at the state office of financial management rate for the use of a private vehicle;
- (d) The cost of hiring a nonemployee to provide an activity at the child care site in-house field trip activity; and
- (e) The purchase or development of a prekindergarten curriculum.

(3) The field trip/quality enhancement fee ~~((shall))~~ will not cover fees or admission costs for adults on field trips, or food purchased on field trips.

[WSR 18-14-078, recodified as § 110-15-0247, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0247, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0247, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0247, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0247, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0247, filed 3/29/04 and 4/7/04, effective 5/28/04.]

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0249 Nonstandard hours bonus. (1) ~~((A consumer's))~~

Consumers' providers may receive a nonstandard hours bonus (NSHB) payments per child per month for care provided if:

- (a) The providers ~~((is))~~ are licensed or certified;

- (b) ~~((The provider))~~ They provide ~~((s))~~ at least ~~((thirty))~~ 30 hours of nonstandard hours care during one month; and
- (c) The total cost of the state's NSHB ~~((to the state does))~~ payments do not exceed the amount appropriated for this purpose by the legislature for the current ~~((state))~~ fiscal year.
- (2) Nonstandard hours are defined as:
- (a) Before 6 a.m. or after 6 p.m.;
- (b) Any hours on Saturdays and Sundays; and
- (c) Any hours on legal holidays, as defined in RCW 1.16.050.
- (3) NSHB amounts are:
- (a) ~~((Seventy-six))~~ Ninety dollars ~~((and fifty cents))~~ for family homes; and
- (b) Seventy-five dollars for centers.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0249, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0249, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0249, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0249, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0267 Payment discrepancies—Provider underpayments.

- (1) Underpayments to ~~((a))~~ providers occur ~~((if))~~ when DCYF pays less than the amount ~~((the))~~ providers ~~((is))~~ are eligible to receive.
- (2) Underpayment requests will only be considered by ~~((DSHS))~~ DCYF if ~~((the))~~ providers ~~((submitted the))~~ submit their original invoice for payment to DCYF no later than ~~((six))~~ three months after the date of service.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0267, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0267, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0267, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0267, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0268 Payment discrepancies—Provider overpayments.

- (1) An overpayment occurs when ~~((a))~~ providers receive ~~((s))~~ payments that ~~((is))~~ are more than ~~((the))~~ providers ~~((is))~~ are eligible to receive. Provider overpayments ~~((are))~~ may be established when ~~((that))~~ providers:

(a) Bill(~~s~~) and receive(~~s~~) payments for services not provided;

(b) Bill(~~s~~) without attendance records that support the billing. Beginning July 1, 2018, attendance must be recorded using DCYF's electronic attendance system or a DCYF-approved electronic attendance system. Any other format for recording attendance will not be considered valid support for (~~a~~) provider billings and may result in (~~an~~) overpayments;

(c) Bill(~~s~~) and receive(~~s~~) payments for more than (~~the provider is~~) they are eligible to bill;

(d) Routinely provide(~~s~~) care in (~~a~~) locations other than what was approved at the time of authorization;

(e) With respect to license-exempt in-home/relative providers, they bill(~~s~~) the state for more than six children at one time for the same hours of care; or

(f) With respect to licensed or certified providers, they:

(i) Bill(~~s~~) the state for more than the number of children in the provider's licensed capacity; or

(ii) (~~Is~~) Are caring for (~~a child~~) children receiving WCCC benefits outside the (~~provider's~~) providers' licensed allowable age range without a DCYF-approved exception; or

(g) With respect to certified providers caring for children in (~~a~~) states bordering Washington, they:

(i) (~~Is~~) Are determined to not be in compliance with the state's licensing regulations; or

(ii) Fail(~~s~~) to notify (~~DSHS~~) DCYF within (~~ten~~) 10 days of any suspension, revocation, or change to the provider's license.

(2) DCYF (~~or DSHS~~) will request documentation from (~~a~~) providers when preparing to establish an overpayment. (~~The~~) Providers must provide requested information within (~~twenty-eight consecutive~~) 45 calendar days from the date of the written request.

(3) (~~A~~) Providers (~~must~~) may be required to repay any payments that (~~the provider was~~) they were not eligible to receive.

(4) (~~A~~) Providers (~~must~~) may be required to repay (~~any~~) overpayments they received, even if (~~the overpayment is~~) they were the result of a DCYF (~~or DSHS~~) error in issuing payment (~~the~~) a provider was not eligible to receive.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0268, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0268, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0268, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0268, filed 5/31/17, effective 7/1/17; WSR 12-11-025, § 170-290-0268, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0268, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0271 Payment discrepancies—Consumer. (1) ((DSHS)) DCYF establishes overpayments for past or current consumers when the consumer:

- (a) Received benefits in an amount greater than the consumer was eligible to receive;
- (b) Received benefits or services based on the eligibility criteria of the consumer's participation in an approved activity, but the consumer did not participate in the activity;
- (c) Failed to report information accurately under the requirements of this chapter, which resulted in an error in determining eligibility, amount of care authorized, or copayment;
- (d) Received benefits for a child who was not eligible under WAC 110-15-0005, 110-15-0015, or 110-15-0020; or
- (e) Failed to return, by the sixtieth day, the requested income verification of new employment as provided in WAC 110-15-0012.

(2) DCYF or DSHS may request documentation from a consumer when preparing to establish an overpayment. The consumer has ((fourteen)) 14 consecutive calendar days to provide any requested documentation.

(3) Consumers ~~((must repay any benefits paid by DSHS that they were not eligible to receive.~~

~~((4) A consumer must)) may be required to repay any overpayments ((, even if the)) they received, including overpayments ((is a result of a)) resulting from DCYF or DSHS error ((in issuing payment the consumer was)) and benefits paid by DSHS or DCYF they were not eligible to receive.~~

~~((5))~~ (4) If a consumer is not eligible under WAC 110-15-0030 through 110-15-0032 and the provider has billed correctly, the consumer is responsible for the entire overpayment.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0271, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0271, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0271, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0271, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0271, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0271, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0271, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0271, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0271, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0271, filed 3/29/04 and 4/7/04, effective 5/28/04.]

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0275 Payment discrepancies—Providers. (1) This section applies to all child care providers.

(2) Providers must submit a billing invoice for payment within ~~((six))~~ three months of the date child care services are provided. Any invoice submitted more than ~~((six))~~ three months from date child care services are provided will not be processed.

(3) For purposes of correcting payment errors based on correctly submitted invoices under the provisions of subsection (2) of this section, the following time limits apply:

(a) For underpayments:

(i) Two years back from the date the payment was issued if the error was based on rates paid by age or region, except as provided in (a)(iii) of this subsection; or

(ii) Three years back from the date payment was issued if the error was based on any issue other than rates paid by age or region; and

(iii) Three years back from the date the payment was issued for any underpayment identified by a federal or state audit.

(b) For overpayments:

(i) Two years back from the date payment was issued if the error was based on rates paid by age or region, except as provided in

(b)(iii) of this subsection; and ~~((DSHS or))~~ DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within two years of the date the payment was issued; or

(ii) Three years back from the date payment was issued if the error was based on any issue other than rates paid by age or region; DSHS or DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within three years of the date the payment was issued; and

(iii) Three years back from the date the payment was issued for any overpayment identified by a federal or state audit; ~~((DSHS or))~~ DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within three years of the date the payment was issued.

(4) For in-home/relative and family home child care providers, disputes regarding underpayments may be addressed through the grievance process provided for in the collective bargaining agreement.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0275, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0275, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0275, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0275, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-2210 Eligibility. (1) If ~~((the))~~ applicants or reapplicants meet ~~((s))~~ one of the qualifiers of the priority list and otherwise meet ~~((s))~~ all eligibility requirements of Part II or III of this chapter, ~~((the applicant or reapplicant))~~ they will not be placed on the wait list and will be eligible to receive WCCC subsidies. The priority list includes:

- (a) Families applying for or receiving TANF;
- (b) Families receiving TANF and working to cure a sanction;
- (c) Foster children;
- (d) Families that include a child with special needs;
- (e) Families with teen parents (under age ~~((twenty-two))~~ 22) who are not living with a parent or guardian, and who are attending a high school full-time that has an on-site child care center;
- (f) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from ~~((DSHS))~~ DCYF in the past six months and has received a referral for child care as part of the family's case management; and
- (g) Reapplicants who received subsidies within the last ~~((thirty))~~ 30 days and:
 - (i) Have reapplied for subsidies; and
 - (ii) Have household income of ~~((two hundred percent federal poverty level))~~ 60 percent of the SMI or below.

(2) As provided in WAC ~~((170-290-0001))~~ 110-15-0001, WCCC is administered to the extent of available funds. If available funds are insufficient to allow all priority groups to not be placed on the wait list and be eligible to receive WCCC subsidies, only the highest ranked groups that can be served within available funds will be prioritized. The priority groups are ranked in the order listed in subsection (1) of this section, highest to lowest.

(3) If funds are not available, ~~((an))~~ applicants ~~((or))~~ and reapplicants not belonging to a group on the priority list will have their names placed on the wait list upon approval of eligibility. ~~((The))~~ Names will be placed on the wait list based on ~~((the date of the))~~ their application or reapplication dates and served as funds become available.

(4) ~~((If the))~~ For applicants ~~((or))~~ and reapplicants who remain ~~((s))~~ on the wait list for ~~((twelve))~~ 12 months or longer, ~~((a))~~ new eligibility determinations will be required when subsidy child care becomes available.

[WSR 18-14-078, recodified as § 110-15-2210, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-22-101, § 170-290-2210, filed 10/30/17, effective 11/30/17; WSR 17-09-042, § 170-290-2210, filed 4/14/17, effective 5/15/17.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3570 Notification of changes. (1) When ~~((a))~~ consumers ~~((applies))~~ apply for or receive ~~((s))~~ SCC program subsidies, ~~((the consumer))~~ they must:

(a) Notify ((DSHS)) DCYF, within five days, of any change in providers;

(b) Notify ((DSHS)) DCYF, within ~~((ten))~~ 10 days, when ~~((the consumer's))~~ their countable income increases and the change would cause ~~((the consumer's))~~ their countable income to exceed ~~((eighty-five))~~ 85 percent state median income as provided in WAC ~~((170-290-0005))~~ 110-15-0005;

~~(c) ((Notify DSHS, within ten days, when the consumer's countable resources exceed one million dollars as provided in WAC 170-290-3558;~~

~~(d))~~ Notify ((DSHS)) DCYF, within ~~((ten))~~ 10 days, when ~~((the consumer's))~~ their home address or telephone number changes; and

~~((e))~~ (d) Notify ~~((the consumer's))~~ their providers~~((,))~~ within ~~((ten))~~ 10 days~~((,))~~ of when ((DSHS)) DCYF changes ~~((the consumer's))~~ their child care authorization.

(2) When ((a)) consumers receive((s)) SCC benefits, ~~((he or she))~~ they may notify ((DSHS)) DCYF when:

(a) The number of child care hours ~~((the consumer))~~ they need~~((s))~~ changes ~~((more or less hours))~~;

(b) Their household income decreases, which may lower ~~((the))~~ their copayment;

(c) Their household size changes, such as ~~((any))~~ if family members ~~((moving))~~ move in or out of ~~((the consumer's))~~ their home, which may lower ~~((the))~~ their copayment; or

(d) ~~((The consumer's))~~ Their legal obligation to pay child support changes.

[WSR 18-14-078, recodified as § 110-15-3570, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3570, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3570, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3570, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3570, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3640 Determining income eligibility and copayment.

(1) For the SCC program, ((DSHS)) DCYF determines ~~((a consumer's))~~ consumers' family~~(('s))~~ income eligibility and copayment by:

(a) ~~((The consumer's))~~ Their family size as defined under WAC ~~((170-290-3540))~~ 110-15-3540;

(b) ~~((The consumer's))~~ Their average monthly income as calculated under WAC ~~((170-290-3620))~~ 110-15-3620; and

(c) ~~((The consumer's))~~ Their family's average monthly income as compared to the ~~((federal poverty guidelines (FPG)))~~ SMI.

(2) At application and reapplication, ~~((if a consumer's family's))~~ consumers are not eligible for the SCC program when their family income is above the maximum eligibility limit as provided in WAC ~~((170-290-0005, the consumer's family is not eligible for the SCC program))~~ 110-15-0005.

(3) ~~((The FPG is updated every year. The SCC eligibility level is updated at the same time every year to remain current with the FPG.~~

~~(4)) SCC ((shall)) will assign a copayment amount based on ((the family's)) families' countable income. ((The)) Consumers pay((s)) the copayment directly to ((the)) their child care providers.~~

~~((5)) (4) SCC does not prorate ((the)) copayments.~~

[WSR 18-14-078, recodified as § 110-15-3640, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3640, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3640, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3640, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3640, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3750 Eligible child care providers. To receive payment under the SCC program, ~~((a consumer's))~~ consumers' child care providers must ~~((be:~~

~~(1) Currently licensed as required by chapter 43.215 RCW and 170-295, 170-296A, or 170-297 WAC;~~

~~(2) Meeting their state's licensing regulations, for providers who care for children in states bordering Washington. The SCC program pays the lesser of the following to qualified child care facilities in bordering states:~~

~~(a) The provider's private pay rate for that child; or~~

~~(b) The state maximum child care subsidy rate for the DSHS region where the child resides; or~~

~~(3) Exempt from licensing but certified by DEL, such as:~~

~~(a) Tribal child care facilities that meet the requirements of tribal law;~~

~~(b) Child care facilities on a military installation; and~~

~~(c) Child care facilities operated on public school property by a school district.~~

~~(4) New child care providers, as defined in WAC 170-290-0003, who are subject to licensure or are certified to receive state subsidy as required by chapter 43.215 RCW and as described by chapter 170-295, 170-296A, or 170-297 WAC, who received a subsidy payment for nonschool age child care on or after July 1, 2016, and received no such payments during the period July 1, 2015, through June 30, 2016, must:~~

~~(a) Enroll in the early achievers program within thirty days of receiving the initial state subsidy payment. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;~~

~~(i) Out-of-state providers that provide care for children receiving Washington state child care subsidies are neither required nor eligible to participate in early achievers; and~~

~~(ii) Out-of-state providers are not eligible to receive quality improvement awards, tiered reimbursement, or other awards and incentives associated with participation in early achievers.~~

~~(b) Adhere to the provisions for participation as outlined in the most recent version of the *Early Achievers Operating Guidelines*. Failure to adhere to these guidelines may result in a provider's loss of~~

~~eligibility to receive state subsidy payments nonschool age child care;~~

~~(c) Complete level 2 activities in the early achievers program within twelve months of enrollment. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;~~

~~(d) Rate at a level 3 or higher in the early achievers program within thirty months of enrollment. If an eligible provider fails to rate at a level 3 or higher within thirty months of enrollment in the early achievers program, the provider must complete remedial activities with the department and rate at a level 3 or higher within six months of beginning remedial activities. A provider who fails to receive a rating within thirty months of enrollment or fails to rate at a level 3 or higher within six months of beginning remedial activities will lose eligibility to receive state subsidy payments for nonschool age child care; and~~

~~(e) Maintain an up to date rating by renewing their facility rating every three years and maintaining a rating level 3 or higher. If a provider fails to renew their facility rating or maintain a rating level 3 or higher, they will lose eligibility to receive state subsidy payments nonschool age child care.~~

~~(5) Existing child care providers who are subject to licensure or are certified to receive state subsidy as required by chapter 43.215 RCW and as described by chapter 170-295, 170-296A, or 170-297 WAC, who have received a subsidy payment for a nonschool age child in the period July 1, 2015, through June 30, 2016, must:~~

~~(a) Enroll in the early achievers program by August 1, 2016. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;~~

~~(i) Out-of-state providers that provide care for children receiving Washington state child care subsidies are neither required nor eligible to participate in early achievers; and~~

~~(ii) Out-of-state providers are not eligible to receive quality improvement awards, tiered reimbursement, or other awards and incentives associated with participation in early achievers.~~

~~(b) Complete level 2 activities in the early achievers program by August 1, 2017. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;~~

~~(c) Rate at a level 3 or higher in the early achievers program by December 31, 2019;~~

~~(d) If an existing provider fails to rate at a level 3 or higher by December 31, 2019, in the early achievers program, the provider must complete remedial activities with the department and rate at a level 3 or higher by June 30, 2020. A provider who fails to receive a rating by December 31, 2019, or fails to rate at a level 3 or higher by June 30, 2020, after completing remedial activities will lose eligibility to receive state subsidy payments for nonschool age child care; and~~

~~(e) Maintain an up to date rating by renewing their facility rating every three years and maintaining a rating level 3 or higher. If a provider fails to renew their facility rating or maintain a rating level 3 or higher, they will lose eligibility to receive state subsidy payments nonschool age child care.~~

~~(6) If a child care provider serving nonschool age children, as defined in WAC 170-290-0003, and receiving state subsidy payments for nonschool age child care has successfully completed all level 2 activ-~~

ities and is waiting to be rated, the provider may continue to receive a state subsidy pending the successful completion of the level 3 rating activity)) comply with the eligibility requirements described in WAC 110-15-0125.

[WSR 18-14-078, recodified as § 110-15-3750, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3750, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3750, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3750, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3750, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 20-08-077, filed 3/26/20, effective 4/26/20)

WAC 110-15-3770 Authorized SCC payments. The SCC program may authorize payments to licensed or certified child care providers (for:

(1) ~~Basic child care either full day or half day, at rates listed in the chart in WAC 110-15-0200 and 110-15-0205:~~

(a) ~~A full day of child care when a consumer's children need care for five to ten hours per day;~~

(b) ~~A half day of child care when a consumer's children need care for less than five hours per day;~~

(c) ~~Full-time care when the consumer participates in one hundred ten hours or more of approved activities per calendar month based on the consumer's approved activity schedule. Full-time care means twenty-three full day units if the child needs five or more hours of care per day or thirty half-day units if the child needs fewer than five hours of care per day;~~

(2) ~~Family home providers in all regions and for all ages will receive a partial-day rate that is seventy-five percent of the full-day rate when:~~

(a) ~~The family home provider provides child care services for the child during a morning session and an afternoon session. A morning session begins at any time after 12:00 a.m. and ends before 12:00 p.m. An afternoon session begins at any time after 12:00 p.m. and ends before 12:00 a.m.;~~

(b) ~~The child is absent from care in order to attend school or preschool; and~~

(c) ~~The family home provider is not entitled to payment at the full day rate.~~

(d) ~~In no event will a child care provider be entitled to two partial day rates totaling one hundred fifty percent of the daily rate.~~

(3) ~~A single partial-day monthly unit will be authorized for a school-age child who is:~~

(a) ~~Eligible for a full-time authorization, but is in care for less than five hours on a typical school day;~~

(b) ~~Authorized for care with only one provider;~~

(c) ~~Expected to need care before and after school.~~

- (4) ~~The monthly unit will be prorated for partial months of authorization.~~
- (5) ~~A registration fee, according to WAC 110-15-0245;~~
- (6) ~~The field trip/quality enhancement fees in WAC 110-15-0247;~~
- (7) ~~The nonstandard hours bonus in WAC 110-15-0249; and~~
- (8) ~~Special needs care when the child has a documented special need and a documented need for a higher level of care, according to WAC 110-15-0220, 110-15-0225, and 110-15-0230) as described in WAC 110-15-0190, 110-15-0200, and 110-15-0205.~~

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 20-08-077, § 110-15-3770, filed 3/26/20, effective 4/26/20. WSR 18-14-078, recodified as § 110-15-3770, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3770, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3770, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3770, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3770, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3840 New eligibility period. (1) ~~((If a consumer wants to receive SCC program subsidies for another)) To request SCC benefits be continued uninterrupted beyond consumer current eligibility periods, ((he or she)) they must reapply ((for SCC benefits)) to DCYF on or before the end date of ((the)) their current eligibility periods. ((To determine if a consumer is eligible, DSHS:~~

~~(a) Requests reapplication information before the end date of the consumer's current SCC eligibility period; and~~

~~(b) Verifies the requested information for completeness and accuracy.~~

~~(2) A consumer may be eligible for SCC program subsidies for a new eligibility period if:~~

~~(a) DSHS receives the consumer's reapplication information no later than the last day of the current eligibility period;~~

~~(b) The consumer's provider is eligible for payment under WAC 170-290-3670 and 170-290-3750; and~~

~~(c) The consumer meets all SCC eligibility requirements.~~

~~(3) Effective October 1, 2016, if a consumer's household has countable income greater than two hundred percent of the federal poverty guidelines (FPG) but less than two hundred twenty percent of the FPG, the consumer may be eligible for a three-month eligibility period called income phase-out. In determining eligibility for the income phase-out period, the following rules apply:~~

~~(a) All countable income must be between two hundred and two hundred twenty percent of the FPG. If the countable income exceeds two hundred twenty percent of the FPG, DSHS denies the reapplication;~~

~~(b) DSHS applies all other eligibility criteria for a reapplication, with the exception of income as described above;~~

~~(c) There is no break between the twelve-month eligibility period and the income phase-out period;~~

~~(d) DSHS calculates the consumer's copayment at two hundred percent of the FPG of countable household income;~~

~~(e) DSHS certifies the consumer for a three-month eligibility period;~~

~~(f) The consumer will need to reapply for a new twelve-month certification period if the consumer's household income falls below two hundred percent of the FPG during or at the end of the three-month income phase-out period; and~~

~~(g) The consumer will not be eligible for a second, back-to-back income phase-out period if the countable income of the consumer's household remains between two hundred and two hundred twenty percent of the FPG at the end of the first three-month income phase-out period.~~

~~(4) If DSHS determines that a consumer is eligible for SCC program subsidies based on the consumer's reapplication information, DSHS notifies the consumer of the new eligibility period and copayment.~~

~~(5) If a consumer fails to contact DSHS on or before the end date of the consumer's current SCC eligibility period to request SCC program subsidies, he or she must reapply according to WAC 170-290-3665.)~~

(2) Determination of consumers' eligibility to receive uninterrupted SCC benefits beyond their eligibility periods will be made pursuant to the eligibility rules contained in this chapter.

(3) Consumers who reapply on or before the end date of their current eligibility periods may receive continued, uninterrupted benefits through second tier eligibility if their household has countable income greater than 60 percent but less than or equal to 65 percent of the SMI. If their countable monthly income is greater than 65 percent of the SMI, their reapplications will be denied.

(4) If consumers submit reapplications after the last day their current eligibility periods end and meet eligibility requirements, their consumer benefits will begin:

(a) On the date their reapplications are entered into DCYF's automated system or the date their reapplications are date-stamped as received by DCYF, whichever date is earlier;

(b) When they are working or participating in approved activities; and

(c) Their children are receiving care from approved providers under WAC 110-15-3750.

[WSR 18-14-078, recodified as § 110-15-3840, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3840, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3840, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3840, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3840, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-3850 Payment discrepancies generally. Child care subsidy payment discrepancies are described in WAC 110-15-0266 through

110-15-0275, with the exception of underpayments requested by licensed child care centers, which will only be considered for (~~six~~) three months after the date of services.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-3850, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-3850, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3850, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3850, filed 10/28/09, effective 12/1/09.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 110-15-0090 Minimum copayment.

WSR 22-05-011

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed February 4, 2022, 6:48 a.m., effective March 7, 2022]

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

Purpose: This rule-making order amends chapter 16-240 WAC, WSDA grain inspection program—Definitions, standards and fees, by:

- Updating the title of WAC 16-240-039 for clarity;
- Replacing all references to "Grain Inspection, Packers and Stockyards Administration (GIPSA)" with "Agricultural Marketing Service (AMS)" to reflect a recent restructuring by United States Department of Agriculture; and
- Replacing subsections (1) and (2) of WAC 16-240-039 with new language required by the Federal Grain Inspection Service to add transparency to stakeholders.

Citation of Rules Affected by this Order: Amending WAC 16-240-010, 16-240-039, 16-240-044, 16-240-052, and 16-240-060.

Statutory Authority for Adoption: RCW 22.09.020.

Adopted under notice filed as WSR 21-24-073 on November 30, 2021.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 4, Repealed 0.

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

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

Date Adopted: February 3, 2022.

Derek I. Sandison
Director

OTS-3482.1

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-010 Definitions. "Business day" means Monday through Friday, excluding state holidays.

"AMS, FGIS" means the United States Department of Agriculture, Agricultural Marketing Service, Federal Grain Inspection Service.

"Department" means the Washington state department of agriculture.

"Federal fiscal year" means October 1st through September 30th for ((GIPSA)) USDA, AMS, FGIS.

"Fee" means any charge made by the department for:

- (1) Inspecting and handling any commodity; or

(2) Any service related to weighing or storing grains or commodities.

"Fiscal year" means July 1st through June 30th for the state of Washington.

~~(("**GIPSA, FGIS**" means the United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.))~~

"Metric ton" means two thousand two hundred four and six-tenths pounds.

"Minimum operating fund balance" or **"MOFB"** means six months of grain inspection program operating expenses to ensure stable service delivery, meet future needs, and protect against financial instability. The factors that the department considers when setting the annual MOFB under WAC 16-240-043 include the projected program staff salary and benefits; costs of the program's goods and services, including transportation; costs associated with the department's administrative support of the program; and any additional costs associated with program oversight by USDA/FGIS.

"Official commercial inspection services" means a contractual agreement between the applicant and the department for services specified by the applicant that will be provided at an applicant's facility.

"Revenue minimum" means the amount of revenue that must be collected by the department to offset expenses. In order to act as an official inspection agency under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, the program must collect revenue to offset expenses. The grain inspection program is supported entirely by the fees it generates from the services it provides as required by RCW 22.09.790. The circumstances under which charges occur to collect the revenue minimum are stated in WAC 16-240-038.

"Service point" means the Washington state department of agriculture offices and surrounding service areas authorized by the Federal Grain Inspection Service to provide sampling, inspecting, weighing, and certification services.

"Shift" means an established period of staffing for up to twelve hours at transloading facilities or up to eight hours at export port or domestic service point locations. Service requests in excess of the established period would require requesting an additional shift. Any work beyond the established shift period constitutes an additional shift.

"Unstaffed export locations" means a facility that does not have a permanent staffing request in place for day, night, swing, or graveyard shifts.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-010, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-010, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-010, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-010, filed 5/17/05, effective 6/17/05.]

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-039 USDA, ((GIPSA)) AMS, FGIS administrative and supervision fees. The United States Department of Agriculture (USDA), (~~((Grain Inspection, Packers and Stockyards Administration))~~ Agricultural Marketing Service (AMS), Federal Grain Inspection Service (FGIS) charges a per metric ton administrative and supervision fee for export and other grain handled by facilities in the Washington state department of agriculture service area.

(1) (~~Washington state department of agriculture will invoice and collect GIPSA's administrative fee at the current GIPSA tonnage calculation or charge on behalf of GIPSA and will pass through the fee to GIPSA, FGIS.~~

~~(2) Washington state department of agriculture will charge the federal fiscal year administrative fee established by GIPSA, FGIS under the guidelines established by GIPSA for collecting the fee.)~~ FGIS administrative tonnage fees. In addition to all other applicable fees, FGIS administrative tonnage fees for export grain shipments inspected and/or weighed, excluding land carrier shipments to Canada and Mexico, will be assessed at the current per metric ton rate identified in FGIS Directive 9180.74 Service Fees and Billing Codes, Attachment 1. Invoices will identify assessed administrative tonnage fees as separate line items per applicable carrier/unit type.

(2) FGIS supervision fees. In addition to all other applicable fees, FGIS supervision fees for domestic U.S. grain shipments inspected and/or weighed, including land carrier shipments to Canada and Mexico, will be assessed at the current per metric ton rate identified in FGIS Directive 9180.74 Service Fees and Billing Codes, Attachment 2. Invoices will identify assessed supervision fees as separate line items per applicable carrier/unit type.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-039, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-039, filed 5/27/16, effective 7/1/16.]

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-044 ((GIPSA)) USDA, AMS, FGIS scale authorization. The United States Department of Agriculture, (~~((Grain Inspection, Packers and Stockyards Administration))~~ Agricultural Marketing Service, Federal Grain Inspection Service (USDA, ((GIPSA)) AMS, FGIS) has delegated official scale testing and scale authorization authority to the department.

(1) The ((GIPSA)) USDA, AMS, FGIS scale authorization fee established in WAC 16-240-060, per hour, per employee is charged when ((GIPSA)) USDA, AMS, FGIS scale authorization services are performed.

(2) In addition to the hourly ((GIPSA)) USDA, AMS, FGIS scale authorization fee; the department may charge travel time at the scale authorization hourly rate, mileage beyond (~~(ten))~~ 10 miles from the scale specialist's assigned office location, per diem, or overtime, if applicable.

(3) All scales in Washington state under USDA, ((GIPSA)) AMS, FGIS jurisdiction must comply with the following testing requirements:

(a) Scales must be tested and certified for accuracy at least twice each year by an authorized Washington state department of agriculture scale specialist or a USDA, ((GIPSA)) AMS, FGIS scale specialist.

(b) When tested by the department or by USDA, ((GIPSA)) AMS, FGIS, a seal must be placed on the scales. This seal must be dated and must indicate approval or rejection.

(c) When scales are tested, copies of the test report must be:

(i) Forwarded to USDA, ((GIPSA)) AMS, FGIS;

(ii) Maintained by the department; and

(iii) Maintained at the facility where the scale is located.

(4) The scale authorization fee is charged in one-half hour increments.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-044, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-044, filed 5/27/16, effective 7/1/16. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-044, filed 5/17/05, effective 6/17/05.]

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-052 Fees for stowage examination. (1) The following rules apply for fees for stowage examination services on vessels or ocean-going barges.

(a) At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions.

(b) The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point.

(c) Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services.

(d) In addition to the fee in USGSA Table 8 under WAC 16-240-070

(2) (b), the department may charge, as applicable, the following fees:

((■)) • WAC 16-240-048 (rates outside of established business hours);

((■)) • WAC 16-240-050 (travel, mileage beyond ten miles, per diem);

((■)) • WAC 16-240-054 (service cancellation fee).

(2) The following rules apply for fees for other stowage examination services:

(a) Fees for stowage examination services will not be charged when official sampling and inspection occurs at the time of loading or when official check loading is performed, unless the applicant requests an official stowage examination certificate.

(b) The stowage examination requirement associated with service at the time of loading may be waived in accordance with ((GIPSA)) USDA, AMS, FGIS Directive 9020.1, available from United States Department of Agriculture, (~~Grain Inspection, Packers and Stockyards Administration~~) Agricultural Marketing Service, Federal Grain Inspection Service.

(c) The applicant is responsible for assuring stowage space is readily accessible to inspection personnel.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-052, filed 9/13/17, effective 10/14/17. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-052, filed 5/17/05, effective 6/17/05.]

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-060 WSDA grain program hourly rates, fees and cancellation fees. USGSA—AMA—WSDA Table 1 contains fees for ((GIPSA)) USDA, AMS, FGIS scale authorization, straight-time hourly rate, overtime hourly rate, and service cancellation fees for services performed under the United States Grain Standards Act, the Agricultural Marketing Act of 1946, and Washington state rule.

**USGSA—AMA—WSDA Table 1
WSDA Grain Program Hourly Rates, Fees and
Cancellation Fees**

1. Scale authorization fee, per hour, per employee	\$56.00
2. Straight-time rate, per hour, per employee	\$56.00
3. Overtime rate established under WAC 16-240-048, per hour, per employee	\$28.00
4. Service cancellation fee, per employee	\$200.00

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-060, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-060, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-060, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-060, filed 5/17/05, effective 6/17/05.]

WSR 22-05-015
PERMANENT RULES
COUNTY ROAD

ADMINISTRATION BOARD

[Filed February 4, 2022, 10:09 a.m., effective March 7, 2022]

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

Purpose: Amending chapter 136-60 WAC to update for changes to the master county road log control fields and items necessary for the implementation of the new GIS-Mo system.

Citation of Rules Affected by this Order: Amending WAC 136-60-020, 136-60-030, 136-60-050, and 136-60-060.

Statutory Authority for Adoption: Chapter 36.78 RCW.

Adopted under notice filed as WSR 21-22-079 on November 1, 2021.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

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

Date Adopted: January 27, 2022.

Jane Wall
Executive Director

OTS-3346.1

AMENDATORY SECTION (Amending WSR 03-05-009, filed 2/7/03, effective 3/10/03)

WAC 136-60-020 Definitions. For ~~((purposes of implementing procedures for updating, validating and maintaining the county road log,))~~ this chapter the following definitions shall apply:

(1) County road log - The listing, by county, of all roads under county jurisdiction including their description, length, milepost identification, functional class, surface type, traffic volume, Federal Highway Administration MIRE FDE, and other administrative and physical inventory items that may be included.

(2) ~~((Computer database application software))~~ Asset management system - The suite of computer database application software by which the county road log data is updated and maintained by all counties and the county road administration board.

(3) Updates - Periodic changes to the county road log involving any or all of the included data elements.

(4) Control fields - Those fields within the county road log for which all updates need to be verified by the county road administration board prior to inclusion in the master county road log. ~~((Control~~

~~fields are those fields utilized for the computation of gas tax allocations in accordance with RCW 46.68.124.)~~ The control fields are: Unique identifier (county road number, beginning milepost, ending milepost), jurisdiction, length, function class, surface type, surface width, structure type, right and left shoulder type, right and left shoulder width, and average daily traffic volume of all roadway elements such as through lane, other lane, bike lane, and shoulder.

(5) Master county road log - The combination of all county road logs as kept by the county road administration board containing the county road log of all counties as of July 1st of each year.

(6) Federal Highway Administration MIRE FDE - Federal Highway Administration Model Inventory Roadway Elements: Fundamental data elements.

[Statutory Authority: Chapter 36.79 RCW. WSR 03-05-009, § 136-60-020, filed 2/7/03, effective 3/10/03; WSR 99-01-021, § 136-60-020, filed 12/7/98, effective 1/7/99. Statutory Authority: Chapter 36.78 RCW. WSR 86-23-050 (Order 64-P), § 136-60-020, filed 11/19/86.]

AMENDATORY SECTION (Amending WSR 03-05-009, filed 2/7/03, effective 3/10/03)

WAC 136-60-030 Submittal of annual updates. Each county shall be responsible for maintaining current information regarding its road log and, no later than ~~((May))~~ April 1st of each year, shall submit an updated road log for its complete road system with all data elements as of December 31st of the preceding year. This annual update must ~~((be on computer-readable medium and written in the computer database application software format))~~ use the asset management system as prescribed by the county road administration board. All updates involving changes in control fields must include supporting documentation as required in WAC 136-60-050.

[Statutory Authority: Chapter 36.79 RCW. WSR 03-05-009, § 136-60-030, filed 2/7/03, effective 3/10/03; WSR 99-01-021, § 136-60-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-60-030, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 86-23-050 (Order 64-P), § 136-60-030, filed 11/19/86.]

AMENDATORY SECTION (Amending WSR 14-17-035, filed 8/13/14, effective 9/13/14)

WAC 136-60-050 Validation requirements for control fields. Each update of a road log segment that involves a change in a control field (including additions or deletions of road segments) will be validated by the county road administration board. Documentation necessary to support control field changes is as follows:

Function class - Notice of FHWA approval from WSDOT.

Pavement type - Statement signed by county engineer with list of pavement type changes.

Responsible agency - The responsible agency is the legislative authority of the appropriate governmental agency with the authority to

make the decision required for the action, or the state or federal government person authorized to approve changes.

Addition of mileage - Official document signed by responsible agency authorizing and describing the circumstances of the addition. For example, additions can occur through county legislative approval of new plat, construction/reconstruction on new alignment, or a change in jurisdiction.

Deletion of mileage - Official document signed by responsible agency authorizing and describing the circumstances of the deletion. For example, deletions can occur through legislative approval of vacations or a change in jurisdiction.

Traffic volume - Statement signed by county engineer with list of segments affected by change in traffic volume above or below 5000 average daily traffic.

All changes to a control field will be located on appropriate map(s) with sufficient detail to identify the location of each change. All map(s) furnished in support of control field changes will be forwarded by the county road administration board to WSDOT for future reference and use.

[Statutory Authority: Chapter 36.78 RCW. WSR 14-17-035, § 136-60-050, filed 8/13/14, effective 9/13/14. Statutory Authority: Chapter 36.79 RCW. WSR 03-05-009, § 136-60-050, filed 2/7/03, effective 3/10/03; WSR 99-01-021, § 136-60-050, filed 12/7/98, effective 1/7/99. Statutory Authority: Chapter 36.78 RCW. WSR 86-23-050 (Order 64-P), § 136-60-050, filed 11/19/86.]

AMENDATORY SECTION (Amending WSR 14-17-035, filed 8/13/14, effective 9/13/14)

WAC 136-60-060 Use of common ((~~computer database~~) asset management system. Each county shall use the ((~~computer database application software~~) asset management system for the maintenance and updating of its county road log prescribed by the county road administration board. Each county shall be responsible for the purchase of additional licenses not otherwise provided by the county road administration board and installation of the requisite software on its own ((~~Windows compatible~~) computer and/or mobile device(s). To assist each county to meet its eligibility requirements, the county road administration board shall provide technical support and training.

[Statutory Authority: Chapter 36.78 RCW. WSR 14-17-035, § 136-60-060, filed 8/13/14, effective 9/13/14. Statutory Authority: Chapter 36.79 RCW. WSR 03-05-009, § 136-60-060, filed 2/7/03, effective 3/10/03; WSR 99-01-021, § 136-60-060, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-60-060, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 86-23-050 (Order 64-P), § 136-60-060, filed 11/19/86.]

WSR 22-05-016
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed February 4, 2022, 10:12 a.m., effective March 7, 2022]

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

Purpose: Amending WAC 136-150-021 to change the county road levy certification due date.

Citation of Rules Affected by this Order: Amending WAC 136-150-021.

Statutory Authority for Adoption: Chapter 36.78 RCW.

Adopted under notice filed as WSR 21-22-099 on November 2, 2021.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

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

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

Date Adopted: January 27, 2022.

Jane Wall
Executive Director

OTS-3468.1

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-150-021 Ascertaining the road levy. The county road administration board will require that every county legislative authority submit, no later than ((February)) March 1st of each year, a certification showing the amount of the road levy fixed and the amount, if any, budgeted for traffic law enforcement and/or any other purpose in accordance with RCW 36.33.220.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-150-021, filed 12/7/98, effective 1/7/99. Statutory Authority: Chapter 36.78 RCW. WSR 87-21-046 (Order 66), § 136-150-021, filed 10/15/87.]

WSR 22-05-017
PERMANENT RULES
COUNTY ROAD

ADMINISTRATION BOARD

[Filed February 4, 2022, 10:15 a.m., effective March 7, 2022]

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

Purpose: Creating chapter 136-600 WAC, Equipment rental and revolving (ER&R) fund.

Citation of Rules Affected by this Order: New chapter 136-600 WAC.

Statutory Authority for Adoption: Chapters 36.78 and 36.33A RCW.

Adopted under notice filed as WSR 21-22-095 on November 2, 2021.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 7, Amended 0, Repealed 0.

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

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

Date Adopted: January 27, 2022.

Jane Wall
Executive Director

OTS-3107.3

Chapter 136-600 WAC
EQUIPMENT RENTAL AND REVOLVING FUND

NEW SECTION

WAC 136-600-010 Purpose and authority. The laws of the state of Washington make detailed provision in chapter 36.33A RCW for the use of an equipment rental and revolving fund for all county road equipment, materials, and supplies. Chapter 36.33A RCW also specifies that the county road administration board has the ability to directly inquire into the process of setting rental rates while performing its statutory oversight responsibility.

[]

NEW SECTION

WAC 136-600-020 Definitions. For this chapter, the following definitions shall apply:

(1) Board - County road administration board as defined in chapter 36.78 RCW.

(2) County vehicle ferry - A ferry boat owned by the county for the purpose of carrying vehicles but may also carry walk-on passengers.

(3) CRAB - County road administration board.

(4) Equity - The amount of money that would be returned to a department should they withdraw from the county's ER&R fund.

(5) ER&R - Equipment rental and revolving fund as specified in chapter 36.33A RCW.

(6) MVFT - Motor vehicle fuel tax as defined in chapter 46.68 RCW.

[]

NEW SECTION

WAC 136-600-030 Applicability. This chapter is only applicable to that equipment, materials, and supplies within ER&R that are associated with the county road department. Any other county department participating in a county's ER&R program is excluded from the requirements of this chapter.

[]

NEW SECTION

WAC 136-600-040 Protection of county road funds within ER&R fund. Only county road departments are required by chapter 36.33A RCW to utilize an ER&R fund. However, a county's legislative authority may choose to allow or require other county departments and offices to participate in the ER&R program. If noncounty road entities participate in the ER&R program, the county must have a system in place to ensure the following:

(1) Identify the equity each department and office has within the ER&R fund balance and ensure one fund does not benefit at the expense of another;

(2) Distribute the direct and indirect cost of maintaining and operating facilities specific for ER&R equipment equitably among the participants;

(3) Distribute the direct and indirect cost of maintaining and operating facilities specific for ER&R material and supplies equitably among the participants;

(4) Distribute the direct and indirect cost of administering the ER&R program equitably among the participants.

[]

NEW SECTION

WAC 136-600-050 Equipment rental rates. Rental rates of equipment shall be reviewed annually, or every two years for counties that budget on a biennial basis, by the county's legislative authority. Rental rates must include, but are not limited to, the following:

- (1) Estimated service life in years and service life remaining;
- (2) Replacement cost;
- (3) Salvage value;
- (4) Estimated operating and maintenance cost;
- (5) Direct and indirect cost of maintaining and operating facilities specific for ER&R equipment;
- (6) ER&R program administration.

ER&R rates for equipment shall be determined by the county engineer or other appointee of the county legislative body. However, if the rates are set by an appointee other than the county engineer, the county engineer shall review the proposed rates and certify to the legislative body that the proposed rates are an appropriate use of county road funds as required by RCW 36.80.030 prior to adoption of the proposed rates by the legislative authority.

The resolution by the legislative authority adopting the rental rates must include reference to the fact that the rental rates for county road equipment have been reviewed by the county engineer and certified as an appropriate use of county road funds as required by RCW 36.80.030.

[]

NEW SECTION

WAC 136-600-060 Materials and supplies rates. Rates for the sale of any material or supplies which have been administered, purchased, maintained, or manufactured with ER&R funds for the use of the county road department must include, but are not limited to, the following:

- (1) Cost of purchasing, storing, and distributing the material or supplies;
- (2) Direct and indirect cost of maintaining and operating facilities specific for ER&R material and supplies;
- (3) ER&R program administration.

ER&R rates for material and supplies shall be determined by the county engineer or other appointee of the county legislative body. However, if the rates are set by an appointee other than the county engineer, the county engineer shall review the proposed rates and certify to the legislative body that the proposed rates are an appropriate use of county road funds as required by RCW 36.80.030.

[]

NEW SECTION

WAC 136-600-070 Submittals. Each county engineer shall submit the following documents to CRAB no later than April 1st of each year:

- (1) Adopted county road rental rates as of January 1st of that year;
- (2) The resolution of the legislative authority adopting said rates;
- (3) ER&R management policy.

[]

WSR 22-05-019

PERMANENT RULES

GAMBLING COMMISSION

[Filed February 4, 2022, 11:27 a.m., effective May 1, 2022]

Effective Date of Rule: May 1, 2022.

Purpose: The gambling commission was directed by the legislature through SHB 1302 to adopt rules to establish a statewide self-exclusion program. The gambling commission has discretion in establishing the scope, process, and requirements of the program, however the program must: (1) Allow persons to voluntarily exclude themselves from gambling at authorized gambling establishments that offer house-banked social card games; and (2) ensure any individual registered with the self-exclusion program is prohibited from participating in gambling activities associated with this program and forfeits all moneys and things of value obtained by the individual or owed to the individual by an authorized gambling establishment as a result of prohibited wagers or gambling activities. The gambling commission may adopt rules for forfeiture of any moneys or things of value, including wagers, obtained by an authorized gambling establishment while an individual is registered with the self-exclusion program. These rules establish a centralized, statewide self-exclusion program allowing persons to voluntarily exclude themselves from gambling establishments that offer house-banked card games, outline how participants may request self-exclusion, establish periods of enrollment for the program, acknowledge that enrollment is voluntary, address disclosure of program information, establish licensee responsibilities, and address how the list may be shared with federally recognized Indian tribes or tribal enterprises that own gambling operations or facilities with class III gaming compacts who wish to voluntarily participate in the program.

Citation of Rules Affected by this Order: New WAC 230-23-001 Purpose, 230-23-005 Definitions, 230-23-010 Request for self-exclusion, 230-23-015 Period of enrollment, 230-23-020 Voluntary self-exclusion, 230-23-025 Disclosure of self-exclusion information, 230-23-030 Licensee responsibilities, 230-23-035 Sharing the self-exclusion list, and 230-23-040 Annual reporting.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.071.

Adopted under notice filed as WSR 21-22-005 on October 21, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 9, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 9, Amended 0, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 9, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 7, 2021.

Ashlie Laydon
Rules Coordinator

OTS-3154.4

**Chapter 230-23 WAC
SELF-EXCLUSION**

NEW SECTION

WAC 230-23-001 Purpose. The purpose of this chapter is to establish a centralized, statewide self-exclusion program, administered by the commission, allowing a person with a gambling problem or gambling disorder to voluntarily exclude themselves from licensed house-banked card rooms and participating tribal gaming facilities.

[]

NEW SECTION

WAC 230-23-005 Definitions. The following definitions apply only to this chapter:

(1) "Licensee" means a house-banked card room licensee.

(2) "Participant" means a person who has enrolled in the voluntary self-exclusion program.

(3) "Self-exclusion list" means a list maintained by the commission of persons who have requested to be voluntarily excluded from house-banked card room licensees and participating tribal gaming facilities in the state of Washington.

(4) "Voluntary self-exclusion program" or "program" means the voluntary self-exclusion program authorized under RCW 9.46.071, and does not apply to gambling via horse-racing or lottery.

[]

NEW SECTION

WAC 230-23-010 Request for self-exclusion. (1) Any person may request to be placed on the self-exclusion list voluntarily excluding themselves from house-banked card room licensees:

(a) In person at our office, 4565 7th Avenue S.E., Lacey, Washington 98503, or at a house-banked card room licensee by:

(i) Submitting a completed form, which we provide on our website at www.wsgc.wa.gov; and

(ii) Providing proof of identity. Acceptable forms of identification include:

(A) A valid driver's license from any state;

(B) A government-issued identification card containing the person's name, photograph, and date of birth; or

(C) A valid passport; and

(iii) Submitting a photograph showing only the head and shoulders; or

(b) Through the mail to Washington State Gambling Commission, P.O. Box 42400, Olympia, Washington 98504 by:

- (i) Submitting a completed form, which we provide on our website at www.wsgc.wa.gov; and
 - (ii) Submitting a photograph showing only the head and shoulders.
- (2) The form must be:
- (a) Completed with no areas left blank; and
 - (b) Signed under penalty of perjury by the person seeking self-exclusion.
- (3) Upon receipt of a completed form, the licensee will forward it to us within 72 hours.
- (4) The commission must begin exploring an online self-exclusion enrollment process within six months of modernizing legacy information technology systems.

[]

NEW SECTION

WAC 230-23-015 Period of enrollment. (1) At the time of enrollment, the participant must select a period of enrollment for self-exclusion:

- (a) One year;
 - (b) Three years;
 - (c) Five years; or
 - (d) Ten years.
- (2) The enrollment period selected begins and the participant is considered enrolled:
- (a) Upon receipt of the form by mail; or
 - (b) The date the completed form was accepted by the licensee or by us when submitted in person.
- (3) Once enrolled, the participant cannot be removed from the program prior to the initial selected period of enrollment for voluntary self-exclusion.
- (4) We will send a notice to the participant 45 days prior to the end of their initial enrollment period indicating the end of their enrollment period. If the participant chooses to end their enrollment in the self-exclusion program, they must return the form requesting to be removed from the self-exclusion list. If no response is received by the end of the enrollment period, the participant will remain on the self-exclusion list until they request to be removed. The participant may request to be removed from the self-exclusion list at any time after their initial enrollment period has ended by notifying us in the format we require.

[]

NEW SECTION

WAC 230-23-020 Voluntary self-exclusion. Participants who voluntarily self-exclude acknowledge the following during the period of enrollment:

(1) The ultimate responsibility to limit access to all house-banked card rooms and participating tribal gaming facilities within the state remains theirs alone; and

(2) The self-exclusion request is irrevocable during the initial enrollment period selected and cannot be altered or rescinded for any reason; and

(3) The exclusion is in effect at all licensed house-banked card rooms and participating tribal gaming facilities in the state of Washington, which is subject to change, and all services and/or amenities associated with these gaming facilities including, but not limited to, restaurants, bars, bowling alleys, check cashing services, cash advances; and

(4) Player club memberships and accounts will be closed and all accumulated points immediately redeemed for nongaming items as the licensee's policy allows at the licensed location the participant initially enrolls for self-exclusion. All player club memberships and accounts held at other licensees and participating tribal gaming facilities will be closed and zeroed out; and

(5) New player club memberships, direct mail and marketing service complimentary goods and services and other such privileges and benefits will be denied; and

(6) Disclosure of certain information is necessary to implement the participant's request for self-exclusion; and

(7) If found on the premises of a house-banked card room licensee or participating tribal gaming facility, for any reason other than to carry out their duties of employment, they will be escorted from the premises; and

(8) All money and things of value, such as gaming chips, obtained by or owed to the participant as a result of prohibited wagers or the purchase of chips and/or participating in authorized gambling activities will be confiscated under RCW 9.46.071 and WAC 230-23-030; and

(9) To not recover any losses from the purchase of chips and/or participating in authorized gambling activities.

[]

NEW SECTION

WAC 230-23-025 Disclosure of self-exclusion information. (1)

Personal information submitted by a participant under the self-exclusion program is exempt from public disclosure under the Public Records Act and may not be disseminated for any purpose other than the administration of the self-exclusion program or as otherwise permitted by law.

(2) No house-banked card room licensee, employee, or agent thereof shall disclose the name of, or any information about any participant who has requested self-exclusion to anyone other than employees and agents of the house-banked card room licensee whose duties and functions require access to such information.

(3) The licensee may release the names and identifying information of participants on the self-exclusion list to contracted service providers that provide check cashing, cash advances, marketing, automated teller machines, and other financial services.

(a) The identifying information must be limited to the address, driver's license or state-issued identification number, photograph, and physical description; and

(b) Only the name and identifying information may be disclosed to contracted service providers. The licensee must neither disclose the reasons for providing the name and identifying information nor disclose that the person is on the self-exclusion list; and

(c) The licensee must require by written contract that the contracted service provider implement measures designed to ensure the confidentiality of the names and identifying information and to prohibit the release of the names and identifying information to any other person or entity; and

(d) The licensee must immediately report to us all instances of a participant accessing or attempting to access the services provided by the contracted service providers.

[]

NEW SECTION

WAC 230-23-030 Licensee responsibilities. Each licensee must:

(1) Make available to all patrons the self-exclusion form developed and provided by us; and

(2) Accept completed self-exclusion forms, including:

(a) Verifying the participant's identity as required on the form; and

(b) Forwarding the form to us within 72 hours of receipt; and

(3) Upon enrollment, provide the participant with information and resources for treatment of gambling problems or gambling disorders; and

(4) Designate a person or persons to be the contact person with us for purposes of self-exclusion procedures, including receipt and maintenance of the self-exclusion list, submission of the licensee's procedures, and all other communications between us and the licensee for self-exclusion purposes; and

(5) Implement updates to the state-wide self-exclusion list within 48 hours of being notified by us that the self-exclusion list has been modified; and

(6) Upon discovery that a participant has breached their self-exclusion and obtained access to the licensed premises, the licensee must take steps to:

(a) Immediately remove the participant from the premises; and

(b) Confiscate all money and things of value, such as gaming chips, obtained by or owed to the participant as a result of prohibited wagers or the purchase of chips and/or participating in authorized gambling activities; and

(c) Notify us of the breach within 72 hours; and

(7) Train all new employees, within three days of hiring, and annually retrain all employees who directly interact with gaming patrons in gaming areas. The training must, at a minimum, consist of:

(a) Information concerning the nature of gambling disorders; and

(b) The procedures for requesting self-exclusion; and

(c) Assisting patrons in obtaining information about gambling problem and gambling disorder treatment programs.

This section must not be construed to impose a duty upon employees of the licensee to identify individuals with gambling problems or gambling disorders or impose a liability for failure to do so; and

(8) Notify participants who have requested to be excluded from house-banked card room licensees of this rule of the new statewide program, provide them with the form, and information on how they can participate in the statewide self-exclusion program. This must be accomplished within three business days following the effective date of this rule; and

(9) Establish procedures and systems for our review and approval, which:

(a) Utilize player tracking systems and other electronic means, including checking all taxable patron winnings against the self-exclusion list, to assist in determining whether a participant has engaged in any authorized activities; and

(b) Close player club memberships and accounts. All accumulated points may be immediately redeemed by the participant for nongaming items as the licensee's policy allows at the licensed location the participant initially enrolls for self-exclusion. All player club memberships and accounts held at other licensees and participating tribal gaming facilities will be closed and zeroed out; and

(c) Deny check cashing privileges, player club membership, complimentary goods and services, and other similar privileges and benefits to any participant; and

(d) Ensure participants do not receive targeted mailings, telemarketing promotions, player club materials, or other promotional materials relative to gaming activities at house-banked card room licensees; and

(e) Verify patrons who win a jackpot prize are not participants of the program before payment of funds; and

(f) Ensure participants are not gambling in their establishment; and

(g) Ensure the confidentiality of the identity and personal information of participants; and

(h) All money and things of value, such as gaming chips, obtained by or owed to the participant as a result of prohibited wagers or the purchase of chips and/or participating in authorized gambling activities are confiscated under RCW 9.46.071, in which the licensee will:

(i) Issue check(s) for the same monetary value confiscated within three business days after collecting or refusing to pay any winnings from gambling or chips in the possession of a participant on the self-exclusion list as follows:

(A) A minimum of 70 percent of the confiscated funds must be dispersed to the problem gambling account created in RCW 41.05.751; and

(B) The remainder of the confiscated funds, if any, must be distributed to a charitable or nonprofit organization that provides problem gambling services or increases awareness about problem gambling; and

(ii) Document and retain for one year:

(A) Surveillance evidence identifying the date, time, and amount of money or things of value forfeited, the name and identity verification of the participant on the self-exclusion list; and

(B) A copy of the canceled check remitting the forfeited funds as required above.

[]

NEW SECTION

WAC 230-23-035 Sharing the self-exclusion list. We may enter into mutual sharing agreements with federally recognized Indian tribes or tribal enterprises that own gambling operations or facilities with class III gaming compacts who wish to voluntarily participate in the self-exclusion program.

[]

NEW SECTION

WAC 230-23-040 Annual reporting. Commission staff must report within 12 months of the effective date of these rules and then annually thereafter on the efficacy of the self-exclusion program.

[]

WSR 22-05-021
PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed February 4, 2022, 11:29 a.m., effective March 7, 2022]

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

Purpose: Amending the rules regarding the inspection of commercial advertisers' records for political advertising or electioneering communications, including advertising on digital media.

Citation of Rules Affected by this Order: Amending WAC 390-18-050.

Statutory Authority for Adoption: RCW 42.17A.110.

Adopted under notice filed as WSR 21-21-056 on October 15, 2021.

Changes Other than Editing from Proposed to Adopted Version: Subsection (5)(c): The adopted version adds a requirement that an advertisement must not be reasonably identifiable to the commercial advertiser as a political advertisement at the time of purchase in order for the advertiser to have an additional three days to include the advertisement in its books of account.

Subsection (6)(a): Restores the requirement that the commercial advertiser must include the name of the candidate or measure in its books of account (but does not require the advertiser to identify whether the advertisement supports or opposes any specific campaign).

Subsection (6)(e): The adopted version includes a requirement that the books of account must include the dates the advertisement was presented to the public.

Subsection (7)(g): Removes the additional categories from the list of examples of demographic information.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

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

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

Date Adopted: January 27, 2022.

Sean Flynn
General Counsel

OTS-3405.3

AMENDATORY SECTION (Amending WSR 20-02-062, filed 12/24/19, effective 1/24/20)

WAC 390-18-050 Commercial advertisers—Public inspection of records. (1) "Commercial advertiser" as that term is used in the act and these rules (~~means any person, as defined in the act, including~~

~~individuals and entities, that sells the service of communicating messages or producing material for broadcast or distribution to the general public or segments of the general public whether through brochures, fliers, newspapers, magazines, television, radio, billboard, direct mail advertising, printing, paid internet or digital communications, or any other means of mass communications used for the purpose of appealing, directly or indirectly for votes or for financial or other support in any election campaign)) is defined under RCW 42.17A.005.~~

(2) Any person that hosts political advertising or electioneering communications on a digital communication platform or other media is not required to maintain records on such advertising or communications if ~~((it has))~~ the services have been purchased directly through another commercial advertiser, however the commercial advertiser that directly sells the ~~((advertising or communications to the original purchaser))~~ services must maintain the information as required in this section. In order to ensure that such commercial advertiser directly makes its books of account available for public inspection, when selling digital media services to be hosted on another platform or other media, the advertiser must include a separate text box or link that automatically appears with the advertisement or communication in a manner that is compatible with the device and technology used to display the advertising, and that reasonably directs the reader to at least one method under subsection (4) of this section for making the required information available. Such methods may include, but are not limited to, an address or location for receiving in-person inquiries, a link to a portal for processing requests, or a link to a website where the required information is maintained.

(3) Pursuant to RCW 42.17A.345, each commercial advertiser who has accepted or provided political advertising, or electioneering communications, ~~((as defined in RCW 42.17A.005,))~~ must maintain current books of account and related materials as required by this section. Information contained in books of account must be updated within 24 hours of the time when an advertisement or communication initially has been publicly distributed or broadcast, and within 24 hours of any update or change to such information. Such records must be maintained for a period of no less than five years after the date of the applicable election.

(4) Until such time as the PDC provides an open access platform on its website for this information, which will replace the following methods of inspection for all required information, such information must be available for public inspection by any person, and provided:

(a) In person during normal business hours; or

(b) Electronically, in machine readable format and structured in a way that enables the data to be fully discoverable and useable by the end user:

(i) By digital transmission, such as email, promptly upon request, but no later than two business days; or

(ii) By online publication in one of the following formats:

(A) On the advertiser's primary website; or

(B) On a website controlled by the advertiser, created for purposes of publishing the information required by this section, if a link is prominently displayed on the advertiser's primary website directing users to the website on which the information is provided.

~~((4) Information regarding political advertising or electioneering communications must be made available within twenty-four hours of the time when the advertisement or communication initially has been~~

~~publicly distributed or broadcast, and within twenty-four hours of any update or change to such information. Such records must be maintained for a period of no less than five years after the date of the applicable election.)~~)

(5) A commercial advertiser may have, to the extent necessary, up to three business days to update its books of account upon receiving notice regarding any missing political advertising or electioneering communication, if:

(a) At the time the order was placed, the commercial advertiser had asked the purchaser in writing whether the order included any political advertising or electioneering communication;

(b) The purchaser did not provide such information; and

(c) The order was not reasonably identifiable to the commercial advertiser as political advertising or an electioneering communication.

(6) The information and books of account that must be maintained open for public inspection pursuant to RCW 42.17A.345 are:

(a) The name of the candidate or ballot measure supported or opposed or the name of the candidate otherwise identified (~~, and whether the advertising or communication supports or opposes the candidate or ballot measure~~);

(b) A copy of the advertisement or communication in a print or digital graphic record for any media with a visual component, or in an audio or transcribed record for any radio or other media that does not include a visual component;

(c) The name and address of the sponsoring person or persons actually paying for the advertising or electioneering communication, including the federal (~~employee~~) employer identification number, or other verifiable identification, if any, of an entity, so that the public can know who paid for the advertising or communication, without having to locate and identify any affiliated entities;

~~((e))~~ (d) The total cost of the advertising or electioneering communication, or initial cost estimate if the total cost is not available upon initial distribution or broadcast, how much of that amount has been paid, as updated, who made the payment, when it was paid, and what method of payment was used; and

~~((d))~~ (e) Date(s) the commercial advertiser rendered service, including the dates, where applicable, that the advertising or communication was presented to the public.

~~((6))~~ (7) In addition to subsection ~~((5))~~ (6) of this section and pursuant to RCW 42.17A.345, the materials and books of account open for public inspection must include the political advertisement or electioneering communication itself, and a description of the major work components or tasks, as specified in (a) through (g) of this subsection, that were required to provide the advertising or communications services.

(a) For printers, reproducers and other persons who provide commercial duplicating services: Quantity of items, item description, design, layout, typesetting, photography, printing, silk screening, binding.

(b) For mailing services: Quantity of items mailed, binding, stuffing, labeling, list or directory services, postage or delivery.

(c) For broadcast media: Air time and number of spot advertisements. If the broadcaster provides additional services such as copy writing, talent, production, and tape reproduction, some type of record or notation evidencing the additional service must be available.

(d) For billboard or sign companies: Number and location of signs, design, printing and art work, erection/removal costs.

(e) For specialty or novelty commercial advertisers: Quantity of items provided, silk screening, design, printing and art work.

(f) For newspapers and other print media: Amount of advertising space and dates of publication. If the advertiser provides additional services such as design or layout, some type of record evidencing such additional services must be available.

(g) For digital communication platforms: A description of the demographic information, the statistical characteristics of a population (e.g., age, gender, race, location, etc.), of the audiences targeted and reached, to the extent such information is collected by the commercial advertiser as part of its regular course of business, and the total number of impressions generated by the advertisement ((~~ef~~)) or communication.

((~~7~~)) (8) At the request of the PDC, each commercial advertiser required to comply with this section must provide to the PDC copies of the information described above.

[Statutory Authority: RCW 42.17A.110(1), 2019 c 428, and 2019 c 261. WSR 20-02-062, § 390-18-050, filed 12/24/19, effective 1/24/20. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-18-050, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(8). WSR 15-12-058, § 390-18-050, filed 5/28/15, effective 6/28/15. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-18-050, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-18-050, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). WSR 99-12-068, § 390-18-050, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370. WSR 93-04-072, § 390-18-050, filed 1/29/93, effective 3/1/93.]

WSR 22-05-029

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed February 7, 2022, 9:10 a.m., effective March 10, 2022]

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

Purpose: WAC 192-110-150 clarifies that an individual with power of attorney or other authorization may not file a claim for benefits, testify, or otherwise certify on behalf of another. The rule currently references RCW 9A.72.085, which addressed standards for subscribing to unsworn statements, but was repealed by section 6, chapter 232, Laws of 2019, (SSB 5017), effective July 1, 2021. Statutory references to RCW 9A.72.085 were thereafter replaced with references to chapter 5.50 RCW, the Uniform Unsworn Declarations Act. This proposal would similarly replace the reference in WAC 192-110-150 to RCW 9A.72.085 with a reference to chapter 5.50 RCW.

Citation of Rules Affected by this Order: Amending WAC 192-110-150.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department; RCW 50.20.140; chapter 5.50 RCW.

Adopted under notice filed as WSR 21-23-100 on November 17, 2021.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

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

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

Date Adopted: February 7, 2022.

Dan Zeitlin
Employment Security Policy Director

OTS-3420.1

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

WAC 192-110-150 May I have an individual with power of attorney or other authorization file an initial or weekly claim for benefits, testify in my place, or otherwise certify on my behalf? No. ((RCW 9A.72.085)) Chapter 5.50 RCW requires that an oath, certification, verification or declaration must be signed or sworn to by the person making it. (Exception: An estate executor or administrator may file a claim for the last completed calendar week prior to a claimant's death.)

(1) You are required to personally certify on your initial application for benefits and weekly claims that the information provided to the department is correct.

(2) An individual with power of attorney may not testify in your place in any adjudicative proceeding. Such individual may file an appeal on your behalf if he or she provides the department with a copy of the document granting him or her power of attorney. Such individual may also be called as a witness on your behalf or assist with the preparation of your case but you must provide sworn testimony in support of your appeal.

(3) An agent with power of attorney may not otherwise act on your behalf when statutes or regulations specifically or implicitly require your signature or personal certification.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-110-150, filed 5/12/10, effective 6/12/10.]

WSR 22-05-030
PERMANENT RULES
GREEN RIVER COLLEGE

[Filed February 7, 2022, 11:19 a.m., effective March 10, 2022]

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

Purpose: Both of these rule chapters are being repealed because they are not required to be codified regulations in the Washington Administrative Code.

Citation of Rules Affected by this Order: Repealing chapter 132J-160 WAC, Refund of tuition and special course/program connected fees; and chapter 132J-164 WAC, Buckley Family Education Rights and Privacy Act policy.

Statutory Authority for Adoption: The rules specified are being repealed under chapter 34.05 RCW and RCW 28B.50.140.

Adopted under notice filed as WSR 21-23-045 on November 9, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 2; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: January 20, 2022.

George P. Frasier
Vice President of College Advancement

OTS-3255.1

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132J-160-010	Purpose.
WAC 132J-160-020	Definitions.
WAC 132J-160-030	Scope of tuition and special course/program connected fees refund policies.
WAC 132J-160-045	Tuition and special course/program-connected fees withdrawal or reduction in class load refund policy.
WAC 132J-160-050	Appeal.

OTS-3256.1

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- | | |
|------------------|---|
| WAC 132J-164-010 | Purpose of the Buckley Family Educational Rights and Privacy Act policy for Green River College. |
| WAC 132J-164-020 | Definitions. |
| WAC 132J-164-030 | Informing parents of students and eligible students of their rights. |
| WAC 132J-164-040 | Procedures for parents and eligible students to request or inspect personal records or to release their personal records to designated persons. |
| WAC 132J-164-050 | Students waiving right to review records. |
| WAC 132J-164-060 | Appeal of accuracy of records. |
| WAC 132J-164-070 | Use of student records. |
| WAC 132J-164-080 | Exclusion. |

WSR 22-05-033
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 7, 2022, 6:32 p.m., effective March 10, 2022]

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

Purpose: The office of superintendent of public instruction (OSPI) changed rules regarding earning the seal of biliteracy to expand options for demonstrating English language proficiency to be consistent with HB 1599, section 201 (1)(b)(i) - (v) (2019). Further, OSPI updated and clarified the rule to ensure Tribal languages, American Sign Language, and languages that may only be communicated orally (not through writing or reading) can be included in the criteria for awarding the seal of biliteracy. The rule revision also clarifies that tribal language proficiency is determined by the tribe.

Citation of Rules Affected by this Order: Amending WAC 392-410-350.

Statutory Authority for Adoption: RCW 28A.300.575.

Adopted under notice filed as WSR 21-17-106 on August 16, 2021.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

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

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

Date Adopted: February 2, 2022.

Chris P. S. Reykdal
 State Superintendent
 of Public Instruction

OTS-3202.1

AMENDATORY SECTION (Amending WSR 15-09-123, filed 4/21/15, effective 5/22/15)

WAC 392-410-350 Seal of biliteracy. (1) ~~((The authority for this section is RCW 28A.300.575, which authorizes the office of the superintendent of public instruction to adopt rules establishing criteria for award of the Washington state seal of biliteracy.~~

~~(2))~~ Graduating high school students must meet the following criteria to be awarded the Washington state seal of biliteracy:

(a) Students must demonstrate proficiency in English by ~~((i))~~ meeting the statewide minimum graduation requirements in English ~~((under WAC 180-51-066 through 180-51-068, as amended; and (ii) meeting the state standard on the reading and writing or English language arts~~

assessments under RCW 28A.655.061)) in compliance with RCW 28A.655.250; and

(b) Students must demonstrate proficiency in one or more world languages ((~~through any one of the following methods:~~

~~(i) Passing a foreign language advanced placement examination with a score of three or higher;~~

~~(ii) Passing an International Baccalaureate examination with a score of four or higher;~~

~~(iii))~~, which includes heritage and tribal languages, by one of the following:

(i) Demonstrating intermediate-mid level proficiency or higher on all components in the world language based on the American Council on the Teaching of Foreign Languages (ACTFL) proficiency guidelines, using a national or international assessment(s) approved by the office of the superintendent of public instruction ((for competency-based credits;

~~(iv) Qualifying for); or~~

(ii) Earning four competency-based credits ((by demonstrating proficiency in the world language at intermediate-mid level or higher based on the ACTFL proficiency guidelines,)) according to the school district's policy and procedure for competency-based credits for world languages; or

~~((v)) (iii) Demonstrating proficiency in ((speaking, writing, and reading the world language through other national or international assessments approved by the office of superintendent of public instruction at a level comparable to intermediate-mid level or higher based on the ACTFL proficiency guidelines.~~

~~(3) "Foreign language" and "world language" as used in this section means a language other than English, and includes, without limitation, American sign language, Latin, and Native American or other indigenous languages or dialects)) tribal or Native American languages; or~~

(iv) Demonstrating intermediate-mid proficiency in American Sign Language (ASL); or

(v) Passing an International Baccalaureate examination with a score of four or higher; or

(vi) Passing a world language Advanced Placement examination with a score of three or higher.

(2) Proficiency in tribal or Native American languages under subsection (1)(b)(iii) of this section is determined by the sovereign tribal government.

(a) Students of Native American languages spoken by Washington's twenty-nine federally recognized tribes must be assessed by a first peoples' first language, culture, and oral traditions certified educator under WAC 181-78A-700 and 181-79A-140.

(b) For Native and tribal languages that are outside of Washington's twenty-nine federally recognized tribes, consult the office of native education.

[Statutory Authority: RCW 28A.230.125, 28A.300.575. WSR 15-09-123, § 392-410-350, filed 4/21/15, effective 5/22/15.]

WSR 22-05-037
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES

[Filed February 8, 2022, 9:28 a.m., effective March 11, 2022]

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

Purpose: Disposal fees will be adjusted to ensure adequate funds for management and monitoring of disposal sites.

Citation of Rules Affected by this Order: Amending WAC 332-30-166.

Statutory Authority for Adoption: RCW 43.30.215, 79.105.500, 79.105.510, 79.105.520.

Adopted under notice filed as WSR 21-21-057 on October 15, 2021.

A final cost-benefit analysis is available by contacting Abby Barnes, 1111 Washington Street S.E., Mailstop 47027, Olympia, WA 98501, phone 360-995-2419, fax 360-902-1786, email abby.barnes@dnr.wa.gov, website <https://www.dnr.wa.gov/programs-and-services/aquatics/aquatics-leasing-and-licensing/dredging>.

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

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

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

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

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

Date Adopted: February 7, 2022.

Alexandra K. Smith
Deputy for Forest Resilience
Regulation and Aquatics

OTS-3399.1

AMENDATORY SECTION (Amending WSR 94-23-006, filed 11/3/94, effective 12/4/94)

WAC 332-30-166 Open water disposal sites. (1) Open water disposal sites are established primarily for the disposal of dredged material obtained from marine or fresh waters. These sites are generally not available for disposal of material derived from upland or dryland excavation except when such materials would enhance the aquatic habitat.

(2) Material may be disposed of on state-owned aquatic land only at approved open water disposal sites and only after (~~authorization has been obtained~~) authorized in writing from the department. Applications for use of any area other than an established site shall be rejected. However, the applicant may appeal to the (~~interagency open~~

~~water disposal site evaluation committee)) Dredged Material Management Program (DMMP) for establishment of a new site. DMMP consists of the following agencies: The Washington state department of natural resources; the Washington state department of ecology; the U.S. Environmental Protection Agency Region 10; and U.S. Seattle District Army Corps of Engineers.~~

(3) Application for use of an established site must be for dredged material that meets the approval of federal and state agencies and for which there is no practical alternative upland disposal site or beneficial use such as beach enhancement.

(4) ~~The department will only ((issue authorization for use of))~~ authorize the site for disposal after:

(a) ~~The U.S. Environmental Protection Agency and Washington~~ department of ecology notify the department that, in accordance with Sections 404 and 401, respectively, of the Federal Clean Water Act, the dredged materials are suitable for in-water disposal and do not appear to create a threat to human health, welfare, or the environment; and

(b) All necessary federal, state, and local permits are acquired.

(5) Any use authorization granted by the department shall be subject to the terms and conditions of any required federal, state, or local permits.

(6) The department shall suspend or terminate any authorization to use a site upon the expiration of any required permit.

(7) ~~All ((leases))~~ authorizations for use of a designated site must require notification to DNR in Olympia ~~((twenty-four))~~ 24 hours prior to each use. ~~((DNR Olympia must be notified five working days prior to the first use to permit an on-site visit to confirm with dump operator the site location.))~~

(8) Pipeline disposal of material to an established disposal site will require special consideration.

(9) ~~The department will charge fees ((will be charged))~~ at rates sufficient to cover all departmental costs associated with management of the sites. Fees will be reviewed and adjusted annually or more often as needed. A ~~((penalty))~~ damage fee may be charged for unauthorized ~~((dumping))~~ disposal or ~~((dumping))~~ disposal beyond the ~~((lease))~~ authorized site. Army Corps of Engineers navigation channel maintenance projects where there is no local sponsor are exempt from this fee schedule.

FEES

(a) Puget Sound and Strait of Juan De Fuca: The cost of disposal at all disposal sites in the Puget Sound and Strait of Juan De Fuca is \$0.45 per cubic yard (c.y.) ((7)) until and including June 30, 2022. On July 1, 2022, the cost for disposal is \$0.75 (c.y.) until and including June 30, 2025. Beginning on July 1, 2025, the cost of disposal shall be \$0.95 (c.y.) and thereafter. All disposal site users shall pay a minimum fee of \$2,000 ((minimum)).

(b) Grays Harbor/Willapa Bay: The cost of disposal at all disposal sites in Grays Harbor/Willapa Bay is \$0.10 per cubic yard (c.y.) ((7 minimum fee)) until and including June 30, 2022. On July 1, 2022, the cost for disposal is \$0.15 (c.y.) until and including June 30, 2025. Beginning July 1, 2025, the cost of disposal shall be \$0.20 (c.y.) and thereafter. All disposal site users shall pay a minimum fee of \$300.00.

(c) Damage fee - \$5.00/cubic yard.

(10) Open water disposal site selection. Sites are selected and managed by the department with the advice of the (~~(interagency open water disposal site evaluation committee (a technical committee of the aquatic resources advisory committee). The committee is composed of representatives of the state departments of ecology, fisheries, game, and natural resources as well as the Federal Army Corps of Engineers, National Marine Fisheries Service, Environmental Protection Agency, and Fish and Wildlife Service. The department chairs the committee. Meetings are irregular. The committee))~~ DMMP. The DMMP has developed a series of guidelines (~~(to be used)~~) for use in selecting disposal sites. The objectives of the site selection guidelines are to reduce damage to living resources known to utilize the area, and to minimize the disruption of normal human activity that is known to occur in the area. The guidelines are as follows:

- (a) Select areas of common or usual natural characteristics. Avoid areas with uncommon or unusual characteristics.
 - (b) Select areas, where possible, of minimal dispersal of material rather than maximum widespread dispersal.
 - (c) Sites subject to high velocity currents will be limited to sandy or coarse material whenever feasible.
 - (d) When possible, use disposal sites that have substrate similar to the material being (~~(dumped)~~) disposed of.
 - (e) Select areas close to dredge sources to insure use of the sites.
 - (f) Protect known fish nursery, fishery harvest areas, fish migration routes, and aquaculture installations.
 - (g) Areas proposed for dredged material disposal may require an investigation of the biological and physical systems (~~(which)~~) that exist in the area.
 - (h) Current velocity, particle size, bottom slope and method of disposal must be considered.
 - (i) Projects transporting dredged material by pipeline will require individual review.
 - (j) Placement of temporary site marking buoys may be required.
 - (k) The department will assure disposal occurs in accordance with permit conditions. Compliance measures may include, but are not limited to, visual or electronic surveillance, marking of sites with buoys, requiring submittal of operator reports and bottom sampling or inspection.
 - (l) Special consideration should be given to placing material at a site where (~~(it)~~) disposal will enhance the habitat for living resources.
 - (m) Locate sites where surveillance is effective and can easily be found by tugboat operators.
- (11) The department shall conduct such subtidal surveys as are necessary for siting and managing the disposal sites.

[Statutory Authority: RCW 43.30.150, 79.90.550, 79.90.555 and 79.90.560. WSR 94-23-006 (Order 628), § 332-30-166, filed 11/3/94, effective 12/4/94. Statutory Authority: RCW 79.90.560. WSR 90-02-085, § 332-30-166, filed 1/3/90, effective 2/3/90; WSR 88-13-082 (Order 537, Resolution No. 585), § 332-30-166, filed 6/17/88. Statutory Authority: RCW 79.90.100 and 43.30.150. WSR 85-15-050 (Order 451, Resolution No. 492), § 332-30-166, filed 7/16/85. Statutory Authority: RCW 43.30.150. WSR 80-09-005 (Order 343), § 332-30-166, filed 7/3/80.]

WSR 22-05-048
PERMANENT RULES
HEALTH CARE AUTHORITY

[Filed February 9, 2022, 7:26 a.m., effective March 12, 2022]

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

Purpose: The agency is amending home health rules in chapter 182-551 WAC, subchapter II, to include medical social services within the home health program.

Citation of Rules Affected by this Order: New WAC 182-551-2115; and amending WAC 182-551-2000, 182-551-2010, and 182-551-2130.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 22-01-132 on December 13, 2021.

Changes Other than Editing from Proposed to Adopted Version:

Proposed/Adopted	WAC Subsection	Reason
WAC 182-551-2115(2)		
Proposed	(2) The medicaid agency pays for one encounter per 12-month period up to eight 15-minute units per encounter. The medicaid agency pays for additional services with prior authorization on a case-by-case basis when medically necessary.	The agency considers "up to eight 15-minute units per 365-day period" without regard to "encounter" as a clearer and more reasonable limitation consistent with industry practice.
Adopted	(2) The medicaid agency pays for one encounter per 12-month period up to eight 15-minute units per <u>365-day period</u> encounter. The medicaid agency pays for additional services with prior authorization on a case-by-case basis when medically necessary.	

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 3, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 3, Repealed 0.

Date Adopted: February 9, 2022.

Wendy Barcus
 Rules Coordinator

OTS-3409.3

AMENDATORY SECTION (Amending WSR 18-24-023, filed 11/27/18, effective 1/1/19)

WAC 182-551-2000 General. (1) The purpose of the medicaid agency's home health program is to reduce the costs of health care services by providing equally effective, less restrictive quality care to the client in any setting where normal life activities take place, subject to the restrictions and limitations in subchapter II.

(2) A client does not have to be homebound or need nursing or therapy services to receive services under this chapter.

(3) Home health skilled services are provided for acute, intermittent, short-term, and intensive courses of treatment. See chapters 182-514 and 388-71 WAC for programs administered to clients who need chronic, long-term maintenance care.

(4) Home health services include the following services and items:

(a) Nursing service, see WAC 182-551-2100;

(b) Home health aide service, see WAC 182-551-2120;

(c) Medical supplies, equipment, and appliances suitable for use in any setting where normal life activities take place, see chapter 182-543 WAC; ~~((and))~~

(d) Physical therapy, occupational therapy, or speech therapy, see WAC 182-551-2110, and audiology services, see WAC 182-531-0375; and

(e) Medical social services, see WAC 182-551-2115.

(5) The agency evaluates medical equipment requests for medical necessity according to WAC 182-501-0165.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 42 C.F.R. Section 440.70. WSR 18-24-023, § 182-551-2000, filed 11/27/18, effective 1/1/19. Statutory Authority: RCW 41.05.021, 41.05.160. WSR 16-03-035, § 182-551-2000, filed 1/12/16, effective 2/12/16. WSR 11-14-075, re-codified as § 182-551-2000, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090, chapter 74.09 RCW, and 2009 c 326. WSR 10-10-087, § 388-551-2000, filed 5/3/10, effective 6/3/10. Statutory Authority: RCW 74.08.090, 74.09.520, 74.09.530, and 74.09.500. WSR 02-15-082, § 388-551-2000, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 74.08.090 and 74.09.530. WSR 99-16-069, § 388-551-2000, filed 8/2/99, effective 9/2/99.]

AMENDATORY SECTION (Amending WSR 21-23-044, filed 11/9/21, effective 12/10/21)

WAC 182-551-2010 Definitions. The following definitions and abbreviations and those found in chapter 182-500 WAC apply to subchapter II:

"Acute care" means care provided by a home health agency for clients who are not medically stable or have not attained a satisfactory level of rehabilitation. These clients require frequent intervention by a registered nurse or licensed therapist.

"Authorized practitioner" means:

(a) A physician, nurse practitioner, clinical nurse specialist, or physician assistant who may order and conduct home health services, including face-to-face encounter services; or

(b) A certified nurse midwife under 42 C.F.R. 440.70 when furnished by a home health agency that meets the conditions of participation for medicare who may conduct home health services, including face-to-face encounter services.

"Brief skilled nursing visit" means a registered nurse, or a licensed practical nurse under the supervision of a registered nurse, performs only one of the following activities during a visit to a client:

- (a) An injection;
- (b) Blood draw; or
- (c) Placement of medications in containers.

"Chronic care" means long-term care for medically stable clients.

"Full skilled nursing visit" means a registered nurse, or a licensed practical nurse under the supervision of a registered nurse, performs one or more of the following activities during a visit to a client:

- (a) Observation;
- (b) Assessment;
- (c) Treatment;
- (d) Teaching;
- (e) Training;
- (f) Management; and
- (g) Evaluation.

"Home health agency" means an agency or organization certified under medicare to provide comprehensive health care on an intermittent or part-time basis to a patient in any setting where the patient's normal life activities take place.

"Home health aide" means a person registered or certified as a nursing assistant under chapter 18.88 RCW who, under the direction and supervision of a registered nurse or licensed therapist, assists in the delivery of nursing or therapy related activities, or both.

"Home health aide services" means services provided by a home health aide only when a client has an acute, intermittent, short-term need for the services of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract with a home health agency. These services are provided under the supervision of the previously identified authorized practitioners and include, but are not limited to, ambulation and exercise, assistance with self-administered medications, reporting changes in a client's condition and needs, and completing appropriate records.

"Home health skilled services" means skilled health care (nursing, specialized therapy, and home health aide) services provided on an intermittent or part-time basis by a medicare-certified home health agency with a current provider number in any setting where the client's normal life activities take place. See also WAC 182-551-2000.

"Long-term care" is a generic term referring to various programs and services, including services provided in home and community settings, administered directly or through contract by the department of social and health services' (DSHS) division of developmental disabilities (DDD) or aging and long-term support administration (AL TSA) through home and community services (HCS).

"Medical social services" are services delivered by a medical social worker that are intended to resolve social or emotional problems that are expected to be an impediment to the effective treatment of the client's medical condition or rate of recovery. Medical social services include assessment of the social and emotional factors related to the client's illness, need for care, response to treatment, and

adjustment to care; evaluation of the client's home situation, financial resources, and availability of community resources; assistance in obtaining available community resources and financial resources; and counseling the client and family to address emotional issues related to the illness.

"Medical social worker" has the same meaning given for "social worker" in WAC 246-335-510.

"Plan of care (POC)" (also known as **"plan of treatment (POT)"**) means a written plan of care that is established and periodically reviewed and signed by both an authorized practitioner and a home health agency provider. The plan describes the home health care to be provided in any setting where the client's normal life activities take place. See WAC 182-551-2210.

"Review period" means the three-month period the medicaid agency assigns to a home health agency, based on the address of the agency's main office, during which the medicaid agency reviews all claims submitted by that home health agency.

"Specialized therapy" means skilled therapy services provided to clients that include:

- (a) Physical;
- (b) Occupational; or
- (c) Speech/audiology services.

(See WAC 182-551-2110.)

"Telemedicine" - For the purposes of WAC 182-551-2000 through 182-551-2220, means the use of telemonitoring to enhance the delivery of certain home health skilled nursing services through:

(a) The collection and transmission of clinical data between a patient at a distant location and the home health provider through electronic processing technologies. Objective clinical data that may be transmitted includes, but is not limited to, weight, blood pressure, pulse, respirations, blood glucose, and pulse oximetry; or

(b) The provision of certain education related to health care services using audio, video, or data communication instead of a face-to-face visit.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 21-23-044, § 182-551-2010, filed 11/9/21, effective 12/10/21. Statutory Authority: RCW 41.05.021, 41.05.160 and 42 C.F.R. Section 440.70. WSR 18-24-023, § 182-551-2010, filed 11/27/18, effective 1/1/19. Statutory Authority: RCW 41.05.021, 41.05.160. WSR 16-03-035, § 182-551-2010, filed 1/12/16, effective 2/12/16. WSR 11-14-075, recodified as § 182-551-2010, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090, chapter 74.09 RCW, and 2009 c 326. WSR 10-10-087, § 388-551-2010, filed 5/3/10, effective 6/3/10. Statutory Authority: RCW 74.08.090, 74.09.520, 74.09.530, and 74.09.500. WSR 02-15-082, § 388-551-2010, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 74.08.090 and 74.09.530. WSR 99-16-069, § 388-551-2010, filed 8/2/99, effective 9/2/99.]

NEW SECTION

WAC 182-551-2115 Covered medical social services. (1) Subject to funding appropriated by the legislature, the medicaid agency covers medical social services, as defined in WAC 182-551-2010, provided by a

home health agency in any setting where normal life activities take place.

(2) The medicaid agency pays for up to eight 15-minute units per 365-day period. The medicaid agency pays for additional services with prior authorization on a case-by-case basis when medically necessary.

[]

AMENDATORY SECTION (Amending WSR 18-24-023, filed 11/27/18, effective 1/1/19)

WAC 182-551-2130 Noncovered services. (1) The medicaid agency does not cover the following home health services under the home health program, unless otherwise specified:

(a) Chronic long-term care skilled nursing visits or specialized therapy visits for a medically stable client when a long-term care skilled nursing plan or specialized therapy plan is in place through the department of social and health services' aging and long-term support administration (ALTSA).

(i) The medicaid agency considers requests for interim chronic long-term care skilled nursing services or specialized therapy services for a client while the client is waiting for ALTSA to implement a long-term care skilled nursing plan or specialized therapy plan; and

(ii) On a case-by-case basis, the medicaid agency may authorize long-term care skilled nursing visits or specialized therapy visits for a client for a limited time until a long-term care skilled nursing plan or specialized therapy plan is in place. Any services authorized are subject to the provisions in this section and other applicable published WAC.

(b) Social work services that are not "medical social services" as defined in WAC 182-551-2010.

(c) Psychiatric skilled nursing services.

(d) Pre- and postnatal skilled nursing services, except as listed under WAC 182-551-2100 (2)(e).

(e) Well-baby follow-up care.

(f) Services performed in hospitals, correctional facilities, skilled nursing facilities, or a residential facility with skilled nursing services available.

(g) Health care for a medically stable client (e.g., one who does not have an acute episode, a disease exacerbation, or treatment change).

(h) Home health specialized therapies and home health aide visits for clients that are covered under the AEM categorically needy and medically needy programs and are in the following programs:

(i) Categorically needy - Emergency medical only; and

(ii) Medically needy - Emergency medical only.

(i) Skilled nursing visits for a client when a home health agency cannot safely meet the medical needs of that client within home health services program limitations (e.g., for a client to receive infusion therapy services, the caregiver must be willing and capable of managing the client's care).

(j) More than one of the same type of specialized therapy and home health aide visit per day.

(k) The medicaid agency does not pay for duplicate services for any specialized therapy for the same client when both providers are performing the same or similar procedure or procedures.

(1) Home health visits made without a written physician's order, unless the verbal order is:

(i) Documented before the visit; and

(ii) The document is signed by the ordering physician within (~~forty-five~~) 45 days of the order being given.

(2) The medicaid agency does not cover additional administrative costs billed above the visit rate (these costs are included in the visit rate and will not be paid separately).

(3) The medicaid agency evaluates a request for any service that is listed as noncovered under WAC 182-501-0160.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 42 C.F.R. Section 440.70. WSR 18-24-023, § 182-551-2130, filed 11/27/18, effective 1/1/19. Statutory Authority: RCW 41.05.021, 41.05.160. WSR 16-03-035, § 182-551-2130, filed 1/12/16, effective 2/12/16. WSR 11-14-075, recodified as § 182-551-2130, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.08.090, chapter 74.09 RCW, and 2009 c 326. WSR 10-10-087, § 388-551-2130, filed 5/3/10, effective 6/3/10. Statutory Authority: RCW 74.04.050, 74.08.090, 74.09.530, and 74.09.700. WSR 06-24-036, § 388-551-2130, filed 11/30/06, effective 1/1/07. Statutory Authority: RCW 74.08.090, 74.09.520, 74.09.530, and 74.09.500. WSR 02-15-082, § 388-551-2130, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 74.08.090 and 74.09.530. WSR 99-16-069, § 388-551-2130, filed 8/2/99, effective 9/2/99.]

WSR 22-05-049
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed February 9, 2022, 9:38 a.m., effective March 12, 2022]

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

Purpose: Law enforcement officers' and firefighters' (LEOFF) Plan 1 minimum medical and health standards: The minimum medical and health standards for establishing membership in LEOFF Plan 1 prior to October 1, 1977, are no longer necessary.

Citation of Rules Affected by this Order: Repealing WAC 415-104-510 through 415-104-755; and amending WAC 415-104-500.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under notice filed as WSR 22-02-077 on January 5, 2022.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 47.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 47.

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

Date Adopted: February 9, 2022.

Tracy Guerin
Director

OTS-3480.2

AMENDATORY SECTION (Amending WSR 78-03-023, filed 2/15/78)

WAC 415-104-500 ((Purpose-)) LEOFF Plan 1 minimum medical and health standards. ((The regulations contained in WAC 415-104-510 through 415-104-750 are adopted as the minimum medical and health standards which must be met or exceeded before a law enforcement officer or firefighter may become a member of the retirement system contained in chapter 41.26 RCW as now existing or hereafter amended. Such regulations are adopted pursuant to chapter 41.26 RCW (chapter 257, Laws of 1971 1st ex. sess.) and are to be applied consistent with the provisions of that act. The minimum medical and health standards are not hiring standards. They relate only to membership in the LEOFF system.)) The minimum medical and health standards previously codified in WAC 415-104-510 through 415-104-755 are not currently necessary for administration of the plans and are hereby repealed.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. WSR 78-03-023 (Order IV), § 415-104-500, filed 2/15/78. Formerly WAC 297-50-010.]

OTS-3477.1

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-104-510	Minimum standards for membership— Physical examination.
WAC 415-104-520	Abdomen and gastrointestinal system.
WAC 415-104-530	Blood and blood-forming tissue diseases.
WAC 415-104-540	Dental.
WAC 415-104-550	Ears.
WAC 415-104-555	Hearing.
WAC 415-104-560	Table 1—Table of acceptable audiometric hearing level.
WAC 415-104-570	Endocrine and metabolic disorders.
WAC 415-104-580	Upper extremities.
WAC 415-104-584	Lower extremities.
WAC 415-104-588	Miscellaneous extremities.
WAC 415-104-590	Eyes.
WAC 415-104-595	Vision.
WAC 415-104-600	Genitalia.
WAC 415-104-605	Urinary system.
WAC 415-104-610	Head.
WAC 415-104-615	Neck.
WAC 415-104-620	Heart.
WAC 415-104-624	Vascular system.
WAC 415-104-628	Heart and vascular system— Miscellaneous.
WAC 415-104-630	Height.
WAC 415-104-634	Weight.
WAC 415-104-638	Body build.
WAC 415-104-640	Lungs and chest wall—General.
WAC 415-104-644	Lungs and chest—Tuberculous lesions.
WAC 415-104-648	Lungs and chest—Nontuberculous lesions.
WAC 415-104-650	Table 2—Table of weight.
WAC 415-104-660	Mouth.
WAC 415-104-663	Nose and sinuses.
WAC 415-104-666	Pharynx, trachea, esophagus, and larynx.
WAC 415-104-668	Miscellaneous mouth, throat, and nose diseases.
WAC 415-104-670	Neurological disorders.

WAC 415-104-680	Psychoses.
WAC 415-104-684	Psychoneuroses.
WAC 415-104-688	Personality disorders.
WAC 415-104-690	Skin and cellular tissues.
WAC 415-104-700	Spine and sacroiliac joints.
WAC 415-104-705	Scapulae, clavicles, and ribs.
WAC 415-104-710	Systemic diseases.
WAC 415-104-715	Miscellaneous conditions and defects.
WAC 415-104-720	Tumors.
WAC 415-104-725	Malignant diseases and tumors.
WAC 415-104-730	Venereal diseases.
WAC 415-104-740	Mental examination.
WAC 415-104-745	Mental examination—Requirement.
WAC 415-104-750	Mental examination—Procedure.
WAC 415-104-755	Mental examination—Retention by employing department.

WSR 22-05-050

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 21-07—Filed February 9, 2022, 10:00 a.m., effective March 12, 2022]

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

Purpose: In 2021, the legislature passed the Climate Commitment Act (CCA). The CCA establishes a cap and invest program to help Washington meet the greenhouse gas (GHG) emissions limits set in state law.

This rule making adopts amendments to chapter 173-441 WAC, Reporting of emissions of greenhouse gases, to expand the number and types of organizations subject to reporting and improve reporting requirements in order to align with new requirements from the CCA. Specifically, this rule making:

- Adds natural gas suppliers, carbon dioxide suppliers, and electric power entities to the existing GHG reporting program.
- Replaces the existing transportation fuel supplier program with a CCA-compatible fuel supplier program.
- Updates GHG reporting requirements to support the CCA and facilitates potential program linkage with other jurisdictions.
- Adds program elements to support the verification of GHG reporting data.
- Modifies administrative provisions such as deadlines and GHG reporting fees.
- Includes requirements necessary to support the above items, the overall objectives of the statute or chapter, or the goals of the CCA.
- Makes administrative changes for correction or clarification.

Citation of Rules Affected by this Order: Amending chapter 173-441 WAC.

Statutory Authority for Adoption: RCW 70A.15.2200.

Adopted under notice filed as WSR 21-20-137 on October 6, 2021.

Changes Other than Editing from Proposed to Adopted Version: **WAC 173-441-020 Definitions, subsection (1) Definitions specific to this chapter.** We modified these definitions:

- 40 C.F.R. Part 98: Revised the adoption by reference date from July 1, 2021, to February 9, 2022, to maintain consistency with the most recent version of the Environmental Protection Agency's (EPA's) rules. There were no changes to the federal rule in between these dates;
- Electric power entity: Updated to specify that term includes "asset controlling suppliers" rather than "first jurisdictional deliverers." Commenters requested the use of the broader term;
- Operator: Changed to reflect the structure of electric power entities (EPEs) because of a commenter's request; and
- Fuel supplier: Revised for clarity.

We added one new definition:

- Asset controlling supplier: Requested by commenters.

WAC 173-441-030 Applicability, subsection (2) Supplier reporting, and subsection (3) Electric power entity reporting. We clarified when new reporting requirements begin in this section.

WAC 173-441-050 General monitoring, reporting, recordkeeping, and verification requirements, subsection (3) Content of the annual re-

port. We removed the requirement in subsection (j) to describe any affiliation with other reporters. We made this change in response to public comments that the requirement lacked clarity and could be difficult to report. We clarified requirements for facilities reporting self-generated electricity in subsection (l).

We added text to subsection (n)(i) explicitly allowing the reporting of more than one production metric because of a commenter's request.

Table 050-1 Updates:

- NAICS code 321XXX: Updated production metric to provide more clarity, as requested by a commenter.
- NAICS code 3221XX: Updated production metric to provide more clarity and add additional production metric options for paper or paperboard produced, as requested by a commenter.
- NAICS code 322299: Updated production metric to provide more clarity, as requested by a commenter.
- NAICS code 324110:
 - Updated production metric as requested by a commenter to one already included in GHG reports.
 - Phased in the start of complexity weighted barrel reporting requirements to provide refineries with additional time to prepare to report this metric.
 - Moved 40 C.F.R. Part 98 Subpart MM facility reporting from WAC 173-441-120 to Table 050-1 for clarity.
- NAICS code 334413: Updated production metric from "square meters of wafer produced" to "square meter of mask layer produced," as requested by a commenter.
- NAICS code 3364XX: Updated to include an additional production metric option: "square meters of external surface area of aircraft."

We added text to subsection (n)(iv) requiring a facility to inform ecology if they wish to change their reported production metric in Table 050-1. We made this change due to the modifications to Table 050-1 allowing additional production metrics.

Subsection (6) Recordkeeping. We modified subsection (e)(iv) to ensure consistent record request requirements between the monitoring plan and other rule provisions.

Subsection (7) Annual GHG report revisions. We updated subsection (e) to ensure the record retention period is consistent throughout the rule.

Subsection (8) Calibration and accuracy requirements. We removed the missing data requirements based on data capture rate from subsection (h) due to conflicts with EPA reporting requirements.

WAC 173-441-085 Third-party verification. We modified this section by adding "reported in 2024" to clarify when third-party verification requirements begin.

WAC 173-441-090 Compliance and enforcement. We modified this section to include subsection (3), which details phased enforcement for some reporting elements for the 2022 emissions year. We made this change in response to public comments and to allow reporters to adapt to new reporting requirements and tools.

WAC 173-441-120 Calculation methods for facilities, subsection (5) Emissions subject to reporting, but not subject to the reporting threshold. We moved the requirement to submit the existing facility level Subpart MM report for petroleum refineries from this section to

WAC 173-441-050(n), the section containing information on supplemental product data reporting. We made this change to clarify requirements.

WAC 173-441-122 Calculation methods for suppliers. Subsection (1) General requirements. We added clarifying language to explain that a supplier cannot split operations into multiple sub-suppliers to get under the reporting threshold.

Subsection (2) Definitions specific to suppliers. We removed "For the purposes of this chapter" from subsection (1) and changed "this chapter" to "Chapter 173-441 WAC" in subsection (m) in response to a stakeholder request for clarity.

Subsection (4) Supplier of natural gas, and subsection (5) Fuel suppliers other than suppliers of natural gas. We updated these subsections for term consistency with chapter 173-446 WAC and the updated "fuel supplier" definition in WAC 173-441-020.

WAC 173-441-124 Calculation methods for electric power entities, subsection (1) General requirements. We removed the word "source" in response to requests to clarify how EPEs are categorized. We also changed "Bonneville Power Administration" to "Asset Controlling Suppliers" in subsection (a)(iii) and clarified reporting methods for electric generating facilities in subsection (a)(iv).

Subsection (2) Definitions specific to electric power entities. We added definitions for "direct delivery of electricity," "electricity generating facility," and "generation providing entity" due to stakeholder requests.

We removed the following definitions since they are not used in the adopted rule:

- "Importer of record";
- "Electricity generation provider";
- "Particular end user" at the request of commenters; and
- "Substitute power" or "substitute electricity."

We clarified who is the importer of energy imbalance market (EIM) power in subsection (c)(iii). We also made a minor clarification in subsections (c)(v) and (vii) by changing "this program" to "this chapter."

We added language in subsections (c)(viii) and (ix) clarifying requirements for entities that do not have e-tags for all of their transactions. We made this change in response to stakeholder requests.

In subsection (o), we added additional language describing "electricity exporters" at the request of commenters. We also removed the description of "EIM purchaser" from this subsection in response to comments.

We removed references to "wheeled electricity" throughout this section in response to comments.

At the request of commenters, we removed "first jurisdictional" from the term "first jurisdictional deliverer" in one case when the more generic form of the term was appropriate.

Subsection (3) Data requirements and calculation methods. In subsection (a), we removed a sentence about substitute electricity reporting at the request of commenters. We also changed the term "imported electricity" to "delivered electricity" and clarified terminology in subsection (a)(iv) at the request of commenters.

In subsection (a)(v)(E), we added language for situations in which e-tags are not available, as requested by commenters.

We removed references to "wheeled electricity" throughout this section in response to comments.

We removed "including imported electricity under EIM" from subsection (b) (ii) (B) (VI) at the request of commenters.

We corrected a typographical mistake to the multijurisdictional retail provider emissions formula (equation 124-9) and updated one term at the request of commenters.

We updated subsection (g) to require registration of anticipated specified sources in the greenhouse gas report. We also removed text in subsections (g) (ii) and (iii) because it was duplicative with other requirements. We removed text in subsection (g) (iv) at the request of commenters, since the language is not applicable to Bonneville Power Administration.

We removed language relating to "substitute electricity" at the request of commenters since this concept is not applicable to Washington.

A final cost-benefit analysis is available by contacting Rachel Assink, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 425-531-3444, for Washington relay service or TTY call 711 or 877-833-6341, email rachel.assink@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-441>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 13, Repealed 1.

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

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

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

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

Date Adopted: February 9, 2022.

Laura J. Watson
Director

OTS-3263.3

AMENDATORY SECTION (Amending WSR 15-04-051, filed 1/29/15, effective 3/1/15)

WAC 173-441-010 Scope. This rule establishes mandatory greenhouse gas (GHG) reporting requirements for owners and operators of certain facilities that directly emit GHG as well as for certain suppliers (~~(of liquid motor vehicle fuel, special fuel, or aircraft fuel)~~) and electric power entities. For suppliers, the GHGs reported are the quantity that would be emitted from the complete combustion or oxidation of the products supplied.

[Statutory Authority: Chapters 70.235 and 70.94 RCW. WSR 15-04-051 (Order 13-13), § 173-441-010, filed 1/29/15, effective 3/1/15. Statu-

tory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-010, filed 12/1/10, effective 1/1/11.]

AMENDATORY SECTION (Amending WSR 16-19-047, filed 9/15/16, effective 10/16/16)

WAC 173-441-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) **Definitions specific to this chapter:**

(a) "40 C.F.R. Part 98" or "40 C.F.R. § 98" means the United States Environmental Protection Agency's Mandatory Greenhouse Gas Reporting regulation including any applicable subparts. All references are adopted by reference as if it was copied into this rule. References mentioned in this rule are adopted as they exist on February 9, 2022, or the adoption date in WAC 173-400-025(1), whichever is later.

(b) "Asset controlling supplier" or "ACS" means any entity that owns or operates interconnected electricity generating facilities or serves as an exclusive marketer for these facilities even though it does not own them, and has been designated by the department and received a department-published emissions factor for the wholesale electricity procured from its system. Electricity from an asset controlling supplier is considered a specified source of electricity.

(c) "Biomass" means nonfossilized and biodegradable organic material originating from plants, animals, or microorganisms, including products, by-products, residues and waste from agriculture, forestry, and related industries as well as the nonfossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material.

~~((b))~~ (d) "Carbon dioxide equivalent" or "CO₂e" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

~~((c) "Department of licensing" or "DOL" means the Washington state department of licensing.~~

~~((d))~~ (e) "Director" means the director of the department of ecology.

~~((e))~~ (f) "Ecology" means the Washington state department of ecology.

~~((f))~~ (g) "Electric power entity" includes any of the following that supply electric power in Washington: (i) Electricity importers and exporters; (ii) retail providers, including multijurisdictional retail providers; and (iii) the asset controlling suppliers. See WAC 173-441-124 for more detail.

(h) "Facility" unless otherwise specified in WAC 173-441-122, 173-441-124, or any subpart of 40 C.F.R. Part 98 as adopted ((by September 1, 2016)) in WAC 173-441-120, means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right of way and under common ownership or common control, that emits or may emit any greenhouse gas. Operators of military installations may classify such installations as more than a single facility based on dis-

tinct and independent functional groupings within contiguous military properties. (~~All source categories in WAC 173-441-120 are considered facilities even if the source category name includes the word "supplier."~~)

~~(g))~~ (i) "Fuel products" means petroleum products, biomass-derived fuels, coal-based liquid fuels, natural gas, biogas, and liquid petroleum gas as established in 40 C.F.R. Part 98 Subparts LL through NN. Renewable or biogenic versions of fuel products listed in Tables MM-1 or NN-1 of 40 C.F.R. Part 98 are also considered fuel products. Assume complete combustion or oxidation of fuel products when calculating GHG emissions.

(j) "Fuel supplier" means any of the following suppliers of fuel products: (See WAC 173-441-122 for more detail.)

(i) A supplier of fossil fuel other than natural gas, including:

(A) A supplier of petroleum products;

(B) A supplier of liquid petroleum gas;

(C) A supplier of coal-based liquid fuels.

(ii) A supplier of biomass-derived fuels;

(iii) A supplier of natural gas, including:

(A) Operators of interstate and intrastate pipelines;

(B) Suppliers of liquefied or compressed natural gas;

(C) Natural gas liquid fractionators;

(D) Local distribution companies.

(k) "Greenhouse gas," "greenhouse gases," "GHG," and "GHGs" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Beginning on January 1, 2012, "greenhouse gas" also includes any other gas or gases designated by ecology by rule in Table A-1 in WAC 173-441-040.

~~((h))~~ (l) "Operator" means any individual or organization who operates or supervises a facility, supplier, or electric power entity. The operator of an electric power entity may be the electric power entity itself.

(m) "Owner" means any individual or organization who has legal or equitable title to, has a leasehold interest in, or control of a facility, supplier, or electric power entity, except an individual or organization whose legal or equitable title to or leasehold interest in the facility, supplier, or electric power entity arises solely because the person is a limited partner in a partnership that has legal or equitable title to, has a leasehold interest in, or control of the facility, supplier, or electric power entity shall not be considered an "owner" of the facility, supplier, or electric power entity.

(n) "Person" includes the owner or operator of:

(i) ((An owner or operator, as those terms are defined by the United States Environmental Protection Agency in its mandatory greenhouse gas reporting regulation in 40 C.F.R. Part 98, as adopted by September 1, 2016; and)) A facility;

(ii) A supplier; or

(iii) An electric power entity.

~~((i))~~ (o) "Product data" means data related to a facility's production that is part of the annual GHG report.

~~((j))~~ (p) "Reporter" means any of the following subject to this chapter:

(i) A facility;

(ii) A supplier; or

(iii) An electric power entity.

(q) "Supplier" (~~or "transportation fuel supplier"~~) means ((

(i)) any person who is a:

~~((A) A motor vehicle fuel or special fuel supplier or distributor, as those terms are defined in RCW 82.38.020; or~~

~~(B) A distributor of aircraft fuel, as the term is defined in RCW 82.42.010.~~

~~(ii) Any use of the term "supplier" in a source category in WAC 173-441-120 or incorporated from 40 C.F.R. Part 98, as adopted by September 1, 2016, is not a "supplier" under this definition. Those uses are instead types of "facilities.") (i) Fuel supplier that produces, imports, or delivers, or any combination of producing, importing, or delivering, fuel products in Washington; and~~

~~(ii) Supplier of carbon dioxide that produces, imports, or delivers a quantity of carbon dioxide in Washington that, if released, would result in emissions in Washington.~~

(2) Definitions specific to ((suppliers)) the Climate Commitment Act program. ~~((Suppliers must use the definitions found in the following statutes unless the definition is in conflict with a definition found in subsection (1) of this section. These definitions do not apply to facilities.~~

~~(a) Chapter 82.38 RCW; and~~

~~(b) Chapter 82.42 RCW.) For those terms not listed in subsection (1) of this section, WAC 173-441-122(2), or 173-441-124(2), the definitions from chapter 70A.65 RCW, as described in chapters 173-446 and 173-446A WAC apply in this chapter in order of precedence.~~

(3) Definitions from 40 C.F.R. Part 98. For those terms not listed in subsection (1) or (2) of this section, WAC 173-441-122(2), or 173-441-124(2), the definitions found in 40 C.F.R. § 98.6 or a subpart as adopted in ((WAC 173-441-120, as adopted by September 1, 2016, are adopted by reference)) this chapter, apply in this chapter as modified in WAC 173-441-120(2).

~~((4) **Definitions from chapter 173-400 WAC.** If no definition is provided in subsections (1) through (3) in this section, use the definition found in chapter 173-400 WAC.)~~

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-441-020, filed 9/15/16, effective 10/16/16; WSR 15-04-051 (Order 13-13), § 173-441-020, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-020, filed 12/1/10, effective 1/1/11.]

AMENDATORY SECTION (Amending WSR 15-04-051, filed 1/29/15, effective 3/1/15)

WAC 173-441-030 Applicability. The GHG reporting requirements and related monitoring, recordkeeping, and reporting requirements of this chapter apply to the owners and operators of any facility that meets the requirements of subsection (1) of this section; ~~((and))~~ any supplier that meets the requirements of subsection (2) of this section; and any electric power entity that meets the requirements of subsection (3) of this section. In determining whether reporting is required, the requirements of each subsection ~~((1))~~ must be applied independently of the requirements of the other subsections ~~((2))~~. Research and development activities are not considered to be part of any source category defined in this chapter.

(1) **Facility reporting.** Reporting is mandatory for an owner or operator of any facility located in Washington state with total GHG emissions that exceeds the reporting threshold defined in (a) of this subsection. GHG emissions from all applicable source categories listed in WAC 173-441-120 at the facility must be included when determining whether emissions from the facility meet the reporting threshold.

(a) **Facility reporting threshold.** Any facility that emits (~~ten thousand~~) 10,000 metric tons CO₂e or more per calendar year in total GHG emissions from all applicable source categories listed in WAC 173-441-120 exceeds the reporting threshold.

(b) **Calculating facility emissions for comparison to the threshold.** To calculate GHG emissions for comparison to the reporting threshold, the owner or operator must:

(i) Calculate the total annual emissions of each GHG in metric tons from all applicable source categories that are listed and defined in WAC 173-441-120. The GHG emissions must be calculated using the calculation methodologies specified in WAC 173-441-120 and available company records.

(ii) Include emissions of all GHGs that are listed in Table A-1 of WAC 173-441-040, including all GHG emissions from the combustion of biomass and all fugitive releases of GHG emissions from biomass, calculated as provided in the calculation methods referenced in Table 120-1.

(iii) Sum the emissions estimates for each GHG and calculate metric tons of CO₂e using Equation A-1 of this subsection.

$$CO_2e = \sum_{i=1}^n GHG_i \times GWP_i \quad (Eq. A-1)$$

Where:

CO₂e = Carbon dioxide equivalent, metric tons/year.

GHG_i = Mass emissions of each greenhouse gas listed in Table A-1 of WAC 173-441-040, metric tons/year.

GWP_i = Global warming potential for each greenhouse gas from Table A-1 of WAC 173-441-040.

n = The number of greenhouse gases emitted.

~~((iv) Include in the emissions calculation any CO₂ that is captured for transfer off-site.))~~

(2) **Supplier(s) reporting.** Beginning with the 2022 emissions year reported in 2023 reporting is mandatory for an owner or operator of any supplier ((required to file periodic tax reports to DOL and has)) with total ((carbon dioxide)) GHG emissions in Washington that exceed the reporting threshold defined in (a) of this subsection. GHG emissions from all applicable source categories listed in WAC 173-441-122 from the supplier must be included when determining whether emissions from the supplier meet the reporting threshold.

(a) **Supplier reporting threshold.** Any supplier that ~~((supplies applicable fuels that are reported to DOL as sold in Washington state of which the complete combustion or oxidation would result in total calendar year emissions of ten thousand metric tons or more of carbon~~

dioxide)) produces, imports, or delivers 10,000 metric tons CO₂e or more per calendar year in total GHG emissions from all applicable source categories listed in WAC 173-441-122 exceeds the reporting threshold.

(b) **Calculating supplier emissions for comparison to the threshold.** To calculate ((CO₂-GHG)) GHG emissions for comparison to the reporting threshold, ((a supplier)) the owner or operator must:

(i) ((Base its emissions on the applicable fuel quantities as established in WAC 173-441-130(1) and reported to DOL. A supplier must apply the mass in metric tons per year of CO₂ that would result from the complete combustion or oxidation of these fuels towards the reporting threshold.

(ii) Calculate the total annual carbon dioxide emissions in metric tons from all applicable fuel quantities and fuel types as established in WAC 173-441-130(1) and reported to DOL. The CO₂ emissions must be calculated using the calculation methodologies specified in WAC 173-441-130 and data reported to DOL.

(iii) Only include emissions of carbon dioxide associated with the complete combustion or oxidation of the applicable fuels. Include all CO₂ emissions from the combustion of biomass fuels.

(3)) Calculate the total annual emissions of each GHG in metric tons from all applicable source categories that are listed and defined in WAC 173-441-122. The GHG emissions must be calculated using the calculation methodologies specified in WAC 173-441-122 and available company records. Supplied CO₂ is considered emissions.

(ii) Include emissions of all GHGs that are listed in Table A-1 of WAC 173-441-040, including all GHG emissions from the combustion of biomass, calculated as provided in the calculation methods referenced in WAC 173-441-122.

(iii) Sum the emissions estimates for each GHG and calculate metric tons of CO₂e using Equation A-1 of this section.

(3) **Electric power entity reporting.** Beginning with the 2022 emissions year reported in 2023 reporting is mandatory for an owner or operator of any electric power entity with total GHG emissions that exceed the reporting threshold defined in (a) of this subsection. GHG emissions from all applicable source categories listed in WAC 173-441-124 from the electric power entity must be included when determining whether emissions from the electric power entity meet the reporting threshold.

(a) **Electric power entity reporting threshold.** Any electric power entity that imports or delivers 10,000 metric tons CO₂e or more per calendar year in total GHG emissions from all applicable source categories listed in WAC 173-441-124 exceeds the reporting threshold.

(b) **Calculating electric power entity emissions for comparison to the threshold.** To calculate GHG emissions for comparison to the reporting threshold, the owner or operator must:

(i) Calculate the total annual emissions of each GHG in metric tons from all applicable source categories that are listed and defined in WAC 173-441-124. The GHG emissions must be calculated using the calculation methodologies specified in WAC 173-441-124 and available company records.

(ii) Include emissions of all GHGs that are listed in Table A-1 of WAC 173-441-040, including all GHG emissions from the combustion of biomass, calculated as provided in the calculation methods referenced in WAC 173-441-124.

(iii) Sum the emissions estimates for each GHG and calculate metric tons of CO₂e using Equation A-1 of this section.

(4) Applicability over time. A person that does not meet the applicability requirements of ~~((either))~~ subsection (1) ~~((or))~~, (2), or (3) of this section is not subject to this rule. Such a person would become subject to the rule and the reporting requirements of this chapter if they exceed the applicability requirements of subsection (1) ~~((or))~~, (2), or (3) of this section at a later time. Thus, persons should reevaluate the applicability to this chapter (including the revising of any relevant emissions calculations or other calculations) whenever there is any change that could cause a ~~((facility or supplier))~~ reporter to meet the applicability requirements of subsection (1) ~~((or))~~, (2), or (3) of this section. Such changes include, but are not limited to, process modifications, increases in operating hours, increases in production, changes in fuel or raw material use, addition of equipment, facility expansion, and changes to this chapter.

~~((4))~~ **(5) Voluntary reporting.** A person may choose to voluntarily report to ecology GHG emissions that are not required to be reported under subsection (1) ~~((or))~~, (2), or (3) of this section. Persons voluntarily reporting GHG emissions must use the methods established in WAC 173-441-120(3), 173-441-122 (1)(c), and ~~((173-441-130))~~ 173-441-124 (1)(c) to calculate any voluntarily reported GHG emissions.

~~((5))~~ **(6) Reporting requirements when emissions of greenhouse gases fall below reporting thresholds.** Except as provided in this subsection, once a ~~((facility or supplier))~~ reporter is subject to the requirements of this chapter, the person must continue for each year thereafter to comply with all requirements of this chapter, including the requirement to submit annual GHG reports (annual GHG reports, GHG report, emissions report, annual report), even if the ~~((facility or supplier))~~ reporter does not meet the applicability requirements in subsection (1) ~~((or))~~, (2), or (3) of this section in a future year. Reporters with a compliance obligation under chapter 70A.65 RCW, as described in chapter 173-446 WAC must continue to report for any year with a compliance obligation.

(a) If reported emissions are less than ~~((ten thousand))~~ 10,000 metric tons CO₂e per year for five consecutive years, then the person may discontinue reporting as required by this chapter provided that the person submits a notification to ecology that announces the cessation of reporting and explains the reasons for the reduction in emissions. The notification must be submitted no later than the report submission due date, specified in WAC 173-441-050(2), of the year immediately following the fifth consecutive year of emissions less than ~~((ten thousand))~~ 10,000 tons CO₂e per year. The person must maintain the corresponding records required under WAC 173-441-050(6) for each of the five consecutive years and retain such records for ~~((three))~~ 10 years following the year that reporting was discontinued. The person must resume reporting if annual emissions in any future calendar year increase above the thresholds in subsection (1) or (2) of this section.

(b) If reported emissions are less than five thousand metric tons CO₂e per year for three consecutive years, then the person may discontinue reporting as required by this chapter provided that the person submits a notification to ecology that announces the cessation of reporting and explains the reasons for the reduction in emissions. The notification must be submitted no later than the report submission due

date, specified in WAC 173-441-050(2), of the year immediately following the third consecutive year of emissions less than (~~five thousand~~) 5,000 tons CO₂e per year. The person must maintain the corresponding records required under WAC 173-441-050(6) for each of the three consecutive years and retain such records for (~~three~~) 10 years following the year that reporting was discontinued. The person must resume reporting if annual emissions in any future calendar year increase above the thresholds in subsection (1) or (2) of this section. This provision does not apply to electric power entities.

(c) If the operations of a (~~facility or supplier~~) reporter are changed such that all applicable GHG-emitting processes and operations listed in WAC 173-441-120, 173-441-122, and (~~173-441-130~~) 173-441-124 cease to operate, then the person is exempt from reporting in the years following the year in which cessation of such operations occurs, provided that the person submits a notification to ecology that announces the cessation of reporting and certifies to the closure of all GHG-emitting processes and operations no later than the report submission due date, specified in WAC 173-441-050(2), of the year following such changes. This provision does not apply to seasonal or other temporary cessation of operations. This provision does not apply to facilities with municipal solid waste landfills, industrial waste landfills, or to underground coal mines. The person must resume reporting for any future calendar year during which any of the GHG-emitting processes or operations resume operation.

[Statutory Authority: Chapters 70.235 and 70.94 RCW. WSR 15-04-051 (Order 13-13), § 173-441-030, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-030, filed 12/1/10, effective 1/1/11.]

AMENDATORY SECTION (Amending WSR 15-04-051, filed 1/29/15, effective 3/1/15)

WAC 173-441-040 Greenhouse gases. (1) **Greenhouse gases.** Table A-1 of this section lists the GHGs regulated under this chapter and their global warming potentials.

(2) **CO₂e conversion.** Use Equation A-1 of WAC 173-441-030 (1)(b)(iii) and the global warming potentials (GWP) listed in Table A-1 of this section to convert emissions into CO₂e.

**Table A-1:
Global Warming Potentials (100-Year Time Horizon)**

Name	CAS No.	Chemical Formula	GWP (100 yr.) ^{1,2}	
			2012-2013	≥ 2014 ^{3,4}
Carbon dioxide	124-38-9	CO ₂	1	1
Methane	74-82-8	CH ₄	21	25
Nitrous oxide	10024-97-2	N ₂ O	310	298
Fully Fluorinated GHGs				
Sulfur hexafluoride	2551-62-4	SF ₆	23,900	22,800
Trifluoromethyl sulphur pentafluoride	373-80-8	SF ₅ CF ₃	17,700	17,700

Name	CAS No.	Chemical Formula	GWP (100 yr.) ^{1,2}	
			2012-2013	≥ 2014 ^{3,4}
Nitrogen trifluoride	7783-54-2	NF ₃	17,200	17,200
PFC-14 (Perfluoromethane)	75-73-0	CF ₄	6,500	7,390
PFC-116 (Perfluoroethane)	76-16-4	C ₂ F ₆	9,200	12,200
PFC-218 (Perfluoropropane)	76-19-7	C ₃ F ₈	7,000	8,830
Perfluorocyclopropane	931-91-9	C-C ₃ F ₆	17,340	17,340
PFC-3-1-10 (Perfluorobutane)	355-25-9	C ₄ F ₁₀	7,000	8,860
PFC-318 (Perfluorocyclobutane)	115-25-3	C-C ₄ F ₈	8,700	10,300
PFC-4-1-12 (Perfluoropentane)	678-26-2	C ₅ F ₁₂	7,500	9,160
PFC-5-1-14 (Perfluorohexane, FC-72)	355-42-0	C ₆ F ₁₄	7,400	9,300
PFC-6-1-12 (Hexadecafluoroheptane)	335-57-9	C ₇ F ₁₆ ; CF ₃ (CF ₂) ₅ CF ₃	7,820	7,820
PFC-7-1-18 (Octadecafluorooctane)	307-34-6	C ₈ F ₁₈ ; CF ₃ (CF ₂) ₆ CF ₃	7,620	7,620
PFC-9-1-18	306-94-5	C ₁₀ F ₁₈	7,500	7,500
PFPME (HT-70)	NA	CF ₃ OCF(CF ₃)CF ₂ OCF ₂ OCF ₃	10,300	10,300
Perfluorodecalin (cis)	60433-11-6	Z-C ₁₀ F ₁₈	7,236	7,236
Perfluorodecalin (trans)	60433-12-7	E-C ₁₀ F ₁₈	6,288	6,288
Saturated Hydrofluorocarbons (HFCs) with Two or Fewer Carbon-Hydrogen Bonds				
HFC-23	75-46-7	CHF ₃	11,700	14,800
HFC-32	75-10-5	CH ₂ F ₂	650	675
HFC-125	354-33-6	C ₂ HF ₅	2,800	3,500
HFC-134	359-35-3	C ₂ H ₂ F ₄	1,000	1,100
HFC-134a	811-97-2	CH ₂ FCF ₃	1,300	1,430
HFC-227ca (1,1,1,2,2,3,3-Heptafluoropropane)	2252-84-8	CF ₃ CF ₂ CHF ₂	2,640	2,640
HFC-227ea	431-89-0	C ₃ HF ₇	2,900	3,220
HFC-236cb	677-56-5	CH ₂ FCF ₂ CF ₃	1,340	1,340
HFC-236ea	431-63-0	CHF ₂ CHF ₂ CF ₃	1,370	1,370
HFC-236fa	690-39-1	C ₃ H ₂ F ₆	6,300	9,810
HFC-329p (1,1,1,2,2,3,3,4,4-Nonafluorobutane)	375-17-7	CHF ₂ CF ₂ CF ₂ CF ₃	2,360	2,360
HFC-43-10mcc	138495-42-8	CF ₃ CFHCFHCF ₂ CF ₃	1,300	1,640
Saturated Hydrofluorocarbons (HFCs) with Three or More Carbon-Hydrogen Bonds				
HFC-41	593-53-3	CH ₃ F	150	92
HFC-143	430-66-0	C ₂ H ₃ F ₃	300	353
HFC-143a	420-46-2	C ₂ H ₃ F ₃	3,800	4,470
HFC-152	624-72-6	CH ₂ FCH ₂ F	53	53
HFC-152a	75-37-6	CH ₃ CHF ₂	140	124
HFC-161	353-36-6	CH ₃ CH ₂ F	12	12
HFC-245ca	679-86-7	C ₃ H ₃ F ₅	560	693
HFC-245cb (1,1,1,2,2-Pentafluoropropane)	1814-88-6	CF ₃ CF ₂ CH ₃	4,620	4,620

Name	CAS No.	Chemical Formula	GWP (100 yr.) ^{1,2}	
			2012-2013	≥ 2014 ^{3,4}
HFC-245ea (1,1,2,3,3-Pentafluoropropane)	24270-66-4	CHF ₂ CHFCHF ₂	235	235
HFC-245eb (1,1,1,2,3-Pentafluoropropane)	431-31-2	CH ₂ FCHF ₂ CF ₃	290	290
HFC-245fa	460-73-1	CHF ₂ CH ₂ CF ₃	1,030	1,030
HFC-263fb (1,1,1-Trifluoropropane)	421-07-8	CH ₃ CH ₂ CF ₃	76	76
HFC-272ca (2,2-Difluoropropane)	420-45-1	CH ₃ CF ₂ CH ₃	144	144
HFC-365mfc	406-58-6	CH ₃ CF ₂ CH ₂ CF ₃	794	794
Saturated Hydrofluoroethers (HFEs) and Hydrochlorofluoroethers (HCFEs) with One Carbon-Hydrogen Bond				
HFE-125	3822-68-2	CHF ₂ OCF ₃	14,900	14,900
HFE-227ea	2356-62-9	CF ₃ CHFOCF ₃	1,540	1,540
HFE-329mcc2	134769-21-4	CF ₃ CF ₂ OCF ₂ CHF ₂	919	919
HFE-329me3 (1,1,1,2,3,3-Hexafluoro-3-(trifluoromethoxy)propane)	428454-68-6	CF ₃ CFHCF ₂ OCF ₃	NA	4,550*
1,1,1,2,2,3,3-Heptafluoro-3-(1,2,2,2-tetrafluoroethoxy)-propane	3330-15-2	CF ₃ CF ₂ CF ₂ OCHFCF ₃	NA	6,490*
Saturated HFEs and HCFEs with Two Carbon-Hydrogen Bonds				
HFE-134 (HG-00)	1691-17-4	CHF ₂ OCHF ₂	6,320	6,320
HFE-236ca (1-(Difluoromethoxy)-1,1,2,2-tetrafluoroethane)	32778-11-3	CHF ₂ OCF ₂ CHF ₂	NA	4,240*
HFE-236ca12 (HG-10)	78522-47-1	CHF ₂ OCF ₂ OCHF ₂	2,800	2,800
HFE-236ea2 (Desflurane)	57041-67-5	CHF ₂ OCHF ₂ CF ₃	989	989
HFE-236fa	20193-67-3	CF ₃ CH ₂ OCF ₃	487	487
HFE-338mcf2	156053-88-2	CF ₃ CF ₂ OCH ₂ CF ₃	552	552
HFE-338mmz1	26103-08-2	CHF ₂ OCH(CF ₃) ₂	380	380
HFE-338pcc13 (HG-01)	188690-78-0	CHF ₂ OCF ₂ CF ₂ OCHF ₂	1,500	1,500
HFE-43-10pccc (H-Galden 1040x, HG-11)	E1730133	CHF ₂ OCF ₂ OC ₂ F ₄ OCHF ₂	1,870	1,870
HCFE-235ca2 (Enflurane) (2-Chloro-1-(difluoromethoxy)-1,1,2-trifluoroethane)	13838-16-9	CHF ₂ OCF ₂ CHFC1	NA	583*
HCFE-235da2 (Isoflurane)	26675-46-7	CHF ₂ OCHClCF ₃	350	350
HG-02 (1-(Difluoromethoxy)-2-(2-(difluoromethoxy)-1,1,2,2-tetrafluoroethoxy)-1,1,2,2-tetrafluoroethane)	205367-61-9	HF ₂ C-(OCF ₂ CF ₂) ₂ -OCF ₂ H	NA	3,825*
HG-03 (1,1,3,3,4,4,6,6,7,7,9,9,10,10,12,12-Hexadecafluoro-2,5,8,11-tetraoxadodecane)	173350-37-3	HF ₂ C-(OCF ₂ CF ₂) ₃ -OCF ₂ H	NA	3,670*
HG-20 ((Difluoromethoxy)((difluoromethoxy)difluoromethoxy)difluoromethane)	249932-25-0	HF ₂ C-(OCF ₂) ₂ -OCF ₂ H	NA	5,300*

Name	CAS No.	Chemical Formula	GWP (100 yr.) ^{1,2}	
			2012-2013	≥ 2014 ^{3,4}
HG-21 (1,1,3,3,5,5,7,7,8,8,10,10-Dodecafluoro-2,4,6,9-tetraoxadecane)	249932-26-1	HF ₂ C-OCF ₂ CF ₂ OCF ₂ OCF ₂ O-CF ₂ H	NA	3,890*
HG-30 (1,1,3,3,5,5,7,7,9,9-Decafluoro-2,4,6,8-tetraoxanonane)	188690-77-9	HF ₂ C-(OCF ₂) ₃ -OCF ₂ H	NA	7,330*
1,1,3,3,4,4,6,6,7,7,9,9,10,10,12,12,13,13,15,15-eicosafuoro-2,5,8,11,14-Pentaoxapentadecane	173350-38-4	HCF ₂ O(CF ₂ CF ₂ O) ₄ CF ₂ H	NA	3,630*
1,1,2-Trifluoro-2-(trifluoromethoxy)-ethane	84011-06-3	CHF ₂ CHFOCF ₃	NA	1,240*
Trifluoro (fluoromethoxy) methane	2261-01-0	CH ₂ FOCF ₃	NA	751*
Saturated HFEs and HCFEs with Three or More Carbon-Hydrogen Bonds				
HFE-143a	421-14-7	CH ₃ OCF ₃	756	756
HFE-245cb2	22410-44-2	CH ₃ OCF ₂ CF ₃	708	708
HFE-245fa1	84011-15-4	CHF ₂ CH ₂ OCF ₃	286	286
HFE-245fa2	1885-48-9	CHF ₂ OCH ₂ CF ₃	659	659
HFE-254cb2	425-88-7	CH ₃ OCF ₂ CHF ₂	359	359
HFE-263fb2	460-43-5	CF ₃ CH ₂ OCH ₃	11	11
HFE-263m1; R-E-143a (1,1,2,2-Tetrafluoro-1-(trifluoromethoxy)ethane)	690-22-2	CF ₃ OCH ₂ CH ₃	NA	29*
HFE-347mcc3 (HFE-7000)	375-03-1	CH ₃ OCF ₂ CF ₂ CF ₃	575	575
HFE-347mcf2	171182-95-9	CF ₃ CF ₂ OCH ₂ CHF ₂	374	374
HFE-347mmy1	22052-84-2	CH ₃ OCF(CF ₃) ₂	343	343
HFE-347mmz1; Sevoflurane (2-(Difluoromethoxy)-1,1,1,3,3,3-hexafluoropropane)	28523-86-6	(CF ₃) ₂ CHOCHF ₂	NA	216*
HFE-347pcf2	406-78-0	CHF ₂ CF ₂ OCH ₂ CF ₃	580	580
HFE-356mec3	382-34-3	CH ₃ OCF ₂ CHFCF ₃	101	101
HFE-356mff2 (bis(2,2,2-trifluoroethyl) ether)	333-36-8	CF ₃ CH ₂ OCH ₂ CF ₃	NA	17*
HFE-356mmz1	13171-18-1	(CF ₃) ₂ CHOCH ₃	27	27
HFE-356pcc3	160620-20-2	CH ₃ OCF ₂ CF ₂ CHF ₂	110	110
HFE-356pcf2	50807-77-7	CHF ₂ CH ₂ OCF ₂ CHF ₂	265	265
HFE-356pcf3	35042-99-0	CHF ₂ OCH ₂ CF ₂ CHF ₂	502	502
HFE-365mcf2 (1-Ethoxy-1,1,2,2,2-pentafluoroethane)	22052-81-9	CF ₃ CF ₂ OCH ₂ CH ₃	NA	58*
HFE-365mcf3	378-16-5	CF ₃ CF ₂ CH ₂ OCH ₃	11	11
HFE-374pc2	512-51-6	CH ₃ CH ₂ OCF ₂ CHF ₂	557	557
HFE-449sl (HFE-7100) Chemical blend	163702-07-6 163702-08-7	C ₄ F ₉ OCH ₃ (CF ₃) ₂ CF ₂ OCH ₃	297	297
HFE-569sf2 (HFE-7200) Chemical blend	163702-05-4 163702-06-5	C ₄ F ₉ OC ₂ H ₅ (CF ₃) ₂ CF ₂ OC ₂ H ₅	59	59

Name	CAS No.	Chemical Formula	GWP (100 yr.) ^{1,2}	
			2012-2013	≥ 2014 ^{3,4}
HG'-01 (1,1,2,2-Tetrafluoro-1,2-dimethoxyethane)	73287-23-7	CH ₃ OCF ₂ CF ₂ OCH ₃	NA	222*
HG'-02 (1,1,2,2-Tetrafluoro-1-methoxy-2-(1,1,2,2-tetrafluoro-2-methoxyethoxy)ethane)	485399-46-0	CH ₃ O(CF ₂ CF ₂ O) ₂ CH ₃	NA	236*
HG'-03 (3,3,4,4,6,6,7,7,9,9,10,10-Dodecafluoro-2,5,8,11-tetraoxadodecane)	485399-48-2	CH ₃ O(CF ₂ CF ₂ O) ₃ CH ₃	NA	221*
Difluoro(methoxy)methane	359-15-9	CH ₃ OCHF ₂	NA	144*
2-Chloro-1,1,2-trifluoro-1-methoxyethane	425-87-6	CH ₃ OCF ₂ CHFCl	NA	122*
1-Ethoxy-1,1,2,2,3,3,3-heptafluoropropane	22052-86-4	CF ₃ CF ₂ CF ₂ OCH ₂ CH ₃	NA	61*
2-Ethoxy-3,3,4,4,5-pentafluorotetrahydro-2,5-bis [1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]-furan	920979-28-8	C ₁₂ H ₅ F ₁₉ O ₂	NA	56*
1-Ethoxy-1,1,2,3,3,3-hexafluoropropane	380-34-7	CF ₃ CHFCF ₂ OCH ₂ CH ₃	NA	23*
Fluoro(methoxy)methane	460-22-0	CH ₃ OCH ₂ F	NA	13*
1,1,2,2-Tetrafluoro-3-methoxypropane; Methyl 2,2,3,3-tetrafluoropropyl ether	60598-17-6	CHF ₂ CF ₂ CH ₂ OCH ₃	NA	0.5*
1,1,2,2-Tetrafluoro-1-(fluoromethoxy) ethane	37031-31-5	CH ₂ FOCF ₂ CF ₂ H	NA	871*
Difluoro (fluoromethoxy) methane	461-63-2	CH ₂ FOCHF ₂	NA	617*
Fluoro (fluoromethoxy) methane	462-51-1	CH ₂ FOCH ₂ F	NA	130*
Fluorinated Formates				
Trifluoromethyl formate	85358-65-2	HCOOCF ₃	NA	588*
Perfluoroethyl formate	313064-40-3	HCOOCF ₂ CF ₃	NA	580*
1,2,2,2-Tetrafluoroethyl formate	481631-19-0	HCOOCHFCF ₃	NA	470*
Perfluorobutyl formate	197218-56-7	HCOOCF ₂ CF ₂ CF ₂ CF ₃	NA	392*
Perfluoropropyl formate	271257-42-2	HCOOCF ₂ CF ₂ CF ₃	NA	376*
1,1,1,3,3,3-Hexafluoropropan-2-yl formate	856766-70-6	HCOOCH(CF ₃) ₂	NA	333*
2,2,2-Trifluoroethyl formate	32042-38-9	HCOOCH ₂ CF ₃	NA	33*
3,3,3-Trifluoropropyl formate	1344118-09-7	HCOOCH ₂ CH ₂ CF ₃	NA	17*
Fluorinated Acetates				
Methyl 2,2,2-trifluoroacetate	431-47-0	CF ₃ COOCH ₃	NA	52*
1,1-Difluoroethyl 2,2,2-trifluoroacetate	1344118-13-3	CF ₃ COOCF ₂ CH ₃	NA	31*
Difluoromethyl 2,2,2-trifluoroacetate	2024-86-4	CF ₃ COOCHF ₂	NA	27*
2,2,2-Trifluoroethyl 2,2,2-trifluoroacetate	407-38-5	CF ₃ COOCH ₂ CF ₃	NA	7*
Methyl 2,2-difluoroacetate	433-53-4	HCF ₂ COOCH ₃	NA	3*

Name	CAS No.	Chemical Formula	GWP (100 yr.) ^{1,2}	
			2012-2013	≥ 2014 ^{3,4}
Perfluoroethyl acetate	343269-97-6	CH ₃ COOCF ₂ CF ₃	NA	2.1*
Trifluoromethyl acetate	74123-20-9	CH ₃ COOCF ₃	NA	2.0*
Perfluoropropyl acetate	1344118-10-0	CH ₃ COOCF ₂ CF ₂ CF ₃	NA	1.8*
Perfluorobutyl acetate	209597-28-4	CH ₃ COOCF ₂ CF ₂ CF ₂ CF ₃	NA	1.6*
Ethyl 2,2,2-trifluoroacetate	383-63-1	CF ₃ COOCH ₂ CH ₃	NA	1.3*
Carbonofluoridates				
Methyl carbonofluoridate	1538-06-3	FCOOCH ₃	NA	95*
1,1-Difluoroethyl carbonofluoridate	1344118-11-1	FCOOCF ₂ CH ₃	NA	27*
Fluorinated Alcohols other than Fluorotelomer Alcohols				
Bis(trifluoromethyl)-methanol	920-66-1	(CF ₃) ₂ CHOH	195	195
(Octafluorotetramethy-lene) hydroxymethyl group	NA	X-(CF ₂) ₄ CH(OH)-X	73	73
2,2,3,3,3-pentafluoropropanol	422-05-9	CF ₃ CF ₂ CH ₂ OH	42	42
2,2,3,3,4,4,4-Heptafluorobutan-1-ol	375-01-9	C ₃ F ₇ CH ₂ OH	NA	25*
2,2,2-Trifluoroethanol	75-89-8	CF ₃ CH ₂ OH	NA	20*
2,2,3,4,4,4-Hexafluoro-1-butanol	382-31-0	CF ₃ CHF ₂ CF ₂ CH ₂ OH	NA	17*
2,2,3,3-Tetrafluoro-1-propanol	76-37-9	CHF ₂ CF ₂ CH ₂ OH	NA	13*
2,2-Difluoroethanol	359-13-7	CHF ₂ CH ₂ OH	NA	3*
2-Fluoroethanol	371-62-0	CH ₂ FCH ₂ OH	NA	1.1*
4,4,4-Trifluorobutan-1-ol	461-18-7	CF ₃ (CH ₂) ₂ CH ₂ OH	NA	0.05*
Unsaturated Perfluorocarbons (PFCs)				
PFC-1114; TFE (tetrafluoroethylene (TFE); Perfluoroethene)	116-14-3	CF ₂ =CF ₂ ; C ₂ F ₄	0.04	0.004
PFC-1216; Dyneon HFP (hexafluoropropylene (HFP); Perfluoropropene)	116-15-4	C ₃ F ₆ ; CF ₃ CF=CF ₂	0.05	0.05
PFC C-1418 (Perfluorocyclopentene; Octafluorocyclopentene)	559-40-0	c-C ₅ F ₈	1.97	1.97
Perfluorobut-2-ene	360-89-4	CF ₃ CF=CFCF ₃	1.82	1.82
Perfluorobut-1-ene	357-26-6	CF ₃ CF ₂ CF=CF ₂	0.10	0.10
Perfluorobuta-1,3-diene	685-63-2	CF ₂ =CFCF=CF ₂	0	0.003
Unsaturated Hydrofluorocarbons (HFCs) and Hydrochlorofluorocarbons (HCFCs)				
HFC-1132a; VF2 (vinylidene fluoride)	75-38-7	C ₂ H ₂ F ₂ ; CF ₂ =CH ₂	0.04	0.04
HFC-1141; VF (vinyl fluoride)	75-02-5	C ₂ H ₃ F; CH ₂ =CHF	0.02	0.02
(E)-HFC-1225ye ((E)-1,2,3,3,3-Pentafluoroprop-1-ene)	5595-10-8	CF ₃ CF=CHF(E)	0.06	0.06
(Z)-HFC-1225ye ((Z)-1,2,3,3,3-Pentafluoroprop-1-ene)	5528-43-8	CF ₃ CF=CHF(Z)	0.22	0.22
Solstice 1233zd(E) (trans-1-chloro-3,3,3-trifluoroprop-1-ene)	102687-65-0	C ₃ H ₂ ClF ₃ ; CHCl=CHCF ₃	NA	1.34*

Name	CAS No.	Chemical Formula	GWP (100 yr.) ^{1,2}	
			2012-2013	≥ 2014 ^{3,4}
HFC-1234yf; HFO-1234yf (2,3,3,3-Tetrafluoroprop-1-ene)	754-12-1	C ₃ H ₂ F ₄ ; CF ₃ CF=CH ₂	0.31	0.31
HFC-1234ze(E) ((E)-1,3,3,3-Tetrafluoroprop-1-ene)	1645-83-6	C ₃ H ₂ F ₄ ; trans-CF ₃ CH=CHF	0.97	0.97
HFC-1234ze(Z) ((Z)-1,3,3,3-Tetrafluoroprop-1-ene)	29118-25-0	C ₃ H ₂ F ₄ ; cis-CF ₃ CH=CHF; CF ₃ CH=CHF	0.29	0.29
HFC-1243zf; TFP (trifluoropropene (TFP)); 3,3,3-Trifluoroprop-1-ene)	677-21-4	C ₃ H ₃ F ₃ ; CF ₃ CH=CH ₂	0.12	0.12
(Z)-HFC-1336 ((Z)-1,1,1,4,4,4-Hexafluorobut-2-ene)	692-49-9	CF ₃ CH=CHCF ₃ (Z)	1.58	1.58
HFC-1345zfc (3,3,4,4,4-Pentafluorobut-1-ene)	374-27-6	C ₂ F ₅ CH=CH ₂	0.09	0.09
Capstone 42-U (perfluorobutyl ethene (42-U); 3,3,4,4,5,5,6,6,6-Nonafluorohex-1-ene)	19430-93-4	C ₆ H ₃ F ₉ ; CF ₃ (CF ₂) ₃ CH=CH ₂	0.16	0.16
Capstone 62-U (perfluorohexyl ethene (62-U); 3,3,4,4,5,5,6,6,7,7,8,8,8-Tridecafluorooct-1-ene)	25291-17-2	C ₈ H ₃ F ₁₃ ; CF ₃ (CF ₂) ₅ CH=CH ₂	0.11	0.11
Capstone 82-U (perfluorooctyl ethene (82-U); 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-Heptafluorodec-1-ene)	21652-58-4	C ₁₀ H ₃ F ₁₇ ; CF ₃ (CF ₂) ₇ CH=CH ₂	0.09	0.09
Unsaturated Halogenated Ethers				
PMVE; HFE-216 (perfluoromethyl vinyl ether (PMVE))	1187-93-5	CF ₃ OCF=CF ₂	NA	0.17*
Fluoroxene ((2,2,2-Trifluoroethoxy) ethene)	406-90-6	CF ₃ CH ₂ OCH=CH ₂	NA	0.05*
Fluorinated Aldehydes				
3,3,3-Trifluoro-propanal	460-40-2	CF ₃ CH ₂ CHO	NA	0.01*
Fluorinated Ketones				
Novac 1230 (FK-5-1-12 Perfluoroketone; FK-5-1-12myy2; perfluoro (2-methyl-3-pentanone))	756-13-8	CF ₃ CF ₂ C(O)CF (CF ₃) ₂	NA	0.1*
Fluorotelomer Alcohols				
3,3,4,4,5,5,6,6,7,7,7-Undecafluoroheptan-1-ol	185689-57-0	CF ₃ (CF ₂) ₄ CH ₂ CH ₂ OH	NA	0.43*
3,3,3-Trifluoropropan-1-ol	2240-88-2	CF ₃ CH ₂ CH ₂ OH	NA	0.35*
3,3,4,4,5,5,6,6,7,7,8,8,9,9,9-Pentadecafluoronon-1-ol	755-02-2	CF ₃ (CF ₂) ₆ CH ₂ CH ₂ OH	NA	0.33*
3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,11-Nonadecafluoroundecan-1-ol	87017-97-8	CF ₃ (CF ₂) ₈ CH ₂ CH ₂ OH	NA	0.19*
Fluorinated GHGs with Carbon-Iodine Bond(s)				
Trifluoroiodomethane	2314-97-8	CF ₃ I	NA	0.4*
Other Fluorinated Compounds				
Dibromodifluoromethane (Halon 1202)	75-61-6	CF ₂ Br ₂	NA	231*

Name	CAS No.	Chemical Formula	GWP (100 yr.) ^{1,2}	
			2012-2013	≥ 2014 ^{3,4}
2-Bromo-2-chloro-1,1,1-trifluoroethane (Halon-2311/ Halothane)	151-67-7	CHBrClCF ₃	NA	41*
Default GWPs for which Chemical-Specific GWPs are not Listed Above				
Saturated PFCs			10,000	10,000
Saturated HFCs with 2 or fewer carbon-hydrogen bonds			3,700	3,700
Saturated HFCs with 3 or more carbon-hydrogen bonds			930	930
Unsaturated PFCs and unsaturated HFCs			1	1

NA = not available.

¹ = **Determining applicability for emissions years 2013 and 2014.** For emissions year 2013 (reported in 2014) and emissions year 2014 (reported in 2015), facilities may use the GWPs in either column when calculating GHG emissions for comparison to the reporting threshold under WAC 173-441-030((+)).

² = **Calculating annual GHG emissions for emissions year 2013.** For emissions year 2013 (reported in 2014), facilities may use the GWPs in either column when calculating GHG emissions for the annual GHG report.

³ = **Determining applicability for emissions year 2015+.** For emissions year 2015 (reported in 2016) and subsequent years, facilities must use the GWPs in this column when calculating GHG emissions for comparison to the reporting threshold under WAC 173-441-030((+)).

⁴ = **Calculating annual GHG emissions for emissions year 2014+.** For emissions year 2014 (reported in 2015) and subsequent years, facilities must use the GWPs in this column when calculating GHG emissions for the annual GHG report.

* = Requirements to include emissions of this compound when calculating GHG emissions for comparison to the reporting threshold under WAC 173-441-030((+)) and when calculating GHG emissions for the annual GHG report become effective beginning with emissions year 2016 (reported in 2017).

[Statutory Authority: Chapters 70.235 and 70.94 RCW. WSR 15-04-051 (Order 13-13), § 173-441-040, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-040, filed 12/1/10, effective 1/1/11.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

AMENDATORY SECTION (Amending WSR 16-19-047, filed 9/15/16, effective 10/16/16)

WAC 173-441-050 General monitoring, reporting, recordkeeping and verification requirements. Persons subject to the requirements of this chapter must submit GHG reports to ecology, as specified in this section. Every metric ton of CO₂e emitted by a (~~facility or supplier~~) reporter required to report under this chapter and covered under any applicable source category listed in WAC 173-441-120, 173-441-122, or (~~173-441-130~~) 173-441-124 must be included in the report.

(1) **General.** Follow the procedures for emission calculation, monitoring, quality assurance, missing data, recordkeeping, and reporting that are specified in each relevant section of this chapter.

(2) **Schedule.** The annual GHG report must be submitted as follows:

(a) Report submission due date:

(i) A person required to report or voluntarily reporting GHG emissions (~~to the United States Environmental Protection Agency under 40 C.F.R. Part 98~~) under WAC 173-441-030 must submit the report required under this chapter to ecology no later than March 31st of each calendar year for GHG emissions in the previous calendar year. Electric power entities reporting under WAC 173-441-124 must submit a report based on best available information by March 31st. Electric power entities reporting under WAC 173-441-124 must submit a final revised report by June 1st of each calendar year for GHG emissions in the pre-

vious calendar year consistent with deadlines for electric power entities in external GHG emissions trading programs.

(ii) ~~((A person not required to report GHG emissions to the United States Environmental Protection Agency under 40 C.F.R. Part 98 must submit the report required under this chapter to ecology no later than October 31st of each calendar year for GHG emissions in the previous calendar year.~~

~~(iii))~~ Unless otherwise stated, if the final day of any time period falls on a weekend or a state holiday, the time period shall be extended to the next business day.

(b) Reporting requirements begin:

(i) For an existing ~~((facility or supplier))~~ reporter that began operation before January 1, 2012, report emissions for calendar year 2012 and each subsequent calendar year.

(ii) For a new ~~((facility or supplier))~~ reporter that begins operation on or after January 1, 2012, and becomes subject to the rule in the year that it becomes operational, report emissions beginning with the first operating month and ending on December 31st of that year. Each subsequent annual report must cover emissions for the calendar year, beginning on January 1st and ending on December 31st.

(iii) For any ~~((facility or supplier))~~ reporter that becomes subject to this rule because of a physical or operational change that is made after January 1, 2012, report emissions for the first calendar year in which the change occurs.

(A) ~~((Facilities))~~ Reporters begin reporting with the first month of the change and ending on December 31st of that year. For a ~~((facility))~~ reporter that becomes subject to this rule solely because of an increase in hours of operation or level of production, the first month of the change is the month in which the increased hours of operation or level of production, if maintained for the remainder of the year, would cause the ~~((facility or supplier))~~ reporter to exceed the applicable threshold.

(B) Suppliers and electric power entities begin reporting January 1st and ending on December 31st the year of the change.

(C) For ~~((both facilities and suppliers))~~ all reporters, each subsequent annual report must cover emissions for the calendar year, beginning on January 1st and ending on December 31st.

(3) **Content of the annual report.** Each annual GHG report must contain the following information~~((+))~~. All reported information is subject to verification by ecology as described in subsection (5) of this section.

(a) ~~((Facility name or supplier))~~ Reporter name ~~((as appropriate), facility or supplier)~~, reporter ID number, and physical street address of the ~~((facility or supplier))~~ reporter, including the city, state, and zip code. If the facility does not have a physical street address, then the facility must provide the latitude and longitude representing the geographic centroid or center point of facility operations in decimal degree format. This must be provided in a comma-delimited "latitude, longitude" coordinate pair reported in decimal degrees to at least four digits to the right of the decimal point.

(b) Year and months covered by the report.

(c) Date of submittal.

(d) For facilities, report annual emissions of each GHG (as defined in WAC 173-441-020) and each fluorinated heat transfer fluid, as follows:

(i) Annual emissions (including biogenic CO₂) aggregated for all GHGs from all applicable source categories in WAC 173-441-120 and expressed in metric tons of CO₂e calculated using Equation A-1 of WAC 173-441-030 (1)(b)(iii).

(ii) Annual emissions of biogenic CO₂ aggregated for all applicable source categories in WAC 173-441-120, expressed in metric tons.

(iii) Annual emissions from each applicable source category in WAC 173-441-120, expressed in metric tons of each applicable GHG listed in ~~((subsections (3)))~~ (d)(iii)(A) through (F) of this ~~((section))~~ subsection.

(A) Biogenic CO₂.

(B) CO₂ (including biogenic CO₂).

(C) CH₄.

(D) N₂O.

(E) Each fluorinated GHG.

(F) For electronics manufacturing each fluorinated heat transfer fluid that is not also a fluorinated GHG as specified under WAC 173-441-040.

(iv) Emissions and other data for individual units, processes, activities, and operations as specified in the "data reporting requirements" section of each applicable source category referenced in WAC 173-441-120.

(v) Indicate (yes or no) whether reported emissions include emissions from a cogeneration unit located at the facility.

(vi) When applying ~~((subsection (3)))~~ (d)(i) of this ~~((section))~~ subsection to fluorinated GHGs and fluorinated heat transfer fluids, calculate and report CO₂e for only those fluorinated GHGs and fluorinated heat transfer fluids listed in WAC 173-441-040.

(vii) For reporting year 2014 and thereafter, you must enter into verification software specified by the director the data specified in the verification software records provision in each applicable record-keeping section. For each data element entered into the verification software, if the software produces a warning message for the data value and you elect not to revise the data value, you may provide an explanation in the verification software of why the data value is not being revised. Whenever the use of verification software is required or voluntarily used, the file generated by the verification software must be submitted with the facility's annual GHG report.

~~(e) For suppliers and electric power entities, report ((the following information:~~

~~(i) Annual emissions of CO₂, expressed in metric tons of CO₂, as required in subsections (3)(e)(i)(A) and (B) of this section that would be emitted from the complete combustion or oxidation of the fuels reported to DOL as sold in Washington state during the calendar year.~~

~~(A) Aggregate biogenic CO₂.~~

~~(B) Aggregate CO₂ (including nonbiogenic and biogenic CO₂).~~

~~(ii) All contact information reported to DOL not included in (a) of this subsection.)~~ annual emissions of each GHG (as defined in WAC 173-441-020) as follows:

(i) Annual emissions (including biogenic CO₂) aggregated for all GHGs from all applicable source categories in WAC 173-441-122 and 173-441-124 and expressed in metric tons of CO₂e calculated using Equation A-1 of WAC 173-441-030 (1)(b)(iii).

(ii) Annual emissions of biogenic CO₂ aggregated for all applicable source categories in WAC 173-441-122 and 173-441-124, expressed in metric tons.

(iii) Annual emissions from each applicable source category in WAC 173-441-122 and 173-441-124, expressed in metric tons of each applicable GHG listed in subsection (3) (d) (iii) (A) through (E) of this section.

(A) Biogenic CO₂.

(B) CO₂ (including biogenic CO₂).

(C) CH₄.

(D) N₂O.

(E) Each fluorinated GHG.

(iv) Emissions and other data for individual units, processes, activities, and operations as specified in the "data reporting requirements" section of each applicable source category referenced in WAC 173-441-122 and 173-441-124.

(f) A written explanation, as required under subsection (4) of this section, if you change emission or product data calculation methodologies during the reporting period or since the previous reporting period.

(g) Each data element for which a missing data procedure was used according to the procedures of an applicable subpart referenced in WAC 173-441-120, 173-441-122, or 173-441-124 and the total number of hours in the year that a missing data procedure was used for each data element.

(h) A signed and dated certification statement provided by the designated representative of the owner or operator, according to the requirements of WAC 173-441-060 (5) (a).

(i) NAICS code(s) that apply to the (~~facility or supplier~~) reporter. NAICS codes are subject to approval by ecology.

(i) Primary NAICS code. Report the NAICS code that most accurately describes the (~~facility or supplier's~~) reporter's primary product/activity/service. The primary product/activity/service is the principal source of revenue for the (~~facility or supplier~~) reporter. A (~~facility or supplier~~) reporter that has two distinct products/activities/services providing comparable revenue may report a second primary NAICS code.

(ii) Additional NAICS code(s). Report all additional NAICS codes that describe all product(s)/activity(s)/service(s) at the (~~facility or supplier~~) reporter that are not related to the principal source of revenue.

(j) Legal name(s) and physical address(es) of the highest-level United States parent company(s) of the owners (or operators) of the (~~facility or supplier~~) reporter and the percentage of ownership interest for each listed parent company as of December 31st of the year for which data are being reported according to the following instructions (+).

(i) If the (~~facility or supplier~~) reporter is entirely owned by a single United States company that is not owned by another company, provide that company's legal name and physical address as the United States parent company and report (~~one hundred~~) 100 percent ownership.

(ii) If the (~~facility or supplier~~) reporter is entirely owned by a single United States company that is, itself, owned by another company (e.g., it is a division or subsidiary of a higher-level company), provide the legal name and physical address of the highest-level

company in the ownership hierarchy as the United States parent company and report ~~((one hundred))~~ 100 percent ownership.

(iii) If the ~~((facility or supplier))~~ reporter is owned by more than one United States company (e.g., company A owns ~~((forty))~~ 40 percent, company B owns ~~((thirty-five))~~ 35 percent, and company C owns ~~((twenty-five))~~ 25 percent), provide the legal names and physical addresses of all the highest-level companies with an ownership interest as the United States parent companies and report the percent ownership of each company.

(iv) If the ~~((facility or supplier))~~ reporter is owned by a joint venture or a cooperative, the joint venture or cooperative is its own United States parent company. Provide the legal name and physical address of the joint venture or cooperative as the United States parent company, and report ~~((one hundred))~~ 100 percent ownership by the joint venture or cooperative.

(v) If the ~~((facility or supplier))~~ reporter is entirely owned by a foreign company, provide the legal name and physical address of the foreign company's highest-level company based in the United States as the United States parent company, and report ~~((one hundred))~~ 100 percent ownership.

(vi) If the ~~((facility or supplier))~~ reporter is partially owned by a foreign company and partially owned by one or more United States companies, provide the legal name and physical address of the foreign company's highest-level company based in the United States, along with the legal names and physical addresses of the other United States parent companies, and report the percent ownership of each of these companies.

(vii) If the ~~((facility or supplier))~~ reporter is a federally owned facility, report "U.S. Government" and do not report physical address or percent ownership.

(k) An indication of whether the facility includes one or more plant sites that have been assigned a "plant code" by either the Department of Energy's Energy Information Administration or by the Environmental Protection Agency's (EPA) Clean Air Markets Division.

(l) Facilities must report electricity information including:

(i) Total annual electricity purchased in megawatt hours (MWh), itemized by the supplying utility or, if not obtained from a utility, from the supplying electric power entity for each different source of electricity. Total annual purchases must be reported separately for each supplying utility or electric power entity.

(ii) Self-generated electricity should be itemized separately if a facility includes an electricity generating unit as follows:

(A) Total facility nameplate generating capacity in megawatts (MW).

(B) Generated electricity in MWh provided or sold to each retail provider, electricity marketer, or other reportable end-user that is not a part of the facility, itemized by end-user.

(C) Generated electricity for on-site industrial applications not related to electricity generation in MWh.

(m) Report fuel use or supplied as follows:

(i) Facilities, report each fuel combusted separately by type, quantity, and units of measurement.

(ii) Fuel suppliers, report:

(A) Each fuel supplied separately by type, quantity, and units of measurement; and

(B) Separately report the quantity of each fuel type by purpose if the fuel supplier reports that the fuel is used for one of the purposes described in WAC 173-441-122 (5) (d) (xi).

(n) Facilities, report total annual facility product data, units of production, and specific product based on their first primary NAICS code.

(i) Facilities with a primary NAICS code listed in Table 050-1 of this section must report total annual facility product data as described in Table 050-1. Facilities may additionally report total annual facility product data as described in Table 050-1 for any reported secondary NAICS code. Use six digit NAICS codes when available, otherwise use the shorter NAICS codes listed below substituting the values in the full reported six digit NAICS code for "X".

Table 050-1: Total Annual Facility Product Data Requirements by Primary NAICS Code.

<u>Primary NAICS Code and Sector Definition</u>	<u>Activity</u>	<u>Production Metric</u>
<u>112112: Cattle Feedlots</u>	<u>Cattle feedlots</u>	<u>Cattle head days</u>
<u>211130: Natural Gas Extraction</u>	<u>Natural gas extraction</u>	<u>Million standard cubic feet of natural gas extracted</u>
<u>212399: All Other Nonmetallic Mineral Mining</u>	<u>Freshwater diatomite filter aids manufacturing</u>	<u>Metric tons of mineral product produced</u>
<u>2211XX: Electric Power Generation, Transmission and Distribution</u>	<u>Electric power generation, transmission and distribution</u>	<u>Net megawatt hours</u>
<u>221210: Natural Gas Distribution</u>	<u>Natural gas distribution</u>	<u>Million standard cubic feet of natural gas distributed</u>
<u>221330: Steam and Air-conditioning Supply</u>	<u>Steam supply</u>	<u>Kilograms steam produced</u>
<u>311213: Malt Manufacturing</u>	<u>Malt manufacturing</u>	<u>Metric tons of malt produced</u>
<u>3114XX: Fruit and Vegetable Preserving and Specialty Food Manufacturing</u>	<u>Fruit and vegetable preserving and specialty food manufacturing</u>	<u>Metric tons of food product produced</u>
<u>3115XX: Dairy Product Manufacturing</u>	<u>Dairy product manufacturing</u>	<u>Metric tons of dairy product produced</u>
<u>311611: Animal (except poultry) Slaughtering</u>	<u>Animal (except poultry) slaughtering</u>	<u>Metric tons of meat product processed</u>
<u>311613: Rendering and Meat By-product Processing</u>	<u>Rendering and meat by-product processing</u>	<u>Metric tons of meat by-product processed</u>
<u>311919: Other Snack Food Manufacturing</u>	<u>Other snack food manufacturing</u>	<u>Metric tons of snack food produced</u>
<u>311920: Coffee and Tea Manufacturing</u>	<u>Coffee and tea manufacturing</u>	<u>Metric tons of coffee and tea produced</u>
<u>321XXX: Wood Product Manufacturing</u>	<u>Wood product manufacturing</u>	<u>Air dried (10 percent moisture) metric tons of wood product produced</u>
<u>3221XX: Pulp, Paper, and Paperboard Mills</u>	<u>Pulp, paper, and paperboard mills</u>	<u>Air dried (10 percent moisture) metric tons of produced:</u> <u>• Pulp product; or</u> <u>• Paper; or</u> <u>• Paperboard</u>
<u>322299: All Other Converted Paper Product Manufacturing</u>	<u>All other converted paper product manufacturing</u>	<u>Air dried (10 percent moisture) metric tons of converted paper product produced</u>

<u>Primary NAICS Code and Sector Definition</u>	<u>Activity</u>	<u>Production Metric</u>
<u>324110: Petroleum Refineries</u>	<u>Petroleum refineries</u>	Report all of the following: <ul style="list-style-type: none"> • <u>Facility level Subpart MM report as reported under 40 C.F.R. Part 98;</u> • <u>Barrels of crude oil and intermediate products received from off-site that are processed at the facility; and</u> • <u>Beginning with the first emissions year after a refinery's first turnaround after 2022, the refinery must also submit complexity weighted barrel (CWB) as described in CARB MRR section 95113(l)(3) as adopted by 7/1/2021. CWB supporting data must also be submitted to Ecology as described in CARB MRR section 95113(l)(3).</u>
<u>324121: Asphalt Paving Mixture and Block Manufacturing</u>	<u>Asphalt paving mixture and block manufacturing</u>	<u>Metric tons of asphalt paving mixture and block produced</u>
<u>3251XX: Basic Chemical Manufacturing</u>	<u>Basic chemical manufacturing</u>	<u>Metric tons of chemical produced</u>
<u>325311: Nitrogenous Fertilizer Manufacturing</u>	<u>Nitric acid production</u>	<u>Metric tons of nitric acid produced</u>
<u>32721X: Glass and Glass Product Manufacturing</u>	<u>Glass and glass product manufacturing</u>	<u>Metric tons of glass produced</u>
<u>327310: Cement Manufacturing</u>	<u>Cement manufacturing</u>	<u>Metric tons of adjusted clinker and mineral additives produced</u>
<u>327390: Other Concrete Product Manufacturing</u>	<u>Other concrete product manufacturing</u>	<u>Metric tons of concrete product produced</u>
<u>327410: Lime Manufacturing</u>	<u>Lime manufacturing</u>	<u>Metric tons of lime produced</u>
<u>327420: Gypsum Product Manufacturing</u>	<u>Gypsum product manufacturing</u>	<u>Metric tons of gypsum product produced</u>
<u>331110: Iron and Steel Mills and Ferroalloy Manufacturing</u>	<u>Steel production using an electric arc furnace (EAF)</u>	<u>Metric tons of steel produced</u>
<u>33131X: Alumina and Aluminum Production and Processing</u>	<u>Alumina and aluminum production and processing</u>	<u>Metric tons of aluminum produced</u>
<u>331410: Nonferrous Metal (except aluminum) Smelting and Refining</u>	<u>Granular polysilicon production</u>	<u>Metric tons of granular polysilicon produced</u>
<u>332111: Iron and Steel Forging</u>	<u>Iron forging</u>	<u>Metric tons of iron produced</u>
<u>334413: Semiconductor and Related Device Manufacturing</u>	<u>Semiconductor and related device manufacturing</u>	<u>Square meters of mask layer produced</u>
<u>335991: Carbon and Graphite Product Manufacturing</u>	<u>Carbon and graphite product manufacturing</u>	<u>Metric tons of carbon and graphite product produced</u>
<u>3364XX: Aerospace Product and Parts Manufacturing</u>	<u>Aerospace product and parts manufacturing</u>	<ul style="list-style-type: none"> • <u>Metric tons of aircraft product and parts produced; or</u> • <u>Square meters of external surface area of aircraft</u>
<u>486210: Pipeline Transportation of Natural Gas</u>	<u>Pipeline transportation of natural gas</u>	<u>Million standard cubic feet of natural gas transported</u>
<u>488119: Other Airport Operations</u>	<u>Other airport operations</u>	<u>Passenger kilometers serviced</u>
<u>562111: Solid Waste Collection</u>	<u>Solid waste collection</u>	<u>Metric tons of total solid waste collected</u>
<u>562212: Solid Waste Landfill</u>	<u>Solid waste landfill</u>	<u>Metric tons of total waste entered into landfill</u>
<u>562213: Solid Waste Combustors and Incinerators</u>	<u>Solid waste combustors and incinerators</u>	<u>Net megawatt hours</u>

<u>Primary NAICS Code and Sector Definition</u>	<u>Activity</u>	<u>Production Metric</u>
<u>611310: Colleges, Universities, and Professional Schools</u>	<u>Colleges, universities, and professional schools</u>	<u>Students serviced</u>
<u>928110: National Security</u>	<u>Military bases</u>	<u>Troops stationed</u>

(ii) Facilities without a primary NAICS code listed in Table 050-1 of this section must contact ecology no later than 45 calendar days prior to the emissions report deadline established in subsection (2) of this section and report total annual facility product data as instructed by the department. If ecology does not identify product data for a facility, a facility must use the energy-based calculation method described in Equation 050-1 of this section. Report product data and inputs to the equation. Product data calculated using the energy-based method shall use the following equation:

$$\text{Product data} = S_{\text{consumed}} + F_{\text{consumed}} - e_{\text{sold}} \quad (\text{Eq. 050-1})$$

Where:

"S_{Consumed}" is the annual amount of steam consumed, measured in MMBtu, at the facility for any process, including heating or cooling applications. This value shall exclude any steam used to produce electricity. This value shall exclude steam produced from an on-site cogeneration unit;

"F_{Consumed}" is the annual amount of energy produced due to fuel combustion at the facility, measured in MMBtu. This value shall be calculated based on measured higher heating values or the default higher heating value of the applicable fuel in Table C-1 of 40 C.F.R. Part 98. This value shall include any energy from fuel combusted in an on-site electricity generation or cogeneration unit. This value shall exclude energy to generate the steam accounted for in the "S_{Consumed}" term;

"e_{Sold}" is the annual amount of electricity sold or provided for off-site use, measured in MWh and converted to MMBtu using the reporting year U.S. Energy Information Administration conversion factor;

(iii) Facilities with a change in operation that alters either their primary NAICS code, units of production, or product data measurement method must contact ecology no later than 45 calendar days prior to the emissions report deadline established in subsection (2) of this section and report total annual facility product data as instructed by the department. If ecology does not identify product data for a facility, a facility must use the energy-based calculation method described in Equation 050-1 of this section. Report product data and inputs to the equation.

(iv) For a primary NAICS code in Table 050-1 that has multiple production metrics, a facility that wishes to change their reported production metric must contact ecology no later than 45 calendar days prior to the emissions report deadline established in subsection (2) of this section and report total annual facility production data as instructed by the department.

(o) Reporters that cease operation, other than routine maintenance or seasonal shutdowns, for more than 90 calendar days must provide the following information:

- (i) The anticipated type of cessation: Closure or curtailment;
- (ii) Date cessation began;
- (iii) Date cessation ended (if applicable); and
- (iv) Reason for cessation and/or resumption of operation.

(p) If there is an increase or decrease of more than five percent in emissions of greenhouse gases in relation to the previous year, the reporter must provide a brief narrative description of what caused the increase or decrease in emissions.

(4) **Emission calculations.** In preparing the GHG report, you must use the calculation methodologies specified in the relevant sections of this chapter. For each source category, you must use the same calculation methodology as previous reports. This includes throughout a reporting period ((unless you)), and between reporting years. An owner or operator intending to change methodologies must provide a written explanation at least 60 calendar days before the report submission due date in subsection (2) (a) of this section of why a change in methodology was required. Ecology has 45 calendar days to approve or reject the change in method. The reporter must continue to use existing methods until the change is approved by ecology.

(5) **Verification.** To verify the completeness and accuracy of reported GHG emissions, ecology may review the certification statements described in subsection (3) (h) of this section and any other credible evidence, in conjunction with a comprehensive review of the GHG reports and periodic audits of selected reporting facilities. Nothing in this section prohibits ecology from using additional information to verify the completeness and accuracy of the reports. Reporters must cooperate with ecology's efforts to verify GHG reports.

(6) **Recordkeeping.** A person that is required to report GHGs under this chapter must keep records as specified in this subsection. Retain all required records for at least ((three)) 10 years from the date of submission of the annual GHG report for the reporting year in which the record was generated. Upon request by ecology, the person must submit the records required under this section ((must be made available to ecology)) within 15 business days of receipt of the notification, unless a different schedule is agreed to by ecology. Records may be retained off-site if the records are readily available for expeditious inspection and review. For records that are electronically generated or maintained, the equipment or software necessary to read the records must be made available, or, if requested by ecology, electronic records must be converted to paper documents. You must retain the following records, in addition to those records prescribed in each applicable section of this chapter:

(a) A list of all units, operations, processes, and activities for which GHG emissions were calculated.

(b) The data used to calculate the GHG emissions for each unit, operation, process, and activity, categorized by fuel or material type. These data include, but are not limited to, the following information:

- (i) The GHG emissions calculations and methods used.
- (ii) Analytical results for the development of site-specific emissions factors.

(iii) The results of all required analyses for high heat value, carbon content, and other required fuel or feedstock parameters.

(iv) Any facility operating data or process information used for the GHG emission calculations.

(c) The annual GHG reports.

(d) Missing data computations. For each missing data event, also retain a record of the cause of the event and the corrective actions taken to restore malfunctioning monitoring equipment.

(e) Owners or operators required to report under WAC ~~173-441-030((1-1))~~ must keep a written GHG monitoring plan (monitoring plan, plan).

(i) At a minimum, the GHG monitoring plan must include the following elements:

(A) Identification of positions of responsibility (i.e., job titles) for collection of the emissions data.

(B) Explanation of the processes and methods used to collect the necessary data for the GHG calculations.

(C) Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all continuous monitoring systems, flow meters, and other instrumentation used to provide data for the GHGs reported under this chapter.

(D) Facilities must reference to one or more simplified block diagrams that provide a clear visual representation of the relative locations and positions of measurement devices and sampling locations, as applicable, required for calculating covered emissions and covered product data (e.g., temperature, total pressure, HHV, fuel consumption). The diagram(s) must include fuel sources, combustion units, and production processes, as applicable.

(ii) The GHG monitoring plan may rely on references to existing corporate documents (e.g., standard operating procedures, quality assurance programs under appendix F to 40 C.F.R. Part 60 or appendix B to 40 C.F.R. Part 75, and other documents) provided that the elements required by (e)(i) of this subsection are easily recognizable.

(iii) The owner or operator must revise the GHG monitoring plan as needed to reflect changes in production processes, monitoring instrumentation, and quality assurance procedures; or to improve procedures for the maintenance and repair of monitoring systems to reduce the frequency of monitoring equipment downtime.

(iv) Upon request by ecology, the owner or operator must make all information that is collected in conformance with the GHG monitoring plan available for review during an audit within 15 business days of receipt of the notification, unless a different schedule is agreed to by ecology. Electronic storage of the information in the plan is permissible, provided that the information can be made available in hard copy upon request during an audit.

(f) The results of all required certification and quality assurance tests of continuous monitoring systems, fuel flow meters, and other instrumentation used to provide data for the GHGs reported under this chapter.

(g) Maintenance records for all continuous monitoring systems, flow meters, and other instrumentation used to provide data for the GHGs reported under this chapter.

(h) Suppliers and electric power entities must retain any other data specified in WAC ((173-441-130(5-)) 173-441-122 and 173-441-124.

(7) Annual GHG report revisions.

(a) A person must submit a revised annual GHG report within ~~((forty-five))~~ 45 calendar days of discovering that an annual GHG report that the person previously submitted contains one or more sub-

stantive errors. The revised report must correct all substantive errors.

(b) Ecology may notify the person in writing that an annual GHG report previously submitted by the person contains one or more substantive errors. Such notification will identify each such substantive error. The person must, within ~~((forty-five))~~ 45 calendar days of receipt of the notification, either resubmit the report that, for each identified substantive error, corrects the identified substantive error (in accordance with the applicable requirements of this chapter) or provide information demonstrating that the previously submitted report does not contain the identified substantive error or that the identified error is not a substantive error.

(c) A substantive error is an error that impacts the quantity of GHG emissions reported, product data reported, or otherwise prevents the reported data from being validated or verified.

(d) Notwithstanding (a) and (b) of this subsection, upon request by a person, ecology may provide reasonable extensions of the ~~((forty-five))~~ 45 day period for submission of the revised report or information under (a) and (b) of this subsection. If ecology receives a request for extension of the ~~((forty-five))~~ 45 day period, by email (~~((to ghgreporting@ecy.wa.gov))~~), at least ~~((two))~~ five business days prior to the expiration of the ~~((forty-five))~~ 45 calendar day period, and ecology does not respond to the request by the end of such period, the extension request is deemed to be automatically granted for ~~((thirty))~~ 15 more calendar days. During the automatic ~~((thirty-day))~~ 15 day extension, ecology will determine what extension, if any, beyond the automatic extension is reasonable and will provide any such additional extension.

(e) The owner or operator must retain documentation for ~~((three))~~ 10 years to support any revision made to an annual GHG report.

(8) **Calibration and accuracy requirements.** The owner or operator of a facility that is subject to the requirements of this chapter must meet the applicable flow meter calibration and accuracy requirements of this subsection. The accuracy specifications in this subsection do not apply where either the use of company records (as defined in WAC 173-441-020(3)) or the use of "best available information" is specified in an applicable subsection of this chapter to quantify fuel usage and/or other parameters. Further, the provisions of this subsection do not apply to stationary fuel combustion units that use the methodologies in 40 C.F.R. Part 75 to calculate CO₂ mass emissions. ~~((Suppliers subject to the requirements of this chapter must meet the calibration accuracy requirements in chapters 308-72, 308-77, and 308-78 WAC.))~~ Measurement devices used for financial transactions between two or more independent parties meet the calibration and accuracy requirements of this chapter.

(a) Except as otherwise provided in (d) through (f) of this subsection, flow meters that measure liquid and gaseous fuel feed rates, process stream flow rates, product data measuring devices, or feed-stock flow rates and provide data for the GHG emissions calculations or product data, must be calibrated prior to January 1, 2012, for emissions data or January 1, 2023, for product data, using the procedures specified in this subsection when such calibration is specified in a relevant section of this chapter. Each of these flow meters must meet the applicable accuracy specification in (b) or (c) of this subsection. All other measurement devices (e.g., weighing devices) that are required by a relevant subsection of this chapter, and that are

used to provide data for the GHG emissions calculations or product data, must also be calibrated prior to January 1, 2012, for emissions data or January 1, 2023, for product data; however, the accuracy specifications in (b) and (c) of this subsection do not apply to these devices. Rather, each of these measurement devices must be calibrated to meet the accuracy requirement specified for the device in the applicable subsection of this chapter, or, in the absence of such accuracy requirement, the device must be calibrated to an accuracy within the appropriate error range for the specific measurement technology, based on an applicable operating standard including, but not limited to, manufacturer's specifications and industry standards. The procedures and methods used to quality-assure the data from each measurement device must be documented in the written monitoring plan, pursuant to subsection (6)(e)(i)(C) of this section.

(i) All flow meters and other measurement devices that are subject to the provisions of this subsection must be calibrated according to one of the following: You may use the manufacturer's recommended procedures; an appropriate industry consensus standard method; or a method specified in a relevant section of this chapter. The calibration method(s) used must be documented in the monitoring plan required under subsection (6)(e) of this section.

(ii) For (~~facilities and suppliers~~) reporters that become subject to this chapter after January 1, 2012, all flow meters and other measurement devices (if any) that are required by the relevant subsection(s) of this chapter to provide data for the GHG emissions calculations or product data must be installed no later than the date on which data collection is required to begin using the measurement device, and the initial calibration(s) required by this subsection (if any) must be performed no later than that date.

(iii) Except as otherwise provided in (d) through (f) of this subsection, subsequent recalibrations of the flow meters and other measurement devices subject to the requirements of this subsection must be performed at one of the following frequencies:

(A) You may use the frequency specified in each applicable subsection of this chapter.

(B) You may use the frequency recommended by the manufacturer or by an industry consensus standard practice, if no recalibration frequency is specified in an applicable subsection.

(b) Perform all flow meter calibration at measurement points that are representative of the normal operating range of the meter. Except for the orifice, nozzle, and venturi flow meters described in (c) of this subsection, calculate the calibration error at each measurement point using Equation A-2 of this subsection. The terms "R" and "A" in Equation A-2 must be expressed in consistent units of measure (e.g., gallons/minute, ft³/min). The calibration error at each measurement point must not exceed 5.0 percent of the reference value.

$$CE = \frac{|R-A|}{R} \times 100 \quad (\text{Eq. A-2})$$

Where:

CE = Calibration error (%)

R = Reference value

A = Flow meter response to the reference value

(c) For orifice, nozzle, and venturi flow meters, the initial quality assurance consists of in situ calibration of the differential pressure (ΔP), total pressure, and temperature transmitters.

(i) Calibrate each transmitter at a zero point and at least one upscale point. Fixed reference points, such as the freezing point of water, may be used for temperature transmitter calibrations. Calculate the calibration error of each transmitter at each measurement point, using Equation A-3 of this subsection. The terms "R," "A," and "FS" in Equation A-3 of this subsection must be in consistent units of measure (e.g., milliamperes, inches of water, psi, degrees). For each transmitter, the CE value at each measurement point must not exceed 2.0 percent of full-scale. Alternatively, the results are acceptable if the sum of the calculated CE values for the three transmitters at each calibration level (i.e., at the zero level and at each upscale level) does not exceed 6.0 percent.

$$CE = \frac{|R-A|}{FS} \times 100 \quad (\text{Eq. A-3})$$

Where:

- CE = Calibration error (%)
- R = Reference value
- A = Transmitter response to the reference value
- FS = Full-scale value of the transmitter

(ii) In cases where there are only two transmitters (i.e., differential pressure and either temperature or total pressure) in the immediate vicinity of the flow meter's primary element (e.g., the orifice plate), or when there is only a differential pressure transmitter in close proximity to the primary element, calibration of these existing transmitters to a CE of 2.0 percent or less at each measurement point is still required, in accordance with (c)(i) of this subsection; alternatively, when two transmitters are calibrated, the results are acceptable if the sum of the CE values for the two transmitters at each calibration level does not exceed 4.0 percent. However, note that installation and calibration of an additional transmitter (or transmitters) at the flow monitor location to measure temperature or total pressure or both is not required in these cases. Instead, you may use assumed values for temperature and/or total pressure, based on measurements of these parameters at a remote location (or locations), provided that the following conditions are met:

(A) You must demonstrate that measurements at the remote location(s) can, when appropriate correction factors are applied, reliably and accurately represent the actual temperature or total pressure at the flow meter under all expected ambient conditions.

(B) You must make all temperature and/or total pressure measurements in the demonstration described in (c)(ii)(A) of this subsection with calibrated gauges, sensors, transmitters, or other appropriate measurement devices. At a minimum, calibrate each of these devices to an accuracy within the appropriate error range for the specific measurement technology, according to one of the following: You may calibrate using a manufacturer's specification or an industry consensus standard.

(C) You must document the methods used for the demonstration described in (c)(ii)(A) of this subsection in the written GHG monitoring

plan under subsection (6)(e)(i)(C) of this section. You must also include the data from the demonstration, the mathematical correlation(s) between the remote readings and actual flow meter conditions derived from the data, and any supporting engineering calculations in the GHG monitoring plan. You must maintain all of this information in a format suitable for auditing and inspection.

(D) You must use the mathematical correlation(s) derived from the demonstration described in (c)(ii)(A) of this subsection to convert the remote temperature or the total pressure readings, or both, to the actual temperature or total pressure at the flow meter, or both, on a daily basis. You must then use the actual temperature and total pressure values to correct the measured flow rates to standard conditions.

(E) You must periodically check the correlation(s) between the remote and actual readings (at least once a year), and make any necessary adjustments to the mathematical relationship(s).

(d) Fuel billing meters are exempted from the calibration requirements of this section and from the GHG monitoring plan and recordkeeping provisions of subsection((s)) (6)(e)(i)(C) and (g) of this section, provided that the fuel supplier and any unit combusting the fuel do not have any common owners and are not owned by subsidiaries or affiliates of the same company. Meters used exclusively to measure the flow rates of fuels that are used for unit startup are also exempted from the calibration requirements of this section.

(e) For a flow meter that has been previously calibrated in accordance with (a) of this subsection, an additional calibration is not required by the date specified in (a) of this subsection if, as of that date, the previous calibration is still active (i.e., the device is not yet due for recalibration because the time interval between successive calibrations has not elapsed). In this case, the deadline for the successive calibrations of the flow meter must be set according to one of the following: You may use either the manufacturer's recommended calibration schedule or you may use the industry consensus calibration schedule.

(f) For units and processes that operate continuously with infrequent outages, it may not be possible to meet the deadline established in (a) of this subsection for the initial calibration of a flow meter or other measurement device without disrupting normal process operation. In such cases, the owner or operator may postpone the initial calibration until the next scheduled maintenance outage. The best available information from company records may be used in the interim. The subsequent required recalibrations of the flow meters may be similarly postponed. Such postponements must be documented in the monitoring plan that is required under subsection (6)(e) of this section.

(g) If the results of an initial calibration or a recalibration fail to meet the required accuracy specification, data from the flow meter must be considered invalid, beginning with the hour of the failed calibration and continuing until a successful calibration is completed. You must follow the missing data provisions provided in the relevant missing data sections during the period of data invalidation.

(h) Missing data substitution procedures. Persons must comply with 40 C.F.R. Part 98 when substituting for missing data. Substitute missing data used for product data or other data required under this section that is not included in your 40 C.F.R. Part 98 report by using the best available estimate of the parameter, based on all available data.

(9) **Measurement device installation.** 40 C.F.R. § 98.3(j) and 40 C.F.R. § 98.3(d) (~~as adopted by September 1, 2016,~~) are adopted by reference as modified in WAC 173-441-120(2).

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-441-050, filed 9/15/16, effective 10/16/16; WSR 15-04-051 (Order 13-13), § 173-441-050, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-050, filed 12/1/10, effective 1/1/11.]

AMENDATORY SECTION (Amending WSR 15-04-051, filed 1/29/15, effective 3/1/15)

WAC 173-441-060 Authorization and responsibilities of the designated representative. (1) **General.** Except as provided under subsection (6) of this section, each (~~facility, and each supplier,~~) reporter that is subject to this chapter, must have one and only one designated representative, who must be responsible for certifying, signing, and submitting GHG emissions reports and any other submissions for such (~~facility and supplier~~) reporter respectively to ecology under this chapter. If the (~~facility~~) reporter is required to submit a GHG emissions report to EPA under 40 C.F.R. Part 98, that designated representative must also be the designated representative responsible for certifying, signing, and submitting GHG emissions reports to ecology under this chapter.

(2) **Authorization of a designated representative.** The designated representative of the (~~facility or supplier~~) reporter must be an individual selected by an agreement binding on the owners and operators of such (~~facility or supplier~~) reporter and must act in accordance with the certification statement in subsection (9)(d) of this section.

(3) **Responsibility of the designated representative.** Upon receipt by ecology of a complete certificate of representation under this section for a (~~facility or supplier~~) reporter, the designated representative identified in such certificate of representation must represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of such (~~facility or supplier~~) reporter in all matters pertaining to this chapter, notwithstanding any agreement between the designated representative and such owners and operators. The owners and operators must be bound by any decision or order issued to the designated representative by ecology, pollution control hearings board, or a court.

(4) **Timing.** No GHG emissions report or other submissions under this chapter for a (~~facility or supplier~~) reporter will be accepted until ecology has received a complete certificate of representation under this section for a designated representative of the (~~facility or supplier~~) reporter. Such certificate of representation must be submitted at least (~~sixty~~) 60 calendar days before the deadline for submission of the (~~facility's or supplier's~~) reporter's initial emission report under this chapter.

(5) **Certification of the GHG emissions report.** Each GHG emission report and any other submission under this chapter for a (~~facility or supplier~~) reporter must be certified, signed, and submitted by the designated representative or any alternate designated representative

of the (~~(facility or supplier)~~) reporter in accordance with this section and 40 C.F.R. § 3.10 as adopted on October 13, 2005.

(a) Each such submission must include the following certification statement signed by the designated representative or any alternate designated representative: "I am authorized to make this submission on behalf of the owners and operators of the (~~(facility or supplier)~~) reporter, as applicable, for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(b) Ecology will accept a GHG emission report or other submission for a (~~(facility or supplier)~~) reporter under this chapter only if the submission is certified, signed, and submitted in accordance with this section.

(6) **Alternate designated representative.** A certificate of representation under this section for a (~~(facility or supplier)~~) reporter may designate one alternate designated representative, who must be an individual selected by an agreement binding on the owners and operators, and may act on behalf of the designated representative, of such (~~(facility or supplier)~~) reporter. The agreement by which the alternate designated representative is selected must include a procedure for authorizing the alternate designated representative to act in lieu of the designated representative.

(a) Upon receipt by ecology of a complete certificate of representation under this section for a (~~(facility or supplier)~~) reporter identifying an alternate designated representative:

(i) The alternate designated representative may act on behalf of the designated representative for such (~~(facility or supplier)~~) reporter.

(ii) Any representation, action, inaction, or submission by the alternate designated representative must be deemed to be a representation, action, inaction, or submission by the designated representative.

(b) Except in this section, whenever the term "designated representative" is used in this chapter, the term must be construed to include the designated representative or any alternate designated representative.

(7) **Changing a designated representative or alternate designated representative.** The designated representative or alternate designated representative identified in a complete certificate of representation under this section for a (~~(facility or supplier)~~) reporter received by ecology may be changed at any time upon receipt by ecology of another later signed, complete certificate of representation under this section for the (~~(facility or supplier)~~) reporter. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous designated representative or the previous alternate designated representative of the (~~(facility or supplier)~~) reporter before the time and date when ecology receives such later signed certificate of representation must be binding on the new designated representative and the owners and operators of the (~~(facility or supplier)~~) reporter.

(8) **Changes in owners and operators.** In the event an owner or operator of the ((~~facility or supplier~~)) reporter is not included in the list of owners and operators in the certificate of representation under this section for the ((~~facility or supplier~~)) reporter, such owner or operator must be deemed to be subject to and bound by the certificate of representation, the representations, actions, inactions, and submissions of the designated representative and any alternate designated representative of the ((~~facility or supplier~~)) reporter, as if the owner or operator were included in such list. Within ((~~ninety~~)) 90 calendar days after any change in the owners and operators of the ((~~facility or supplier~~)) reporter (including the addition of a new owner or operator), the designated representative or any alternate designated representative must submit a certificate of representation that is complete under this section except that such list must be amended to reflect the change. If the designated representative or alternate designated representative determines at any time that an owner or operator of the ((~~facility or supplier~~)) reporter is not included in such list and such exclusion is not the result of a change in the owners and operators, the designated representative or any alternate designated representative must submit, within ((~~ninety~~)) 90 calendar days of making such determination, a certificate of representation that is complete under this section except that such list must be amended to include such owner or operator.

(9) **Certificate of representation.** A certificate of representation shall be complete if it includes the following elements in a format prescribed by ecology in accordance with this section:

(a) Identification of the ((~~facility or supplier~~)) reporter for which the certificate of representation is submitted.

(b) The name, organization name (company affiliation-employer), address, email address (if any), telephone number, and facsimile transmission number (if any) of the designated representative and any alternate designated representative.

(c) A list of the owners and operators of the ((~~facility or supplier~~)) reporter identified in (a) of this subsection, provided that, if the list includes the operators of the ((~~facility or supplier~~)) reporter and the owners with control of the ((~~facility or supplier~~)) reporter, the failure to include any other owners must not make the certificate of representation incomplete.

(d) The following certification statements by the designated representative and any alternate designated representative:

(i) "I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the facility ((~~or binding on the~~)), supplier, or electric power entity, as applicable."

(ii) "I certify that I have all the necessary authority to carry out my duties and responsibilities under chapter 173-441 WAC on behalf of the owners and operators of the facility ((~~and on behalf of~~)), supplier((s)), or electric power entity, as applicable, and that each such owner and operator must be fully bound by my representations, actions, inactions, or submissions."

(iii) "I certify that the ((~~supplier or~~)) owners and operators of the facility, supplier, or electric power entity, as applicable, must be bound by any order issued to me by ecology, the pollution control hearings board, or a court regarding the ((~~facility or supplier~~)) reporter."

(iv) "If there are multiple owners and operators of the facility or multiple suppliers, as applicable, I certify that I have given a

written notice of my selection as the 'designated representative' or 'alternate designated representative,' as applicable, and of the agreement by which I was selected to each owner and operator of the facility and each supplier."

(e) The signature of the designated representative and any alternate designated representative and the dates signed.

(10) **Documents of agreement.** Unless otherwise required by ecology, documents of agreement referred to in the certificate of representation shall not be submitted to ecology. Ecology shall not be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

(11) **Binding nature of the certificate of representation.** Once a complete certificate of representation under this section for a (~~facility or supplier~~) reporter has been received, ecology will rely on the certificate of representation unless and until a later signed, complete certificate of representation under this section for the (~~facility or supplier~~) reporter is received by ecology.

(12) **Objections concerning a designated representative.**

(a) Except as provided in subsection (7) of this section, no objection or other communication submitted to ecology concerning the authorization, or any representation, action, inaction, or submission, of the designated representative or alternate designated representative must affect any representation, action, inaction, or submission of the designated representative or alternate designated representative, or the finality of any decision or order by ecology under this chapter.

(b) Ecology will not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of any designated representative or alternate designated representative.

(13) **Delegation by designated representative and alternate designated representative.**

(a) A designated representative or an alternate designated representative may delegate his or her own authority, to one or more individuals, to submit an electronic submission to ecology provided for or required under this chapter, except for a submission under this subsection.

(b) In order to delegate his or her own authority, to one or more individuals, to submit an electronic submission to ecology in accordance with (a) of this subsection, the designated representative or alternate designated representative must submit electronically to ecology a notice of delegation, in a format prescribed by ecology, that includes the following elements:

(i) The name, organization name (company affiliation-employer), address, email address (if any), telephone number, and facsimile transmission number (if any) of such designated representative or alternate designated representative.

(ii) The name, address, email address, telephone number, and facsimile transmission number (if any) of each such individual (referred to as an "agent").

(iii) For each such individual, a list of the type or types of electronic submissions under (a) of this subsection for which authority is delegated to him or her.

(iv) For each type of electronic submission listed in accordance with subsection (13)(b)(iii) of this section, the (~~facility or supplier~~) reporter for which the electronic submission may be made.

(v) The following certification statements by such designated representative or alternate designated representative:

(A) "I agree that any electronic submission to ecology that is by an agent identified in this notice of delegation and of a type listed, and for a (~~facility or supplier~~) reporter designated, for such agent in this notice of delegation and that is made when I am a designated representative or alternate designated representative, as applicable, and before this notice of delegation is superseded by another notice of delegation under WAC 173-441-060 (13)(c) must be deemed to be an electronic submission certified, signed, and submitted by me."

(B) "Until this notice of delegation is superseded by a later signed notice of delegation under WAC 173-441-060 (13)(c), I agree to maintain an email account and to notify ecology immediately of any change in my email address unless all delegation of authority by me under WAC 173-441-060(13) is terminated."

(vi) The signature of such designated representative or alternate designated representative and the date signed.

(c) A notice of delegation submitted in accordance with (b) of this subsection must be effective, with regard to the designated representative or alternate designated representative identified in such notice, upon receipt of such notice by ecology and until receipt by ecology of another such notice that was signed later by such designated representative or alternate designated representative, as applicable. The later signed notice of delegation may replace any previously identified agent, add a new agent, or eliminate entirely any delegation of authority.

(d) Any electronic submission covered by the certification in (b)(v)(A) of this subsection and made in accordance with a notice of delegation effective under (c) of this subsection must be deemed to be an electronic submission certified, signed, and submitted by the designated representative or alternate designated representative submitting such notice of delegation.

[Statutory Authority: Chapters 70.235 and 70.94 RCW. WSR 15-04-051 (Order 13-13), § 173-441-060, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-060, filed 12/1/10, effective 1/1/11.]

AMENDATORY SECTION (Amending WSR 15-04-051, filed 1/29/15, effective 3/1/15)

WAC 173-441-070 Report submittal. The following must be submitted electronically in accordance with the requirements of WAC 173-441-050 and 173-441-060 and in a format specified by ecology.

- (1) Facility reporters:
 - (a) GHG report;
 - (b) Certificate of representation; and
 - (c) Verification software file.
- (2) (~~Transportation fuel~~) Suppliers:
 - (a) GHG report; and
 - (b) Certificate of representation.
- (3) Electric power entities:
 - (a) GHG report; and
 - (b) Certificate of representation.

[Statutory Authority: Chapters 70.235 and 70.94 RCW. WSR 15-04-051 (Order 13-13), § 173-441-070, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-070, filed 12/1/10, effective 1/1/11.]

AMENDATORY SECTION (Amending WSR 16-19-047, filed 9/15/16, effective 10/16/16)

WAC 173-441-080 Standardized methods and conversion factors incorporated by reference. (1) The materials incorporated by reference by EPA in 40 C.F.R. § 98.7, (~~as adopted by September 1, 2016,~~) are incorporated by reference in this chapter for use in the sections of this chapter that correspond to the sections of 40 C.F.R. Part 98 referenced here.

(2) Table A-2 of this section provides a conversion table for some of the common units of measure used in this chapter.

**Table A-2:
Units of Measure Conversions**

To convert from	To	Multiply by
Kilograms (kg)	Pounds (lbs)	2.20462
Pounds (lbs)	Kilograms (kg)	0.45359
Pounds (lbs)	Metric tons	4.53592 x 10 ⁻⁴
Short tons	Pounds (lbs)	2,000
Short tons	Metric tons	0.90718
Metric tons	Short tons	1.10231
Metric tons	Kilograms (kg)	1,000
Cubic meters (m ³)	Cubic feet (ft ³)	35.31467
Cubic feet (ft ³)	Cubic meters (m ³)	0.028317
Gallons (liquid, US)	Liters (l)	3.78541
Liters (l)	Gallons (liquid, US)	0.26417
Barrels of liquid fuel (bbl)	Cubic meters (m ³)	0.15891
Cubic meters (m ³)	Barrels of liquid fuel (bbl)	6.289
Barrels of liquid fuel (bbl)	Gallons (liquid, US)	42
Gallons (liquid, US)	Barrels of liquid fuel (bbl)	0.023810
Gallons (liquid, US)	Cubic meters (m ³)	0.0037854
Liters (l)	Cubic meters (m ³)	0.001
Feet (ft)	Meters (m)	0.3048
Meters (m)	Feet (ft)	3.28084
Miles (mi)	Kilometers (km)	1.60934
Kilometers (km)	Miles (mi)	0.62137
Square feet (ft ²)	Acres	2.29568 x 10 ⁻⁵
Square meters (m ²)	Acres	2.47105 x 10 ⁻⁴
Square miles (mi ²)	Square kilometers (km ²)	2.58999
Degrees Celsius (°C)	Degrees Fahrenheit (°F)	°C = (5/9) x (°F - 32)
Degrees Fahrenheit (°F)	Degrees Celsius (°C)	°F = (9/5) x (°C + 32)

To convert from	To	Multiply by
Degrees Celsius (°C)	Kelvin (K)	$K = °C + 273.15$
Kelvin (K)	Degrees Rankine (°R)	1.8
Joules	Btu	9.47817×10^{-4}
Btu	MMBtu	1×10^{-6}
Pascals (Pa)	Inches of Mercury (in Hg)	2.95334×10^{-4}
Inches of Mercury (in Hg)	Pounds per square inch (psi)	0.49110
Pounds per square inch (psi)	Inches of Mercury (in Hg)	2.03625

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-441-080, filed 9/15/16, effective 10/16/16; WSR 15-04-051 (Order 13-13), § 173-441-080, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-080, filed 12/1/10, effective 1/1/11.]

AMENDATORY SECTION (Amending WSR 16-19-047, filed 9/15/16, effective 10/16/16)

WAC 173-441-085 Third-party verification. ((The owner or operator of a facility that exceeds the compliance threshold under WAC 173-442-030 or voluntarily participating under WAC 173-442-030(6)) Beginning with the 2023 emissions year reported in 2024, a person that emits 25,000 metric tons CO₂e or more per calendar year in total GHG emissions as calculated using the methods in WAC 173-441-030 or has a mandatory or voluntary compliance obligation under chapter 70A.65 RCW, as described in chapter 173-446 WAC must have the ((facility's)) reporter's annual GHG reports verified by a third party as specified in this section. Third-party verification requirements are in addition to other verification and report correction requirements in this chapter.

(1) **Annual GHG reports must be third-party verified each emissions year that:**

(a) The ((facility has a GHG emission reduction pathway under WAC 173-442-060)) reporter emits 25,000 metric tons CO₂e or more per calendar year in total GHG emissions as calculated using the methods in WAC 173-441-030;

(b) The ((facility is voluntarily participating under WAC 173-442-030(6)) reporter has a mandatory or voluntary compliance obligation under chapter 70A.65 RCW, as described in chapter 173-446 WAC;

(c) Is part of a baseline calculation ((for a new entrant after 2020 under WAC 173-442-050 (1)(b)) or otherwise covered under chapter 70A.65 RCW, as described in chapter 173-446 WAC; or

(d) For the first year after no longer meeting the requirements of (a) through (c) of this subsection unless the operations of the ((facility)) reporter are changed such that all applicable GHG emitting processes and operations listed in WAC 173-441-120, 173-441-122, and 173-441-124 permanently cease to operate.

(2) **((Emissions)) Information subject to third-party verification.** All ((covered)) GHG emissions and other information reported under this chapter ((173-442-WAC)) are subject to the requirements of

this section. Emissions factors published by ecology based on data previously reported under this chapter that received a positive verification statement would not need to be reverified; however, any calculations based on that information are subject to the requirements of this section.

(3) **Verification standards.** The third-party verifier must certify that annual GHG reports meet the following conditions:

(a) Annual GHG reports must be consistent with the relevant requirements and methods in this chapter.

(b) The absolute value of any discrepancy, omission, or misreporting, or aggregation of the three, must be less than five percent of total reported (~~(covered)~~) emissions (metric tons of CO₂e) or the verification will result in a material misstatement and an adverse verification statement. This standard also separately applies to any (~~(covered)~~) product data in the annual GHG report.

(i) "Discrepancies" means any differences between the reported (~~(covered)~~) emissions or (~~(covered)~~) product data and the third-party verifier's review of (~~(covered)~~) emissions or (~~(covered)~~) product data for a data source or product data subject to this (~~(section)~~) chapter.

(ii) "Omissions" means any (~~(covered)~~) emissions or (~~(covered)~~) product data the third-party verifier concludes must be part of the annual GHG report, but were not included by the reporting entity in the annual GHG report.

(iii) "Misreporting" means duplicate, incomplete or other (~~(covered)~~) emissions the third-party verifier concludes should, or should not, be part of the annual GHG report or duplicate or other product data the verifier concludes should not be part of the annual GHG report.

(iv) "Total reported (~~(covered)~~) emissions or (~~(covered)~~) product data" means the total annual (~~(reporting entity covered)~~) reporter's emissions or total (~~(reported covered)~~) annual reporter's product data for which the third-party verifier is conducting an assessment.

(4) **Verification services.**

(a) Full verification is required at least once every three reporting years for reporters subject to third-party verification under subsection (1)(b) through (d) of this section. The first year of third-party verification for a (~~(facility)~~) reporter subject to third-party verification under subsection (1)(b) through (d) of this section must be full verification. (~~(An owner or operator)~~) A person required to conduct third-party verification under subsection (1)(b) through (d) of this section may choose to obtain less intensive verification services for the remaining two years in the three-year period as long as:

(i) No year in the three-year period has an adverse verification statement;

(ii) The third-party verifier can provide findings with a reasonable level of assurance;

(iii) There has not been a change in the third-party verifier;

(iv) There has not been a change in operational control of the (~~(facility)~~) reporter; and

(v) There has not been a significant change in sources or emissions. A difference in emissions of greater than (~~(twenty-five)~~) 25 percent relative to the preceding year's emissions is considered significant unless that change can be directly shown to result from a verifiable change in product data.

(b) Full verification. A full verification report must be in a format specified by ecology and contain:

(i) Documentation identifying the (~~facility~~) reporter reporting emissions and the scope of emissions verified in the report.

(ii) Documentation identifying the third-party verifier, including all relevant information about the third-party verifier in subsection (7)(a) of this section and the names, roles, and sector specific qualifications (if any) of all individuals working on the verification report.

(iii) Documentation demonstrating and certifying that the requirements of subsection (7)(b) and (c) of this section have been met.

(iv) A verification plan that details the data and methodologies used to verify the annual GHG report and schedule describing when the verification services occurred. This must include a sampling plan that describes how the third-party verifier prioritized which emissions to verify and a summary of the data checks used to determine the reliability of the annual GHG report. Full verification requires a more complete sampling of data and additional data checks than less intensive verification. At a minimum, data checks for a full verification must include the following:

(A) Tracing data in the emissions data report to its origin;

(B) Reviewing the process for data compilation and collection;

(C) Recalculating emission estimates to check original calculations;

(D) Reviewing calculation methodologies used by the reporter for conformance with this chapter; and

(E) Reviewing meter and fuel analytical instrumentation measurement accuracy and calibration for consistency with the requirements of this chapter.

(v) Documentation of the third-party verifier's review of (~~facility~~) reporter operations to identify applicable GHG emissions sources and product data. Any applicable GHG emissions sources or product data not included in the annual GHG report must be identified. The third-party verifier must also ensure that the reported current NAICS code(s) accurately represents the activities on-site.

(vi) Documentation of any corrections made to the annual GHG report.

(vii) Documentation supporting the third-party verifiers' findings evaluating if the annual GHG report is compliant with the requirements in subsection (3) of this section. This must include a log of any issues (if any) identified in the course of verification, their potential impact on the quality of the annual GHG report, and their resolution.

(viii) The individuals conducting the third-party verification must certify that the verification report is true, accurate, and complete to the best of their knowledge and belief.

(ix) Information about the required on-site visit, including date(s) and a description of the verification services conducted on-site. At least one accredited verifier in the verification team, including the sector specific verifier, if applicable, must at a minimum make one site visit, during each year full verification is required. The third-party verifier must visit the headquarters or other location of central data management when the (~~facility~~) reporter is a supplier (~~of petroleum products or supplier of natural gas and natural gas liquids~~) or electric power entity. During the site visit, the third-party verifier must:

(A) Confirm that all applicable emissions are included in the annual GHG report.

(B) Check that all sources specified in the annual GHG report are identified appropriately.

(C) Review and understand the data management systems used by the owners or operators to track, quantify, and report GHG emissions and, when applicable, product data and fuel transactions. The third-party verifier must evaluate the uncertainty and effectiveness of these systems.

(D) Interview key personnel.

(E) Make direct observations of equipment for data sources and equipment supplying data for sources determined to be high risk.

(F) Assess conformance with measurement accuracy, data capture, and missing data substitution requirements.

(G) Review financial transactions to confirm fuel, feedstock, and product data, and confirming the complete and accurate reporting of required data such as ~~((facility))~~ reporter fuel suppliers, fuel quantities delivered, and if fuel was received directly from an interstate pipeline.

(c) Less intensive verification. A less intensive verification report must be in a format specified by ecology and meet the requirements of subsection (4)(b)(i) through (viii) of this section. Less intensive verification of an annual GHG report allows for less detailed data checks and document reviews of the annual GHG report based on the analysis and risk assessment in the most current sampling plan developed as part of the most current full verification. Persons subject to third-party verification under subsection (1)(a) through (d) of this section must, at a minimum, conduct less intensive verification for any year full verification is not conducted.

(5) **Annual GHG report corrections.** Owners or operators subject to this section must correct errors in their annual GHG report.

(a) Corrections are required if errors are identified by:

(i) The third-party verifier;

(ii) The owner or operator;

(iii) Ecology; or

(iv) EPA.

(b) The owner or operator must fix all correctable errors that affect ~~((covered))~~ emissions ~~((, noncovered emissions,))~~ or ~~((covered))~~ product data in the submitted emissions data report, and submit a revised emissions data report to ecology. Failure to do so will result in an adverse verification statement.

(c) Failure to fix correctable errors that do not affect ~~((covered))~~ emissions ~~((, noncovered emissions,))~~ or ~~((covered))~~ product data represents a nonconformance with this chapter but does not, absent other errors, result in an adverse verification statement.

(d) Any corrections to the annual GHG report identified during the verification process must be submitted to ecology no later than 45 calendar days after discovery of the error or the verification report deadline in subsection (6)(a) of this section, whichever is sooner. Any corrections to the annual GHG report or verification report discovered after the verification report deadline in subsection (6)(a) of this section must be submitted to ecology no later than 45 calendar days after discovery of the error.

(e) The owner or operator must maintain documentation to support any revisions made to the initial emissions data report. Documentation for all emissions data report submittals must be retained by the reporting entity for ~~((ten))~~ 10 years.

(6) ((Timing-)) Report.

(a) The third-party verifier must submit a complete verification report to ecology for each year as required under subsection (1) of this section no later than ~~((one hundred fifty days after the report submission due date for the facility, specified in WAC 173-441-050(2-))~~ August 10th for GHG emissions occurring in the previous calendar year.

~~((Any corrections to the annual GHG report or verification report must be submitted to ecology no later than forty-five days after discovery of the error.))~~ (b) The third-party verifier must include a certification of one of the following verification statements based on the verification standards in subsection (3) of this section.

(i) A positive verification statement may be issued by a third-party verifier if the third-party verifier can say with high confidence that the submitted GHG data report is free of material misstatement and that the GHG data report conforms to the requirements of this chapter.

(ii) A qualified positive verification statement must be issued by a third-party verifier if the third-party verifier can say with high confidence that the submitted GHG data report is free of material misstatement and contains no errors that affect emissions or product data, but the GHG data report may include one or more other nonconformance(s) with the requirements of this chapter which do not result in a material misstatement.

(iii) An adverse verification statement must be issued by a third-party verifier if the third-party verifier cannot say with high confidence that the submitted GHG data report is free of material misstatement, or that the emissions or product data submitted in the GHG data report is free of errors that affect emissions or product data and thus is not in conformance with the requirements to fix such errors.

(c) Records must be retained following the requirements of WAC 173-441-050(6).

(7) Eligible third-party verifiers.

(a) Owners or operators subject to this section must have their annual GHG report verified by a third-party verifier certified by ecology. Certification requires:

(i) Registering as a third-party verifier with ecology. Registration is required for both the verification organization and all individuals performing verification services for the verification organization.

(ii) Demonstrating to ecology's satisfaction that the third-party verifier has sufficient knowledge of the relevant methods and protocols in this chapter. Certification may be limited to certain types or sources of emissions.

(iii) Active accreditation or recognition as a third-party verifier under ~~((at least one of the following GHG programs:~~

~~(A-)) California ARB's Mandatory Reporting of Greenhouse Gas Emissions program(~~;~~~~

~~(B) The Climate Registry;~~

~~(C) Climate Action Reserve;~~

~~(D) American National Standards Institute (ANSI);~~

~~(E) Accredited ISO 14064 registrars; or~~

~~(F) Other GHG verification standard approved by ecology)).~~

(iv) Ecology may modify, suspend, or revoke certification of a third-party verifier based on the accuracy of their signed verifica-

tion statements, conformance with conflict of interest provisions, or other requirements of this section.

(b) An owner or operator must not use the same third-party verifier (either organization or individuals) for a period of more than six consecutive years. The owner or operator must wait at least three years before using the previous third-party verifier to verify their annual GHG reports.

(c) An owner or operator and third-party verifier must certify that there is not a conflict of interest in verifying the annual GHG report. The potential for a conflict of interest must be deemed to be high where:

(i) The third-party verifier and ((~~facility~~)) reporter share any management staff or board of directors membership, or any of the senior management staff of the ((~~facility~~)) reporter have been employed by the third-party verifier, or vice versa, within the previous five years; or

(ii) Any employee of the third-party verifier, or any employee of a related entity, or a subcontractor who is a member of the verification team has provided to the ((~~facility~~)) reporter any services within the previous five years, unless the service was part of GHG verification for another jurisdiction. Any years of previous service in the other jurisdiction count towards the limit in (b) of this subsection.

(iii) Any staff member of the third-party verifier provides any type of incentive to a ((~~facility~~)) reporter to secure a verification services contract.

(8) **Ecology verification.** Ecology retains full authority in determining if an annual GHG report contains a discrepancy, omission, or misreporting, or any aggregation of the three, that impacts the verification status of the annual GHG report. Ecology may issue an adverse verification statement for an annual GHG report even if the annual GHG report has received a positive verification statement from the third-party verifier. Ecology may also issue an adverse verification statement for:

(a) Failure to submit a complete annual GHG report in a timely manner;

(b) Failure to complete third-party verification if required by this subsection; or

(c) Other forms of noncompliance with this chapter.

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-441-085, filed 9/15/16, effective 10/16/16.]

AMENDATORY SECTION (Amending WSR 16-19-047, filed 9/15/16, effective 10/16/16)

WAC 173-441-086 Assigned emissions level. (1) Ecology may assign an emissions level to any annual GHG report that:

(a) Failed to submit a complete annual GHG report by the report submission due date, specified in WAC 173-441-050(2);

(b) Failed to meet the third-party verification requirements in WAC 173-441-085;

(c) Has an adverse verification statement; or

(d) Ecology determines ~~((the absolute value of any))~~ a discrepancy, omission, or misreporting, ~~((or aggregation of the three, is at least five percent of total reported covered emissions (metric tons of~~

~~CO₂e)) as described in WAC 173-441-085 (3) (b) (i) through (iv), results in a substantive error as defined in WAC 173-441-050 (7) (c). This standard also separately applies to any ~~((covered))~~ product data in the annual GHG report.~~

~~((i) "Discrepancies" means any differences between the reported covered emissions or covered product data and ecology's review of covered emissions or covered product data for a data source or product data.~~

~~(ii) "Omissions" means any covered emissions or covered product data ecology concludes must be part of the annual GHG report, but were not included by the reporting entity in the annual GHG report.~~

~~(iii) "Misreporting" means duplicate, incomplete or other covered emissions ecology concludes should, or should not, be part of the annual GHG report or duplicate or other product data ecology concludes should not be part of the annual GHG report.~~

~~(iv) "Total reported covered emissions or covered product data" means the total annual reporting entity covered emissions or total reported covered product data for which ecology is conducting an assessment.)~~

(2) The assigned emissions level must be used when determining compliance with chapter 70A.65 RCW, as described in chapter ((173-442)) 173-446 WAC.

(3) Ecology must use conservative assumptions when setting the assigned emissions level to avoid underestimating emissions in a compliance year or overestimating emissions in a baseline year.

(a) Within five working days of a written request by ecology, the third-party verifier (if applicable) must provide any available verification services information or correspondence related to the emissions data.

(b) Within five working days of a written request by ecology, the owner or operator of a ~~((facility))~~ reporter must provide the data that is required to calculate GHG emissions for the ~~((facility))~~ reporter according to the requirements of this chapter, the preliminary or final detailed verification report prepared by the third-party verifier (if applicable), and other information requested by ecology, including the operating days and hours of the ~~((facility))~~ reporter during the data year. The owner or operator must also make available personnel who can assist ecology's determination of an assigned emissions level for the data year.

(4) Ecology may adjust the assigned emissions level if the owner or operator is able to obtain a positive verification statement for the annual GHG report at a later date.

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-441-086, filed 9/15/16, effective 10/16/16.]

AMENDATORY SECTION (Amending WSR 16-19-047, filed 9/15/16, effective 10/16/16)

WAC 173-441-090 Compliance and enforcement. (1) **Violations.** Any violation of any requirement of this chapter must be a violation of chapter ~~((70.94))~~ 70A.15 RCW and subject to enforcement as provided in that chapter. A violation includes, but is not limited to, failure to submit a complete report ((GHG emissions)) by the reporting deadline,

failure to report accurately, failure to collect data needed to calculate GHG emissions or product data, failure to continuously monitor and test as required, failure to retain records needed to verify the amount of GHG emissions or product data, failure to calculate GHG emissions or product data following the methodologies specified in this chapter, failure to have the annual GHG report third-party verified, and failure to pay the required reporting fee. Each calendar day and each metric ton CO₂e of emissions of a violation constitutes a separate violation.

(2) **Enforcement responsibility.** Ecology must enforce the requirements of this chapter (~~(unless ecology approves a local air authority's request to enforce the requirements for persons operating within the authority's jurisdiction)~~).

(3) **Phased enforcement for some reporting elements for the 2022 emissions year.** Ecology is phasing in enforcement for nonconformance with new reporting requirements, including WAC 173-441-122 and 173-441-124, adopted February 9, 2022, during the 2022 emissions year reported in 2023 as follows.

(a) Ecology may issue violations under subsection (1) of this section for any nonconformance with new reporting requirements, including WAC 173-441-122 and 173-441-124, adopted February 9, 2022, during the 2022 emissions year reported in 2023; however, ecology will not issue monetary penalties under this section, except for failure to comply with the requirement to submit a complete report by the reporting deadline, for this period. All other provisions of this chapter apply during this period.

(b) New reporting requirements, including WAC 173-441-122 and 173-441-124, adopted February 9, 2022, are fully subject to compliance and enforcement provisions of this section, including potential monetary penalties for violations, beginning with the 2023 emissions year reported in 2024.

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-441-090, filed 9/15/16, effective 10/16/16; WSR 15-04-051 (Order 13-13), § 173-441-090, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-090, filed 12/1/10, effective 1/1/11.]

AMENDATORY SECTION (Amending WSR 15-04-051, filed 1/29/15, effective 3/1/15)

WAC 173-441-100 Addresses. All requests, notifications, and communications to ecology pursuant to this chapter, must be submitted in a format as specified by ecology to either of the following:

(1) For U.S. mail: Greenhouse Gas (~~Report~~) Reporting, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

(2) For email: ghgreporting@ecy.wa.gov.

[Statutory Authority: Chapters 70.235 and 70.94 RCW. WSR 15-04-051 (Order 13-13), § 173-441-100, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR

10-24-108 (Order 10-08), § 173-441-100, filed 12/1/10, effective 1/1/11.]

AMENDATORY SECTION (Amending WSR 16-19-047, filed 9/15/16, effective 10/16/16)

WAC 173-441-110 Fees. (1) **Fee determination.** All persons required to report or voluntarily reporting under WAC 173-441-030 ~~((+1))~~ must pay a reporting fee for each year they submit a report to ecology. Ecology must establish reporting fees based on workload using the process outlined below. The fees must be sufficient to cover ecology's costs to administer the GHG emissions reporting program.

(2) **Fee eligible activities.** All costs of activities associated with administering this reporting program, as described in RCW ~~((70.94.151))~~ 70A.15.2200(2), are fee eligible.

(3) **Workload analysis and budget development.** Each biennium, ecology must conduct a workload analysis and develop a budget based on the process outlined below:

(a) Ecology must conduct a workload analysis projecting resource requirements for administering the reporting program, organized by categories of fee eligible activities, for the purpose of preparing the budget. Ecology must prepare the workload analysis for the two-year period corresponding to each biennium. The workload analysis must identify the fee eligible administrative activities related to the reporting program that it will perform during the biennium and must estimate the resources required to perform these activities.

(b) Ecology must prepare a budget for administering the reporting program for the two-year period corresponding to each biennium. Ecology must base the budget on the resource requirements identified in the workload analysis for the biennium and must take into account the reporting program account balance at the start of the biennium.

(4) **Allocation methodology.** ~~((The reporting fee for an owner or operator of a facility required to report under WAC 173-441-030(1) is calculated by the equal division of the budget amount by the total number of facilities required to report GHG emissions under this chapter in a given calendar year. A person required to report multiple facilities under WAC 173-441-030(1) must pay a fee for each facility reported.))~~ Ecology must allocate the reporting program budget among the persons required to report or voluntarily reporting under WAC 173-441-030 according to the following:

(a) The reporting fee for a person that is required to report or voluntarily reporting under WAC 173-441-030 and is subject to third-party verification under WAC 173-441-085 is calculated by the equal division of 90 percent of the budget amount by the total number of persons subject to third-party verification under WAC 173-441-085 in a given calendar year. A person required to report or voluntarily reporting multiple reporters under this category must pay a fee for each reporter.

(b) The reporting fee for a person that is required to report or voluntarily reporting under WAC 173-441-030 but is not subject to third-party verification under WAC 173-441-085 is calculated by the equal division of 10 percent of the budget amount by the total number of persons reporting GHG emissions under this chapter not subject to third-party verification under WAC 173-441-085 in a given calendar

year. A person required to report or voluntarily reporting multiple reporters under this category must pay a fee for each reporter.

(5) **Fee schedule.** Ecology must issue annually a fee schedule reflecting the reporting fee to be paid per ~~((facility or supplier))~~ reporter. Ecology must base the fee schedule on the budget and workload analysis described above and conducted each biennium. Ecology must publish the fee schedule for the following year on or before October 31st of each year.

(6) **Fee payments.** Fees specified in this section must be paid within ~~((sixty))~~ 60 calendar days of receipt of ecology's billing statement. All fees collected under this chapter must be made payable to the Washington department of ecology. A late fee surcharge of ~~((fifty dollars or ten))~~ \$50 or 10 percent of the fee, whichever is more, may be assessed for any fee received after ~~((ninety))~~ 90 calendar days past the due date for fee payment.

(7) **Dedicated account.** Ecology must deposit all reporting fees they collect in the air pollution control account.

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-441-110, filed 9/15/16, effective 10/16/16. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-110, filed 12/1/10, effective 1/1/11.]

AMENDATORY SECTION (Amending WSR 16-19-047, filed 9/15/16, effective 10/16/16)

WAC 173-441-120 Calculation methods ~~((incorporated by reference from 40 C.F.R. Part 98))~~ for facilities. This section establishes the scope of reportable GHG emissions under this chapter and GHG emissions calculation methods for facilities. Owners and operators of facilities must follow the requirements of this section to determine if they are required to report under WAC 173-441-030(1). Owners and operators of facilities that are subject to this chapter must follow the requirements of this ~~((chapter))~~ section and all subparts of 40 C.F.R. Part 98 listed in Table 120-1 of this section when calculating emissions. If a conflict exists between a provision in WAC ~~((173-441-050(3)))~~ 173-441-010 through ~~((173-441-080))~~ 173-441-110 and 173-441-140 through 173-441-170 and any applicable provision of this section, the requirements of ~~((this))~~ those sections must take precedence.

(1) **Source categories and calculation methods for facilities.** An owner or operator of a facility subject to the requirements of this chapter must report GHG emissions, including GHG emissions from biomass, from all applicable source categories in Washington state listed in Table 120-1 of this section using the methods incorporated by reference in Table 120-1. Table 120-1 and subsection (2) of this section list modifications and exceptions to calculation methods adopted by reference in this section.

**Table 120-1:
Source Categories and Calculation Methods
Incorporated by Reference from 40 C.F.R. Part 98 for Facilities**

((Note: All source categories in Table 120-1 are considered facilities even if the source category name includes the word "supplier."))

Source Category	40 C.F.R. Part 98 Subpart*	Exceptions to Calculation Method or Applicability Criteria ^{+#}
General Stationary Fuel Combustion Sources	C	
Electricity Generation	D	
Adipic Acid Production	E	
Aluminum Production	F	
Ammonia Manufacturing	G	
Cement Production	H	
Electronics Manufacturing	I	In § 98.91, replace "To calculate total annual GHG emissions for comparison to the 25,000 metric ton CO ₂ e per year emission threshold in paragraph § 98.2 (a)(2), follow the requirements of § 98.2(b), with one exception" with "To calculate GHG emissions for comparison to the emission threshold in WAC 173-441-030(1), follow the requirements of WAC 173-441-030 (1)(b), with one exception."
Ferroalloy Production	K	
Fluorinated Gas Production	L	In § 98.121, replace "To calculate GHG emissions for comparison to the 25,000 metric ton CO ₂ e per year emission threshold in § 98.2 (a)(2)" with "To calculate GHG emissions for comparison to the emission threshold in WAC 173-441-030(1)."
Glass Production	N	
HCFC-22 Production and HFC-23 Destruction	O	
Hydrogen Production	P	
Iron and Steel Production	Q	
Lead Production	R	
Lime Manufacturing	S	
Magnesium Production	T	
Miscellaneous Uses of Carbonate	U	
Nitric Acid Production	V	
Petroleum and Natural Gas Systems	W	§ 98.231(a) should read: "You must report GHG emissions under this subpart if your facility contains petroleum and natural gas systems and the facility meets the requirements of WAC 173-441-030(1)."
Petrochemical Production	X	
Petroleum Refineries	Y	
Phosphoric Acid Production	Z	
Pulp and Paper Manufacturing	AA	
Silicon Carbide Production	BB	
Soda Ash Manufacturing	CC	
Electrical Transmission and Distribution Equipment Use	DD	§ 98.301 should read: "You must report GHG emissions under this subpart if your facility contains any electrical transmission and distribution equipment use process and the facility meets the requirements of WAC 173-441-030(1)." See subsection (2)(f) of this section.
Titanium Dioxide Production	EE	
Underground Coal Mines	FF	
Zinc Production	GG	

Source Category	40 C.F.R. Part 98 Subpart*	Exceptions to Calculation Method or Applicability Criteria ^{†#}
Municipal Solid Waste Landfills	HH	CO ₂ from combustion of landfill gas must also be included in calculating emissions for reporting and determining if the reporting threshold is met. § 98.346(i)(13) should read: "Methane emissions for the landfill (i.e., the subpart HH total methane emissions). If the quantity of recovered CH ₄ from Equation HH-4 of this subpart is used as the value of G _{CH₄} in Equation HH-6, use the methane emissions calculated using Equation HH-8 as the methane emissions for the landfill." Otherwise use the higher methane emissions value from Equation HH-6 or Equation HH-8 of this subpart unless otherwise instructed by ecology.
Industrial Wastewater Treatment	II	CO ₂ from combustion of wastewater biogas must also be included in calculating emissions for reporting and determining if the reporting threshold is met.
(Manure Management	JJ	See subsection (2)(e) of this section.
Suppliers of Coal-Based Liquid Fuels	LL	§ 98.380(b) should read: "An importer or exporter shall have the same meaning given in WAC 173-441-120 (2)(h)." § 98.381 should include: "Reporting of exports is voluntary."
Suppliers of Petroleum Products	MM	§ 98.391 should read: "Any refiner or importer that meets the requirements of WAC 173-441-030(1) must report GHG emissions. Any exporter of petroleum products and natural gas liquids may report GHG emissions associated with exported petroleum products using the methods established in this subpart." See subsection (2)(h) of this section.
Suppliers of Natural Gas and Natural Gas Liquids	NN	§ 98.401 should read: "Any supplier of natural gas and natural gas liquids that meets the requirements of WAC 173-441-030(1) must report GHG emissions."
Suppliers of Industrial Greenhouse Gases	OO	§ 98.411 should include: "Reporting of exports is voluntary."
Suppliers of Carbon Dioxide	PP	§ 98.421 should read: "Any supplier of CO ₂ who meets the requirements of WAC 173-441-030(1) must report the mass of CO ₂ captured, extracted, or imported. The mass of CO ₂ exported may be reported using the methods established in this subpart."
Importers and Exporters of Fluorinated Greenhouse Gases Contained in Pre-Charged Equipment or Closed-Cell Foams	QQ	§ 98.431 should read: "Any importer of fluorinated GHGs contained in pre-charged equipment or closed-cell foams who meets the requirements of WAC 173-441-030(1) must report each fluorinated GHG contained in the imported pre-charged equipment or closed-cell foams. Any exporter of fluorinated GHGs contained in pre-charged equipment or closed-cell foams may report GHG emissions associated with exported products using the methods established in this subpart.")
Geologic Sequestration of Carbon Dioxide	RR	§ 98.441(a) should read: "You must report GHG emissions under this subpart if any well or group of wells within your facility injects any amount of CO ₂ for long-term containment in subsurface geologic formations and the facility meets the requirements of WAC 173-441-030(1)."
Electrical Equipment Manufacture or Refurbishment	SS	§ 98.451 should read: "You must report GHG emissions under this subpart if your facility contains an electrical equipment manufacturing or refurbishing process and the facility meets the requirements of WAC 173-441-030(1)."
Industrial Waste Landfills	TT	CO ₂ from combustion of landfill gas must also be included in calculating emissions for reporting and determining if the reporting threshold is met.

Source Category	40 C.F.R. Part 98 Subpart*	Exceptions to Calculation Method or Applicability Criteria ^{†#}
Injection of Carbon Dioxide	UU	§ 98.471 should read: "(a) You must report GHG emissions under this subpart if your facility contains an injection of carbon dioxide process and the facility meets the requirements of WAC 173-441-030(1). For purposes of this subpart, any reference to CO ₂ emissions in WAC 173-441-030 means CO ₂ received."

* Unless otherwise noted, all calculation methods are from 40 C.F.R. Part 98(~~as adopted by September 1, 2016~~).

† Modifications and exceptions in subsection (2) of this section and WAC 173-441-010 through (~~173-441-050(2)~~) 173-441-110 and 173-441-140 through 173-441-170 also apply.

Whenever the use of verification software is required or voluntarily used, the file generated by the verification software must be submitted with the facility's annual GHG report.

(2) Modifications and exceptions to calculation methods adopted by reference. Except as otherwise specifically provided:

(a) Wherever the term "administrator" is used in the rules incorporated by reference in this chapter, the term "director" must be substituted.

(b) Wherever the term "EPA" is used in the rules incorporated by reference in this chapter, the term "ecology" must be substituted.

(c) Wherever the term "United States" is used in the rules incorporated by reference in this chapter, the term "Washington state" must be substituted.

(d) Wherever a calculation method adopted by reference in Table 120-1 of this section or a definition adopted by reference from 40 C.F.R. Part 98.6 refers to another subpart or paragraph of 40 C.F.R. Part 98:

(i) If Table 120-2 of this section lists the reference, then replace the reference with the corresponding reference to this chapter as specified in Table 120-2.

(ii) If the reference is to a subpart or subsection of a reference listed in Table 120-2 of this section, then replace the reference with the appropriate subsection of the corresponding reference to this chapter as specified in Table 120-2.

(iii) If the reference is to a subpart or paragraph of 40 C.F.R. Part 98 Subparts C through UU incorporated by reference in Table 120-1, then use the existing reference except as modified by this chapter.

~~(e) ((For manure management, use the following subsections instead of the corresponding subsections in 40 C.F.R. § 98.360 as adopted by September 1, 2016.~~

~~(i) 40 C.F.R. § 98.360(a): This source category consists of livestock facilities with manure management systems.~~

~~(A) § 98.360 (a) (1) is not adopted by reference.~~

~~(B) § 98.360 (a) (2) is not adopted by reference.~~

~~(ii) 40 C.F.R. § 98.360(b): A manure management system (MMS) is a system that stabilizes and/or stores livestock manure, litter, or manure wastewater in one or more of the following system components: Uncovered anaerobic lagoons, liquid/slurry systems with and without crust covers (including, but not limited to, ponds and tanks), storage pits, digesters, solid manure storage, dry lots (including feedlots), high-rise houses for poultry production (poultry without litter), poultry production with litter, deep bedding systems for cattle and swine, manure composting, and aerobic treatment.~~

~~(iii) 40 C.F.R. § 98.360(c): This source category does not include system components at a livestock facility that are unrelated to the stabilization and/or storage of manure such as daily spread or pasture/range/paddock systems or land application activities or any~~

method of manure utilization that is not listed in ~~§ 98.360(b)~~ as modified in WAC 173-441-120 (2)(e)(ii).

~~(iv) 40 C.F.R. § 98.360(d): This source category does not include manure management activities located off-site from a livestock facility or off-site manure composting operations.~~

~~(v) 40 C.F.R. § 98.361: Livestock facilities must report GHG emissions under this subpart if the facility contains a manure management system as defined in 98.360(b) as modified in WAC 173-441-120 (2)(e)(ii), and meets the requirements of WAC 173-441-030(1).~~

~~(vi) 40 C.F.R. § 98.362 (b) and (c) are not adopted by reference.~~

~~(vii) 40 C.F.R. § 98.362(a), 40 C.F.R. § 98.363 through 40 C.F.R. § 98.368, Equations JJ-2 through JJ-15, and Tables JJ-2 through JJ-7 as adopted by September 1, 2016, remain unchanged unless otherwise modified in this chapter.~~

~~(viii) CO₂ from combustion of gas from manure management must also be included in calculating emissions for reporting and determining if the reporting threshold is met.) Use the following method to obtain specific version or date references for any reference in 40 C.F.R. Part 98 that refers to any document not contained in 40 C.F.R. Part 98:~~

~~(i) If the reference in 40 C.F.R. Part 98 includes a specific version or date reference, then use the version or date as specified in 40 C.F.R. Part 98.~~

~~(ii) If the reference in 40 C.F.R. Part 98 does not include a specific version or date reference, then use the version of the referenced document as available on the date of adoption of this chapter.~~

(f) For electrical transmission and distribution equipment use facilities where the electrical power system crosses Washington state boundaries, limit the GHG report to emissions that occur in Washington state using one of the following methods:

(i) Direct, state specific measurements;

(ii) Prorate the total emissions of the electric power system based upon either nameplate capacity or transmission line miles in the respective service areas by state using company records. Update the nameplate capacity or transmission line miles factor each reporting year and include the data used to establish the nameplate capacity or transmission line miles factor with your annual GHG report;

(iii) Prorate the total emissions of the electric power system based upon population in the respective service areas by state using the most recent U.S. Census data. Update the population factor each reporting year and include the data used to establish the population factor with your annual GHG report.

~~((g) Use the following method to obtain specific version or date references for any reference in 40 C.F.R. Part 98 that refers to any document not contained in 40 C.F.R. Part 98:~~

~~(i) If the reference in 40 C.F.R. Part 98 includes a specific version or date reference, then use the version or date as specified in 40 C.F.R. Part 98.~~

~~(ii) If the reference in 40 C.F.R. Part 98 does not include a specific version or date reference, then use the version of the referenced document as available on the date of adoption of this chapter.~~

~~(h) For suppliers of petroleum products or coal-based liquid fuels, use the following subsections instead of the corresponding subsections in 40 C.F.R. § 98.390 as adopted by September 1, 2016.~~

~~(i) 40 C.F.R. § 98.390: Definition of the source category.~~

~~This source category consists of petroleum refineries and importers and exporters of petroleum products and natural gas liquids as listed in Table MM-1 of this subpart.~~

~~(A) A petroleum refinery for the purpose of this subpart is any facility engaged in producing petroleum products through the distillation of crude oil.~~

~~(B) A refiner is the owner or operator of a petroleum refinery.~~

~~(C) Importer has the same meaning given in subsection (2)(h)(ii) of this section and includes any entity that imports petroleum products, natural gas liquids, or coal-based liquid fuels as listed in Table MM-1 of this subpart. Any blender or refiner of refined or semi-refined petroleum products shall be considered an importer if it otherwise satisfies the aforementioned definition.~~

~~(D) Exporter has the same meaning given in subsection (2)(h)(ii) of this section and includes any entity that exports petroleum products, natural gas liquids, or coal-based liquid fuels as listed in Table MM-1 of this subpart. Any blender or refiner of refined or semi-refined petroleum products shall be considered an exporter if it otherwise satisfies the aforementioned definition.~~

~~(ii) Definitions specific to imports and exports:~~

~~(A) Export means to transport a product from inside Washington state to persons outside Washington state, excluding any such transport on behalf of the United States military including foreign military sales under the Arms Export Control Act. The final destination of the product must occur outside of Washington state.~~

~~(B) Exporter means any person, company or organization of record that transfers for sale or for other benefit, products from Washington state to another state, country, or to an affiliate in another country, excluding any such transfers on behalf of the United States military or military purposes including foreign military sales under the Arms Export Control Act. The final destination of the product must occur outside of Washington state. An exporter is not the entity merely transporting the domestic products, rather an exporter is the entity deriving the principal benefit from the transaction.~~

~~(C) Import means, to land on, bring into, or introduce into, any place subject to the jurisdiction of Washington state.~~

~~(D) Importer means any person, company, or organization of record that for any reason brings a product into Washington state from a different state or foreign country, excluding introduction into Washington state jurisdiction exclusively for United States military purposes. The term includes, as appropriate:~~

~~(I) The consignee.~~

~~(II) The importer of record.~~

~~(III) The actual owner.~~

~~(IV) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred.~~

~~(iii) Each importer shall report all information at the state level.~~

~~(iv) Each exporter choosing to report emissions associated with exported products to ecology under these subparts shall report all information at the state level:~~

~~(v) Exporters choosing to report emissions associated with exported products to ecology under these subparts and refineries and importers must report information for each product where emissions were calculated.)~~

Table 120-2:

**Corresponding References in 40 C.F.R. Part 98 and
Chapter 173-441 WAC**

Reference in 40 C.F.R. Part 98		Corresponding Reference in Chapter 173-441 WAC	
Section	Topic	Section	Topic
40 C.F.R. Part 98 or "part"	Mandatory Greenhouse Gas Reporting	Chapter 173-441 WAC	Reporting of Emissions of Greenhouse Gases
Subpart A	General Provision	WAC 173-441-010 through 173-441-100	General Provisions
§ 98.1	Purpose and scope	WAC 173-441-010	Scope
§ 98.2	Who must report?	WAC 173-441-030	Applicability
§ 98.2(a)	Applicability: Facility reporting	WAC 173-441-030(1)	Applicability: Facility reporting
§ 98.2 (a)(1)	Applicability: Facility reporting Table A-3	WAC 173-441-030(1)	Applicability: Facility reporting
§ 98.2 (a)(2)	Applicability: Facility reporting Table A-4	WAC 173-441-030(1)	Applicability: Facility reporting
§ 98.2 (a)(3)	Applicability: Facility reporting source categories that meet all three of the conditions listed in this paragraph (a)(3)	WAC 173-441-030(1)	Applicability: Facility reporting
§ 98.2 (a)(4)	Applicability: Facility reporting Table A-5 source categories	WAC 173-441-030(1)	Applicability: Facility reporting
§ 98.2(b)	Calculating emissions for comparison to the threshold	WAC 173-441-030 (1)(b)	Calculating facility emissions for comparison to the threshold
§ 98.2(i)	Reporting requirements when emissions of greenhouse gases fall below reporting thresholds	WAC 173-441-030(5)	Reporting requirements when emissions of greenhouse gases fall below reporting thresholds
§ 98.3	What are the general monitoring, reporting, recordkeeping and verification requirements of this part?	WAC 173-441-050	General monitoring, reporting, recordkeeping and verification requirements
§ 98.3(c)	Content of the annual report	WAC 173-441-050(3)	Content of the annual report
§ 98.3(g)	Recordkeeping	WAC 173-441-050(6)	Recordkeeping
§ 98.3 (g)(5)	A written GHG monitoring plan	WAC 173-441-050 (6)(e)	A written GHG monitoring plan
§ 98.3(i)	Calibration accuracy requirements	WAC 173-441-050(8)	Calibration and accuracy requirements
§ 98.3 (i)(6)	Calibration accuracy requirements: Initial calibration	WAC 173-441-050 (8)(f)	Calibration accuracy requirements: Initial calibration
§ 98.4	Authorization and responsibilities of the designated representative	WAC 173-441-060	Authorization and responsibilities of the designated representative
§ 98.5	How is the report submitted?	WAC 173-441-070	Report submittal
§ 98.5(b)	Verification software	WAC 173-441-070(1)	Facility report submittal
§ 98.6	Definitions	WAC 173-441-020	Definitions
§ 98.7	What standardized methods are incorporated by reference into this part?	WAC 173-441-080	Standardized methods and conversion factors incorporated by reference
§ 98.8	What are the compliance and enforcement provisions of this part?	WAC 173-441-090	Compliance and enforcement
§ 98.9	Addresses	WAC 173-441-100	Addresses
Table A-1 to Subpart A of Part 98—Global Warming Potentials, Table A-1 of this part, or Table A-1 of this subpart	Global Warming Potentials	Table A-1 of WAC 173-441-040	Global Warming Potentials
Table A-2 to Subpart A of Part 98—Units of Measure Conversions	Units of Measure Conversions	Table A-2 of WAC 173-441-080	Units of Measure Conversions

(3) **Calculation methods for voluntary reporting.** GHG emissions reported voluntarily under WAC 173-441-030 ~~((+4))~~ (5) must be calculated using the following methods:

(a) If the GHG emissions have calculation methods specified in Table 120-1 of this section, use the methods specified in Table 120-1.

(b) If the GHG emissions have calculation methods specified in WAC ~~((173-441-130))~~ 173-441-122 or 173-441-124, use the methods specified in WAC ~~((173-441-130))~~ 173-441-122 or 173-441-124.

(c) For all GHG emissions from facilities not covered in Table 120-1 of this section or persons supplying any product other than those listed in WAC ~~((173-441-130))~~ 173-441-122 or 173-441-124, contact ecology for an appropriate calculation method no later than ~~((one~~

hundred eighty)) 180 calendar days prior to the emissions report deadline established in WAC 173-441-050(2) or submit a petition for alternative calculation methods according to the requirements of WAC 173-441-140.

(4) **Alternative calculation methods approved by petition.** An owner or operator may petition ecology to use calculation methods other than those specified in Table 120-1 of this section to calculate its facility GHG emissions. Such alternative calculation methods must be approved by ecology prior to reporting and must meet the requirements of WAC 173-441-140.

(5) **Emissions subject to reporting, but not subject to the reporting threshold.** Facilities that supply CO₂ as described in WAC 173-441-122 (3)(b) required to report or voluntarily reporting under WAC 173-441-030 (1) or (5) based on GHG emissions calculated under subsections (1) through (4) of this section must report supplied CO₂ using the 40 C.F.R. Part 98 Subpart PP methods described in WAC 173-441-122 (3)(b) as part of their facility report as described in that section regardless of the amount of GHG emissions. Those emissions do not count towards the reporting threshold in WAC 173-441-030(1).

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-441-120, filed 9/15/16, effective 10/16/16; WSR 15-04-051 (Order 13-13), § 173-441-120, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-120, filed 12/1/10, effective 1/1/11.]

NEW SECTION

WAC 173-441-122 Calculation methods for suppliers. This section establishes the scope of reportable GHG emissions under this chapter and GHG emissions calculation methods for suppliers. Owners and operators of suppliers must follow the requirements of this section to determine if they are required to report under WAC 173-441-030(2). Owners and operators of suppliers that are subject to this chapter must follow the requirements of this section and all subparts of 40 C.F.R. Part 98 listed in this section when calculating emissions. If a conflict exists between a provision in WAC 173-441-010 through 173-441-110 and 173-441-140 through 173-441-170 and any applicable provision of this section, the requirements of those sections must take precedence.

(1) **General requirements.** An owner or operator of a supplier subject to the requirements of this chapter must report GHG emissions, including GHG emissions from biomass, from all applicable source categories with GHG emissions in Washington state listed in (a) of this subsection using the methods in this section. All GHG emissions in Washington state from a common primary parent company or owner or operator are considered part of a single supplier for the purposes of this section.

(a) Supplier source categories:

(i) Position holders at terminals and refiners delivering fuel products, other than natural gas described in Subpart NN;

- (ii) Enterers that import fuel products, other than natural gas described in Subpart NN, outside the bulk transfer/terminal system, and biofuel production facilities that produce and deliver fuel products outside the bulk/terminal system;
 - (iii) Refiners that produce liquefied petroleum gas;
 - (iv) Operators of interstate pipelines delivering natural gas;
 - (v) Importers of liquefied petroleum gas, compressed natural gas, or liquefied natural gas into Washington;
 - (vi) Local distribution companies who are public utility gas corporations or publicly owned natural gas utilities delivering natural gas;
 - (vii) Operators of intrastate pipelines delivering natural gas;
 - (viii) Natural gas liquid fractionators;
 - (ix) Producers, importers, and exporters of carbon dioxide;
 - (x) Facilities that make and deliver liquefied natural gas products or compressed natural gas products by liquefying or compressing natural gas received from interstate pipelines.
- (b) All references to 40 C.F.R. Part 98 are modified consistent with WAC 173-441-120 (2)(a) through (e).
- (c) The calculation methods for voluntary reporting in WAC 173-441-120(3) apply, except calculation methods in WAC 173-441-120 (3)(b) take precedence over the methods from WAC 173-441-120 (3)(a).
- (d) An owner or operator may petition ecology to use calculation methods other than those specified in this section to calculate its supplier GHG emissions. Such alternative calculation methods must be approved by ecology prior to reporting and must meet the requirements of WAC 173-441-140.
- (2) **Definitions specific to suppliers.** The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.
- (a) "Biomethane" or "renewable methane" means biogas that meets pipeline quality natural gas standards.
 - (b) "Biofuel production facility" means a production facility that produces one or more biomass-derived fuels.
 - (c) "Biomass-derived fuels" means a fuel listed in 40 C.F.R. Part 98 Table MM-2, or any renewable or biogenic version of a product listed in 40 C.F.R. Part 98 Table MM-1.
 - (d) "Biogas" or "renewable natural gas" means a gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters.
 - (e) "Bulk transfer/terminal system" means a fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Fuel storage and blending facilities that are not fed by pipeline or vessel are considered outside the bulk transfer system.
 - (f) "Enterer" means an entity that imports fuel products into Washington and who is the importer of record under federal customs law or the owner of fuel upon import into Washington if the fuel is not subject to federal customs law. Only enterers that import the fuels specified in this definition outside the bulk transfer/terminal system are subject to reporting under the regulation.
 - (g) "Fractionator" means plants that produce fractionated natural gas liquids (NGLs) extracted from produced natural gas and separate the NGLs individual component products: Ethane, propane, butanes and pentane-plus (C5+). Plants that only process natural gas but do not fractionate NGLs further into component products are not considered fractionators. Some fractionators do not process production gas, but

instead fractionate bulk NGLs received from natural gas processors. Some fractionators both process natural gas and fractionate bulk NGLs received from other plants.

(h) "Fuel transaction" means the record of the exchange of fuel possession, ownership, or title from one entity to another.

(i) "Importer of fuel" means an entity that imports fuel products into Washington and who is the importer of record under federal customs law. For imported fuel products not subject to federal customs law, the "importer of fuel" is the owner of the fuel product upon its entering into Washington if the eventual transfer of ownership of the product to an end user or marketer located in Washington occurs at a location inside Washington. However, where the transfer of ownership of the fuel product to a Washington end user or marketer occurs at a location outside of Washington, the "importer of fuel" is the producer, marketer, or distributor that is the seller of the fuel product to the end user or marketer located inside Washington. Pursuant to subsection (4) of this section, only importers of liquefied petroleum gas, compressed natural gas, and liquefied natural gas are subject to reporting as an importer of fuel.

(j) "Importer of record" means the owner or purchaser of the goods that are imported into Washington.

(k) "Interstate pipeline" means any entity that owns or operates a natural gas pipeline delivering natural gas to consumers in the state and is subject to rate regulation by the Federal Energy Regulatory Commission.

(l) "Intrastate pipeline" means any pipeline or piping system wholly within Washington state that is delivering natural gas to end users and is not regulated as a public utility gas corporation by the Washington state utilities and transportation commission, is not a publicly owned natural gas utility, and is not regulated as an interstate pipeline by the Federal Energy Regulatory Commission. Only intrastate pipeline operators that physically deliver gas to end users in Washington are subject to reporting under this chapter. This definition includes onshore petroleum and natural gas production facilities and natural gas processing facilities, as defined in 40 C.F.R. Part 98, that deliver pipeline and/or nonpipeline quality natural gas to one or more end users. Facility operators that operate an interconnection pipeline that connects their facility to an interstate pipeline, or that share an interconnection pipeline to an interstate pipeline with other nearby facilities, are not considered intrastate pipeline operators. Facilities that receive gas from an upstream LDC and redeliver a portion of the gas to one or more adjacent facilities are not considered intrastate pipelines.

(m) "Local distribution company" or "LDC," for purposes of this chapter (chapter 173-441 WAC), means a company that owns or operates distribution pipelines, not interstate pipelines, that physically deliver natural gas to end users and includes public utility gas corporations, publicly owned natural gas utilities and intrastate pipelines that are delivering natural gas to end users.

(n) "Position holder" means an entity that holds an inventory position in fuel products as reflected in the records of the terminal operator or a terminal operator that owns fuel products in its terminal. "Position holder" does not include inventory held outside of a terminal, fuel jobbers (unless directly holding inventory at the terminal), retail establishments, or other fuel suppliers not holding inventory at a fuel terminal.

(o) "Producer" means a person who owns, leases, operates, controls, or supervises a Washington state production facility.

(p) "Rack" means a mechanism for delivering motor vehicle fuel or diesel from a refinery or terminal into a truck, trailer, railroad car, or other means of nonbulk transfer.

(q) "Refiner" means, for purposes of this chapter, an individual entity or a corporate-wide entity that delivers fuel products to end users in Washington state that were produced by petroleum refineries owned by that entity or a subsidiary of that entity.

(r) "Terminal" means a fuel product storage and distribution facility that is supplied by pipeline or vessel, and from which fuel product may be removed at a rack. "Terminal" includes a fuel production facility where fuel product is produced and stored and from which fuel product may be removed at a rack.

(s) "Terminal operator" means any entity that owns, operates, or otherwise controls a terminal that is supplied by pipeline or vessel and from which accountable fuel products may be removed at a rack.

(3) **Suppliers of carbon dioxide.** Any supplier of carbon dioxide with supplied CO₂ calculated under this subsection that exceeds the reporting threshold in WAC 173-441-030(2) of this chapter must comply with 40 C.F.R. Part 98 Subpart PP in reporting to ecology, except as otherwise provided in this section. Also use Subpart PP for threshold calculations.

(a) When reporting imported and exported quantities of CO₂ as required in 40 C.F.R. § 98.422, the supplier must report quantities of carbon dioxide imported into and exported from Washington state. Exports for purposes of geologic sequestration must be reported separately from exports for other purposes.

(b) Facilities required to report or voluntarily reporting under WAC 173-441-030 (1) or (5) with the following processes must report supplied CO₂ using the methods in this section as part of their facility GHG report under WAC 173-441-070(1) regardless of the amount of CO₂ supplied.

(i) Production process units located in Washington state that capture a CO₂ stream for purposes of supplying CO₂ to another entity or facility or that capture the CO₂ stream in order to utilize it for geologic sequestration where capture refers to the initial separation and removal of CO₂ from a manufacturing process or any other process; or

(ii) CO₂ production wells located in Washington state that extract or produce a CO₂ stream for purposes of supplying CO₂ for commercial applications or that extract a CO₂ stream in order to utilize it for geologic sequestration.

(c) Missing data substitution procedures. The supplier must comply with 40 C.F.R. § 98.425 when substituting for missing data, except as otherwise provided below.

(i) If the data capture rate is at least 90 percent for the data year, the supplier must substitute for each missing value using the best available estimate of the parameter, based on all available process data.

(ii) If the data capture rate is at least 80 percent but not at least 90 percent for the data year, the supplier must substitute for each missing value with the highest quality assured value recorded for the parameter during the given data year, as well as the two previous data years.

(iii) If the data capture rate is less than 80 percent for the data year, the supplier must substitute for each missing value with the highest quality assured value recorded for the parameter in all records kept according to WAC 173-441-050.

(iv) The supplier must document and retain records of the procedure used for all missing data estimates pursuant to the recordkeeping requirements of WAC 173-441-050.

(4) **Suppliers of natural gas.** Any supplier of natural gas, natural gas liquids, liquefied petroleum gas, compressed natural gas, or liquefied natural gas with emissions calculated under this subsection that exceeds the reporting threshold in WAC 173-441-030(2) must comply with 40 C.F.R. Part 98 Subpart NN in reporting emissions and related data to ecology, except as otherwise provided in this section. Also use the methods in this section for threshold calculations.

(a) *GHGs to report.* In addition to the CO₂ emissions specified under 40 C.F.R. § 98.402, all suppliers of natural gas covered in this section must separately report the CO₂, CO₂ from biomass-derived fuels, CH₄, N₂O, and CO_{2e} emissions from the complete combustion or oxidation of the annual volume of natural gas delivered, sold or imported in Washington state.

(b) *Calculating GHG emissions.* When reporting imported and exported quantities of GHGs as required in 40 C.F.R. § 98.403 and (a) of this subsection, the supplier must report quantities of GHGs imported into and exported from Washington state.

(i) Natural gas liquid fractionators must use calculation methodology 2 as specified in 40 C.F.R. § 98.403(a)(2) to estimate the CO₂ emissions that would result from the complete combustion of all natural gas liquid products supplied. For calculating the emissions from liquefied petroleum gas, the fractionators must sum the emissions from the individual constituents of liquefied petroleum gas sold or delivered to others that was produced on-site, except for products for which a final destination outside Washington state can be demonstrated.

(ii) Local distribution companies must estimate CO₂ emissions at the state border or city gate for pipeline quality natural gas using calculation methodology 1 as specified in 40 C.F.R. § 98.403(a)(1), except that the product of HHV and Fuel is replaced by the annual MMBtu of natural gas received.

(iii) For the calculation of CO_{2j} in Equation 122-2, public utility gas corporations and publicly owned natural gas utilities must estimate annual CO₂ emissions from instate receipts of pipeline quality natural gas from other public utility gas corporations, interstate pipelines and intrastate transmission pipelines, and annual CO₂ emissions from all natural gas redelivered to other public utility gas corporations or interstate pipelines. Annual CO₂ emissions from redelivered natural gas to intrastate pipelines or publicly owned natural gas utilities must be estimated only if the intrastate pipeline or publicly owned natural gas utility also reports emissions under this section. Emissions are calculated according to Equation NN-3 of 40 C.F.R. § 98.403(b)(1) except that CO_{2j} will be the product of MMBtu_{Total} and the default emission factor from Table NN-1 or the product of MMBtu_{Total} and the reporter specific emission factor. MMBtu_{Total} must be calculated as follows:

$$\text{MMBtu}_{\text{Total}} = \text{MMBtu}_{\text{redelivery}} - \text{MMBtu}_{\text{receipts}} \quad (\text{Eq. 122-1})$$

Where:

MMBtu _{Total}	= Total annual MMBtu used in Equation NN-3
MMBtu _{redelivery}	= Total annual MMBtu of natural gas delivered to other companies as specified above
MMBtu _{receipts}	= Total annual MMBtu of natural gas received from other companies as specified above

(iv) For the calculation of CO₂l in Equation 122-2, emissions from receipts of pipeline quality natural gas from in-state natural gas producers and net volume of pipeline quality natural gas injected into storage are estimated according to Equation NN-5a of 40 C.F.R. § 98.403(b)(3) except that CO₂l will be calculated as the product of the net annual MMBtu and a default emission factor from Table NN-1 or the product of the net annual MMBtu and a reporter specific emission factor.

(v) For the calculation of CO₂n in Equation 122-2, emissions from natural gas received directly by LDC systems from producers or natural gas processing plants from local production, received as a liquid and vaporized for delivery, or received from any other source that bypassed the city gate are estimated according to Equation NN-5b of 40 C.F.R. § 98.403(b)(3) except that CO₂n will be calculated as the product of the net annual MMBtu and a default emission factor from Table NN-1 or the product of the net annual MMBtu and the reporter specific emission factor.

(vi) For the calculation of CO₂k in Equation 122-2, natural gas delivered to large end users, use Equation NN-4 of 40 C.F.R. § 98.403(b)(2), except that CO₂k will be calculated as the product of the annual MMBtu delivered and a default emission factor from Table NN-1 or the product of the annual MMBtu delivered and the reporter specific emission factor. A large end user means any end user facility required to report under WAC 173-441-030(1).

(vii) Determination of pipeline quality natural gas is based on the annual weighted average HHV, determined according to Equation C-2b of 40 C.F.R. § 98.33(a)(2)(ii)(A), for natural gas from a single city gate, storage facility, or connection with an in-state producer, interstate pipeline, intrastate pipeline or local distribution company. If the HHV is outside the range of pipeline quality natural gas, emissions will be calculated using the appropriate subsection (4) of this section replacing the default emission factor with either a reporter specific emission factor as calculated in 40 C.F.R. § 98.404(b)(2) or one determined as follows:

(A) For natural gas or biomethane with an annual weighted HHV below 970 Btu/scf and not exceeding three percent of total emissions estimated under this section, the local distribution company may use the reporter specific weighted yearly average higher heating value and the default emission factor or an emission factor as determined in 40 C.F.R. § 98.404(c)(3). If emissions exceed three percent of the total, then the Tier 3 method specified in 40 C.F.R. § 98.33(a)(3)(iii) must be used with monthly carbon content samples to calculate the annual emissions from the portion of natural gas that is below 970 Btu/scf.

(B) For natural gas or biomethane with an annual HHV above 1100 Btu/scf and not exceeding three percent of total emissions estimated under this section, the local distribution company must use the re-

porter specific weighted yearly average higher heating value and a default emission factor of 54.67 kg CO₂/MMBtu or an emission factor as determined in 40 C.F.R. § 98.404(c)(3). If emissions exceed three percent of the total, then the Tier 3 method specified in 40 C.F.R. § 98.33(a)(3)(iii) must be used with monthly carbon content samples to calculate the annual emissions from the portion of natural gas that is above 1100 Btu/scf.

(viii) When calculating total CO₂ emissions for Washington state, the equation below must be used:

$$\text{CO}_2 = \sum \text{CO}_{2i} - \sum \text{CO}_{2j} - \sum \text{CO}_{2l} + \sum \text{CO}_{2n} - \sum \text{CO}_{2k} \quad (\text{Eq. 122-2})$$

Where:

- CO₂ = Total emissions.
- CO_{2i} = Emissions from natural gas received at the state border or city gate, calculated pursuant to subsection (4)(b)(ii) of this section.
- CO_{2j} = Emissions from natural gas received for redistribution to or received from other natural gas transmission companies, calculated pursuant to subsection (4)(b)(iii) of this section.
- CO_{2l} = Emissions from storage and direct deliveries from producers calculated pursuant to subsection (4)(b)(iv) of this section.
- CO_{2k} = Emissions from natural gas delivered to each large end user as calculated pursuant to subsection (4)(b)(vi) of this section.
- CO_{2n} = Emissions from natural gas received by the LDC directly from sources bypassing the city gate, and is not otherwise accounted for, as calculated pursuant to subsection (4)(b)(v) of this section.

(ix) The importer of liquefied petroleum gas into Washington state must use calculation methodology 2 described in 40 C.F.R. § 98.403(a)(2) for calculating CO₂ emissions. For liquefied petroleum gas, the importer must sum the emissions from the individual components of the gas to calculate the total emissions. If the composition is not supplied by the producer, the importer must use the default value for liquefied petroleum gas presented in Table C-1 of 40 C.F.R. Part 98. The importer of compressed natural gas or liquefied natural gas into Washington state must estimate CO₂ using calculation methodology 1 as specified in 40 C.F.R. § 98.403(a)(1), except that the product of HHV and fuel is replaced by the annual MMBtu of the imported compressed natural gas and liquefied natural gas.

(x) Operators of facilities that make liquefied natural gas products or compressed natural gas products must estimate CO₂ using calculation methodology 1 as specified in 40 C.F.R. § 98.403(a)(1), except that the product of HHV and fuel is replaced by the annual MMBtu of the liquefied natural gas sold or delivered in Washington state.

(xi) Operators of facilities that make liquefied natural gas products or compressed natural gas products, importers of liquefied petroleum gas, compressed natural gas, or liquefied natural gas into Washington state, natural gas liquid fractionators, and local distribution companies must estimate and report CH₄ and N₂O emissions using

Equation C-8 and Table C-2 as described in 40 C.F.R. § 98.33(c)(1) for all fuels where annual CO₂ emissions are required to be reported. Operators of facilities that make liquefied natural gas products or compressed natural gas products must estimate CH₄ and N₂O emissions based on the MMBtu of liquefied natural gas sold or delivered. Local distribution companies must use the annual MMBtu determined in (b)(ii) through (vi) of this subsection above in place of the product of the fuel and HHV in Equation C-8 when calculating emissions.

(xii) Local distribution companies must separately and individually calculate end user emissions of CH₄, N₂O, CO₂ from biomass-derived fuels, and CO₂e by replacing CO₂ in Equation 122-2 with CH₄, N₂O, CO₂ from biomass-derived fuels, and CO₂e. CO₂ emissions from biomass-derived fuel are based on the fuel the LDC has contractually purchased on behalf of and delivered to end users. LDCs can elect to report biomethane directly purchased by an end user and delivered by the LDC if the LDC can provide the relevant documentation including invoices, shipping reports, in-kind nomination reports, and contracts to demonstrate the receipt of eligible biomethane and the following information for each contracted delivery:

(A) Name and address of the biomethane vendor from which biomethane is purchased;

(B) Annual MMBtu delivered by each biomethane vendor;

(C) Name, address, and facility type of the facility from which the biomethane is produced;

Emissions from contractually purchased biomethane are calculated using the methods for natural gas required by this section, including the use of the emission factor for natural gas found in 40 C.F.R. § 98.408, Table NN-1. Biomass-derived fuels directly purchased by end users and delivered by the LDC must be reported as natural gas by the LDC, unless the LDC has elected to report the delivery as biomethane and can provide the necessary documentation during verification as stated above.

(xiii) All suppliers in this section must also estimate CO₂e emissions using Equation A-1.

(c) *Monitoring and QA/QC requirements.* For each emissions calculation method chosen under this section, the supplier must meet all monitoring and QA/QC requirements specified in 40 C.F.R. § 98.404, except as modified in WAC 173-441-050, 173-441-120, and below.

(i) All natural gas suppliers must measure required values at least monthly.

(ii) All natural gas suppliers must determine reporter specific HHV at least monthly, or if the local distribution company does not make its own measurements according to standard business practices, it must use the delivering pipeline measurement.

(iii) All natural gas liquid fractionators must sample for composition at least monthly.

(iv) All importers of liquefied petroleum gas into Washington state must record composition, if provided by the supplier, and quantity in barrels, corrected to 60 degrees Fahrenheit, for each shipment received.

(d) *Data reporting requirements.*

(i) For the emissions calculation method selected under (b) of this subsection, natural gas liquid fractionators must report, in addition to the data required by 40 C.F.R. § 98.406(a), the annual volume of liquefied petroleum gas, corrected to 60 degrees Fahrenheit, that was produced on-site and sold or delivered to others, except for

products for which a final destination outside Washington state can be demonstrated. Natural gas liquid fractionators must report the annual quantity of liquefied petroleum gas produced and sold or delivered to others as the total volume in barrels as well as the volume of the individual components for all components listed in 40 C.F.R. Part 98 Table MM-1. Fractionators must also include the annual CO₂, CH₄, N₂O, and CO₂e mass emissions (metric tons) from the volume of liquefied petroleum gas reported in 40 C.F.R. § 98.406(a)(5) as modified by this regulation, calculated in accordance with (b) of this subsection.

(ii) For the emissions calculation method selected under (b) of this subsection, local distribution companies must report all the data required by 40 C.F.R. § 98.406(b) subject to the following modifications:

(A) Publicly owned natural gas utilities that report in-state receipts at the city gate under 40 C.F.R. § 98.406(b)(1) must also identify each delivering entity by name and report the annual energy of natural gas received in MMBtu.

(B) Local distribution companies that report under 40 C.F.R. § 98.406(b)(1) through (b)(7) must also report the annual energy of natural gas in MMBtu associated with the volumes.

(C) In addition to the requirements in 40 C.F.R. § 98.406(b)(8), local distribution companies must also include CO₂, CO₂ from biomass-derived fuels, CH₄, N₂O, and CO₂e annual mass emissions in metric tons calculated in accordance with 40 C.F.R. § 98.403(a) and (b)(1) through (b)(3) as modified by (b) of this subsection.

(D) Local distribution companies and intrastate pipelines that deliver natural gas to downstream gas pipelines and other local distribution companies, must report the annual energy in MMBtu, and the information required in 40 C.F.R. § 98.406(b)(12). These requirements are in addition to the requirements of 40 C.F.R. § 98.406(b)(6).

(E) Local distribution companies and intrastate pipelines must also report the annual energy in MMBtu, customer information required in 40 C.F.R. § 98.406(b)(12), and ecology reporter ID if available, for all end users required to report under WAC 173-441-030(1). In addition to reporting the information specified in 40 C.F.R. § 98.406(b)(13), local distribution companies and intrastate pipelines that deliver to end users must report the annual energy in MMBtu delivered to the following end use categories: Residential consumers; commercial consumers; industrial consumers; electricity generating facilities; and other end users not identified as residential, commercial, industrial, or electricity generating facilities. Local distribution companies must also report the total energy in MMBtu delivered to all Washington state end users.

(F) Local distribution companies that report under 40 C.F.R. § 98.406(b)(9) must report annual CO₂, CO₂ from biomass-derived fuel, CH₄, N₂O, and CO₂e emissions (metric tons) that would result from the complete combustion or oxidation of the natural gas supplied to all entities calculated in accordance with (b) of this subsection.

(iii) In addition to the information required in 40 C.F.R. § 98.3(c), the operator of an interstate pipeline, which is not a local distribution company, must report the customer name, address, and ecology reporter ID along with the annual energy of natural gas in MMBtu for natural gas delivered to each customer, including themselves.

(iv) In addition to the information required in 40 C.F.R. § 98.3(c), the operator of an intrastate pipeline that delivers natural

gas directly to end users must follow the reporting requirements described under Subpart NN of 40 C.F.R. Part 98 and this section for local distribution companies. The intrastate pipeline operator must also report the summed energy (MMBtu) of natural gas delivered to each entity receiving gas from the intrastate pipeline for purposes of estimating the CO_{2i} parameter as specified in (b)(ii) of this subsection. Additionally, intrastate pipeline operators are required to estimate a value for CO_{2j} as specified in (b)(iii) of this subsection for natural gas delivered to local distribution companies, interstate pipelines, and other intrastate pipelines. The CO_{2l} parameter as specified in (b)(iv) of this subsection must have a value of zero for calculating emissions.

(v) In addition to the information required in 40 C.F.R. § 98.3(c), the importer of liquefied petroleum gas into Washington state must report the annual quantity of liquefied petroleum gas imported as the total volume in barrels as well as the volume of its individual components for all components listed in 40 C.F.R. Part 98 Table MM-1, if supplied by the producer, and report CO₂, CH₄, N₂O, and CO_{2e} annual mass emissions in metric tons using the calculation methods in (b) of this subsection. All importers of compressed or liquefied natural gas into Washington state and liquefied natural gas production facilities must report the annual quantities imported, and delivered or sold, respectively, in MMBtu, and report CO₂, CH₄, N₂O, and CO_{2e} annual mass emissions in metric tons separately for compressed natural gas and liquefied natural gas using the calculation methods in (b) of this subsection.

(vi) In addition to the information required in 40 C.F.R. § 98.3(c), all local distribution companies that report biomass emissions from biomethane fuel that was contractually purchased by the LDC on behalf of and delivered to end users, and all liquefied natural gas production facilities reporting biomass emission from biomethane, must report, for each contracted delivery, the information specified in (b)(x) of this subsection.

(vii) All operators of facilities that make liquefied natural gas products must report end user information for deliveries of liquefied natural gas to industrial facilities and natural gas utility customers, including customer name, address, and the annual quantity of liquefied natural gas delivered to each customer in MMBtu.

(viii) All natural gas liquid fractionators and importers of liquefied petroleum gas must report the total quantity in barrels of liquefied petroleum gas that is excluded from emissions reporting due to demonstration of final destination outside Washington state.

(e) *Procedures for estimating missing data.* Suppliers must follow the missing data procedures specified in 40 C.F.R. § 98.405. The operator must document and retain records of the procedure used for all missing data estimates pursuant to the recordkeeping requirements of WAC 173-441-050.

(5) **Fuel suppliers other than suppliers of natural gas.** Any supplier of petroleum products, biomass-derived fuels, or coal-based liquid fuels with emissions calculated under this subsection that exceeds the reporting threshold in WAC 173-441-030(2) must comply with 40 C.F.R. Part 98 Subparts LL and MM in reporting emissions and related data to ecology, except as otherwise provided in this section. Also use the methods in this section for threshold calculations. For the purposes of this subsection, fuel products do not include products reported under subsection (4) of this section but do include all fuel

products listed in 40 C.F.R. Part 98 Subpart MM Tables MM-1 and MM-2, including products listed in Table MM-1 of Subpart MM that are coal-based (coal-to-liquid products). Renewable or biogenic versions of fuel products listed in Table MM-1 are also considered fuel products.

(a) *GHGs to report.*

(i) In addition to the CO₂ emissions specified under 40 C.F.R. § 98.392, all refiners that produce liquefied petroleum gas must report the CO₂, CO₂ from biomass-derived fuels, CH₄, N₂O and CO_{2e} emissions that would result from the complete combustion or oxidation of the annual quantity of liquefied petroleum gas sold or delivered, except for fuel products for which a final destination outside Washington state can be demonstrated.

(ii) Refiners, position holders of fossil fuel products, and biomass-derived fuel products that supply fuel products at Washington state terminal racks, and enterers that import fuel products for distribution outside the bulk transfer/terminal system must report the CO₂, CO₂ from biomass-derived fuels, CH₄, N₂O, and CO_{2e} emissions that would result from the complete combustion or oxidation of each fuel product. However, emissions reporting is not required for fuel products in which a final destination outside Washington state can be demonstrated to ecology's satisfaction, or for fuel products that can be demonstrated to ecology's satisfaction to have been previously delivered by a position holder or refiner out of an upstream Washington state terminal or refinery rack prior to delivery out of a second terminal rack. The volume of all fuel products that are excluded from emissions reporting based on the criteria in this paragraph must be reported pursuant to the requirements in (d)(ix) of this subsection. No fuel product shall be reported as finished fuel. Fuel products must be reported as the individual fuel product. For purposes of this chapter, CARBOB blendstocks are reported as RBOB blendstocks.

(b) *Calculating GHG emissions.*

(i) Refiners, position holders at Washington state terminals, and enterers that import fuel products for distribution outside the bulk transfer system must use Equation MM-1 as specified in 40 C.F.R. § 98.393(a)(1) to estimate the CO₂ emissions that would result from the complete combustion of the fuel product. Emissions must be based on the quantity of fuel product removed from the rack (for refiners and position holders), fuel product imported for distribution outside the bulk transfer/terminal system (by enterers), and fuel product sold to unlicensed entities as specified in (d)(iii) of this subsection (by refiners). For fuel products that are blended, emissions must be reported for each individual fuel product separately, and not as motor gasoline (finished), biofuel blends, or other similar finished fuel product. Emissions from denatured fuel ethanol must be calculated as 100 percent ethanol only. The volume of denaturant is assumed to be zero and is not required to be reported. Emission factors must be taken from column C of 40 C.F.R. Part 98 Table MM-1 or MM-2 as specified in Calculation Method 1 of 40 C.F.R. § 98.393(f)(1), except that the emission factor for renewable diesel is equivalent to the emission factor for Distillate No. 2. The emission factor for a renewable or biogenic version of a fuel product is equivalent to the emission factor for the corresponding nonrenewable or nonbiogenic version of the fuel product listed in Table MM-1. If a position holder in diesel or biodiesel fuel does not have sealed or financial transaction meters at the rack, and the position holder is the sole position holder at the terminal, the position holder must calculate emissions based on the

delivering entity's invoiced volume of fuel product or a meter that meets the requirements of 40 C.F.R. § 98.394 either at the rack or at a point prior to the fuel product going into the terminal storage tanks.

(ii) Refiners that produce liquefied petroleum gas must use Equation MM-1 as specified in 40 C.F.R. § 98.393(a)(1) to estimate the CO₂ emissions that would result from the complete combustion of the fuel product supplied. For calculating the emissions from liquefied petroleum gas, the emissions from the individual components must be summed. Emission factors must be taken from column C of 40 C.F.R. Part 98 Table MM-1 as specified in Calculation Method 1 of 40 C.F.R. § 98.393(f)(1).

(iii) Refiners, position holders at Washington state terminals, and enterers identified in this section must estimate and report CH₄ and N₂O emissions using Equation C-8 and Table C-2 as described in 40 C.F.R. § 98.33(c)(1), except for fuel products listed in Table 122-1, which must use the emission factors in Table 122-1 and Equation C-8 as described in 40 C.F.R. § 98.33(c)(1). Renewable or biogenic versions of a fuel product must use the same emission factor as required for the corresponding nonrenewable or nonbiogenic version of the fuel product.

Table 122-1. Fuel Product CH₄ and N₂O Emission Factors

Fuel	CH ₄ (g/bbl)	N ₂ O (g/bbl)
Blendstocks or finished gasoline	20	20
Distillate and diesel-other	2	1
Ethanol	37	27
Biodiesel and renewable diesel	2	1
Oxygenates	13	3
Residuum	18	4
Waxes	17	3
Still gas	19	4
Miscellaneous products	17	3

(iv) All fuel suppliers in this section must estimate CO₂e emissions using Equation A-1.

(c) *Monitoring and QA/QC requirements.* The operator must meet all the monitoring and QA/QC requirements as specified in 40 C.F.R. § 98.394, and the requirements of 40 C.F.R. § 98.3(i) as further specified in WAC 173-441-050 and below.

(i) Position holders are exempt from 40 C.F.R. § 98.3(i) calibration requirements except when the position holder and entity receiving the fuel product have common ownership or are owned by subsidiaries or affiliates of the same company. In such cases the 40 C.F.R. § 98.3(i) calibration requirements apply, unless:

(A) The fuel supplier does not operate the fuel billing meter;

(B) The fuel billing meter is also used by companies that do not share common ownership with the fuel supplier; or

(C) The fuel billing meter is sealed with a valid seal from the county sealer of weights and measures and the operator has no reason to suspect inaccuracies.

(ii) As required by 40 C.F.R. § 98.394(a)(1)(iii), for fuel products that are liquid at 60 degrees Fahrenheit and one standard atmosphere, the volume reported must be temperature- and pressure-adjusted

to these conditions. For liquefied petroleum gas the volume reported must be temperature-adjusted to 60 degrees Fahrenheit.

(d) *Data reporting requirements.* In addition to reporting the information required in 40 C.F.R. Part 98 Subpart MM, the following entities must also report the information identified below:

(i) Washington state position holders must report the annual quantity in barrels, as reported by the terminal operator, of each fuel product, that is delivered across the rack in Washington state, except for fuel products for which a final destination outside Washington state can be demonstrated to ecology's satisfaction, or for fuel products that can be demonstrated to ecology's satisfaction to have been previously delivered by a position holder or refiner out of an upstream Washington state terminal or refinery rack prior to delivery out of a second terminal rack. Denatured fuel ethanol will be reported with the entire volume as 100 percent ethanol only. The volume of denaturant is assumed to be zero and is not required to be reported.

(ii) Washington state position holders that are also terminal operators and refiners must report the annual quantity in barrels delivered across the rack of each fuel product, except for fuel products for which a final destination outside Washington state can be demonstrated to ecology's satisfaction, or for fuel products that can be demonstrated to ecology's satisfaction to have been previously delivered by a position holder or refiner out of an upstream Washington state terminal or refinery rack prior to delivery out of a second terminal rack. Denatured fuel ethanol will be reported with the entire volume as 100 percent ethanol only. The volume of denaturant is assumed to be zero and is not required to be reported. If there is only a single position holder at the terminal, and only diesel or biodiesel is being dispensed at the rack then the position holder must report the annual quantity of fuel using a meter meeting the requirements of 40 C.F.R. § 98.394 or billing invoices from the entity delivering fuel to the terminal.

(iii) Refiners that supply fuel products within the bulk transfer system to entities not licensed by the Washington state department of licensing as a fuel supplier must report the annual quantity in barrels delivered of each fuel product, except for fuel products for which a final destination outside Washington state can be demonstrated to ecology's satisfaction. Denatured fuel ethanol will be reported with the entire volume as 100 percent ethanol only. The volume of denaturant is assumed to be zero and is not required to be reported.

(iv) Enterers delivering fuel products for distribution outside the bulk transfer/terminal system must report the annual quantity in barrels, as reported on the bill of lading or other shipping documents of each fuel product that is imported as a blended component of a finished fuel product, except for fuel products for which a final destination outside Washington state can be demonstrated to ecology's satisfaction, typically based on bills of lading. The denatured fuel ethanol component of a finished fuel products must be reported with the entire denatured ethanol volume as 100 percent ethanol only. The volume of denaturant is assumed to be zero and is not required to be reported. Biomass-derived blends containing no more than one percent petroleum-derived fuel by volume are considered to be 100 percent biomass-derived fuel. Individual biomass-derived fuels and biomass-derived fuels that are a blended component of an imported fuel product must be reported by enterers.

(v) In addition to the information required in 40 C.F.R. § 98.396, refiners must also report the volume of liquefied petroleum gas in barrels supplied in Washington state as well as the volumes of the individual components as listed in 40 C.F.R. Part 98 Table MM-1, except for fuel for which a final destination outside Washington state can be demonstrated.

(vi) All fuel suppliers identified in this section must also report CO₂, CO₂ from biomass-derived fuels, CH₄, N₂O, and CO₂e emissions in metric tons that would result from the complete combustion or oxidation of each fuel product calculated according to Equation A-1.

(vii) All fuel suppliers identified in this section, except for refiners that report pursuant to WAC 173-441-120, must report the total quantity of each fuel product that was imported from outside of Washington state for use in Washington state. In addition, for fuel product imports, the designated percentage of oxygenate must be reported.

(viii) Fuel suppliers identified in this section, except for refiners that report pursuant to WAC 173-441-120, must report the total quantity of biomass-derived fuel blended in Washington state petroleum-derived fuel for use in Washington state.

(ix) Fuel suppliers identified in this section must report the total quantity in barrels of each fuel product that is excluded from emissions reporting due to demonstration of final destination outside Washington state, or demonstration to ecology's satisfaction, typically based on bills of lading, that the fuel product was previously delivered by a position holder or refiner out of an upstream Washington state terminal or refinery rack prior to delivery out of a second terminal rack.

(x) Owners and operators of petroleum refineries and biofuel production facilities required to report or voluntarily reporting under WAC 173-441-030 (1) or (5) must submit a complete refiner report, as defined in 40 C.F.R. Part 98 Subpart MM, that includes all products listed in Tables MM-1 and MM-2, as part of their facility GHG report under WAC 173-441-070(1) regardless of the amount of fuel products produced.

(xi) Owners and operators may separately indicate the quantity of each fuel type if the fuel supplier can demonstrate to ecology's satisfaction that the fuel is used for one of the following purposes:

(A) Aviation fuels;

(B) Watercraft fuels that are combusted outside of Washington state; or

(C) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. The supplier must demonstrate to ecology's satisfaction that the buyer of the fuel provided the seller with an exemption certificate as described in RCW 82.08.865. Fuel used for the purpose of transporting agricultural products on public highways may be included if it is flagged separately and meets the requirements in RCW 82.08.865. For the purposes of (d)(xi) of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865 and motor vehicle fuel and special fuel have the same meanings as provided in RCW 82.38.020.

(e) *Procedures for missing data.* For quantities of fuel products that are purchased, sold, or transferred in any manner, fuel suppliers must follow the missing data procedures specified in 40 C.F.R. § 98.395. The supplier must document and retain records of the procedure

used for all missing data estimates pursuant to the recordkeeping requirements of WAC 173-441-050.

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NEW SECTION

WAC 173-441-124 Calculation methods for electric power entities.

This section establishes the scope of reportable energy and GHG emissions under this chapter and GHG emissions calculation methods for electric power entities. Owners and operators of electric power entities must follow the requirements of this section to determine if they are required to report under WAC 173-441-030(3). Owners and operators of electric power entities that are subject to this chapter must follow the requirements of this section when calculating emissions. If a conflict exists between a provision in WAC 173-441-010 through 173-441-110 and 173-441-140 through 173-441-170 and any applicable provision of this section, the requirements of those sections must take precedence.

(1) **General requirements.** An owner or operator of an electric power entity subject to the requirements of this chapter must report GHG emissions, including GHG emissions from biomass, from all applicable categories listed in (a) of this subsection using the methods and procedures in this section.

(a) Electric power entity categories:

(i) Electricity importers and exporters, as defined in this section;

(ii) Retail providers, including multijurisdictional retail providers, as defined in this section;

(iii) Asset controlling suppliers;

(iv) Electric generating facilities in Washington state must report using the methods specified in WAC 173-441-120.

(b) The calculation methods for voluntary reporting in WAC 173-441-120(3) apply, except calculation methods in WAC 173-441-120(3)(b) take precedence over the methods from WAC 173-441-120(3)(a).

(c) Alternative calculation methods approved by petition. An owner or operator may petition ecology to use calculation methods other than those specified in this section to calculate its electric power entities GHG emissions. Such alternative calculation methods must be approved by ecology prior to reporting and must meet the requirements of WAC 173-441-140.

(2) **Definitions specific to electric power entities.** The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Direct delivery of electricity" means electricity that meets any of the following criteria: The facility has a first point of interconnection at a Washington scheduling point or within a power system; The electricity is scheduled for delivery from the specified source to a Washington scheduling point or a power system via a continuous physical transmission path from interconnection of the facility in the balancing authority in which the facility is located to the Washington scheduling point or power system; or there is an agreement to dynamically transfer electricity from the facility to a Washington scheduling point or power system.

(b) "Electricity generating facility" means a facility that generates electricity and includes one or more generating units at the same location.

(c) "Electricity importer" means:

(i) For electricity that is scheduled with an e-tag to a final point of delivery into a balancing authority area located entirely within Washington state, the electricity importer is identified on the e-tag as the purchasing-selling entity on the last segment of the tag's physical path with the point of receipt located outside Washington state and the point of delivery located inside Washington state;

(ii) For facilities physically located outside Washington state with the first point of interconnection to a balancing authority area located entirely within Washington state when the electricity is not scheduled on an e-tag, the electricity importer is the facility operator or owner;

(iii) For electricity imported through a centralized market, the electricity importer is the retail provider, marketer, or asset controlling supplier that conducts an electricity transaction through the EIM that results in EIM power being delivered to final point of delivery in Washington state;

(iv) For electricity from facilities allocated to serve retail electricity customers of a multijurisdictional electric company, the electricity importer is the multijurisdictional electric company;

(v) If the importer identified under (c)(i) of this subsection is a federal power marketing administration over which Washington state does not have jurisdiction, and the federal power marketing administration has not voluntarily elected to comply with this chapter, then the electricity importer is the next purchasing-selling entity in the physical path on the e-tag, or if no additional purchasing-selling entity over which Washington state has jurisdiction, then the electricity importer is the electric utility that operates the Washington state transmission or distribution system, or the generation balancing authority;

(vi) For electricity that is imported into the state by a federal power marketing administration and sold to a public body or cooperative customer or direct service industrial customer located in Washington state pursuant to section 5(b) or (d) of the Pacific Northwest Electric Power Planning and Conservation Act of 1980, P.L. 96-501, the electricity importer is the federal marketing administration;

(vii) If the importer identified under (c)(vi) of this subsection has not voluntarily elected to comply with this chapter, then the electricity importer is the public body or cooperative customer or direct service industrial customer;

(viii) For electricity that is imported into the state to a designated scheduling point inside the balancing authority area of a federal power marketing administration, the importer is the purchasing-selling entity on the e-tag at the last point on the physical path that is not the sink;

(ix) If the importer identified under (c)(vii) of this subsection is a federal power marketing administration that has not elected to voluntarily comply with this chapter, then the importer is the retail provider with which the scheduling point is associated; or

(x) For electricity from facilities allocated to a consumer-owned utility inside Washington state from a multijurisdictional consumer-owned utility, the electricity importer is the consumer-owned utility inside Washington state.

(d) "First jurisdictional deliverer" means the owner or operator of an electric generating facility in Washington state or an electricity importer.

(e) "Generation providing entity" or "GPE" means a facility or generating unit operator, full or partial owner, party to a contract for a fixed percentage of net generation from the facility or generating unit, party to a tolling agreement with the owner, or exclusive marketer for the facility or generating unit recognized by ecology.

(f) "Retail provider" means any of the following:

(i) An electric utility as defined in RCW 19.405.020(14);

(ii) Multijurisdictional retail providers;

(iii) Multijurisdictional consumer-owned utilities.

(g) "Imported electricity" means electricity generated outside Washington state with a final point of delivery within the state.

(i) "Imported electricity" includes electricity from an organized market, such as the energy imbalance market.

(ii) "Imported electricity" includes imports from linked jurisdictions, but such imports shall be construed as having no emissions.

(iii) Electricity from a system that is marketed by a federal power marketing administration shall be construed as "imported electricity," not electricity generated in Washington state.

(iv) "Imported electricity" does not include electricity imports of unspecified electricity that are netted by exports of unspecified electricity to any jurisdiction not covered by a linked program by the same entity within the same hour.

(v) For a multijurisdictional electric company, "imported electricity" means electricity, other than from in-state facilities, that contributes to a common system power pool. Where a multijurisdictional electric company has a cost allocation methodology approved by the Washington state utilities and transportation commission, the allocation of specific facilities to Washington state's retail load will be in accordance with that methodology.

(vi) For a multijurisdictional consumer-owned utility, "imported electricity" includes electricity from facilities that contribute to a common system power pool that are allocated to a consumer-owned utility inside Washington state pursuant to a methodology approved by the governing board of the consumer-owned utility.

(h) "Multijurisdictional consumer-owned utility" means an electric generation and transmission cooperative owned by a collection of consumer-owned utilities in multiple states or a consumer-owned utility that provides electricity to member owners in Washington state and in one or more other states in a contiguous service territory or from a common power system.

(i) "Multijurisdictional electric company" means an investor-owned utility that provides electricity to customers in Washington state and in one or more other states in a contiguous service territory or from a common power system.

(j) "Multijurisdictional retail provider" means a:

(i) Multijurisdictional electric company; or

(ii) Multijurisdictional consumer-owned utility.

(k) "E-tag" means an energy tag representing transactions on the North American bulk electricity market scheduled to flow between or across balancing authority areas and to and from locations listed in an affiliated registry, as represented in a manner and form created by the North American Electric Reliability Corporation and as maintained by the North American Energy Standards Board or a successor organization.

(l) "Point of delivery" means a point on the electricity transmission or distribution system where a deliverer makes electricity available to a receiver, or available to serve load. This point may be an interconnection with another system or a substation where the transmission provider's transmission and distribution systems are connected to another system, or a distribution substation where electricity is imported into the state over a multijurisdictional retail provider's distribution system.

(m) "Specified source of electricity" or "specified source" means a facility, unit, or asset controlling supplier that is permitted to be claimed as the source of electricity delivered. The reporting entity must have either full or partial ownership in the facility or a written power contract to procure electricity generated by that facility or unit or from an asset controlling supplier at the time of entry into the transaction to procure electricity.

(n) "Unspecified source of electricity" or "unspecified source" means a source of electricity that is not a specified source at the time of entry into the transaction to procure electricity.

(o) "Electricity exporter" means electric power entities that deliver exported electricity. The entity that exports electricity is identified on the e-tag as the purchasing-selling entity (PSE) on the last segment of the tag's physical path, with the point of receipt located inside Washington state and the point of delivery located outside Washington state. For electricity that is exported from a designated scheduling point in the balancing authority area of a federal power marketing administration, the exporter is the purchasing-selling entity at the first point of the physical path of the e-tag that is not the generation source.

(p) "Electricity transaction" means the purchase, sale, import, export or exchange of electric power.

(q) "Energy imbalance market" or "EIM" means the western energy imbalance market operated by the California independent system operator.

(r) "Exported electricity" means electricity generated inside Washington state and delivered to serve load located outside Washington state. This includes electricity delivered from a first point of receipt inside Washington state, to the first point of delivery outside Washington state, with a final point of delivery outside Washington state. Exported electricity delivered across balancing authority areas is documented on e-tags with the first point of receipt located inside Washington state and the final point of delivery located outside Washington state. Exported electricity does not include electricity generated inside Washington state then transmitted outside of Washington state, but with a final point of delivery inside Washington state. Exported electricity does not include electricity generated inside Washington state that is allocated to serve Washington state retail customers of a multijurisdictional retail provider, consistent with a cost allocation methodology approved by the Washington state utilities and transportation commission and the utility regulatory commission of at least one additional state in which the multijurisdictional retail provider provides retail electric service.

(s) "Final point of delivery" means the sink specified on the e-tag, where defined points have been established through the affiliated registry. When e-tags are not used to document electricity deliveries, as may be the case within a balancing authority, the final point of delivery is the location of the load. Exported electricity is disaggregated by the final point of delivery on the e-tag.

(t) "First point of delivery in Washington" means the first defined point on the transmission system located inside Washington state at which imported electricity may be measured, consistent with defined points that have been established through the affiliated registry.

(u) "First point of receipt" means the generation source specified on the e-tag, where defined points have been established through the affiliated registry. When e-tags are not used to document electricity deliveries, as may be the case within a balancing authority, the first point of receipt is the location of the individual generating facility or unit, or group of generating facilities or units.

(v) "Grid" or "electric power grid" means a system of synchronized power providers and consumers connected by transmission and distribution lines and operated by one or more control centers.

(w) "Last point of delivery in Washington" means the last defined point on the transmission system located inside Washington state at which exported electricity may be measured, consistent with defined points that have been established through the North American Energy Standards Board Electric Industry Registry.

(x) "Marketer" means a purchasing-selling entity that delivers electricity and is not a retail provider.

(y) "Point of receipt" or "POR" means the point on an electricity transmission or distribution system where an electricity receiver receives electricity from a deliverer. This point can be an interconnection with another system or a substation where the transmission provider's transmission and distribution systems are connected to another system.

(z) "Power" means electricity, except where the context makes clear that another meaning is intended.

(aa) "Power contract" or "written power contract," as used for the purposes of documenting specified versus unspecified sources of imported and exported electricity, means a written document, including associated verbal or electronic records if included as part of the written power contract, arranging for the procurement of electricity. Power contracts may be, but are not limited to, power purchase agreements, enabling agreements, electricity transactions, and tariff provisions, without regard to duration, or written agreements to import or export on behalf of another entity, as long as that other entity also reports to ecology the same imported or exported electricity. A power contract for a specified source is a contract that is contingent upon delivery of power from a particular facility, unit, or asset-controlling supplier's system that is designated at the time the transaction is executed.

(bb) "Purchasing-selling entity" or "PSE" means the entity that is identified on an e-tag for each physical path segment.

(cc) "Retail end use customer" or "retail end user" means a residential, commercial, agricultural, or industrial electric customer who buys electricity to be consumed as a final product and not for resale.

(dd) "Retail sales" means electricity sold to retail end users.

(ee) "Sink" or "sink to load" or "load sink" means the sink identified on the physical path of e-tags, where defined points have been established through the affiliated registry. Exported electricity is disaggregated by the sink on the e-tag, also referred to as the final point of delivery on the e-tag.

(ff) "Source of generation" or "generation source" means the generation source identified on the physical path of e-tags, where defined points have been established through the affiliated registry.

Imported electricity and wheels are disaggregated by the source on the e-tag, also referred to as the first point of receipt.

(gg) "Tolling agreement" means an agreement whereby a party rents a power plant from the owner. The rent is generally in the form of a fixed monthly payment plus a charge for every megawatt generated, generally referred to as a variable payment.

(3) **Data requirements and calculation methods.** The electric power entity who is required to report under WAC 173-441-030(3) of this chapter must comply with the following requirements.

(a) General requirements and content for GHG emissions data reports for electricity importers and exporters.

(i) Greenhouse gas emissions. The electric power entity must report GHG emissions separately for each category of delivered electricity required, in metric tons of CO₂ equivalent (MT of CO₂e), with biogenic CO₂ reported separately, according to the calculation methods in this section.

(ii) Delivered electricity. The electric power entity must report imported and exported electricity in MWh disaggregated by first point of receipt (POR) or final point of delivery, as applicable, and must also separately report imported and exported electricity from unspecified sources and the energy imbalance market, and from each specified source. First points of receipt and final points of delivery (POD) must be reported using the standardized code used in e-tags, as well as the full name of the POR/POD.

(iii) Imported electricity from unspecified sources. When reporting imported electricity delivered from unspecified sources, the electric power entity must report for each first point of receipt the following information:

(A) Whether the first point of receipt is located in a linked jurisdiction published on the ecology website;

(B) The amount of electricity from unspecified sources as measured at the first point of delivery in Washington state;

(C) The amount of electricity imports of unspecified electricity that are netted by exports of unspecified electricity to any jurisdiction not covered by a linked program by the same entity within the same hour.

(D) The net amount of imported unspecified electricity after taking into account the requirements in (a)(iii)(C) of this subsection.

(E) GHG emissions, including those associated with transmission losses, as required in this section.

(F) When the unspecified power was obtained from the energy imbalance market.

(iv) Delivered electricity from specified facilities or units. The electric power entity must report all direct delivery of electricity as from a specified source for facilities or units in which they are a generation providing entity (GPE) or have a written power contract to procure electricity. An electric power entity must report imported electricity as from a specified source when the electricity power entity is a GPE of that facility. When reporting imported electricity from specified facilities or units, the electric power entity must disaggregate electricity deliveries and associated GHG emissions by facility or unit and by first point of receipt, as applicable. The reporting entity must also report total GHG emissions and MWh from specified sources and the sum of emissions from specified sources explicitly listed as not covered in chapter 70A.65 RCW, as described in chapter 173-446 WAC. Seller Warranty: The sale or resale of specified

source electricity is permitted among entities on the e-tag market path insofar as each sale or resale is for specified source electricity in which sellers have purchased and sold specified source electricity, such that each seller warrants the sale of specified source electricity from the source through the market path. Claims of specified sources of imported electricity, must include the following information:

(A) Measured at busbar. The amount of imported electricity from specified facilities or units as measured at the busbar; and

(B) Not measured at busbar. If the amount of imported electricity deliveries from specified facilities or units as measured at the busbar is not provided, report the amount of imported electricity as measured at the first point of delivery in Washington state, including estimated transmission losses as required in this section and the reason why measurement at the busbar is not known.

(v) Imported electricity from the energy imbalance market. The reporting entity must separately report power obtained from the energy imbalance market.

(vi) Imported electricity supplied by asset-controlling suppliers. The reporting entity must separately report imported electricity supplied by asset-controlling suppliers recognized by ecology. The reporting entity must:

(A) Report the asset-controlling supplier standardized purchasing-selling entity (PSE) acronym or code, full name, and the ecology identification number;

(B) Report asset-controlling supplier power that was not acquired as specified power, as unspecified power;

(C) Report delivered electricity from asset-controlling suppliers as measured at the first point of delivery in Washington state; and

(D) Report GHG emissions calculated pursuant to this section, including transmission losses.

(E) To claim power from an asset-controlling supplier, the asset-controlling supplier must be identified in one of the following means:

(I) On the physical path of the e-tag as the PSE at the first point of receipt, or in the case of asset-controlling suppliers that are exclusive marketers, as the PSE immediately following the associated generation owner; or

(II) If there is no e-tag associated with the imported electricity, on a long-term contract that identifies the ACS as the relevant provider of that electricity.

(vii) Exported electricity. The electric power entity must report exported electricity in MWh and associated GHG emissions in MT of CO₂e for unspecified sources disaggregated by each final point of delivery outside Washington state, and for each specified source disaggregated by each final point of delivery outside Washington state, as well as the following information:

(A) Exported electricity as measured at the last point of delivery located in Washington state, if known. If unknown, report as measured at the final point of delivery outside Washington state.

(B) Do not report estimated transmission losses.

(C) Report whether the final point of delivery is located in a linked jurisdiction published on the ecology website.

(D) Report GHG emissions calculated pursuant to this section.

(viii) Exchange agreements. The electric power entity must report delivered electricity under power exchange agreements consistent with imported and exported electricity requirements of this section. Elec-

Electricity delivered into Washington state under exchange agreements must be reported as imported electricity and electricity delivered out of Washington state under exchange agreements must be reported as exported electricity.

(ix) Verification documentation. The electric power entity must retain for purposes of verification documentation of e-tags, written power contracts, settlements data, and all other information required to confirm reported electricity procurements and deliveries pursuant to the recordkeeping requirements of WAC 173-441-050.

(x) Electricity generating units and cogeneration units in Washington state. Electric power entities that also operate electricity generating units or cogeneration units located inside Washington state that meet the applicability requirements of WAC 173-441-030(1) must report GHG emissions to ecology under WAC 173-441-120.

(xi) Electricity generating units and cogeneration units outside Washington state. Operators and owners of electricity generating units and cogeneration units located outside Washington state who elect to report to ecology under WAC 173-441-030(5) must fully comply with the reporting and verification requirements of this chapter.

(b) Calculating GHG emissions.

(i) Calculating GHG emissions from unspecified sources. For electricity from unspecified sources, the electric power entity must calculate the annual CO₂ equivalent mass emissions using the method established in WAC 173-444-040(4) and based on the amount of net imported electricity reported consistent with (a)(iii)(D) of this subsection.

(ii) Calculating GHG emissions from specified facilities or units. For electricity from specified facilities or units, the electric power entity must calculate emissions using the following equation:

$$CO_2e = MWh \times TL \times EF_{sp} \quad (\text{Eq. 124-1})$$

Where:

CO₂e = Annual CO₂ equivalent mass emissions from the specified electricity deliveries from each facility or unit claimed (MT of CO₂e).

MWh = Megawatt-hours of specified electricity deliveries from each facility or unit claimed.

EF_{sp} = Facility-specific or unit-specific emission factor published on the ecology website and calculated using total emissions and transactions data as described below. The emission factor is based on data from the year prior to the reporting year.

TL = Transmission loss correction factor.

TL = 1.02 to account for transmission losses associated with generation outside of a Washington state balancing authority.

TL = 1.0 if the reporting entity provides documentation that demonstrates to the satisfaction of a verifier and ecology that transmission losses have been accounted for, or are compensated by using electricity sourced from within Washington state.

(A) Ecology shall calculate facility-specific or unit-specific emission factors and publish them on the ecology website using the following equation:

$$EF_{sp} = Esp/EG \quad (\text{Eq. 124-2})$$

Where:

Esp = CO₂e emissions for a specified facility or unit for the report year (MT of CO₂e).

EG = Net generation from a specified facility or unit for the report year shall be based on data reported to the Energy Information Administration (EIA).

(B) To register a specified unit(s) source of power, the reporting entity must provide to ecology unit level GHG emissions consistent with the data source requirements of this section and net generation data as reported to the EIA, along with contracts for delivery of power from the specified unit(s) to the reporting entity, and proof of direct delivery of the power by the reporting entity as an import to Washington state.

(I) For specified facilities or units whose operators are subject to this chapter or whose owners or operators voluntarily report under this chapter, Esp shall be equal to the sum of CO₂e emissions reported pursuant to this section.

(II) For specified facilities or units whose operators are not subject to reporting under this chapter or whose owners or operators do not voluntarily report under this chapter, but are subject to the U.S. EPA GHG Mandatory Reporting Regulation, Esp shall be based on GHG emissions reported to U.S. EPA pursuant to 40 C.F.R. Part 98. For GHG emissions reported to U.S. EPA pursuant to 40 C.F.R. Part 98, if it is not possible to isolate the emissions that are directly related to electricity production, ecology may calculate Esp based on EIA data. Emissions from combustion of biomass-derived fuels will be based on EIA data until such time the emissions are reported to U.S. EPA.

(III) For specified facilities or units whose operators are not subject to reporting under this chapter or whose owners or operators do not voluntarily report under this chapter, nor are subject to the U.S. EPA GHG Mandatory Reporting Regulation, Esp is calculated using heat of combustion data reported to the Energy Information Administration (EIA) as shown below.

$$Esp = 0.001 \times \Sigma(Q \times EF) \quad (\text{Eq. 124-3})$$

Where:

0.001 = Conversion factor kg to MT

Q = Heat of combustion for each specified fuel type from the specified facility or unit for the report year (MMBtu). For cogeneration, Q is the quantity of fuel allocated to electricity generation consistent with EIA reporting. For geothermal electricity, Q is the steam data reported to EIA (MMBtu).

EF = CO₂e emission factor for the specified fuel type as required by this chapter (kg CO₂e/MMBtu). For geothermal electricity, EF is the estimated CO₂ emission factor published by EIA.

(IV) Facilities or units will be assigned an emission factor by the ecology based on the type of fuel combusted or the technology used when a U.S. EPA GHG Report or EIA fuel consumption report is not available, including new facilities and facilities located outside the U.S.

(V) Meter data requirement. For verification purposes, electric power entities shall retain meter generation data to document that the power claimed by the reporting entity was generated by the facility or unit at the time the power was directly delivered.

(VI) A lesser of analysis is applicable to imports from specified sources for which ecology has calculated an emission factor of zero, and for imports from Washington renewable portfolio standard (RPS) eligible resources, excluding the following: Dynamically tagged power deliveries; nuclear power; asset controlling supplier power; and imports from hydroelectric facilities for which an entity's share of metered output on an hourly basis is not established by power contract. A lesser of analysis is required pursuant to the following equation:

$$\text{Sum of Lesser of MWh} = \Sigma \text{HMsp min (MGsp*Ssp, TGsp)} \quad (\text{Eq. 124-4})$$

Where:

- ΣHMsp = Sum of the Hourly Minimum of MGsp and TGsp (MWh).
- MGsp = Metered facility or unit net generation (MWh).
- Ssp = Entity's share of metered output, if applicable.
- TGsp = Tagged or transmitted energy at the transmission or subtransmission level imported to Washington (MWh).

(iii) Calculating GHG emissions of imported electricity supplied by asset-controlling suppliers. Based on annual reports submitted to ecology pursuant to WAC 173-441-070(3), ecology will calculate and publish on the ecology website the system emission factor for all asset-controlling suppliers recognized by the ecology. The reporting entity must calculate emissions for electricity supplied using the following equation:

$$\text{CO}_2\text{e} = \text{MWh} \times \text{TL} \times \text{EF}_{\text{acs}} \quad (\text{Eq. 124-5})$$

Where:

- CO_2 = Annual CO_2 equivalent mass emissions from the specified electricity deliveries from ecology-recognized asset-controlling suppliers (MT of CO_2e).
- MWh = Megawatt-hours of specified electricity deliveries.

- EFACS = Asset-Controlling Supplier system emission factor published on the ecology website (MT CO₂e/MWh). Ecology will assign the system emission factors for all asset-controlling suppliers based on a previously verified GHG report submitted to ecology pursuant to WAC 173-441-070(3). The supplier-specific system emission factor is calculated annually by ecology. The calculation is derived from data contained in annual reports submitted that have received a positive or qualified positive verification statement. The emission factor is based on data from two years prior to the reporting year.
- TL = Transmission loss correction factor.
- TL = 1.02 when deliveries are not reported as measured at a first point of receipt located within the balancing authority area of the asset-controlling supplier.
- TL = 1.0 when deliveries are reported as measured at a first point of receipt located within the balancing authority area of the asset-controlling supplier.

Ecology must calculate the system emission factor for asset-controlling suppliers using the following equations:

$$EFACS = \text{Sum of System Emissions MT of CO}_2\text{e} / \text{Sum of System MWh} \quad (\text{Eq. 124-6})$$

$$\text{Sum of System Emissions, MT of CO}_2\text{e} = \Sigma E_{asp} + \Sigma (PE_{sp} * EF_{sp}) + \Sigma (PE_{unsp} * EF_{unsp}) - \Sigma (SE_{sp} * EF_{sp}) \quad (\text{Eq. 124-7})$$

$$\text{Sum of System MWh} = \Sigma E_{gasp} + \Sigma PE_{sp} + \Sigma PE_{unsp} - \Sigma SE_{sp} \quad (\text{Eq. 124-8})$$

Where:

- ΣE_{asp} = Emissions from owned facilities. Sum of CO₂e emissions from each specified facility/unit in the asset-controlling supplier's fleet (MT of CO₂e).
- ΣE_{gasp} = Net generation from owned facilities. Sum of net generation for each specified facility/unit in the asset-controlling supplier's fleet for the data year as reported to ecology under this chapter (MWh).
- PE_{sp} = Electricity purchased from specified sources. Amount of electricity purchased wholesale and taken from specified sources by the asset-controlling supplier for the data year as reported to ecology under this chapter (MWh).

- PEunsp = Electricity purchased from unspecified sources. Amount of electricity purchased wholesale from unspecified sources by the asset-controlling supplier for the data year as reported to ecology under this chapter (MWh).
- SEsp = Electricity sold from specified sources. Amount of wholesale electricity sold from specified sources by the asset-controlling supplier for the data year as reported to ecology under this chapter (MWh).
- EFsp = CO₂e emission factor as defined for each specified facility or unit calculated consistent with (b)(ii) of this subsection (MT CO₂e/MWh).
- EFunsp = Default emission factor for unspecified sources calculated consistent with (b)(i) of this subsection (MT CO₂e/MWh).

(iv) Calculating GHG emissions of imported electricity for multi-jurisdictional retail providers. Multijurisdictional retail providers must include emissions and megawatt-hours in the terms below from facilities or units that contribute to a common system power pool. Multijurisdictional retail providers do not include emissions or megawatt-hours in the terms below from facilities or units allocated to serve retail loads in designated states pursuant to a cost allocation methodology approved by the Washington state utilities and transportation commission and the utility regulatory commission of at least one additional state in which the multijurisdictional retail provider provides retail electric service. For multijurisdictional consumer-owned utilities, the cost allocation methodology must be approved by its governing board. Multijurisdictional retail providers must calculate emissions that have a compliance obligation using the following equation:

$$CO_2e = (MWhR \times TLR - MWhWSP-WA - EGWA) \times EFMJRP-notWA + MWhSP-notWA \times TLWSP \times EFunsp - CO_2e \quad (Eq. 124-9)$$

linked

Where:

- CO₂e = Annual CO₂e mass emissions of imported electricity (MT of CO₂e).
- MWhR = Total electricity procured by multijurisdictional retail provider to serve its retail customers in Washington, reported as retail sales for Washington state service territory, MWh.
- MWhWSP-WA = Wholesale electricity procured in Washington state by multijurisdictional retail provider to serve its retail customers in Washington state, as determined by the first point of receipt on a e-tag and pursuant to a cost allocation methodology approved by the Washington state utilities and transportation commission (UTC) and the utility regulatory commission of at least one additional state in which the multijurisdictional retail provider provides retail electric service, MWh. For multijurisdictional consumer-owned utilities, the cost allocation methodology must be approved by its governing board.
- MWhWSP-not WA = Wholesale electricity imported into Washington state by multijurisdictional retail provider with a final point of delivery in Washington state and not used to serve its Washington state retail customers, MWh.

EFMJRP-not WA	=	Multijurisdictional retail provider system emission factor for out-of-state generation calculated by ecology and consistent with a cost allocation methodology approved by the Washington state utilities and transportation commission and the utility regulatory commission of at least one additional state in which the multijurisdictional retail provider provides retail electric service. For multijurisdictional consumer-owned utilities, the cost allocation methodology must be approved by its governing board.
EFunsp	=	Default emission factor for unspecified sources calculated consistent with this section (MT CO ₂ e/MWh).
EGWA	=	Net generation measured at the busbar of facilities and units located in Washington state that are allocated to serve its retail customers in Washington state pursuant to a cost allocation methodology approved by the Washington state utilities and transportation commission and the utility regulatory commission of at least one additional state in which the multijurisdictional retail provider provides retail electric service, MWh. For multijurisdictional consumer-owned utilities, the cost allocation methodology must be approved by its governing board.
TL	=	Transmission loss correction factor.
TL WSP	=	1.02 for transmission losses applied to wholesale power.
TL R	=	Estimate of transmission losses from busbar to end user reported by multijurisdictional retail provider.
CO ₂ e linked	=	Annual CO ₂ e mass emissions recognized by ecology pursuant to linkage under chapter 70A.65 RCW, as described in chapter 173-446 WAC (MT of CO ₂ e).

(c) Additional requirements for retail providers, excluding multijurisdictional retail providers. Retail providers must include the following information in the GHG emissions data report for each report year, in addition to the information identified in (a)(i), (ii), and (vii) of this subsection.

(i) Retail providers must report Washington state retail sales. A retail provider who is required only to report retail sales may choose not to apply the verification requirements specified in WAC 173-441-085, if the retail provider deems the emissions data report nonconfidential.

(ii) Retail providers may elect to report the subset of retail sales attributed to the electrification of shipping ports, truck stops, and motor vehicles if metering is available to separately track these sales from other retail sales.

(d) Retail providers that report as electricity importers or exporters also must separately report electricity imported from specified and unspecified sources by other electric power entities to serve their load, designating the electricity importer. In addition, all imported electricity transactions documented by e-tags where the retail provider is the PSE at the sink must be reported.

(e) Additional requirements for multijurisdictional retail providers. Multijurisdictional retail providers that provide electricity into Washington state at the distribution level must include the following information in the GHG emissions data report for each report year, in addition to the information identified elsewhere in this section.

(i) A report of the electricity transactions and GHG emissions associated with the common power system or contiguous service territo-

ry that includes consumers in Washington state. This includes the requirements in this section as applicable for each generating facility or unit in the multijurisdictional retail provider's fleet;

(ii) The multijurisdictional retail provider must include in its emissions data report wholesale power purchased and taken (MWh) from specified and unspecified sources and wholesale power sold from specified sources according to the specifications in this section, and as required for ecology to calculate a supplier-specific emission factor;

(iii) Total retail sales (MWh) by the multijurisdictional retail provider in the contiguous service territory or power system that includes consumers in Washington state;

(iv) Retail sales (MWh) to Washington state customers served in Washington state's portion of the service territory;

(v) Retail sales derived from the energy imbalance market;

(vi) GHG emissions associated with the imported electricity, including both Washington state retail sales and wholesale power imported into Washington state from the retail provider's system, according to the specifications in this section;

(vii) Multijurisdictional retail providers that serve Washington state load must claim as specified power all power purchased or taken from facilities or units in which they have operational control or an ownership share or written power contract;

(viii) Multijurisdictional retail providers that serve Washington state load may elect to exclude information listed in this section when registering claims to specified power from facilities located outside Washington state and participating in the Federal Energy Regulatory Commission's PURPA Qualifying Facility program.

(f) Additional requirements for asset-controlling suppliers. Owners or operators of electricity generating facilities or exclusive marketers for certain generating facilities may apply for an asset-controlling supplier designation from ecology. Approved asset-controlling suppliers may request that ecology calculate or adopt a supplier-specific emission factor pursuant to this section. To apply for asset-controlling supplier designation, the applicant must:

(i) Meet the requirements in this chapter, including reporting pursuant as applicable for each generating facility or unit in the supplier's fleet;

(ii) Include in its emissions data report wholesale power purchased and taken (MWh) from specified and unspecified sources and wholesale power sold from specified sources according to the specifications in this section, and as required for ecology to calculate a supplier-specific emission factor;

(iii) Retain for verification purposes documentation that the power sold by the supplier originated from the supplier's fleet of facilities and either that the fleet is under the supplier's operational control or that the supplier serves as the fleet's exclusive marketer;

(iv) Provide the supplier-specific ecology identification number to electric power entities who purchase electricity from the supplier's system.

(v) To apply for and maintain asset-controlling supplier status, the entity shall submit as part of its emissions data report the following information, annually:

(A) General business information, including entity name and contact information;

(B) List of officer names and titles;

(C) Data requirements as prescribed by ecology;

(D) A list and description of electricity generating facilities for which the reporting entity is a first jurisdiction deliverer; and

(E) An attestation, in writing and signed by an authorized officer of the applicant, as follows:

(I) "I certify under penalty of perjury under the laws of the State of Washington that I am duly authorized by (name of entity) to sign this attestation on behalf of (name of entity), that (name of entity) meets the definition of an asset-controlling supplier as specified in this section and that the information submitted herein is true, accurate, and complete."

(II) Asset-controlling suppliers must annually adhere to all reporting and verification requirements of this chapter, or be removed from asset-controlling supplier designation. Asset-controlling suppliers will also lose their designation if they receive an adverse verification statement, but may reapply in the following year for redesignation.

(g) Requirements for claims of specified sources of electricity. Each reporting entity claiming specified facilities or units for imported or exported electricity must register its anticipated specified sources with ecology as part of their greenhouse gas report to obtain associated emission factors calculated by ecology for use in the emissions data report required to be submitted by the report submission due date in WAC 173-441-050 (2)(a). If an operator fails to register a specified source by the registration due date in WAC 173-441-060(4), the operator must use the emission factor provided by ecology for a specified facility or unit in the emissions data report required to be submitted by the report submission due date in WAC 173-441-050 (2)(a). Each reporting entity claiming specified facilities or units for imported or exported electricity must also meet requirements in the emissions data report.

(i) Registration information for specified sources. The following information is required:

(A) The facility names and, for specification to the unit level, the facility and unit names.

(B) For sources with a previously assigned ecology identification number, the ecology facility or unit identification number or supplier number published on ecology's website. For newly specified sources, ecology will assign a unique identification number.

(C) If applicable, the facility and unit identification numbers as used for reporting to the U.S. EPA Acid Rain Program, U.S. EPA pursuant to 40 C.F.R. Part 98, U.S. Energy Information Administration, Federal Energy Regulatory Commission's PURPA Qualifying Facility program, as applicable.

(D) The physical address of each facility, including jurisdiction.

(E) Provide names of facility owner and operator.

(F) The percent ownership share and whether the facility or unit is under the electricity importer's operational control.

(G) Total facility or unit gross and net nameplate capacity when the electricity importer is a GPE.

(H) Total facility or unit gross and net generation when the electricity importer is a GPE.

(I) Start date of commercial operation and, when applicable, date of repowering.

(J) GPEs claiming additional capacity at an existing facility must include the implementation date, the expected increase in net

generation (MWh), and a description of the actions taken to increase capacity.

(K) Designate whether the facility or unit is a newly specified source, a continuing specified source, or was a specified source in the previous report year that will not be specified in the current report year.

(L) Provide the primary technology or fuel type as listed below:

(I) Variable renewable resources by type, defined for purposes of this chapter as pure solar, pure wind, and run-of-river hydroelectricity;

(II) Hybrid facilities such as solar thermal;

(III) Hydroelectric facilities \leq 30 MW, not run-of-river;

(IV) Hydroelectric facilities \geq 30 MW;

(V) Geothermal binary cycle plant or closed loop system;

(VI) Geothermal steam plant or open loop system;

(VII) Units combusting biomass-derived fuel, by primary fuel type;

(VIII) Nuclear facilities;

(IX) Cogeneration by primary fuel type;

(X) Fossil sources by primary fuel type;

(XI) Co-fired fuels;

(XII) Municipal solid waste combustion;

(XIII) Other.

(ii) Additional information for specified sources. For each claim to a specified source of electricity, the electricity importer must indicate whether one or more of the following descriptions applies:

(A) Deliveries from new facilities. Specified source of electricity is first registered pursuant to this section and delivered by an electricity importer within 12 months of the start date of commercial operation and the electricity importer making a claim in the current data year is either a GPE or purchaser of electricity under a written power contract;

(B) Deliveries from existing facilities with additional capacity. Specified source of electricity is first registered pursuant to this section and delivered by a GPE within 12 months of the start date of an increase in the facility's generating capacity due to increased efficiencies or other capacity increasing actions.

(4) **Recordkeeping.** GHG inventory program for electric power entities that import or export electricity. In lieu of a GHG monitoring plan, electric power entities that import or export electricity must prepare GHG inventory program documentation that is maintained and available for verifier review and ecology audit pursuant to the recordkeeping requirements of this section. The following information is required:

(a) Information to allow the verification team to develop a general understanding of entity boundaries, operations, and electricity transactions;

(b) Reference to management policies or practices applicable to reporting pursuant to this section;

(c) List of key personnel involved in compiling data and preparing the emissions data report;

(d) Training practices for personnel involved in reporting delivered electricity and responsible for data report certification, including documented training procedures;

(e) Query of e-tag source data to determine the quantity of electricity (MWh) imported, exported, and wheeled for transactions in which they are the purchasing-selling entity on the last physical path

segment that crosses the border of Washington state, access to review the raw e-tag data, a tabulated summary, and query description;

(f) Reference to other independent or internal data management systems and records, including written power contracts and associated verbal or electronic records, full or partial ownership, invoices, and settlements data used to document whether reported transactions are specified or unspecified and whether the requirements for adjustments to covered emissions of chapter 70A.65 RCW, as described in chapter 173-446 WAC are met;

(g) Description of steps taken and calculations made to aggregate data into reporting categories required pursuant to this section;

(h) Records of preventive and corrective actions taken to address verifier and ecology findings of past nonconformances and material misstatements;

(i) Log of emissions data report modifications made after initial certification; and

(j) A written description of an internal audit program that includes emissions data report review and documents ongoing efforts to improve the GHG inventory program.

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AMENDATORY SECTION (Amending WSR 15-04-051, filed 1/29/15, effective 3/1/15)

WAC 173-441-140 Petitioning ecology to use an alternative calculation method to calculate greenhouse gas emissions. An owner or operator may petition ecology to use calculation methods other than those specified in WAC 173-441-120, 173-441-122, or 173-441-124 to calculate GHG emissions. (~~Alternative calculation methodologies are not available for GHG emissions covered by a source category adopted by reference in WAC 173-441-130.~~) The following requirements apply to the submission, review, and approval or denial of a petition:

(1) **Petition submittal.** An owner or operator must submit a petition that meets the following conditions before ecology may review the petition and issue a determination.

(a) An owner or operator must submit a complete petition no later than (~~one hundred eighty~~) 180 calendar days prior to the emissions report deadline established in WAC 173-441-050(2). Such petition must include sufficient information, as described in (b) of this subsection, for ecology to determine whether the proposed alternative calculation method will provide emissions data sufficient to meet the reporting requirements of RCW (~~(70.94.151)~~) 70A.15.2200. Ecology will notify the owner or operator within (~~(thirty)~~) 30 calendar days of receipt of a petition of any additional information ecology requires to approve the proposed calculation methods in the petition. If a petition is under review by ecology at the time an annual emissions report is due under WAC 173-441-050(2), the owner or operator must submit the emissions report using the calculation methods approved under this chapter at the time of submittal of the emissions report.

(b) The petition must include, at a minimum, the following information:

(i) Identifying information as specified in WAC 173-441-060 (9)(b) and 173-441-060 (13)(b)(ii) of the designated representative and any agent submitting a petition;

- (ii) Identifying information as specified in WAC 173-441-050 (3) (a) of the facility or facilities where the owner or operator proposes to use the alternative calculation method;
- (iii) A clear and complete reference to the subparts or sections in EPA's mandatory greenhouse gas reporting regulation that contain the alternative calculation method and the date that EPA adopted the subparts or sections;
- (iv) The source categories that will use the alternative calculation method;
- (v) The date that the owner or operator intends to start using the alternative calculation method;
- (vi) Any other supporting data or information as requested by ecology as described in subsection (2) of this section; and
- (vii) The designated representative must sign and date the petition.

(2) **Ecology review of the petition.** Ecology must approve the alternative calculation method before the owner or operator may use it to report GHG emissions. Ecology will issue a determination within ~~((sixty))~~ 60 calendar days of receiving a complete petition. The alternative calculation method must meet the following conditions:

(a) Except as noted in (b) of this subsection, alternative calculation methods for ~~((facilities))~~ reporters required to report under WAC 173-441-030 ~~((+1))~~ must be methods adopted by the United States Environmental Protection Agency in its mandatory greenhouse gas reporting regulation, or otherwise more recent versions of methods adopted in this chapter. The alternative calculation method must be more recent than the method for the given source category adopted by reference in WAC 173-441-120, 173-441-122, or 173-442-124.

(b) For GHG emissions reported voluntarily under WAC 173-441-030 ~~((+4))~~ (5), ecology must apply the following criteria when evaluating an alternative calculation method:

(i) If the GHG emissions are covered by a source category adopted by reference in WAC 173-441-120, 173-441-122, or 173-442-124, then the requirements of (a) and (b) of this subsection apply.

(ii) If the GHG emissions are not covered by a source category adopted by reference in WAC 173-441-120, 173-441-122, or ~~((173-441-130))~~ 173-441-124, then ecology must consider whether the methods meet the following criteria:

(A) The alternative calculation method is established by a nationally or internationally recognized body in the field of GHG emissions reporting such as:

- (I) Ecology;
- (II) EPA;
- (III) California Air Resources Board;
- (IV) The ((International)) Intergovernmental Panel on Climate Change;

~~((IV) The Western Climate Initiative;~~
~~(V) The Climate Registry;))~~

(B) If an alternative calculation method is not available from sources listed in (b) (ii) (A) of this subsection, then ecology may accept a method from an industry or trade association or devised by the owner or operator if ecology determines the alternative calculation method is consistent with the requirements established under RCW ~~((70.94.151))~~ 70A.15.2200.

(c) For all source categories, including those covered in (a) and (b) of this subsection, the alternative calculation method must be consistent in content and scope with the requirements established un-

der RCW (~~(70.94.151)~~) 70A.15.2200. In the event that a proposed alternative calculation method does not include all required GHG emissions, the owner or operator must use the calculation methods specified in subsection (3) of this section to calculate those emissions.

(3) **Calculating emissions not included in alternative calculation method.** An owner or operator must report all source categories of GHG emissions for which reporting is required under RCW (~~(70.94.151)~~) 70A.15.2200 and for which calculation methods have been established in WAC 173-441-120, 173-441-122, or (~~(173-441-130)~~) 173-441-124. If an approved alternative calculation method does not include calculation methods for all required source categories of emissions, then the owner or operator must use a method described in WAC 173-441-120, (~~(173-441-130)~~) 173-441-122, 173-441-124, or approved for the owner or operator by ecology in a separate petition to calculate and report those emissions.

(4) **Appeal of determination.** An approval or denial issued by ecology in response to a written petition filed under this subsection is a determination appealable to the pollution control hearings board per RCW 43.21B.110 (1)(h).

[Statutory Authority: Chapters 70.235 and 70.94 RCW. WSR 15-04-051 (Order 13-13), § 173-441-140, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-140, filed 12/1/10, effective 1/1/11.]

AMENDATORY SECTION (Amending WSR 10-24-108, filed 12/1/10, effective 1/1/11)

WAC 173-441-150 Confidentiality. (1) Emissions data submitted to ecology under this chapter are public information and must not be designated as confidential.

(2) (~~(Any proprietary or confidential information exempt from disclosure when reported to DOL that ecology obtains directly from DOL remains exempt from disclosure.~~

~~(3))~~) Information considered confidential by EPA or other jurisdictions is not considered confidential by ecology unless it also meets the conditions established in subsection (~~(2) or (4)~~) (3) of this section.

(~~(4)~~) (3) Any person submitting information to ecology under this chapter may request that ecology keep information that is not emissions data confidential as proprietary information under RCW (~~(70.94.205)~~) 70A.15.2510 or because it is otherwise exempt from public disclosure under the Washington Public Records Act (chapter 42.56 RCW). All such requests for confidentiality must meet the requirements of RCW (~~(70.94.205)~~) 70A.15.2510.

(~~(5)~~) (4) Ecology's determinations of the verification status of each report are public information. All confidential data used in the verification process will remain confidential.

[Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-150, filed 12/1/10, effective 1/1/11.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-441-130 Calculation methods for suppliers.

WSR 22-05-051

PERMANENT RULES

BOARD OF TAX APPEALS

[Filed February 9, 2022, 10:08 a.m., effective March 12, 2022]

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

Purpose: The purpose of these changes is to clarify statutory language, simplify the calculation of deadlines, and streamline the formal hearings process.

Citation of Rules Affected by this Order: New WAC 456-09-551, 456-09-557, 456-09-743 and 456-09-763; repealing WAC 456-09-120, 456-09-130, 456-09-140, 456-09-215, 456-09-330, 456-09-762 and 456-09-970; and amending WAC 456-09-001, 456-09-010, 456-09-110, 456-09-210, 456-09-220, 456-09-230, 456-09-300, 456-09-310, 456-09-315, 456-09-325, 456-09-335, 456-09-340, 456-09-345, 456-09-510, 456-09-520, 456-09-530, 456-09-540, 456-09-545, 456-09-550, 456-09-552, 456-09-555, 456-09-560, 456-09-565, 456-09-570, 456-09-575, 456-09-740, 456-09-742, 456-09-745, 456-09-750, 456-09-755, 456-09-765, 456-09-910, 456-09-915, 456-09-920, 456-09-930, 456-09-955, and 456-09-960.

Statutory Authority for Adoption: RCW 82.03.170.

Adopted under notice filed as WSR 21-24-067 on November 30, 2021.

Changes Other than Editing from Proposed to Adopted Version: WAC 456-09-300, reincorporate 30-day timeline to acknowledge receipt of notice of appeal; WAC 456-09-335, remove requirement for responses to a notice of appeal in excise tax cases; WAC 456-09-550, added subsection for time in which to file responses and response briefs; WAC 456-09-555, prohibiting replies without prior written permission; and WAC 456-09-743, process of hearing allowing for rebuttal argument.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 4, Amended 37, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 37, Repealed 3.

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

Date Adopted: February 9, 2022.

Andrea Vingo
Member

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 22-07 issue of the Register.

WSR 22-05-059

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed February 10, 2022, 11:54 a.m., effective March 13, 2022]

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

Purpose: The health care authority is adopting rules to define the process of becoming a behavioral health certified peer counselor.

Citation of Rules Affected by this Order: WAC 182-115-0100 and 182-115-0200.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 22-02-027 on December 28, 2021.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 0, Repealed 0.

Date Adopted: February 10, 2022.

Wendy Barcus
Rules Coordinator

OTS-3227.3

**Chapter 182-115 WAC
CERTIFIED PEER COUNSELOR**

NEW SECTION

WAC 182-115-0100 Certified peer counselor—General. (1) The authority recognizes a person as a certified peer counselor who can provide medicaid-reimbursable peer counseling services when the person meets the requirements in WAC 182-115-0200.

(2) Certified peer counselors who provide services to people enrolled in medicaid must be under the clinical supervision of a mental health professional and/or substance use disorder professional who understands rehabilitation and recovery. The clinical supervisor's expertise should be aligned with the needs of the populations served by the certified peer counselor.

(3) Certified peer counselors must provide services to people enrolled in medicaid under a licensed community behavioral health agency as defined in WAC 246-341-0200 and certified under WAC 246-341-0724.

[]

NEW SECTION

WAC 182-115-0200 Certified peer counselor—Application, training, examination, and authority approval. (1) Applicants applying to become a certified peer counselor with the authority must meet all of the following:

(a) Self-identify as a person with lived experience in behavioral health recovery or as a parent or legal guardian of a child under the age of 18 who experienced behavioral health challenges;

(b) Demonstrate they have been well-grounded in their own recovery for at least one year and be willing to tell their recovery story;

(c) Demonstrate basic reading and writing comprehension;

(d) Meet the minimum education requirements of a high school diploma or GED. The authority may grant a waiver of this requirement;

(e) Be 18 years of age or older;

(f) Be credentialed as an agency affiliated counselor under chapter 18.19 RCW;

(g) Complete specialized training provided by or contracted through the authority. If the person was trained by trainers approved by the department of social and health services before October 1, 2004, and has met the requirements in (a), (b), and (f) of this subsection by January 31, 2005, the person is exempt from completing this specialized training; and

(h) Successfully pass the authority's examination.

(2) In order to take the authority's examination to become a certified peer counselor who can provide medicaid-reimbursable peer counseling services, applicants must:

(a) Successfully complete an approved certified peer counselor training course administered by the authority's approved training entity with approved trainers; and

(b) Pass the Washington state certified peer counseling examination with a score of 80 percent or higher.

(3) Upon successful completion of the authority's examination, the authority issues a letter stating the authority recognizes the person as a "certified peer counselor."

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WSR 22-05-061
PERMANENT RULES
NORTHWEST CLEAN
AIR AGENCY

[Filed February 10, 2022, 3:26 p.m., effective March 13, 2022]

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

Purpose:

- Updating the adoption-by-reference date for externally referenced rules to allow the agency to implement the most recent version of those state and federal rules Northwest Clean Air Agency (NCAA) (NWCAA Section 104).
- Amending the program that regulates portable sources to make it easier for the agency to keep track of these types of sources, which helps level the playing field with respect to permitting, registration, and inspections (NWCAA Sections 133, 200, 300, 320, 514).
- Updating the emission inventory reporting requirement for all registered sources to clarify the rule to reflect current practice and house the requirement in a single section rather than relying on multiple authorities (NWCAA Section 150).
- Clarifying the fee for air operating permit facilities operating sewage sludge incinerators to maintain a level playing field, minimize emissions to protect public health, and to administer fair and appropriate fees while maintaining agency financial stability (NWCAA Sections 200, 320).
- Creating a regulatory program to reduce emissions from crushing operations to level the playing field for dust control by applying the same standards to most existing and new crushers (NWCAA Sections 200, 300, 512).
- Clarifying the permanent shutdown concept to make the requirements clearer to agency staff and the regulated public, to better avoid surprises and misunderstandings (NWCAA Sections 200, 320, 325).
- Rolling registration exemptions from section 321 into Section 320 to make the rule clearer and more consistent with the rest of the regulation (NWCAA Sections 320, 321).

Citation of Rules Affected by this Order: New Section 512 and 514 of the Regulation of the NWCAA; repealing Section 321 of the Regulation of the NWCAA; and amending Section 104, 133, 150, 200, 300, 320, and 325 of the Regulation of the NWCAA.

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

Adopted under notice filed as WSR 22-01-056 on December 8, 2021.

Date Adopted: February 10, 2022.

Mark Buford
Executive Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 22-06 issue of the Register.

WSR 22-05-066
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-06—Filed February 11, 2022, 10:59 a.m., effective July 1, 2022]

Effective Date of Rule: July 1, 2022.

Purpose: Amendments are being made to several recreational fishing regulations for shellfish, gamefish, and forage fish. These changes address critical conservation objectives, provides harvest opportunities consistent with conservation objectives, and provides some clarification and simplification.

Removes Bull Trout, Dolly Varden, Eastern Brook Trout, and Lake Trout from the trout definition and creates separate definitions for "trout" and "char" (for those four species).

Clarifies intent of "single point hook" as listed in definitions for selective gear rules, whitefish gear rules, and fly fishing.

Require each fisher to have a separate container for their limit of smelt (any species). This rule would apply to smelt fisheries in both freshwater and marine waters and all methods of harvest, i.e. dipnet and jig.

Close Sea Cucumber Management District 3 (Marine Catch Areas 8-1, 8-2, 10, and part of 9) to recreational dive harvest of sea cucumber and establish a statewide seasonal spawning closure for recreational sea cucumber harvest.

Clarifying possession limits of shellfish through consistent language.

Modifies the daily possession limit for shrimp after May 31 to no longer require the retention of the heads of spot shrimp when only spot shrimp are retained.

Revert Billy's Pond, a small pond located in Yakima, to statewide rules.

Closes kokanee fishing/retaining on Lake Wenatchee.

Align steelhead rules in concurrent waters of the Snake River with rules in Idaho.

Close steelhead fishing in all sections of the Methow River to be consistent with Endangered Species Act permit requirements.

Change status of the Bogachiel Hatchery South Pond from "open for fishing" to "Closed waters" because the pond is being used for rearing of hatchery fish.

Open Carlisle Lake to year-round angling, with landlocked salmon rules.

Change rules for Muddy River from selective gear and release of wild trout from Saturday before Memorial Day through July 15th to selective gear and release all fish from Saturday before Memorial Day through October 31st.

Change rules on select rivers in Kitsap, Mason, Pierce, and Thurston counties from the statewide daily limit with a minimum size of 14" for cutthroat trout and wild rainbow trout to nonretention of cutthroat trout and wild rainbow trout.

Add jointly (Oregon and Washington) managed off-channel waters in the Columbia River to WAC/pamphlet. These locations are Blind Slough and Knappa Slough.

Citation of Rules Affected by this Order: Amending WAC 220-300-160 Definitions—Personal-use fishing, 220-310-090 Game fish possession limits and size limits, 220-310-150 Fly fishing, 220-315-040 Smelt—Unlawful acts, 220-330-090 Crawfish, sea urchins,

sea cucumbers, goose barnacles, scallops, squid, octopus—Areas and seasons, 220-305-110 Possession of personal-use food fish and shellfish, 220-330-010 Shellfish—Daily limits, size restrictions, and unlawful acts, 220-312-050 Freshwater exceptions to statewide rules—Eastside, 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, and 220-312-060 Freshwater exceptions to statewide rules—Columbia River.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Adopted under notice filed as WSR 21-20-104 on October 4, 2021.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 12, Repealed 0.

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

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

Date Adopted: January 15, 2022.

Larry M. Carpenter, Chair
Fish and Wildlife Commission

OTS-3360.1

AMENDATORY SECTION (Amending WSR 18-06-045, filed 3/1/18, effective 4/1/18)

WAC 220-300-160 Definitions—Personal-use fishing. The following definitions apply to personal-use fishing rules in Title 220 WAC:

(1) "Anadromous game fish" means steelhead, sea-run cutthroat trout, and sea-run Dolly Varden and bull trout.

(2) "Anti-snagging rule" means:

(a) Except when fishing with a buoyant lure (with no weights added to the lure or line) or trolling from a vessel or floating device, terminal fishing gear is limited to a lure or bait with one single point hook.

(b) Only single point hooks measuring not more than 3/4 inch from point to shank may be used and all hooks must be attached to or below the lure or bait.

(c) Weights may not be attached below or less than 12 inches above the lure or bait.

(3) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(4) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(5) "Bass" means largemouth and smallmouth bass.

(6) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(7) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(8) "Buoyant lure" means a lure that floats on the surface of freshwater when no additional weight is applied to the line or lure, and when not being retrieved by a line.

(9) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(10) "Char" means bull trout, Dolly Varden, Eastern brook trout, and lake trout.

(11) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

~~((11))~~ (12) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

~~((12))~~ (13) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

~~((13))~~ (14) "Frozen" means fish or shellfish that are hard frozen throughout.

~~((14))~~ (15) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

~~((15))~~ (16) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish having a clipped adipose fin or a clipped ventral fin with a healed scar at the location of the clipped fin. A hatchery salmon is a salmon having a clipped adipose fin and a healed scar at the location of the clipped fin, regardless of whether the fish is missing a ventral fin.

~~((16))~~ (17) "Hook" means one single point, double or treble hook. A "single point hook" means a hook having only one point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

~~((17))~~ (18) "Hook and line" or "angling" are identical in meaning and, except as provided in WAC 220-310-110, are defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" are identical in meaning.

~~((18))~~ (19) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

((+19+)) (20) "Juvenile" means a person under fifteen year of age.

((+20+)) (21) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Non-buoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

((+21+)) (22) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

((+22+)) (23) "Opening day of lowland lake season" means the fourth Saturday in April.

((+23+)) (24) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

((+24+)) (25) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

((+25+)) (26) "Steelhead license year limit" means the maximum number of steelhead trout any one angler may retain from April 1st through the following March 31st.

((+26+)) (27) "Selective gear rules" means terminal fishing gear is limited to artificial flies with ~~((barbless single))~~ single-point barbless hooks or lures with ~~((barbless single))~~ single-point barbless hooks and bait is prohibited. Up to three hooks may be used. Only knotless nets may be used to land fish. In waters under selective gear rules, fish may be released until the daily limit is retained.

((+27+)) (28) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

((+28+)) (29) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

((+29+)) (30) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

((+30+)) (31) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

((+31+)) (32) "Steelhead" means sea-run rainbow trout over twenty inches in length.

((+32+)) (33) "Trolling" means a method of fishing from a vessel or floating device that is underway and under power.

((+33+)) (34) "Unmarked salmon" means a salmon with intact adipose and ventral fins.

((+34+)) (35) "Trout" means brown trout, ~~((bull trout,))~~ cut-throat trout, ~~((Dolly Varden, Eastern brook trout,))~~ golden trout, grayling, ~~((lake trout,))~~ rainbow trout (except steelhead), tiger trout, and, in WAC 220-312-010 through 220-312-060, salmon from waters designated as "landlocked salmon rules apply."

((+35+)) (36) "Whitefish gear rules" means terminal fishing gear is restricted to one ~~((single))~~ single-point hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

((+36+)) (37) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

((+37+)) (38) "Wild" when used to describe a salmon (Chinook, coho, chum, pink or sockeye), means a salmon with an unclipped adipose

fin, regardless of whether the fish is ventral fin-clipped. A salmon with a clipped adipose fin and a healed scar at the site of the clipped fin is not a wild salmon.

~~((38))~~ (39) "Wild cutthroat release" means it is unlawful to retain any cutthroat trout that does not have a clipped adipose fin and a healed scar at the location of the clipped fin.

~~((39))~~ (40) "Wild steelhead release" means it is unlawful to retain any steelhead that does not have a clipped adipose or ventral fin and a healed scar at the location of the clipped fin.

~~((40))~~ (41) "Shoreline fishing" or "shore fishing" means fishing from shore or a structure affixed to the shore or by wading in the water.

[Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 18-06-045 (Order 18-30), § 220-300-160, 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), § 220-300-160, filed 7/28/17, effective 8/28/17; WSR 17-05-112 (Order 17-04), amended and recodified as § 220-300-160, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047. WSR 15-11-042 (Order 15-126), § 220-56-100, filed 5/14/15, effective 6/14/15. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 12-05-082 (Order 12-17), § 220-56-100, filed 2/16/12, effective 3/18/12. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-100, filed 3/19/10, effective 5/1/10; WSR 09-06-042 (Order 09-27), § 220-56-100, filed 2/25/09, effective 5/1/09; WSR 08-07-003, § 220-56-100, filed 3/5/08, effective 4/5/08; WSR 06-13-023 (Order 06-135), § 220-56-100, filed 6/13/06, effective 7/14/06; WSR 06-05-085 (Order 06-23), § 220-56-100, filed 2/14/06, effective 5/1/06; WSR 05-17-007 (Order 05-168), § 220-56-100, filed 8/3/05, effective 9/3/05; WSR 04-24-030 (Order 04-306), § 220-56-100, filed 11/23/04, effective 12/24/04; WSR 04-07-009 (Order 04-39), § 220-56-100, filed 3/4/04, effective 5/1/04; WSR 03-18-007 (Order 03-211), § 220-56-100, filed 8/20/03, effective 9/20/03; WSR 02-08-048 (Order 02-53), § 220-56-100, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. WSR 00-16-091 (Order 00-134), § 220-56-100, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-08-029 (Order 99-13), § 220-56-100, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-100, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-100, filed 3/19/97, effective 5/1/97; WSR 96-11-078 (Order 96-44), § 220-56-100, filed 5/13/96, effective 6/13/96; WSR 95-04-066 (Order 95-10), § 220-56-100, filed 1/30/95, effective 5/1/95; WSR 94-14-069, § 220-56-100, filed 7/1/94, effective 8/1/94; WSR 91-08-054 (Order 91-13), § 220-56-100, filed 4/2/91, effective 5/3/91; WSR 86-09-020 (Order 86-08), § 220-56-100, filed 4/9/86; WSR 85-09-017 (Order 85-20), § 220-56-100, filed 4/9/85; WSR 82-13-040 (Order 82-61), § 220-56-100, filed 6/9/82; WSR 80-03-064 (Order 80-12), § 220-56-100, filed 2/27/80, effective 4/1/80.]

OTS-3362.1

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-305-110 Possession of personal-use food fish and shellfish. (1) The personal-use possession limit of food fish shall include all fresh, frozen, canned and other processed fish in the immediate possession of an individual while in the field or in transit, together with fish held (~~for him~~) by a custom canner or processor, and fish consigned (~~by him~~) for processing, preserving, storing, or transporting to a place other than where such food fish were taken.

(2) It shall be unlawful for any custom canner, or any person operating as a canner or processor of personal-use catches of food fish to accept, process or hold in the name of an individual more than his lawful possession limit.

(3) Custom cannery or processors of personal-use food fish or shellfish, resort operators and others who hold fish on their premises for sport fishermen, shall maintain accurate written accounts of such fish. These records shall be made available for inspection by the department of fisheries, and shall contain the name, signature and permanent address of the taker, the date and area of catch; the number, weight, species and date submitted for processing or holding and the final quantities processed by numbers of units.

(4) It shall be unlawful for any commercial fish dealer, cold storage plant operator, restaurant or hotel to store or have in possession any food fish or shellfish taken by any person for personal use, unless it is identified by tags attached bearing the names and addresses of the persons taking such food fish or shellfish.

(5) It shall be unlawful for any person taking food fish or shellfish for personal use to intermingle his catch or part of his catch with that of any duly licensed person taking food fish or shellfish for commercial purposes except for commercially caught fish retained for personal use as provided for in WAC 220-354-030 and 220-353-110.

[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 § 220-305-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 85-11-020 (Order 85-43), § 220-56-110, filed 5/10/85; WSR 80-03-064 (Order 80-12), § 220-56-110, filed 2/27/80, effective 4/1/80.]

OTS-3363.2

AMENDATORY SECTION (Amending WSR 20-03-130, filed 1/17/20, effective 2/17/20)

WAC 220-310-090 Game fish possession limits and size limits. It is unlawful to retain or possess game fish taken in excess of the daily, possession, or license year possession limits, or game fish that do not conform to the size limits provided for in this section, unless otherwise provided for in WAC 220-312-010 through 220-312-060.

(1) Daily game fish possession and size limits:

Species	Daily limit	Size limits
Largemouth Bass	No limit for all rivers, streams and beaver ponds. 5 from lakes, ponds, reservoirs.	No size restriction. Release bass 12 to 17 inches in length. Not more than 1 largemouth bass 17 inches in length or greater may be retained.
Smallmouth Bass	No limit for all rivers, streams and beaver ponds. 10 from lakes, ponds, reservoirs.	No size restriction. No minimum size. Not more than one smallmouth bass over 14 inches in length or greater may be retained.
Burbot	5	No size restriction.
Channel catfish	No limit for all rivers, streams and beaver ponds. 5 from lakes, ponds, reservoirs.	No size restriction. No size restriction.
Eastern brook trout	No daily limit.	No size restriction.
Grass carp	Unlawful to retain unless otherwise provided in WAC 220-312-020 and 220-312-040.	Not applicable.
Tiger Muskellunge	1	Minimum size 50 inches in length.
Kokanee	10	No size restriction.
<u>Lake trout</u>	<u>No daily limit.</u>	<u>No size restriction.</u>
Trout (((except Eastern brook trout and Kokanee)))	5 from lakes, ponds and reservoirs. 2 from rivers, streams, and beaver ponds. The daily trout limit is 5 trout, regardless of origin.	No size restriction. Wild trout 8-inch minimum length. Hatchery trout no minimum length.
Hatchery steelhead	2	20-inch minimum length.

Species	Daily limit	Size limits
Walleye	No limit for all rivers, streams and beaver ponds. 8 from lakes, ponds, reservoirs.	No size restriction. 12-inch minimum size. Not more than 1 walleye greater than 22 inches in length may be retained.
Whitefish	15	No size restriction.
All other game fish	No limit.	No size restriction.

(2) Possession limit: The game fish possession limit in the field or in transit is two daily limits in fresh, frozen or processed form.

(3) Wild steelhead, Dolly Varden, and bull trout: Except as provided for in this section and WAC 220-312-010 through 220-312-060, it is unlawful to retain wild steelhead, Dolly Varden, or bull trout.

(4) Saltwater game fish retention: Game fish taken in saltwater may not be retained, except that up to two hatchery steelhead per day may be retained.

[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), § 220-310-090, filed 1/17/20, effective 2/17/20. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 18-06-045 (Order 18-30), § 220-310-090, 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 17-05-112 (Order 17-04), amended and recodified as § 220-310-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 16-06-073 (Order 16-30), § 220-56-510, filed 2/26/16, effective 7/1/16. 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), § 220-56-510, filed 3/4/15 and 2/20/15, effective 7/1/15. Statutory Authority: RCW 77.12.047. WSR 08-07-003, § 220-56-510, filed 3/5/08, effective 4/5/08; WSR 06-13-023 (Order 06-135), § 220-56-510, filed 6/13/06, effective 7/14/06.]

OTS-3364.1

AMENDATORY SECTION (Amending WSR 17-17-109, filed 8/21/17, effective 9/21/17)

WAC 220-310-150 Fly fishing. (1) It is unlawful to fish in waters restricted to "fly fishing only" with the use of:

(a) A fixed spool reel.

(b) Fishing line other than conventional fly line or conventional "Tenkara" fly line, except that other line may be used for backing and leader if it is attached to not less than 25 feet of conventional fly line.

(c) Hooks that exceed 1/2 inch when measured from point to shank.

(d) Not more than two flies each with a single-point barbless ((single)) hook.

(e) Bait.

(f) Weight attached to the leader or line.

(2) Only knotless nets may be used to land fish in waters restricted to "fly fishing only."

(3) (a) A violation of gear restrictions in subsection (1) or (2) of this section is an infraction, punishable under RCW 77.15.160, unless the person possesses fish taken with prohibited gear.

(b) It is unlawful to possess fish taken with gear in violation of the provisions of this section. Possession of fish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(4) "Fly" means a lure on which thread, feathers, hackle, foam, rubber, or yarn cover a minimum of half the shank of the hook. Metallic colored tape, metal wire, metal tape, tinsel, mylar, or beadeyes may be used as an integral part of the design of the fly pattern.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 17-17-109, § 220-310-150, filed 8/21/17, effective 9/21/17. 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), recodified as § 220-310-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 16-06-073 (Order 16-30), § 220-56-210, filed 2/26/16, effective 7/1/16. 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), § 220-56-210, filed 3/4/15 and 2/20/15, effective 7/1/15. Statutory Authority: RCW 77.12.047. WSR 07-05-051 (Order 07-22), § 220-56-210, filed 2/16/07, effective 3/19/07; WSR 06-09-021 (Order 06-67), § 220-56-210, filed 4/11/06, effective 5/12/06; WSR 02-08-048 (Order 02-53), § 220-56-210, filed 3/29/02, effective 5/1/02; WSR 01-06-051 (Order 01-31), § 220-56-210, filed 3/6/01, effective 4/6/01. Statutory Authority: RCW 75.08.080. WSR 95-04-066 (Order 95-10), § 220-56-210, filed 1/30/95, effective 5/1/95; WSR 80-03-064 (Order 80-12), § 220-56-210, filed 2/27/80, effective 4/1/80.]

OTS-3368.1

AMENDATORY SECTION (Amending WSR 21-14-067, filed 7/2/21, effective 8/2/21)

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.~~) Closed waters.
- (11) **Bogachiel River (Clallam County):**
- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) It is unlawful to use anything other than one single-point barbless hook.

- (c) From the mouth to Highway 101 Bridge:
 - (i) Open the Saturday before Memorial Day through April 30.
 - (ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release wild rainbow trout.
 - (B) Cutthroat trout: Minimum length 14 inches.
 - (C) November 1 through last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (iv) Salmon:
 - (A) Open July 1 through July 31:
 - (I) Daily limit 4; up to 2 adults may be retained.
 - (II) Release wild adult Chinook and wild adult coho.
 - (B) Open September 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 July 31:
 - (I) Daily limit 4; up to 2 adults may be retained.
 - (II) Release wild adult Chinook and wild adult coho.
 - (B) Open September 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 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 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 23:
 - (I) Daily limit 6.
 - (II) Release adult salmon.
 - (B) September 24 through September 30: Closed.
 - (C) Open October 1 through 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) 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:
 - (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:

(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):

(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 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 July 31:

(I) Daily limit 4; up to 2 may be adults.

(II) Release wild adult Chinook and wild adult coho.

(B) Open September 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 2; up to 1 adult may be retained. 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 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 2; up to 1 adult may be retained. 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.
- 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 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 July 31:

(A) Daily limit 4; up to 2 adults may be retained.

(B) Release sockeye, wild adult Chinook and wild adult coho.

(ii) Open September 16 through November 30:

(A) Daily limit 6; up to 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 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 July 31:
 - (I) Daily limit 4; up to 2 adults may be retained.
 - (II) Release sockeye, wild adult Chinook and wild adult coho.
 - (B) Open September 16 through November 30:
 - (I) Daily limit 6; up to 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) 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) **Wirrkala Pond 1 (Pacific County):** Game fish: Statewide minimum length/daily limit, except:

- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

- (c) Channel catfish: Daily limit 10; no size restriction.

- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(112) **Wishkah River (Grays Harbor County):**

- (a) August 16 through November 30: Single-point barbless hooks are required.

- (b) From the mouth to 200 feet below the weir at the Wishkah Rearing Ponds:

- (i) Open the Saturday before Memorial Day through the last day in February.

- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (iii) Salmon: 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 21-14-067 (Order 21-95), § 220-312-020, filed 7/2/21, effective 8/2/21; 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.]

AMENDATORY SECTION (Amending WSR 21-14-067, filed 7/2/21, effective 8/2/21)

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~~) year-round.
 - (b) Landlocked salmon rules.
- (9) **Cedar Creek and tributaries (tributary of N.F. Lewis) (Clark County):**
 - (a) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters.
 - (b) Selective gear rules, except: Use of barbed hooks is allowed.
 - (c) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (d) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (e) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Daily limit 6; up to 3 adults, of which 2 may be Chinook.
 - (iii) Release all salmon except hatchery Chinook and hatchery coho.
- (10) **Chinook River (Pacific County):** From the Highway 101 Bridge upstream:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (11) **Cispus River (Lewis County):** From the mouth to the falls, not including the North Fork:
 - (a) Open year-round, except closed to all angling within posted "Closed Waters" signs around the adult fish release site.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.
 - (c) Salmon:
 - (i) Daily limit 6; up to 2 may be adults.
 - (ii) Only hatchery Chinook and hatchery coho may be retained.
- (12) **Cispus River, North Fork (Lewis County):** Selective gear rules.
- (13) **Coal Creek (Cowlitz County):**
 - (a) From the mouth to 400 feet below the falls:
 - (i) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (ii) Selective gear rules, except: Use of barbed hooks is allowed.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (iv) Salmon:
 - (A) Open November 1 through December 31.
 - (B) Daily limit 6; up to 2 may be adults.
 - (C) Only hatchery Chinook and hatchery coho may be retained.
 - (b) From 400 feet below the falls to the falls: Closed waters.

(14) Coldwater Lake (Cowlitz County):

- (a) The Coldwater Lake inlet and outlet streams: Closed waters.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(15) Cougar Creek (tributary to Yale Reservoir) (Cowlitz County):

- (a) Selective gear rules.
- (b) Open the Saturday before Memorial Day through August 31.

(16) Coweeman River and tributaries (Cowlitz County):

(a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

- (b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

- (c) Salmon:

(i) Open November 1 through December 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(17) Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):

(a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted Lewis County PUD sign on Peters Road.

(b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arm.

- (c) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow and wild cutthroat trout.

(ii) Trout: Daily limit 10; minimum length 8 inches.

(iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(v) Channel catfish: Daily limit 10; no size restriction.

(vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

- (d) Salmon:

(i) Daily limit 6; minimum length 12 inches.

(ii) Up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(18) Cowlitz River (Lewis/Cowlitz counties):

(a) From the boundary markers at the mouth to Lexington Bridge:

(i) 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 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: 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 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 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: State-wide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Daily limit 6; up to 3 may be adults.

(II) 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) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

- (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon: Open the Saturday before Memorial Day through March 15.
- (A) Daily limit 6; up to 2 may be adults.
- (B) Only hatchery Chinook and hatchery coho may be retained.
- (C) All Chinook must be adipose and/or ventral fin clipped to be retained.
- (v) Salmon and steelhead:
- (A) Open April 16 through the Friday before Memorial Day.
- (B) Daily limit 6; up to 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.
- (d) From the Beaver Creek Road Bridge to the Elochoman Hatchery Bridge:
- (i) August 1 through October 31:
- (A) Anti-snagging rule.
- (B) Night closure.
- (C) Stationary gear restriction.
- (ii) Open the Saturday before Memorial Day through March 15.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Trout: Daily limit 2; minimum length 14 inches.
- (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon: Open the Saturday before Memorial Day through March 15.
- (A) Daily limit 6; up to 2 may be adults.
- (B) Only hatchery Chinook and hatchery coho may be retained.
- (C) All Chinook must be adipose and/or ventral fin clipped to be retained.
- (v) Salmon and steelhead:
- (A) Open April 16 through the Friday before Memorial Day.
- (B) Daily limit 6; up to 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.
- (e) Elochoman Hatchery Bridge to West Fork:
- (i) August 1 through October 31:
- (A) Anti-snagging rule.
- (B) Night closure.
- (C) Stationary gear restriction.
- (ii) Open the Saturday before Memorial Day through March 15.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Trout: Daily limit 2; minimum length 14 inches.
- (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon: Open the Saturday before Memorial Day through March 15.
- (A) Daily limit 6; up to 2 may be adults.
- (B) Only hatchery Chinook and hatchery coho may be retained.
- (C) All Chinook must be adipose and/or ventral fin clipped to be retained.
- (f) From West Fork upstream:
- (i) Game fish: Statewide minimum length/daily limit, except:
- Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (ii) Salmon:
- (A) Daily limit 6; up to 2 may be adults.
- (B) Only hatchery Chinook and hatchery coho may be retained.
- (C) All Chinook must be adipose and/or ventral fin clipped to be retained.

(23) **Franz Lake (Skamania County):** Closed waters.

(24) **Germany Creek (Cowlitz County) and all tributaries:**

- (a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
- (b) Selective gear rules, except: Use of barbed hooks is allowed.
- (c) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 2; minimum length 14 inches.
- (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (d) Salmon:
- (i) Open November 1 through December 31.
- (ii) Daily limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (25) **Grays River (Wahkiakum County):** From the mouth to South

Fork:

- (a) From mouth to Barr Road Bridge:
- (i) August 1 through November 15:
- (A) Anti-snagging rule.
- (B) Night closure.
- (C) Stationary gear restriction.
- (ii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.
- (iii) Open Saturday before Memorial Day through March 15.
- (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (v) Salmon:
- (A) Open Saturday before Memorial Day through July 31:
- (I) Daily limit 6; up to 2 may be adults.
- (II) Only hatchery Chinook may be retained.
- (B) Open August 1 through December 31:
- (I) Daily limit 6; up to 2 may be adults.
- (II) Only hatchery coho and hatchery Chinook may be retained.
- (III) All Chinook must be adipose and/or ventral fin clipped to be retained.
- (b) From Barr Road Bridge to Highway 4 Bridge:
- (i) August 1 through November 15:
- (A) Anti-snagging rule.
- (B) Night closure.
- (C) Stationary gear restriction.
- (ii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.
- (iii) Open Saturday before Memorial Day through March 15.
- (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (v) Salmon:
- (A) Open Saturday before Memorial Day through July 31:
- (I) Daily limit 6; up to 2 may be adults.
- (II) Only hatchery Chinook may be retained.
- (B) Open August 1 through December 31:
- (I) Daily limit 6; up to 2 may be adults.
- (II) Only hatchery coho and hatchery Chinook may be retained.
- (III) All Chinook must be adipose and/or ventral fin clipped to be retained.
- (c) From the Highway 4 Bridge to the mouth of South Fork:
- (i) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the river: Closed waters.
- (ii) August 1 through November 15:

- (A) Anti-snagging rule.
- (B) Night closure.
- (C) Stationary gear restriction.
- (iii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.
- (iv) Open Saturday before Memorial Day through March 15.
- (v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (vi) Salmon:
 - (A) Open Saturday before Memorial Day through July 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery Chinook may be retained.
 - (B) Open August 1 through December 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (III) All Chinook must be adipose and/or ventral fin clipped to be retained.
- (d) From South Fork upstream:
 - (i) Selective gear rules, except: Use of barbed hooks is allowed.
 - (ii) Open the Saturday before Memorial Day through March 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (iv) Salmon:
 - (A) Open the Saturday before Memorial Day through December 31.
 - (B) Daily limit 6; minimum length 12 inches. Up to 2 adults may be retained.
 - (C) Only hatchery Chinook and hatchery coho may be retained. All Chinook must be adipose and/or ventral fin clipped to be retained.
- (26) **Grays River tributaries (unless otherwise listed) (Wahkiakum County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (27) **Grays River, East Fork (Wahkiakum County):**
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Open the Saturday before Memorial Day through October 31.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (d) Salmon:
 - (i) Open the Saturday before Memorial Day through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
 - (iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.
- (28) **Grays River, East Fork tributaries (unless otherwise listed) (Wahkiakum County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (29) **Grays River, South Fork (Wahkiakum County):**
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Open the Saturday before Memorial Day through October 31.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (d) Salmon:
 - (i) Open the Saturday before Memorial Day through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.

(30) Grays River, South Fork tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(31) Grays River, West Fork (Wahkiakum County):

(a) Open the Saturday before Memorial Day through December 31.

(b) August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(d) Salmon: Open the Saturday before Memorial Day through December 31.

(i) Daily limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.

(32) Grays River, West Fork tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(33) Green River (Cowlitz County):

(a) From the mouth to Miner's Creek:

(i) From 400 feet above and 400 feet below the salmon hatchery rack (or from the posted signs above and below the salmon hatchery rack) when the rack is installed in the river: Closed waters.

(ii) From 400 feet below to 400 feet above the water intake at the upper end of the hatchery grounds from September 1 through November 30: Closed waters.

(iii) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack.

(iv) Selective gear rules, except: Use of barbed hooks is allowed from the Saturday before Memorial Day through July 31 and December 1 through March 15.

(v) Open the Saturday before Memorial Day through March 15. Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon:

(A) Open August 1 through November 30.

(B) Daily limit 6; up to 3 may be 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.
 - (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.
 - (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.
 - (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.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
- (e) From the Fallert Creek hatchery intake to 1,000 feet below fishway at the Kalama Falls hatchery:
 - (i) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (ii) Game fish: Open year-round.
 - (A) Statewide minimum length/daily limit, except:
 - (B) Trout: Daily limit 2; minimum length 14 inches.
 - (C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (iii) Salmon:
 - (A) Open January 1 through July 31:
 - (I) Daily limit 6; up to 2 may be adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (B) Open August 1 through December 31:
 - (I) Daily limit 6; up to 3 may be adults.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
- (f) From 1,000 feet below to 1,000 feet above the fishway at the Kalama Falls hatchery: Closed waters.

- (g) From 1,000 feet above the fishway at the Kalama Falls hatchery, upstream to Summers Creek:
- (i) Open year-round.
 - (ii) Selective gear rules, except: Use of barbed hooks is allowed.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (h) From Summers Creek upstream to the intersection of 6000 and 6420 roads: Open year-round:
- (i) Fly fishing only, except: Use of barbed hooks is allowed.
 - (ii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (i) From the intersection of 6000 and 6420 roads to the 6600 road bridge immediately downstream of Jacks Creek:
- (i) Selective gear rules, except: Use of barbed hooks is allowed.
 - (ii) Open the Saturday before Memorial Day through November 30.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (j) From the 6600 road bridge immediately downstream of Jacks Creek to Kalama Falls and tributaries: Closed waters.
- (41) Klickitat River (Klickitat County):**
- (a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:
- (i) April 1 through the Friday before Memorial Day:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (ii) July 1 through July 31: Night closure.
 - (iii) August 1 through January 31:
 - (A) Anti-snagging rule.
 - (B) Night closure.
 - (iv) Game fish:
 - (A) Open Saturday before Memorial Day through January 31.
 - (B) Statewide minimum length/daily limit, except:
 - (C) Trout: Daily limit 2; minimum length 14 inches.
 - (v) Steelhead:
 - (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 3 adults, of which 2 may be Chinook.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (C) Open October 1 through December 31:
 - (I) Daily limit 6; up to 3 adults, of which 2 may be Chinook.
 - (II) Only Chinook and hatchery coho may be retained.
 - (b) From the mouth of the East Fork Lewis River to Johnson Creek.
 - (i) Game fish:
 - (A) Open year-round.
 - (B) Statewide minimum length/daily limit, except:
 - (I) Trout: Daily limit 2; minimum length 14 inches.
 - (II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (ii) Salmon:
 - (A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; up to 1 may be an adult.
 - (B) Open August 1 through September 30:
 - (I) Daily limit 6; up to 3 adults, of which 2 may be Chinook.
 - (II) Only hatchery Chinook and hatchery coho may be retained.
 - (C) Open October 1 through December 31:
 - (I) Daily limit 6; up to 3 adults, of which 2 may be Chinook.
 - (II) Only Chinook and hatchery coho may be retained.
 - (c) From Johnson Creek to Colvin Creek:
 - (i) May 1 through May 31: Closed waters.
 - (ii) Those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder: Closed waters.
 - (iii) June 1 through November 30 and April 1 through April 30: Anti-snagging rule and night closure.
 - (iv) Game fish:
 - (A) Open June 1 through April 30.
 - (B) Statewide minimum length/daily limit, except:
 - (I) Trout: Daily limit 2; minimum length 14 inches.
 - (II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (v) Salmon:
 - (A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; up to 1 may be an adult.
 - (B) Open August 1 through September 30:
 - (I) Daily limit 6; up to 3 adults, of which 2 may be Chinook.

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through December 31:

(I) Daily limit 6; up to 3 adults, of which 2 may be Chinook.

(II) Only Chinook and hatchery coho may be retained.

(d) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:

(i) Open June 1 through October 31 and December 16 through April 30.

(ii) Anti-snagging rule and night closure April 1 through April 30 and June 1 through October 31.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; up to 1 may be an adult.

(B) Open August 1 through September 30:

(I) Daily limit 6; up to 3 adults, of which 2 may be Chinook.

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through October 31:

(I) Daily limit 6; up to 3 adults, of which 2 may be Chinook.

(II) Only Chinook and hatchery coho may be retained.

(D) Open December 16 through December 31:

(I) Daily limit 6; up to 3 adults, of which 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 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 all tributaries except Muddy River:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through July 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(j) From (~~above~~) the Muddy River to the lower falls and tributaries (including the Muddy River):

(i) Selective gear rules.

(ii) Release all fish.

(45) **Lewis River, East Fork (Clark/Skamania counties):**

(a) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls: Closed waters.

(b) From 400 feet below to 400 feet above Moulton Falls: Closed waters.

(c) From 400 feet below Horseshoe Falls upstream, including tributaries above Horseshoe Falls: Closed waters.

(d) From the mouth to 400 feet below Horseshoe Falls:

(i) Open the Saturday before Memorial Day through July 15 and September 16 through March 15.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open September 16 through December 31.

(B) Daily limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(e) Tributaries from the mouth to 400 feet below Horseshoe Falls:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(46) **Little Klickitat River (Klickitat County)**: Within Goldendale city limits:

(a) Open the fourth Saturday in April through the Friday before Memorial Day to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Open the Saturday before Memorial Day through October 31 to all anglers.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; no minimum length.

(47) **Little Washougal River (Clark County)**:

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(48) **Little White Salmon River (Skamania County)**:

(a) From the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery: Closed waters.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; minimum length 8 inches.

(49) **Love Lake (Clark County)**: Closed waters.

(50) **Mayfield Lake (Reservoir) (Lewis County)**:

(a) Open from the Mayfield Dam to Onion Rock Bridge.

(b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed waters.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 10; minimum length 8 inches.

(ii) Release wild rainbow trout and wild cutthroat trout.

(iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(v) Channel catfish: Daily limit 10; no size restriction.

(vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(d) Salmon:

(i) Open September 1 through December 31:

- (ii) Daily limit 6; minimum length 12 inches.
- (iii) Up to 2 may be adults.
- (iv) Only hatchery Chinook and hatchery coho may be retained.

(51) **Merrill Lake (Cowlitz County):**

- (a) Fly fishing only.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Release all fish.

(52) **Merwin Lake (Reservoir) (Clark/Cowlitz counties):** Landlocked salmon rules.

(53) **Mill Creek (Cowlitz County):**

- (a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
- (b) Selective gear rules, except: Use of barbed hooks is allowed.
- (c) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 2; minimum length 14 inches.
- (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

- (i) Open November 1 through December 31.
- (ii) Daily limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.

(54) **Mill Creek (Lewis County):** From the mouth to the hatchery road crossing culvert.

- (a) Selective gear rules, except: Use of barbed hooks is allowed.
- (b) Open the Saturday before Memorial Day through October 31 and December 1 through December 31.
- (c) Anti-snagging rule from December 1 through December 31.
- (d) Night closure from December 1 through December 31.
- (e) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 2; minimum length 14 inches.
- (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon:

- (i) Open August 1 through October 31 and December 1 through December 31.
- (ii) Daily limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.

(55) **Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.

(56) **Olequa Creek (Lewis/Cowlitz counties):**

- (a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.
- (b) Selective gear rules, except: Use of barbed hooks is allowed.
- (c) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 2; minimum length 14 inches.
- (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

- (i) Open August 1 through October 31.
- (ii) Daily limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.

(57) **Ostrander Creek (Cowlitz County):**

- (a) Selective gear rules, except: Use of barbed hooks is allowed.
- (b) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 2; minimum length 14 inches.

- (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (58) **Outlet Creek (Silver Lake) (Cowlitz County):**
 - (a) From the Saturday before Memorial Day through November 30.
 - (b) Selective gear rules, except: Use of barbed hooks is allowed.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (d) Salmon:
 - (i) Open August 1 through November 30.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (59) **Rainey Creek (Lewis County):**
 - (a) From mouth to Highway 12.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 5; minimum length 8 inches.
 - (ii) Release wild rainbow and cutthroat trout.
- (60) **Riffe Lake (Reservoir) (Lewis County):**
 - (a) Open from Mossyrock Dam to Cowlitz Falls Dam:
 - (b) From Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam: Closed waters.
 - (c) It is permissible to fish up to the base of Swofford Pond Dam.
 - (d) Landlocked salmon rules.
- (61) **Rock Creek (Klickitat County):**
 - (a) From Army Corps of Engineers Park upstream to the source: Closed waters.
 - (b) Open year-round from the mouth to the Army Corps of Engineers Park. Limits, size restrictions, and gear restrictions are the same as those in the adjacent portion of the Columbia River.
- (62) **Rock Creek (Skamania County):** From the mouth to the falls at approximately river mile one:
 - (a) Open the Saturday before Memorial Day through March 15.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (63) **Rowland Lake, North (Klickitat County):** Open the fourth Saturday in April through March 31.
- (64) **Salmon Creek (Clark County):** From the mouth to 182nd Avenue Bridge:
 - (a) Open the Saturday before Memorial Day through March 15.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (65) **Salmon Creek (Lewis County):**

- (a) Selective gear rules, except: Use of barbed hooks is allowed.
- (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (c) Salmon:
 - (i) Open August 1 through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook or hatchery coho may be retained.
- (66) **Silver Lake (Cowlitz County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Crappie: Daily limit 10; minimum length 9 inches.
 - (b) Grass carp: No limit and no minimum length.
 - (c) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (d) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (e) Channel catfish: Daily limit 10; no size restriction.
 - (f) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (67) **Silver Creek (tributary to Cowlitz River) (Lewis County):** From the mouth to USFS Road 4778. Selective gear rules.
- (68) **Skamokawa Creek (Wahkiakum County):**
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (d) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (69) **Skate Creek (tributary to Cowlitz River) (Lewis County):** Selective gear rules.
- (70) **Spearfish Lake (Klickitat County):** Open the fourth Saturday in April through March 31.
- (71) **Spirit Lake (Skamania County):** Closed waters.
- (72) **Spring Creek (Klickitat County):** From Hill Road upstream to the Goldendale Hatchery: Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; minimum length 8 inches.
- (73) **Stillwater Creek (Lewis County):**
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through October 31.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (74) **Swift Reservoir (Skamania County):**
 - (a) From dam to posted markers approximately 3/8 mile below Eagle Cliff Bridge:
 - (i) Open the Saturday before Memorial Day through November 30.

- (ii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 10; minimum length 8 inches.
 - (B) Release wild trout.
 - (C) Release all steelhead.
- (iii) Salmon:
 - (A) Open the Saturday before Memorial Day through November 30.
 - (B) Salmon count toward trout daily limit.
 - (C) Minimum length 8 inches.
 - (D) Maximum length 15 inches.
 - (E) No catch record card required.
- (b) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge:
 - (i) Selective gear rules.
 - (ii) Open the Saturday before Memorial Day through July 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 10; minimum length 8 inches.
 - (B) Release wild trout.
 - (C) Release all steelhead.
 - (iv) Salmon:
 - (A) Open the Saturday before Memorial Day through July 15.
 - (B) Landlocked salmon rules.
 - (C) Maximum length 15 inches.
- (75) **Tilton River (Lewis County)**: From the mouth to the West Fork:
 - (a) Within posted "Closed Waters" signs around the adult fish release sites: Closed waters.
 - (b) Anti-snagging rule from September 1 through October 31.
 - (c) Night closure from September 1 through October 31.
 - (d) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout. Open year-round.
 - (e) Salmon:
 - (i) Open year-round.
 - (ii) Daily limit 6; up to 2 may be adults.
 - (iii) Only hatchery coho may be retained.
- (76) **Tilton River, East, North, South and West Forks (Lewis County)**: Selective gear rules.
- (77) **Toutle River (Cowlitz County)**: From the mouth to the forks:
 - (a) Open the Saturday before Memorial Day through March 15.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - Trout: Daily limit 2; minimum length 14 inches.
 - (c) Salmon open August 1 through November 30:
 - (i) Daily limit 6; up to 3 may be adults, of which 1 may be a Chinook.
 - (ii) Only hatchery Chinook and hatchery coho may be retained.
- (78) **Toutle River tributaries (unless otherwise listed) (Cowlitz County)**:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release wild trout.
- (79) **Toutle River, North Fork (Cowlitz County)**:
 - (a) From the mouth to the posted deadline below the fish collection facility:
 - (i) Open the Saturday before Memorial Day through March 15.
 - (ii) September 1 through October 15: Anti-snagging rule and night closure on the North Fork from the confluence with the South Fork to the mouth of Green River.

- (iii) Selective gear rules, except: Use of barbed hooks is allowed the Saturday before Memorial Day through July 31 and December 1 through March 15.
- (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (v) Salmon open August 1 through Nov 30:
- (A) Daily limit 6; up to 3 adults, of which 1 may be a Chinook.
- (B) Only hatchery Chinook and hatchery coho may be retained.
- (b) From the posted deadline downstream of the fish collection facility upstream and tributaries: Closed waters.
- (80) Toutle River, North Fork tributaries from the mouth to the posted deadline below the fish collection facility (unless otherwise listed) (Cowlitz County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (81) Toutle River, South Fork (Cowlitz County):**
- (a) From the mouth to 4700 Road Bridge:
- (i) Open April 16 through the Friday before Memorial Day:
- (A) Selective gear rules, except: Use of barbed hooks is allowed.
- (B) Game fish: Statewide minimum length/daily limit, except:
- (I) Release trout.
- (II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (ii) Open the Saturday before Memorial Day through November 30:
- Game fish: Statewide minimum length/daily limit, except:
- (A) Trout: Daily limit 2; minimum length 14 inches.
- (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iii) Open December 1 through March 15:
- (A) Selective gear rules, except: Use of barbed hooks is allowed.
- (B) Game fish: Statewide minimum length/daily limit, except:
- (I) Trout: Daily limit 2; minimum length 14 inches.
- (II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (C) Salmon:
- (I) Open August 1 through November 30.
- (II) Daily limit 6; up to 2 may be adults.
- (III) Only hatchery Chinook and hatchery coho may be retained.
- (b) From 4700 Road Bridge upstream:
- (i) Open the Saturday before Memorial Day through March 15.
- (ii) From December 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Trout: Daily limit 2; minimum length 14 inches.
- (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon:
- (A) Open August 1 through November 30.
- (B) Daily limit 6; up to 2 may be adults.
- (C) Only hatchery Chinook and hatchery coho may be retained.
- (82) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):**
- (a) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.
- (b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(83) **Walupt Lake (Lewis County):** All inlet streams: Closed waters.

(84) **Washougal River (Clark County):**

(a) From the mouth to the boat ramp at the WDFW county line access site:

(i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.

(ii) Night closure.

(iii) July 1 through October 31: Anti-snagging rule.

(iv) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except: Release all trout.

(v) Open the Saturday before Memorial Day through March 15.

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(vi) March 16 through April 15: Closed.

(vii) Steelhead:

(A) Open April 16 through March 15: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) March 16 through April 15: Closed.

(viii) Salmon:

(A) Open August 1 through December 31.

(B) Daily limit 6; up to 3 adults may be retained, of which 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 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 Coffey Dam:

(i) Anti-snagging rule.

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

- (B) Selective gear rules, except: Use of barbed hooks is allowed.
- (iv) Salmon and steelhead:
 - (A) Open May 1 through June 30.
 - (B) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
 - (e) From 400 feet below the Coffey Dam to 100 feet above the Coffey Dam: Closed waters.
 - (f) From 100 feet above the Coffey Dam to 800 yards downstream from Carson National Fish Hatchery:
 - (i) Anti-snagging rule.
 - (ii) Night closure.
 - (iii) Open September 16 through November 30:
 - (A) Release all fish.
 - (B) Selective gear rules, except: Use of barbed hooks is allowed.
 - (iv) Salmon and steelhead open May 1 through June 30: Daily limit 6; 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 21-14-067 (Order 21-95), § 220-312-030, filed 7/2/21, effective 8/2/21; 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.]

AMENDATORY SECTION (Amending WSR 21-14-067, filed 7/2/21, effective 8/2/21)

- 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.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release 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: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).
- (32) **Cady Lake (Mason County):**
- (a) Fly fishing only.
- (b) Release all fish.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (33) **Cain Lake (Whatcom County):** Open the fourth Saturday in April through October 31.
- (34) **Calligan Lake (King County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (35) **Campbell Creek (Mason County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

- (36) **Campbell Lake (Skagit County):** Grass carp: No daily limit for anglers and bow and arrow fishing allowed.
- (37) **Canyon Creek (Snohomish County) (S.F. Stillaguamish River):**
- (a) From the mouth to the forks (North Fork and South Fork):
 - (i) Open September 16 through January 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (b) From the forks (North Fork and South Fork) upstream: Closed waters.
- (38) **Capitol Lake (Thurston County):** Closed waters.
- (39) **Carbon River (Pierce County):**
- (a) From the mouth to Voight Creek:
 - (i) From September 1 through November 30:
 - (A) Night closure.
 - (B) Anti-snagging rules.
 - (C) Barbless hooks required.
 - (ii) Open September 1 through November 30.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Open December 1 through January 15:
 - (A) Selective gear rules.
 - (B) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (v) Salmon:
 - (A) Open September 1 through November 30.
 - (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 July 1 through July 15: Tuesdays through Saturdays only:

- (A) Anti-snagging rules and night closure.
- (B) Game fish: Statewide minimum length/daily limit, except:
- (I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
- (C) Salmon: Daily limit 4 hatchery Chinook; up to 2 may be adults.
 - (I) Release all other salmon.
 - (II) Minimum length 12 inches.
 - (ii) Open September 16 through October 15: Tuesdays through 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.
 - (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: Release 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.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(55) **Christine, Lake (Mason County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(56) **Church Creek (Mason County)**: From the mouth to the bridge on U.S. Forest Service Road #2361: Closed waters.

(57) **Clarks Creek (Pierce County)**: Closed waters.

(58) **Clear Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(59) **Clear Lake (Pierce County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(60) **Clear Lake (Skagit County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(61) **Clear Lake (Thurston County)**: Open the fourth Saturday in April through October 31.

(62) **Clearwater River (Pierce County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(63) **Clover Creek (Pierce County)**: From the mouth upstream to Steilacoom Lake: Closed waters.

(64) **Cottage Creek South Pond (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(65) **Cottage Lake (King County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(66) **Coulter Creek (Kitsap/Mason counties):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(67) **County Line Ponds (Skagit County):** Closed waters.

(68) **Crabapple Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(69) **Cranberry Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(70) **Cranberry Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(71) **Crescent Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(72) **Crescent Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(73) **Crocker Lake (Jefferson County):** Game fish: Statewide minimum length/daily limit, except: Closed to trout fishing.

(74) **Cushman Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Kokanee: Minimum length 8 inches and maximum length 18 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(75) **Dakota Creek (Whatcom County):** From the mouth to Giles Road Bridge.

(a) Open the Saturday before Memorial Day through December 31.

(b) Selective gear rules.

(76) **De Coursey Pond (Pierce County):** Open the fourth Saturday in April through October 31 to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(77) **Deer Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(78) **Deer Creek (Snohomish/Skagit counties) (Tributary to the N.F. Stillaguamish) and all tributaries:** Closed waters.

(79) **Deer Lake (Island County):** Open the fourth Saturday in April through October 31.

(80) **Deer Lake (Mason County):** Open the fourth Saturday in April through October 31.

(81) **Deschutes River (Thurston County):** From Old Highway 99 Bridge upstream:

(a) Selective gear rules.

(b) Game fish:

(i) Open year-round.

(ii) Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(c) Salmon:

(i) Open year-round.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Release coho.

(82) **Devereaux Lake (Mason County):** Open the fourth Saturday in April through October 31.

(83) **Dewatto River (Mason County):**

(a) From the mouth to Dewatto-Holly Road Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

(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.

(84) **Dogfish Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).

(85) **Don Lake (also known as "Clara Lake") (Mason County):** Open the fourth Saturday in April through October 31.

(86) **Dosewallips River (Jefferson County):**

(a) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(87) **Duckabush River (Jefferson County):**

(a) From the mouth to Mason County PUD #1 overhead distribution line:

- (i) Open the Saturday before Memorial Day through August 31.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (iv) Salmon:
 - (A) Open November 1 through December 15.
 - (B) Daily limit 2 chum only.
- (b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (88) **Echo Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.
- (89) **Eglon Creek (Kitsap County)**:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).
- (90) **Elson Creek (Thurston County)**: Closed waters.
- (91) **Erdman Lake (Mason County)**: Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (92) **Erickson Pond (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (93) **Erickson Reservoir (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:
 - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (94) **Erie Lake (Skagit County)**: Open the fourth Saturday in April through October 31.
- (95) **Fawn Lake (Upper and Lower) (Mason County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(96) **Fazon Lake (Whatcom County)**: It is unlawful to fish from any floating device from the first Friday in October through January 27.

(97) **Finch Creek (Mason County)**: Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA accessible site at the Hoodspout Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.

(98) **Finney Creek (Skagit County)**: From the mouth up to the USFS 17 road bridge: Closed waters.

(99) **Fisher Creek Slough (Skagit County)**: From the mouth to the I-5 Bridge: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(100) **Fortson Mill Pond #1 (Snohomish County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(101) **Fortson Mill Pond #2 (Snohomish County)**:

(a) Open the fourth Saturday in April through October 31 for juvenile anglers only.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(102) **Fulton Creek (Mason County)**: From the mouth to falls at river mile 0.8:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(103) **Geneva Lake (King County)**: Open the fourth Saturday in April through October 31.

(104) **Gibbs Lake (Jefferson County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(105) **Gissberg Pond, North (Snohomish County)**: Open for juvenile anglers only.

(106) **Goat Ranch Pond (Mason County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(107) **Goldsborough Creek and tributaries (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(108) **Goodwin Lake (Snohomish County)**: Chumming is permissible.

(109) **Goss Lake (Island County)**: Open the fourth Saturday in April through October 31.

(110) **Gorst Creek (Kitsap County)**:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).

(111) **Grandy Lake (Skagit County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(112) **Granite Lakes (near Marblemount) (Skagit County)**: Game fish: Statewide minimum length/daily limit, except: Release Grayling.

(113) **Grass Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(114) **Green (Duwamish) River (King County)**:

(a) From an east-west line extending through the southernmost tip of Harbor Island to Tukwila International Boulevard/Old Highway 99:

(i) Open for game fish the Saturday before Memorial Day through July 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; up to 3 may be any combination of adult coho, chum, or adult Chinook. Up to 2 of the daily limit may be Chinook, anglers must keep the first 2 Chinook caught.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6; up to 3 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; up to 3 may be any combination of adult coho and adult chum. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon October 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6; up to 3 adults may be retained. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From Highway 18 Eastbound Bridge to the Auburn-Black Diamond Road Bridge: Closed waters.

(e) From the Auburn-Black Diamond Road Bridge to Tacoma Municipal Watershed Boundary Marker (1.3 miles downstream of Tacoma Headworks Dam):

(i) From 150 feet upstream and 150 feet downstream from a point directly across the river from the mouth of Keta Creek (Crisp) including both banks of the river: Closed waters.

(ii) Open for game fish the Saturday before Memorial Day through September 15.

(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.

(115) **Greenwater River (King County)**: From the mouth to Greenwater Lakes:

(a) Open December 1 through last day in February for whitefish only.

(b) Whitefish gear rules.

(116) **Grovers Creek (Kitsap County)**:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).

(117) **Hamma Hamma River (Mason County)**: From the mouth to 400 feet below the falls:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(118) **Hancock Lake (King County)**: It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(119) **Harvey Creek (Snohomish County)**: Closed waters.

(120) **Haven Lake (Mason County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(121) **Heart Lake (near Anacortes) (Skagit County)**: Open the fourth Saturday in April through October 31.

(122) **Heins Lake (Kitsap County)**: Closed waters.

(123) **Hicks Lake (Thurston County)**: Open the fourth Saturday in April through October 31.

(124) **Horseshoe Lake (Jefferson County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(125) **Horseshoe Lake (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(126) **Horseshoe Lake (Kitsap County)**: Open the fourth Saturday in April through October 31.

(127) **Howard Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

(128) **Howell Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(129) **Hozomeen Lake (Whatcom County)**: It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(130) **Illahee Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).

(131) **Isabella Lake (Mason County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(132) **Issaquah Creek (King County)**: Open the Saturday before Memorial Day through August 31.

(133) **Jackson Lake (Pierce County)**: Open the fourth Saturday in April through October 31.

(134) **Jennings Park Pond (Snohomish County)**: Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

(135) **Jimmy-come-lately Creek (Clallam County)**: From the mouth to the confluence with East Fork. Open the Saturday before Memorial Day through August 31.

(136) **Johns Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(137) **Joy, Lake (King County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(138) **Kapowsin, Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(139) **Keefe Lake (Whatcom County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(140) **Kendall Creek (Whatcom County) (N.F. Nooksack tributary):** From the mouth through the hatchery to the hatchery boundary fence: Closed waters.(141) **Kennedy Creek (Mason County):**

(a) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon: Closed.

(b) From Highway 101 Bridge upstream:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(142) **Ki Lake (Snohomish County):** Open the fourth Saturday in April through October 31.(143) **Kings Lake Bog (King County):** Closed waters.(144) **Kitsap Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).

(145) **Kitsap Lake (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(146) **Koeneman Lake (Fern Lake) (Kitsap County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Release all fish.

(147) **Langlois Lake (King County)**: Open the fourth Saturday in April through October 31.

(148) **Larsen Lake (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(149) **LeBar Creek (Mason County)**: From the mouth to the falls at river mile 1: Closed waters.

(150) **Lilliwaup River (Mason County)**: From the mouth to 200 feet below the falls:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(151) **Limerick Lake (Mason County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(152) **Little Menzel Lake (Snohomish County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(153) **Little Quilcene River (Jefferson County)**: From the mouth to the Little Quilcene River Bridge on Penny Creek Road:

(a) From the mouth to the Highway 101 Bridge: Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(154) **Little Scandia Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).

(155) **Lois Lakes (Thurston County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(156) **Lone Lake (Island County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Grass carp: No limit for anglers and bow and arrow fishing.

(157) **Long Lake (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(158) **Long's Pond (Thurston County)**: Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card only.

(159) **Maggie Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(160) **Malaney Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(161) **Margaret Lake (King County)**: Open the fourth Saturday in April through October 31.

(162) **Martha Lake (Alderwood Manor) (Snohomish County)**: Open the fourth Saturday in April through October 31.

(163) **Martha Lake (Warm Beach) (Snohomish County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(164) **Mashel River (Pierce County)**: Closed waters.

(165) **Mason Lake (Mason County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(166) **McAllister Creek (Thurston County)**:

(a) Open the Saturday before Memorial Day through November 15.

(b) Game fish: Statewide minimum length/daily limit, except: Release 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.

(167) **McLane Creek (Thurston County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(c) Night closure.

(168) **McMurray Lake (Skagit County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(c) Landlocked salmon rules.

(169) **Melbourne Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(170) **Mill Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: (~~(Trout: Daily limit 2; minimum length 14 inches.)~~) Release cutthroat trout and wild rainbow trout.

(171) **Mill Pond (Auburn) (King County)**: Open for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(172) **Millers Pond (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(173) **Minter Creek (Pierce/Kitsap counties):** From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

(a) Open for salmon September 1 through December 31.

(b) Night closure.

(c) Anti-snagging rule.

(d) Daily limit 6; up to 4 may be adults, of which only 2 may be coho or Chinook. Release wild coho.

(e) Game fish: Closed.

(174) **Mission Lake (Kitsap County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(175) **Mission Lower Pond (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(176) **Monte Cristo Lake (Snohomish County):**

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) Release all fish except hatchery steelhead.

(177) **Muck Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(178) **Mud Lake (Mason County):** Open the fourth Saturday in April through October 31.

(179) **Munn Lake (Thurston County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

(180) **Nisqually River (Pierce County):**

(a) From the mouth to Military Tank Crossing Bridge:

(i) Anti-snagging rules.

(ii) Night closure.

(iii) Barbless hooks are required.

(iv) Open July 1 through November 15. 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.

(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.

(181) Nisqually River tributaries downstream of Alder Dam not otherwise listed (Pierce County):

(a) Open July 1 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(182) Nooksack River (Whatcom County):

(a) From the Lummi Indian Reservation boundary to the 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 December 31:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open August 1 through 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 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.

(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 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 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.
- (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.
- (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.
- (186) **North Lake (King County)**: Open the fourth Saturday in April through October 31.
- (187) **Northern State Hospital Pond (Skagit County)**: Open for juvenile anglers only.
- (188) **Ohop Lake (Pierce County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (189) **Olalla Creek (Kitsap County)**:
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).
- (190) **Old Fishing Hole Pond (Kent, King County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card.
- (191) **Osborne Lake (Mason County)**: Open the fourth Saturday in April through October 31.
- (192) **Padden Lake (Whatcom County)**: Open the fourth Saturday in April through October 31.
- (193) **Panther Lake (Kitsap/Mason counties)**: Open the fourth Saturday in April through October 31.
- (194) **Panther Lake (Snohomish County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (195) **Pass Lake (Skagit County)**:
- (a) Fly fishing only.
- (b) All motors prohibited.
- (c) Game fish: Statewide minimum length/daily limit, except: Release all trout.
- (196) **Perry Creek (Thurston County)**: From the mouth to the falls:
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (197) **Phillips Lake (Mason County)**: Open the fourth Saturday in April through October 31.
- (198) **Pilchuck Creek (Snohomish County)**:
- (a) From the mouth to the Highway 9 Bridge:
- (i) Open September 16 through January 31.
- (ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the Highway 9 Bridge to Pilchuck Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From the Saturday before Memorial Day through November 30; selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(199) **Pilchuck River (Snohomish County):**

(a) From the mouth to 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.

(200) **Pine Lake (King County):** Open the fourth Saturday in April through October 31.

(201) **Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County):** Closed waters.

(202) **Pipers Creek (King County) and tributaries:** Closed waters.

(203) **Portage Creek (Snohomish County):** Closed waters.

(204) **Prices Lake (Mason County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

(205) **Puyallup River (Pierce County):**

(a) From the 11th Street Bridge to 400 feet downstream of Clarks Creek:

(i) From August 16 through 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 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) Game fish: Open August 16 through November 30: 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 2 may be coho or Chinook.
 - (B) Release chum and wild Chinook.
 - (d) From East Main Bridge to Carbon River:
 - (i) August 16 through November 30:
 - (A) Anti-snagging rules.
 - (B) Night closure.
 - (C) Barbless hooks are required.
 - (ii) Game fish:
 - (A) Open August 16 through November 30.
 - (B) Statewide minimum length/daily limit except: Release cutthroat trout and wild rainbow trout.
 - (iii) Salmon:
 - (A) Open August 16 through November 30.
 - (B) Daily limit 6; up to 4 may be adults, of which only 2 may be coho or Chinook.
 - (C) Release chum and wild Chinook.
 - (e) From Carbon River upstream:
 - (i) Open the Saturday before Memorial Day through January 15.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (206) **Raging River (King County)**: From the mouth to the Highway 18 Bridge:
 - (a) Open the Saturday before Memorial Day through January 31.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (207) **Rapjohn Lake (Pierce County)**: Open the fourth Saturday in April through October 31.
- (208) **Rattlesnake Lake (King County)**:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (209) **Ravensdale Lake (King County)**:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iv) Channel catfish: Daily limit 10; no size restriction.
 - (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (210) **Riley Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.
- (211) **Robbins Lake (Mason County)**: Open the fourth Saturday in April through October 31.
- (212) **Rocky Creek (Mason County)**:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat and wild rainbow trout.

(213) **Roesiger Lake (Snohomish County):** Game fish: statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(214) **Ross Lake (Reservoir) (Whatcom County):**

(a) Open July 1 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout except eastern brook trout: Daily limit 1; minimum length 16 inches.

(ii) Eastern brook trout: Daily limit 5; no minimum size.

(215) **Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):**

(a) From mouth to one mile upstream: Closed waters.

(b) From one mile above the mouths to the headwaters: Open July 1 through October 31.

(216) **Ruby Creek (Whatcom County):** Closed waters.

(217) **Ruby Creek tributaries (Whatcom County):** Open July 1 through October 31.

(218) **Salmon Creek and all forks (Jefferson/Clallam counties):** Closed waters.

(219) **Salmonberry Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).

(220) **Samish Lake (Whatcom County):** Game fish: Statewide minimum length/daily limit, except:

(a) Cutthroat trout: Daily limit 2; minimum length 14 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(221) **Samish River (Skagit County):**

(a) From the mouth to the Thomas Road Bridge:

(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) Salmon:

(A) Open August 1 through September 13.

(B) Daily limit 2; anglers may only retain fish hooked inside the mouth.

(C) Release chum, pink, 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.
- (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.
- (222) **Sammamish Lake (King County):**
 - (a) Closed waters within 100 yards of the mouth of Issaquah Creek August 16 through November 30.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release all kokanee.
 - (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iv) Channel catfish: Daily limit 10; no size restriction.
 - (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
 - (c) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.
 - (d) Landlocked salmon rules apply for December 1 through May 31. Hatchery coho only may be retained as part of the trout daily limit under the landlocked salmon rules, minimum length 12 inches.
 - (e) Salmon: Closed.
- (223) **Sammamish River (Slough) (King County):** From the 68th Avenue N.E. Bridge to Lake Sammamish:
 - (a) Open from January 1 through August 31.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (224) **Sandyshore Lake (Jefferson County):** Open the fourth Saturday in April through October 31.
- (225) **Sauk River (Skagit/Snohomish counties):**
 - (a) Selective gear rules.
 - (b) Release all fish except hatchery steelhead.
 - (c) From the mouth to Darrington Bridge:
 - (i) Open June 1 through January 31.
 - (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (d) From Darrington Bridge to the mouth of the White Chuck River: Open June 1 through January 31.
 - (e) From the Whitechuck River to the headwaters, including the North Fork from mouth to North Forks Falls and the South Fork from mouth to Elliot Creek: Open June 1 through October 31.
 - (f) In the South Fork upstream from Elliot Creek: Open June 1 through August 31.
- (226) **Sawyer Lake (King County):**

- (a) Chumming is permissible.
- (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iii) Channel catfish: Daily limit 10; no size restriction.
 - (iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (227) **Schneider Creek (Thurston County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (228) **Serene Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (229) **Shady Lake (King County):** Open the fourth Saturday in April through October 31.
- (230) **Shannon, Lake (Skagit County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Chumming is permissible.
 - (c) Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches.
- (231) **Shelton Creek (Mason County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (232) **Sherwood Creek (Mason County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (233) **Sherwood Creek Mill Pond (Mason County):** Game fish: Statewide minimum length/daily limit, except:
 - (a) Trout: Daily limit 2; minimum length 14 inches.
 - (b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (d) Channel catfish: Daily limit 10; no size restriction.
 - (e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (234) **Shoe Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (235) **Silent Lake (Jefferson County):** Open the fourth Saturday in April through October 31.
- (236) **Silver Lake (Pierce County):** Open the fourth Saturday in April through October 31.
- (237) **Silver Lake (Whatcom County):** Open the fourth Saturday in April through October 31.
- (238) **Sixteen Lake (Skagit County):** Open the fourth Saturday in April through October 31.
- (239) **Skagit River (Skagit/Whatcom counties):**
 - (a) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):
 - (i) Open March 1 through January 31.
 - (ii) March 1 through August 13:

(A) Selective gear rule except anglers fishing for sturgeon must use bait.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iii) August 14 through October 15: Night closure.

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(vi) Salmon:

(A) Open August 14 through August 31: Daily limit 4 pink salmon only. Release all other salmon.

(B) Open September 1 through October 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) up-stream to Gilligan Creek:

(i) Open June 1 through January 31.

(ii) August 14 through October 15: Night closure.

(iii) June 1 through August 13:

(A) Selective gear rules except for sturgeon.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(vi) Salmon:

(A) Open August 14 through August 31: Daily limit 4 pink salmon only. Release all other salmon.

(B) Open September 1 through October 15:

(I) Daily limit 2 salmon, plus 2 additional pink salmon.

(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.

(iii) June 1 through October 15: Night closure.

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(vi) Salmon: Open September 1 through October 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) Selective gear rules.
- (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.
- (vi) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.
- (vii) Salmon: Open September 1 through October 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 July 1 through July 15: Daily limit 4 hatchery Chinook only; up to 2 may be adults.
 - (B) Open September 1 through October 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.
- (240) **Skokomish River (Mason County)**:
 - (a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed waters.
 - (b) From the city of Tacoma PUD overhead distribution lines to the Bonneville Transmission lines west of Highway 101: Closed waters.
 - (c) From the Bonneville Transmission lines west of Highway 101 to the forks:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.
- (241) **Skokomish River, North Fork (Mason County)**:
 - (a) From the mouth to the lower dam:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.
 - (b) Above Lake Cushman, from the mouth to Olympic National Park boundary:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Release all fish.
- (242) **Skokomish River, South Fork (Mason County)**:
 - (a) From the mouth to the mouth of LeBar Creek:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(b) From LeBar Creek to Rule Creek: Closed waters.

(243) **Skookum Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(244) **Skykomish River (Snohomish County):**

(a) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the mouth of Wallace River:

(i) Open the Saturday before Memorial Day 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.

(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.

(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.

(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.

(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.
- (249) **South Prairie Creek (Pierce County)**: From the mouth to the city of Buckley diversion dam: Closed waters.
- (250) **Spada Lake (Reservoir) (Snohomish County)**:
- (a) Open the fourth Saturday in April through October 31.
 - (b) Selective gear rules.
 - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; maximum length 12 inches.
- (251) **Spada Lake (Reservoir) tributaries (Snohomish County)**: Closed waters.
- (252) **Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County)**: Open year-round.
- (253) **Sprague Pond (Kitsap County)**: Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (c) Channel catfish: Daily limit 10; no size restriction.
 - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (254) **Squalicum Lake (Whatcom County)**:
- (a) Fly fishing only.
 - (b) All motors prohibited.
 - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (255) **Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary)**:
- (a) Open 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.
- (256) **Steel Lake (King County)**: Open the fourth Saturday in April through October 31.
- (257) **Stetattle Creek (Whatcom County)**: From the mouth to Bucket Creek: Closed waters.
- (258) **Stevens, Lake (Snohomish County)**:
- (a) Chumming is permissible.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
 - (ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
 - (iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(259) **Steilacoom Lake (Pierce County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(260) **Steves Lake (Stevens Lake) (Mason County)**: Open the fourth Saturday in April through October 31.

(261) **Stickney Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

(262) **Stillaguamish River (Snohomish County)**:

(a) From the mouth to Marine Drive, including all sloughs:

(i) Open year-round.

(ii) Night closure.

(iii) From August 1 through November 30: Anti-snagging rules, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed waters.

(ii) Open September 16 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: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Closed.

(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: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) From September 16 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(ii) Open September 16 through November 30:

(A) Fly fishing only.

(B) Release all fish except hatchery steelhead.

(iii) Open from December 1 through February 15. Game fish: 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.

(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.

(265) **Stitch Lake (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(266) **Storm Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(267) **Suiattle River (Skagit/Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of trout limit.

(268) **Sultan River (Snohomish County):** From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:

(a) Open the Saturday before Memorial Day through January 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(269) **Sultan River; North Fork (Snohomish County):** Closed waters.

(270) **Sultan River; South Fork (Snohomish County):** Closed waters.

(271) **Summit Lake (Thurston County):** Open the fourth Saturday in April through October 31.

(272) **Sunset Lake (Whatcom County):** Game fish: Statewide minimum length/daily limit, except:

- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (273) **Susan Lake (Thurston County):**
- (a) Selective gear rules.
- (b) Release all fish.
- (274) **Swan's Mill Pond (Stossel Creek) (King County):** Open the Saturday before Memorial Day through October 31.
- (275) **Symington Lake (Kitsap County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except:
- (i) Release cutthroat trout and wild rainbow trout.
- (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (iv) Channel catfish: Daily limit 10; no size restriction.
- (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (276) **Tahuya Lake (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
- (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
- (c) Channel catfish: Daily limit 10; no size restriction.
- (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (277) **Tahuya River (Mason County):**
- (a) From the mouth to the Belfair Tahuya Road Bridge:
- (i) Open the Saturday before Memorial Day through August 15.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (b) From the Belfair Tahuya Road Bridge upstream:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (278) **Tanwax Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.
- (279) **Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within 400 feet of the screen at Dingle Basin:** Open year-round.
- (280) **Tarboo Creek (Jefferson County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (281) **Tarboo Lake (Jefferson County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(282) Teal Lake (Jefferson County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(283) Tenas Lake (Mason County): Open the fourth Saturday in April through October 31.

(284) Tennant Lake (Whatcom County): It is unlawful to fish from any floating device from the first Friday in October through January 27.

(285) Terrell, Lake (Whatcom County): It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.

(286) Thornton Creek (Whatcom County): Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

(287) Thornton Lake, lower (Whatcom County): Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

(288) Tiger Lake (Kitsap/Mason counties): Open the fourth Saturday in April through October 31.

(289) Toad Lake (Whatcom County): Open the fourth Saturday in April through October 31.

(290) Tokul Creek (King County) (Snoqualmie River tributary):

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted boundary marker located downstream of the diversion dam:

(i) Open January 15 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the posted boundary marker downstream of the diversion dam to Tokul Road S.E.: Closed waters.

(291) Tolt River (King County):

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the USGS trolley cable just below the confluence of the North Fork and South Forks to the forks: Closed waters.

(292) Tolt River, North Fork (King County):

(a) From the mouth upstream to the falls approximately 1/3 miles above the Northeast North Fork Road Bridge (Pipeline Bridge): Closed waters.

(b) From the falls approximately 1/3 mile above the Northeast North Fork Road Bridge (Pipeline Bridge) upstream, including all tributaries:

(i) Selective gear rules.

(ii) Release all fish.

(293) **Tolt River, South Fork (King County)**: From the mouth upstream to the dam: Closed waters.

(294) **U Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(295) **Uncle John Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(296) **Union River (Mason County)**:

(a) From the mouth to the lower bridge on Old Belfair Highway:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the lower bridge on Old Belfair Highway upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(297) **Vogler Lake (Skagit County)**:

(a) Fly fishing only.

(b) Release all fish.

(298) **Voight Creek (Pierce County)**: From the mouth to the Highway 162 Bridge: Closed waters.

(299) **Wagners Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

(300) **Walker Lake (King County)**: Open the fourth Saturday in April through October 31.

(301) **Wallace River (Snohomish County)**:

(a) From the mouth to 363rd Ave. S.E./Reece Rd:

(i) Open from the Saturday before Memorial Day 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 October 1 through November 30.

(B) Daily limit 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 October 1 through November 30.

(B) Daily limit 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.

(302) **Walsh Lake (King County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(303) **Wapato Lake (Pierce County)**: Open to juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

(304) **Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream and Mercer slough (King County)**:

(a) Open year-round.

(b) Chumming is permissible.

(c) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except:

(i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(d) December 1 through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.

(ii) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(v) Channel catfish: Daily limit 10; no size restriction.

(vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(e) March 1 through June 30: Game fish: Statewide minimum length/daily limit, except:

(i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(ii) Trout: Minimum length 12 inches.

(iii) Release steelhead and rainbow trout over 20 inches in length.

(iv) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(v) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(vi) Channel catfish: Daily limit 10; no size restriction.

(vii) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(f) Salmon: Closed.

(305) Washington Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):

(a) East of the Fremont Bridge: Chumming is permissible.

(b) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

(c) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(C) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Channel catfish: Daily limit 10; no size restriction.

(E) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(ii) From December 1 through the last day in February: Game fish: Statewide minimum length/daily limit, except:

(A) Release steelhead and rainbow trout over 20 inches in length.

(B) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(C) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(D) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(E) Channel catfish: Daily limit 10; no size restriction.

(F) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(iii) March 1 through June 30: Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Trout: Minimum length 12 inches.

(C) Release steelhead and rainbow trout over 20 inches in length.

(D) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(E) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(F) Channel catfish: Daily limit 10; no size restriction.

(G) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(306) Whatcom Creek (Whatcom County):

(a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:

(i) Open the Saturday before Memorial Day through July 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Anglers fishing lawfully within 50 yards of the Bellingham Technical College Hatchery Collection Tube and on the hatchery side of the creek that hook and land chum salmon may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

(b) From the markers below the footbridge below Dupont Street in Bellingham to the footbridge below Dupont Street: Closed waters.

(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.

(307) Whatcom, Lake (Whatcom County):

(a) The waters between the Electric Avenue Bridge and the outlet dam: Closed waters.

(b) Open the fourth Saturday in April through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release all cutthroat trout.

(308) Whatcom, Lake, tributaries (Whatcom County): Closed waters.

(309) White (Stuck) River (Pierce County):

(a) From October 1 through October 31:

(i) Night closure.

(ii) Selective gear rules.

(b) Release all fish.

(c) Cascade Water Alliance canal, including the screen bypass channel above the screen at Dingle Basin: Closed waters.

(d) Whitefish: Open December 1 through the last day in February: Whitefish gear rules.

(310) White Chuck River (Snohomish County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(311) Wildcat Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).(312) **Wildcat Lake (Kitsap County):** Open the fourth Saturday in April through October 31.**(313) Wilderness Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules.

(314) **Wilkeson Creek (Pierce County) (South Prairie Creek tributary):** From the mouth to the confluence with Gale Creek: Closed waters.**(315) Woodard Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(316) **Wood Lake (Mason County):** Open the fourth Saturday in April through October 31.**(317) Woodland Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout (~~(: Minimum length 14 inches)~~).(318) **Woodland Farm Reservoir (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(319) **Wooten Lake (Mason County):** Open the fourth Saturday in April through October 31.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 21-14-067 (Order 21-95), § 220-312-040, filed 7/2/21, effective 8/2/21; 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.]

AMENDATORY SECTION (Amending WSR 21-14-067, filed 7/2/21, effective 8/2/21)

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)) **(28) Black Canyon Creek (tributary to Methow River) (Okanogan County)**: Closed waters.~~

~~((30)) **(29) Black Lake (Chelan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

~~((31)) **(30) Black Lake (Okanogan County)**: Selective gear rules.~~

~~((32)) **(31) Black Lake (Stevens County)**: Open the fourth Saturday in April through October 31.~~

~~((33)) **(32) Blue Lake (Columbia County)**: It is unlawful to fish from any floating device.~~

~~((34)) **(33) Blue Lake (Grant County)**: Open the fourth Saturday in April through September 30.~~

~~((35)) **(34) Blue Lake (near Sinlahekin) (Okanogan County)**:~~

~~(a) Open the fourth Saturday in April through October 31.~~

~~(b) Selective gear rules.~~

~~(c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.~~

~~(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(e) Game fish: Statewide minimum length/daily limit, except:~~

~~Trout: Daily limit 1; minimum length 18 inches.~~

~~((36)) **(35) Blue Lake (near Wannacut Lake) (Okanogan County)**:~~

~~(a) Open the fourth Saturday in April through October 31.~~

~~(b) Selective gear rules.~~

~~(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

(d) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1, minimum length 18 inches.

~~((37))~~ (36) **Bobcat Creek and Ponds (Adams County)**: Open the fourth Saturday in April through September 30.

~~((38))~~ (37) **Bonaparte Creek (Okanogan County)**: From the mouth to the falls approximately river mile 1.0: Closed waters.

~~((39))~~ (38) **Bonaparte Lake (Okanogan County)**:

(a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(b) Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.

~~((40))~~ (39) **Boulder Creek and tributaries (Okanogan County)**:
From the mouth to the barrier falls at river mile 1.0: Closed waters.

~~((41))~~ (40) **Box Canyon Creek and tributaries (Kittitas County)**:
From mouth (Kachess Reservoir) upstream approximately 2 miles to the 20 foot high waterfall, including that portion of the creek that flows through the dry lake bed: Closed waters.

~~((42))~~ (41) **Browns Lake (Pend Oreille County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

~~((43))~~ (42) **Bumping Lake (Reservoir) (Yakima County)**: Chumming is permissible.

~~((44))~~ (43) **Buckskin Creek and tributaries (Yakima County)**:
From the mouth to the west boundary of Suntides Golf Course: Closed waters.

~~((45))~~ (44) **Bumping River (Yakima County)**:

(a) It is permissible to fish up to the base of Bumping Dam.

(b) From the mouth to Bumping Reservoir; selective gear rules.

~~((46))~~ (45) **Burke Lake (Grant County)**: Open March 1 through September 30.

~~((47))~~ (46) **Buttermilk Creek (tributary to Twisp River) (Okanogan County), including tributaries**:

(a) Open the Saturday before Memorial Day through August 15.

(b) Release all fish.

(c) Selective gear rules.

~~((48))~~ (47) **Buzzard Lake (Okanogan County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.

~~((49))~~ (48) **Caldwell Lake (Pend Oreille County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.

~~((50))~~ (49) **Caliche Lakes, Upper (Grant County)**: Open March 1 through September 30.

~~((51))~~ (50) **Calispell Creek (Calispell River) (Pend Oreille County)**: From the mouth to Calispell Lake: Open year-round.

~~((52))~~ (51) **Campbell Lake (Okanogan County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 2; minimum length 14 inches.

~~((+53+))~~ (52) **Carl's Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

~~((+54+))~~ (53) **Cascade Lake (Grant County)**: Open March 1 through September 30.

~~((+55+))~~ (54) **Cattail Lake (Grant County)**: Open the fourth Saturday in April through September 30.

~~((+56+))~~ (55) **Cedar Creek (tributary to Early Winters Creek) (Okanogan County)**:

(a) From the mouth to Cedar Falls:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) From Cedar Falls upstream including tributaries: Selective gear rules.

~~((+57+))~~ (56) **Cedar Lake (Stevens County)**: Open the fourth Saturday in April through October 31.

~~((+58+))~~ (57) **Chain Lake (Pend Oreille County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Release kokanee.

~~((+59+))~~ (58) **Chapman Lake (Spokane County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

~~((+60+))~~ (59) **Chelan Hatchery Creek (Chelan County)**: Closed waters.

~~((+61+))~~ (60) **Chelan Lake (Chelan County)**:

(a) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild cutthroat trout.

(ii) Lake trout: No limit and no size restriction.

(b) Salmon: Daily limit 1; minimum length 15 inches.

(c) No catch record card required.

~~((+62+))~~ (61) **Chelan Lake tributaries (Chelan County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.

~~((+63+))~~ (62) **Chelan River (Chelan County)**: From the railroad bridge to the Chelan PUD safety barrier below the power house:

(a) Salmon: Open July 16 through October 15:

(i) Daily limit 6; up to 2 may be adult hatchery Chinook. Release sockeye, coho, and wild adult Chinook.

(ii) July 16 through October 15: Anti-snagging rule and night closure.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release trout.

(ii) Steelhead: Closed to fishing.

(c) From the Chelan PUD safety barrier below the power house upstream to Chelan Lake: Closed waters.

~~((+64+))~~ (63) **Chewuch River (Okanogan County)**:

(a) From the mouth to Eight Mile Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) From the mouth to Pasayten Wilderness boundary falls: Whitefish:

- (i) Open December 1 through the last day in February for whitefish only.
- (ii) Whitefish gear rules.
- ~~((+65+))~~ **(64) Chiwaukum Creek (Chelan County):**
- (a) From the mouth to Fool Hen Creek, including Fool Hen Creek and tributaries: Closed waters.
- (b) From Fool Hen Creek upstream and tributaries: Selective gear rules.
- ~~((+66+))~~ **(65) Chiwawa River (Chelan County):**
- (a) From the mouth to Buck Creek and tributaries not including Buck Creek: Closed waters.
- (b) From Buck Creek upstream and tributaries (including Buck Creek): Selective gear rules.
- ~~((+67+))~~ **(66) Chopaka Lake (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Fly fishing only.
- (c) It is unlawful to fish from a floating device equipped with a motor.
- (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- ~~((+68+))~~ **(67) Chumstick Creek (Chelan County):** Closed waters.
- ~~((+69+))~~ **(68) Clear Lake (Chelan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ~~((+70+))~~ **(69) Clear Lake (Spokane County):** Open the fourth Saturday in April through October 31.
- ~~((+71+))~~ **(70) Cle Elum Lake (Reservoir) (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 9 inches and maximum length 15 inches.
- ~~((+72+))~~ **(71) Cle Elum River (Kittitas County):**
- (a) From the mouth to Cle Elum Dam:
- (i) Open year-round.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release rainbow trout and cutthroat trout.
- (iv) It is permissible to fish up to the base of Cle Elum Dam.
- (v) Whitefish:
- (A) Open December 1 through last day in February for whitefish only.
- (B) Whitefish gear rules.
- (b) From above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules.
- ~~((+73+))~~ **(72) Cliff Lake (Grant County):** Open March 1 through September 30.
- ~~((+74+))~~ **(73) Coffee Pot Lake (Lincoln County):**
- (a) Open March 1 through September 30.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 1; minimum length 18 inches.
- (ii) Crappie: Daily limit 10; minimum length 9 inches.
- ~~((+75+))~~ **(74) Columbia Basin Hatchery Creek (Grant County):**
- (a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.
- (b) Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

- ((+76+)) (75) **Columbia Park Pond (Benton County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- ((+77+)) (76) **Colville River (Stevens County)**: From the mouth to bridge at the town of Valley including Meyers Falls Reservoir: Open year-round.
- ((+78+)) (77) **Conconully Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.
- ((+79+)) (78) **Conconully Reservoir (Okanogan County)**: Open the fourth Saturday in April through October 31.
- ((+80+)) (79) **Conger Pond (Pend Oreille County)**: Open the fourth Saturday in April through October 31.
- ((+81+)) (80) **Conner Lake (Okanogan County)**:
 (a) Open the fourth Saturday in April through October 31.
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ((+82+)) (81) **Cooper River (Kittitas County)**: From the mouth to Cooper Lake: Selective gear rules.
- ((+83+)) (82) **Coot Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- ((+84+)) (83) **Corral Creek (Benton County)**: Selective gear rules.
- ((+85+)) (84) **Cougar Lake (Pasayten Wilderness) (Okanogan County)**: Selective gear rules.
- ((+86+)) (85) **Cougar Lake (near Winthrop) (Okanogan County)**:
 (a) Selective gear rules.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- ((+87+)) (86) **Cowiche Creek (Yakima County)**: Selective gear rules.
- ((+88+)) (87) **Coyote Creek and Ponds (Adams County)**: Open the fourth Saturday in April through September 30.
- ((+89+)) (88) **Crab Creek (Adams/Grant/Lincoln counties)**:
 (a) From the mouth to Morgan Lake Road: Open the Saturday before Memorial Day through September 30.
 (b) From Morgan Lake Road to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.
 (c) From the confluence of the Moses Lake outlets to Sand Dunes Road including tributaries:
 (i) Open year-round.
 (ii) Statewide lake rules apply to all species, except:
 (A) Crappie: Minimum length 9 inches.
 (B) Crappie and bluegill: Combined limit of 25 fish.
 (C) Yellow perch: Daily limit 25 fish.
 (d) From the fountain buoy and shoreline markers of 150 feet down stream of the Alder Street fill to Grant County Road 7 NE:
 (i) Open year-round.
 (ii) Statewide lake rules apply to all species, except:
 (A) Crappie: Daily limit 10; minimum length 9 inches.
 (B) Bluegill: Daily limit 5; minimum length 8 inches.
 (C) Yellow perch: Daily limit 25.
 (e) From Grant County Road 7 NE upstream (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.
- ((+90+)) (89) **Crawfish Lake (Okanogan County)**:
 (a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((91))~~ (90) **Crescent Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

~~((92))~~ (91) **Crystal Lake (Grant County)**: Open March 1 through September 30.

~~((93))~~ (92) **Cub Creek (tributary to Chewuch River) (Okanogan County)**: From mouth upstream to West Chewuch Road Bridge: Closed waters.

~~((94))~~ (93) **Cup Lake (Grant County)**: Open March 1 through September 30.

~~((95))~~ (94) **Curl Lake (Columbia County)**:

(a) Open the Saturday before Memorial Day through October 31.

(b) It is unlawful to fish from any floating device.

~~((96))~~ (95) **Davis Lake (Ferry County)**: Open the fourth Saturday in April through October 31.

~~((97))~~ (96) **Davis Lake (Okanogan County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((98))~~ (97) **Dayton Pond (Columbia County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((99))~~ (98) **Deadman Lake (Adams County)**: Open the fourth Saturday in April through September 30.

~~((100))~~ (99) **Deep Creek (tributary to Bumping Lake) (Yakima County)**: From the mouth to the waterfall approximately 0.33 mile above the second bridge crossing on USFS Road 1808 (approximately 3.7 miles from the junction of USFS Roads 1800 and 1808): Closed waters.

~~((101))~~ (100) **Deep Lake (Grant County)**: Open the fourth Saturday in April through September 30.

~~((102))~~ (101) **Deep Lake (Stevens County)**: Open the fourth Saturday in April through October 31.

~~((103))~~ (102) **Deer Lake (Columbia County)**:

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

~~((104))~~ (103) **Deer (Deer Springs) Lake (Lincoln County)**: Open the fourth Saturday in April through September 30.

~~((105))~~ (104) **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))~~ (105) **Delaney Springs (Grant County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((107))~~ (106) **De Roux Creek (Kittitas County)**: From the mouth to the USFS trail 1392 (De Roux Creek Trail) stream crossing (approximately 1 river mile): Closed waters.

~~((108))~~ (107) **Dog Creek (tributary to Chewuch) (Okanogan County)**: From mouth upstream to falls approximately 1.5 miles: Closed waters.

~~((109))~~ (108) **Domerie Creek (Kittitas County)**: Selective gear rules.

~~((110))~~ (109) **Downs Lake (Lincoln/Spokane counties):**

(a) Open March 1 through September 30.

(b) Game fish: Statewide minimum length/daily limit, except:

Crappie: Daily limit 10; minimum length 9 inches.

~~((111))~~ (110) **Dry Falls Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

~~((112))~~ (111) **Dune Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

~~((113))~~ (112) **Dusty Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

~~((114))~~ (113) **Eagle Creek (tributary to Twisp River) (Okanogan****County):** From mouth upstream to the falls approximately 0.5 miles:
Closed waters.~~((115))~~ (114) **Early Winters Creek (tributary to Methow River) (Okanogan County):**

(a) From the mouth upstream to Forest Road 300: Closed waters.

(b) From Forest Road 300 upstream; including tributaries except Cedar Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

~~((116))~~ (115) **Eightmile Creek (tributary to Chewuch River)****(Okanogan County):** From the mouth upstream to Forest Road 5130 Bridge:
Closed waters.~~((117))~~ (116) **Elbow Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.~~((118))~~ (117) **Ell Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((119))~~ (118) **Eloika Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.~~((120))~~ (119) **Empire Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.~~((121))~~ (120) **Entiat River (Chelan County):**

(a) From mouth (railroad bridge) to the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery):

- (i) Salmon: Open from July 16 through September 30:
 - (A) Daily limit 6 Chinook salmon. Release all other salmon.
 - (B) Night closure.
- (ii) Open December 1 through the last day in February for whitefish only.
 - (iii) Whitefish gear rules.
- (b) From the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery) to Entiat Falls:
 - (i) Whitefish:
 - (ii) Open December 1 through the last day in February for whitefish only.
 - (iii) Whitefish gear rules.
 - (c) Entiat River and all tributaries above Entiat Falls: Selective gear rules.
 - ((+122+)) (121) Ephrata Lake (Grant County): Closed waters.
 - ((+123+)) (122) Esquatzel Coulee (Franklin County): Open year-round.
 - ((+124+)) (123) Esquatzel Coulee, West Branch (Franklin County): Open year-round.
 - ((+125+)) (124) Falls Creek (tributary to Chewuch River) (Okanogan County): From mouth upstream to the falls approximately .15 miles: Closed waters.
 - ((+126+)) (125) Fan Lake (Pend Oreille County):
 - (a) Open the fourth Saturday in April through September 30.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - ((+127+)) (126) Ferry Lake (Ferry County): It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
 - ((+128+)) (127) Fiorito Lakes (Kittitas County): It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - ((+129+)) (128) Fish Lake (Chelan County): Game fish: Statewide minimum length/daily limit, except: Yellow perch: Daily limit 25.
 - ((+130+)) (129) Fish Lake (Okanogan County): Open the fourth Saturday in April through October 31.
 - ((+131+)) (130) Fish Lake (Spokane County):
 - (a) Open the fourth Saturday in April through September 30.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
 - ((+132+)) (131) Fishhook Pond (Walla Walla County): It is unlawful to fish from a floating device.
 - ((+133+)) (132) Fishtrap Lake (Lincoln/Spokane counties): Open the fourth Saturday in April through September 30.
 - ((+134+)) (133) Forde Lake (Okanogan County):
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
 - ((+135+)) (134) Fourth of July Lake (Adams/Lincoln counties):
 - (a) Open the Friday after Thanksgiving through March 31.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - ((+136+)) (135) Frank's Pond (Chelan County):
 - (a) Open the fourth Saturday in April through October 31.

(b) Open to juvenile anglers only.

~~((137))~~ (136) **Frater Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

~~((138))~~ (137) **Frenchman Hills Wasteway and Drains (Grant County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((139))~~ (138) **Gadwall Lake (Grant County)**: Open the fourth Saturday in April through September 30.

~~((140))~~ (139) **Garfield Juvenile Pond (Whitman County)**: Open to juvenile anglers only.

~~((141))~~ (140) **Goat Creek (tributary to Methow River) (Okanogan County)**: Closed waters.

~~((142))~~ (141) **Gold Creek, Gold Creek Pond and outlet channel (tributary to Keechelus Lake)**: Including that portion of Gold Creek that flows through the dry Keechelus Reservoir lakebed: Closed waters.

~~((143))~~ (142) **Gold Creek (tributary to Methow River) (Okanogan County)**: Closed waters.

~~((144))~~ (143) **Goose Creek (Lincoln County), within the city limits of Wilbur**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((145))~~ (144) **Goose Lake, Lower (Grant County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: It is unlawful to retain more than 5 fish over 6 inches in length.

~~((146))~~ (145) **Grande Ronde River (Asotin County)**:

(a) From the mouth to County Road Bridge, about 2.5 miles upstream:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Selective gear rules.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead:

(A) Open January 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through December 31; release steelhead.

(b) From the County Road Bridge upstream to the Oregon state line:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Barbless hooks required.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead: Open August 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) All tributaries: Closed waters.

~~((147))~~ (146) **Green Lakes (Lower and Upper) (Okanogan County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Eastern brook trout count as part of trout daily limit.

~~((148))~~ (147) **Grimes Lake (Douglas County)**:

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.

((149)) **(148) Halfmoon Lake (Adams County)**: Open the fourth Saturday in April through September 30.

((150)) **(149) Hampton Lakes (Lower and Upper) (Grant County)**: Open the fourth Saturday in April through September 30.

((151)) **(150) H and H Reservoir Number One (Pascal's Pond) (Chelan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

((152)) **(151) Harris Lake (Grant County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.

((153)) **(152) Hatch Lake (Stevens County)**: Open the Friday after Thanksgiving through March 31.

((154)) **(153) Hays Creek and Ponds (Adams County)**: Open the fourth Saturday in April through September 30.

((155)) **(154) Headgate Pond (Asotin County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

((156)) **(155) Hen Lake (Grant County)**: Open the fourth Saturday in April through September 30.

((157)) **(156) Hog Canyon Creek (Spokane County)**: From the mouth to Scroggie Road: Closed waters.

((158)) **(157) Hog Canyon Lake (Spokane County)**: Open the Friday after Thanksgiving through March 31.

((159)) **(158) Homestead Lake (Grant County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 1; minimum length 18 inches.

((160)) **(159) Hourglass Lake (Grant County)**: Open the fourth Saturday in April through September 30.

((161)) **(160) Hutchinson Lake (Adams County)**: Open the fourth Saturday in April through September 30.

((162)) **(161) I-82 Ponds, 1 through 7 (Yakima County)**: It is unlawful to fish from a floating device equipped with an internal combustion motor.

((163)) **(162) Icicle River and tributaries (Creek) (Chelan County)**:

(a) From the mouth upstream 800 feet to posted signs: Closed waters.

(b) From posted signs 800 feet upstream of the mouth to 500 feet below Leavenworth National Fish Hatchery: Closed waters.

(c) From 500 feet below Leavenworth National Fish Hatchery to shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort: Closed waters.

(d) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation District footbridge (approximately 750 feet upstream of the "Snow Lakes Trailhead" parking lot): Closed waters.

(e) From the Icicle Irrigation Peshastin District footbridge upstream, and tributaries: Selective gear rules.

~~((164))~~ (163) **Indian Creek (Yakima County)**: From the mouth to the waterfall approximately six miles upstream including that portion that flows through the dry lake bed of Rimrock Reservoir: Closed waters.

~~((165))~~ (164) **Ingalls Creek (Chelan County)**: From the mouth to Alpine Lakes Wilderness boundary and tributaries: Closed waters.

~~((166))~~ (165) **Jameson Lake (Douglas County)**: Open the fourth Saturday in April through October 31.

~~((167))~~ (166) **Jasmine Creek (Okanogan County)**:

(a) Open year-round to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Game fish: Statewide minimum length/daily limit, except: Steelhead: Closed to fishing.

~~((168))~~ (167) **Jefferson Park Pond (Walla Walla County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((169))~~ (168) **Jolanda, Lake (Chelan County)**: Closed waters.

~~((170))~~ (169) **Kachess Lake (Reservoir) (Kittitas County)**:

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

~~((171))~~ (170) **Kachess River (Kittitas County)**:

(a) From Kachess Lake (Reservoir) upstream to the waterfall approximately 0.5 miles above Mineral Creek: Closed waters.

(b) It is permissible to fish up to the base of Kachess Dam.

(c) From the mouth to Kachess Dam: Selective gear rules.

~~((172))~~ (171) **Keechelus Lake (Reservoir) (Kittitas County)**:

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

~~((173))~~ (172) **Kettle Creek (tributary to American River) (Yakima County)**: Closed waters.

~~((174))~~ (173) **Kettle River (Stevens County)**: From Barstow Bridge upstream:

(a) Selective gear rules, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.

(d) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

~~((175))~~ (174) **Kings Lake and tributaries (Pend Oreille County)**: Closed waters.

~~((176))~~ (175) **Kiwanis Pond (Kittitas County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((177))~~ (176) **Lake Creek (Okanogan County)**:

(a) From the mouth to Black Lake: Closed waters.

(b) From Black Lake to Three Prong Creek: Closed waters.

~~((178))~~ (177) **Ledbetter Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

~~((179))~~ (178) **Ledking Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

~~((180))~~ (179) **Leech Lake (Yakima County):**

(a) Fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except:

Rainbow trout: Daily limit 1; minimum length 18 inches.

~~((181))~~ (180) **Lemma Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((182))~~ (181) **Lenice Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

~~((183))~~ (182) **Lenore Lake (Grant County):**

(a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed waters.

(b) Open March 1 through November 30.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

~~((184))~~ (183) **Libby Creek (tributary to Methow River) (Okanogan County):** Closed waters.

~~((185))~~ (184) **Liberty Lake (Spokane County):** Open March 1 through October 31.

~~((186))~~ (185) **Lilly Lake (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

Eastern brook trout count as part of trout daily limit.

~~((187))~~ (186) **Lions Park Pond (Walla Walla County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((188))~~ (187) **Little Bridge Creek (tributary of Twisp River) (Okanogan County):**

(a) Open the Saturday before Memorial Day through August 15.

(b) Release all fish.

(c) Selective gear rules.

~~((189))~~ (188) **Little Falls Reservoir (Spokane River) (Lincoln County):** From Little Falls Dam to Long Lake Dam: Landlocked salmon rules.

~~((190))~~ (189) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((191))~~ (190) **Little Naches River including tributaries (Yakima County):** Selective gear rules.

~~((192))~~ (191) **Little Pend Oreille River and tributaries (Stevens County):** Selective gear rules.

~~((193))~~ (192) **Little Spokane River and tributaries (Spokane County):**

(a) From the inlet of Chain Lake upstream 0.25 mile to the railroad crossing culvert: Closed waters.

(b) From the SR 291 Bridge upstream:

(i) Open Saturday before Memorial Day through October 31.

(ii) Whitefish:

- (A) Open December 1 through the last day in February for whitefish only.
- (B) Whitefish gear rules.
- ((+194)) **(193) Little Twin Lake (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Game fish: Statewide minimum length/daily limit, except:
- (i) Trout: Daily limit 1; minimum length 18 inches.
- (ii) Eastern brook trout count as part of trout daily limit.
- ((+195)) **(194) Little Twin Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- ((+196)) **(195) Little Wenatchee River (Chelan County):**
- (a) From the mouth to USFS road 6700 Bridge and tributaries: Closed waters.
- (b) From the USFS road 6700 Bridge upstream including tributaries: Selective gear rules.
- ((+197)) **(196) Long Lake (Ferry County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Fly fishing only.
- (c) It is unlawful to use flies containing lead.
- (d) It is unlawful to fish from a floating device equipped with a motor.
- ((+198)) **(197) Long Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- ((+199)) **(198) Long Lake (Lake Spokane) (Spokane County):** From Long Lake Dam to Nine Mile Dam, including Little Spokane River from the mouth to the SR 291 Bridge: Landlocked salmon rules.
- ((+200)) **(199) Loon Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- ((+201)) **(200) Lost Lake (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 2; minimum length 14 inches.
- ((+202)) **(201) Lost Lake (Okanogan County):**
- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ((+203)) **(202) Lost River (tributary to Methow River) (Okanogan County):**
- (a) From the mouth to the mouth of Monument Creek: Closed waters.
- (b) From the mouth of Monument Creek including tributaries upstream to Deception Creek:
- (i) Open the Saturday before Memorial Day through August 15.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Trout: Minimum length 14 inches; daily limit 2.
- (B) Dolly Varden/bull trout may be retained as part of trout daily limit.
- ((+204)) **(203) Lyman Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ((+205)) **(204) Mad River (Chelan County):**

(a) From the mouth to Windy Creek, including Windy Creek and tributaries except Tillicum Creek: Closed waters.

(b) From Windy Creek upstream and tributaries: Selective gear rules.

~~((206))~~ (205) **Manastash Creek (Kittitas County)**: Selective gear rules.

~~((207))~~ (206) **Marshall Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

~~((208))~~ (207) **Martha Lake (Grant County)**: Open March 1 through September 30.

~~((209))~~ (208) **Mary Ann Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((210))~~ (209) **Mattoon Lake (Kittitas County)**: It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((211))~~ (210) **McCabe Pond (Kittitas County)**: It is unlawful to fish from any floating device equipped with a motor.

~~((212))~~ (211) **McDowell Lake (Stevens County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

~~((213))~~ (212) **McManaman Lake (Adams County)**: Open the fourth Saturday in April through September 30.

~~((214))~~ (213) **Medical Lake (Spokane County)**:

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((215))~~ (214) **Medical Lake, West (Spokane County)**: Open the fourth Saturday in April through September 30.

~~((216))~~ (215) **Mercer Creek (Kittitas County)**: Selective gear rules.

~~((217))~~ (216) **Merry Lake (Grant County)**:

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((218))~~ (217) **Methow River (Okanogan County)**:

(a) From mouth to County Road 1535 (Burma Road) Bridge: Closed waters.

(b) Tributaries from mouth to County Road 1535 (Burma Road) Bridge except Black Canyon Creek:

(i) Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(ii) Steelhead: Closed to fishing.

(c) From County Road 1535 (Burma Road) Bridge to Gold Creek:

(i) Open the Saturday before Memorial Day through September 15.

(ii) Selective gear rules.

(iii) Release all fish.

(iv) Steelhead: Closed to fishing.

- (d) All tributaries from the County Road 1535 (Burma Road) to Gold Creek except Gold Creek:
- (i) Selective gear rules.
 - (ii) Release all fish, except: Eastern brook trout: No minimum length/daily limit.
 - (iii) Steelhead: Closed to fishing.
- (e) From Gold Creek to Foghorn Dam:
- (i) Open the Saturday before Memorial Day through September 30.
 - (ii) Selective gear rules.
 - (iii) Release all fish.
 - (iv) Steelhead: Closed to fishing.
 - (v) Whitefish:
 - (A) Open December 1 through the last day in February for whitefish only.
 - (B) Whitefish gear rules.
- (f) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River, Chewuch River, Libby Creek, and Beaver Creek:
- (i) Release all fish, except: Eastern brook trout: No minimum length/daily limit.
 - (ii) Steelhead: Closed to fishing.
- (g) From Foghorn Dam to Weeman Bridge including tributaries:
- (i) Open the Saturday before Memorial Day through August 15:
 - (A) Release all fish.
 - (B) Selective gear rules.
 - (C) Steelhead: Closed to fishing.
 - (ii) Whitefish:
 - (A) Open December 1 through the last day in February for Whitefish only.
 - (B) Whitefish gear rules.
 - (h) From Weeman Bridge to the falls above Brush Creek: Whitefish:
 - (i) Open December 1 through the last day in February for whitefish only.
 - (ii) Whitefish gear rules.
 - (i) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, Early Winters Creek, and Wolf Creek:
 - (i) Selective gear rules.
 - (ii) Release all fish.
 - ((+219+)) (iii) Steelhead: Closed to fishing.
- (218) Mill Creek (tributary to the Walla Walla River) (Walla Walla County):**
- (a) From the mouth to Bennington Dam, including tributaries: Closed waters.
 - (b) From Bennington Dam upstream excluding tributaries: Selective gear rules.
 - (c) All tributaries upstream of Bennington Dam: Closed waters.
- ((+220+)) (219) Mineral Creek (tributary to upper Kachess River) (Kittitas County):** From the mouth to the Wilderness Boundary: Closed waters.
- ((+221+)) (220) Molson Lake (Okanogan County):** Game fish: State-wide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ((+222+)) (221) Monument Creek (Okanogan County), including tributaries:** Selective gear rules.
- ((+223+)) (222) Morgan Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((224))~~ (223) **Moses Lake (Grant County)**: Game fish: Statewide minimum length/daily limit, except:

- (a) Crappie: Daily limit 10; minimum length 9 inches.
- (b) Bluegill: Daily limit 5; minimum length 8 inches.
- (c) Yellow perch: Daily limit 25.

~~((225))~~ (224) **Mud Lake (Yakima County)**:

(a) Selective gear rules.
 (b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

~~((226))~~ (225) **Mudgett Lake (Stevens County)**: Open the fourth Saturday in April through October 31.

~~((227))~~ (226) **Muskegon Lake (Pend Oreille County)**:

(a) Open the fourth Saturday in April through October 31.
 (b) Selective gear rules.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 2; minimum length 14 inches.

~~((228))~~ (227) **Myron Lake (Yakima County)**:

(a) Selective gear rules.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 2; minimum length 14 inches.

~~((229))~~ (228) **Mystic Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

~~((230))~~ (229) **Naches River (Yakima/Kittitas counties)**:

(a) From the mouth to Little Naches River:
 (i) Selective gear rules.
 (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iii) Game fish: Statewide minimum length/daily limit, except:
 (A) Trout: Daily limit 2; minimum length 14 inches.
 (B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) Whitefish: December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

~~((231))~~ (230) **Naneum Creek and tributaries (Kittitas County)**: Selective gear rules.

~~((232))~~ (231) **Naneum Pond (Kittitas County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((233))~~ (232) **Napeequa River (Chelan County)**: From mouth to Twin Lakes Creek (including Twin Lakes Creek and all tributaries): Closed waters.

~~((234))~~ (233) **Nason Creek (Chelan County)**:

(a) From the mouth to Gaynor Falls and tributaries except White-pine Creek: Closed waters.

(b) From Gaynor Falls (approximately 0.7 miles upstream of White-pine Creek) upstream and tributaries: Selective gear rules.

~~((235))~~ (234) **Nile Creek and tributaries (Yakima County)**: Selective gear rules.

~~((236))~~ (235) **No Name Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

~~((237))~~ (236) **North Creek (tributary to Twisp River) (Okanogan County)**: From the mouth upstream to Twisp River Road Bridge: Closed waters.

~~((238))~~ (237) **North Elton Pond (Yakima County)**:

(a) Open the Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((239))~~ (238) **North Potholes Reserve Ponds (Grant County)**: Open March 1 through the day before waterfowl season begins.

~~((240))~~ (239) **Nunnally Lake (Grant County)**:

(a) The outlet stream of Nunnally Lake is closed waters.

(b) Open March 1 through November 30.

(c) Selective gear rules.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

~~((241))~~ (240) **Oak Creek and tributaries (Yakima County)**: Selective gear rules.

~~((242))~~ (241) **Okanogan River (Okanogan County)**:

(a) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(i) Salmon: Open July 1 through October 15:

(A) Daily limit 6; up to 2 adult 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) Salmon: Open July 1 through September 15:

(A) Daily limit 6; up to 2 adult hatchery Chinook may be retained.

(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) Salmon: Open July 1 through September 15:

(A) Daily limit 6; up to 2 adult hatchery Chinook may be retained.

(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))~~ **(242) Osoyoos Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((244))~~ **(243) Palouse River (Whitman County):** From the mouth to the base of Palouse Falls:

(a) Open year-round for game fish except trout and steelhead.

(b) Trout: Open the Saturday before Memorial Day through October 31.

(c) Steelhead:

(i) Open August 1 through April 15.

(ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement, except for steelhead.

~~((245))~~ **(244) Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek and Hog Canyon Creek:** Open year-round.

~~((246))~~ **(245) Pampa Pond (Whitman County):**

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

~~((247))~~ **(246) Park Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((248))~~ **(247) Parker Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((249))~~ **(248) Pataha Creek (Garfield County):**

(a) Within the city limits of Pomeroy: Open to juvenile anglers, senior angler, and anglers with a disability who possess a designated harvester companion card only.

(b) From the city limits of Pomeroy upstream: Selective gear rules.

~~((250))~~ **(249) Pearrygin Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((251))~~ **(250) Pend Oreille River (Pend Oreille County):**

(a) Open year-round.

(b) Game fish: Statewide lake rules.

(c) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed waters.

~~((252))~~ **(251) Perch Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((253))~~ **(252) Peshastin Creek and all tributaries except Ingalls Creek (Chelan County):** Closed waters.

~~((254))~~ **(253) Petit Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

((255)) (254) Phalon Lake (Stevens County): Closed waters.

((256)) (255) Phillips Lake (Stevens County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

((257)) (256) Pierre Lake (Stevens County): It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

((258)) (257) Pillar Lake (Grant County): Open the fourth Saturday in April through September 30.

((259)) (258) Ping Pond (Oasis Park Pond) (Grant County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

((260)) (259) Pit Lake (Douglas County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

((261)) (260) Poacher Lake (Grant County): Open the fourth Saturday before April through September 30.

((262)) (261) Potholes Reservoir (Grant County): Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Minimum length 9 inches.

(b) Crappie and bluegill: Combined limit of 25 fish.

(c) Yellow perch: Daily limit 25 fish.

((263)) (262) Potter's Pond (Stevens County): Open the fourth Saturday in April through October 31.

((264)) (263) Powerline Lake (Franklin County): Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

((265)) (264) Quail Lake (Adams County):

(a) Fly fishing only.

(b) It is unlawful to fish from any floating device equipped with a motor.

(c) Release all fish.

((266)) (265) Quarry Pond (Walla Walla County): It is unlawful to fish from any floating device.

((267)) (266) Quincy Lake (Grant County): Open March 1 through September 30.

((268)) (267) Rainbow Lake (Columbia County):

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

((269)) (268) Rat Lake (Okanogan County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

((270)) (269) Rattlesnake Creek and tributaries (Yakima County):

(a) Selective gear rules.

(b) Release all fish.

((271)) (270) Red Rock Creek (Grant County): Open the Saturday before Memorial Day through September 30.

((272)) (271) Reflection Pond (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

((273)) (272) Renner Lake (Ferry County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((274))~~ **(273) Rigley Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 2, minimum length 14 inches.

~~((275))~~ **(274) Rimrock Lake (Reservoir) (Yakima County):** Chumming is permissible.

~~((276))~~ **(275) Ringold Springs Hatchery Creek (Franklin County):** Closed waters.

~~((277))~~ **(276) Roaring Creek (Entiat River tributary) (Chelan County):** Closed waters.

~~((278))~~ **(277) Rock Creek (Adams/Whitman counties):**

(a) From the mouth to the bridge on Jordan Knott Road at Revere:

(i) Selective gear rules.

(ii) Release all fish.

(b) From the bridge on Jordan Knott Road upstream: Open year-round.

~~((279))~~ **(278) Rocky Ford Creek and Ponds (Grant County):**

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Release all fish.

~~((280))~~ **(279) Rocky Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((281))~~ **(280) Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):** Columbia River from Grand Coulee Dam to U.S. Canadian border including Hawk Creek downstream of the falls at Hawk Creek Campground, Spokane River from 400 feet downstream of Little Falls Dam, Kettle River downstream of Barstow Bridge, and Colville River downstream of S.R. 25 Bridge.

(a) The following areas are closed waters:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point from March 1 through the Friday before Memorial Day.

(ii) Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(iii) The Kettle River upstream to Barstow Bridge from March 1 through the Friday before Memorial Day.

(b) From Grand Coulee Dam to the Little Dalles power line crossing:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(C) Walleye: Daily limit 16 fish; no size restrictions.

(ii) Salmon:

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(c) From the Little Dalles power line crossing to the Canadian border:

(i) Game fish: Statewide minimum length/daily limit, except:

- (A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.
- (B) Trout (except kokanee): Daily limit 2; minimum size 18 inches.
- (C) Walleye: Daily limit 16; no size restrictions.
- (ii) Salmon:
- (A) Salmon count toward trout daily limit.
- (B) No catch record card required.
- ~~((282))~~ **(281) Round Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- ~~((283))~~ **(282) Royal Lake (Adams County):** Closed waters.
- ~~((284))~~ **(283) Royal Slough (including Marsh Unit IV impoundments) (Adams County):** Closed waters.
- ~~((285))~~ **(284) Rufus Woods Lake (Douglas/Okanogan counties):**
- (a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed waters.
- (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2.
- (c) Sturgeon: Closed to fishing.
- (d) A nonmember fishing permit issued by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods.
- (e) A Colville tribal member identification card satisfies the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods.
- ~~((286))~~ **(285) Sacheen Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ~~((287))~~ **(286) Saddle Mountain Lake (Grant County):** Closed waters.
- ~~((288))~~ **(287) Sago Lake (Grant County):** Open the fourth Saturday in April through September 30.
- ~~((289))~~ **(288) Salmon Creek (Okanogan County):**
- (a) From the mouth to Conconully Reservoir:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except:
- (A) Release trout other than eastern brook trout.
- (B) Steelhead: Closed to fishing.
- (b) From Conconully Reservoir upstream including tributaries: Selective gear rules.
- ~~((290))~~ **(289) San Poil River (Ferry County):**
- (a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:
- (i) Game fish: Open year-round; statewide minimum length/daily limit, except:
- (A) Open June 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:
- (I) Kokanee: Daily limit 2.
- (II) Trout: Daily limit 5; it is unlawful to retain trout with an intact adipose fin.
- (III) Walleye: Daily limit 16; no size restrictions.
- (IV) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(B) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round:

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(iii) Carp: Open year-round.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Kokanee: Unlawful to fish for or retain.

(B) Trout: Unlawful to fish for or retain.

(C) Open June 1 through January 31 for walleye and smallmouth bass:

(I) Walleye: Daily limit 16; no size restrictions.

(II) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round; unlawful to fish for carp with bow and arrow.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation upstream to the northern reservation boundary are managed under the regulatory authority of the Colville Confederated Tribes.

~~((291))~~ **(290) Sand Hollow Creek (Grant County) including tributaries:** From the mouth (State Route 243) upstream: Open the Saturday before Memorial Day through September 30.

~~((292))~~ **(291) Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((293))~~ **(292) Schallow Pond (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((294))~~ **(293) Sedge Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((295))~~ **(294) Shellneck Creek (Yakima County):** Closed waters.

~~((296))~~ **(295) Sherman Creek (Ferry County) and tributaries:** From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed waters.

~~((297))~~ **(296) Shiner Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((298))~~ **(297) Shoveler Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((299))~~ **(298) Silver Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

~~((300))~~ (299) **Silver Nail Lake (Okanogan County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((301))~~ (300) **Similkameen River (Okanogan County)**:

(a) From Enloe Dam downstream 400 feet: Closed waters.

(b) From the mouth to Enloe Dam:

(i) Open July 1 through September 15.

(ii) Salmon: Daily limit 6; up to 2 adult hatchery Chinook may be retained. Release sockeye, coho, and wild adult Chinook:

(A) Anti-snagging rule.

(B) Night closure.

(v) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

(vi) 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))~~ (301) **Sinlahekin Creek (Okanogan County)**: From Palmer Lake to Cecile Creek Bridge:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

~~((303))~~ (302) **Skookum Lake, North (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

~~((304))~~ (303) **Skookum Lake, South (Pend Oreille County)**:

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((305))~~ (304) **Snake River**:

(a) Tributaries except Palouse River, Tucannon River, Asotin Creek, and Grande Ronde River: Closed waters.

(b) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.

(c) Within 400 feet of the base of any dam: Closed waters.

(d) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery: Closed waters.

(e) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam: Closed waters.

(f) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank: Closed waters.

(g) Game fish: Open year-round; statewide minimum length/daily limit, except:

(i) Trout: Open the Saturday before Memorial Day through October 31.

(ii) Steelhead:

(A) Open ~~((the Saturday before Memorial Day through July 31; daily limit 2,))~~ July 1 through August 31; catch and release only. Barbless hooks required.

(B) Open ~~((August))~~ September 1 through March 31; Daily limit 3 hatchery steelhead; barbless hooks required.

~~((+306))~~ (C) April 1 through June 30; closed to fishing.

(305) Snipe Lake (Grant County): Open the fourth Saturday in April through September 30.

~~((+307))~~ (306) Snipes Creek (Benton County): Selective gear rules.

~~((+308))~~ (307) South Columbia Basin Irrigation PE16.4 spillway at the Ringold Springs access downstream 400' towards the Columbia River. (46°30'20.0"N 119°15'28.7"W) (Franklin County): Closed waters.

~~((+309))~~ (308) Spectacle Lake (Okanogan County): Open April 1 through September 30.

~~((+310))~~ (309) Spokane River (Spokane County): From Nine Mile Dam upstream to the Idaho/Washington state line:

(a) Selective gear rules.

(b) Open the Saturday before Memorial Day through March 15.

(c) Game fish: Release all fish, except: Hatchery rainbow trout: Daily limit 2.

~~((+311))~~ (310) Sprague Lake (Adams/Lincoln counties):

(a) The following waters are closed waters:

(i) Cow Creek.

(ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds, including Cow Creek, to Danekas Road.

(iii) The small bay at the southeast end of the lake.

(b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.

(c) Game fish: Statewide minimum length/daily limit except:

(i) Crappie: Minimum length 9 inches.

(ii) Crappie and bluegill: Combined limit of 25 fish.

~~((+312))~~ (311) Spring Creek (Benton County): Selective gear rules.

~~((+313))~~ (312) Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1, minimum length 18 inches.

~~((+314))~~ (313) Spring Lake (Columbia County): It is unlawful to fish from any floating device.

~~((+315))~~ (314) Spring Lakes (Upper and Lower) (Grant County): Open March 1 through September 30.

~~((+316))~~ (315) Springdale Pond (Lucky Duck Pond) (Stevens County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((+317))~~ (316) Spruce Creek (tributary to South Fork Tieton River) (Yakima County): Closed waters.

~~((+318))~~ (317) Starvation Lake (Stevens County): Open the fourth Saturday in April through October 31.

~~((+319))~~ (318) Starzman Lakes (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((320))~~ (319) **Stehekin River (Chelan County)**: From the mouth (Powerline crossing) upstream and tributaries:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat.

~~((321))~~ (320) **Stratford/Brook Lake (Grant County)**: Open March 1 through September 30.

~~((322))~~ (321) **Sugarloaf Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((323))~~ (322) **Sullivan Creek and tributaries (Pend Oreille County)**:

(a) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout.

(b) Selective gear rules.

~~((324))~~ (323) **Sullivan Lake (Pend Oreille County)**: Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((325))~~ (324) **Summit Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((326))~~ (325) **Summit Lake (Stevens County)**: Open the fourth Saturday in April through October 31.

~~((327))~~ (326) **Swan Lake (Ferry County)**: It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((328))~~ (327) **Swauk Creek and tributaries (Kittitas County)**: Selective gear rules.

~~((329))~~ (328) **Taneum Creek and tributaries (Kittitas County)**: Selective gear rules.

~~((330))~~ (329) **Teal Lakes (North and South) (Grant/Adams counties)**: Open the fourth Saturday in April through September 30.

~~((331))~~ (330) **Teaway River (Kittitas County), and tributaries except North Fork**: Selective gear rules.

~~((332))~~ (331) **Teaway 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.

~~((333))~~ (332) **Tern Lake (Grant County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((334))~~ (333) **Thirtymile Creek (tributary to Chewuch River) (Okanogan County)**: From mouth upstream to falls (approximately 700 feet): Closed waters.

~~((335))~~ (334) **Tieton River (Yakima County)**:

(a) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(b) Selective gear rules apply.

~~((336))~~ (335) **Tieton River, North Fork (Yakima County)**:

(a) From mouth to USFS Road 740 Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(b) The Clear Lake spillway channel: Closed waters.

(c) From the USFS Road 740 Bridge to Clear Lake Dam: Closed waters.

(d) The mainstem and tributaries including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream of Clear Lake:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

~~((337))~~ **(336) Tieton River, South Fork (Yakima County):** From the bridge on USFS Road 1200 to bridge on USFS road 1070: Closed waters.

~~((338))~~ **(337) Tillicum Creek (tributary to Mad River) (Chelan River):**

(a) From mouth to the intersection of USFS 5800 and USFS 5808: Closed waters.

(b) From the intersection of USFS 5800 and USFS 5808 upstream (upstream 2.25 miles) including tributaries: Selective gear rules.

~~((339))~~ **(338) Touchet River and tributaries (Columbia/Walla Walla counties):**

(a) From the mouth to the confluence of the North and South Forks:

(i) All tributaries: Closed waters.

(ii) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(A) November 1 through April 15: Release all fish except steelhead.

(B) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(b) From the confluence of the North and South Forks upstream including both forks, Robinson Fork, and Wolf Fork:

(i) All other tributaries: Closed waters.

(ii) Open the Saturday before Memorial Day through August 31.

(iii) Selective gear rules.

~~((340))~~ **(339) Trout Lake (Ferry County):** Open the fourth Saturday in April through October 31.

~~((341))~~ **(340) Tucannon River (Columbia County):**

(a) All tributaries are closed waters, except Pataha Creek.

(b) Mouth upstream to Tucannon Hatchery Road Bridge:

(c) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(i) November 1 through April 15: Release all fish except steelhead.

(ii) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed waters.

(e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(f) Cow Camp Bridge upstream: Closed waters.

~~((342))~~ **(341) Tucquala Lake (Kittitas County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Statewide stream rules apply.

~~((343))~~ **(342) Twentymile Creek (tributary to Chewuch River) (Okanogon County):** From the mouth upstream to falls (approximately 0.75 miles): Closed waters.

~~((344))~~ **(343) Twin Lakes, tributaries, and Twin Lakes Creek (outlet stream) to the confluence with the Napeequa River (Chelan County):** Closed waters.

~~((345))~~ **(344) Twisp River (Okanogan County):**

(a) Mouth to War Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) Twisp River tributaries from War Creek upstream except North Creek and North Fork Twisp River:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Release all fish.

(c) From War Creek upstream: Closed waters.

~~((346))~~ **(345) Twisp River, North Fork (Okanogan County):** From mouth to falls including tributaries: Closed waters.

~~((347))~~ **(346) Umtanum Creek (Kittitas County):** Selective gear rules.

~~((348))~~ **(347) Union Creek (Yakima County):** From the mouth to the falls: Closed waters.

~~((349))~~ **(348) Upper Wheeler Reservoir (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

~~((350))~~ **(349) Vic Meyers (Rainbow) Lake (Grant County):**

(a) Open the fourth Saturday in April through September 30.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((351))~~ **(350) Walla Walla River (Walla Walla County):** From mouth to Washington/Oregon stateline:

(a) All tributaries except Touchet River and Mill Creek: Closed waters.

(b) Game fish: Open year-round; statewide minimum length/daily limit, except for trout and steelhead:

(i) Trout: Open the Saturday before Memorial day through October 31; statewide minimum length/daily limit.

(ii) Steelhead:

(A) Open the Saturday before Memorial Day through July 31; daily limit 2 hatchery steelhead.

(B) Open August 1 through April 15; daily limit 3 hatchery steelhead, barbless hooks required.

~~((352))~~ **(351) Wannacut Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((353))~~ **(352) Wapato Lake (Chelan County):** Open the fourth Saturday in April through October 31.

~~((354))~~ **(353) Ward Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((355))~~ **(354) Warden Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((356))~~ **(355) Warden Lake, South (Grant County):** Open the fourth Saturday in April through September 30.

~~((357))~~ **(356) Washburn Island Pond (Okanogan County):**

(a) Open April 1 through September 30.

(b) An internal combustion motor may be attached to a floating device, but cannot be used.

~~((358))~~ **(357) Washburn Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

Trout: Daily limit 1; minimum length 18 inches.

(c) Selective gear rules.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((359))~~ **(358) Watson Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

~~((360))~~ **(359) Wenaha River tributaries:**

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

~~((361))~~ **(360) Wenas Creek (Yakima County):** From the mouth to Wenas Lake, including tributaries: Selective gear rules.

~~((362))~~ **(361) Wenatchee Lake (Chelan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release trout.

(ii) Steelhead: Closed to fishing.

~~((363))~~ (iii) Kokanee: Closed to fishing.

(362) Wenatchee River (Chelan County):

(a) From the mouth to the Icicle Road Bridge:

(i) Game fish: Closed to fishing.

(ii) Salmon: Open August 1 through September 30:

(A) Daily limit 6; up to 2 adult hatchery Chinook may be retained.

(B) Release sockeye, coho, and wild adult Chinook.

(iii) Night closure.

(iv) Selective gear rules, except bait allowed.

(b) From Icicle Road Bridge upstream to Lake Wenatchee: Closed waters.

~~((364))~~ **(363) Whitepine Creek (Chelan County):** From the mouth to Whitepine Creek Falls (1 mile upstream of mouth) and tributaries: Closed waters.

~~((365))~~ **(364) White River (Chelan County):** From the mouth to White River Falls and tributaries, except Napeequa River: Closed waters.

~~((366))~~ **(365) Widgeon Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((367))~~ **(366) Williams Lake (Spokane County):** Open the fourth Saturday in April through September 30.

~~((368))~~ **(367) Williams Lake (Stevens County):** Open the Friday after Thanksgiving through March 31.

~~((369))~~ **(368) Wilson Creek (Kittitas County):** From BNSF railroad bridge upstream: Selective gear rules.

~~((370))~~ **(369) Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve):** Open March 1 through September 30.

~~((371))~~ **(370) Wolf Creek (Methow River tributary) (Okanogan County):** Closed waters.

~~((372))~~ **(371) Yakima River (Yakima County):**

(a) Downstream of Highway 240 Bridge, Columbia River rules apply.

(b) From the Highway 240 Bridge to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.

(i) From 200 feet downstream of the USBR Chandler 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: Release trout.

(iv) Barbless hooks required for steelhead.

(c) From the Grant Avenue bridge in Prosser downstream approximately 1.25 miles to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.

(i) 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: Release 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: Release 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 whitefish only.

(B) Whitefish gear rules.

(g) From 3,500 feet below Roza Dam to Roza Dam: Closed waters.

(h) From Roza Dam to 400 feet below Easton Dam; including the portion of Wilson Creek from the mouth upstream to the BNSF railroad bridge: Open year-round.

(i) It is permissible to fish from floating devices equipped with motors only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately 1.3 river miles).

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(iv) Whitefish: December 1 through the last day in February: Whitefish gear rules.

(i) From Easton Dam to the base of Keechelus Dam including Easton Lake:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release rainbow and cutthroat trout.

((+373+)) **(372) Yakima Sportsmen's Park Ponds (Yakima County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

((+374+)) **(373) Yocum Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 21-14-067 (Order 21-95), § 220-312-050, filed 7/2/21, effective 8/2/21; 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.]

AMENDATORY SECTION (Amending WSR 21-14-067, filed 7/2/21, effective 8/2/21)

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 July 31: Closed.

(B) Open August 1 through August 10:

(I) Daily limit 2; of which only 1 may be a Chinook.

(II) Release all salmon and steelhead except hatchery Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

(C) Open August 11 through September 6:

(I) Daily limit 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 7 through September 30:

(I) Daily limit 3.

- (II) Release all salmon and steelhead except hatchery coho.
- (III) Coho minimum length 16 inches.
- (E) Open October 1 through October 31:
- (I) Daily limit 6; up to 3 adult salmon may be retained.
- (II) Release all salmon and steelhead except hatchery coho.
- (III) Coho minimum length 12 inches.
- (F) Open November 1 through December 31:
- (I) Daily limit 6; up to 3 adult salmon or 1 adult salmon and 2 hatchery steelhead may be retained.
- (II) Release all salmon except hatchery coho.
- (III) Coho minimum length 12 inches.
- (G) Open January 1 through March 31:
- (I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead, or 1 of each, may be retained.
- (II) Release all salmon except hatchery Chinook.
- (v) Shad:
- (A) April 1 through May 15: Closed.
- (B) Open May 16 through March 31.
- (vi) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.
- (c) **From the Megler Astoria Bridge to a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the red navigation marker 2 at Tongue Point on the Oregon bank:**
 - (i) Game fish: Statewide minimum length/daily limit, except: Release trout.
 - (ii) Salmon and steelhead:
 - (A) April 1 through June 15: Closed.
 - (B) Open from June 16 through June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open July 1 through July 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 10:
 - (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 11 through September 6:
 - (I) Daily limit 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.
 - (G) Open September 7 through September 30:
 - (I) Daily limit 3.
 - (II) Release all salmon and steelhead except hatchery coho.
 - (III) Coho minimum length 16 inches.
 - (H) Open October 1 through October 31:
 - (I) Daily limit 6; up to 3 adult salmon may be retained.
 - (II) Release all salmon and steelhead except hatchery coho.

(III) Coho minimum length 12 inches.

(I) Open November 1 through December 31:

(I) Daily limit 6; up to 3 adult salmon or 1 adult salmon and 2 hatchery steelhead may be retained.

(II) Release all salmon except hatchery coho.

(III) Coho minimum length 12 inches.

(J) Open January 1 through March 31:

(I) Daily limit 6; up to 2 adult salmon, or 2 hatchery steelhead or 1 of each may be retained.

(II) Release all salmon except hatchery Chinook.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(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) The Blind Slough Select Area is defined as waters of Blind Slough and Gnat Creek from a north-south line represented by regulatory markers at the mouth of Blind Slough upstream to a regulatory marker in Gnat Creek located approximately 0.5 miles southeasterly (upstream) of the Barendse Road Bridge.

(ii) The Knappa Slough Select Area is defined as waters of Knappa Slough, Calendar Slough, and Big Creek Slough bounded to the north (upstream) by a line projecting from a regulatory marker on the eastern shore of Karlson Island to the northernmost regulatory marker at the mouth of Blind Slough and bounded to the west (downstream) by a line projecting southerly from a regulatory marker on the southwestern tip of Karlson Island through regulatory markers on the western tips of Minaker Island to a marker on the Oregon shore.

(A) Game fish: Statewide minimum length/daily limit, except: Release trout.

(B) Salmon: Daily limit is 2 adult salmon or 2 steelhead or 1 of each and 5 jacks. No more than 2 daily jack limits in possession. 12" minimum size. Release all salmon other than hatchery Chinook, hatchery coho, and hatchery steelhead. Use of barbed hooks allowed.

(C) Shad: Open year-round.

(iii) Game fish: Statewide minimum size/daily limit, except:

(A) Trout: Open May 16 through March 31:

(B) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

(C) Release all trout except hatchery cutthroat.

(D) Barbless hooks required for cutthroat trout.

((-iii-)) (iv) Salmon and steelhead:

(A) April 1 through May 15: Closed.

(B) Open May 16 through June 15:

(I) Daily limit 6; up to 2 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open June 16 through June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(D) Open July 1 through July 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 1 through September 9:
- (I) Daily limit 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.
- (G) Open September 10 through October 31:
- (I) Daily limit 6; up to 2 adult salmon may be retained.
- (II) Release all salmon and steelhead except hatchery coho.
- (H) Open November 1 through December 31:
- (I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.
- (II) Release all salmon except hatchery coho.
- (I) Open January 1 through March 31:
- (I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.
- (II) Release all salmon except hatchery Chinook.
- ((-iii-)) (v) Shad:
- (A) April 1 through May 15: Closed.
- (B) Open May 16 through March 31.
- (e) **From a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and terminating at red navigation marker 44A on the Oregon bank, upstream to the Longview Bridge:**
 - (i) Game fish: Statewide minimum size/daily limit, except:
 - (A) Trout: Open May 16 through March 31.
 - (B) Release all trout except hatchery cutthroat.
 - (C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.
 - (D) Barbless hooks are required for cutthroat trout.
 - (ii) Salmon and steelhead:
 - (A) April 1 through May 15: Closed.
 - (B) Open May 16 through June 15:
 - (I) Daily limit 6; up to 2 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open June 16 through June 30:
 - (I) Daily limit 6; 1 hatchery steelhead may be retained.
 - (II) Release all salmon except 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 September 9:
 - (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) Open September 10 through October 31:
 - (I) Daily limit 6; up to 2 adult salmon may be retained.

- (II) Release all salmon and steelhead except hatchery coho.
- (H) Open November 1 through December 31:
- (I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.
- (II) Release all salmon except hatchery coho.
- (I) Open January 1 through March 31:
- (I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.
- (II) Release all salmon except hatchery Chinook.
- (iii) Shad:
 - (A) April 1 through May 15: Closed.
 - (B) Open May 16 through March 31.
- (f) **From the Longview Bridge to a line projected from the Warrior Rock lighthouse through Red Buoy 4 to the marker atop the piling dolphin located at the downstream end of Bachelor Island on the Washington shore (Warrior Rock line):**
 - (i) Game fish: Statewide minimum size/daily limit, except:
 - (A) Trout: Open May 16 through March 31.
 - (B) Release all trout except hatchery cutthroat.
 - (C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.
 - (D) Barbless hooks are required for cutthroat trout.
 - (ii) Salmon and steelhead:
 - (A) April 1 through May 15: Closed.
 - (B) Open May 16 through June 15:
 - (I) Daily limit 6; up to 2 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open June 16 through June 30:
 - (I) Daily limit 6; up to 1 steelhead may be retained.
 - (II) Release all salmon except 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 September 9:
 - (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) Open September 10 through October 31:
 - (I) Daily limit 6; up to 2 adult salmon may be retained.
 - (II) Release all salmon and steelhead except hatchery coho.
 - (H) Open November 1 through December 31:
 - (I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.
 - (II) Release all salmon except hatchery coho.
 - (I) Open January 1 through March 31:
 - (I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.
 - (II) Release all salmon except hatchery Chinook.
 - (iii) Shad:
 - (A) April 1 through May 15: Closed.
 - (B) Open May 16 through March 31.

(g) **From a line projected from the Warrior Rock lighthouse through Red Buoy 4 to the marker atop the piling dolphin located at the downstream end of Bachelor Island on the Washington shore (Warrior Rock line) to the I-5 Bridge:**

- (i) Game fish: Statewide minimum size/daily limit, except:
 - (A) Trout: Open May 16 through March 31.
 - (B) Release all trout except hatchery cutthroat.
 - (C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.
 - (D) Barbless hooks are required for cutthroat trout.
- (ii) Salmon and steelhead:
 - (A) April 1 through May 15: Closed.
 - (B) Open May 16 through June 15:
 - (I) Daily limit 6; up to 2 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open June 16 through June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (D) Open July 1 through July 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.
 - (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 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) Open November 1 through December 31:
 - (I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.
 - (II) Release all salmon except hatchery coho.
 - (H) Open January 1 through March 31:
 - (I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained.
 - (II) Release all salmon except hatchery Chinook.
- (iii) Shad:
 - (A) April 1 through May 15: Closed.
 - (B) Open May 16 through March 31.

(h) **From the I-5 Bridge to a line crossing the Columbia from Navigation Marker 82 on the Oregon shore westerly to the boundary marker on the Washington shore upstream of Fir Point 9 miles downstream from Bonneville Dam:**

- (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
- (ii) Salmon and steelhead:
 - (A) April 1 through June 15: Closed.
 - (B) Open June 16 through June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open July 1 through July 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 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.
- (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 hatchery coho.
- (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 June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open July 1 through July 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 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.

(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 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 June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 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 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.

(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 hatchery coho.

(G) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(iii) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(l) **From Beacon Rock to a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) April 1 through June 15: Closed.

(B) Open June 16 through June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 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 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.
- (F) November 1 through December 31: Closed.
- (G) Open January 1 through March 31:
- (I) Daily limit 2 hatchery steelhead.
- (II) Release all salmon.
- (iii) Shad:
 - (A) April 1 through May 15: Closed.
 - (B) Open May 16 through March 31.
 - (m) **From a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore to a line projected from a boundary marker about 4,000 feet downstream from the fish ladder at the new Bonneville Dam Powerhouse south to the downstream end of Cascade Island and across to the Oregon angling boundary on Bradford Island (about 850 feet downstream from the fish ladder):**
 - (i) It is unlawful to fish from any floating device.
 - (ii) Closed to any method of angling except hand-casted gear from shore.
 - (iii) Game fish: Statewide minimum size/daily limit, except: Release all trout.
 - (iv) Salmon and steelhead:
 - (A) April 1 through June 15: Closed.
 - (B) Open June 16 through June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open July 1 through July 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 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.
 - (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 hatchery coho.
 - (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 June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 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 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.

(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 hatchery coho.

(G) Open January 1 through March 31:

(I) Daily limit 2 hatchery steelhead.

(II) Release all salmon.

(iv) Shad:

(A) April 1 through May 15: Closed.

(B) Open May 16 through March 31.

(p) **From a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse to the upstream line of Bonneville Dam:** Closed waters.

(q) **From Bonneville Dam to the Hood River Bridge:**

(i) Game fish: Statewide minimum size/daily limit, except: Release all trout.

(ii) Salmon and steelhead:

(A) When open from March 16 through June 15: Bank fishing only.

(B) When open from March 16 through June 15: Only hand-cast lines may be used.

(C) When open from March 16 through June 15: It is unlawful to use a floating device to set lines for salmon and steelhead.

(D) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(E) April 1 through June 15: Closed.

(F) Open June 16 through June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

- (II) Release all salmon except hatchery jack Chinook.
- (G) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 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 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 hatchery coho.
- (I) Open 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 hatchery coho.
- (J) 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 hatchery coho.
- (K) Open January 1 through March 31:
 - (I) Daily limit 2 hatchery steelhead.
 - (II) Release all salmon.
- (r) **Waters within 1/4 mile of the USFWS Spring Creek Hatchery grounds between posted markers located 1/4 mile on either side of the fish ladder entrance:** Closed waters.
- (s) **From Hood River Bridge to the Tower Island power lines:**
 - (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
 - (ii) Salmon and steelhead:
 - (A) When open from March 16 through June 15: Bank fishing only.
 - (B) When open from March 16 through June 15: Only hand-cast lines may be used.
 - (C) When open from March 16 through June 15: It is unlawful to use a floating device to set lines for salmon and steelhead.
 - (D) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 - (E) April 1 through June 15: Closed.
 - (F) Open June 16 through June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (G) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 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 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.
 - (I) Open 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.
 - (J) 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.

- (K) Open January 1 through March 31:
- (I) Daily limit 2 hatchery steelhead.
- (II) Release all salmon.

(t) **From Tower Island power lines to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a boundary marker on the Washington shore (approximately 1.8 miles below The Dalles Dam):**

- (i) Game fish: Statewide minimum size/daily limit, except: Release all trout.
- (ii) Salmon and steelhead:
 - (A) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 - (B) April 1 through June 15: Closed.
 - (C) Open June 16 through June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (D) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 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 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 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 June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (D) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 adult salmon 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 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 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 June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (D) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 adult salmon 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 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 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.
 - (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 June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 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 August 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(E) September 1 through October 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.

(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 June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 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 August 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(E) September 1 through October 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.

(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 June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

- (II) Release all salmon except hatchery jack Chinook.
- (C) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 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 August 31:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except Chinook and coho.
- (E) September 1 through October 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 June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 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 August 1 through August 31:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except Chinook and coho.
 - (E) September 1 through October 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.
 - (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 June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 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 August 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(E) September 1 through October 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.

(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 June 30:

(I) Daily limit 6; up to 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery jack Chinook.

(C) Open July 1 through July 31:

(I) Daily limit 6; up to 2 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 August 31:

(I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(E) September 1 through October 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.

(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 June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 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 August 31:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except Chinook and coho.
 - (E) September 1 through October 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.

(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 June 30:
 - (I) Daily limit 6; up to 1 hatchery steelhead may be retained.
 - (II) Release all salmon except hatchery jack Chinook.
 - (C) Open July 1 through July 31:
 - (I) Daily limit 6; up to 2 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 August 31:
 - (I) Daily limit 6; up to 2 adult salmon of which 1 may be Chinook and 1 hatchery steelhead may be retained.
 - (II) Release all salmon except Chinook and coho.
 - (E) September 1 through October 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.

(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: Open August 16 through October 31: Daily limit 6; up to 2 adult salmon may be retained. Release all salmon except Chinook and coho.
- (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.
 - (iii) Salmon:
 - (A) 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.
 - (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.
 - (iii) Salmon:
 - (A) 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.
 - (iii) Salmon:
 - (A) 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 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 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 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 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.

(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 October 15:

(A) Daily limit 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 October 15:

(A) Daily limit 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 30:

(A) Daily limit 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 1 through October 15:

(A) Daily limit 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 21-14-067 (Order 21-95), § 220-312-060, filed 7/2/21, effective 8/2/21; 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-3365.1

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-315-040 Smelt—Unlawful acts. It shall be unlawful for any person taking smelt for personal use to fail to retain all smelt caught up to the daily limit. In the field, each person taking smelt must use a separate container to hold their catch and the container must be in the harvester's presence or identified with the harvester's name.

[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), recodified as § 220-315-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.040 and 75.08.080. WSR 98-06-031, § 220-56-275, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 80-03-064 (Order 80-12), § 220-56-275, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-070.]

OTS-3366.1

AMENDATORY SECTION (Amending WSR 20-04-058, filed 1/30/20, effective 7/1/20)

WAC 220-330-010 Shellfish—Daily limits, size restrictions, and unlawful acts. It is unlawful for any one person to possess ((~~at any time~~)) more than one daily limit of fresh shellfish while in the field or in transit. Additional shellfish may be possessed in a frozen or processed form. It is unlawful for any one person to take more than the following quantities of shellfish in any one day for personal use, or take or possess shellfish that measure less than the caliper measurement described in this section. Caliper measurement is defined as a linear measurement when both points of a movable caliper are touching the shell of the shellfish. A fixed caliper gauge is the linear distance between points of the caliper gauge or the diameter of a circular gauge.

(1) **Marine clams:**

(a) **Clams** (not including razor clams, geoduck clams and horse clams):

(i) Daily limit is 40 clams total, not to exceed 10 pounds in the shell.

(ii) Minimum size for Manila, native littleneck, butter clams, and cockles is 1 1/2 inches across the widest dimension of the shell.

(b) **Geoduck clams:**

(i) Daily limit is first 3 clams dug, regardless of size or condition. Broken clams count towards daily limit. No minimum size limit.

(ii) It is unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

(c) **Horse clams:** Daily limit is first 7 clams dug, regardless of size or condition. Broken clams count towards daily limit. No minimum size limit.

(d) **Razor clams:** Daily limit is 15 clams. No minimum size limit.

(e) It is unlawful for any person digging clams (other than razor clam) for personal use to fail to refill holes created during the digging operation. Beach terrain must be returned to its approximate original condition by the clam diggers before leaving immediate site of harvest. Violation of provisions of this subsection is an infraction punishable under RCW 77.15.160.

(f) **Relic shells:** No license or permit is required to take or possess up to 5 pounds of relic shells per day. It is unlawful to take or possess more than 5 pounds of relic shells from public tidelands without first obtaining a scientific collection permit. Notwithstanding the provisions of this section, it is unlawful to remove relic oyster shells from public tidelands.

(2) **Crab:**

(a) **General provisions:**

(i) All crab measurements must be made at the widest part of the shell (carapace) immediately in front of the points (tips) on the carapace.

(ii) It is unlawful to possess in the field any crab or crab parts without also retaining the back shell of each crab.

(iii) It is unlawful for any person to take or possess any female Dungeness crab.

(iv) It is unlawful to possess soft-shelled crab for any purpose. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(b) **Dungeness crab:**

(i) (A) In Marine Area 1 (except when fishing from the north jetty of the Columbia River), Marine Areas 2, 3, and 4 west of the Bonilla-Tatoosh line (Coastal waters): Daily limit is 6 male crab.

(B) Minimum size limit is 6 inches.

(ii) (A) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, and when fishing from the north jetty of the Columbia River: Daily limit is 12 male crab.

(B) Minimum size limit is 5 3/4 inches.

(iii) (A) In Marine Area 4 east of the Bonilla-Tatoosh line, and Marine Areas 5, 6, 7, 8, 9, 10, 11, 12, and 13 (Puget Sound): Daily limit is 5 male crab.

(B) Minimum size limit is 6 1/4 inches.

(c) **Red rock crab:**

(i) Daily limit is 6 crab. Either sex may be retained.

(ii) Minimum size limit is 5 inches.

(d) **King and box crab:** Closed in all waters.

(e) **Tanner crab:**

(i) Daily limit is 6 crab. Either sex may be retained.

(ii) Minimum size limit is 4 1/2 inches.

(3) **Crawfish:**

(a) Daily limit is 10 pounds, whole crawfish in the shell.

(b) Minimum size limit 3 1/4 inches from tip of rostrum to tip of tail.

(c) Female crawfish with eggs or young attached to the abdomen must be released immediately.

(d) Take or possession of crawfish must also comply with provisions of chapter 220-640 WAC.

(4) **Goose barnacles:** Daily limit is 10 pounds of whole barnacles in the shell or 5 pounds of barnacle stalks. No minimum size limit.(5) **Mussels:** Daily limit is 10 pounds in the shell, all species in the aggregate. No minimum size limit.(6) **Octopus:** Daily limit is one octopus. No minimum size limit.(7) **Oysters:**

(a) Daily limit is 18 oysters.

(b) Minimum size limit before shucking is 2 1/2 inches along the widest dimension of the shell. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(c) Oysters taken for personal use must be shucked before removing oysters from the intertidal zone and the shells replaced on the tidelands at the approximate tide level from which original was taken. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(8) **Scallops:**(a) **Rock scallops:**

(i) Daily limit is 6 scallops.

(ii) Minimum size limit is 4 inches. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(b) **Pink and spiny scallops:**

(i) Combined daily limit is 40 scallops in the shell.

(ii) Minimum size limit is 2 inches. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(c) **Weathervane scallops:**

(i) Daily limits is 12 scallops.

(ii) Minimum size limit is 4 inches.

(9) **Sea cucumbers:** Daily limit is 18 California sea cucumbers. No minimum size limit.(10) **Sea urchins:**(a) **Red sea urchins:**

(i) Daily limit is 18 red sea urchins.

(ii) Minimum size limit 3 1/4 inch shell diameter exclusive of the spines. Maximum size limit is 5 inch shell diameter exclusive of the spines. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(b) **Purple sea urchins:**

(i) Daily limit is 18 purple sea urchins.

(ii) Minimum size limit is 2 1/4 inch shell diameter exclusive of the spines.

(c) **Green sea urchins:**

(i) Daily limit is 18 green sea urchins.

(ii) Minimum size limit is 2 1/4 inch shell diameter exclusive of the spines.

(11) **Shrimp:**

(a) In Marine Areas 1, 2, and 3 and Marine Area 4 west of the Bonilla-Tatoosh line: Daily total weight limit is 25 pounds, maximum of 200 spot shrimp as part of the 25-pound limit.

(b) (i) In Marine Area 4 east of the Bonilla-Tatoosh line and Marine Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13: (~~First Saturday in May through May 31,~~) Daily limit is 80 spot shrimp; (during all other open periods) with a total daily (total) weight limit (is) of 10 pounds (whole shrimp) all species combined (, maximum of 80 spot shrimp as part of the 10-pound limit).

(ii) If retaining nonspot shrimp (heads may be removed, but after May 31), all shrimp heads (spot and nonspot) must be retained in the field until ashore and finished fishing for the day.

(c) **Ghost and mud shrimp:** Daily limit is 120 shrimp.

(12) **Squid:**

(a) **Humboldt squid:** 1 squid. No minimum size limit.

(b) **All other species of squid:** Daily limit is 10 pounds or 5 quarts of squid. No minimum size limit.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, and 77.04.055. WSR 20-04-058 (Order 20-19), § 220-330-010, filed 1/30/20, effective 7/1/20. 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), recodified as § 220-330-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 17-01-085 (Order 16-322), § 220-56-310, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 13-19-007 (Order 13-221), § 220-56-310, filed 9/5/13, effective 10/6/13. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-310, filed 3/19/10, effective 5/1/10; WSR 08-07-003, § 220-56-310, filed 3/5/08, effective 4/5/08; WSR 06-05-085 (Order 06-23), § 220-56-310, filed 2/14/06, effective 5/1/06; WSR 05-12-007 (Order 05-102), § 220-56-310, filed 5/19/05, effective 6/19/05; WSR 05-05-035 (Order 05-15), § 220-56-310, filed 2/10/05, effective 5/1/05; WSR 04-17-088 (Order 04-217), § 220-56-310, filed 8/16/04, effective 9/16/04; WSR 04-07-009 (Order 04-39), § 220-56-310, filed 3/4/04, effective 5/1/04; WSR 02-08-048 (Order 02-53), § 220-56-310, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-310, filed 3/29/00, effective 5/1/00; WSR 99-15-081 (Order 99-102), § 220-56-310, filed 7/20/99, effective 8/20/99; WSR 99-08-029 (Order 99-13), § 220-56-310, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-310, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-310, filed 3/19/97, effective 5/1/97; WSR 95-04-066 (Order 95-10), § 220-56-310, filed 1/30/95, effective 5/1/95; WSR 93-08-034 (Order 93-20), § 220-56-310, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-310, filed 5/12/92, effective 6/12/92; WSR 90-06-026, § 220-56-310, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-310, filed 3/16/89; WSR 88-12-025 (Order 88-28), § 220-56-310, filed 5/25/88, effective 8/22/88; WSR 88-10-013 (Order 88-15), § 220-56-310, filed 4/26/88; WSR 87-09-066 (Order 87-16), § 220-56-310, filed 4/21/87; WSR 86-24-046 (Order 86-190), § 220-56-310, filed 11/26/86; WSR 86-09-020 (Order 86-08), § 220-56-310, filed 4/9/86; WSR 85-12-046 (Order 85-57), § 220-56-310, filed 6/5/85; WSR 84-09-026 (Order 84-22), § 220-56-310, filed 4/11/84; WSR 83-04-027 (Order 83-06), § 220-56-310, filed 1/27/83; WSR 82-07-047 (Order 82-19), § 220-56-310, filed 3/18/82; WSR 80-03-064 (Order 80-12), § 220-56-310, filed 2/27/80, effective 4/1/80.]

OTS-3367.1

AMENDATORY SECTION (Amending WSR 20-04-058, filed 1/30/20, effective 7/1/20)

WAC 220-330-090 Crawfish, sea urchins, sea cucumbers, goose barnacles, scallops, squid, octopus—Areas and seasons. It is unlawful to fish for personal use for crawfish, sea urchins, sea cucumbers, goose barnacles, and scallops except in the following areas and seasons:

(1) **Crawfish:** Open in all waters from the first Monday in May through October 31.

(2) **Sea cucumbers ((and sea urchins)):** Open ((year-round)) July 1 through the last day in February in all waters, except ((that it is unlawful to take sea cucumbers and sea urchins in Marine Area 12 and)) in the following closed areas:

(a) All waters of Marine Area 12.

(b) All waters of Marine Area 8-1.

(c) All waters of Marine Area 8-2.

(d) All waters of Marine Area 10.

(e) Those waters of Marine Area 9 south of a line projected from Foulweather Bluff (47° 56.4'N, 122° 36.726'W) to Double Bluff (47° 58.054'N, 122° 32.78'W).

(f) Those waters of San Juan Channel and Upright Channel within the following lines: North and west of a line from the northernmost point of Turn Island on San Juan Island (48° 32.146'N, 122° 58.279'W) to Flat Point on Lopez Island (48° 33.060'N, 122° 55.181'W) and ((thence)) then projected from Flat Point true west to Shaw Island (48° 33.062'N, 122° 56.509'W) north of a line projected from the northernmost point of Turn Island (48° 32.146'N, 122° 58.279'W) true west to San Juan Island (48° 32.146'N, 122° 59.033'W) west of a line from Neck Point on Shaw Island (48° 35.233'N, 123° 0.744'W) to Steep Point on Orcas Island (48° 36.559'N, 123° 1.387'W) and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island (48° 37.348'N, 123° 6.450'W).

((b)) (g) Those waters of Haro Strait north of a line projected true west from the southernmost point of Cattle Point on San Juan Island (48° 27.006'N, 122° 57.818'W) to the international border and south of a line projected true west from a point ((one-quarter)) 1/4 mile north of Lime Kiln Light on San Juan Island (48° 31.202'N, 123° 9.162'W) to the international border.

((e)) (h) Argyle Lagoon: Those University of Washington-owned tidelands and all bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.

((d)) (i) Those waters within ((one-quarter)) 1/4 mile of Ta-toosh Island.

((e)) (j) Those waters of the Strait of Juan de Fuca in the vicinity of Low Point west of a line projected true north from the shoreline at 123° 48.3'W longitude to the international border, and east of a line projected true north from the shoreline at 123° 52.7'W longitude to the international border at 123° 52.7'W longitude.

((f)) (k) Those waters of Eagle Harbor west of a line projected from Wing Point (47° 37.241'N, 122° 29.535'W) to Eagle Harbor Creosote Light Number 1 (47° 36.975'N, 122° 29.792'W), then projected true west to the shore on Bainbridge Island (47° 36.975'N, 122° 29.977'W).

~~((g))~~ (1) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner (47° 33.886'N, 122° 37.397'W) to landfall directly below the ~~((Veteran's Home)) Kitsap Transit foot ferry terminal in Annapolis (47° 32.868'N, 122° 36.973'W).~~

~~((h))~~ (m) All waters of Hale Passage and Wollochet Bay within the following lines: ~~((West of a line projected true south from the shoreline near Point Fosdick (47° 14'N, 122° 35'W), and thence projected true west to the shoreline of Fox Island (47° 14'N, 122° 35.368'W) and east of a line projected true south from the shoreline near Green Point (47° 16.5'N, 122° 41'W), and thence projected true east to the shoreline of Fox Island (47° 16.5'N, 122° 40.145'W).~~

~~(3))~~ West and north of a line starting at Point Fosdick following longitude 122° 35'W southward to latitude 47° 14'; then true west to Fox Island, and east and north of a line starting at Green Point following longitude 122° 41'W southward to latitude 47° 16.5'N; then true east to Fox Island.

(3) **Sea urchins:** Open year-round in all waters, except in the following closed areas:

(a) All waters of Marine Area 12.

(b) Those waters of San Juan Channel and Upright Channel within the following lines: North and west of a line from the northernmost point of Turn Island on San Juan Island (48° 32.146'N, 122° 58.279'W) to Flat Point on Lopez Island (48° 33.060'N, 122° 55.181'W), and then projected from Flat Point true west to Shaw Island (48° 33.062'N, 122° 56.509'W) north of a line projected from the northernmost point of Turn Island (48° 32.146'N, 122° 58.279'W) true west to San Juan Island (48° 32.146'N, 122° 59.033'W) west of a line from Neck Point on Shaw Island (48° 35.233'N, 123° 0.744'W) to Steep Point on Orcas Island (48° 36.559'N, 123° 1.387'W) and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island (48° 37.348'N, 123° 6.450'W).

(c) Those waters of Haro Strait north of a line projected true west from the southernmost point of Cattle Point on San Juan Island (48° 27.006'N, 122° 57.818'W) to the international border and south of a line projected true west from a point 1/4 mile north of Lime Kiln Light on San Juan Island (48° 31.202'N, 123° 9.162'W) to the international border.

(d) Argyle Lagoon: Those University of Washington-owned tidelands and all bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.

(e) Those waters within 1/4 mile of Tatoosh Island.

(f) Those waters of the Strait of Juan de Fuca in the vicinity of Low Point west of a line projected true north from the shoreline at 123° 48.3'W longitude to the international border, and east of a line projected true north from the shoreline at 123° 52.7'W longitude to the international border at 123° 52.7'W longitude.

(g) Those waters of Eagle Harbor west of a line projected from Wing Point (47° 37.241'N, 122° 29.535'W) to Eagle Harbor Creosote Light Number 1 (47° 36.975'N, 122° 29.792'W), then projected true west to the shore on Bainbridge Island (47° 36.975'N, 122° 29.977'W).

(h) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner (47° 33.886'N, 122° 37.397'W) to landfall directly below the Kitsap Transit foot ferry terminal in Annapolis (47° 32.868'N, 122° 36.973'W).

(i) All waters of Hale Passage and Wollochet Bay within the following lines: West and north of a line starting at Point Fosdick fol-

lowing longitude 122° 35'W southward to latitude 47° 14'; then true west to Fox Island, and east and north of a line starting at Green Point following longitude 122° 41'W southward to latitude 47° 16.5'N; then true east to Fox Island.

(4) Goose barnacles:

(a) In Marine Area 4 east of the Bonilla-Tatoosh line, and Marine Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13 (Puget Sound), open year-round.

(b) In Marine Areas 1, 2, and 3 and Marine Area 4 west of the Bonilla-Tatoosh line (outside of Olympic National Park), open November 1 through March 31 only.

~~((4))~~ **(5) Scallops:** Open in all waters year-round.

~~((5))~~ **(6) Squid:** Open in all waters year-round.

~~((6))~~ **(7) Octopus:** Open year-round in all waters, except that is unlawful to take octopus in Marine Area 12 and from the following closed areas:

(a) **Redondo Beach.** Redondo Beach is defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 20.927'N, 122° 19.462'W; then northwesterly to 47° 20.947'N, 122° 19.513'W; then to 47° 20.955'N, 122° 19.564'W; then northeasterly to 47° 21.039'N, 122° 19.496'W; then returning to shore at 47° 21.011'N, 122° 19.42'W.

(b) **Three Tree Point.** Three Tree Point is defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 27.108'N, 122° 22.811'W; then northwesterly to 47° 27.255'N, 122° 22.948'W; then northeasterly to 47° 27.425'N, 122° 22.617'W; then returning to shore at 47° 27.278'N, 122° 22.461'W.

(c) **Alki Beach Seacrest Coves 1, 2, and 3.** Alki Beach Seacrest Coves 1, 2, and 3 are defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 35.216'N, 122° 22.622'W; then northeasterly and offshore to 47° 35.268'N, 122° 22.560'W; then northwesterly to 47° 35.492'N, 122° 23.87'W; then returning to shore at 47° 35.480'N, 122° 23.905'W. This area does not include waters within 150 feet of the Seacrest Public Fishing Pier, as demarcated at the surface with buoys and on the sea floor by a perimeter line.

(d) **Les Davis.** Les Davis is defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 17.086'N, 122° 29.120'W; then northeasterly to 47° 17.176'N, 122° 29.016'W; then southeasterly to 47° 17.115'N, 122° 28.902'W; then returning to shore at 47° 17.025'N, 122° 29.003'W.

(e) **Alki Beach Junk Yard.** Alki Beach Junk Yard is defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 34.677'N, 122° 24.953'W; then northwesterly to 47° 34.834'N, 122° 25.054'W; then northeasterly to 47° 34.946'N, 122° 24.678'W; then returning to shore at 47° 34.789'N, 122° 24.575'W.

(f) **Days Island.** Days Island is defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 14.125'N, 122° 33.819'W; then west to 47° 14.126'N, 122° 34.024'W; then north to 47° 14.696'N, 122° 34.013'W; then returning to shore at 47° 14.696'N, 122° 34.679'W.

(g) **Deception Pass.** Deception Pass is defined as the waters, bedlands, and tidelands east of a line starting at 48° 24.134'N, 122° 39.801'W; and north to 48° 25.169'N, 122° 40.343'W; then east to 48° 25.269'N, 122° 40.161'W; proceeding to 48° 24.925'N, 122° 39.845'W; and west of a line starting at 48° 24.492'N, 122° 36.904'W; and north to 48° 24.815'N, 122° 36.912'W.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, and 77.04.055. WSR 20-04-058 (Order 20-19), § 220-330-090, filed 1/30/20, effective 7/1/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047. WSR 19-13-013 (Order 18-120), § 220-330-090, filed 6/7/19, effective 7/8/19. 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), recodified as § 220-330-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 17-01-085 (Order 16-322), § 220-56-336, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-336, filed 3/19/97, effective 5/1/97.]

WSR 22-05-075
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 15, 2022, 9:58 a.m., effective April 1, 2022]

Effective Date of Rule: April 1, 2022.

Purpose: The purpose of this rule making is to lower the pension discount rate (PDR) to better align with the rate of return for long-term treasuries for self-insured and state fund pensions. The PDR is the interest rate used to account for the time value of money when evaluating the present value of future pension payments. This rule lowers the PDR for self-insured employers from 5.8 percent to 5.7 percent, and state fund employers from 4.5 percent to 4.0 percent, effective April 1, 2022.

Citation of Rules Affected by this Order: Amending WAC 296-14-8810.

Statutory Authority for Adoption: RCW 51.04.020, 51.44.070(1), 51.44.080.

Adopted under notice filed as WSR 21-23-081 on November 16, 2021.

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

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

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

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

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

Date Adopted: February 15, 2022.

Joel Sacks
Director

OTS-3200.2

AMENDATORY SECTION (Amending WSR 21-02-066, filed 1/5/21, effective 4/1/21)

WAC 296-14-8810 Pension tables, pension discount rate and mortality tables. (1) The department uses actuarially determined pension tables for calculating pension annuity values, required pension reserves, and actuarial adjustments to monthly benefit amounts.

(a) The department's actuaries calculate the pension tables based on:

(i) Mortality tables from nationally recognized sources;

(ii) The department's experience with rates of mortality, disability, and remarriage for annuity recipients;

(iii) A pension discount rate of ((4.5)) 4.0 percent for state fund pensions;

(iv) A pension discount rate of (~~5.8~~) 5.7 percent for self-insured pensions, including the United States Department of Energy pensions; and

(v) The higher of the two pension discount rates so that pension benefits for both state fund and self-insured recipients use the same reduction factors for the calculation of death benefit options under RCW 51.32.067.

(b) The department's actuaries periodically investigate whether updates to the mortality tables relied on or the department's experience with rates of mortality, disability, and remarriage by its annuity recipients warrant updating the department's pension tables.

(2) To obtain a copy of any of the department's pension tables, contact the department of labor and industries actuarial services.

[Statutory Authority: RCW 51.04.020, 51.44.070(1), and 51.44.080. WSR 21-02-066, § 296-14-8810, filed 1/5/21, effective 4/1/21; WSR 20-02-114, § 296-14-8810, filed 1/2/20, effective 4/1/20; WSR 19-01-096, § 296-14-8810, filed 12/18/18, effective 4/1/19; WSR 18-05-081, § 296-14-8810, filed 2/20/18, effective 4/1/18; WSR 17-05-096, § 296-14-8810, filed 2/14/17, effective 4/1/17; WSR 16-05-087, § 296-14-8810, filed 2/16/16, effective 4/1/16; WSR 15-02-061, § 296-14-8810, filed 1/6/15, effective 4/1/15.]

WSR 22-05-076
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 15, 2022, 9:58 a.m., effective March 18, 2022]

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

Purpose: This rule making adopts a 5.79 percent fee increase for inspections of conveyances and other elevator program (program) public safety activities. This is the office of financial management's maximum allowable fiscal growth factor rate for fiscal year 2022. The current fee levels are insufficient to cover current program expenses. A fee increase is necessary to ensure the program's revenues match expenditures; otherwise, service levels may need to be reduced.

Citation of Rules Affected by this Order: Amending WAC 296-96-00922, 296-96-01005, 296-96-01010, 296-96-01025, 296-96-01027, 296-96-01030, 296-96-01035, 296-96-01040, 296-96-01045, 296-96-01055, 296-96-01057, 296-96-01060, and 296-96-01065.

Statutory Authority for Adoption: Chapter 70.87 RCW.

Adopted under notice filed as WSR 21-24-068 on November 30, 2021.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 13, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 13, Repealed 0.

Date Adopted: February 15, 2022.

Joel Sacks
Director

OTS-3415.1

AMENDATORY SECTION (Amending WSR 21-18-096, filed 8/31/21, effective 10/1/21)

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	(\$70.10) <u>\$74.10</u>
Elevator contractor/mechanic examination fee	Per application	(\$211.50) <u>\$223.70***</u>
Reciprocity application fee	Per application*	(\$70.10) <u>\$74.10</u>
Elevator mechanic license	2 years	(\$140.90) <u>\$149.00</u>
Elevator contractor license	2 years	(\$140.90) <u>\$149.00</u>
Temporary elevator mechanic license application fee (not required for renewal)	Per application	(\$70.10) <u>\$74.10</u>
Temporary elevator mechanic license	1 year	(\$140.90) <u>\$149.00</u>
Emergency elevator mechanic license	30 days	(\$34.80) <u>\$36.80</u>
Elevator mechanic/contractor timely renewal fee	2 years	(\$140.90) <u>\$149.00</u>
Elevator mechanic/contractor late renewal fee	2 years	(\$282.20) <u>\$298.50</u>
Temporary elevator mechanic timely renewal fee	1 year	(\$140.90) <u>\$149.00</u>
Temporary elevator mechanic late renewal fee	1 year	(\$282.20) <u>\$298.50</u>
Training provider application/renewal fee	2 years	(\$140.90) <u>\$149.00</u>
Continuing education course fee by approved training provider	1 year**	Not applicable
Replacement of any licenses		(\$20.90) <u>\$22.10</u>
Refund processing fee		(\$42.00) <u>\$44.40</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 21-18-096, § 296-96-00922, filed 8/31/21, effective 10/1/21; 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 21-18-096, filed 8/31/21, effective 10/1/21)

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 (~~(\$63.60)~~) \$67.20 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: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01005, filed 8/31/21, effective 10/1/21. 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 21-18-096, filed 8/31/21, effective 10/1/21)

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	((\$70.40) \$74.10)
\$1,001 to and including \$5,000	((\$105.40) \$111.50)
\$5,001 to and including \$7,000	((\$176.40) \$186.20)
\$7,001 to and including \$10,000	((\$211.50) \$223.70)
\$10,001 to and including \$15,000	((\$282.20) \$298.50)
OVER \$15,000 for installation only*	((\$395.40) \$417.90 plus
OVER \$15,000 for alteration only*	((\$282.20) \$298.50)
*Each additional \$1,000 or fraction thereof	((\$9.60) \$10.10)

[Statutory Authority: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01010, filed 8/31/21, effective 10/1/21. 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 21-18-096, filed 8/31/21, effective 10/1/21)

WAC 296-96-01025 Permit fees for personnel and material hoists.

The fee for each personnel hoist or material hoist installation is (~~(\$282.20)~~) \$298.50.

See WAC 296-96-01035(2) for requirements for jumps.

Note: An operating certificate is also required for these types of conveyances.

[Statutory Authority: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01025, filed 8/31/21, effective 10/1/21. 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 21-18-096, filed 8/31/21, effective 10/1/21)

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 (~~(\$42.00)~~) \$44.40.

[Statutory Authority: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01027, filed 8/31/21, effective 10/1/21. 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 21-18-096, filed 8/31/21, effective 10/1/21)

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 processing the applications are (~~(\$34.80)~~) \$36.80 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: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01030, filed 8/31/21, effective 10/1/21. 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 21-18-096, filed 8/31/21, effective 10/1/21)

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 (~~(\$140.90)~~) \$149.00 per conveyance plus (~~(\$68.40)~~) \$72.30 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 (~~(\$140.90)~~) \$149.00 plus (~~(\$70.10)~~) \$74.10 per hour for each hour in addition to ((2)) two 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)) three days.

(3) **Variance inspections.**

(a) The fee for an on-site variance inspection is ((~~\$211.50~~)) \$223.70 per conveyance plus ((~~\$70.10~~)) \$74.10 per hour for each hour in addition to ((2)) two 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 ((~~\$70.10~~)) \$74.10 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 ((~~\$34.80~~)) \$36.80.

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 ((~~\$70.10~~)) \$74.10. 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 ((~~\$140.90~~)) \$149.00 per conveyance and ((~~\$70.10~~)) \$74.10 per hour for each hour in addition to ((2)) two 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: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01035, filed 8/31/21, effective 10/1/21. 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 21-18-096, filed 8/31/21, effective 10/1/21)

WAC 296-96-01040 Construction-use inspection fee. (1) The fee for the inspecting and testing of elevators used for construction is (~~(\$112.60)~~) \$119.10, 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: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01040, filed 8/31/21, effective 10/1/21. 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 21-18-096, filed 8/31/21, effective 10/1/21)

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	((\$32.70)) \$34.50
Each inclined wheel chair lift in a private residence	((\$32.70)) \$34.50
Each vertical wheel chair lift in a private residence	((\$41.30)) \$43.60
Each dumbwaiter in a private residence	((\$32.70)) \$34.50
Each inclined elevator at a private residence ..	((\$117.10)) \$123.80
Each private residence elevator	((\$75.40)) \$79.70
Duplication of a lost, damaged or stolen operating permit	((\$13.70)) \$14.40

[Statutory Authority: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01045, filed 8/31/21, effective 10/1/21. 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 21-18-096, filed 8/31/21, effective 10/1/21)

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 (~~(\$84.30)~~) \$89.10 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: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01055, filed 8/31/21, effective 10/1/21. 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 21-18-096, filed 8/31/21, effective 10/1/21)

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 (~~(\$84.30)~~) \$89.10 per hour or portion thereof (including travel time) plus the standard per diem and mileage allowance granted to department inspectors.

[Statutory Authority: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01057, filed 8/31/21, effective 10/1/21. 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 21-18-096, filed 8/31/21, effective 10/1/21)

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 (~~(\$105.40)~~) \$111.50 and (~~(\$105.40)~~) \$111.50 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: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01060, filed 8/31/21, effective 10/1/21. 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 21-18-096, filed 8/31/21, effective 10/1/21)

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	(((\$140.90)) <u>\$149.00</u>)
Each roped-hydraulic elevator	(((\$176.10)) <u>\$186.20</u>)
plus for each hoistway opening in excess of two	(((\$13.70)) <u>\$14.40</u>)
Each cable elevator	(((\$176.10)) <u>\$186.20</u>)
plus for each hoistway opening in excess of two	(((\$13.70)) <u>\$14.40</u>)
Each cable elevator traveling more than 25 feet without an opening—for each 25 foot traveled	(((\$13.70)) <u>\$14.40</u>)
Each limited-use/limited-application (—LULA) elevator	(((\$140.90)) <u>\$149.00</u>)
Each escalator	(((\$117.00)) <u>\$123.70</u>)
Each dumbwaiter in other than a private residence	(((\$75.40)) <u>\$79.70</u>)
Each material lift	(((\$140.90)) <u>\$149.00</u>)
Each incline elevator in other than a private residence	(((\$151.50)) <u>\$160.20</u>)
Each belt manlift	(((\$140.90)) <u>\$149.00</u>)
Each stair lift in other than a private residence	(((\$75.40)) <u>\$79.70</u>)
Each wheel chair lift in other than a private residence	(((\$75.40)) <u>\$79.70</u>)
Each personnel hoist	(((\$140.90)) <u>\$149.00</u>)
Each grain elevator personnel lift	(((\$117.00)) <u>\$123.70</u>)

TYPE OF CONVEYANCE	FEE
Each material hoist	((\$140.90) \$149.00)
Each special purpose elevator	((\$140.90) \$149.00)
Each private residence elevator installed in other than a private residence	((\$140.90) \$149.00)
Each casket lift	((\$117.00) \$123.70)
Each sidewalk freight elevator	((\$117.00) \$123.70)
Each hand-powered manlift or freight elevator	((\$79.30) \$83.80)
Each boat launching elevator	((\$117.00) \$123.70)
Each auto parking elevator	((\$117.00) \$123.70)
Each moving walk	((\$117.00) \$123.70)
Duplication of a damaged, lost or stolen operating permit	((\$13.70) \$14.40)

[Statutory Authority: Chapter 70.87 RCW. WSR 21-18-096, § 296-96-01065, filed 8/31/21, effective 10/1/21. 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.]

WSR 22-05-077

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed February 15, 2022, 10:15 a.m., effective July 1, 2022]

Effective Date of Rule: July 1, 2022.

Purpose: The rule amends WAC 192-150-112 so that the definition of domestic violence is consistent with the definition contained in section 2 of E2SHB 1320 (chapter 215, Laws of 2021). Section 2 of E2SHB 1320 (chapter 215, Laws of 2021) was codified at RCW 7.105.010.

Citation of Rules Affected by this Order: Amending WAC 192-150-112.

Statutory Authority for Adoption: E2SHB 1320 (sections 2 and 3, chapter 215, Laws of 2021); RCW 50.20.050.

Adopted under notice filed as WSR 21-22-110 on November 3, 2021.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

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

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

Date Adopted: February 15, 2022.

Dan Zeitlin
Employment System Policy Director

OTS-3315.2

AMENDATORY SECTION (Amending WSR 10-01-156, filed 12/22/09, effective 1/22/10)

WAC 192-150-112 Definitions—Domestic violence and stalking—RCW 50.20.050 (1) (b) (iv) and (2) (b) (iv). To constitute good cause for leaving work, your job separation must have been necessary to protect yourself or a member of your immediate family from domestic violence or stalking.

(1) **Immediate family** is defined (~~(in WAC 192-150-055 and means)~~) as your spouse, domestic partner, and (~~(+the+)~~) the children (including your unborn children), siblings, stepchildren, foster children, or parents of either spouse or domestic partner, whether living with you or not, and other relatives who temporarily or permanently reside in your household.

(2) (~~(+a+)~~) **Domestic violence** is defined in RCW (~~(26.50.010. It includes the following acts committed between family or household members:~~

~~(i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault;~~

~~(ii) Sexual assault; or~~

~~(iii) Stalking.~~

~~(b) The perpetrator of domestic violence must be a family or household member, which means:~~

~~(i) Spouses, domestic partners, former spouses, and former domestic partners,~~

~~(ii) Persons who have a child in common regardless of whether they have been married or have lived together at any time,~~

~~(iii) Adult persons related by blood or marriage,~~

~~(iv) Adult persons who are presently residing together or who have resided together in the past,~~

~~(v) Persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship,~~

~~(vi) Persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and~~

~~(vii) Persons who have a biological or legal parent-child relationship, including stepparents, stepchildren, grandparents, and grandchildren.~~

~~(c) "Dating relationship" means a social relationship of a romantic nature)) 7.105.010.~~

(3) **Stalking** is defined by RCW 9A.46.110. It means:

(a) Intentionally and repeatedly harassing or following another person; and

(b) Placing the person being harassed or followed in fear of injury to self or property, or to another person or the property of another person; and

(c) Intending to frighten, intimidate, or harass the other person; or

(d) Knowing or having reason to know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(i) "Harass" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose.

(ii) "Repeatedly" means on two or more separate occasions.

(iii) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(iv) "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 34.05.120. WSR 10-01-156, § 192-150-112, filed 12/22/09, effective 1/22/10. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042, and 50.20.010. WSR 05-13-156, § 192-150-112, filed 6/21/05, effective 7/22/05.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WSR 22-05-086
PERMANENT RULES

CONSOLIDATED TECHNOLOGY SERVICES

[Filed February 15, 2022, 2:53 p.m., effective March 18, 2022]

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

Purpose: Chapter 143-06 WAC, Fee waivers. Updating this rule to comply and conform with EHB 1595 and agency policies.

Citation of Rules Affected by this Order: Amending WAC 143-06-180.

Statutory Authority for Adoption: RCW 42.56.040, 43.105.057.

Adopted under notice filed as WSR 21-24-024 on November 19, 2021.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

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

Date Adopted: January 10, 2022.

Brianna Southworth
Records Management Manager

OTS-3340.1

AMENDATORY SECTION (Amending WSR 19-06-020, filed 2/27/19, effective 3/30/19)

WAC 143-06-180 Fee waivers. (1) Requestors are required to pay for copies in advance of receiving records. ~~((Fee waivers are an exception and are available for some small requests under the following conditions.~~

~~(1) It is within the discretion of))~~ (2) The public records officer ~~((to))~~ may waive copying fees when:

(a) All of the records responsive to an entire request are paper copies only and are ~~((twenty-five))~~ 25 or fewer pages; ~~((or))~~

(b) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule ~~((or~~

~~(2) Fee waivers are not applicable to records provided in installments.))~~; or

(c) The public records officer determines, based upon the circumstances of the records request, that fee waiver is in the public interest.

[Statutory Authority: RCW 42.56.100, 42.56.040 (1)(d), 42.56.120, and 43.10.110. WSR 19-06-020, § 143-06-180, filed 2/27/19, effective 3/30/19.]

WSR 22-05-102

PERMANENT RULES

LOWER COLUMBIA COLLEGE

[Filed February 16, 2022, 11:40 a.m., effective March 19, 2022]

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

Purpose: Lower Columbia College must amend their WAC 132M-126-115, 132M-126-145, and 132M-126-155 to meet new case law and guidance from the Department of Education regarding the federal regulations for Title IX of the Education Amendments of 1972 (Title IX) that specify how recipients of federal financial assistance covered by Title IX, including postsecondary institutions, must respond to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination. Specifically, the changes include modifications to the appeal process, evidentiary procedure, and appointment of a hearing officer.

Citation of Rules Affected by this Order: Amending WAC 132M-126-115, 132M-126-145, and 132M-126-155.

Statutory Authority for Adoption: Chapter 34.05 RCW; and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Other Authority: *Victim Rights Law Center et al. v. Cardona*, No. 1:20-cv-11104, 2021 WL 3185743 (D. Mass. July 28, 2021).

Adopted under notice filed as WSR 22-01-121 on December 13, 2021.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

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

Date Adopted: February 16, 2022.

Kendra Sprague
Vice President of Foundation
Human Resources and Legal Affairs

OTS-3298.1

AMENDATORY SECTION (Amending WSR 21-01-145, filed 12/17/20, effective 1/17/21)

WAC 132M-126-115 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 college's standard disciplinary procedures, WAC 132M-126-005 through 132M-126-110, these

supplemental procedures shall take precedence. The college may, at its discretion, contract with an administrative law judge or other person to act as presiding officer and assign such presiding officer to exercise any or all of the duties in lieu of the student conduct committee and committee chair.

[Statutory Authority: RCW 28B.50.140. WSR 21-01-145, § 132M-126-115, filed 12/17/20, effective 1/17/21.]

AMENDATORY SECTION (Amending WSR 21-01-145, filed 12/17/20, effective 1/17/21)

WAC 132M-126-155 Appeals. (1) ~~((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 132M-126-090.~~

~~(2))~~ All parties, including the student conduct officer, in their capacity as a representative of the college, have the right to appeal from the determination of responsibility and/or from a dismissal, in whole or part, of a formal complaint during the investigative or hearing process. Appeals must be in writing and filed with the president's office within 21 days of service of the initial order or notice of dismissal. Appeals must identify the specific findings of fact and/or conclusions of law in the initial order or dismissal that the appealing party is challenging and must contain argument as to why the appeal should be granted. Failure to file a timely appeal constitutes a waiver of the right to appeal and the initial order or dismissal shall be deemed final.

(2) Upon receiving a timely appeal, the president's office will serve a copy of the appeal on all parties, who will have 10 days from the date of service to submit written responses to the president's office addressing issues raised in the appeal. Failure to file a timely response constitutes a waiver of the right to participate in the appeal. Upon receipt of written responses, the president's office shall serve copies of the responses to the other parties.

(3) Parties receiving a copy of the responses shall have five days in which to submit a written reply addressing issues raised in the responses to the president's office.

(4) The president or their delegate, based on their review of parties' submissions and the hearing or investigative record, will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether a dismissal is affirmed or denied, or if the disciplinary sanction(s) and condition(s) imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction(s) and/or condition(s).

~~((3))~~ (5) The president's office shall serve the final decision on the parties simultaneously.

(6) All administrative decisions reached through this process are and may be judicially appealed pursuant to applicable provisions of chapter 34.05 RCW including, but not limited to, the timelines set forth in RCW 34.05.542. No decisions or recommendations arising from this disciplinary procedure will be subject to grievance pursuant to any collective bargaining agreement.

[Statutory Authority: RCW 28B.50.140. WSR 21-01-145, § 132M-126-155, filed 12/17/20, effective 1/17/21.]

OTS-3305.1

AMENDATORY SECTION (Amending WSR 21-01-145, filed 12/17/20, effective 1/17/21)

WAC 132M-126-145 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))~~ (5) 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.

[Statutory Authority: RCW 28B.50.140. WSR 21-01-145, § 132M-126-145, filed 12/17/20, effective 1/17/21.]